

City of [TOWN NAME], [NAME OF] Parrish/County, [STATE NAME]
Resolution No. _____ of 2019

A Resolution Authorizing the City of [Town Name] to Request Federal, State, and Local Actions to Protect Health of First Responders and the General Public During Oil-Chemical Disasters

WHEREAS, crude oil, unconventional crude oil (tar sands oil or fracked oil and gas), hazardous chemical dispersant products for conventional oil spill response, and hazardous diluent chemicals for blending with tar sands oil are being transported through or near communities in [County/Parrish], and proposals to increase the volume of these substances are currently being considered without adequate consideration for the risks to local communities; and

WHEREAS, the increased production, transportation and use of these products translates to an increased risk to local communities from incidents such as fires, explosions and spills, with the potential to cause significant impacts to health and safety of citizens, first responders and the environment, and requires the involvement of local governments to minimize the consequences to their communities; and

WHEREAS, the Oil Pollution Act of 1990 and amended Clean Water Act create a critical role for local governments and citizens in oil spill preparation and response planning as part of local emergency preparedness, which is [mandated under SARA Title III](#), the Emergency Planning and Community Right-to-Know Act of 1986 in Sections 301 and 303, and cross-referenced the National Oil and Hazardous Substances Pollution Contingency Plan (NCP or Plan), which is the nation's emergency response plan for oil spills, in Subpart C 300.200–300.215; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) has a nondiscretionary duty under the Clean Water Act to update and maintain the National Oil and Hazardous Substances Pollution Contingency Plan (NCP or Plan), but the EPA has not updated its plan since 1994, over a quarter century ago; and

WHEREAS, the Plan was last updated in 1994 to provide for preauthorization and open-ended use of toxic chemical dispersants during oil spill response; however, since then, scientific studies from the 2010 BP Deepwater Horizon oil disaster response found that unprecedented use of these dispersants has had significant adverse health impacts on first responders, coastal residents and sealife from bacteria and coral up to marine mammals like dolphins – in short, the studies show that oil and dispersants combined do more harm than good to both people and wildlife; and

WHEREAS, regional oil spill contingency Plans and area oil spill contingency plans are derived from the dangerously outdated National Contingency Plan, making all the contingency plans from national to local outdated and inadequate to protect our citizens from exposure to oil and chemical dispersants used in oil spill response; and

WHEREAS, the outdated national Plan focuses on conventional oil spills that tend to float on the water surface; it does not cover unconventional oil spills from heavy crude (tar sands oil) that tend to sink or fracked oil and gas that tend to explode, yet ever increasing volumes of unconventional oil and hazardous substances such as dispersants and diluents are transported through our towns and watersheds; and

WHEREAS, despite their legal mandate and vital role in safeguarding their communities and identifying the local risks and consequences of potential incidents, local governments are often not sufficiently involved in risk assessment and response planning carried out by industry, project proponents and other tiers of government, and are not sufficiently resourced to participate in the risk assessment and planning process, let alone respond to the impacts of oil and chemical incidents on their communities;

AND WHEREAS, Congress created the Oil Spill Liability Trust Fund in 1986 and authorized its use under the Oil Pollution Act of 1990 to fund government's preparation and response to oil spills, among other things, yet local governments and citizens, specifically Local Emergency Planning Committees and Regional Citizens' Advisory Councils, have not been unable to access these funds.

THEREFORE BE IT RESOLVED that this City Council calls on the U.S. EPA Administrator to finalize the rulemaking governing dispersant use and to update the entire National Contingency Plan without further delay, based on the latest science and field-based evidence from actual use of dispersants during oil spill response;

AND BE IT FURTHER RESOLVED that this City Council calls on the [STATE] Governor to revoke preauthorization of dispersant use during oil spill response until such use may be reconsidered after the National, Regional and Area Contingency Plans are updated, based on the twenty-first century science and actual field evidence;

AND BE IT FURTHER RESOLVED that this City Council calls on regional and federal spill response managers to expand the scope of oil and hazardous substances risk assessment and response planning to include, as required by law, local/area plans that are designed by local governments and citizens;

AND BE IT FURTHER RESOLVED that this City Council calls on the U.S. Congress to introduce additional mechanisms for annual funding through the Oil Spill Liability Trust Fund for the resources and locally-specific capacity building required to ensure that local governments and citizens, specifically Local Emergency Planning Committees and Regional Citizens' Advisory Councils, are in the best possible position to plan for and protect communities and the environment in the event of fires, explosions, spills and related incidents as a result of increasing transportation of oil and hazardous substances.

CERTIFICATION

We the undersigned officers and members of the City Council of [TOWN NAME], hereby, certify that the Board which is made up of ____ members, of whom _____ constitutes a quorum, were present at the meeting held _____, 2019; that this Resolution was passed by the affirmative vote of ____ members; and that this Resolution has not been rescinded or amended in any way.

ATTEST

Name, Secretary

Date

Name, President

Date

cc: [CONTACT NAME], U.S. EPA Administrator, Andrew Wheeler
[CONTACT NAME], [STATE] Governor
[CONTACT NAME], [CONGRESSIONAL DELEGATES OF STATE]
[CONTACT NAME], U.S. EPA *co-chair of Region [NUMBER X] Regional Response Team*
[CONTACT NAME], U.S. Coast Guard *co-chair of Region [NUMBER X] Regional Response Team*
[CONTACT NAME], Local Emergency Planning Committee, [CITY & STATE]