

PREVENTIVE MANAGEMENT OF ENVIRONMENTAL RISKS: SAFETY OF MARINE OIL RIGS

The search for and exploitation of new fossil fuel resources is taking place against a backdrop of the progressive exhaustion of existing deposits. Despite the adoption of the international fight against global warming, demand for fuel continues to increase, counteracting the movement towards a more energy efficient society.

The increase in the share of offshore exploitation in global hydrocarbon production tends to offset the exhaustion of terrestrial reserves, thus constituting a major challenge for key players in the sector. Due to the economic potential it represents and the energy independence it creates, offshore exploitation is also a challenge for States which, like France, boast large maritime spaces, whose environmental riches have to be taken into account.

The exploitation of new reserves under economically viable conditions depends on the technologies available. The development of deep and ultra deep offshore deposits has required significant research and development efforts. Progress has been made in the management of the multiple risks inherent to this activity. The disaster of the Deepwater Horizon gave rise to in-depth analyses and the sharing of conclusions by professionals in the sector.

Despite safety rules on platforms, there have been a dozen major accidents since 1976, the causes of which are multiple, and the consequences of which are serious in both human and environmental terms.

There are currently 11 valid or pending permits in waters under French jurisdiction

However, the legal framework for these activities is incomplete, in International, European and domestic law, and often ambiguous. The French Mining Code, is under review. The organisation of disaster management strategies has been developed over time, and in different ways according to each country.

The opinion analyses how environmental risks are taken into account by the different players, and outlines possible changes to ensure better safety for offshore activities.



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A NECESSARY RESTRUCTURING OF THE GENERAL ACTION FRAMEWORK

1. RENEWING THE REGULATORY FRAMEWORK

- by reconciling** the practices of the environmental codes and the mining code;
- by applying** standards to platforms which are at least comparable to ICPEs (Installation classée pour la protection de l'environnement – Classified Installation for Environmental Protection);
- by ensuring** the application of the polluter pays principle, and affirming the full and complete liability of the operator;
- by clearly separating**, in the organisation of State services, regulation and control functions;
- by giving** the State the resources, in particular financial and fiscal, to meet its responsibilities linked to offshore activities;
- by asking** oil companies to agree to discuss their plans with civil society.

2. CREATING THE CONDITIONS FOR A MORE DEMOCRATIC AND TRANSPARENT SYSTEM OF CONTROL

- by initiating** an in depth consultation, bringing together stakeholders, to debate the necessary changes to our energy model;
- by coordinating** this consultation with that carried out within the framework of regional systems;
- by supporting** efforts to share resources and coordinate research undertaken by the Alliance nationale de recherche pour l'environnement (National Alliance for Environmental Research) concerning marine ecosystems and the understanding of coastal and maritime systems.

TAKING ACTION ON THE LIFE CYCLE OF PLATFORMS

1. MASTERING THE CHALLENGES OF PRELIMINARY EXPLORATION

- by implementing** the principle of public participation throughout the procedure of awarding permits and authorisations;
- by applying** this principle prior to the decision making stage when these options can still be envisaged;
- by evaluating** the financial soundness of applicants for the entire validity period of permits;
- by using** third party expertise when seeking authorisation for work;
- by strengthening** the means of State control, and increasing their effectiveness.

2. BETTER IDENTIFYING THE ISSUES AND SPECIFIC REQUIREMENTS INVOLVED IN STARTING EXPLOITATION

- by encouraging** industrialists to share practices and procedures;
- by strengthening** the chain of command on platforms;
- by applying** the same risk prevention to all operators, expanding the role of health and safety committees;
- by making** operating pollution of platforms subject to the polluter pays principle, establishing a «zero impact» objective for the EU.

3. ANTICIPATING AND MANAGING CRISES IN THE EVENT OF A MAJOR ACCIDENT

- by strengthening** CROSSes (Centre regional opérationnel de surveillance et de sauvetage – Regional Marine Rescue Coordination Centres);
- by developing** knowledge of different environments and ecosystems;
- by assessing** the impact of existing pollution clean-up systems, designing ecologically friendly tools;
- by assessing and testing** emergency response plans and the resources allocated, ensuring their interoperability;
- by setting up**, with industrialists, unions, the State and experts, a working group relating to the use of weak signals.

4. ADAPTING INTERNATIONAL RULES

- by acting** on an international level in favour of the adoption of a global offshore agreement;
- by extending** CLC/IOPCF agreements to the offshore sector, making liability unlimited in the event of inexcusable conduct;
- by expanding** damage compensation funds;
- by ensuring** that France ratifies the Offshore Protocol of the Barcelona Convention;
- by supporting** draft European regulations and expanding the role of the European Maritime Safety Agency to offshore activities;
- by studying**, for this type of industrial accident, the possibility of class action by collective representation.