



Establishing a unified command for acute pollution by government in response to extreme pollution incidents which the petroleum industry is responsible for

*Bridging document between the operators and
the Norwegian Coastal Administration (NCA)
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Bridging document between operator and NCA emergency preparedness plans

This bridging document describes responsibilities and roles related to major incidents of acute pollution from operations on the Norwegian continental shelf (NCS) where the NCA wholly or partly assumes command of the work to combat the environmental consequences of the incident in accordance with section 46, paragraph 3 of the Norwegian Pollution Control Act. Its starting point is the need to strengthen and provide predictability in the management of worst-case incidents. The work underlying the document is based on government and industry experience in the wake of the Macondo incident in the USA in 2010. The document is also described in the national plan on emergency preparedness for acute pollution or the threat of acute pollution.

The document has been prepared on the basis of the Norwegian Pollution Control Act, and does not alter the operator's responsibility for its own emergency preparedness, for the incident as such or for its consequences. The document describes how coordination will be implemented in practice, and is a bridging document between operator and Norwegian Coastal Administration (NCA) emergency preparedness plans.

Government assumption of a unified command in cases of acute pollution will form the basis for both tabletop and full-scale exercises, so that the document remains viable and can be improved and further developed. The first version was issued in 2015. The present document is the third version with amendments based on experience from the drills conducted.

The bridging document has been prepared through a collaboration between the NCA and the petroleum industry, where both large and small operator companies have participated along with the Norwegian Oil and Gas Association and the Norwegian Clean Seas Association for Operating Companies (Nofo). The NCA and Norwegian Oil and Gas believe that this document lays the basis for the effective and appropriate assumption of unified command by government in cases of acute pollution pursuant to applicable legislation.

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1 Introduction

1.1 Responsibilities and roles in general

The bridging document deals with unified command by government of the response to acute oil pollution on the open sea, in coastal waters and along the shoreline. Implicit in the establishment of a unified command by government is that the pollution incident will often have an “extreme” scope. The following provides a brief outline of responsibilities and roles related to major incidents of acute pollution from activities on the Norwegian continental shelf (NCS) where the NCA has assumed command wholly or in part of efforts to combat the pollution side of the incident¹ pursuant to section 46, paragraph 3 of the Pollution Control Act.

In many cases, an extreme acute pollution incident will comprise various types of crises, such as fire/explosion, issues of life and/or health, reputational impacts and socio-economic consequences. Far-reaching incidents on the NCS are often caused by blowouts or large and long-lasting leaks from subsea installations. In such circumstances, the operator will already have established an incident command to coordinate an integrated response to the accident, including combating the acute pollution. In the event that the government assumes command pursuant to section 46, paragraph 3 of the Pollution Control Act, the incident command for acute pollution will be exercised wholly or partly by the NCA. Command of other aspects of the incident, such as search and rescue, dealing with next of kin or leading the technical response to the oil discharge at source, will not be taken over the NCA.

During an incident where the NCA has assumed command for acute pollution, it will receive guidance from the Petroleum safety Authority Norway’s assessment of the discharge position and possible development of the incident in addition to the operator’s presentation.

1.1.1 Private-sector preparedness

The primary duty to ensure emergency preparedness for incidents on the NCS which cause acute pollution rests with the relevant operator. The operator has an independent responsibility to plan, dimension and lead responses to acute pollution caused by their own activity. Assumption of unified command for acute pollution by the government does not alter the relevant operator’s responsibility for dealing with the incident.

1.1.2 Local authority preparedness

Local authorities are responsible for establishing emergency preparedness to deal with minor cases of acute pollution arising from normal activities in their area. They have joined forces in establishing regional committees to combat acute pollution (IUAs). Local authorities are duty-bound to support government emergency preparedness. IUAs with coastlines have entered into agreements with the Norwegian Clean Seas Association for Operating Companies (Nofo) on support when responding to acute oil spills from the petroleum industry.

1.1.3 Government preparedness

This is handled by the NCA, which reports to the Ministry of Transport and Communications.

The NCA is responsible for operating and developing the government’s emergency preparedness for acute pollution, including the response organisation. This involves

¹ Section 46, paragraph 3 of the Pollution Control Act: “In major cases of acute pollution or danger of such pollution the state authorities may partially or totally take over the leadership of the efforts to fight the accident.”

supervising the operator's ability to deal with discharges from their own operations. Authority has been delegated to the NCA to ensure the best possible coordination of operational emergency preparedness for acute pollution in a national system. See section 43, subsection 3 of the Pollution Control Act.

Pursuant to section 46, paragraph 3 of the Pollution Control Act, the NCA may assume command of the work of the pollution response.² When substantial pollution damage is threatened, it can require on behalf of the government that everyone makes equipment and personnel available to deal with the incident.

1.1.4 Other government agencies with roles related to offshore petroleum activities

The **Norwegian Environment Agency (NEA)** reports to the Ministry of Climate and the Environment. It is responsible for setting standards of emergency preparedness for acute pollution by local authorities and private enterprises, and for supervising compliance with these requirements. An agreement on mutual notification and collaboration has been established between the NEA and the NCA.

The **Petroleum Safety Authority Norway (PSA)** answers to the Ministry of Labour and Social Affairs. The PSA is responsible for technical and operational safety, including emergency preparedness. Its safety concept incorporates prevention of undesirable incidents, including events which can cause acute discharges.

The PSA notifies relevant government agencies, including the NCA and the NEA, of incidents arising from activities on the NCS.

A collaboration agreement between the PSA and the NCA includes a description of cooperation in the event of hazard and accident conditions.

1.1.5 Definitions and description of roles when government assumes command

Key definitions are provided below to provide clarity over terms and structure.

Incident commander

"Incident commander" is an established term, used generally in both private and government activities as well as internationally. Here it means a role assigned to an identified person for a specified period.

A) Operator's incident commander

Minor incidents of acute pollution will not normally involve government assumption of command for combatting the pollution.² In these cases, the operator's incident commander will lead all aspects of the response to its own incident through every phase, including acute pollution.

B) Government incident commander for acute pollution

In incidents involving acute pollution where the NCA on behalf of the government assumes command, pursuant to section 46, paragraph 3 of the Pollution Control Act,² the NCA will establish a government incident commander for acute pollution. The operator's incident commander will continue to lead all other aspects of the response

² Section 46, paragraph 3 of the Pollution Control Act: "In major cases of acute pollution or danger of such pollution the state authorities may partially or totally take over the leadership of the efforts to fight the accident."

to its own incident, and will support the government incident commander for acute pollution.

The operator's incident commander and the government incident commander for acute pollution are expected to establish routines for collaboration.

Unified command leadership

"Unified command" here means a collective staff, including the incident commander, which leads and coordinates the response to the accident.

The operator will always be responsible for establishing a unified command to respond to its own incident. In the pollution incidents within the petroleum sector where the NCA appoints an *incident commander for acute pollution*, the NCA will normally reinforce the operator's unified command with its own personnel. This is intended to support processes in the unified command which contribute to effective response to the pollution. NCA personnel will supplement the operator's established unified command and do not absolve the operator of responsibility for the incident or its continued management. In order to provide an integrated response to the incident, the NCA and the operator will need to coordinate in such cases. This will apply to goals and prioritisation at command level and to planned activities and resource use at operational level, and the principles involved will be clarified between the NCA's incident commander for acute pollution and the operator's incident commander.

Action plan

This is a plan for the relevant incident, conditional on the circumstances, which guides the ongoing commitment, including oil spill response. It is drawn up by the unified command for the incident in order to specify priorities and actions.

1.2 Principles for emergency preparedness

1.2.1 Norwegian National principles

1. Responsibility principle

The organisation which is responsible for a specialisation in normal conditions is also responsible for necessary emergency preparations and for responding to extraordinary incidents in that specialisation.

2. Similarity principle

The organisation deployed during crises will basically be as similar as possible to the everyday organisation.

3. Subsidiarity principle

Crisis must be handled organisationally at the lowest possible level.

4. Collaboration principle

Government authorities, enterprises and agencies have an independent responsibility for ensuring the best possible collaboration with relevant players and enterprises in the work of preventing, responding to and managing crises.

1.2.2 NCA principles

- Measures will be implemented as close to the source as possible to reduce further spreading and to achieve the greatest possible net damage reduction.

- Mechanical methods and dispersants are acceptable, and the net environmental benefit analysis/spill impact mitigation assessment (Neba/Sima) approach will be used.
- The overriding priorities in the event of incidents/accidents are:
 - life, health and safety
 - environmental assets
 - financial assets.
- Continuous monitoring/supervision must be conducted during the response.

The NCA's emergency preparedness plans build on internal and external collaboration and coordination with response resources held by other government agencies and players, including those available under international agreements.

1.2.3 Industry principles

- Attention will be devoted to prevention, risk-reduction measures and active risk management in all activities.
- Emergency preparedness will be based on the results of risk and emergency preparedness analyses.
- Such analyses will be conducted for all new activities and updated when conditions could lead to a change in the level of risk.
- The response methods which provide the biggest reduction in environmental damage will be used.
- Responses to limit acute pollution must be implemented as close as possible to the discharge source.
- The organisation must be trained and equipped to minimise the consequences of undesirable incidents.
- Emergency preparedness for acute pollution must be constructed with adequate and independent barriers. The barrier concept corresponds with the various zones where the oil is to be combated, and accords with international standards.
 - Barrier 1 is as close as possible to the source
 - Barrier 2 is between the resource and the coastal waters
 - Barrier 3 is the coastal waters
 - Barrier 4 is remobilisable beached oil
 - Barrier 5 is beached oil

No single measure is 100 per cent effective, but can in optimum conditions collectively achieve a high performance. The calculation takes account of the performance of the systems and thereby also of the barriers. In each barrier/zone (except the first), the effect of measures in the previous barrier/zone is taken into account.

- Emergency preparedness plans must be prepared which describe at all times the preparations and provide action plans for the defined hazard and accident conditions.

- The operator companies must collaborate on sharing response resources.
- Nofo represents the operational emergency response by the operator companies, and is responsible for ensuring that oil spill response is dimensioned at all times in accordance with operator requirements and emergency response plans.
- Acute discharges must be monitored continuously.
- Environmental surveys must be conducted after acute discharges which could have affected the environment. The programme for such surveys must be clarified with the NCA.

Where the prioritisation of resources during the response are concerned, the industry applies the same principles as those listed above for the NCA – in other words, life and health, the environment and material assets in that order.

1.3 Employer responsibility and HSE

When dealing with acute oil pollution, the human resources involved will have their workplace in various geographical locations (at sea, close to the coast, along the shore or on land), will do different types of jobs (administrative or practical) and will experience working conditions which involve varying degrees of difficulty. To ensure good follow-up of all personnel, responsibility for them will be located at all times where this can be exercised in the best possible way. Where employees in the private, local authority and government sectors are concerned, this is regulated by their existing terms of employment. With personnel who are taken on without a previous contract of employment, the question must be clarified through a dialogue between the local authority and the operator company.

See the HSE folder on taking care of health and safety for all response personnel. Operator companies fulfil the role of principal enterprise pursuant to section 2, sub-section 2 of the Norwegian Working Environment Act.

1.4 Exercises and training

An annual training exercise or drill is organised by one of the operators on the NCS with the participation of the NCA. The aim is to test the principles in this document, develop coordination between the NCA and the industry, and improve the response to incidents of acute pollution.

2 Target audience, approval and distribution

2.1 Target audience

The target audience for this document is the NCA and the petroleum industry, plus relevant government players.

2.2 Approval

This bridging document is approved by the director of emergency preparedness at the NCA and the director general of Norwegian Oil and Gas. The document is valid except in so far as it conflicts with applicable official requirements.

2.3 Distribution

The document is distributed to the target audience and posted to the NCA and Norwegian Oil and Gas websites.

3 Acute pollution response led by the operator (phase 1)

3.1 The operator's response

The operator is always responsible for establishing an incident command for combating its own incidents and for managing oil spill response as an integrated part of its response pursuant to applicable legislation and statutory regulations.

3.2 The NCA's role in this phase

A close dialogue will be maintained in this phase between the operator company and the NCA. On behalf of the government, the NCA will supervise the operator's responses for protecting the natural environment and, as part of this, see to it that the operator implements relevant and adequate measures. This supervisory function is normally exercised from the NCA's premises on the basis of dialogue with the operator and documentation supplied. It can also be expanded with representation on the spot, where the NCA dispatches supervisory personnel to the operator.

On the background of the operator's action plan and other available information, the NCA will determine whether the measures are correct and adequate. It will maintain continuous contact with the PSA on the development of the position, the discharge potential and measures.

In this phase, the NCA can also support the operator with agreed resources (agreement between the NCA and Nofo). The NCA does not normally provide support in the form of senior personnel, but primarily in the shape of materials and equipment operators in order to sustain its supervisory function.

4 Acute pollution response led by the NCA (phase 2)

4.1 Criteria for government to assume command for acute pollution

Criteria for the government to assume command can include (but are not limited to):

- an incident which threatens to have a wide geographical scope with associated landfall, including:
 - incidents affecting several local authorities, IUAs or counties, with a need for coordination across administrative boundaries and with many government bodies and resources involved
 - incidents with a scope which calls for supplementary resources – over and above those planned for and covered by agreements – from government and international support agreements which can be activated by the NCA
- incidents of great social significance, including those:
 - posing a threat of major national consequences for the natural environment, both immediately and in the long term
 - posing the threat of major consequences for the nation's economy and reputation
 - involving significant discharges which spread to other national sectors, creating a need for government coordination.

It is not considered appropriate to apply a predefined discharge potential/volume.

4.2 Decision on government assuming command for acute pollution

A possible decision on government assumption of unified command for acute pollution will be based on the relevant circumstances and an assessment of the specified criteria (sub-section 4.1), and follow dialogue with the operator. Implicit in the establishment of a unified command by government for acute pollution is that the pollution incident has an “extreme” scope. The decision is formulated in writing and sent to the operator.

4.3 Preparing for government assuming command for acute pollution

After the decision has been received, the operator is duty-bound to facilitate government assumption of unified command for acute pollution. As part of the preparations, the NCA may dispatch a limited number of personnel to the operator to make appropriate arrangements for government take-over, including clarification of organisational and practical conditions relating to the assumption of command, location, the operator’s existing plan and use of external resources, use of liaison, time for take-over meetings and so forth.

In parallel with this, the NCA will supervise the operator’s response to the incident (see sub-section 3.2).

4.4 Implementation and conduct of government assumption of command for acute pollution

In the event that the government assumes unified command for acute pollution, the NCA’s starting point will be the operator’s established unified command. The NCA will normally locate the government incident commander for acute pollution with the necessary support organisation in the same premises as the operator’s unified command. See sub-section 1.1.5. Alternatively, it will occupy its own incident centre and have liaison personnel with the operator. The government incident commander for acute pollution and the operator’s incident commander will subsequently coordinate goals, priorities and commitments. The operator will continue to lead the response to other aspects of the incident. The NCA’s incident commander for acute pollution will maintain a possible international dialogue at government level.

5 Completion of oil spill response led by the NCA (phase 3)

When the conditions for assuming the unified command for acute pollution are no longer present, management of this part of the response will be returned to the operator. Returning command of the response for acute pollution to the operator must be planned in detail so that this phase is implemented as effectively as possible.

After the operator has once again resumed command of the response to acute pollution, the NCA will exercise supervision and can also provide support in line with existing agreements.