



International Offshore Petroleum
Environmental Regulators

Introduction to *Guiding Principles for Regulating Oil Spill Response Preparedness for Offshore Petroleum*

Purpose

IOPER has developed a technical paper to discuss a number of guiding principles for global upstream E&P sector stakeholders to consider when working to define and monitor appropriate levels of oil spill preparedness.

Background

There can be no doubt that the Montara (2009) and Macondo (2010) incidents fundamentally changed offshore response planning and regulation for both the E&P industry and regulators globally. Operators have approached the issue in new ways as have governments which in some cases have drastically reorganised their offshore regulating agencies. While there can be no doubt that prevention is the best cure, the potential consequences to oil spills remain high even if the probability of occurrence is very low. As a result, and in line with ever-growing public expectations on safety and environment, continued diligence and improvement in response planning and preparedness are warranted.

A survey undertaken of IOPER members in 2013 to gather information on the various provisions for validating response capabilities of offshore operators and their third party response providers revealed a number of basic differences in approach across member states. These arise from basic differences in legislative backgrounds and working practices across member states and leads to the conclusion that it is unlikely a single regulatory approach to *response* will be found that would work for all IOPER member states. Instead, it was agreed that IOPER should focus on improving the regulation of *preparedness*. This is a direction also supported by members of global E&P industry who have called for support of risk-based approaches to offshore response planning, advance pre-approval of response counter-measures, help overcoming barriers to response, and assistance in leveraging expertise.

An obvious, if difficult, question arises from this discussion: just what constitutes an appropriate level of oil pollution preparedness?

One possible approach to answering this question is to establish *standards* for oil pollution preparedness, for example, minimum response times. While there are advantages to such an approach, the introduction of standards leads to new and equally difficult questions as to how to set the 'right' thresholds that define them, in particular in light of the many variables associated with petroleum activities throughout the world.

A different approach is suggested in the IOPER discussion paper, namely the development of *guiding principles* of preparedness where 'preparedness' is defined as the state of being ready to respond in a timely and effective fashion. This includes having available the correct type and amount of resources, including equipment, materials, trained manpower, and leadership expertise, etc. In other words, preparedness is the sum of various quality and quantity components of response capability.

The paper suggests that regulators and industry work together to cooperatively formulate a set of such preparedness principles to guide all parties when addressing questions of the appropriate level of oil spill response preparedness. The principles will guide E&P operators planning their response capability and demonstrate to regulators that appropriate preparedness is in place for major oil pollution incidents. Rather than being exhaustive, the intent is to provide a few examples and thereby give a flavour of the principles from the general perspective of a regulator. While these principles may be implemented differently across IOPER member countries the objectives and outcomes remain the same: developing and maintaining appropriate levels of preparedness.