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• *Ignored sailing rules.* There were definite violations of sailing rules. Captain Hazelwood advised the Coast Guard that he was taking the ship on a southwesterly course, into the inbound shipping channel, to avoid floating ice chunks. That was considered to be perfectly proper, and normal under the circumstances, though permission was never granted for this maneuver except when the inbound lanes were completely free of other shipping. Captain Hazelwood, however, did not advise the Coast Guard that he then altered course ever further to the south, out of the inbound shipping lanes and into waters close to Bligh Reef, nor that he had engaged the autopilot. Permission for the further course change would almost certainly have been refused, had the Coast Guard been informed, and Coast Guard rules are very definite that autopilots should never be used except in the open sea. Both improper actions certainly contributed to the final grounding of the ship.

Your children could have driven a tanker up through that channel. (Statement of Paul Yost, commandant of the U.S. Coast Guard, quoted in the *Wall Street Journal*, March 31, 1989, p. 1)

Within Alaska, public reactions to the accident and to the lackadaisical practices that apparently led to the accident centered on the potential damage to the fishing resources and consequently on the harm to the livelihood of a substantial portion of the state's population. The Alaska coast from Prince William Sound northward is known as the richest salmon and crab fishing ground in the world. Exxon assured the fishing boat operators that they would be compensated for any losses they suffered as a result of the oil spill, and explained that the company had insurance that would protect it against claims for negligence up to \$500 million.

Outside of Alaska, public reactions to the accident and to the lackadaisical practices revealed in the hearings focused on the fouling of the environment and the destruction of the wildlife:

Already thousands of birds have died, and biologists fear that a significant portion of the Sound's 12,000 sea otters—which lose buoyancy when just 10 percent of their body is covered in oil—may be in jeopardy.

Those who know these bejeweled waters—rich in fish, fowl and fauna like few other places on earth—believe the damage will be monumental and long lasting. (*Wall Street Journal*, March 31, 1989, p. 1)²

Public reactions to the accident also were not mollified when the chairman of Exxon, Mr. Lawrence Rawl, decided not to go to Alaska and supervise the cleanup operations directly. Instead, he remained in New York City, and made no direct comment upon the oil spill or cleanup operations for seven days. Other officials within Exxon also refused to comment. The first statement by the president of Exxon U.S.A., the holding company for Exxon Shipping which owned the grounded tanker, was made on May 9:

We do not know what caused this accident . . . Exxon's response was prompt and consistent with the previously approved contingency plan. (Mr. Bill Stevens, quoted in the *Detroit Free Press*, May 9, 1989, p. 7A)³

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In fairness to Exxon, it should be explained that company officials felt that public reactions to the oil spill were extreme and did not take into account several mitigating factors. First, they thought that the public did not really understand that the company could not be held responsible for the intoxication of Captain Hazelwood. Secondly, they thought that the public did not fully realize that the company had been prevented from using chemical dispersants on the oil.

Chemical dispersants, it should be understood, do not destroy the oil. Instead, the effect of the dispersant is to lower the surface tension of the oil to the point where it will break up and disperse in the water in the form of tiny droplets. The problem is that these tiny droplets are in a size range that is easily ingested by marine organisms on the lower end of the marine food chain, and therefore gradually impact marine creatures on the higher end of that chain. The extent of that impact has never been studied under all climatic conditions. It is known that dispersants make an oil spill much less visible; there is no certainty that they make it any less toxic.

Despite the lack of certainty about the effect of the dispersants, company officials thought that chemicals should have been used as soon as it was apparent that the containment and recovery efforts had failed, and before the beaches were fouled and the wildlife killed. Mr. Rawl, the chairman of Exxon, in an interview with *Fortune* magazine, said environmentalist acting with the state of Alaska had prevented the company from applying the dispersants promptly (the *New York Times*, May 22, 1989, p. 10).

Mr. Lee Kelso, director of the Alaskan Department of Environmental Conservation, disagreed strongly that his department was responsible for any delay in the use of the chemical dispersants:

Exxon was free to use dispersants on the vast majority of the oil slick, and did not do so. (Statement by Lee Kelso, quoted in the *Wall Street Journal*, April 3, 1989, p. 1)

Mr. Lee Raymond, president of the Exxon Corporation, said that he blamed "ultimately the Coast Guard" (*Wall Street Journal*, April 3, 1989, p. 12) for the delay in the use of dispersants, explaining that it had required a test before granting permission.

Coast Guard officials denied that they had required testing, saying that it was only common sense to gauge the effectiveness of the treatment under the wind, wave, and water temperature conditions that existed at the time.

Government reactions to the oil spill centered not on the causes of the accident, and not on the consequences of the oil spill or the disputes about testing, but focused on the slowness and ineffectual nature of the clean-up. The federal attitude seemed to be that accidents do occur, that seamen have been known to consume excessive amounts of alcohol in the past, and that under conditions of stress people may forget about test conditions and requirements. But, in the view of the government in Washington, there was no excuse for the inability firstly of Alyeska and then of Exxon to deal promptly and effectively with the spill itself.

The contingency plan that had been developed by Alyeska and approved by the state of Alaska envisaged containment within five hours and recovery of a minimum of 50 percent of the oil by skimmers within 48 hours. Containment, as stated previously, took 59 hours and estimates of the amount of oil actually recovered ranged from 0.4 to 2.5 percent. A number of reasons for the ineffectiveness of the response by Alyeska and Exxon were given in hearings held by the National Transportation Safety Board.