

**“Déjà vu all over again”**

**The Alaskan Oil Spill Comm’n Report, Feb. 1990  
Selected excerpts**

Prepared by Prof. Jacqueline L. Weaver  
University of Houston Law Center  
For Calgary presentation on the Deepwater Horizon disaster  
Feb. 2011

**Conclusions from last chapter of the Alaskan report, P 205:**

1. Moving oil by sea involves a complex, high-risk mega-system whose breakdown can threaten the welfare of entire coastlines.
2. Risk is unavoidable. It can be reduced, but not eliminated.
3. Enforcement zeal in gov’t and industry has declined in past decade. Complacency took root.
4. Without continuing focus on safety of the entire system by gov’t and industry, increasing risk...
5. Privatization and self-regulation contributed to the complacency and neglect.
6. The safety of oil transport demands new institutions and new attitudes in old institutions.

“Experienced mariners express astonishment that a modern, well-equipped supertanker ran aground at Bligh Reef. . . . In well-charted waters in conditions of moderate weather and visibility. Bligh Reef is a well-known hazard and all mechanical and navigational systems were working properly.” P 206

“Yet the events leading to the grounding, and the institutions and procedures reflected in them, revealed a situation where the risk of disaster had increased steadily through years of relatively incident-free tanker trade. Success bred complacency; complacency bred neglect; neglect increased the risk—until the right combination of errors finally led to an accident of disastrous proportions. All parties—the shippers, Alyeska, the Coast Guard and the State of Alaska—shared in the complacency that produced this result.” P 206

“The Exxon Valdez was an accident waiting to happen.” P 209

**Other Excerpts from the Alaskan Comm’n Report:**

“An industry ideology that regulation is a nuisance.” P 134

“[T]he industry has attempted to reduce virtually every performance standard sought, asking that government impose only minimum standards and claiming that most carriers will voluntarily exceed those minimums. But, when accidents have occurred, industry representatives have frequently claimed that it [sic] has no obligation to go beyond those minimums.” P 135

“Public pronouncements by Alyeska that the company employed the best available technology and committed adequate resources to safety purposes turned out to be false.” P 135

“A 1984 survey indicated that the ability to make schedules is viewed as the single most important factor in a company’s evaluation of a captain’s performance.” P 149

EPA was in no position to propose alternatives to Corexit, Exxon’s patented dispersant, or to challenge its use. P 157

“The most obvious deviation from safe operations on the vessel’s disastrous trip to Bligh Reef was [its] departure from designated tanker lanes (a practice that had become routine) by giving notice to the Coast Guard rather than by seeking permission. . . In this case permission to leave the tanker lanes was not given, but probably would have been if requested. . . A Coast Guard directive system probably would not have permitted this type of course deviation. The vessel left the tanker lanes because it was behind schedule. . . P 183

“The commission found a low level of vigilance and a discomfoting level of comfort between the industry and Coast Guard regulators.” P 186

“Much of the effectiveness of regulation depends on attitudes of those at the very top.” P 186

“Corrosion of the pipeline is now a major concern. Tests conducted. . . show that the line is decaying at an alarming and unanticipated rate.” P 189

“The Coast Guard is supposed to perform audits . . . every two years in vessel certification procedures, but lack of resources for this task encourages the it to rely on owners.” P 191

“The safety effect of not building the planned number of tanks at the terminal is that great pressure is put on all concerned to make sure the oil moves out on schedule.” P 192

“Never again should the spiller be in charge of a major spill. . . Ultimately even the API agreed with this conclusion.” P 194

“In a sense one can say that British Petroleum’s leadership was essentially asleep at the switch since it knew better than most from its own European experience how a competent prevention and response effort is organized. The commission was impressed, even dismayed, at how far American preparedness lagged behind Europe.” Pp 199-200

“The federal gov’t had stopped taking oil spill response seriously, at least in Alaska . . . outflanked by the national mood against government regulation, worn down by industry stubbornness and resistance to change, . . . and facing attack from the rear on budgets from friends of industry in the legislature.” P 200