

UNITED STATES OF AMERICA  
NATIONAL TRANSPORTATION SAFETY BOARD  
OFFICE OF ADMINISTRATIVE LAW JUDGES

\* \* \* \* \*  
Investigation of: \*  
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M/V COSCO BUSAN/BRIDGE ALLISION \*  
SAN FRANCISCO, CALIFORNIA \* Docket No.: DCA-08-MM-004  
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Interview of: ROBERT DUDGEON

Westin Hotel  
San Francisco, California

Thursday,  
March 13, 2008

The above-captioned matter convened, pursuant to  
notice, at 3:20 p.m.

BEFORE: CRYSTAL THOMAS  
PAUL STANSEL

## APPEARANCES:

CRYSTAL THOMAS

National Transportation Safety Board

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1 quality improvement, so investigations much like what you're  
2 doing, cause analysis and that sort of thing, and from there  
3 was recruited to come to the City of San Francisco to work with  
4 the EMS agency, which is the regulatory oversight body for  
5 emergency medical services. And from there, after two years, I  
6 was recruited into the then Office of Emergency Services and  
7 Homeland Security.

8           And from there I was asked to manage the operations  
9 group within that organization, which was at that point  
10 responsible for everything from managing the Emergency  
11 Operations Center, conducting exercises, interfacing with the  
12 public safety agencies. And through various reorganizations  
13 within the department, we combined the planning division and  
14 the operations division to where that's what we are now, as we  
15 have plans and operations combined under one manager, which  
16 would be me.

17           And we have a grants unit which is responsible for  
18 coordinating all the various Homeland Security grants and  
19 that's basically the emergency services side of the Department  
20 of Emergency Management. The other side is the 911 side.  
21 They're the actual public safety entrant point, the 911  
22 dispatch center for the city and county. So that's basically  
23 the real short -- my history of how I got to where I am, but my  
24 background started in emergency medical and then has grown into  
25 broader emergency management.

1 Q. Do you have any experience with oil spill response?

2 A. Not before the Cosco Busan. But I think it's  
3 important to note on that, that incident management is incident  
4 management, so I have a lot of experience doing incident  
5 management work from the ground up.

6 Q. Okay. And turning to the day of the Cosco Busan  
7 accident, March 7th -- I'm sorry -- November 7th, 2007, when  
8 were you first notified of the allision of the vessel with the  
9 Bay Bridge?

10 A. I meant to actually bring material up to send you a  
11 few things. (Indiscernible) a laundry list, so I don't forget.  
12 That's a good thing.

13 Q. Okay.

14 A. I actually have a comprehensive timeline based on  
15 documentation source and we did our own after action report  
16 that I was bring but I'll send it to you. And that goes under  
17 every single e-mail, letter or phone call that we could  
18 document.

19 Q. Okay.

20 A. I found out I want to say a little before noon, so  
21 somewhere between 10:00 and noon. And this is all just off the  
22 top of my head. I'd have to consult the record, but -- and  
23 that was from a page that we got from the Northern California  
24 Regional Terrorism Threat Assessment Center that had stated  
25 that there was a ship that had struck the bridge but there was

1 no terrorist threat. It said nothing of oil at that point.  
2 And then, after that, I would say we didn't find out about the  
3 oil -- it was sometime in the morning and that's when it was  
4 still the hundred and forty gallons and frankly, I didn't worry  
5 about it. Knowing what's in the bay, a hundred and forty  
6 gallons of bunker fuel was not a big deal to me.

7 Q. You don't recall what time that was or who you heard  
8 that from?

9 A. Well, I heard that from -- I want to say I heard that  
10 through an internal page from our department that actually said  
11 it was a hundred and forty gallons. And like I said, with that  
12 much, you know, it's going to be a pretty routine cleanup.  
13 There's not a lot for us to worry about, it's the city.  
14 However, I will say that soon after that, sometime around, I  
15 don't know, 11:00 or 12:00, somewhere in there -- again, I'd  
16 have to go back to the record and I wish I had time to grab it  
17 today but I just didn't. They -- we started getting reports  
18 that there was a really bad smell coming out of the water near  
19 the ferry building, which is where our port is located, our  
20 port offices are located.

21 And so she actually -- the director of the port  
22 actually shut down operations at her offices, not all the  
23 tenants, but her offices and let them go home because the smell  
24 was so bad. And so at that point the question was -- I mean,  
25 in our minds it was, well, did all hundred and forty gallons

1 end up under the port, because it sits on a pier. We didn't  
2 know. However, because of that the city convened a conference  
3 call and I was actually tied up on -- with several other  
4 meetings that morning, so my boss was the -- Vicki Hennessy was  
5 actually on that conference call with the mayor, the chief of  
6 staff and some of the other department heads, and they decided  
7 that they were going to issue some real (indiscernible) and  
8 proactive steps to post all the piers with no fishing and no  
9 swimming and basically stay out of the water. And at that  
10 point we actually had a Coast Guard representative on that  
11 conference call, as I understand it, and that call took place,  
12 I want to say, right around one o'clock in the afternoon.

13 Q. Okay. And you said you took proactive steps to  
14 secure the city. What exactly did you do or was that --

15 A. They posted no fishing signs along the piers and then  
16 they -- I think they posted, you know, stay out of the water,  
17 basically that kind of signs. We issued a press release that  
18 afternoon, as I recall, that basically said, you know, it  
19 smells bad but it's not a huge health hazard and stay out of  
20 the water, I think, and that was either that day or the next  
21 day. Again, I have to go back to the record. Let's see. They  
22 took a number of proactive steps.

23 And at this time, understand, I was still very much  
24 on the periphery, on that first day, because again, a hundred  
25 and forty gallons, it seemed like it was being dealt with. The

1 cleanup was underway. The city decided to take some proactive  
2 steps, primarily based on the noxious fumes that were coming  
3 off the oil and it smelled really bad. But other than that,  
4 there wasn't a whole lot we were all that concerned about,  
5 because the amount was -- you know, our perception was the  
6 amount was relatively small and there wouldn't be a big impact  
7 on our shoreline and it was very much a Coast Guard issue. So  
8 it wasn't until -- as far as finding out the full scope of the  
9 incident, that didn't happen until nine o'clock at night, so --

10 Q. Okay. So between this call around, maybe, one  
11 o'clock -- we'll check the timeline to verify -- and when you  
12 heard about the full magnitude of the spill around nine  
13 o'clock, what was going on?

14 A. Later, the health department, I think, was working on  
15 some press release and then they were actually going out and  
16 posting, you know, don't fish. They were doing -- the port  
17 actually had one of their contractors do some air sampling to  
18 determine whether or not the fumes were dangerous at all.  
19 There was a number of small things like that that went on,  
20 nothing, nothing involving the water whatsoever, nothing about  
21 evacuating people, nothing -- there was no booming operation,  
22 there was nothing along those lines because, again, the scale  
23 of this was just small enough that it was not anything that was  
24 raising anyone's concerns. Now around -- I want say in the  
25 evening, and talking to my boss about this after the fact, she

1 had said, you know, they were starting to wonder. It's just  
2 not going away and a hundred and forty gallons should go away.  
3 I mean, it doesn't matter what, a hundred and forty gallons,  
4 you put it in the bay, it's just -- you know, my little hazmat  
5 background says that's going to get diluted in some form or  
6 fashion pretty quick. And so they were actually going to  
7 convene a conference call in the city and try and figure out  
8 what exactly was going on, because it was starting to pass that  
9 it-doesn't-seem-right test, so they were going to look into  
10 that in the morning. But before we ever got there, we got  
11 paged and got e-mails sent from the coastal office and  
12 Emergency Services duty officer that he wanted to have a  
13 conference call and that was -- that conference call convened  
14 at nine o'clock at night. So we actually got notified at about  
15 8:30. So at about 20:30 we got notified. At 2100 we were on  
16 the call and at that point is when they came out and said,  
17 well, the scope of this is more like 58,000 gallons, which  
18 obviously changed everything.

19 Q. Okay, okay. So you hear it's 58,000 gallons. Are  
20 you on this call?

21 A. I was.

22 Q. Okay. What was the feeling on the call?

23 A. The entire -- it was all the operational areas and  
24 everybody was surprised, not real happy. Not to put too fine a  
25 point on it, they were kind of upset. All of us were, how come

1 it took this long to say there's this much oil in the water?  
2 And then there was -- I would say that that was probably the  
3 first indication. If there was any suggestion whatsoever of  
4 how this was going to go, that would've been it, because we  
5 started asking questions about, well, where's the command post  
6 going to be? And there was a reluctance to tell us, to be  
7 honest. So I mean, at that point there was -- they weren't  
8 real keen on having us -- having local representatives there  
9 and we -- I think it was either Chris Godley from Marin County  
10 or my boss, Vickie Hennessy, was also on the call, one of them  
11 actually asked, well -- I think it might've been Chris. Well,  
12 can we send representatives? And when posed with that sort of  
13 a direct question, they really had to say, well, yeah, you  
14 could. And so at that point we decided that -- immediately  
15 after that phone call I talked to my boss and decided that I  
16 would be the one to go down to the command post and represent  
17 the city in this incident.

18 Q. And where was the command post?

19 A. At Fort Mason, in the old firehouse.

20 Q. And when did you go to the command post?

21 A. I was there -- they said they were going to have it  
22 stood up at seven o'clock in the morning. I was there at about  
23 10 to 7:00.

24 Q. So day two?

25 A. Day two.

1 Q. Okay. And who was running this call?

2 A. That was the coastal OES duty officer.

3 Q. Okay. So it was the state OES?

4 A. Yeah.

5 Q. Okay.

6 A. It was Coastal Region, it wasn't Sacramento.

7 Q. Okay. All right. So how prepared was San Francisco  
8 for an oil spill? Do you have an oil spill response plan for  
9 the City and County of San Francisco?

10 A. We do.

11 Q. Okay. Would you like to elaborate on the plan a  
12 little bit? How familiar are you with it? What's involved in  
13 the plan?

14 A. I mean, honestly, up until that point I wasn't real  
15 familiar with the plan. The plan is -- the plan has -- we have  
16 participation in the area committee and developed a local plan  
17 through the years. I mean, this is something that's been going  
18 on since before Cape Mohican and it lived -- the responsibility  
19 lived with the Department of Health Environmental Unit, which  
20 was Richard Lee, who's the head of that. So he's been actually  
21 participating in the area committee for years and you know, we  
22 would talk about it from time to time, and he maintained the  
23 oil spill plan and it was outdated, to be perfectly honest with  
24 you.

25 It reflects a manner of doing business which we

1 really -- it doesn't really reflect what we do now. So the oil  
2 spill plan was not a lot of value to us as a jurisdiction. I  
3 tried to -- day two, sitting in the command post there, I  
4 pulled it out and I starting trying to look through it and  
5 first of all, the format is terrible and it's about -- yeah,  
6 about two and a half, three inches thick and so it literally  
7 got pitched across the command vehicle we were using, because  
8 it was in the way and we fell back to incident management is  
9 incident management is incident management and we start looking  
10 at the area contingency plan and trying to figure out how  
11 that's formatted and start trying to use it. So as a planning  
12 document it wasn't really useful and it's on our revision list,  
13 but that's not unique, because through the past year we've been  
14 revising all of our plans, to make them more user friendly, to  
15 update them so it actually reflects how business is done,  
16 because I found, in a lot of jurisdiction, and ours was  
17 certainly exception, the plan calls for everybody to change the  
18 way they do everything in a crisis.

19           And frankly, after almost 20 years of doing this,  
20 that's not the way it happens. You know, a good emergency  
21 response plan has to be an extension of how you normally do  
22 business. You can't suddenly say that, well, now I'm going to  
23 stop everything I've ever known and I'm going to operate in a  
24 different fashion. People don't do it. People don't follow  
25 the plan, as evidenced by, you now, our reaction to our oil

1 spill plan.

2           So I mean, it's on our list of revision. It's one of  
3 the things we identified, in an after action, that we need to  
4 work on and get fixed and it fits in nicely with the overall  
5 revision of our emergency response plan anyway, because as we  
6 go through it we're actually changing from hazard-specific  
7 annexes to a more global following the federal emergency  
8 support function model and it has a place in one of those  
9 annexes. And so it'll get worked on between now and the end of  
10 the year.

11         Q. Any reason that -- you said you revising the plans.  
12 You had been revising plans?

13         A. Um-hum.

14         Q. Any reason this one wasn't at the top or the middle?

15         A. We just hadn't got there yet, because we had to start  
16 with the base plan. So it was basically a biannual. It was  
17 pretty much a scheduled thing where you look at how you're  
18 doing business. And we had been using our other plan for about  
19 two years and realized through some exercises that it really  
20 wasn't all that useful to us. It wasn't reflective of how we  
21 really do business. So yeah, it absolutely would've been  
22 gotten to. To say that this hasn't heightened our awareness of  
23 it and to raise it in the priority list, that would be a  
24 mistake, because it has. I want to capture all of this stuff  
25 while these lessons are still fresh.

1           But it would've been gotten to because it's always  
2 been my vision to do the revision of our plan to make it more  
3 consistent with the emergency support function model. And so  
4 just by the very act of doing that, we would've captured it  
5 along with 15, 16, 17 other things we needed to work on. And  
6 so it's always been slated. Now the ironic part of it is, is  
7 the oil spill actually pushed back that process, because it  
8 took two or three months out of our lives, that I've been  
9 dealing with this versus staying on the planning track. So  
10 like I said, the real irony of it is it would probably already  
11 be in the revision pipeline instead of delayed, because it  
12 would've been gotten to sooner.

13           Q.    Okay. Do you actually participate on the ACP  
14 committee?

15           A.    I do now.

16           Q.    Did you at the time?

17           A.    No, because that responsibility resided with our  
18 health department environmental unit.

19           Q.    How was it decided that the Department of Health  
20 would --

21           A.    It predates me. Honestly, it's one of those, it's  
22 one of those legacy things that has just been the way it is  
23 since long before -- I mean, I was still a paramedic on the  
24 street when this decision was made back in the '90s. And so  
25 honestly, again, environmental health, oil and the environment,

1 okay, I can live with that. We had actually had a couple of  
2 brief conversations with Richard Lee about my office and  
3 somebody from my staff starting to take this over, because he  
4 was finding himself pulled in too many other directions, so he  
5 wasn't able to go as often as he would like.

6 And so that was something we were going to end up  
7 doing at some point in the future anyway. There was no firm  
8 date. It was one of those passing conversations. Could you  
9 take this over? Sure, we could probably do that. But it never  
10 really -- you know, my guess is we probably would've done that  
11 when we started revising the oil spill plan and started looking  
12 at the area plan and how ours lines up with that. It would've  
13 been in a natural time to take that responsibility over. But  
14 you know, it just didn't get to it.

15 Q. Do you think the Department of Public Health was a  
16 good fit for participation in ACP planning?

17 A. I think they need to be participatory, but even they  
18 acknowledge that perhaps they're not the best place to own it,  
19 if you will. And that really comes down to things of -- the  
20 evolution of emergency services in San Francisco has really --  
21 it's been huge. It's been a couple of lifetimes that happened  
22 in the last two or threes, along with a lot of other places  
23 since 9/11. I mean, for one thing, the infusion of capital,  
24 you know, through grants, into our office since 2003, when the  
25 first set of grants really hit the streets, has been huge.

1           So it enabled them to hire people and actually get  
2 things done and a new way of looking, a new recognition for  
3 emergency services, because, up until 2004, the Office of  
4 Emergency Services had three to three and a half FTEs. I mean,  
5 there was a director, there was a deputy and there was a couple  
6 of part-timers that were in there and they really -- in San  
7 Francisco, they did not have a big role. They were not viewed  
8 as a public safety agency at all. They were viewed as, you  
9 know, they sort of scheduled a couple of tabletops every year  
10 and they more or less maintained an emergency operations plan  
11 that when the changes really started taking place in 2004, at  
12 that point it was 10 years old and had never been revised. So  
13 I mean, the first order of business was that first evolution of  
14 the emergency operations plan and now it's a biannual review,  
15 so we'll do it again, as it should be. And a lot of lessons  
16 learned along the way. And so yeah, there just wasn't a lot of  
17 attention to OES. OES did not have a voice. The idea of  
18 managing an emergency operation center, up until, I want to  
19 say, 2005 was we'd joke about it, but it's very true that the  
20 OES director would come in and turn on the lights and then go  
21 home and just leave it to the police and fire department to do  
22 whatever they were going to do and they were using it as a  
23 command post versus an emergency operations center.

24           So things are changed. We've now instituted a  
25 structure of the emergency operations centers, department

1 operations centers to support the various specific functions,  
2 and incident command post and we've done a whole lot of  
3 bringing all the players up in the incident command system  
4 world. I mean, I come from a background that utilized ICS from  
5 day one with, you know, fire and medical versus the law  
6 enforcement. The incident command system is very foreign to  
7 them. They weren't real keen on it and it's only been in the  
8 last two years that we've really seen them embrace it and that  
9 involved some really good training that we sent people to Texas  
10 for. And once they got back TEEEX and went through that  
11 training program, they came back saying, wow, this does work.

12 Q. Okay. So you mentioned that you -- that the city  
13 will be participating in the area committee planning. Would  
14 that be you that will be participating?

15 A. For now. For now, this is firmly within my grasp.  
16 I'm not likely to assign it to staff for a while yet. Once we  
17 get things a little more stabilized and I make sure that some  
18 of the things that local government are very concerned about  
19 are addressed, then I will probably pass it to a planner to  
20 maintain and maintain that relationship, at least at the area  
21 committee level. I still plan on maintaining a relationship  
22 with the Coast Guard and the other players, because that's  
23 really what my position is about, is oversight and  
24 relationships.

25 Q. Okay. So at this point in time, maybe right up at

1 the accident time and now after, what's your familiarity with  
2 the ACP?

3 A. Oh, a lot more.

4 Q. Were you familiar with it at the time of the  
5 accident?

6 A. I had heard the term.

7 Q. But you never --

8 A. No, I hadn't really spent a lot of time digging  
9 through it. I mean, you have to -- again, even with increased  
10 funding and increased staff, you have to put it in context of  
11 all the demands placed, that come with those grants. I mean,  
12 after Katrina, we were required to do evacuation plans. Okay,  
13 that happens. After 9/11 there was a whole bunch of Homeland  
14 Security requirements that came into play. So like a lot of  
15 jurisdictions, we had the double-edged sword of all of that  
16 capital being influxed. There's a whole lot of responsibility  
17 that goes with that and frankly, I was more concerned about  
18 making sure that our all-hazards plan, our ability to manage  
19 any emergency through just good, solid incident management, was  
20 up to speed. And oil spills happen every, you know, decade or  
21 so. So I mean, and our biggest threat, even today, oil spills  
22 aside and the reality that they do happen, our biggest threat  
23 and my primary concern is still an earthquake, because I know  
24 that's going to happen and that's going to be a heck of a lot  
25 more catastrophic than an oil spill, no matter -- no matter if

1 you have a million gallon tanker break in the Cardenas Straits,  
2 a catastrophic earthquake's going to make that look like a walk  
3 in the park.

4 Q. So previously, before the accident, was there anybody  
5 in OES for the City of San Francisco that was assigned or  
6 tasked to understand the ACP and know the ACP?

7 A. No. No, I'd say it resided with the Department of  
8 Health.

9 Q. Okay. What about drills and exercises, does the City  
10 and County of San Francisco participate in drills and  
11 exercises?

12 A. Of what kind?

13 Q. Of the NCRA (ph.) exercises, any sort of oil spill  
14 response (indiscernible).

15 A. Yeah, Richard Lee had participated in a number of  
16 them. I believe he participated in the Safe Sea 2006 exercise.  
17 He had participated in some of them over the years.

18 Q. Anybody from OES participate in them?

19 A. Previous to me, probably. I'm not going to say I'm  
20 positive, but I'm probably. But not since I've been the  
21 manager, no.

22 Q. And how long has that been, again?

23 A. I've become the manager of this section in 2005, late  
24 2005.

25 Q. Okay.

1           A.    I want to say November.

2           Q.    Do you feel there's a benefit to the city  
3 participating in these sort of drills and exercises, and does  
4 the city plan to do so in the future?

5           A.    Yes and yes.  I do think, however, that this is where  
6 it gets kind of strange.  One of the lessons I've learned  
7 through all of this is the pollution response community is  
8 very, very good at what they do, but it's also a very closed  
9 community because, 99 percent of the time, they don't have to  
10 talk to anybody else.  I mean, something gets spilled and they  
11 go up and they clean it up and then move on and the really --  
12 any kind of a significant spill is usually -- there's less of  
13 them, for one thing, but then they're spread out.  One  
14 jurisdiction's not likely to see back-to-back significant  
15 spills.  So as a result, local government tends to grow  
16 apathetic towards oil spills.  I mean, these things get taken  
17 care of, it's a very closed community because they work  
18 together all the time.  But what's happened too is, since Open  
19 90 and since Lambert-Keene, we've -- you know, in reaction to  
20 things that happened in the early '90s, there's a very  
21 regimented way, like the NCRA --

22           Q.    Um-hum.

23           A.    -- system, the full exercise program, which is now,  
24 in a lot of ways, inconsistent with what the rest of emergency  
25 services and emergency preparedness is doing.  And that was one

1 of the issues I think we saw for the first time, is that when I  
2 went back -- because I'm also -- I don't know if you knew or  
3 not, but I'm also part of the Coast Guard's ISPR team.

4 Q. I saw your name on a report.

5 A. So one of the -- this has been a great education for  
6 me, because one of the things that I've learned was, in going  
7 back and looking at the ISPR for the Cape Mohican, is that is  
8 ISPR team was actually somewhat critical of local government  
9 not understanding the incident command system. And so for the  
10 first time, what we had is a situation where the incident  
11 command system has been pushed down, incident command training  
12 has been pushed down to levels in government like never before,  
13 largely through Homeland Security requirements. I mean, that's  
14 one of the good sides of all of this, is that we've pushed it  
15 down to where our parking control officers have to have  
16 incident command training. As a result, there's not just a few  
17 of us scattered around that are really practitioners of it;  
18 that there are more and more people that are familiar with it,  
19 but we're training to a standard, and then our exercises are to  
20 a standard, as the Homeland Security Exercise and Evaluation  
21 Program, which is just different enough from NCRA to make it  
22 cumbersome. And so what we've seen for the first time in all  
23 of this is it wasn't just the oil spill guys that knew how to  
24 run an incident. Now you've got all levels of local government  
25 interaction and looking at this and going, but wait a minute,

1 that's not working for us and we know how to run incidents and  
2 we're calling this thing ICS but you know, open your mind.

3           And you heard me say it yesterday in a meeting. One  
4 of my biggest frustrations is the incident command system, by  
5 its very nature, is flexibility. That's what it was designed  
6 for. And I see it happen in our shops, I see it -- I saw it  
7 happen on this one, where, most of the time, the first thing  
8 somebody does is fill in the org chart. That doesn't do us any  
9 good. Start with the objectives and build the organization to  
10 meet the objectives. And almost nobody does that. But that's  
11 where you get the learning curve of incident command, is you  
12 have to be very, very comfortable with it to do that.

13           Q.    Okay. I know there was a lot of interest in  
14 volunteers and people wanted to go out and help. And then  
15 there was a big push for the unified command to implement some  
16 sort of volunteer program. Do you think that that push to  
17 implement a volunteer program distracted the unified command  
18 from other tasks they could be completing?

19           A.    I don't know if it distracted them from other tasks  
20 that they could've been completing, because they were still  
21 doing what they had to do. Was it a distraction and an  
22 annoyance? Most certainly. It most certainly was. And that  
23 was -- that's another one of those things where it comes into  
24 it didn't fit in their view of the world. So if you see what  
25 I'm saying, here, they've started with this organization chart

1 that's contained in the incident management handbook and  
2 they've built this organization to do a very specific job,  
3 which they do all the time and do very well. And now we've  
4 come across where there's this wrinkle in the fabric of their  
5 whole world and we want them to open up and do something  
6 different. So initially it was no, we can't do that.

7 Well, sometimes and no matter -- personal opinions  
8 aside, politics plays into things and public demand plays into  
9 things. And so sometimes the easiest way to deal with  
10 something is to find a way to accommodate it to a certain  
11 degree. However, the thing to really remember, before you get  
12 into the volunteer thing, is the incident command team, the  
13 incident management team had already lost the trust of all the  
14 stakeholders in the area, through poor communication and  
15 basically, as an agency rep, we felt like we were totally  
16 isolated. So there was already trust issues and then to come  
17 back and say that, no, we can't do volunteers, well, there  
18 comes a point when that's just not a good enough answer.

19 Q. Okay. And we're going to talk about that a little  
20 bit more. But as far as the push for volunteers, how much time  
21 do you think that would've taken away from the members of the  
22 unified command, dealing with setting up some sort of volunteer  
23 program? How much would you estimate?

24 A. If they would've done it, it shouldn't have taken any  
25 time from them. From the actual members of the unified

1 command, it should've taken about enough time to say that,  
2 okay, we're creating a volunteer branch and XYZ is in charge of  
3 that branch, and that's about how much time it should've taken.

4 Q. Are you aware that there was a lot of planning? Once  
5 they decided to do the volunteer work, that there was a lot of  
6 planning that went into to getting the necessary supplies for  
7 the volunteers --

8 A. That's logistics.

9 Q. -- arranging the training to have the -- so the  
10 volunteers could work and just the whole of facilitating it?  
11 It's not -- was it really just a matter of saying, okay,  
12 volunteers --

13 A. Are you asking how much time it takes from the  
14 unified command, not from the incident management team? So if  
15 you're asking me, from the three people that were in charge,  
16 how much time it takes from them, it takes about five minutes  
17 to say we're going to create a branch to deal with this. And  
18 then, from there, probably 10 or 15 minutes here and there to  
19 get briefed and updated and sign off on the thing, but they  
20 never did that. They held it close. They tried to deal with  
21 us directly versus create a branch and empower a branch to  
22 solve the problem.

23 Q. So is it your opinion that the unified command tried  
24 to micromanage the volunteer push?

25 A. No, they tried to resist it entirely.

1 Q. When it was accepted.

2 A. Well, then, when it was accepted -- see, I'm not sure  
3 where all of your information comes from, because a lot of the  
4 work that went into actually making that volunteer happen, it  
5 happened in my EOC. It happened in the City of San Francisco,  
6 initially, working with select members from the EPA and there  
7 were some discussions on Friday, I want to say, so the 9th,  
8 there were some discussions about how to deal with this  
9 volunteer issue, with Captain Uberti and Rob Roberts and Barry.  
10 There were some discussions around that. And I have heard this  
11 a number of times, about how they did this and they did that  
12 and they did the other. Their logistics people had to do some  
13 stuff, because they actually provided supplies to us.

14 But other than that, there really wasn't a whole lot  
15 of coordination that happened on the volunteer world, from the  
16 unified command. I mean, yes, it was an annoyance, but they  
17 really didn't -- they didn't facilitate the training, they  
18 didn't find the venues, they didn't credential the volunteers,  
19 all of that was done by local government. So like I said, I'm  
20 not sure where all of this is -- where you're getting all of  
21 this information, but I mean, I can tell you -- and I'll give  
22 you a copy of our after action report and you're more than  
23 welcome to all -- I want to caution you on this one. You're  
24 more than welcome to any and all of the documentation that we  
25 have, which is a lot. I still haven't even seen it all myself.

1 But we have a contractor to do our after action report and they  
2 put it together -- when I say comprehensive timeline, I mean  
3 comprehensive timeline -- and sourced it. So we've got  
4 literally file boxes full of documents, which you're more than  
5 welcome to plow through.

6 Q. Thank you.

7 A. Somebody's head might explode if I ask them to copy  
8 all of them. So what I would ask you to do is look at the  
9 comprehensive timeline and determine which ones you want.

10 Q. Okay.

11 A. And if you want them all, I suggest you bring jeans  
12 and (indiscernible). And somebody's head my pop.

13 Q. Okay. Well, I have a copy of your draft after action  
14 report.

15 A. And it's not -- the final isn't largely all that  
16 different.

17 Q. Has the final come out yet, because I didn't see it  
18 on the website.

19 A. Yeah, I just got it today and we'll get it posted  
20 sometime in the next day or so.

21 Q. Okay, okay.

22 A. I have to turn it into a PDF and send it to somebody  
23 who knows how to put it on the website.

24 Q. Okay. Based on your experience with incident  
25 management, how familiar are you with the unified command

1 structure?

2 A. Very.

3 Q. And how familiar are you with the three players who  
4 play in the incident command structure, the roles of the three  
5 players?

6 A. I'll say this, you're locking yourself into that box  
7 again. The unified command doesn't actually need three  
8 players. The unified command, as it pertains to a pollution  
9 response, does and I'm familiar with that, because it's the  
10 same on land as it is on the sea. You have basically federal,  
11 state and responsible party, or you have, you know, local,  
12 state, responsible party. However, it plays out that you  
13 basically have two different -- two governments or two  
14 different disciplines and a responsible party. It doesn't  
15 matter if a train crashes and releases chlorine gas in South  
16 Carolina, or if it's, you know, a barge hitting a bridge on the  
17 bay. So yeah, I'm very familiar with that.

18 Q. Okay. So can you elaborate on what you're saying  
19 about other people being part of the unified command? You  
20 think there should be more than three people that form the  
21 unified command?

22 A. I'm not opposed to it but I don't think it can get  
23 much bigger than that. I mean, three is a -- I don't know,  
24 sometimes I wonder if it came because they wanted to use a  
25 triangle for the shape for it. You can have four, you can have

1 six, you can have 30. The incident command system allows for  
2 that much flexibility. Is that productive? No, because then  
3 it's managed by committee and that doesn't get you very far.  
4 But could you have four? Sure. I've never had an issue with  
5 the structure of the incident command. Now, I know there are  
6 people in my organization that have sometimes expressed the  
7 opinion that it's not a real incident command because police  
8 and fire weren't involved. I don't share that opinion. I  
9 think that actually they spoke their unfamiliarity with the  
10 system.

11 And that's an education thing that I've undertaken,  
12 is to (indiscernible). No, it can be any group of people who's  
13 in charge of an incident. It could be -- you know, the four of  
14 us could be in charge of something on the street, if it were  
15 appropriate. All it refers to is the group of people that's in  
16 charge of an incident and ideally, you want to keep that to a  
17 manageable number of two or three, but you could do four if you  
18 had to.

19 Q. Are you familiar with the regional contingency plan?

20 A. I am now.

21 Q. Because the regional -- in the regional contingency  
22 plan, it shows that there's three members --

23 A. Right.

24 Q. -- that make up the unified command.

25 A. I understand that.

1 Q. I don't think it allows for additional members under  
2 the regulations, I guess, or under the plan.

3 A. Well, it says the command will comprised of.

4 Q. Right.

5 A. And then you're talking about what's codified, you  
6 know, what's dictated by Open 90 in the regional contingency  
7 plan and the national contingency plan. Then you're also  
8 talking about the incident command system. I'm saying it's two  
9 very different things.

10 Q. Um-hum.

11 A. They're not synonymous. So from the perspective the  
12 doctrine of the incident command system, you have a lot of  
13 flexibility. Now, does that mean there are external forces  
14 that play that say that you can't do something? Sure. I mean,  
15 taking it to a city side, off the water and non-pollution,  
16 there are certain things in the cities and counties that only a  
17 health officer can do. There are certain things that only a  
18 sheriff or a police chief can do. So there are external forces  
19 that work on what comprises an incident command. So does the  
20 regional contingency plan specify that? Yes. Is there a way  
21 to work around that? I think so.

22 Q. Okay.

23 A. It doesn't have to be a member of a command. I mean,  
24 I don't think we necessarily need to have a local government in  
25 the unified command. What we need is local government's voice

1 heard by the unified command and local government represented  
2 somewhere in the structure.

3 Q. So what was your role in the incident -- at the  
4 incident command post?

5 A. A pest, I think.

6 Q. Were you the liaison for the city?

7 A. I was.

8 Q. Okay. Was the incident command structure set up the  
9 way you would have expected it to organize or were there any  
10 big differences?

11 A. Organization. That's a really loose term. Was it  
12 structured according to an org chart that I thought  
13 predictable? Yes. Did it have a federal, state and a  
14 responsible in the top group? Sure. The command staff was  
15 accepted. When I first got there, there really was no liaison  
16 functional, so -- but the command staff was, you know,  
17 appropriately and predictably, you know, put together.

18 The branches, while -- again, I mean, I'm not an oil  
19 spill expert but I do know how the incident command system  
20 works, which is, basically, you have your sections and then  
21 within the sections you have branches that are addressed to --  
22 you know, they're there to address certain problems, to  
23 actually do certain tasks. So it was -- once I got familiar  
24 with how and what they were doing -- because, when I say  
25 organization, I'll get to that in a minute. Yes, it made

1 sense. As I looked at it, you had an environmental unit, you  
2 have, you know, an oil recovery unit. These all make sense to  
3 me. These are all things that fit in my -- how I would, if I  
4 were going to organize one of these things, that I might  
5 identify and organize. And I'm not unfamiliar with the  
6 incident management handbook. We actually use the incident  
7 management handbook as a guide in our EOC. We use it as a  
8 guide for our command post. Substitute the word oil spill for  
9 fire and ignore some of the oil spill-specific guidance that's  
10 in it, then you have a great ICS handbook, to be honest. So we  
11 stole that a long time ago.

12 But the problem I had with the command post on day  
13 one was the utter chaos of it all. And actually on day two.  
14 So that was on Thursday. And both Chris Godley and I, we had a  
15 conversation about this and we decided that, okay, we give them  
16 a pass. We have both been in lots of command posts and we've  
17 been in plenty of EOC activations and so you know, that's okay.  
18 Everybody gets a day because it sometimes takes a day to get it  
19 all put together.

20 I mean, the Forest Service doesn't show up on a huge  
21 wildfire and have it all together in 24 hours. It takes some  
22 time to get organized. And so we decided we'd give everybody a  
23 pass, basically. We do the best we can, trying to get the  
24 information that we can and find out what's going on so we can  
25 feed our people behind us that are champing for different

1 information. And my attitude on Thursday was what can I do to  
2 help? And that's the reason we brought in equipment and we  
3 brought in personnel, we brought in material. Whatever they  
4 needed, we did. So the (indiscernible) didn't have a lot of  
5 supplies. I still haven't recovered a printer we gave them.  
6 They wanted cell phones. We ordered cell phones from our  
7 vendor. Now, they didn't get here in time, but we put them on  
8 track. They needed digital audiotape. We got it through a  
9 city vendor, who brought them digital audiotape. I mean,  
10 whatever they needed, we got.

11 We had our Department of Building Inspections bring  
12 out -- because the command post was woefully undersized for  
13 what they needed, we had our Department of Building Inspections  
14 out their mobile command post. So we had that arrive.  
15 Whatever they needed, we wanted to provide. I mean, we wanted  
16 to be good hosts. We recognized the fact that they're in the  
17 City of San Francisco. This is a regional crisis. We want to  
18 be good hosts. And that was my marching orders to my staff.  
19 That was the marching orders I got from my bosses. And so  
20 whatever they needed, we did.

21 Q. Okay. How did you perceive the roles of the state  
22 on-scene coordinator and federal on-scene coordinator compared  
23 to the qualified individual of the O'Brien's Group who was  
24 working as the incident commander?

25 A. Oh, Barry was running the show. Barry was running

1 the show. And not that that's a bad thing. I mean, some  
2 people have expressed some negative opinions about it. I think  
3 it does set up a perception problem sometimes, but the  
4 O'Brien's Group picks up oil all the time. That's what they  
5 do. So I don't have a problem, necessarily, with having the  
6 qualified individual or the responsible party representative,  
7 you know, being the spill management team and coordinating the  
8 actual, you know, pick up of the oil. I mean, again, that's  
9 what they do. I found Captain Uberti -- to be quite honest, I  
10 found him a little too hands-off. He was very disengaged, I  
11 mean, and part of that is because, with the new organization  
12 sector, I understand he has -- as captain of the port, he had  
13 lots and lots and lots of other responsibilities to deal with  
14 while he was trying to do it.

15 He was in the same position I was. There was no  
16 connectivity out there. So here he is stuck on Fort Mason and  
17 he's got a whole world of responsibilities around him. But at  
18 the same point in time, there wasn't -- he wasn't all that  
19 helpful. And Rob Roberts I spoke to very little that day.  
20 Lisa Curtis I didn't speak to at all on the first day, because  
21 there was never --

22 Q. The first day? You mean day two?

23 A. Day two. Sorry.

24 Q. Okay.

25 A. The first day I was in the command post.

1 Q. Right.

2 A. For me, it all started then. So there was -- you  
3 know, there was just -- yeah, it was confusing. And then part  
4 of the problem was learning the players. One of my biggest  
5 criticisms, to this day, of the command post in general was one  
6 of the things about the incident command system is taking  
7 advantage of tools, signage, vests. They didn't use any of  
8 those things. So when you'd walk into the command post and  
9 especially without a liaison officer, who did you talk to?  
10 There was no clear identification. The only one you could  
11 really identify -- and I think this might be part of the  
12 perception problem -- the O'Brien's were the ones wearing vests  
13 and it was the ops boss, the plans boss, you know, the incident  
14 commander vest being worn by Barry. I think that set up part  
15 of your perception problem we're dealing with here.

16 Q. Was that because there weren't vests for the other  
17 players?

18 A. There should've been.

19 Q. But they weren't wearing them?

20 A. No. If you go to my EOC during an activation,  
21 everybody's wearing a vest. If you go to, if you go to Texas  
22 A&M and go to the TEEEX training that we went to, it's command  
23 post simulation training, everybody wears vests. And I will  
24 acknowledge that that often falls by the wayside. I have been  
25 on lots and lots and lots and lots and lots of scenes where we

1 should've worn the vests and we forgot, because you get wrapped  
2 in what you're doing.

3           But that's where, on day one, everybody gets a pass.  
4 But on day two, particularly when you had other people coming  
5 and saying look, let's enforce a little ICS doctrine. Let's  
6 get some rules going here and let's get some rules of behavior.  
7 You know, how do you transmit messages from one place to the  
8 other? Let's enforce some of the protocol that goes along with  
9 this system. Let's get people in vests. Let's identify who's  
10 doing what.

11           Q.    Okay. The ISPR report said the desire of some local  
12 stakeholders to operate outside of the established plans caused  
13 confusion at all levels. What's your reaction to that  
14 statement?

15           A.    Well, I probably helped write it, so yeah, it's not  
16 inaccurate.

17           Q.    So you think that local stakeholders caused confusion  
18 to the unified command?

19           A.    I think so, because we asked them to operate outside  
20 of their comfort zone. I think we created a level of  
21 annoyance, distraction and probably confusion, because now what  
22 do we do? And a lot of it comes back to this issue of the  
23 volunteers. We ask them to think outside their box.

24           Q.    So what caused the confusion with asking to them to  
25 think outside the box?

1           A.    Well, it was asking them to do something to which  
2 they're normally not accustomed to, they were rather reticent  
3 to do it, and then the fact that it didn't go away.  And I've  
4 had some sort of casual conversations with people since then,  
5 who -- and we asked them, well, didn't this come up during the  
6 Mohican?  Oh, yeah, but we just tell them, no, they can do it,  
7 and they grumbled for a while and they went away.  So what they  
8 didn't get here was that reaction, is they said sometimes  
9 people do want to go and pick up and we just tell them, no,  
10 that's against the rules and we're not going to do it.  Well,  
11 they can't.  If you go back to one of the root cause analysis  
12 of this whole thing -- way more time thinking about this  
13 whenever they want to -- is it comes back to the trust was  
14 blown on the first day, with the scaling of the spill.

15           Q.    Because you didn't hear about the size of the spill  
16 until late?

17           A.    Because it was scaled inappropriately and  
18 communicated badly.  So especially, if you look at the ISPR and  
19 you start looking the scaling issue, you find that we were able  
20 to determine, by just talking to people and by tracing it back,  
21 that they really knew this thing was huge.  Well, not huge but  
22 huge by comparison.  Not a huge spill, a small spill, but  
23 relatively speaking, much bigger; at about one o'clock in the  
24 afternoon, at least somebody in the organization did; that  
25 somebody didn't make a phone call to somebody else.  And then,

1 when they finally did tell somebody else at about five o'clock  
2 in the evening, that person was rather lackadaisical about it.  
3 So there was a trust issue. And then the communications piece  
4 really fell apart; is that really set them up. So now you've  
5 got --

6 Q. Communication as far as? Could you elaborate on  
7 that?

8 A. Communications to the public of this is how big the  
9 spill is, this is what we're doing. It wasn't -- and there was  
10 issue --

11 Q. The timeliness of it?

12 A. The timeliness of it, the fact that it went literally  
13 nine or ten hours before they came back and said, oh, yeah,  
14 it's not a hundred and forty gallons. It's like around 58,000  
15 gallons. A big disparity. I mean a big, big, big disparity.  
16 And I mean, that's where you come back to, well, why couldn't  
17 you just look around and say that this is a big hole? And that  
18 was something, honestly -- yeah.

19 Well, I can't really -- yeah, sorry, I have to take  
20 that back. I'm separating out things that are current ISPR  
21 conversations that I can't talk about yet, and previous ISPR  
22 stuff that I can't talk about. Sorry. But let's just say, in  
23 phase two, we've had a few interviews with people who are like,  
24 it was a big hole. Somebody should've realized that that --  
25 you know, that that was a casualty to a wing fuel tank and a

1 lot of stuff came out of that. And so I tend to -- you know,  
2 my world as a paramedic, we look at the world through big sick,  
3 little sick.

4 I mean, if you walk up to somebody and they're very  
5 obviously in distress, well, duh, it's a big sick problem. You  
6 know, if it's little sick, well, they can wait. But this is  
7 one of those things where kind of the prevailing opinion that  
8 I'm hearing of people is, well, why didn't somebody put two and  
9 two together and say a 900-foot ship, a hundred-plus-foot hole,  
10 really, really stinky, there's a lot more than a hundred and  
11 forty gallons at play here. And then I even -- and I own this  
12 from the city, too. I mean, why didn't we, as a city, come  
13 back and say, well, we got a department who wanted to go home  
14 because of the smell in their offices. I mean, sure, we could  
15 think that all the oil settled under that pier, but at the same  
16 point in time, shouldn't we have had common sense enough, I  
17 guess, to come back and say, wow, this just doesn't add up?  
18 You know, it's just not -- one and one is equaling five instead  
19 of two. So I think we all had some lessons there about using  
20 common sense and looking at things from a scope and a scale  
21 versus and exact quantification.

22 And I really think we need to, you know, start  
23 looking at things from that perspective of we're not concerned  
24 about the exact number, because the exact number always  
25 changes, but we need to be concerned about what's the relative

1 scale. And so Captain Uberti actually, in the press  
2 conferences, tried to go into that. He said, well, you know,  
3 the numbers always change and you know, the first number is  
4 always wrong. Too late because of the disparity.

5           If they had come back on the first day and said, we  
6 have an oil spill in the bay. Because of visibility issues,  
7 we're not sure how much is in the bay, but we have launched the  
8 absolute maximal response that we can mount into picking up  
9 this oil and getting things under control. And as we get the  
10 situation, as we get a better situation report, we will let you  
11 know exactly how much we think is out there. Right now we just  
12 don't know, but we're assuming the worse. And that's what they  
13 did. I mean, that would not have been a lie. That's exactly  
14 what happened, is however it got activated, which was not all  
15 from the unified command, but however it got activated, that's  
16 what they did and that was a much better way to communicate  
17 that. But that comes back to a problem with the  
18 communications, where it was a collateral duty for the public  
19 affairs person. She was a junior officer who had been through  
20 the Coast Guard's public information training but was not a  
21 primary PO getting thrown into this; and then, again, I think  
22 some very hands-off approach by some of the command staff that  
23 was involved.

24           Captain Uberti left this, to a large degree, to a  
25 junior grade lieutenant during the first hours of this and

1 that's one of the things we found through doing our  
2 investigation. He left it to a JG. He was very much  
3 disengaged. Rob Roberts, and some of the notes that we have,  
4 you know, in talking to him, had some concerns about this whole  
5 thing and didn't really want to talk about that it was a  
6 hundred and forty gallons. So like I say, the trust issue was  
7 blown. So then we have a populace that says you haven't told  
8 us the truth.

9           Regardless of what the truth is, their opinion, their  
10 perception is that you haven't told us the truth. This thing  
11 is way bigger than you're telling us. We're not seeing a lot  
12 of activity. They didn't do a good job of educating the public  
13 that, hey, it doesn't do any good to put people on the beaches.  
14 You have to let the oil come ashore. They were doing the best  
15 they could with what they had. I don't think that -- I don't  
16 think they were doing anything actually bad in the response, I  
17 think the OSROs and I think the booming teams were all doing a  
18 good job. You know, that's evidenced by how much they were  
19 able to pick up. I think the organization of the command level  
20 of it, at the incident management side, left some things to be  
21 desired and that was primarily with how they communicated to  
22 the rest of the world.

23           Q. Okay. So you think, as far as the response, you  
24 think the recovery operations were good, bad, fair?

25           A. Not being an oil spill expert and being just

1 completely objective, I would have to come back and say that I  
2 would look at, you know, what are the objectives to pick up as  
3 much oil as you possibly can, you know, look at the constraints  
4 of, you know, what was done and what was not done, the fog, the  
5 visibility issues, and I would say, overall -- and not  
6 everybody shares this opinion. I would say that, overall, I  
7 think they probably did the best they could given the  
8 circumstances and did a pretty good job of recovering oil.

9 I mean, I'm not an oil spill expert. Like I said,  
10 did they employ every available technique? And consistently,  
11 the answer that comes back on that is, in the first couple of  
12 days, yeah, they did. Could they have enhanced it? Yeah, I  
13 think there was some opportunities to enhance it through  
14 deployment of the incorporation of local resources. But that's  
15 where you come back to this, my feelings about the pollution  
16 response community being a very closed community. They don't  
17 work with the locals because they don't have to, so they don't  
18 know what we have and what we don't have. I mean, if one of  
19 the issues was, to deploy boom, there was a lack of available  
20 boats and crews to do it, which that was one of the issues --  
21 we've got a couple of fire boats with big fantails that could  
22 deploy boom. Do they need trained? Yeah. Would they need  
23 somebody to maybe help them do it? Yeah. Is that a viable  
24 option? I'm not going to go back and armchair quarterback, but  
25 what I am going to say is, going forward, we need to identify

1 methods to incorporate all of these surge resources, if you  
2 will, and see is there a way that we can pull them in? And so  
3 I'm not going to back and armchair quarterback. Well, they  
4 didn't use our fire boats, so I'm really upset about that.  
5 Whatever. I wasn't the one making that call. You know, did  
6 they do the best they can with what they had? I believe they  
7 did. Going forward, is there any way we can enhance it? I  
8 think so.

9 Q. As far as initial notifications, who would the City  
10 of San Francisco expect to receive initial notification from?

11 A. Well, now, in my naiveté, I would've expected to have  
12 been notified by the Coast Guard. I was wrong. You know, that  
13 was part of it. I just don't understand -- I didn't  
14 understand, at the time, exactly how those notification  
15 pathways worked. I do understand that now. And so now -- the  
16 state warning center. Because now that I've, you know, had  
17 time to study how it's supposed to work, it makes sense that it  
18 should go through the state warning center. So initially there  
19 was some angst and there was probably some harsh words spoken  
20 about the Coast Guard that were misplaced by certain key  
21 political figures, but you know, the simple reality is that it  
22 was a state warning center responsibility. And I'm not sure  
23 why that didn't go as planned, but I can tell you that we're  
24 still not overly pleased with the state warning center on  
25 subsequent issues.

1 Q. Why did it come to the Coast Guard? Why was the  
2 Coast Guard expected to give the notifications?

3 A. Because it was on the water. Seriously, I mean,  
4 that's what it comes to. We work with the Coast Guard all the  
5 time. They come to our exercises. We have interface with  
6 them. One of my staffers is assigned to the marine area  
7 security council. So you know, we have good relationships with  
8 the Coast Guard. Some of our people are ex-Coastees. We have  
9 a fire boat that participates with them all the time, a police  
10 boat that works with them all the time.

11 You know, we're part of the Neptune Coalition. We  
12 have a good relationship with them. The water is kind of a  
13 part of the being here in San Francisco. So the logical  
14 conclusion was, well, why didn't the Coast Guard call us?  
15 Well, that was a misinformed assumption. Why would they call  
16 us? Actually, they did their part and you know, that's been  
17 reflected, I think, in every document, that the Coast Guard did  
18 what they were supposed to do. You know, sector notified the  
19 state warning center, OES (indiscernible) state warning center.  
20 So they did their part. So the fault of notifying the  
21 surrounding jurisdictions, that's a responsibility of the  
22 state. That responsibility, as I understand it, is delegated  
23 to OES and the state warning center, and for whatever reason,  
24 they failed to execute that task, at least to a satisfactory  
25 degree. And I think part -- I'm not even going to go into why,

1 as I don't know why. But all I can tell you is we did not  
2 receive notification from the State of California, ever, until  
3 we got the coastal representative from OES and it wasn't his  
4 job.

5 Q. Okay. If you would've heard earlier in the day that  
6 it was 58,000 gallon spill, what could have the City of San  
7 Francisco contributed? What could they have done to aid in the  
8 recovery operations and response?

9 A. Well, I mean, there would've been a much, a much  
10 broader dialogue. So there would've been a much more detailed  
11 dialogue and it could've resulted in a better command post, it  
12 could've resulted in -- you know, it's hard to speculate, but  
13 what I can tell you is it wouldn't have caught everybody off.  
14 You know, people wouldn't be caught flatfooted. And as a  
15 result, I think the relationship would've been much better and  
16 they might've gotten their answer with -- well, you can't use  
17 volunteers. Oh, okay. Well, we'll tell the public you can't  
18 do that. I mean, that might've been the way it played out, but  
19 I think everything just kind of snowballed from that first day.  
20 So you know, what could we contribute? We can contribute  
21 boats, we can contribute HAZWOPER-trained personnel, we can  
22 contribute incident management expertise. I mean, this is one  
23 of the things that I was actually talking to Paul Handor (ph.),  
24 out of OSPR's Southern California office, because he's on the  
25 ISPR team with me. You know, in discussing it, we don't have

1 to be at loggerheads over this. It takes time to bring an  
2 incident management team together. We all get that. In the  
3 meantime, in every jurisdiction in California, there's a host  
4 of people that are incident management professionals that  
5 should be tapped instead of excluded.

6           There's no reason under the sun that if we had a  
7 working relationship, that you could've been able to say, Rob,  
8 Chris, can one of you guys serve as the liaison officer until  
9 we get somebody from OSPR? And I understand there was a death  
10 and she couldn't be there or something along those lines. Or  
11 that we can get somebody from EPA in here to do this or  
12 whatever. Is there any reason that we can't do that? I mean,  
13 that right there would've solved a lot of problems, because  
14 then you take a known entity, who knows how to do the job, who  
15 can then become that local interface, and you establish trust.

16           And with that, if Chris Godley comes back to me and  
17 says, hey, look. There's problems with using volunteers on the  
18 beaches, because it's an OSHA requirement that they have this  
19 kind of training. And then I go back and tell my bosses that  
20 this is what is being said by Chris Godley, who's a local  
21 emergency manager. That message is a lot different than  
22 saying, well, they say they can't do it because there's OSHA  
23 rules. I have a mayor  
24 -- in case you haven't noticed, I have a mayor in this town  
25 that is like, I don't care what the instructions are, get it

1 done. I mean, this is very much just get it done. This is  
2 what needs to happen, find a way to make it happen, and other  
3 answers aren't acceptable. So once you get to that point,  
4 you're going to have pressure across the board to get it done  
5 the way he wants it done. So right, wrong or indifferent, I'm  
6 just stating the facts.

7 Q. Does the city have any resources as far as skimming  
8 vessels?

9 A. No.

10 Q. Does the city have boom that they're aware of how to  
11 deploy or --

12 A. There is some boom. I couldn't tell you exactly  
13 where, but a couple of our marinas did boom themselves.

14 Q. Without direction?

15 A. Right.

16 Q. And you talked a little bit about relationships and  
17 working relationships. Do you think the city had the sort of  
18 working relationships established prior to the Cosco Busan  
19 accident? And if they did or did not, do you think they were  
20 resultant of participation in area committee planning, drills  
21 and exercises, et cetera?

22 A. I think we had that relationship with the Coast  
23 Guard. I don't think we had it so much with OSPR. We had it  
24 with OES. We do regional planning all the time. It was  
25 through participation with a lot of things and primarily more

1 on the marine safety side than the pollution response side, to  
2 be honest. And then, actually, the other part of this is,  
3 because this was a regional event, again, you're going back to  
4 that there's an expectation that you're going to do things  
5 completely different and that throws everybody, all the local  
6 governments, off. So in California we have a system where we  
7 have mutual aid regions, administration regions.

8           But we have within the bay area, funded by grant  
9 money from San Francisco through Homeland Security, we have a  
10 regional emergency coordination plan, where it's 10 counties  
11 that have come together to agree upon a method of how they're  
12 going to work together regionally, that transcends the usual  
13 mutual aid agreements that are mutually existent, that exists  
14 in California. I mean, it's nothing to sneeze at when you say  
15 that the fire service in California can do a thousand engines  
16 in a day, and they have.

17           I mean, when you look at the San Diego wildfires and  
18 realize that the Feds coming into that are coming after  
19 thought. California handles that largely internally. They get  
20 to the federal level when they truly are maxed. We have a good  
21 emergency management system in this state. We have a good  
22 mutual aid system. So then we bring in -- that sets  
23 (indiscernible) a premise of where it starts, because we follow  
24 the standardized incident emergency management system, which is  
25 SEMS, which is kind of one of the starting points for NEMS. So

1 we have a way that we expect, if something happens, there's an  
2 expectation of certain things happening, not the least of which  
3 involves the state Office of Emergency Services. As a local  
4 jurisdiction, we look to our regional Office of Emergency  
5 Services to provide that regional coordination, in accordance  
6 with these regional plans we've developed, to help us, you  
7 know, make this a good response.

8           And then we have the oil spill world and the  
9 pollution response world, very close, very different, and we  
10 have, who are these OSPR people? Why are there fish cops in  
11 charge of this thing? I'm serious and I'm not being facetious.  
12 I mean, that's kind of a who are they? When do they manage  
13 emergencies? I mean, where's CAL FIRE? They run incidents.  
14 Where's the Office of Emergency Services? They run incidents.  
15 Well, I'll tell you where they were, they were in the RV with  
16 me. They were locked out of the command post, basically, and  
17 sent to the agency representative. You know, that was their  
18 status in this whole thing.

19           The problem with that then comes to, okay, well, now  
20 how do we behave, because our predictable method of behavior in  
21 California, following SEMS, is incident command post, emergency  
22 operation center, operational area, regional, state, federal.  
23 It's very laid out. And that's not to say there's blending  
24 along the way. Of course there's blending along the way. So  
25 now we have this interesting situation where, because it's on

1 the water, we have this totally foreign relationship between  
2 the state and the Feds and the locals are basically, oh, yeah,  
3 yeah, yeah, you're just kind of there. You know, the attitude  
4 that I felt coming out of the command post on the first two or  
5 three days -- it was actually longer than that -- was what can  
6 we do to placate the locals? You know, basically, you're  
7 annoyance, you're a nag, leave me alone. Wrong answer.

8           So this why I say it's got to be streamlined.  
9 There's got to be a way to tie it in, I mean, especially when I  
10 walk in and I look at how an incident command post is being  
11 run, not the structure, not the end result on the water and on  
12 the beaches, because actually, you know, they're doing their  
13 job, but the actual functioning of a command post. And you  
14 just walk out and you shake your head and say it's chaos in  
15 there. And this was on day three of the event, day two for me.  
16 Day one, everybody gets a pass. Day two, we start to expect  
17 some things like information flow.

18           They didn't want to give us copies of the incident  
19 action plan. Trying to get copies of maps of where the hell  
20 the oil was, was impossible. Trying to get information in  
21 general was impossible. Trying to get them to pay attention  
22 and say, hey, look. Marin County has concerns about booming  
23 these things. Trying to get guidance out of the command post  
24 was impossible. You know, yes, we -- you know, when I talked  
25 to Uberti about the idea of closing beaches, oh, we don't that.

1 Okay, but you guys are the oil spill experts. How about some  
2 guidance that helps us make that decision, instead of saying,  
3 well, it's a health officer decision? Well, our health officer  
4 says, you know, don't drink it and you'll be fine. I mean,  
5 he's a very laid-back guy. So that's not -- I mean, when we  
6 were looking for guidance from the command post, it wasn't  
7 happening. Where I was looking for information from the  
8 command post, it wasn't happening. So that's why I say  
9 there's, you know -- so then, where do we go? We have a  
10 command post and we have all these locals. Now I know what I'm  
11 going to do, because now our local oil spill plan will reflect  
12 a different way of doing business.

13           And we're working with the region to enhance our  
14 regional emergency coordination plan to find a way to better  
15 plug into this. And the area committee, as you know, they  
16 always look reluctant when I bring these topics up, they're  
17 going to have to find a way to work with the locals, and  
18 they're going to have to find a way to make this happen, or  
19 we're going to go through this again. And I mean, I'll be the  
20 first one to stand up there and say I told you so, you know, on  
21 the fact that I'm not an oil spill expert, on the fact that our  
22 oil spill plan, you know, left a lot to be desired, on the fact  
23 that the city made some mistakes. But as long as I'm around,  
24 that ain't going to happen again. So we need to  
25 institutionalize the changes.

1 MS. THOMAS: Okay. I'm going to pass it on to Paul  
2 here.

3 MR. STANSEL: You covered just about every question I  
4 had, but just a couple of things to clarify.

5 BY MR. STANSEL:

6 Q. Regarding the volunteer groups, was it the City of  
7 San Francisco that first raised this issue with the unified  
8 command?

9 A. Yeah. Yes.

10 Q. And that was in response -- you alluded to you were  
11 being pressured.

12 A. Well, we had a lot of people that wanted to clean the  
13 beach and we had a lot of groups that were just doing it. This  
14 is a very activist community and that's the other thing that's  
15 kind of different about this particular incident that probably  
16 hasn't happened on a lot of -- I know it hasn't happened on any  
17 other incidents for us, and probably not with spills, is the  
18 use of the web as an organizational media. We have a very tech  
19 savvy, very activist community here and they know how to  
20 organize, they really do. They've got this grassroots thing  
21 down.

22 And so we instantly had websites and blogs like Kill  
23 the Spill, and there was a couple of others I can't remember  
24 the name of. The Surf Rider Coalition was involved in it.  
25 There was a bunch of people that were absolutely involved in

1 this. They were -- you tell them, okay, the beaches are  
2 closed; they didn't care. When they started seeing oil show up  
3 on the beaches, they were going to go clean it up and they did.  
4 And so then we came into this question of, you know, do we  
5 close the beaches? Do we organize a volunteer effort? We were  
6 getting pressure from our, you know, supervisors. Why can't we  
7 go clean this up? I mean, from a -- taking the liability out  
8 of it and taking the role of government out of it, I mean, you  
9 have to approach this with the commonsense desk. You can  
10 change your own oil, but you can't -- and if you happen to  
11 spill some on your driveway, you can clean it up, but you can't  
12 go pick up oil off a beach.

13           And we get oil on our beaches all the time. There's  
14 a lot of natural seeps off the coast and there's a lot of stuff  
15 that gets dropped in and nobody reports. So I mean, finding  
16 oil on a beach is not new for these people that hang out on the  
17 beaches. So then to tell them that we have to have -- there's  
18 all these rules, we got to have these contractors come in and  
19 do it; they just weren't buying it. So there was this issue of  
20 how do we involve the citizenry, because the -- they were  
21 getting really, really anxious and really, they were getting  
22 angrier by the day.

23           And then, frankly, it was an issue of, okay, if  
24 you're going to take care of this, why aren't you taking care  
25 of this? And I understand that in the days -- as the days

1 evolved, they've had record numbers of beach cleanup crews out  
2 there. I get that. But during the initial, you know -- but  
3 even as many people as they had, there's a lot of shoreline out  
4 there and so -- that's not real visible. I mean, we had one of  
5 our supervisors that went up on an over-flight and came back  
6 having a fit because he didn't see some many skimmers on the  
7 water. And you know, the reality was that they had a bunch of  
8 skimmers on the water, but the bay is big. And so you get to  
9 this perception issue of, okay, you've got a thousand people  
10 out cleaning up. Well, how come there's nobody on ocean beach?  
11 And again, it comes back to that messaging and that public  
12 information and public education piece, where you might to  
13 point out that, you know what, picking up the oil today is  
14 pointless. And this is all stuff that I had to learn too; is  
15 that, you know, going out and picking up the oil on the first  
16 day you see it maybe isn't the right answer, because there's  
17 more that's going to come ashore tomorrow, so we're going to go  
18 have to do this again tomorrow.

19           You know, maybe there's -- or you can go back -- and  
20 again, having learned a lot about this stuff, maybe the  
21 education is that I know it's ugly and I know it's not real --  
22 it's not making you real happy, but we're using that beach as a  
23 collection point. So we're going to leave it unprotected for  
24 little while, to collect as much oil as we can. There was none  
25 of that kind of education that went out about oil spill

1 tactics, so that contributed to it. These are all things that  
2 -- they're just lessons learned.

3 Q. As far as your jurisdiction was concerned, did you  
4 have any protection objectives that weren't being met; that you  
5 may have attempted to have conveyed this message to the unified  
6 command and they weren't being responsive?

7 Q. There were some initially. I'd have to go back and  
8 look at the record to get you specific places and whatnot. But  
9 there was initially some concerns about certain areas that  
10 weren't boomed, but they did boom Crissy Field, and that was a  
11 big concern.

12 Q. Anything that they didn't boom that ultimate became  
13 damaged?

14 A. I can't tell you, to be honest with you. I couldn't  
15 tell you. I'm sure, if we got (indiscernible) Moyer in here  
16 from the port or somebody from the National Park Service, they  
17 could give you a much more detailed list. But at that point,  
18 you know, my role was largely with the organization and passing  
19 information back and forth, so it's kind of a blur.

20 MR. STANSEL: Okay.

21 MS. THOMAS: Rick?

22 MR. HOLLY: You asked them all. I have no further  
23 questions.

24 MS. THOMAS: Anything else you'd like to add or do  
25 you think we've got it covered?

1           THE WITNESS: I think. From what I've written and  
2 what I've said, I think my opinions are pretty well known.

3           MS. THOMAS: Okay. And we'll get a copy of the  
4 timeline and then we'll look on the Internet to get a copy of  
5 the final version of the report.

6           THE WITNESS: Yeah, you're going to want to download  
7 that. You don't want me to e-mail it to you.

8           MS. THOMAS: No.

9           THE WITNESS: It's nine bags.

10          MS. THOMAS: We'll get that easily off it. Okay.  
11 Well, thank you very much. We'll go off the record.

12                   (Whereupon, the interview in the above-entitled  
13 matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the  
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:           M/V COSCO BUSAN/BRIDGE ALLISION  
                                  SAN FRANCISCO, CALIFORNIA  
                                  Interview of Robert Dudgeon

DOCKET NUMBER:           DCA-08-MM-004

PLACE:                     San Francisco, California

DATE:                      March 13, 2008

was held according to the record, and that this is the  
original, complete, true and accurate transcript which has been  
compared to the recording accomplished at the hearing.

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David Martini  
Transcriber