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The Gulf Oil Gusher – Moving Beyond Tears, Anger and Acquiescence

By Zeke Grader

"It makes you want to cry." This is not an expression I've heard much – certainly not from fishermen – over the 50 plus years I've been around commercial fishing. It'd been uttered a few times before about the loss of a fishery and after the *Exxon Valdez* went on Bligh Reef 21 years ago in Prince William Sound, but not often. That's all changed in the past few months.

Since the April 20 sinking of the *Deepwater Horizon*, when the oil began gushing from BP's well deep below the Gulf of Mexico, even the most hardened fishermen have found it hard to hold back the tears watching one of the world's most prolific fishing grounds being destroyed. It doesn't take sensitivity training to not feel badly, to not be angered at the sight of the oiled fish, crab, oysters – even the pelicans and turtles – coming out of the Gulf, whether you're a local fisherman seeing it first hand or watching the news accounts 3,000 miles away.

Tears

Veteran Louisiana fisherman, Mike Roberts, described what it was like in his essay, "Summer of Tears," in the *Louisiana Bayoukeeper*, as follows:

"The boat ride, out, from Lafitte,

Louisiana, Sunday, May 23, 2010, to our fishing grounds was not unlike any other I have taken in my life, as a commercial fisherman from this area. I have made the trip thousands of times in my 35 plus years shrimping and crabbing.

"A warm breeze in my face, it is a typical Louisiana summer day. Three people were with me, my wife Tracy, Ian Wren, and our grandson, Scottie. I was soon to find out how untypical this day would become for me, not unlike a death in the family. This was going to be a very bad day for me.

"As we neared Barataria Bay, the smell of crude oil in the air was getting thicker and thicker. An event that always brought joy to me all of my life, the approach of the fishing grounds, was slowly turning into a nightmare.

"As we entered Grand Lake, the name we fishermen call Barataria Bay, I started to see a weird, glassy look to the water and soon it became evident to me there was oil sheen as far as I could see. Soon, we were running past patches of red oil floating on top of the water. As we headed farther south, we saw at least a dozen boats, in the distance, which appeared to be shrimping.

"We soon realized that shrimping

was not what they were doing at all, but instead they were towing oil booms in a desperate attempt to corral oil that was pouring into our fishing grounds. We stopped to talk to one of the fishermen, towing a boom, a young fisherman from Lafitte. What he told me floored me. He said, 'What we are seeing in the lake, the oil, was but a drop in the bucket of what was to come.'

"He had just come out of the Gulf of Mexico and he said, 'It was unbelievable, the oil runs for miles and miles and was headed for shore and into our fishing grounds.' I thought what I had already seen in the lake was enough for a lifetime. We talked a little while longer, gave the fisherman some protective respirators and were soon on our way. As we left the small fleet of boats, working feverishly, trying to corral the oil, I became overwhelmed with what I just saw.

"I am not real emotional and consider myself a pretty tough guy. You have to be to survive as a fisherman. As I left that scene, tears flowed down my face and I cried. Something I have not done in a long time, but would do several more times that day. I tried not to let my grandson, Scottie, see me crying. I didn't think



he would understand, I was crying for his stolen future. None of this will be the same, for decades to come.

"The damage is going to be immense and I do not think our lives here in South Louisiana will ever be the same. He is too young to understand. He has an intense love for our way of life here. He wants to be a fisherman and a fishing guide when he gets older. It is what he is, it is in his soul, and it is his culture.

"How can I tell him that this may never come to pass now, now that everything he loves in the outdoors may soon be destroyed by this massive oil spill? How do we tell this to a generation of young people in south Louisiana who live and breathe this bayou life that they love so much, that it could all soon be gone? How do we tell them? All this raced through my mind and I wept."

Anger

After the grief there has also been the justifiable anger. The lack of preparedness for dealing with such a gusher – both to stop it and contain the oil let loose into the environment, the unwillingness by parties to accept responsibility, the contempt for the environment and condescension shown victims (the "small people"), and news networks and members of Congress acting as apologists for BP and the oil industry, are outrageous.

What may be the most galling to date, arising out of the nation's worst discharge of oil (this is not "spill," it's a gusher) into the environment has been the attitude by many in the oil industry and the Congress acting as if this

is nothing – accept it and get on with drilling and business as usual.

It takes incredible chutzpah to complain about a six-month moratorium on deep sea drilling to review safety regulations, after the BP gusher has just destroyed thousands of jobs – some permanently – and decimated whole economies. It takes incredible gall to propose opening the west coast to drilling – as the American Petroleum Institute (API) has done – or to press ahead for drilling the Arctic – as BP and Shell are doing. But that's what is happening even while oil is still gushing from BP's wellhead into the Gulf.

All of this may be nothing new to those who suffered through the *Exxon Valdez* grounding and the aftermath of a spill that totaled up to 32 million gallons. It was bad enough trying to contain and clean it up, scrambling to find booms and other equipment, losing fisheries such as herring and then having to wait two decades to get partial compensation as ExxonMobil fought the damage claims in all the courts. However, in the Gulf it seems as if BP is trying to do ExxonMobil one better. They've certainly done that with the amount of oil poured into the ocean thus far.

Angry? You're damn right! The oil industry and its puppet politicians expect the public to acquiesce – to accept their spin as gospel, and just live with the consequences of the oil company actions. Congress will forgive the oil companies while passing the collection plate.

Acquiesce?

Perhaps the general public can live with it. Perhaps the public can go quietly along in silent desperation, living with this gusher and prospects for even more damaging ones in the future, living with fouled beaches and marshes, contaminated seafood, a largely disappeared fishing fleet, oiled waterfowl and wildlife teetering on extinction – all to feed the profits of the oil barons and keep their politician puppets in power.

Now some in the fishing industry are willing to acquiesce. They're willing to just go along. It's not just with the oil industry. Along the West Coast – from Northern California to Alaska – we witnessed the "company town syndrome," where no one in the salmon fishery was willing to take on the timber industry, even though excessive logging at the time was simply wiping out salmon streams. Someone's father, or brother or son was always employed as a logger or in a sawmill and no one wanted to threaten their jobs. It didn't seem to sink in that the practices of the Big Timber companies were destroying fishing jobs. Timber could be sustainably cut to protect the salmon, but that was determined to be too expensive, so the timber barons simply passed the costs of this environmental destruction along to the fishermen instead.

The same "company town" mentality also exists in some farming communities where agricultural practices threaten fish populations and the fishermen relying on those fish. The late Nat Bingham – a salmon troller with

the courage to take on the timber beasts – often railed at what he called the "code of silence" imposed on fishermen in these communities. It's no different it seems in the Gulf, where the oil industry has the politicians in their pocket and most fishermen firmly under its thumb.

The oil industry wants us to believe that they are essential. How else would we fuel our boats or run the economy without oil? That's what they want us to believe, that's how they're buying our acquiescence.

It's time to challenge the idea that oil is a life-giving drug. It's not. It's an addiction. It's our planet's crack cocaine. Remember, humankind has survived most of its existence without oil. So did humanity's fishing fleets.

Keep in mind, it was the industrial revolution beginning in the late 18th century that created the need for coal and it has only been slightly over a century now we have depended on oil to further fuel the industrial age and modern transportation. So these two carbon-based fuels are relatively new on the scene. Moreover, with current technology renewable energy sources from solar, wind and biofuels such as algae-based diesel and jet fuels, are on the horizon with the potential to replace coal and oil as fuels, if there were a concerted effort to develop these renewable energy sources and convert to them quickly.

For the fishing fleet there can be no acquiescence. The days of "easy oil" are over, as author Michael Klare (*Rising Powers, Shrinking Planet*) reminds us. We are now entering what he calls the era



of "tough oil;" new offshore oil development is going to take place increasingly in deep waters or difficult environs such as the Arctic where accidents are more likely, and oil spills will be difficult – if not impossible – to clean-up, with devastating environmental impacts, particularly on fisheries.

Transporting oil from deepwater offshore sites will be more difficult, as it will come from beyond the Arctic circle. This means the likelihood of more oil discharges into the sea will increase. What we are looking at is a future of offshore rig ruptures – such as Santa Barbara, or *Ixtoc I*, *Montara* in the Timor Sea last year, and now the emerging mother of them all, BP's *Deepwater Horizon*. And, there'll be the groundings and sinkings, like the *Prestige* off the Costa de la Muerte or *Exxon Valdez* in Prince William Sound – only far more often.

Moreover, oil is becoming too dangerous to drill for, too dangerous to transport, and now, as we have learned, it's too dangerous to burn. Oil burned for fuel, along with coal, is a major source of carbon in the atmosphere. But for fishing that's not the worst part. About one third of the excess carbon in the atmosphere is being sequestered by the ocean as carbonic acid, causing our seas to become ever more acidic. The immediate impact is on shellfish – oysters in Chesapeake Bay are already showing the signs of increased acidity with their shells dissolving – and this will affect fin fish, too, at some point.

Oil discharged, whether from drilling or transport, into the water is contami-

nating fish – making them unsafe to market or, worse, it's killing them outright. The burning of oil for fuel is making our oceans more acidic, which affects fish (and no, it's not the same as soaking cod in lye to make lutefisk).

There can be no acquiescence by commercial fishermen when it comes to oil. It's going to be our job to protect the ocean from oil. No one else – not scientists, not environmentalists, not politicians or bureaucrats, not the general public – depends on the living marine resources of the ocean so directly for their livelihoods as fishermen. Acquiesce my ass!

Action

For fishermen, doing nothing is simply not an option. It is ourselves and our fisheries that will be the big loser if something is not done about the threat of drilling, transporting and using oil. After all, if those who have everything to lose do not act, who will?

The following five steps are a sensible way now for fishermen to address the threat of oil to our fisheries and oceans.

Support a Six-Month Moratorium, Cancel Leases Where Drilling is Dangerous and Habitats are Sensitive. The Administration's call for a six-month moratorium to review existing and planned deep water drilling operations is prudent and necessary. It is clear from testimony and other sources that the review and approval process that took place under the old Minerals Management Service was sloppy at best, criminal at worst. The decades-long coziness

that existed between regulators (MMS) and the regulated (oil industry) resulted in practices that threaten lives and the environment. Indeed, if necessary the moratorium should be extended to ensure whatever drilling previously approved is thoroughly reviewed and modified as necessary to ensure extraction takes place safely. Instead of fretting about oil-industry job losses and equipment moving to foreign locations, let's focus on the jobs (and lives) already lost because of sloppy practices and work to make sure more of those are not lost.

It's also time to cancel or halt any leasing for areas where the drilling technology exceeds the ability to prevent a spill, or quickly contain and clean-up one should it occur. This will mean in particular taking a hard look at all other deep water drill sites, including those in the Gulf, as well as those in extremely sensitive habitats such as the Chukchi or Beaufort Seas. It means, too, no drilling off California, Oregon and Washington, Bristol Bay, or Georges Bank. Risking the nation's most productive fishing grounds to help oil industries make even more profits just makes no sense.

Better Regulation of the Oil Industry. Regulation of industry is not a Communist plot. Good regulation is needed to make everything from Wall Street and our markets to the game of football work. We need to demand of the Interior Department and the successor agency to the Minerals Management Service (MMS) – the "Bureau of Ocean Energy Management, Regulation and Enforcement" – that rules be put in place that will pro-

actively protect the environment from oil exploration and development. The protection of the public's resources – including its fish and water – should be paramount, not oil production or corporate profits.

The regulatory duty does not just fall on Interior. The Coast Guard, NOAA/NMFS and the Environmental Protection Agency also have responsibility for the way oil exploration is conducted, as well as the prevention of spills and clean-up. The coziness that existed with the oil industry was not just a failing within MMS, such as the revelations a few years ago over its sex and drug parties with the oil industry. We need to be wary as well of any coziness of NOAA or the Coast Guard with the oil industry.

We've witnessed NOAA/NMFS coziness in the past with the Bonneville Power Administration and the Army Corps of Engineers over the operation of Columbia River dams and with California water contractors on water diversions, so there's no reason to expect the same relationship could not or does not exist with the oil industry.

The Coast Guard, too, has shown signs of being more concerned for oil industry operations, instead of safety. A case in point has been its failure to require booming around fueling operations on San Francisco Bay, as it requires in the Puget Sound, to contain any spills.

Spill Preparedness. You'd have thought that after *Exxon Valdez*, and all the publicity around it and legislation that followed, that the federal government and the states would be well-prepared to handle oil spills on our water-



ways and at sea. That's not the case, however, despite all the early drills (in the years immediately following *Exxon Valdez*) and press events.

The November 2007 incident made clear that a State – in this instance California – and the Coast Guard were totally unprepared to deal with a relatively minute spill (approximately 58,000 gallons) of bunker fuel in San Francisco Bay, following a mishap collision between a container ship, *Cosco Busan*, and the Bay Bridge. Oil was instead allowed to spread throughout San Francisco Bay and out the Golden Gate to the ocean, damaging, among other things, eel grass used by spawning herring.

The response company, the Coast Guard, and the California Department of Fish & Game's Oil Spill Response Program (OSPR) were helpless to act, letting a fleet of crab boats sit idle for days – vessels that could have immediately responded had training and contact lists been maintained over the years by the responsible parties for spill prevention and clean-up.

As we've witnessed with BP's Gulf oil gusher, oil spill response in the Gulf was no better, it's just that the magnitude of the oil discharge in the Gulf is about a thousand-fold greater than that of the *Cosco Busan* spill. Obviously, it's time for an extensive review of oil spill prevention, containment and clean-up processes.

First, the training of commercial fishermen in oil spill clean-up that existed around much of the coasts following *Exxon Valdez* needs to be reinstated. It's not that fishermen want to be involved in

the nasty job of oil clean-up, it's simply that the commercial fishing fleet constitutes the nation's largest population of work boats capable of deploying containment and clean-up gear. Fishermen who regularly work local waters are the most knowledgeable of the tides, currents and bottoms and, as a result, are the best people available at oil spill clean-up. They know how to work and they're competitive. That was true in Prince William Sound and it was true in San Francisco Bay when the boats were finally put to work. The Coast Guard and state agencies will also need to develop their contact lists for the fishing fleet.

Second, it is time to examine current oil spill prevention and clean-up technology and upgrade it. Much of it is decades old and improvement is needed.

Finally, equipment for oil spill containment and clean-up needs to be deployed in strategic locations to make it readily accessible to responders, including the fishing fleet, in order to assure a timely response and reduce the chance of a spill getting away from responders, such as happened with the *Cosco Busan*.

Fiscal Responsibility. If companies are to pursue oil in ocean, or transport it over the ocean, making millions if not billions in profits, then they must be willing to take financial responsibility for any accident that occurs. Victims, the environment, and taxpayers cannot be expected to pick up the cost.

That means it's time for Congress to lift the ridiculously low \$75 million cap on liability for the oil companies.

The argument that lifting the cap will make it financially difficult for small operators doesn't wash. Sure it's good to be concerned for small operators, but the bigger concern has to be for their victims. If I want to drive I have to have insurance – rich or poor. And it doesn't matter if I drive a brand new Mercedes or a 20-year old F-150, if it runs into a school bus packed with children there are going to be victims. The same holds true in the ocean.

The creation of a Oil Spill Victim's Trust Fund, established by the parties believed responsible for an oil discharge, must be required to protect victims until a final accounting is made and the responsible parties finally determined and each's share for liability assigned, especially where multiple parties may be involved. President Obama's insistence on a BP-financed \$20 billion fund for victims should not be unique to this one incident, but required for any major discharge. Fishermen cannot expect to wait nearly a lifetime to be paid for their loss of fisheries or other damages, as they have done in the *Exxon Valdez* incident.

Beside lifting liability caps, it's also time for Congress to make it clear to the Supreme Court that punitive damages are appropriate and should be applied where a company acts recklessly or in bad faith.

A New Energy Paradigm. Finally, it's time for the US to become not just energy independent, but *oil* independent. And, coal independent too while we're at it.

Oil – drilling, transporting, and burning – is killing

our fisheries. What we need is a Manhattan-type project to put the nation on a renewable energy future within a decade. We got to the moon in less time than that, and unleashed an atom bomb in half of that time.

A concerted effort converting to solar power – from the deserts of the Southwest to our rooftops – and wind power from the prairie of the Midwest to our backyards, and also to algae-based diesel and jet fuels should be doable, if there were the will, within a decade's time. That change, coupled with increased energy efficiency could make the nation a world leader in curbing greenhouse gases. Forget cap-and-trade – that's more of a Wall Street hedge fund manager's game anyway. Let's instead start *seriously* reducing carbon emissions. For fishermen it's about saving our fisheries, for everyone else it's about saving the planet.

There'll still be a need for oil, of course, including many petrochemicals, but we don't have to use it primarily for energy. Eliminating it as an energy source will *substantially* reduce the future risks of collapse for our oceans and fish. We'll still need coal too, but not primarily for energy. That change could save the lives of lots of miners, if not the mountaintops of Appalachia (and some fish-bearing streams along with it).

As far as jobs are concerned, we're not just looking out after our own. But what good does a job do you if you've cooked the planet? What good is a fishing boat if the seas are too acidic to support more than jellyfish, if even that?



We've worked hard in the fishing industry to make fishing sustainable. It's time the nation worked to start creating more sustainable jobs in Southern Louisiana or on the North Slope, or in the coal towns of West Virginia and Kentucky for that matter, allowing folks there an option out of control by the carbon energy cartels.

Conclusion

Another veteran fisherman, Larry Collins, who heads the Crab Boat Owners

Association in San Francisco and organized the fishermen clean-up of the *Cosco Busan* spill, could just shake his head, looking at the news coming from the Gulf. "Those poor bastards [the Gulf fishermen] are looking at a lifetime loss of their fisheries. They were the first to be affected, and they'll be the first to be forgotten."

Collins went on saying "these big corporations, whether it's corporate agribusiness in the San Joaquin Valley stealing the water and destroying the salmon, or the

oil companies in the Gulf polluting the waters, contaminating shrimp and crab, are all the same – ripping apart the fabric of our fishing communities. They're cavalier about our jobs and the environment; they don't care who they ruin. It's going to continue that way until we organize and begin turning the tables on them."

BP's Gulf oil gusher is an outrage, as was *Exxon Valdez* sitting on Bligh Reef before it. This is no time be silent, no time to acquiesce. It is time, rather, to take that anger –

justified and righteous anger – *and turn it into real action.* It's time to tell the oil industry to cork it. They've made their billions off us. Go home now and take your puppet politicians – whether in Washington DC or in the state houses – with you. We'll find something clean to power our boats with and run the nation on.

If there are tears in the future, let them be for joy or from laughter, no more for lost fish, devastated fishing communities and lost lives. 🐟

Zeke Grader is the Executive Director of the Pacific Coast Federation of Fishermen's Associations (PCFFA), the west coast's largest trade association of commercial fishing families. PCFFA can be reached at its Southwest Office at PO Box 29370, San Francisco, CA 94129-0370, (415)561-5080, and at its Northwest Office at PO Box 11170, Eugene, OR 97440-3370, (541)689-2000 or by email to: fish1ifr@aol.com. PCFFA's Internet Home Page is at: www.pcffa.org.

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