

## **Oil Pollution Act**

**Agencies:** U.S. Environmental Protection Agency, U.S. Coast Guard, and National Oceanic and Atmospheric Administration

**Citation:** [33 U.S.C. §§ 2701 et seq.](#)

**Enacted as:** the “Oil Pollution Act of 1990”, on August 18, 1990

### **Summary:**

The Oil Pollution Act (OPA) is the principal statute governing oil spills into the Nation's waterways. OPA was passed in the wake of the Exxon Valdez oil spill in March of 1989. The statute establishes liability and limitations on liability for damages resulting from oil pollution by the parties responsible, and establishes a fund for the payment of compensation for such damages when the responsible party is unable or unwilling to do so. In conjunction with the Comprehensive Environmental Response, Compensation, and Liability Act, OPA mandates the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), administered by the U.S. Environmental Protection Agency and the U.S. Coast Guard (USCG), to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants. The National Oceanic and Atmospheric Administration (NOAA) provides the Scientific Support Coordinators (the technical science advisors) to the USCG during the response phase of coastal and marine oil spills.

The EPA has published regulations for aboveground storage facilities; the USCG has done so for oil tankers. The [NCP](#) has been expanded in a three-tier approach: the federal and state governments are required to direct all public and private response efforts for certain types of spill events; Area Committees composed of federal, state, and local government officials must develop detailed, location-specific Area Contingency Plans; and owners or operators of vessels and certain facilities that pose a serious threat to the environment must prepare their own Facility Response Plans. OPA increased penalties for regulatory noncompliance, broadened the response and enforcement authorities of the federal government, and preserved state authority to establish law governing oil spill prevention and response. OPA amended the Clean Water Act and includes the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990.

In addition to spill response and cleanup provisions, OPA also establishes liability for injury to, destruction of, loss of, or loss of use of the public's natural resources. OPA designates federal, state, and tribal natural resource trustees to recover natural resource damages as the result of oil spills. These damages include: the cost of restoring, rehabilitating, replacing or acquiring the equivalent of the damaged resources; the reasonable cost of assessing those damages; and the diminution in values of those natural resources pending restoration. OPA also requires NOAA to promulgate regulations for assessing natural resource damages under OPA.

**Source:** [33 U.S.C. §§ 2701 et seq.](#)

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