

Florida Association of Counties, Inc.

Adopted Statement on Deepwater Horizon Oil Spill July 2010

Call for Leadership. On April 20, 2010, the Deepwater Horizon drilling platform suffered a catastrophic failure. Like many Floridians, county officials are frustrated with the events surrounding the Deepwater Horizon oil spill disaster. The counties are fully aware of the legal framework under which the response is being managed -- the Oil Pollution Act of 1990 -- and that under OPA-90, BP is the responsible party working with the United States Coast Guard. Counties are generally considered the first and last line of emergency response defense, regardless of the cause of the emergency. Florida's counties have activated their usual emergency response but they are at the mercy of the reaction of BP and the United States Coast Guard and anything that the federal government is or is not doing. Despite all this activity, something seems to be missing -- leadership. Florida's counties need the state and federal governments to partner with the counties and all engage in an independent assessment of the circumstance without simply relying on the framework of OPA-90 or other federal bureaucracy as Florida's protector or to define county action. This leadership should pursue broad scientific and technical input, not only as to the challenges of the day (such as capping the well, containing the plume, cleaning up our beaches), and should pursue measures and actions that protect the legal interests of Florida and her residents.

Claims. BP has admitted that it is a "responsible party" under the Oil Pollution Act of 1990 for the wellhead explosion on April 20, 2010 in the Gulf of Mexico and thereby BP has accepted responsibility to pay for the response to and damage from the oil spill. However, the process for local governments to be reimbursed for costs expended or made whole for damages caused has constantly changed since April 20, 2010. Furthermore, the counties are spending local taxpayer dollars to respond to an event that has a legally financially responsible party. Clarity, certainty, and rapid response and payment in the claims process are critical to ensuring that local taxpayer dollars are protected and that local economies are restored.

Response Model. All disasters are local no matter how broad reaching their international impacts. Florida has had her unfortunate share of tragedy and her response model is efficient and effective. Locals should be in control. They are the experts on their community and know best their environment and citizen demands. Instead, for the Deepwater Horizon event, the response protocol is led by the framework articulated in the Oil Pollution Act of 1990. That framework is a "top-down" model that has the United States Coast Guard and the "responsible party," here BP, in command of the preparation and response to the effects of the oil spill. This "top-down" structure is ineffective in Florida. This disaster cannot wait for legislative changes from Congress. The counties need an immediate reexamination of the logistical response structure that is articulated the Oil Pollution Act of 1990 framework to ensure that the Florida

state/local response structure to emergency management is provided equal authority with the Unified Command structure under OPA-90.

Communications. Florida's coastal counties are preparing and responding to the environmental, economic and health impacts of the oil spill. But the resources these counties need to safeguard the coastlines, protect marshes, clean beaches and stop oil is too often being delayed by the communications structure that results from the Oil Pollution Act of 1990. Too regularly, local officials ask questions of BP and/or the Unified Command and do not get answers in a timely fashion, if at all. Counties receive information from too many sources -- from county liaisons, Unified Command and the state Emergency Operations Center -- and it is often conflicting. This communication framework provides no clear path to action. Furthermore, the communication structure changes. While a certain amount of change is to be expected, the lack of consistent and timely communication causes unnecessary changes and forces counties to focus on bureaucratic process rather than preparation and response. Immediate improvements to the communications structure are required to ensure a response to this disaster that protects Floridians and Florida's natural resources and her economy.

Resources. Now is not the time for tying local officials' hands even more by capping counties' ability to raise revenue at the local level. Counties have already reduced their revenues by \$1.8 Billion over the last three years by adhering to caps that have been put in place recently, by the implementation of recent property tax exemptions, and by making tough choices and reducing critical services. Furthermore, in each of the last three years, the value of property has decreased in 51 counties by double digits over the year before. That economic reality acts as a cap on the revenue that counties can raise in and of itself. This year, counties are facing additional difficult reductions due to the economy. Added to that task are the complicating impacts that the oil spill will have on property values and other revenues (e.g., sales taxes, gas taxes, toll payments). Accordingly, tough choices and the reduction of critical services will continue, even in the midst of disaster. The counties oppose any legislative or constitutional restrictions on county authority to determine local tax burden or local financial commitments to services and quality of life.