

ALASKA STATE LEGISLATURE



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SPONSOR STATEMENT FOR SENATE CS FOR HOUSE JOINT RESOLUTION 9 (24-LS0372\C)

This resolution from the Alaska State Legislature urges that the United States Congress respect the judicial process and refrain from enacting any legislation that would alter the punitive damages awarded to more than 32,000 plaintiffs as a result of the 1989 Exxon Valdez oil spill as finally determined by the federal courts.

Seventeen years after the disaster, and nearly twelve years after the original jury verdict, the plaintiffs are still waiting resolution of the lawsuit.

While the United States Congress considered the Oil Pollution Act of 1990, Exxon Mobil Corporation sought an amendment that would have substantially reduced the punitive damages that it would have paid for the Exxon Valdez oil spill. This resolution urges Congress only to let the courts determine this matter.

This resolution also urges the United States Department of Justice or the Alaska Department of Law to pursue the \$100 million made available for mitigation of unanticipated damages stemming from the 1989 Exxon Valdez oil spill. The 1991 civil settlement contains a "Reopener for Unknown Injury" clause which provides that between September 1, 2002 and September 1, 2006, the governments can request an additional \$100 million from the Exxon Corporation if they determine that the spill had caused substantial, unanticipated harm, and present a cost-effective plan to remedy that harm.

This will not affect the ongoing litigation regarding the \$4.5 billion Exxon owes to individual Alaskans in punitive damages. Since the spill and settlement, scientists funded by the initial payments have determined a number of unanticipated injuries to the spill zone. One major result of the spill that did not become evident until after the settlement was the 1993 crash of the herring population. Scientists since that time have determined that crude oil affected the reproductive processes of the herring, which explains the delayed onset of the population crash. Other significant discoveries regard lingering oil. A number of beaches in Prince William Sound still contain significant amounts of oil that has yet to biodegrade as expected. Since the spill and settlement, scientists have also realized the toxicity of crude oil to wildlife, a danger that was underestimated at the time.