

## **The Development of International Offers of Assistance (IOA) Guidelines**

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### **ABSTRACT**

The size of the response to the Deepwater Horizon accident in 2010 illustrated the critical importance of international stakeholder planning and coordination both prior to and during a major response operation. A program coordinated by the OPRC-HNS Technical Group<sup>1</sup> is developing guidance for the management of International Offers of Assistance (IOA). These guidelines are intended for use by any nation confronted with response to large or complex oil spill incidents as a tool to assist in managing both requests for spill response resources from other countries and to manage offers of assistance coming from other countries.

### **INTRODUCTION**

Several nations stepped forward to assist the United States during the (Deepwater Horizon) DWH incident. These offers of assistance included both equipment and technical expertise. The generosity of support from international partners of the United States cannot be overstated, however; the procedures for requesting and receiving emergency assistance during DWH were cumbersome and inefficient. Given today's robust worldwide oil exploration initiatives and transportation patterns, the international community could be better prepared to address the challenges faced by

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<sup>1</sup> Oil Pollution Preparedness, Response and Co-operation – Hazardous and Noxious Substances

responders under myriad conditions and locations around the world through more efficient and effective means of offering and receipt of response resources.

Following the International Oil Spill Conference in Portland, Oregon, in May 2010, the U.S. Coast Guard hosted an informal gathering of oil spill response technical specialists and other subject matter experts to discuss the range of issues which might be addressed through the development of comprehensive guidelines for the receipt, management and implementation of international offers of assistance during complex spill responses, as well as facilitating and coordinating incoming resources, once such offers are accepted. Participants in this Ad Hoc International Equipment and Technology seminar included approximately 45 members from oil companies, U.S. and foreign spill response contractors and consultants, U.S., Canada and Norwegian federal agencies, U.S. state agencies, and regional and international organizations such as the International Maritime Organization (IMO), the European Maritime Safety Administration, (EMSA) the Australian Marine Oil Spill Centre (AMOSOC) and the International Oil Pollution Compensation Funds (IOPC), as well as European Union sponsored multinational spill response programs such as ENSACO (Environmental and Safety Management on Shoreline Oil Spill Response). The participants discussed and identified a variety of potentially applicable agreements and guidelines already in place, and also outlined a number of issues and aspects of International offers of assistance which would have to be considered during the development of guidelines to be used in future responses to complex spills. Finally, the participants indicated a strong desire to stay engaged in the form of an Informal Correspondence Group.

The Ad Hoc Coordinating Group agreed that it would be in the interest of the international maritime community to develop guidelines for International Offers of Assistance (IAOs) in response to a marine oil pollution incident. Such guidelines would improve international coordination and response to an incident by leveraging the collective resources of the international community to help fill the gaps that may exist in any one nation's marine oil pollution response infrastructure. These guidelines should build on the existing international efforts undertaken on this issue, notably the Guidelines for facilitation of response to an oil pollution incident pursuant to article 7 and annex of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 [ A.869(20) ]

In July 2011, the International Maritime Organization's Marine Environment Protection Committee (MEPC) approved a proposal submitted by the United States to add the development of IOA guidelines to the work program of the MEPC OPRC-HNS Technical Group with a target completion date of 2013.

#### **EFFORTS TO DATE – AD HOC COORDINATING GROUP**

The Ad Hoc Coordinating Group, comprised of representatives from USCG the U.S. Department of State, and the Canadian Coast Guard, IMO, EMSA and the response contractor Oil Spill Response, Limited (OSRL), created two sub-groups tasked with drafting Project Concepts Papers for submission to IMO's OPRC-HNS Technical Working Group for information and consideration at their meeting in March 2012.

The Equipment Typing and Inventory Sub-Group developed a concept paper which outlines the key aspects and factors required in developing a common lexicon for response equipment, technology and personnel. The concept paper also identifies the

factors, categories, or features that should be included in a common inventory of worldwide equipment and resources. Key elements of the equipment and inventory concept paper are:

- universal language for equipment,
- categories of response equipment,
- worldwide availability of equipment, and
- an equipment/technology data base.

The Practical Parameters and Operating Procedures Sub-Group developed a concept paper which captures the key elements of information which operators will need to share with representatives from their foreign ministries (Department of State in the U.S.) in order to negotiate specific and correct offers and requests for assistance and support. The concept paper does not address the national laws or regulations of any individual nation. Key elements of the practical parameters and operating procedures concept paper are:

- coordination mechanisms,
- communication between governments and with regional and international bodies/organizations,
- overall coordination of offers and requests for assistance; evaluation of offers, and
- management of the receipt of offers, once accepted.

These communication issues may require the establishment of defined coordination mechanisms through Interagency Working Groups with government and non-government representation, and Liaison Officers with nation states

## **ANALYSES OF THE OTHER ISSUES INVOLVED**

As one example of the level of detail that the guidelines would require, the basic types of IAOs could be grouped into five categories:

- Government to Government;
- Private Sector to Private Sector;
- Private Sector to Government;
- Private Sector-through-Government to Government;
- Offers coordinated by Regional Organizations on behalf of governments.

The implementing procedures for any agreement to provide or accept assistance would have to address the appropriate process for each of these categories and to identify a centralized response point of contact to coordinate logistics. Issues such as customs clearances, legal impediments to the use of internationally owned equipment, and funding and reimbursement considerations should also be addressed.

Additional priority considerations and recommendations from the Ad Hoc Working Group were that the development of the IOA Guidelines should include:

- Mutual understanding within the international community of the processes for requesting and handling international offers of assistance. The International Convention on Oil Pollution Preparedness, Response and Cooperation (1990 OPRC) will serve as a basis for this project which attempts to establish agreed upon guidelines to ensure efficient international cooperation in oil spill response;

- A means to address the challenges of ensuring situational awareness of the incident among Member States while effectively supporting the response resource needs of a Member State;
- Identification of common terminology that assists the Member State in identifying resources needed, and the status and disposition of available resources, i.e., resource typing;
- A means to address issues related to customs and trade, transport logistics, categories for offers of equipment and personnel, health & safety of personnel, mobilization, and demobilization, among other issues;
- Acknowledgement the internal laws and regulations of Member States; however, the guidelines would not endeavor to present comprehensive procedures for each Member State;
- Identification of a specific process for costing, invoicing, and paying for resources provided;
- Establishment of a framework for the future development of an International Resources Inventory System to catalog the major response assets potentially available for international use. This system would include a common lexicon and terminology for equipment types, kinds, functions and other aspects designed to help facilitate movement of resources;

## **FUTURE EFFORTS**

Table 1 contains a preliminary set of issues, topics, challenges and factors that are being considered for inclusion in the development and implementation of the IOA guidelines. This initial set of considerations was grouped into categories, and was not

intended to be exhaustive or prescriptive. The Ad Hoc Coordinating Group is continuing to engage with the appropriate partners to address the remaining issues defined in the program outline proposal. Specifically, the group will identify additional sub-groups to scope and resolve the issues identified in Table 1.

<u>NEED/REQUESTOR</u>	<u>SUPPLY</u>	<u>LOGISTICS</u>	<u>AGREEMENTS/PROTOCOLS</u>	<u>FUNDING</u>
Trigger Points	Lexicon	Equipment	Include Logistics	Know appropriate regimes
Incident mgmt internal approvals	Worldwide Invent.	Personnel (visas, permits, EMAC)	Expedited Procedures	Transfer vehicles
define requirements	Locate/Source	Procurement vehicles	Clearly ID proper channels	guarantees
define conditional		Contracting	Utilize existing mechanisms	insurance
		Technical expertise	expedited clearance	Activities outside regime?

  

<u>MOBILIZE/DEPLOY</u>	<u>ASSET/RESOURCE MANAGEMENT</u>	<u>ADVANCED PLANNING</u>	<u>COORDINATION</u>	<u>LEGAL</u>	<u>ADDITIONAL INFLUENCES</u>
expedited clearance	Reconstitution	Training	Gov't to gov't	exceptions?	Political pressures
technical expertise	technical expertise	Locate/Source	Industry to Industry	Safety/Security	public perceptions
Safety/Security	Safety/Security	R&D w/ Industry	Gov't to Industry	Criminalization/immunity	media/messaging
	time lag issues	honor int'l validation of resources (Dispersants, etc)	Co-op Style/OSROs w/ multiple clients		
		Technical expertise	Who's in charge?		
		Comms coordination	Messaging		
			technical expertise		
			Communications (interop)		

Table 1. Issues for Consideration in developing the IOA Guidelines

The final product of this effort will be a set of mutually agreed guidelines for use by any nation during a large-scale oil spill response that would require assistance from the international community. The development of such guidelines will continue independent of, but informed by, the effort to create an Arctic-wide Instrument on Spill Response Cooperation by the Arctic Council Task Force for Arctic Marine Oil Pollution Preparedness and Response.