

**TESTIMONY BEFORE THE
U.S. COMMISSION ON OCEAN POLICY
ANCHORAGE, ALASKA
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PRESENTED BY
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Mr. Chairman and Commissioners, thank you for the opportunity to testify today. My name is Bob Shavelson and I represent Cook Inlet Keeper, a nonprofit organization representing hundreds of Alaskans deeply concerned about water quality and the health of our marine systems. Cook Inlet Keeper is also a member of the National Waterkeeper Alliance, a coalition of waterway patrol groups led by Bobby Kennedy, Jr. in the fastest growing national environmental movement in the Nation.

The Bush/Cheney Energy Plan provides a supply-side prescription for staving off the Nation's growing energy needs. And while the Administration's plan relies heavily on new public lands drilling, it focuses disproportionately on Alaska's famously productive offshore waters. The federal Minerals Management Service's (MMS) latest 5 Year Plan for Outer Continental Shelf (OCS) Oil & Gas Leasing includes multi-million acre lease sales in Cook Inlet, in the Hope basin, and in the Beaufort and Chukchi Seas.

Yet as we press forward with expanded OCS development, we remain mired in an outdated regulatory paradigm which ignores modern science and frustrates a sustainable oceans policy. Specifically, on the OCS, between 3 and 200 miles, it remains legal under the Clean Water Act to dump toxic drilling and production wastes into our fisheries and marine habitats. Although EPA has banned the discharge of drilling muds, cuttings, produced waters and chemical additives in all coastal waters in the United States except for Cook Inlet, OCS discharge rules remain firmly fixed in the archaic notion that "dilution is the solution to pollution." But now a growing body of

scientific evidence is telling us what common sense already knew: that our fragile marine ecosystems are susceptible to toxic pollution. While there are many studies and reports attributing adverse marine effects to oil and gas industry discharges, a few examples paint an adequate picture.

Shortly after the *Exxon Valdez* Oil Spill, scientists from the National Marine Fisheries Service discovered that a common constituent of oily wastes – Polycyclic Aromatic Hydrocarbons or PAHs – increase juvenile pink salmon mortality dramatically more than previously known. This research teaches us several things. First, that low levels of hydrocarbon contamination – as low as 1 ppb – are toxic to commercially and socially important anadromous fish, and that current regulatory safeguards are several orders of magnitude above the level needed to assure healthy salmon populations. Another lesson is that our current regulatory focus on short term, acute toxicity ignores the complex, chronic, long term effects which threaten fish population fitness. While the sight of dead bloated fish floating in the mousse of a fresh spill can evoke a compelling response, decreased fish fitness and increased susceptibility to prey at early life stages plays no less a role in fish survivorship.

In separate research, Norway's Institute of Marine Research recently found that a common component of produced water discharges – alkylphenols – causes estrogenic or hormone mimic effects in one of our most commercially valuable fish - cod. Specifically, laboratory data showed alkylphenols cause female cod to spawn up to six weeks later than normal, and produced female traits in male cod. Although this was the first study to link oil industry wastes to such effects in a marine environment, the toxicology of alkylphenols in fresh water aquatic systems is well documented.

Just outside our door here, in Cook Inlet, the EPA has found an alarming array of toxic chemicals in subsistence marine resources, including snails, chiton, salmon, and sea bass. And while the cause and effect links are difficult to prove in a large dynamic estuary such as Cook Inlet – particularly when the burden of proof rests on the shoulders of ordinary citizens – we know one thing: the contaminants found in the fish are the same types as those discharged in nearly 3 billion gallons of oil and gas industry wastes each year. Cook Inlet Native communities are rightly concerned about the future of their subsistence lifestyles, which date back centuries. And we can pour

enormous energy and resources into trying to disprove the threats to our marine resources, or we can fall back on a wealth of science amassed since Rachel Carson's revelations in the 1960's: that toxic chemicals have toxic effects on living resources.

Finally, a recent investigative news series in the *Mobile Register* showed how MMS's own studies found excessively high mercury levels in fish taken near oil and gas platforms in the Gulf of Mexico. Significantly, MMS found mercury at levels known to pose harm to human consumers, and these findings relate to the very same types of discharges currently allowed throughout the OCS. And perhaps equally important, the MMS's reluctance to release and publicize the studies conjures images of Arthur Anderson as both auditor and consultant, where MMS not only conducts the studies necessary to rationalize OCS development, but also plays a leading role promoting offshore development. The mere appearance of conflict undermines public confidence, and should place offshore research under the auspices of an agency which is not charged with promoting OCS development.

Since the beginning of recorded time until 1800, our planet accumulated a human population of 1 billion souls. One hundred and fifty years later, that number more than doubled, to over 2.5 billion. In the last fifty years, the planet's human population more than doubled again, to over 6.5 billion. And with growing populations comes increasing energy demand and pollution, resulting in an undisputed fact: anticipated population increases will increasingly tax our fragile and finite marine resources.

Offshore oil and gas operations dump countless billions of gallons of toxic wastes into U.S. waters each year. And as the National Academy of Sciences recently found in *Oil in the Seas II*, the greatest threat to marine ecosystem health comes not from short term catastrophic events, but rather from long term, chronic pollution. Alternative energies pose the greatest hope for stemming the rising tide of toxic marine pollution and securing domestic energy security. However, if the United States must pursue an energy policy emphasizing offshore development, we should do it right. We should do it within the technologic and economic means of the richest and most sophisticated corporations on the planet. We should do it with sound science which shows toxic pollution harms fish and people. And we should do it in a sensible and pragmatic

fashion which recognizes the real economic, social and ecological values of our oceans for present and future generations.

Discontinuing the outdated practice of open oil and gas waste dumping on the OCS is a good first step, and an important element for building public confidence in national energy policies. On behalf of the hundreds of Alaskans I represent throughout the Cook Inlet watershed and beyond, I urge this panel to formalize this common sense recommendation in its final report.

Thank you again for the opportunity to testify, and thank you for your service to our oceans.

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