

July 18, 2010

Alabama Voices: 'Magic' not policy

By William L. Andreen

Magic may make us "feel happy like an old-time movie," but it is a poor foundation for public policy. Yet, a belief in magic has come to dominate our approach to offshore drilling and to oil spill response.

We have been led to believe that offshore drilling is safe, that the technology is reliable, and that any spills that occur can be readily contained and cleaned up. Nothing could be further from the truth. The BP spill may be exceptional in the magnitude of the damage it has caused, but it is not exceptional when it comes to risk.

Oil drilling is inherently dangerous. Since 2001, some 858 fires and explosions have taken place on oil and gas facilities in the Gulf of Mexico, resulting in 55 deaths. Similar accidents occur at offshore oil facilities all around the world. Many have resulted in blowouts, the most recent of which was the 2009 Montara spill off the coast of Australia and the most notable of which was the 1979 Ixtoc I blowout in Mexican waters.

Oil from the Ixtoc well flowed into the Gulf of Mexico for nine months before it was capped, even though the well was at a depth of 164 feet, shallow water compared to the rigs drilling off the continental shelf today.

We are told that blowout preventer devices are the ultimate safety mechanism. BP's Tony Hayward even claimed that the failure of the blowout preventer on the Deepwater Horizon was "unprecedented." But the facts reveal otherwise.

In 1999, the Minerals Management Service reported at least 117 blowout preventer malfunctions in the prior year alone. Those kinds of failures, according to MMS, have resulted in numerous accidents.

The risks grow in deep water, where we are tapping into vast reservoirs far beneath the sea floor. The conditions are fraught with danger: high pressure oil formations, extreme depths, pipes linked together over many miles. Equipment can fail; engineering design may be faulty; organizational flaws may exist; storms can pound the rig and the steel stretching to the sea floor; and humans can make mistakes.

Yet we are told that the likelihood of a major oil spill is so remote that the government does not have to produce environmental impact statements for new drilling operations, let alone analyze worst-case scenarios.

Another reality laid bare by the BP spill is the relatively primitive state of oil spill response. Much of the focus has been on the endless attempts to stop the spill, and it long ago became clear that neither the oil companies nor the federal government had reliable technology to get that job done in anything resembling a timely way.

More than that, however, efforts to contain and clean up the mess have proven inadequate, and Americans have been understandably frustrated at the pace and scale of the cleanup. But we're now at full strength, with more than 6,000 oil skimmers and other vessels on site, and more than 2.5 million feet of containment boom and 4 million feet of absorbent boom deployed.

Still, even this massive effort is unable to cope with a spill of such magnitude, because the technology is too limited. In most spills, only 10 to 15 percent of the oil is recovered, and the complexities presented by the BP spill -- including location, volume, and winds and currents -- will likely reduce even that low level of recovery.

Certainly, our preparedness for a major spill could have been better. The oil industry's response plans were laughably inadequate, and should have been rejected by the MMS. Federal funding for oil spill research should not have been halved between 1993 and 2008. And the oil companies should have invested in better response technologies. But no cleanup technology in existence today, not even more modern technology that might be deployed in the future, would have spared the Gulf region once the oil began to gush into the sea.

Tougher regulation and better funded and more robust regulatory agencies can make deep ocean drilling safer. Better response plans can reduce, to some extent, the damage from spills of this sort. But only magic can eliminate the risk of catastrophic loss inherent in this kind of drilling. And when it comes to oil spills, I don't believe in it.

William L. Andreen teaches law at the University of Alabama and is a Member Scholar of the Center for Progressive Reform.
