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## The Exxon Valdez spill

Back when the Exxon Valdez struck a reef in Alaska's Prince William Sound in 1989, we probably couldn't see far enough past the vast 11 million-gallon crude oil spill, miles of polluted shoreline and tons of dead wildlife to understand how it could matter to us beyond a short-term blip in energy prices. But almost two decades later, the Supreme Court is considering whether Exxon still needs to pay \$2.5 billion in punitive damages given that it has already spent \$1 billion more than that on the cleanup, compensation, settlements and fines.

The punitive damage award, originally set at \$5 billion by court order in 1994, was halved on appeal in 2006. Now Exxon wants it washed away completely. On its face, the case may seem simple. Exxon should pay for the damage done by its ship. But it's not at all that simple. In fact, Exxon could go slip-slidin' away altogether if the justices follow maritime law dating to the 1800s that holds the captain, not the ship's owners, is responsible for accidents or damages at sea.

The legal basis for that was that ships and their captains could be at sea and away from the supervision of ships' owners for years at a time. For that reason, captains, not owners, were held responsible. But in an era of satellite communication, global positioning systems, computer-assisted navigation, and virtually instantaneous telephone and Internet access, ships are hardly ever out of figurative sight or mind of their owners. It wasn't quite like that when Joseph Hazelwood captained the Exxon Valdez, but neither was he out of touch with the corporate owners.

The Supreme Court needs to view this case in terms of 21st century realities, not the 1800s' laws of the sea. So why does it matter here 19 years later? Local environmental groups are concerned that absolving Exxon of responsibility for punitive damages will remove a fiscal hammer now held over the heads of oil companies and others operating on the Hudson and Hackensack rivers. If they can assume they will not face punitive penalties in the case of a spill on the rivers, it will put water resources at greater risk.

That could have particular impact in Rockland, where United Water is moving forward with a plan to extract and treat Hudson River water to supplement Rockland's drinking water. A spill in the tidal Hackensack - which has its origins in Rockland, flows into Lake Deforest, makes its way south to Lake Tappan and then into New Jersey - could foul a major source of drinking water for Rockland and Bergen counties.

Potential scenarios like that no doubt exist on navigable waterways all across the country - a reality we have to protect against in an era when the chairman of the board of Exxon can be in the control room with his captain if the need arises.

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