



SONS

SPILL OF NATIONAL
SIGNIFICANCE

2018

EXECUTIVE SEMINAR

AFTER ACTION REPORT



Preface

The purpose of the 2018 Spill of National Significance (SONS) Executive Seminar After Action Report (AAR) is to summarize the exercise proceedings, key discussion points and exercise-takeaways, and to present recommendations for future attention. The AAR was produced with the help of the SONS Planning Team and the SONS Executive Steering Committee (ESC). This AAR is made available to federal departments and agencies through the SONS ESC and submitted to the Federal Emergency Management Agency (FEMA) National Exercise Division (NED) in accordance with National Exercise Program guidance.

Table of Contents

Preface	i
Executive Summary.....	1
Exercise Overview.....	2
Overview and Purpose	2
Exercise Objectives	3
Exercise Scenarios.....	3
Seminar Agenda	4
Exercise Documentation	4
Evaluation Process	5
Key Discussions & Observations	6
Opening Comments and SONS Overview from the U.S. Coast Guard Commandant	6
Module 1: Federal Doctrine for Oil/Hazardous Substance Emergency Response.....	6
Module 2: SONS Interagency Coordination	8
Module 3: Transboundary Relationships.....	9
Closing Remarks	10
Conclusion	11
Recommendations & Key Takeaways.....	12
Appendix A: Participants	A-1
Appendix B: 2018 SONS Executive Seminar Agenda.....	B-1
Appendix C: Presentations	C-1
Appendix D: ESC & Planning Team Members	D-1
Appendix E: Exercise Debrief	E-1
Appendix F: Acronyms	F-1

Executive Summary

The 2018 Spill of National Significance (SONS) Executive Seminar was held on Thursday, March 22, 2018 at the Joint Base Andrews General Jacob E. Smart Conference Center. The U.S. Coast Guard Commandant Admiral Paul Zukunft hosted 80 participants, which included agency senior leaders and their advisors from 17 federal agencies. The seminar was designed to be a three-hour discussion-based exercise that addressed three major objectives through the backdrop of three SONS scenarios.

The following are the recommendations and key takeaways from the 2018 SONS Executive Seminar:

- Establishing and maintaining coordination and communication with all levels of responding agencies, international partners, and the public at the onset of and throughout the SONS response is vital to success.
- Development of interagency relationships at the executive level with respect to spill response must begin prior to a SONS.
- There is a need for interagency leadership to be familiar with agency-to-agency support and funding mechanisms under the construct of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) prior to a SONS event. Needs include:
 - Improved agency awareness and outreach on the differences between the NCP and the NRF regarding funding and reimbursement processes, and on Emergency Support Function (ESF) support under the NCP. Additionally, in rare cases both NCP and NRF funding mechanisms are simultaneously employed. This was true with the Hurricane Katrina response, as there were multiple, distinct oil spills as a result of the hurricane, and each spill was treated independently from an authorities and funding perspective.
 - Familiarization with the Oil Spill Liability Trust Fund (OSLTF): In the absence of a Responsible Party (RP) with enough funds to respond to a SONS, or if the response assets needed can't be acquired directly by the RP, there is concern that the accessible OSLTF emergency fund would spend down very quickly. At the time of the 2018 SONS Executive Seminar, the balance of the OSLTF was around \$6 billion; however, during a response, only the emergency fund portion of the OSLTF (currently \$170M) is immediately available to the President to respond to a spill with a provision that allows an additional \$100M to be borrowed from the OSLTF with a report to Congress. Emergency legislation would be needed to obtain federal response funding above those amounts to respond to the spill.
 - Understanding the limits of liability for the RP.
- The International Coordinating Officer (ICO) fulfills a key role during a spill that crosses the U.S./Canadian border. The United States and Canada respond to spills differently based on their legal frameworks. The exercise identified a requirement to develop a better understanding of each country's legal framework and spill response protocols.

Exercise Overview

Overview and Purpose

The 2018 SONS Executive Seminar was held on Thursday, March 22, 2018 at the Joint Base Andrews General Jacob E. Smart Conference Center. The Coast Guard Commandant Admiral Paul Zukunft hosted 80 participants, which included agency senior leaders and their advisors from the following departments and agencies: Department of Agriculture (USDA), Department of Commerce (DOC), Department of Defense (DOD), Department of Energy (DOE), Department of Health and Human Services (HHS), Department of Homeland Security (DHS), Department of Interior (DOI), Department of Justice (DOJ), Department of Labor (DOL), Department of State (DOS), Department of Transportation (DOT), Environmental Protection Agency (EPA), Federal Emergency Management Agency (FEMA), General Services Administration (GSA), National Security Council (NSC) Staff, Nuclear Regulatory Commission (USNRC), and the U.S. Coast Guard.

The 2018 SONS Executive Seminar was designed to be a three-hour discussion-based exercise that addresses three major objectives through the backdrop of three SONS scenarios. The exercise was approved by the NSC-led Domestic Resilience Group (DRG) Policy Coordination Committee (PCC) to be part of the National Exercise Program (NEP), a component of the National Preparedness System and the national-level mechanism for validating national preparedness. SONS 2018 was aligned with two of the 2017-2018 NEP Cycle Principals' Objectives:

- #2 – Lead Federal Agency Coordination: Examine the ability of departments and agencies to identify and validate appropriate authorities and roles, lead federal agency responsibilities, incident management resources, and organizational and operational structures to prepare for, respond to, and recover from incidents where there is no clear lead Federal agency identified in statute or, regulation.
- #7 – Catastrophic Incidents: Examine the ability of the whole community to deliver life-saving and life-sustaining capabilities to survivors following a catastrophic incident that severely affects communities and critical infrastructure.

According to the National Oil and Hazardous Substances Pollution Contingency Plan (referred to as the National Contingency Plan, or NCP), a SONS is “a spill that due to its size, severity, location, actual or potential impact on the public health and welfare or the environment, or the necessary response effort, is so complex that it requires extraordinary coordination of federal, state, local, and responsible party resources to contain and clean up the discharge.”

During a SONS, interagency coordination and involvement of senior officials is key to assuring Congress and the public that the Federal Government is taking all appropriate action to mitigate the adverse impacts to public health, the environment, and the economy.

The overarching goals of the SONS Executive Seminar, which is held every one-to-three years, are to familiarize agency senior leaders with national oil spill response policies and explore interagency coordination procedures during a SONS. The discussion-based exercise is also an

opportunity to build and strengthen relationships and promote mutual understanding of the Federal Government's roles and responsibilities under the National Response System.

The SONS ESC, SONS Planning Team, and Coast Guard's Office of Marine Environmental Response Policy planned for, designed, and evaluated the exercise.

Exercise Objectives

The objectives for the 2018 SONS Executive Seminar were developed by the SONS Planning Team and approved by the SONS ESC. Each of the three objectives aligns per module and per scenario. These objectives are:

1. **Federal Doctrine for Oil/Hazardous Substance Emergency Response:** Familiarize senior leaders with the National Response System, NCP, and National Response Framework (NRF) in response to a SONS.
2. **SONS Interagency Coordination:** Examine the mechanisms for incident information flow during a SONS.
3. **Transboundary Relationships:** Discuss U.S. policy related to shared maritime borders/transboundary cooperation and coordination pertaining to countries impacted by a SONS incident.

Exercise Scenarios

The scenarios for the 2018 SONS Executive Seminar were developed by the SONS Planning Team and approved by the SONS ESC. This three-scenario design allowed participants to explore how SONS incidents are characterized depending on the cause, the region, and the impacts. Each of the scenarios aligned per module and per exercise objective. These SONS scenarios are:

1. **Vessel Incident in the Arctic:** This scenario involved a foreign-flagged vessel T/V NORTHERN PRIDE transiting the Arctic. The vessel struck a large unseen ice floe, was holed, and lost partial contents of two tanks, spilling 4.2 million gallons of diesel product and 420,000 gallons of bunker fuel in the Beaufort Sea. The incident occurred after the only available ice escort experienced a mechanical failure. Response limitations caused by the lack of response resources and infrastructure in the Arctic raised many questions at the national level.
2. **Combined Oil and Chemical Incident in the Gulf of Mexico:** The M/T BLUE OCEAN, a Panamanian-flagged oil tanker carrying a full load of 21 million gallons of light sweet crude oil, collided in the Houston Ship Channel with a Danish-flagged chemical tanker M/T BONNIE L carrying vinyl chloride monomer (VCM). The VCM tanks ruptured, releasing an unknown quantity of the flammable liquid and vapor. The M/T BLUE OCEAN discharged crude oil from two breached tanks. Local officials ordered an evacuation of everyone within one mile of the incident, and officials projected significant economic impact to the nation.

3. **Pipeline Incident in the Great Lakes:** A pipeline in the Great Lakes failed due to accidental third-party excavation damage. The pipeline released 210,000 gallons of light sweet crude into the St. Clair River. Currents began to take the spilled product across the Canadian border. There are many wetlands, islands, communities, and businesses in the impacted area.

Seminar Agenda

The 2018 SONS Executive Seminar agenda was developed by the SONS Planning Team and approved by the SONS ESC. The three-hour agenda included exercise scenario videos, educational presentations, and facilitated discussions. Due to a Federal Government two-hour delay for inclement weather, the event was modified to 2.5 hours, which reduced discussion of the third module of the agenda.

Admiral Zukunft provided the opening comments and a SONS overview. Each module began with a scenario presentation video followed by a short topic presentation and facilitated discussion. The exercise facilitator, Mr. Kevin O’Prey, led the agency principal attendees through a discussion to help achieve the objective for each module.

Exercise Documentation

Read-ahead materials were provided to agency senior leaders. Exercise materials on the day of the event included the following:

- **2018 SONS Executive Seminar Participant Guide**—This guide provided an overview of SONS, the seminar agenda, the participant list, the three SONS scenarios, potential facilitation questions, and logistics information.
- **SONS Executive Reference Guide** (draft final)—This guide, which was finalized following the seminar, provides an explanation of the key aspects of a SONS response, pertinent factsheets, and supplemental information that can inform senior government leaders during SONS pre-planning or response.
- **SONS Public Affairs Reference**—Published in December 2017, this document provides public information officers with a compilation of background material, considerations, references, and agencies with the applicable subject matter experts on a set of topics that are frequently asked during oil spill responses.
- **Principal Attendees’ Biographies**—This booklet included one-page biographies for each of the agency senior leaders at the seminar.
- **Interagency Coordination Structure for a Coastal or Inland SONS**—A pre-decisional working copy of the structure was included as a handout and discussed during the seminar.
- **Presentation slides and videos**—The seminar included presentation slides of several briefings as well as three scenario videos. (See Appendix C of this document for the presentation slides.)

Evaluation Process

The SONS Executive Seminar support staff included the facilitator, note-takers, and evaluators to capture information discussed by the participants. The evaluators were comprised of members of the SONS Planning Team. All the observations and key takeaways from the seminar and recommendations developed by the ESC following the seminar have been incorporated into this AAR. (See Appendix E of this document for the exercise debrief notes from the SONS ESC and SONS Planning Team.)

The intent of the key findings and recommendations from the SONS Executive Seminar AAR is to improve interagency coordination, encourage relationship building, and enhance ongoing oil spill preparedness and response planning efforts.

Key Discussions & Observations

This section provides a synopsis of the key discussion points and observations made during the 2018 SONS Executive Seminar.

Opening Comments and SONS Overview from the U.S. Coast Guard Commandant

The Executive Seminar began with opening comments followed by an overview of SONS from Admiral Zukunft. Below are the key observations made during this initial session:

- After thanking participants for attending the seminar, Admiral Zukunft, who served as Federal On-Scene Coordinator (FOSC) for the *Deepwater Horizon* SONS, said, “Eight years ago, in March of 2010, we held a SONS exercise, but we didn’t have nearly the level of participation as we do today. The sentiment eight years ago was, ‘Why are we doing this? We’re never going to have another Exxon Valdez.’ Well, they were right. A month later, we had something else – something called *Deepwater Horizon*.”
- Prior to the *Deepwater Horizon* incident, President Obama’s Administration had opened drilling leases in the Gulf of Mexico. Admiral Zukunft, who served as the FOSC during the *Deepwater Horizon* incident, stated that when this disaster occurred, the governors of the impacted states were very familiar with hurricane response and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). However, a SONS response occurs under the NCP, and the Responsible Party (RP) pays for the response efforts. The state does not contribute anything; there is no cost share. Participants discussed that it was fortunate that the RP in the *Deepwater Horizon* incident was solvent.
- One of the challenges of the *Deepwater Horizon* incident was addressing unsolicited international offers of assistance. For example, more than 15,000 new technologies, many never tested or evaluated, were being offered, each with political champions who supported them.
- Area Contingency Plans (ACPs) provide detail on how to respond to an oil spill and are helpful to educate stakeholders. However, it is recognized that the plan will not necessarily be executed. Even so, developing the ACP builds relationships, which are vital during the real emergency.

Module 1: Federal Doctrine for Oil/Hazardous Substance Emergency Response

This module began with a video briefing of the first scenario, which involved a 4.2 million gallon oil spill from a tanker transiting the Arctic. The objective was to familiarize participants with the various response frameworks used in the United States to respond to a SONS.

Rear Admiral Peter Gautier, Director of Governmental and Public Affairs for the Coast Guard, and Mr. Joshua Dozor, Planning Division Director for the FEMA Response Directorate, each

provided an overview of the federal doctrines for the NCP, NRF, and the Oil/Chemical Incident Annex, to include federal coordination constructs and sources of funding.

One of the challenges officials faced during the *Deepwater Horizon* incident was a lack of awareness and understanding among federal, state, and local agencies of how the U.S. Government responds to a Stafford Act/NRF incident versus how it responds to a NCP incident. Each triggers a different and complex series of frameworks, laws, regulations, funding mechanisms, and directives that guide the response.

In a traditional NRF response, the affected state(s) takes the lead and requests support from the Federal Government via the Stafford Act. FEMA coordinates support to the state(s) using the NRF. This process is most familiar to states and they expect it during a response as it is how they receive federal aid during hurricanes and other natural disasters. Conversely, under an NCP response, the Federal Government—either the Coast Guard or EPA—is pre-designated as the lead and the premise is that the “polluter pays” reigns. Because of this, the RP has a significant role in the decision-making process and is a key member of the Unified Command (UC).

Attendees discussed funding mechanisms, activation procedures, and agency authorities and jurisdiction, and the possibility of an NCP response with Emergency Support Function (ESF) support. The following are observations from the facilitated discussions.

Observation 1.1: Clarity and Awareness of the NCP

- Agency-to-agency support under the NRF is an understood construct by agencies as compared to that under the NCP.
 - GSA and the DOC noted that they require funding prior to providing their support to the response.
- The NCP provides flexibility for oil spill removal and liability, but there are limits.
- The Oil/Chemical Incident Annex to the Response and Recovery Federal Interagency Operational Plans (June 2016) contains federal response coordination constructs. ESFs can be utilized during a non-Stafford Act incident to provide support that falls outside the usual scope of the NCP.
- Clarity around mission assignment, reimbursement, agency-to-agency funding, and the construct of the NCP is needed for an efficient spill response. It is recommended that agency senior leaders are aware of the differences between the NRF and the NCP in a response, including for the local response.

Observation 1.2: International Coordination

- Coordination with our international partners is critical in a response.
 - DOS would encourage the use of existing international relationships in addition to following the formal channels for communication and coordination.

Observation 1.3: Establishing and Maintaining Trust

- Establishing and maintaining the trust of the people is critical for the response.
- First Nation and tribal concerns would need to be evaluated in an Arctic scenario.
- Another area that would need evaluation is a long-term monitoring program for the indigenous populations.
 - The National Institutes of Health (NIH) would activate its program that looks at long-term effects of an incident; however, the RP may not support this need.

Observation 1.4: Special Considerations in the Arctic

- Identification of the required response footprint and Incident Command Post (ICP) for a response is critical, particularly for an Arctic response. The UC in Alaska may not be located near the incident due to the logistical challenges. For logistics coordination, the UC may rely heavily on the DOD.
- Establishing trust and coordination with all levels of responding agencies would be critical.
- There is no pre-approval for the use of dispersants in the Arctic; however, there is a process for interagency decision making for the use of dispersants.
- An Endangered Species Act (ESA) Section 7 Consultation will be needed, as there are many endangered and critical species that will require protection.

Observation 1.5: Initial Response Considerations

- Critical decisions always need to be made within the first 24-36 hours of a SONS. These include, but are not limited to, determination of the role of Secretary of Homeland Security, identification of the platform for situational awareness or the common operational picture, and coordination of agencies.
- The National Oceanic and Atmospheric Administration's (NOAA) Environmental Response Management Application (ERMA) would be available to assist with maintaining situational awareness.
- ESF #15 – External Affairs can make use of Web EOC, an interagency website that is a repository of current situation information and resources available. This can be used to help ensure a common operational picture.

Module 2: SONS Interagency Coordination

This module began with a video briefing of the second scenario, which was a combined oil and chemical incident in the Gulf of Mexico involving two tankers, one carrying light sweet crude and the other carrying VCM, and both released product. Admiral Zukunft noted in response to the scenario presentation that the initial priorities in this complex scenario would be: (1) taking care

of the people and ensuring there are no further casualties; and (2) working to mitigate the environmental and economic impacts.

Ms. Dana Tulis, Director of Incident Management and Preparedness Policy for the Coast Guard, briefed participants on a pre-decisional interagency coordination structure for a coastal or inland SONS, which highlights the communication flow from an incident UC to the Executive Office of the President. Communication across elements outlined in the structure would occur simultaneously.

Participants had the opportunity to examine the challenges and recommendations associated with message and information coordination across the interagency, effective and timely communication with the public, and the use of ESF #15 communication mechanisms during a SONS. The following are observations from the facilitated discussions:

Observation 2.1: Comments on the SONS Interagency Communication Coordination Structure

- Not all agencies involved in a SONS response are directly represented on the Principals Committee (PC), Deputies Committee (DC), and the DRG PCC.
- In an NCP SONS response, the FEMA National Response Coordination Center (NRCC) could be available to assist with the adjudication of resources.
- Participants inquired about whether the proposed structure should include a line of coordination to Local Emergency Planning Committees (LEPCs).
- There is a need to understand who has the lead for each phase of a response (i.e., emergency phase, recovery phase, restoration phase).

Note: Since the Executive Seminar, the pre-decisional interagency coordination structure has been updated. The structure will go through interagency review at the SONS ESC, as well as through higher levels of review with DHS, Coast Guard, and EPA. Once the structure is finalized, it may be incorporated into a revised Coast Guard SONS Response Management Commandant Instruction.

Module 3: Transboundary Relationships

This module began with a video briefing of the final scenario, which was a pipeline incident that released 210,000 gallons of light sweet crude into the St. Clair River, with impacts to both the United States and Canada.

Mr. Joel Coito from the Office of Ocean and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, DOS, briefed attendees on international joint contingency planning, existing agreements and contingency plans, and differences in the funding mechanisms and claims processes.

Because this module was cut short, the time was limited to discussion on the International Coordinating Officer (ICO). The original intention was to discuss existing agreements and

contingency plans, and differences in the funding mechanisms and claims processes; these are topics that may be considered for a future SONS Executive Seminar.

Observation 3.1: Awareness of an ICO for International Spills

- The ICO is used as the bridge between the United States and international partners during a spill that crosses an international border. This role is not simply as a Liaison Officer, but also as someone who speaks on behalf of the FOSC with the international partners.

Closing Remarks

The Executive Seminar ended with closing remarks from Admiral Zukunft. Below are highlights from this concluding session:

- In response to Admiral Zukunft's question about how many of the seminar's participants engaged in the *Deepwater Horizon* incident response, more than half of the room raised their hands.
- During an emergency, we need to err on the side of caution and avoid using estimates until the numbers are confirmed.
- Admiral Zukunft further noted that it is important to consider how to bring the whole of science to bear during a response. However, it is often necessary to make critical decisions before you have all of the facts you need. This is a natural challenge that responders will face.
- Admiral Zukunft concluded the seminar and thanked everyone for attending.

Conclusion

The 2018 SONS Executive Seminar successfully met the overarching goals of familiarizing agency senior leaders with national oil spill response policies and exploring interagency coordination procedures during a SONS. The seminar also provided an opportunity to build and strengthen relationships and promote mutual understanding of the Federal Government's roles and responsibilities under the National Response System.

Recommendations & Key Takeaways

The following are the recommendations and key takeaways from the 2018 SONS Executive Seminar:

- Establishing and maintaining coordination and communication with all levels of responding agencies, international partners, and the public at the onset of and throughout the SONS response is vital to success.
- Development of interagency relationships at the executive level with respect to spill response must begin prior to a SONS.
- There is a need for interagency leadership to be familiar with agency-to-agency support and funding mechanisms under the construct of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) prior to a SONS event. Needs include:
 - Improved agency awareness and outreach on the differences between the NCP and the NRF regarding funding and reimbursement processes, and on Emergency Support Function (ESF) support under the NCP. Additionally, in rare cases both NCP and NRF funding mechanisms are simultaneously employed. This was true with the Hurricane Katrina response, as there were multiple, distinct oil spills as a result of the hurricane, and each spill was treated independently from an authorities and funding perspective.
 - Familiarization with the Oil Spill Liability Trust Fund (OSLTF). In the absence of a Responsible Party (RP) with enough funds to respond to a SONS, or if the response assets needed can't be acquired directly by the RP, there is concern that the accessible OSLTF emergency fund would spend down very quickly. At the time of the 2018 SONS Executive Seminar, the balance of the OSLTF was around \$6 billion; however, during a response, only the emergency fund portion of the OSLTF (currently \$170M) is immediately available to the President to respond to a spill with a provision that allows an additional \$100M to be borrowed from the OSLTF with a report to Congress. Emergency legislation would be needed to obtain federal response funding above those amounts to respond to the spill.
 - Understanding the limits of liability for the RP.
- The International Coordinating Officer (ICO) fulfills a key role during a spill that crosses the U.S./Canadian border. The United States and Canada respond to spills differently based on their legal frameworks. The exercise identified a requirement to develop a better understanding of each country's legal framework and spill response protocols.

Appendix A: Participants

AGENCY	PRINCIPAL ATTENDEE	ADVISORS TO THE PRINCIPAL ATTENDEE
U.S. Coast Guard	Admiral Paul F. Zukunft, Commandant Vice Admiral Charles W. Ray, Deputy Commandant for Operations	Rear Admiral Peter Gautier, Director of Governmental and Public Affairs Ms. Dana Tulis, Director of Incident Management and Preparedness Policy Mr. William Grawe, Director, National Pollution Funds Center Captain William Carter, Deputy Director of Incident Management and Preparedness Policy Captain Joseph Loring, National Response Team Vice Chair / Chief, Office of Marine Environmental Response Mr. Kevin Sligh, Senior Technical Advisor, Office of Marine Environmental Response Mr. Jeff Bray, Deputy for the Office of Maritime and International Law
U.S. Department of Agriculture (USDA)	Mr. Leonard Jordan, Acting Chief, Natural Resources Conservation Service	Mr. Scott Linsky, Chief, National Security Policy Division, Office of Homeland Security
U.S. Department of Commerce (DOC)	RDML Tim Gallaudet, Ph.D., USN Ret., Assistant Secretary of Commerce for Oceans and Atmosphere and Acting Under Secretary of Commerce for Oceans and Atmosphere	Mr. David Westerholm, Director, Office of Response and Restoration Mr. Scott Lundgren, Chief, Emergency Response Division, Office of Response and Restoration Dr. Erica Towle, National Ocean Service Program Coordination Office Mr. Ed Levine, Response Operations Supervisor - EAST
U.S. Department of Defense (DOD)	Mr. Robert Salesses, Deputy Assistant Secretary of Defense for Homeland Defense Integration and Defense Support of Civil Authorities	Mr. Matthew Gula, Senior Analyst, Analytic Services, Inc., Supporting the Office of the Assistant Secretary of Defense for Homeland Defense and Global Security Captain Matthew Gimple, USCG Liaison to the Office of the Under Secretary of Defense for Policy, Acting Director for Homeland Defense & Security, Homeland Defense Integration and Defense Support to Civil Authorities
U.S. Department of Energy (DOE)	Mr. Kenneth Vincent, Ph.D., Acting Chief of Staff, Office of Fossil Energy	Mr. Anthony Lucas, Emergency Support Function 12 Federal Program Manager
U.S. Department of Health and Human Services (HHS)	Dr. James Holler, Ph.D., Emergency Response Program Leader, Division of Toxicology and Human Health Science, Agency for Toxic Substances and Disease Registry	Captain Hugh Mainzer, M.S., D.V.M., U.S. Public Health Service, Field Services Branch/Division of State and Local Readiness, Office of Public Health Preparedness and Response, U.S. Centers for Disease Control and Prevention

AGENCY	PRINCIPAL ATTENDEE	ADVISORS TO THE PRINCIPAL ATTENDEE
U.S. Department of Homeland Security (DHS)	Mr. Richard Chavez, Director, Office of Operations Coordination	Mr. John Havranek, Associate General Counsel for the Operations and Enforcement Law Division, Office of General Counsel Ms. Cicely Waters, Director of Incident Communications, Office of Public Affairs Mr. Sean Moon, Chief, Global Strategies, Office of Strategy, Policy, and Plans
U.S. Department of the Interior (DOI)	Mr. Scott J. Cameron, Acting Assistant Secretary for Policy, Management and Budget	Mr. Harry Humbert, Deputy Assistant Secretary for Public Safety, Resource Protection, and Emergency Services Ms. Michaela E. Noble, Director, Office of Environmental Policy and Compliance
U.S. Department of Justice (DOJ)	Mr. Jeffrey H. Wood, Acting Assistant Attorney General for the Environment and Natural Resources Division	Mr. Barry F. Benson, Director, Aviation and Admiralty Litigation, Civil Division Mr. Stephen G. Flynn, Assistant Director – Admiralty, Aviation and Admiralty Litigation, Civil Division Ms. Laurie D. Dubriel, Trial Attorney, Environment and Natural Resources Division, Law and Policy Section
U.S. Department of Labor (DOL)	Ms. Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health	Ms. Denise Matthews, Director, Office of Emergency Management and Preparedness, Occupational Safety and Health Administration Mr. Young Wheeler, Occupational Safety and Health Administration
U.S. Department of State (DOS)	Mr. William Gibbons-Fly, Acting Deputy Assistant Secretary for Oceans and Fisheries, Bureau of Oceans and International Environmental and Scientific Affairs	Lieutenant Commander Joel Coito, U.S. Coast Guard Liaison Officer, Office of Ocean and Polar Affairs
U.S. Department of Transportation (DOT)	Mr. Skip Elliott, Administrator, Pipeline and Hazardous Materials Safety Administration	Ms. Drue Pearce, Deputy Administrator, Pipeline and Hazardous Materials Safety Administration Mr. Mark O'Malley, Sealift Operations and Emergency Response, Maritime Administration Mr. Eddie Murphy, Transportation Specialist, Pipeline and Hazardous Materials Safety Administration
U.S. Environmental Protection Agency (EPA)	Mr. Ted J. Stanich, Acting Associate Administrator, Office of Homeland Security Mr. Reggie Cheatham, Chair of the National Response Team / Director, Office of Emergency Management	Mr. Roger Fernandez, Executive Director, National Response Team Ms. Laura Casillas, Emergency Planner, Office of Emergency Management

AGENCY	PRINCIPAL ATTENDEE	ADVISORS TO THE PRINCIPAL ATTENDEE
Federal Emergency Management Agency (FEMA)	Mr. Jeffrey Byard, Associate Administrator for the Office of Response and Recovery (ORR)	Mr. Damon Penn, Assistant Administrator for Response Directorate Mr. Josh Dozor, Planning Division Director Captain Joselito Ignacio, CBRN Science Advisor and Primary Representative to the National Response Team Commander Valerie Boyd, Coast Guard Liaison Officer to FEMA Mr. Lavar James, ORR Operations and Staff Assistant
U.S. General Services Administration (GSA)	Mr. Brett Armstrong, Deputy Associate Administrator, Office of Mission Assurance	
National Security Council Staff (NSC Staff)	Mr. Doug Fears, then-Special Assistant to the President for National Security Affairs and Senior Director for Resilience Policy Mr. Gary Tomasulo, Senior Director for Border and Transportation Security Policy	Mr. Doug Stark, Director for Maritime Security and Arctic Region Policy Mr. Vincent Picard, Director for Press Ms. Elizabeth Jackson, Director for Planning and Exercise Policy
U.S. Nuclear Regulatory Commission (USNRC)	Chairman Kristine Svinicki	Mr. R. John Vanden Berghe, Senior Emergency Response Coordinator Mr. Michael Scott, Director, Division of Preparedness and Response Mr. Tomy Nazario, Technical Assistant to the Chairman for Reactors

Appendix B: 2018 SONS Executive Seminar Agenda

The General Jacob E. Smart Conference Center, Joint Base Andrews, MD
Thursday, March 22, 2018
9:30 am - 12:00 pm

- 9:30-9:45 am **Welcome & Introductions, Mr. Kevin O'Prey, facilitator**
- **Administrative Remarks & Seminar Objectives**
 - **Principal Attendee Introductions**
- 9:45-10:05 am **Opening Comments and Spill of National Significance (SONS) Overview, Admiral Paul Zukunft, Commandant, U.S. Coast Guard**
- 10:05-10:50 am **Module 1: Federal Doctrine for Oil/Hazardous Substance Emergency Response**
- Objective 1: Familiarize senior leaders with the National Response System, National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and National Response Framework (NRF) in response to a SONS.
 - Scenario Briefing 1: Vessel Incident in the Arctic, Captain Sean MacKenzie, Commander, Sector Anchorage, U.S. Coast Guard
 - Special Topic Briefing 1: Overview of Federal Doctrine for the NCP and the NRF, Rear Admiral Peter Gautier, Director of Governmental and Public Affairs, U.S. Coast Guard and Mr. Joshua Dozor, Planning Division Director, Federal Emergency Management Agency
- 10:50-11:00 am Break
- 11:00-11:40 am **Module 2: SONS Interagency Coordination**
- Objective 2: Examine the mechanisms for incident information flow during a SONS.
 - Scenario Briefing 2: Combined Oil and Chemical Incident in the Gulf of Mexico, Commander Paul Mangini, Eighth District Incident Management Branch, U.S. Coast Guard
 - Special Topic Briefing 2: SONS Interagency Coordination Structure, Ms. Dana Tulis, Director of Incident Management & Preparedness Policy, U.S. Coast Guard
- 11:40-11:50 am **Module 3: Transboundary Relationships**
- Objective 3: Discuss U.S. policy related to shared maritime borders/ transboundary cooperation, coordination, and mutual assistance pertaining to countries impacted by a SONS incident.
 - Scenario Briefing 3: Pipeline Incident in the Great Lakes, Rear Admiral Joanna Nunan, Commander, Ninth Coast Guard District, U.S. Coast Guard
 - Special Topic Briefing 3: International Joint Contingency Planning, Mr. Joel Coito, U.S. Coast Guard Liaison Officer for the Office of Ocean & Polar Affairs, Department of State
- 11:50 am -12:00 pm **Debrief & Closing Remarks**
- **Summary of Discussions, Mr. Kevin O'Prey**
 - **Closing Remarks, Admiral Paul Zukunft**

Appendix C: Presentations

The National Contingency Plan & the National Response Framework

REAR ADMIRAL PETER GAUTIER
DIRECTOR OF GOVERNMENTAL & PUBLIC AFFAIRS
U.S. COAST GUARD



2018 SONS EXECUTIVE SEMINAR

The National Contingency Plan (NCP) & the National Response Framework (NRF)

- Provides the system for organizing and implementing a response to an oil spill or a release of a hazardous substance.
- Federal On-Scene Coordinators (FOSCs) direct and coordinate the response and are provided via:
 - The USCG for discharges/releases in the coastal zone.
 - The U.S. EPA for discharges/releases occurring in the inland zone.
- NCP is incorporated by reference into the NRF.
 - But is unlike most incidents where the federal government supports state/local government-led response.



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Responsible Party (RP)

- In any NCP governed response, the RP is strictly liable for removal costs and certain damages.
- The RP is a participant in the Unified Command.
- The RP is also required to establish a mechanism for the public to submit claims for damages.
- If the federal government incurs costs during the response, the Oil Spill Liability Trust Fund (OSLTF) can be utilized and then billed back to the RP.



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National Incident Commander & Senior Agency Official Roles for National Response

- During a SONS event (as defined by the NCP):
 - Coastal zone: USCG may designate a NIC to assume certain OSC roles.
 - Inland zone: EPA may designate a SAO to assist the OSC.
- The NIC/SAO will:
 - Assume the role of communicating with affected parties and the public.
 - Coordinate federal, state, local and international resources at the national level.



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Comparing the NRF & the NCP

	Stafford Act / NRF	NCP
Lead agency	FEMA (Stafford Act)	USCG or EPA (DOE and DOD also have OSC emergency response authority for their CERCLA incidents).
Request for federal support	Made by state (Governor) or tribe (Chief Executive), except for certain emergencies involving primary federal responsibility.	Federal government determines need for federal response.
Federal role	Federal role is to support states/tribes.	Federal government may, and in some cases must, lead/coordinate the response and will have on-scene, tactical command authority.
Enforcement authority	N/A	Federal government has enforcement authorities over responsible parties (separate from response organization).
State cost share	State cost share maybe required.	No state cost share for emergency responses.
Scope of federal assistance	Broad scope of federal assistance.	Scope of federal response as defined in CERCLA and CWA/OPA, may not be as broad as Stafford.



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Oil/Chemical Incident Annex

MR. JOSHUA DOZOR
 DIRECTOR, PLANNING & EXERCISE DIVISION
 FEMA RESPONSE DIRECTORATE



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Applying the Frameworks & FIOPs

- The National Planning Frameworks outline how we will deliver what is needed to achieve the National Preparedness Goal. The Frameworks:
 - Summarize roles and responsibilities
 - Cover functions and core capabilities
 - Define coordinating structures
 - Describe the relationships between mission areas
- The FIOPs are the Federal government's concept of operations plans to execute the Frameworks. The FIOPs contain:
 - An approach to integrating and synchronizing federal capabilities
 - Description of critical tasks and responsibilities
 - Specific provisions for the rapid integration of resources & personnel



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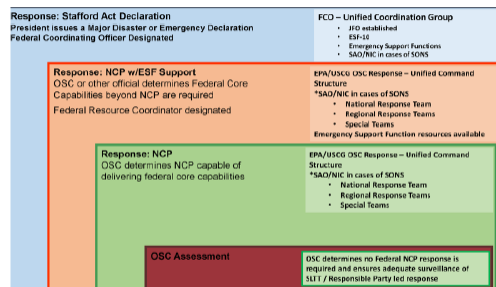
Oil/Chemical Annex

- Oil/Chemical Incident Annex developed during 2013 by planners from EPA, USCG, DOJ-FBI, DHS Ops and Planning, and FEMA components.
- Approved by the Domestic Readiness Group (DRG) June 2016.
- Supersedes the 2008 Oil and Hazardous Materials Response Annex to the NRF.



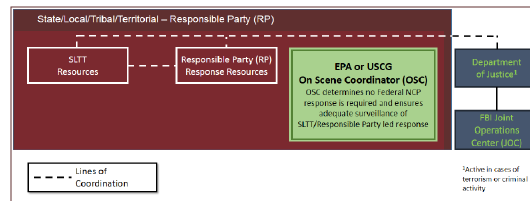
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Federal Coordination Constructs

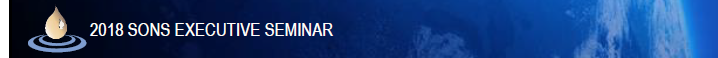


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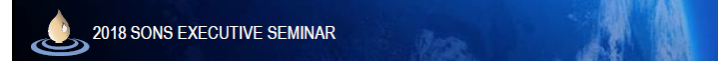
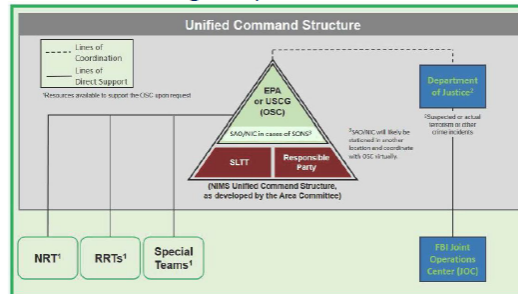
Initial Incident Assessment



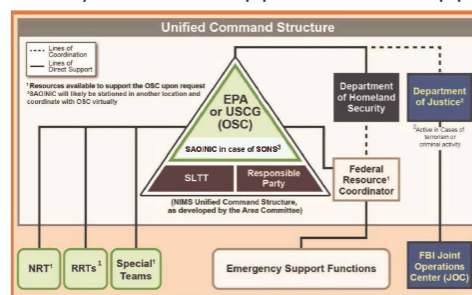
- The National Contingency Plan (NCP) is the federal regulation implementing CERCLA and Clean Water Act and serves as an operational supplement to the NRF.
- EPA provides the OSC for incidents in the inland zone.
- USCG provides the OSC for incidents in the coastal zone.



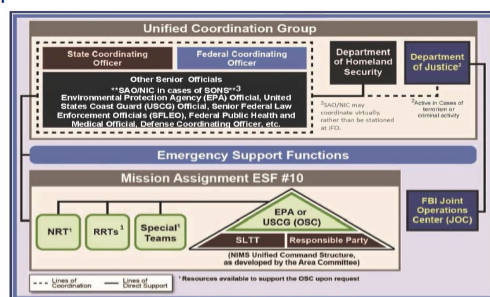
National Contingency Plan Execution



ESFs May Provide Supplemental Support



Applications Under the Stafford Act



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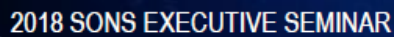
Funding Source Options

	Source of Funds	Administered By	Coverage	Cap Amounts
Non-Stafford Act	Appropriated Funds	Applicable Department/Agency	All Discharges or Releases ¹²	As established by Congress (most federal agencies do not have disaster response appropriations and specific guidance from agency financial management offices should be obtained)
	Responsible Party	RP	All Discharges or Releases as defined in CERCLA and CWA/OPA	As specified in CERCLA and CWA/OPA
	CERCLA (Superfund) Trust Fund	EPA	Chemical Releases	\$2M in Total Costs or 12 months in duration for federally funded "removal" responses unless certain statutory criteria are met
	Oil Spill Liability Trust Fund	USCG	Oil discharges Only	\$1 billion per incident of which no more than \$500M may be expended for natural resource damage assessments and claims
Stafford Act	Disaster Relief Fund	FEMA	Tasks initiated pursuant to ESF #10 or other ESF Mission Assignments	As established by Congress



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DIRECTOR
INCIDENT MANAGEMENT & PREPAREDNESS POLICY
U.S. COAST GUARD



International Joint Contingency Planning

MR JOEL COITO
OFFICE OF OCEAN & POLAR AFFAIRS
BUREAU OF OCEANS & INTERNATIONAL ENVIRONMENTAL &
SCIENTIFIC AFFAIRS
DEPARTMENT OF STATE



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International Joint Contingency Planning

Framework for International Cooperation:



- Law of the Sea Convention: Comprehensive Legal Framework Governing Uses of the Ocean
 - Largely reflects Customary International Law
- LOSC Part XII – Protection and Preservation of the Marine Environment
 - Article 192: "States have the obligation to protect and preserve the marine environment."
 - Article 194(1): "States shall take, individually or jointly as appropriate...all measures...necessary to prevent, reduce, and control pollution of the marine environment...and they shall endeavor to harmonize their policies in this connection."



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International Joint Contingency Planning

"The duty to cooperate is a fundamental principle in the prevention of pollution in the marine environment"

-INT'L TRIBUNAL FOR THE LAW OF THE SEA (2002)



Global Obligation to Cooperate – but How?



Article 197: "States shall cooperate on a global basis...for the protection and preservation of the marine environment."

Article 199: "States shall jointly develop and promote contingency plans for responding to pollution incidents in the marine environment."



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International Joint Contingency Planning

Bilateral Instruments:

- **Canada** – United States Joint Marine Pollution Contingency Plan (JCP) of 2017
- **Mexico** – United States JCP Regarding Pollution of the Maritime Environment of 2017
- **Russia** – United States JCP on Combating Pollution in the Bering & Chukchi Sea
 - Existing JCP signed in 2011; JCP updates negotiated in January 2018
- **Cuba** – United States JCP
 - Cooperation agreement signed in 2017; JCP negotiations held in March 2018

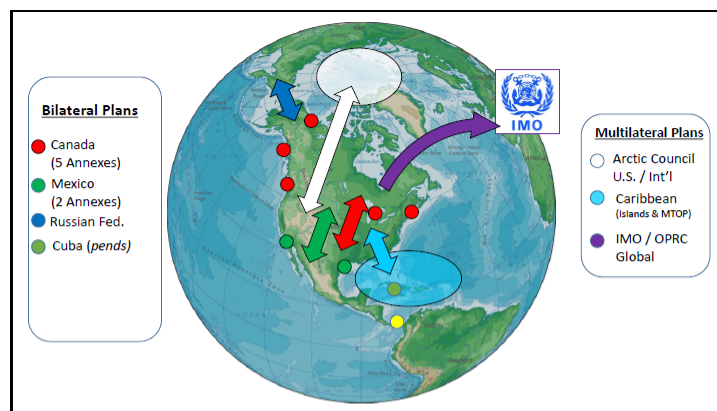


Multilateral Plans:

- International Convention on Oil Pollution Preparedness, Response, and Cooperation -1990
- Arctic Council Agreement on Cooperation on Marine Oil Pollution Preparedness/Response in the Arctic – 2013
- Caribbean: Multilateral Technical Operating Procedures for Offshore Oil Pollution Response



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International Joint Contingency Planning

- **JCP – Key Points:**
 - Network of cooperation among foreign partners
 - Joint Contingency Planning is proactive – not reactive
 - Supplements existing national response systems of JCP Participants
- **JCP – Common Features:**
 - Roles and responsibilities during oil spill response
 - Responses Phases (Discovery, Notification, Containment, etc.)
 - Movement of response resources
 - Meetings, training, and exercise coordination



2018 SONS EXECUTIVE SEMINAR

Appendix D: ESC & Planning Team Members

SONS Executive Steering Committee Chair	
Name:	Ms. Dana Tulis
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Standing Members of the SONS Executive Steering Committee	
Mr. Robert Carter (GSA)	Mr. Eric Miller (DOI/BSEE)
Mr. Richard Chavez (DHS)	Ms. Michaela Noble (DOI)
Mr. Reggie Cheatham (EPA)	Mr. Van Reidhead (DOS)
Ms. Laurie Dubriel (DOJ)	Ms. Karen Riggs (DOD)
Captain Douglas Fears (NSC Staff)	Mr. William Stuckey (DOT/PHMSA)
Captain Renee Funk (HHS)	Mr. Kevin Tokarski (DOT/MARAD)
Mr. William Grawe (NPFC)	Mr. John Vanden Berghe (USNRC)
Mr. Richard Hoback (DOE)	Mr. David Westerholm (DOC/NOAA)
Captain Joselito Ignacio (FEMA)	Ms. Karen Zhang (USDA)
Ms. Denise Matthews (DOL/OSHA)	

SONS Exercise Lead Coordinator	
Name:	Commander Stacey Crecy
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SONS Exercise Planning Team	
Ms. Gitanjali Borkar (DOT)	Mr. Steve Pearson (BSEE)
Lieutenant Becca Brooks (USCG)	Mr. Jerry Popiel (USCG D9)
Ms. Laura Casillas (EPA)	Mr. Kevin O'Day (DHS)
Lieutenant Commander Joel Coito (DOS)	Mr. Van Reidhead (DOS)
Mr. Mark Everett (USCG D17)	Mr. Pat Ryan (NPFC)
Ms. Elizabeth Jackson (NSC Staff)	Mr. Mike Sams (USCG D8)
Mr. Ed Levine (NOAA)	Mr. Pat Scida (DOI)
Mr. Scott Linsky (USDA)	Mr. Kevin Sligh (USCG)
Captain Hugh Mainzer (HHS/CDC)	Commander James Weaver (USCG)
Mr. Brian Marko (DOT)	Mr. Young Wheeler (DOL)
Mr. Eric Miller (BSEE)	Ms. Karen Waldvogel (USDA)
Mr. Eddie Murphy (DOT/PHMSA)	Ms. Sherry Witt (USCG contractor)

Appendix E: Exercise Debrief

Evaluators Debrief

The evaluators met immediately following the conclusion of the Executive Seminar to hold a hot wash or debrief. The evaluators agreed that the objectives of the exercise were met. The following are key highlights from the hot wash:

Exercise Strengths

- **NCP Discussion**—There was good discussion about authority and jurisdiction. Admiral Zukunft confirmed this first scenario is an NCP response; however, there may be a need to expand the NCP construct by engaging political processes due to constraints with the OSLTF and RP's limits of liability.
- **Discussion and Participation**—There was excellent discussion and participation.
- **Visuals**—The visuals (i.e., scenario videos and Participant Guide) were very helpful to guide the discussion to the important items versus dwelling on scenario details.
- **Facilitation**—The exercise facilitation was key to recognizing nuances of the response and driving the discussion regarding the scenarios.
- **Speakers**—The speakers were experienced, enabling conversation to be more than just a baseline.
- **Venue**—The venue was very conducive to this style of discussion/exercise.

Exercise Improvements and Recommendations

- **Discussion Questions**—Many of the questions posed by the facilitator were not among the list of potential questions provided in advance to the participants, and thus the senior leaders were not prepared to fully address the issue(s) raised.
- **Incorporating *Deepwater Horizon* Lessons Learned**—As we move away from the 2010 *Deepwater Horizon* event, the real-world experience of the senior leadership wanes. We will not always have folks in the room who participated in the *Deepwater Horizon* incident response. In the future, it might be helpful to highlight/call out specific lessons learned from *Deepwater Horizon* that come into play during the seminar.
- **Discussion on the Science**—There is still an outstanding question regarding how to bring science to bear (e.g., the use of dispersants).
- **Reducing the Scenarios**—We covered all three objectives using the three scenarios, but two scenarios would likely have been sufficient.
- **Private Sector Participation**—Consider inviting private sector/industry. Even though the three scenarios referred to private sector/industry, they were not invited to participate.

- **State Participation**—State representatives were not present to ground-truth some of the state-run response components.
- **Methodology**—Consider changing the layout of the discussion to be more of a back-and-forth discussion amongst the participants for a future Executive Seminar.
- **Security and Access**—There was confusion or a lack of clarity regarding getting on Andrews Air Force Base; there was no need to stop in the visitor's center as directed since the Personal Identification Verification (PIV) cards worked on base.
- **Name Tags**—Provide nametags for all attendees. (*Note: all participants had name tents.*)
- **Recording of the Event**—Consider videotaping future SONS exercises and save as archive or for historical purposes.

SONS ESC Debrief

The SONS ESC met on April 10, 2018, three weeks following the Executive Seminar, and provided the following general observations on the event:

Exercise Strengths

- **Commandant's Remarks**—Admiral Zukunft's remarks at the beginning and end of the seminar were the key highlights of the seminar.
- **Seminar Objectives Met**—ESC members agreed that the seminar objectives were met and that it was a successful exercise: discussions were productive; new leadership learned about SONS; great feedback was received during the seminar; and there were great networking opportunities. By design, there were not a lot of action items to come out of the seminar; it is recommended the next exercise bring up thornier issues.
- **Exercise Outcome for DHS**—DHS Operations is considering the development of an All-Hazards Steering Committee with DHS as the lead; this idea largely resulted from certain discussions during the seminar planning (e.g., regarding the SONS Coordination Structure).
- **Exercise Outcome for DOI**—To continue to ensure their agency leaders understand their roles and responsibilities during a SONS, DOI is currently using the SONS Executive seminar materials to conduct exercises within their agency for both inland and coastal scenarios.
- **Scenarios and Documentation**—The scenario vignettes were well received by participants and events materials were very professional and impressed participants.
- **Venue**—The venue and room layout were great. Consider this same location in the future.

Exercise Improvements and Recommendations

- **Discussing Policy Gaps**—This year’s Executive Seminar was not designed to discuss key policy issues but rather to provide an informational session on what a SONS is and its impacts. In this respect, the event was a huge success. If we have the same group of leaders for our next seminar, we will look to build an event that gets into discussions on policy gaps.
- **Opportunities to Expand on Discussed Topics**—While this exercise covered a breadth of topics and the group agrees that the objectives were met, there may be an opportunity to go into more detail on specific topics that were covered, even if this comes in the form of bringing attention to existing documents that were disseminated for the exercise. For instance, the OSLTF mechanisms to engage OGA support (via Pollution Removal Funding Authorization or Military Interdepartmental Purchase Request) were not comprehensively discussed. These are explained in the SERG and the SPAR, and in the future, the Exercise Planning Team could use the opportunity to highlight these documents.
- **Additional Networking Time**—The key success of an event like this is networking. Therefore, additional time during breaks should be allotted in future events to allow for more side discussion.
- **Reducing the Number of Scenarios**—Three scenarios were too much for the short duration of the seminar and, as a result, the transboundary issues did not get the amount of discussion they needed. Consider revisiting the third scenario and objective in a future exercise since this module was cut short.
- **AAR Organization**—It was suggested that the top-level questions asked at the seminar (and even those not asked) be officially answered and sent out to participants as part of the AAR.
- **Engaging FEMA National Exercise Division (NED)**—FEMA NED should be engaged early in the SONS planning process to access potential resources such as facility and facilitation support in the future.
- **Access to the Base**—There was confusion on the Common Access Card (CAC) versus Personal Identification Verification (PIV) for base access and the need to check in at the visitor’s center. In addition, traffic getting on to the base when all other employees were reporting to duty caused major backups and delayed participants’ arrivals.

Appendix F: Acronyms

AAR	After Action Report
ACP	Area Contingency Plan
BSEE	Bureau of Safety and Environmental Enforcement
CAC	Common Access Card
DC	Deputies Committee
DHS	Department of Homeland Security
DOC	Department of Commerce
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DOJ	Department of Justice
DOL	Department of Labor
DOS	Department of State
DOT	Department of Transportation
DRG	Domestic Resilience Group
EPA	Environmental Protection Agency
ERMA	Environmental Response Management Application
ESA	Endangered Species Act
ESC	Executive Steering Committee
ESF	Emergency Support Function
FEMA	Federal Emergency Management Agency
FOSC	Federal On-Scene Coordinator
GSA	General Services Administration
HHS	Department of Health and Human Services
ICO	International Coordinating Officer
ICP	Incident Command Post

LEPC	Local Emergency Planning Committee
MARAD	Maritime Administration
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NED	FEMA National Exercise Division
NIH	National Institutes of Health
NOAA	National Oceanic and Atmospheric Administration
NPFC	National Pollution Funds Center
NRCC	National Response Coordination Center
NRF	National Response Framework
NRT	National Response Team
NSC	National Security Council
OSHA	Occupational Safety and Health Administration
OSLTF	Oil Spill Liability Trust Fund
PC	Principals Committee
PCC	Policy Coordination Committee
PHMSA	Pipeline and Hazardous Materials Safety Administration
PIV	Personal Identification Verification
POC	Point of Contact
RP	Responsible Party
SONS	Spill of National Significance
UC	Unified Command
USCG	U.S. Coast Guard
USDA	U.S. Department of Agriculture
USNRC	U.S. Nuclear Regulatory Commission
VCM	Vinyl Chloride Monomer