

Safety lapses plague tankers



GILBERT W. ARIAS / P-I

The Polar Discovery, subject of a whistle-blower's oil-spill cover-up claim, heads up Rosario Strait with a tug escort to the ConocoPhillips refinery in Ferndale recently.

Post-Exxon Valdez changes in oil carrier operations are being evaded, undermined, P-I investigation shows

BY ERIC NALDER
P-I investigative reporter

Sixteen years ago this week, the Exxon Valdez oil spill horrified Alaska, Seattle and the world.

When the tanker went aground and spilled 11 million gallons of crude oil into pristine Prince William Sound, public outrage spurred both regulators and oil companies to adopt major reforms in tanker operations. Key changes included requiring double-hulled tankers and installing better vessel-tracking systems, and they have been effective.

But other parts of the safety net that tragedy built are fraying.

A Seattle Post-Intelligencer investigation found disturbing evidence that efforts to reduce crew work hours, crack down on alcohol use and improve tug escorts are being evaded or undermined.

All along the West Coast – from Prince William Sound to Puget Sound, to San Francisco to Long Beach – state and federal regulators are taking steps to reduce requirements for tug escorts.

The P-I investigation focused on Hous-

ton-based ConocoPhillips and its subsidiary, Polar Tankers, a fleet that was recently named by the Coast Guard as a prime suspect in the mystery oil spill in Puget Sound in October.

Interviews with crew members and in-

ternal company documents reveal serious safety lapses on vessels that are considered to be the best tankers in the world.

The stakes are very high. ConocoPhillips ships each carry nearly 38 million gallons of oil into some of Washington's most delicate waters.

While the amount of oil spilled from tankers has declined sharply in recent years, environmentalists point out that just one catastrophic accident would reverse those numbers.

Experts say a spill of just 1 million gallons in any portion of Western Washington's waterway would be impossible to control and would devastate wildlife, fishing, commerce, tourism, ferry traffic and the daily enjoyment of the state's most precious asset for months, perhaps years.

ConocoPhillips officials denied culpability in the mystery spill in Puget Sound's Dalco Passage, which fouled miles of beaches on

SEE TANKERS, A6

A FOUR-PART P-I SPECIAL REPORT

TODAY: An oil spill on a state-of-the-art tanker is covered up – until a whistle-blower comes forward.

INSIDE: Industry pushes to end tug escorts for modern tankers in Puget Sound and Alaska. **A8**

TOMORROW: Port Angeles is a loophole in the effort to crack down on alcohol use in the Alaska-West Coast tanker trade.

THURSDAY: Polar Tankers' troubling year shows that high-tech ships can break down, and they are operated by fallible humans.

FRIDAY: Experts talk about what might have happened in the Dalco Passage oil spill.

ALSO INSIDE

A three-man crew near Ilwaco was dispatched to assess the amount of fuel on board a barge that ran aground on rocks north of the mouth of the Columbia River. **B1**

Oil spill at sea leads to cover-up charge

Four months after the incident, a whistle-blower tells the Coast Guard of leak that went unreported

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The 850-foot tanker Polar Discovery looked harmless that January morning. It was loaded with oil, but it was also in the middle of a relatively calm Pacific Ocean. It

did not look like a ship where a captain would derail his storied career and a whistle-blower would take huge risks to report him for covering up an oil spill.

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tossed route carrying crude oil between Alaska and Washington and California.

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SEE SPILL, A6

THE HUMAN FACTOR | Why another Exxon Valdez disaster could happen

TANKERS: Polar says it has acted to avoid recurrence

FROM A1

Vashon Island. In an e-mailed statement, company spokesman Rich Johnson added, "The company has been cooperative and will continue to cooperate fully with the appropriate authorities."

ConocoPhillips managers ordered employees not to talk to the P-I. Some spoke anyway, and provided documents, either because they hadn't heard of the gag order or because they felt their information was too important to hide.

They revealed:

► A spill in mid-ocean from the tanker Polar Discovery went unreported for months until an engine-room employee from the company called the Coast Guard. The ship's log entries required by law were either not made or made in misleading fashion. (See accompanying story.)

► The whistle-blower who reported the spill so feared retaliation that he refused to return to the fleet and, after hiring an attorney, was reassigned to a shipyard. The captain was fired, but insists the company ducked its own responsibility and made him a scapegoat.

► A galley employee on the Polar California claimed in court papers that the captain and crew were drinking, and alcohol had been brought aboard the ship. She said she was then taken off the ship, arrested and involuntarily placed in a mental institution for five days. The P-I found in an independent investigation that, while security in Valdez, Alaska, and refinery ports greatly discourages drinking by crew members, some still imbibe heavily at stopover locations such as Port Angeles.

► Another ConocoPhillips tanker, the Endeavour, pulled into Prince William Sound last year with oil stains on its side. Alaska regulators were notified by the ship's escort vessel after a ConocoPhillips supervisor

failed to relay a spill report made by the ship's captain.

► The same ship later collided with a bulk carrier in the South China Sea. An internal report blamed the accident on failure to slow down in fog.

► In February 2003, the Polar Resolution left San Francisco with a troublesome fuel leak in the engine room. An explosion in a huge electrical breaker shortly afterward sent the ship scurrying back to port. No report of the incident was made, according to the Coast Guard – a likely violation of the law.

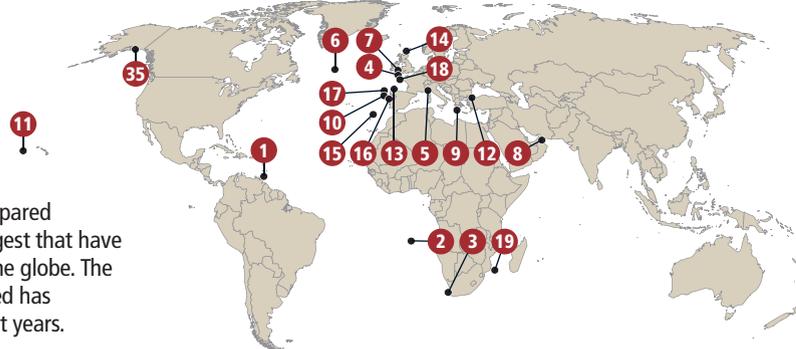
► An engine-room officer on the Polar Alaska is under federal investigation after a fellow officer reported him for bypassing equipment that removes oil from engine-room wastes before they are pumped overboard.

John Devens, executive director of the Prince William Sound Regional Citizens Advisory Council, was shocked by the extent of the company's problems.

"It is a warning the big one could happen,"

THE WORST SPILLS

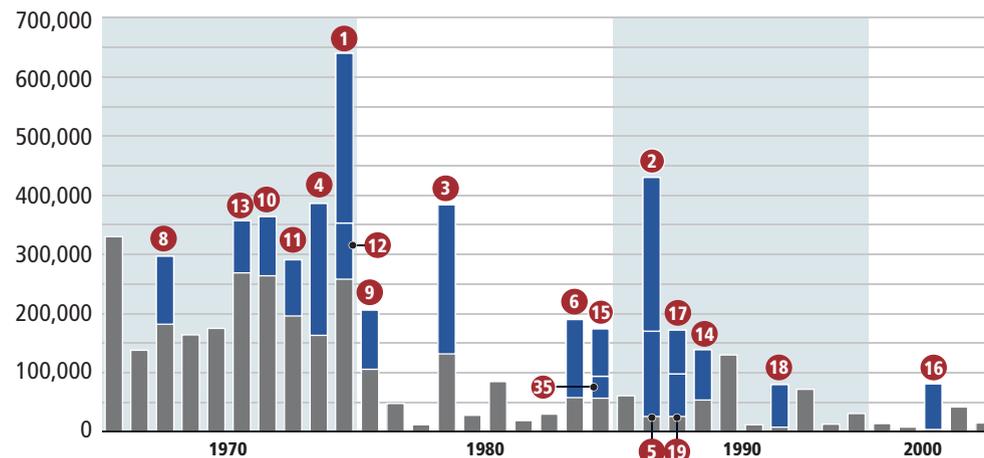
Although the Exxon Valdez oil spill in 1989 led to many tanker safety reforms, the spill was small in scale when compared to some of the largest that have occurred around the globe. The volume of oil spilled has decreased in recent years.



RANK	SHIPNAME	YEAR	LOCATION	SPILL SIZE (TONNES)
1	Atlantic Empress	1979	Off Tobago, West Indies	287,000
2	ABT Summer	1991	700 nautical miles off Angola	260,000
3	Castillo de Bellver	1983	Off Saldanha Bay, South Africa	252,000
4	Amoco Cadiz	1978	Off Brittany, France	223,000
5	Haven	1991	Genoa, Italy	144,000
6	Odyssey	1988	700 nautical miles off Nova Scotia, Canada	132,000
7	Torrey Canyon	1967	Scilly Isles, Britain	119,000
8	Sea Star	1972	Gulf of Oman	115,000
9	Irenes Serenade	1980	Navarino Bay, Greece	100,000
10	Urquiola	1976	La Coruna, Spain	100,000
11	Hawaiian Patriot	1977	300 nautical miles off Honolulu	95,000
12	Independenta	1979	Bosphorus, Turkey	95,000
13	Jakob Maersk	1975	Oporto, Portugal	88,000
14	Braer	1993	Shetland Islands, Britain	85,000
15	Khark 5	1989	120 nautical miles off coast of Morocco	80,000
16	Prestige*	2002	Off the Spanish coast	77,000
17	Aegean Sea	1992	La Coruna, Spain	74,000
18	Sea Empress	1996	Milford Haven, Britain	72,000
19	Katina P	1992	Off Maputo, Mozambique	72,000
35	Exxon Valdez	1989	Prince William Sound, Alaska	37,000

*The amount spilled by the Prestige includes all oil lost to the environment and that which remains in the sunken tanker sections.

OIL SPILLED BY YEAR In tonnes



Source: International Tanker Owners Pollution Federation

SEATTLE POST-INTELLIGENCER

said Devens, who was mayor of Valdez in 1989 when nearby Prince William Sound was hit by the 11-million-gallon spill.

Devens said ConocoPhillips deserves some respect because of its modern fleet and a decent track record, but he feels the company misled

him about the severity of some of the incidents. "We wanted to cut them some slack because they've had the worst luck," said Devens. "But now it looks like some of that bad luck is self-made."

In his e-mailed statement, referring to the

incidents aboard the Polar Alaska, Polar Discovery and Polar Endeavour, ConocoPhillips' Johnson said, "The company also investigated or is in the process of investigating all of these events."

"Because some of the incidents remain under investigation, it would be inappropriate to discuss details or speculate on outcome."

"We have taken appropriate action to prevent recurrence of these incidents."

In Washington state, ConocoPhillips was at the center of a strange juxtaposition of events late last year.

Just before Christmas, the Coast Guard announced that the ConocoPhillips tanker Polar Texas was the prime suspect in a mysterious 1,500-gallon spill in October that stained beaches on Vashon Island.

The company has steadfastly denied the charge, but the Coast Guard says it based its accusation on a lab match between the crude oil found in the water and the cargo of the Polar Texas.

Just a week later, the state Department of Ecology published a report to the Legislature in which a consultant recommended that certain tankers – specifically four ships owned by ConocoPhillips and two owned by BP – be allowed to sail fully loaded into state waters without tug escorts as long as a tug is stationed at Orcas Island.

The change would reward the companies for building ships with double hulls, dual engine rooms and redundant steering systems, making them more maneuverable and less trouble-prone. But environmentalists say the state should investigate crew performance before allowing such a change.

An earlier draft of the study, presented to a steering committee Dec. 8, didn't endorse a change in tug escorts. The final version did, as a result of a suggestion from a ConocoPhillips official.

To its credit, Conoco Inc. (before its merger with Phillips Petroleum) endorsed double hulls immediately after the Exxon Valdez spill and built them.

ConocoPhillips continued an expensive program to build the modern dual-engine ships, which was started by an Arco fleet the company absorbed in a merger two years ago.

By contrast, Exxon's fleet hasn't launched any new double-hulled ships for the Alaska trade and, under the law, it might not be able to sail its old ships into Prince William Sound and Puget Sound in about two years.

Frank Holmes, Northwest manager of the Western States Petroleum Association, described ConocoPhillips as being "very interested in compliance and keeping oil out of the water."

A spill would financially devastate the company that owns a leaking ship.

But, as the director of programs for the environmental watchdog group People for Puget Sound, Naki Stevens, pointed out: "The people who are most concerned about the health of Puget Sound aren't the oil industry people . . . it is the people who get spilled upon."

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Four months after the incident, a whistle-blower tells the Coast Guard of leak that went unreported

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SEE SPILL, A6

SPILL: Two crewmen say spraying was a cover-up

FROM A1

advice.

But below him, on the main deck, waste oil from the engine room flowed for a half-hour through a valve carelessly left open, onto the deck and into scupper holes that drain to the ocean.

The spill that morning on the main deck would have been a footnote had it been reported immediately. But it wasn't.

Four days after the spill, Carroll and other officers lowered an experienced seaman over the side of the ship while it slowed in mid-ocean. They handed the seaman a power sprayer, and recorded the event in the ship's log as a "man overboard drill." Two crewmen said this was part of a cover-up, or what one called a "camouflage."

Carroll denies covering up anything.

Carroll implicated his company, ConocoPhillips, and its subsidiary fleet, Polar Tankers. He said he reported that day's events as soon as he got off the ship to a fleet manager in Long Beach, Calif. The fleet manager, David Whiting, refused to comment. Carroll says Whiting told him not to worry, and to go

on vacation.

Chief Engineer Matthew MacDonald said Carroll told him at the time about his report to Whiting.

Failure to report an oil spill to the Coast Guard is a crime. The spill wasn't reported until four months after it occurred. That's when a crew member, James Legg, 36, of Shelton, called the Coast Guard.

Contacted at home, Legg said oil went in the water. Carroll insists it stayed on deck.

Legg feared retaliation but was pressured, before he hired a lawyer, to return to work on the tankers.

The Coast Guard didn't get back to Legg for a month after his report. Then, a Coast Guard lieutenant in Valdez, Alaska, left him a voice mail informing him investigators had boarded the Polar Resolution in Valdez and "it was pretty much spotless . . . nothing to substantiate."

They apparently boarded the wrong ship.

Coast Guard records show the Polar Discovery and Polar Resolution were routinely inspected on June 7 and 8 in Valdez.

A tired, overworked crew

The trouble on Jan. 16, 2004, began after 10 a.m. when an officer sent engineman Richard

"Rick" Tirral down to the engine room to perform a routine task, transferring filthy sludge oil from a tank, up a pipe, across the main deck and into a slop tank.

Tirral's nickname is Grandpa because he is 65. He'd been at sea only a short time after a long truck-driving career, his wife said. He had toiled so many extra days at sea that his shipmates joked that Grandpa was afraid to go home, said Carroll. Truth is, the captain said, Tirral had been forced by crew shortages to spend 120 days on the ship and only a month at his home south of Portland with his wife, Jean. He and other crew members received repeated "remain on board" orders, requiring them to postpone their regular time off.

"People were overworked and working long hours," said Carroll, who sympathized with Tirral and didn't want him to get fired.

The captain was tired, too, from a bad winter in the Gulf of Alaska. Screaming gales and skyscraper-tall seas had for months forced many on the ship to sleep in the "burrito position," squeezing themselves into a rolled mattress, jammed between bunk and bulkhead, to avoid being tossed out by a 30-degree roll.

Most ship accidents and major spills begin with human error aggravated by fatigue, according to numerous investigation reports and studies. After the Exxon Valdez oil spill, Congress passed laws to limit work hours on ships, but enforcement is difficult and the law says nothing about "remain on board" orders.

At least the weather was better that morning. Three days out of Valdez, the 30-mph wind, though stiff, seemed like a gentle breeze compared to Alaska, and the ocean was pleasantly monotonous.

But there was tension in the fleet.

Hiring had slowed down (although this year it is back on the rise), and the union leadership complained that 65 jobs remained unfilled in a fleet of 290 crew and officers, according to in-house communications from the company unions. The Houston-based company was experimenting with eliminating the boatswain, or deck sergeant, to bolster the maintenance crew.

One chief engineer said the process of getting parts was sometimes slow. Fixing the complex computer equipment that now controls nearly everything on these ships was getting more difficult because the fleet had long ago eliminated the radio officer position and, with it, electronics expertise.

Veterans such as Carroll (26 years on tankers) yearned for the old days when the fleet sailed the West Coast under the Arco brand, remembered for high morale and prestige. A merger in 2000 put them under Phillips Petroleum Co. and another merger in August 2002 put them under a much larger combination called ConocoPhillips.

SEE CREW, A7



JIM BRYANT / P-I

Whistle-blower James Legg of Shelton, Wash., a former engineman on the Polar Discovery, spoke to the P-I before his employer, Polar Tankers, told him not to talk to the news media. He reported the Polar Discovery's January 2004 oil spill and other incidents to company officials and the Coast Guard. He has recently been given a shipyard job with the company.

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CREW: They made several mistakes leading to the leak

FROM A6

ConocoPhillips – the nation’s third-largest oil company – has different fleets to carry different oil, depending on where it is drilled. Carroll’s fleet – known as Polar Tankers – hauls oil drilled in Alaska. That’s because U.S. law requires that American crews and U.S.-flagged ships carry U.S. oil destined for U.S. consumers. Without that law, Polar Tankers wouldn’t exist. Foreign ships and crews are cheaper.

The other ConocoPhillips fleet – its pre-merger flotilla – has foreign flags and crews. They carry oil drilled in foreign lands.

In charge of both fleets is general manager Antonio Valdes, 57, a blunt-talking former tanker captain. Internal documents show the former Arco staff suspected him of biases – including that he favored his European captains and was plotting to make the old Arco fleet look bad. The burning resentment would surface months after the Polar Discovery incident, in a private Gallup Poll among crewmen in September 2004.

A confidential company summary tells it all: “An ‘us versus them’ dynamic has developed in which ConocoPhillips executives are viewed as outsiders primarily concerned with the bottom line and strict adherence to company policies (and who might possibly be planning on dismantling the fleet).”

A series of mistakes

The Polar Discovery crew made several mistakes leading to the January 2004 spill. Before they departed Valdez, they left a valve open in the main deck pipeline that carried sludge oil from the engine room. Officers feared it would otherwise freeze, but seamen asked: “What if someone forgot to close it?”

Indeed, Tirral would later tell Carroll that he “spaced it.” He also left the scuppers open on the main deck. Scuppers are holes in the bulwark at the edge of the main deck that allow



In this January 2004 photo, Polar Discovery’s first engineer, Dennis Weeks, left, and Capt. Jack Carroll hold a line attached to crewman John Morgan while he pressure-sprays the side of the ship. One crewman said it was done to eliminate evidence. Carroll denies a cover-up.

seawater and rainwater – and anything else on deck – to drain into the ocean.

Tirral also took his co-worker, able-bodied seaman Andrew Piotrowski, down below with him. Under proper procedures, Piotrowski would stay on the main deck to watch for a spill. But the 51-year-old Phoenix resident, a brother of a prominent fleet captain, wanted to go below to learn more about the pumping job.

The company decision to eliminate the boatswain position also contributed to the spill, said a July 23, 2004, memo from company union Chairman John Pitts.

“The incident on the Discovery may have

been prevented if a bo’s’n were available to see that scuppers were in, at the very least,” Pitts wrote.

Tirral started pumping oil at 10:37 a.m. and stopped 29 minutes later, according to the deck log. Records obtained by the Seattle Post-Intelligencer showed as much as 1,600 gallons of oil were pumped during similar transfers that lasted up to 75 minutes on that voyage, but there are too many variables to know how much Tirral pumped.

Officers discovered thick black oil spread across the deck. They stuffed rags in the scuppers while a crewman ran to find the plugs.

Legg was part of the cleanup crew. The engineman from Shelton, who has a third-engineer’s license, said oil was thickly spread 30 feet by 50 feet along the deck, and was flowing through the scuppers. The wind also splattered oil 30 feet up on the house – a six-story building near the rear of the ship – and 210 feet back to the railings at the stern, he said.

Logically, the oil flowed through scuppers into the ocean, causing a reportable spill. The deck is canted toward the scupper holes, and the oil reached them before the spill was discovered. Legg is convinced oil hit the ocean, plenty of it.

“I know, for sure, that oil went over in the wind,” said Legg, a graduate of the California Maritime Academy. “And through the scuppers, too.”

Alex Dalsgaard, 58, a long-time utility worker in the engine room, also described oil splattered up the side of the house at least 25 feet. Admittedly sympathetic to Carroll, he contradicted himself regarding the deck spill.

“It wasn’t that much,” he said, then quickly added, “You’d be surprised how much. It builds up pretty fast.”

“Nothing ever went in the water,” said Carroll.

The captain said the deck spill was maybe 10 feet across and the house stains were minor. He said officers lowered a lifeboat that day and spotted a small oil stain around the scupper hole opening on the hull. The captain said he believed the stain was caused by oil that seeped out when the rags were removed to insert the plugs. MacDonald, who was in the lifeboat, said

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– James Legg, engineman

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– Alex Dalsgaard, utilityman

“Nothing ever went in the water.”

– Jack Carroll, captain

SEE CAPTAIN, A8

SPILL COVER-UP ALLEGATIONS

On Jan. 16, 2004, a valve accidentally left open spewed oil onto the deck of the Polar Discovery enroute from Alaska to Hawaii. The deck drain holes, or scuppers, were open and one crewman believes the oil spilled down the drains and into the ocean. Four days after the spill, the captain put a crewman over the side with a power sprayer – some say to clean oil off, he says to check for oil. The captain says he told the company about the incident. Four months later, a crewman reported the spill to the Coast Guard.

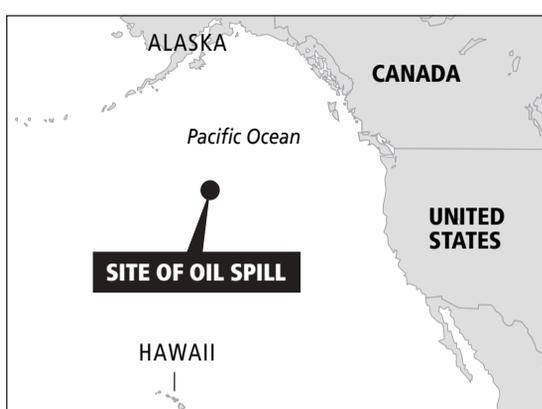
Polar Discovery crew On Jan. 16, 2004

RANK	NAME	AGE	HOMETOWN
DECK OFFICERS			
Captain	Jack Carroll	48	Argyle, Texas
Chief Mate	Roger Ross	32	Port Angeles, Wash.
2nd Mate	Mary Niemer	52	Seattle
3rd Mate	Jesse Buckler	*	Prince Frederick, Md.
3rd Mate	Daniel Trotter	24	Kings Park, N.Y.

RANK	NAME	AGE	HOMETOWN
DECK CREW			
Seaman	David Littlefield	*	Sullivan, Maine
Seaman	John Morgan	42	Foley, Ala.
Seaman	Lawrence Bratnyk	55	Maple Falls, Wash.
Seaman	Andrew Piotrowski	51	Phoenix
Cadet	P. Grimm	*	*

RANK	NAME	AGE	HOMETOWN
ENGINE OFFICERS			
Chief Engineer	Matthew MacDonald	45	Old Lyme, Conn.
1st Engineer	Dennis Weeks	49	Castine, Maine
2nd Engineer	W. Scott Hale Jr.	35	Center Conway, N.H.
3rd Engineer	Mikel Mancini	25	Dania, Fla.

* Unknown



RANK	NAME	AGE	HOMETOWN
ENGINE CREW			
Engineman	James Legg	36	Shelton, Wash.
Engineman	Guillermo Alciso	58	Lakewood, Calif.
Engineman	Claudio Macadaan	42	Santa Maria, Calif.
Engineman	Richard Tirral	65	Sherwood, Ore.
Utility	Alex Dalsgaard	58	Carpenteria, Calif.

RANK	NAME	AGE	HOMETOWN
MESSHALL			
Steward	Rudy Bugarin	*	Moreno Valley, Calif.
Cook	Jesus Gatmaitan	46	San Pablo, Calif.
Messperson	Larry Angel	*	Carson, Calif.

SEATTLE POST-INTELLIGENCER

CAPTAIN: He doesn't know why log was wrong

FROM A7

there was no oil below the scupper that he could see.

To Carroll, no oil in the water meant he didn't have to report a spill to the Coast Guard. That's true. By law, no spill report is required unless oil hits the water.

"If anything went out that scupper, and went down the side of the ship, there is no way in the middle of the ocean we could clean it up," Carroll added.

Missing, misleading log entries

Federal law requires a ship captain to make sure a written record of any oil transfer or spill, even on deck, is entered immediately into an official notebook called the oil record book, which is kept in the engine room and is the property of the U.S. government. No entry was made regarding the transfer or the spill, according to a copy obtained by the P-I. Carroll says a first engineer forgot to make the entry. The first engineer couldn't be reached for comment.

Four days after the spill, as the ship neared Hawaii on Jan. 20, the captain slowed the ship and officers lowered crewman John Morgan over the port side. Photos obtained by the P-I show they used a crane normally employed to haul supplies on board. Lowering anyone over the side in midocean is a hazardous operation. Carroll said Morgan was chosen because he's reliable and experienced.

They handed him a wand from a high-pressure sprayer, which would indicate they were washing oil off the side of the ship. Carroll and MacDonald said Morgan was just spraying the hull to see if there was any oil there. Morgan couldn't be reached for comment.

Carroll said he doesn't know why the bridge log entry at the time Morgan went overboard says the ship was performing a "man overboard drill" and a "Williamson turn." The latter is an unmistakable U-turn designed to stop an out-of-control ship. Everybody on board would have felt it, and Carroll acknowledged they didn't perform one.

Legg said non-officers were assigned that day to jobs on the starboard side, perhaps to keep them away from the action. He said he heard Carroll and others talking in the mess hall about the need to clean oil off the side of the ship before it could be spotted by anyone, including the Coast Guard, when they moored in Hawaii.

"You can't show up in Honolulu like that," said Dalsgaard. "That would have been a big disaster because the Coast Guard would have spotted it right away. They did a camouflage job."

Experts say whistle-blowers are motivated by what they perceive as repeated wrongdoing – and Legg was already concerned about several incidents aboard Polar Tankers ships. He said he felt he'd been retaliated against for telling company officials that a chief engineer had been denied a launch ride from Port Angeles to his ship in February 2003 because he appeared drunk. Legg was also troubled by an explosion in a huge electrical breaker just prior to that, on the Polar Resolution, a blast near San Francisco for which he was treated for smoke inhalation. Also, he says, someone tried to start an engine while he was working on it. And there was an incinerator fire aboard the Polar Discovery a week before its voyage to Hawaii.

He wasn't the only one noticing problems. In July 2004, Mike McDonnell, chairman of the in-house officers' union, reminded his members there had been "recent terminations" for "drug, alcohol and code of ethics violations. We've also had a couple situations aboard the vessels where operating practices have been questioned and/or injuries have occurred."

McDonnell added: "Unfortunately these types of situations create a negative perception that have been exaggerated or are just out-and-out lies."

A whistle-blower's decision

Legg telephoned company headquarters from the Polar Discovery for an appointment in May, but was chagrined when they called him on a satellite ship's phone in a way that others would notice. Nevertheless, he obtained copies of the ship's oil record book and logbook, trundling down to get the oil

book in his pajamas at night.

At fleet headquarters in Long Beach, on May 24, 2004, Legg reported the spill to company officials. He said a company human relations representative, Tanis Nelson, wanted him to talk to a company official before calling the Coast Guard and she asked how he knew there was a spill. He said he still felt compelled to call the Coast Guard, which he did.

Three days later, a human relations official, Debra Butler, called Legg to tell him Polar Tankers President Robert Lindsay was unaware of the incident and he would take

seriously any "oil spill contained on deck." He stopped her and reiterated that the spill went into the ocean.

"I felt like they were winking at me or nudging me," he said.

Fearing retaliation if he returned to a tanker, Legg asked for leave without pay. He mentioned hiring a lawyer.

"He's not going to be welcome if he comes back," said Dalsgaard, who added that he likes Legg but knows of others who feel differently.

Whiting, the fleet manager, and Butler called on June 4 to tell him he'd get no leave and he'd have to report to a ship. They quizzed him on why he planned to hire a lawyer. Whiting told him "the interests of the company and the interests of the employees should be one and the same."

Legg then received a letter from Butler on June 17, telling him his paid leave would end June 22. Failure to report for duty would "result in disciplinary action up to and including termination." He was surprised, thinking the company would instead want to know more about what he'd seen.

He hired an attorney and telephoned the Coast Guard, again, and the ConocoPhillips corporate hot line. He was reassigned to paid leave and has recently been given a shipyard job with the company.

The company fired Carroll and eventually forced MacDonald to retire with an undisclosed settlement.

Carroll said he didn't understand why he'd been fired after a long and spotless career. "I was a company person. I bled company blood," he said.

Officers throughout the fleet reacted in dismay.

The company has procedures, mandated by federal law and international treaty, under which Carroll was required to report any incidents on the ship that might endanger safety.

Carroll said he was due for vacation when the Polar Discovery reached Hawaii but he checked the hull one last time from the launch and told the relieving captain what had happened. He flew to Long Beach for a physical and told Whiting.

Carroll said something happened two months later that supports his account. The Discovery's sister ship was sailing to Valdez on a trip to an overseas shipyard when bunker fuel – in overfilled tanks – splashed out of a vent and onto the side of the ship. The Polar Endeavour captain telephoned Whiting to report the spill, Carroll said.

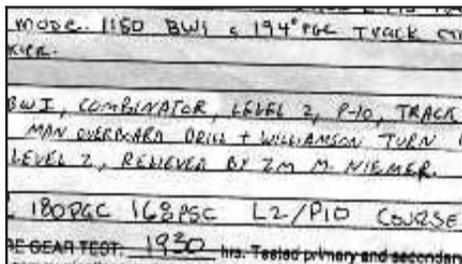
Whiting didn't pass on the information, Carroll said. No one from Polar Tankers or the ship informed the Coast Guard or state regulators in Valdez, as required, records show.

Escort-vessel crews spotted the oil on the side of the ship and the company was later cited by the Coast Guard for failing to report a potential oil spill.

Whiting's job has changed from manager of operations and engineering to manager of engineering. The Endeavour captain and chief engineer were not disciplined.

"What is the difference in the two situations, other than the fact that Jack (Carroll) and I are in the unemployment line?" asked MacDonald. "I have trouble grasping that, I really do."

Carroll was one of the company's most senior captains, important enough to be chosen to sail the prototype of the company's newest tanker out of the shipyard. More of an athlete than student in his New York childhood, he still graduated from the prestigious King's Point Maritime Academy in 1978. He got his first job with Arco almost immediately. He has lived most of his adult life north of Dallas with his wife and two children. He now works as a pollution safety adviser for \$20 an hour in a Texas shipyard, far less than his six-figure captain's salary. "I'm so frigging mad at the company for what they did to us and how they are operating," said MacDonald. He now sells real estate in Connecticut.



A copy of the bridge log at the time Morgan went over the side says they were performing a "man overboard drill" and a "Williamson turn," which is a U-turn.



John Morgan was lowered over the side of the ship to pressure-spray it. He couldn't be reached for comment.



Alex Dalsgaard said "they did a camouflage job" before the ship arrived in Hawaii.



Richard Tirral pumped the oil that gathered on the deck. He told the captain he "spaced."

P-I reporter Eric Nalder can be reached at 206-448-8011 or ericnalder@seattlepi.com

Eric Nalder is the author of a non-fiction book, Trouble Full of Trouble (Grove, 1994), which featured an actual voyage on a tanker, the Arco Anchorage. Jack Carroll was captain of that ship.

P-I environmental reporter Robert McClure contributed to this report.

Study takes odd U-turn to urge end to tug escorts

Critics fear change could endanger Washington shores

BY ERIC NALDER
P-I investigative reporter

The study didn't start or end auspiciously. Industry and state officials proposed amending a law that's been around for three decades with a hot-button change: reducing tug escort requirements for certain loaded oil tankers.

The Legislature provided \$200,000 to study the issue in 2003 as a rider to a bill approving a Neah Bay rescue tug.

As the study got under way last summer:

► The state Department of Ecology couldn't find a single consultant to do the work who hadn't been involved in either the development or the day-to-day management of the oil tankers to be studied, so they

picked a company that helped develop ConocoPhillips' tankers.

► Industry and Ecology officials wanted to keep a certain environmentalist off the steering committee – they considered him a troublemaker – while others started an unsuccessful campaign to get him seated because of his expertise.

► Environmentalists said they wanted a study of the effects of tanker crew behavior but the agency's consultant focused only on the performance of the equipment.

When it ended last December:

► The draft results were changed in the final three weeks to favor a proposal offered by a ConocoPhillips official who runs the company refinery port in Ferndale.

► The week before the study was published, the Coast Guard said a ConocoPhillips ship, the Polar Texas, was the likeliest culprit in a crude oil spill in Puget Sound.

► When the study was sent to the Legislature Dec. 30, the most specific recommendation was a ConocoPhillips suggestion that would benefit its ships and ships owned by another oil company, BP.

Currently, all loaded tankers are assigned a tug escort after they sail east of Port Angeles on the Strait of Juan de Fuca, and single-hulled tankers get two. Ecology Department Planner

Jon Neel said using tug escorts is the most important way to prevent tanker spills in the busy tanker lanes of northern Puget Sound.

Neel said the proposal benefiting ConocoPhillips is one idea in a larger picture. For example, the study mentions the state escort law has defects that need fixing, such as the fact it is out of date in its definition of a proper escort tug, and maybe there should be speed limits in some waters where there are none.

But the proposal is a harbinger of a bigger trend emerging along the West Coast. At the urging of industry, tug escorts have already been lifted in California for certain modern ships, and in Alaska's Prince William Sound there are discussions about reductions from two tugs to one for those same vessels.

The proposal in the Ecology study here would allow six tankers that regularly visit the state's northerly tanker lanes to sail without tug escorts. That's only if a "sentinel tug" is in place on the east side of Orcas Island, when any tanker transits the east portion of the Strait of Juan de Fuca, the Rosario Strait, Guemes Channel or Padilla Bay. Those waters are the state's busiest tanker lanes, leading to refineries at Cherry Point, Ferndale and Anacortes. Escorts would be required for exempted tankers sailing further south into Puget Sound, including trips to the Tacoma refinery.

The exempted tankers would include four from ConocoPhillips – the Polar Discovery, Polar Endeavour, Polar Resolution and Polar Adventure – and two BP ships operated by the Alaska Tanker Co., the Alaskan Frontier and the Alaskan Explorer.

The ships are a type – first introduced by Arco before its fleet was absorbed by ConocoPhillips – that has two independent engine rooms, redundant steering systems and other backups, making them more maneuverable and reliable than typical tankers. They also have double hulls. They are considered among the best tankers in the world.

Other companies haven't built such ships, including Exxon. Those two dozen or so regular visitors – including the ones with double hulls – would still be required to sail with escorts as they do now.

Some say ConocoPhillips and BP want a reward for their investment in modern ships. That would be a reduction in operating costs, a savings on the \$20,000 to \$30,000 estimated cost now of a tug escort per trip in Washington waters.

"It reduces cost, so it is worth looking into," said Anil Mathur, president and chief executive of the Alaska Tanker Co. "But first things first. We have to make sure we don't

raise the risk level."

Mathur said oil shippers met earlier this year to finance a new study on Prince William Sound tug escorts to be done with the Coast Guard and the state. He promised an objective study.

"I think if they fund a study like that, we're toast," said Prince William Sound Regional Citizens Advisory Board Executive Director John Devens, an opponent of reducing escorts. "It'll be their experts and their opinions."

Coast Guard Capt. Jack Davin, head of Alaska's marine safety, warned the citizens' board: "What the regulators and the shippers come up with may not be acceptable if this board feels the only thing acceptable is the status quo."

At a March 11 meeting of the Prince William Sound Regional Citizens Advisory Council in Anchorage, Alaska, ConocoPhillips Valdez representative Kristina O'Connor treaded lightly after an Alaska pipeline executive suggested reducing Prince William Sound tug escorts. Council members reacted with deep skepticism and Devens said, "This is a big one. The board is willing to go to the mat."

"It behooves us to occasionally look at what we've done, where we are at, and where we want to be in the future," O'Connor explained. "And this is all we want done."

In Washington state, the tanker operators' behind-the-scenes presence is pervasive.

When Neel was seeking a lead consultant for his tug escort study, he wound up with a choice between a marine engineering company, Glostent Associates, which consulted on the model testing during design of the ConocoPhillips tankers, and ABS Consulting, which is associated with the American Bureau of Shipping, a classification society that oversees the tankers' inspections and machinery standards. He chose Glostent, which also used a subcontractor that was involved in the design of the tankers.

"We were very satisfied with not only the credentials but the independence of these companies," Neel said.

The study steering committee was another problem. It consisted of representatives from three industry groups and one environmental group, plus two mariner organizations, the Coast Guard, one local government group and a tribe. Fearing a stacked deck, environmentalists asked Ecology to add Fred Felleman, 45, an environmentalist with deep knowledge of tanker and tug operations who has been a thorn in industry's side since he arrived in the Pacific Northwest in 1980.

On Feb. 3, 2004, Ecology's interim director, Linda Hoffman, wrote House Speaker Frank Chopp and told him Felleman wasn't appointed because others on the steering committee felt he had been "unable to constructively channel his enthusiasm in public forums." That comment had to come from industry or mariner members, because others wrote letters in support of Felleman's appointment.

"I would rather have Fred sitting at the table, able to bring his expertise forward, than him trying to see over the shoulders of others," wrote San Juan County Commissioner Rhea Miller.

"I'm not saying I am not direct and sometimes contrary in meetings. But in those meetings we are asked to wag the dog," said Felleman, who dubbed the study a "sham."

Environmentalists on the panel – Bruce Wishart and Naki Stevens of People for Puget Sound – asked Ecology to study "human factors" – i.e., crew behavior – as a hazard to be considered before escorts are lifted, as well as the reliability of the equipment. Neel said Ecology didn't have the money to do a human factors study. An Alaska study that included human factors cost \$2 million, he said.

Ironically, at about the time the environmentalists were proposing a human factors study, ConocoPhillips tanker fleet general manager Antonio Valdes was meeting in Houston with company union representatives to discuss numerous complaints about manpower shortages and serious behavior problems aboard the company's brand new ships, according to documents obtained by the Seattle Post-Intelligencer.

"He feels that our culture at Polar Tankers is geared towards cutting corners, jeopardizing safety issues and ignoring company and regulatory policies if we think it will increase the efficiency of our operations, and he's completely opposed to that," wrote the officers' union chairman, Mike McDonnell, in a July 24, 2004, update to his membership.

The Ecology study ended oddly.

At its heart, the study asked this question: "Would a double-hulled, double-engine, double-steering tanker sailing without an escort . . . be just as protected from a spill as a single-engine, double-hulled tanker sailing with an escort?"

On Dec. 8, Glostent consulting engineer David Gray presented the steering committee with a draft report that answered the question: "No." Keep the escort system as is.

Neel told him to reconsider. He suggested Gray look again at the sentinel tug idea first presented to Ecology by ConocoPhillips Ferndale refinery port manager Jeffrey Shaw. Shaw did not reply to requests for an interview.

Three weeks later, the published report included a recommendation saying the answer to the question was "yes" for northern Washington tanker lanes with a sentinel tug, including Ferndale. Everywhere else, no.

"We did a further risk assessment and a time motion study, to determine how that tug would act," said Gray, a prominent naval engineer whose company also designed some of the area's best escort tugs. "We concluded that system was effective, given our standard."

They didn't ask the question of Matthew MacDonald, a longtime chief engineer for ConocoPhillips, highly respected in the ranks though he was recently forced into retirement after an allegation – unfair, he says – that the captain of his ship covered up an oil spill.

The P-I asked him: Should escorts be removed from the ConocoPhillips tankers?

"Absolutely not," he said. "It is a machine and it is run by humans."



Jon Neel of the Washington state Department of Ecology is co-author of the Study of Tug Escorts in the Puget Sound.



Consulting engineer David Gray's draft recommended keeping the tug escort system as is. Neel told him to reconsider.

POLAR TANKERS

Polar Tankers, a subsidiary of ConocoPhillips, ships oil from Alaska to the West Coast and Hawaii. Its Endeavour-class tankers, the Polar Endeavour, the Polar Resolution, the Polar Discovery and the Polar Adventure, commissioned in 2001, 2002, 2003 and 2004, respectively, are among the most advanced tankers in the world.

Ship class
Endeavour

Builder
Northrop Grumman Ship Systems in Avondale, La.

Weight
140,000 deadweight ton (DWT)

Cargo capacity
One million barrels at full capacity

Top speed
16 knots

Range
12,500 nautical miles

Engines
Two 15,000 BHP, slow-speed diesel

Cost
\$200 million each

Captain's bridge

Crew living quarters

Scupper holes

Allow water on the deck of the ship to drain

Blue hull

ConocoPhillips painted Polar Tankers' hulls blue, departing from the industry practice of painting tanker hulls black to obscure oil stains.

Crane

Length: 894.7 feet

CONOCOPHILLIPS PROFILE

Chairman and CEO	James Mulva
Headquarters	Houston
Employees	35,800
Profits	\$8.11 billion in 2004, up 77% due to high energy prices
Operates	40 countries
Size in U.S.	3rd largest energy company
Refineries	Largest refiner in U.S.; Refinery in Ferndale
Proven reserves	8th largest in the world
U.S.-flagged tankers	6 (plus one under construction)
Fleet name	Polar Tankers
Fleet general manager	Antonio Valdes

SAFETY REFORMS

After the Exxon Valdez spill, Congress passed the Oil Pollution Act of 1990 (OPA90), mandating new safety measures for the tanker trade.

BETTER VESSEL-TRACKING SYSTEMS

OPA90 forced improvements to the vessel-tracking systems in Prince William Sound. Puget Sound also made improvements.

REDUCE CREW WORK HOURS

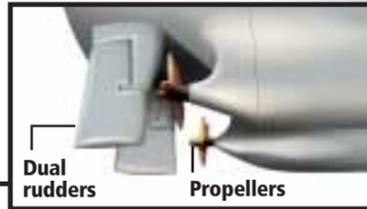
OPA90 limits crew work hours to 12 per day under a complex formula, although that rule is difficult for the Coast Guard to enforce. Also, in 2004 crew shortages meant extended tours for many Polar Tankers seamen.

REDUCE ALCOHOL USE

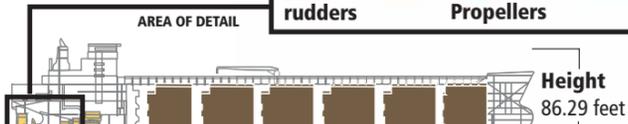
Under OPA90, no crew member is allowed on a tanker with a blood alcohol level over .04. Local regulations and shipping-company rules are even more strict, prohibiting alcohol possession or drinking on board. While enforcement has been strict in Prince William Sound and at refinery ports, other ports, like Port Angeles, are "loopholes" in the system, with much less enforcement.

EQUIPMENT DUPLICATION

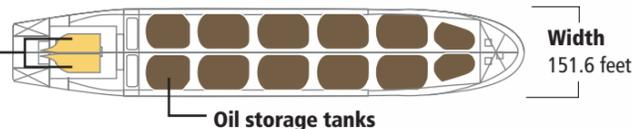
Several measures have been passed to ensure that, in the event of mechanical failure, a ship can still be controlled. Polar tankers are built with dual propellers, rudders, engines and control rooms.



SIDE VIEW



TOP VIEW



Bow thruster

Propulsion unit in the bow that primarily aids in docking

Load line

Measures the weight of a ship's load by how low the ship rides in the water.

Bulbous bow

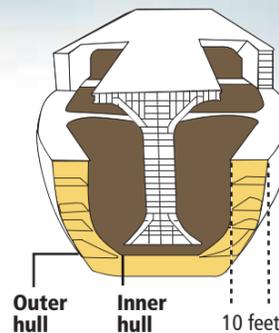
Allows the ship to move more efficiently through the water

TUG ESCORTS

OPA90 requires tug escorts for single-hulled vessels carrying oil products in and out of ports. Local regulations in Puget Sound and Prince William Sound require tug escorts for double-hulled vessels as well.

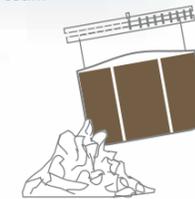
DOUBLE-HULL CONSTRUCTION

In 1992, Congress passed a mandate that all tankers of 5,000 dwt or more are to be fitted with double hulls to protect against oil pollution. Endeavour-class tankers have 10 feet of space between the inner and outer hulls.



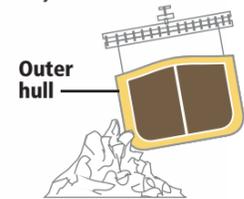
Single-hull tanker

If a ship runs aground and the hull is penetrated, oil will spill directly into the ocean.



Double-hull tanker

If a ship runs aground and the outer hull is penetrated, the inner hull, containing the oil, may remain intact.



TANKER TROUBLES

Although Polar tankers are among the most advanced oil tankers in the world, ConocoPhillips' fleet has seen much trouble in recent years.

FEBRUARY 2003

Polar Resolution has fuel leak in the engine room that keeps officers up all night, starting while it was docked in Martinez, Calif. The next day a 6,600-volt breaker explodes, sending the ship back to San Francisco Bay.

JANUARY 2004

Polar Discovery has spill on deck that whistle-blower says went in the ocean. It isn't reported for four months.

MARCH 2004

Polar Endeavour spills oil from fuel tanks on way to Valdez. Captain reports it to headquarters but they don't relay it to authorities before ship enters Prince William Sound with oil on the side.

APRIL 2004

Polar Endeavour collides with a Chinese bulk carrier in the South China Sea while sailing in dense fog. Minor damage, but an internal company report blames it on the bridge officers sailing too fast in poor visibility.

MAY 2004

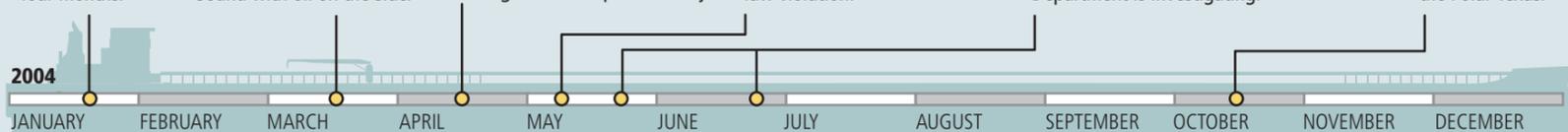
Galley worker Velisha "Renee" Robinson uses cell phone to tell company headquarters that the captain and crew members of the Polar California were drinking alcohol on board, a law violation.

MAY-JUNE 2004

An assistant engineer on the Polar Alaska reports that another engineer has been bypassing equipment designed to remove oil from engine-room wastewater before it is pumped overboard. He reports the law violation to the company, and the Justice Department is investigating.

OCTOBER 2004

Mystery spill at Dalco Passage in Puget Sound. Coast Guard takes samples and traces it to the Polar Texas.



THE HUMAN FACTOR

Why another Exxon Valdez disaster could happen



KAREN DUCEY / P-I

Jessica Eisenhower tends bar at a Port Angeles lounge where crew members often drink.

Strange tale pointed to alcohol use on tanker

In post-Exxon Valdez era, crew members still imbibe

BY ERIC NALDER

P-I investigative reporter

Sixteen years after Exxon Valdez Capt. Joseph Hazelwood's drinking habits became international news, another captain has been associated in court papers with alcohol use on a tanker in Prince William Sound.

This time the case is even murkier than Hazelwood's. A galley worker said in a Texas court that she'd discovered alcohol use by the captain and other sailors aboard the tanker Polar California in May as it sailed toward Valdez, Alaska. After she reported it by cell phone to company headquarters in Houston, alcohol was found in her room. A friend said she was set up, perhaps for previously reporting a steward for drinking.

The galley worker alleges she was taken off the ship in Valdez by ConocoPhillips human resources employees. There, she says, she was handcuffed and tossed into a mental institution for five days until a doctor said her condition was "unremarkable" and released her, according to court papers.

Whatever happened – and none of the parties is talking – it isn't the behavior one desires on a 925-foot tanker approaching one of America's most highly secured lo-

SEE TANKERS, A9

A FOUR-PART P-I SPECIAL REPORT

YESTERDAY: An oil spill on a state-of-the-art tanker is covered up – until a whistle-blower comes forward.

TODAY: Port Angeles is a loophole in the effort to crack down on alcohol use in the Alaska-West Coast tanker trade.

► **INSIDE:** Just one tanker sailor has been disciplined for too much alcohol. **A9**

TOMORROW: Polar Tankers' troubling year shows that high-tech ships can break down, and they are operated by fallible humans.

FRIDAY: Experts talk about what might have happened in the Dalco Passage oil spill.

ON THE WEB: Find past installments of the series at seattlepi.com/humanfactor

THE HUMAN FACTOR | Why another Exxon Valdez disaster could happen



KAREN DUCEY / P-I

The Polar Adventure is seen recently anchored in Port Angeles harbor as the Sealth Arrow water taxi heads to shore. The Arrow Launch Service has refused to transport crew members to tankers when they seemed drunk.

TANKERS: Crews can drink in Port Angeles with less worry

FROM A1

cations, the terminus of the Trans Alaska Pipeline.

"Wow. Well, that's frightening," said John Devens, executive director of the Prince William Sound Citizens' Advisory Council.

The lawsuit – which ended in a confidential settlement – is one fragment of a picture the Seattle Post-Intelligencer assembled on continued alcohol use by tanker crews.

Other aspects include union memos that mention alcohol and drug abuse, a crewman's account of an inebriated chief engineer and the recollections of bartenders in Port Angeles, where tanker crews can drink with considerably less worry about gate security than at the pipeline or the refinery ports.

The Coast Guard provided the P-I with only four cases when asked for all reports since Jan. 1, 2000, of substance abuse aboard the tankers that sail between Alaska and the West Coast ports. Two cases involved drugs, one was alcohol and another 2003 case was unspecified because it is still under investigation. None involved ConocoPhillips crews.

One reason for so few may be lack of reporting. Alcohol impairment on tankers isn't rampant – it never was – but there are more cases than are reported, judging from interviews and union memos in the ConocoPhillips fleet.

Companies aren't required to report alcohol abuse to the Coast Guard, but it would be nice if they would, said Coast Guard spokeswoman Jolie Shifflet in Washington, D.C.

"Because of our general role of overseeing the U.S. merchant mariner, we expect that employers will let the Coast Guard know of any misconduct involving Coast Guard-licensed mariners," Shifflet said.

The Coast Guard has no record of the case mentioned in the Polar California lawsuit.

Most companies have no-tolerance policies toward alcohol use on tankers, including ConocoPhillips. How often discipline occurs is unknown.

Last July, a company union publication mentioned the problem. The memo refers to the officers' union, known as the AMOA, and the seamen's union, known as the AMEU.

"I don't want to use any names but just want to remind everyone there've been recent terminations in the AMOA and AMEU for drug, alcohol and code of ethics violations," wrote officers' union Chairman Mike McDonnell.

The Prince William Sound Oil Spill Contingency Plan requires all tankers hauling oil from Valdez to prohibit their crews from being under the influence of alcohol, or using, distributing, selling or possessing alcohol on the ships. Captains and ship pilots are given Breathalyzer tests before their vessels depart Valdez. The companies must have pre-employment screening for drugs and alcohol, post-accident tests, random tests and annual tests.

Most of this was a result of Exxon Valdez. Although Hazelwood was convicted of negligent discharge of oil, not

drinking, testimony showed he'd been drinking before the tanker went aground.

After the spill, Congress passed new anti-drinking rules. The law doesn't ban alcohol on ships, though company policies do. It prohibits anyone working on a tanker from having a blood-alcohol reading above .04, half the amount that can result in a drunken-driving conviction in Washington state. Breathalyzer equipment is now as standard as binoculars on the bridge of any tanker.

The captain of the Polar California, Gregory Knowlton, refused to comment on the lawsuit. Also unwilling to talk was Velisha Robinson, 41, of Texas, the woman who sued Knowlton, the company and other company officials.

Knowlton is a longtime and very well-known captain who was with Hazelwood the day of the Exxon Valdez grounding.

Hazelwood said he met Knowlton for the first and only time at a pizza restaurant that day.

The former Exxon Valdez captain – who now works as a consultant and investigator for the law firm that defended him – said he sympathizes with Knowlton and is skeptical about the lawsuit.

"Post-Valdez, some of the stories I heard about myself, I was flabbergasted about," Hazelwood said in his first interview in six years. "There is always the money angle. People want to hose down a company for money."

Robinson has been a galley worker on company ships since 1991, according to a friend, and some Polar Tanker crew members referred to her as a troublemaker.

Her friend, Polar Tanker galley worker Pearl Bodden, 63, of Louisiana, said Robinson is a devout Christian and a non-drinker who upset others in the fleet by reporting the steward for drinking. Other crew members confirmed that she had reported the steward.

When Bodden was asked if Robinson's treatment aboard the Polar California was revenge, she said: "I'm not the judge. But it looks obvious, wouldn't you think so?"

"I found her very honest," said Bodden, who has sailed on company ships since 1986 and worked at sea since 1975.

Robinson said in her lawsuit she was holding alcohol in her quarters for company officials "to confirm her complaints that alcohol use was occurring aboard the ship." They accused her of having alcohol, Bodden said.

"ConocoPhillips managers chose to constructively terminate Ms. Robinson from the ship and not terminate the captain or the crew members involved in the illegal and illicit use of alcohol," the lawsuit said.

"After being transported from Val-

dez in handcuffs and being evaluated in an independent mental institution by a medical doctor in Anchorage, Alaska, it was determined that her exam was 'unremarkable' (meaning she was normal)," said the lawsuit.

Three weeks later, company official Bill O'Donnell defamed her by entering a report in a company computer system accessible to employees "all over the country and the world" that Robinson was "crazy" or "psychotic," the lawsuit said.

"ConocoPhillips has a stringent policy regarding the use of alcohol by vessel crew members," company spokesman Rich Johnson said in an e-mail. "In fact, our policies are even stricter than the U.S. Coast Guard's regulations regarding alcohol. The policy includes immediate termination for vessel crew members found to be under the influence of alcohol or found to be in possession of alcohol on board our vessels."

"We have terminated vessel crew members who have been found in violation of this policy. All vessel crew members are aware of the policies regarding alcohol, and the policies are strictly enforced."

Another Polar Tankers employee, James Legg, 36, of Shelton, reported that he had experienced retaliation in the form of rebukes and a lowered personnel evaluation after he told ConocoPhillips officials in Houston that a prominent chief engineer had been refused a launch ride back to his ship, the Polar Resolution, because he appeared to be intoxicated.

The incident occurred in Port Angeles near midnight on Feb. 23, 2003. The next morning, Legg recalls overhearing other crew members talking with the captain about the chief engineer's predicament. The Polar Resolution then sent a special launch to collect the engineer.

Later, Legg saw the chief engineer working on high-voltage electrical equipment, in a condition that still worried Legg.

The P-I found another witness. "I was on the launch. I remember the incident," said Michael Schmitt, a former crewman on an Arrow Launch Service water taxi in Port Angeles.

He recalled the name and described the chief engineer as polite, but impaired enough that they were considering his safety in refusing him access to his ship.

Jack Harman, 46, owner of Arrow Launch Service, confirmed that his company has refused sailors access to tankers for intoxication, but would not say who, when or how many. The incidents aren't reported to the Coast Guard, and the agency confirmed that they had no reports from Arrow Launch.

"We have a right to refuse access to any of our vessels at any time for any reason," Harman said.



"Post-Valdez, some of the stories I heard about myself, I was flabbergasted about. There is always the money angle. People want to hose down a company for money."

— Joseph Hazelwood, former Exxon Valdez captain

Crewman cited, fired for alcohol was rarity

Bellingham man suspects other cases simply go unreported

BY ERIC NALDER

P-I investigative reporter

Kelly Owl Stier was amazed when a reporter told him he was the only Alaska-to-West-Coast tanker sailor disciplined by the Coast Guard in five years for having too much alcohol in his blood on board a ship.

"I think there is probably a disparity in the numbers reported to the Coast Guard," he said.

Then a little edge came into his voice. "I think it is still kind of a close-knit society," said Stier, 26. "These guys that have been in it as long as they have, maybe they have a little bit of say. People are looking out for them."

Stier lives in Bellingham, where he fishes nowadays. He was reared in Homer, Alaska, the son of a fisherman and a teacher. As a hedge against the fragile fishing business, Stier attended the California Maritime Academy and got a third mate's license allowing him to sail on deep-draft vessels.

Fresh out of school, he spent a year starting in October 2002 with ConocoPhillips – on the Polar Texas and Polar Resolution – and then joined another tanker company, Seabulk Tankers, based in Fort Lauderdale, Fla.

He ran into trouble the night of March 12, 2004, when his ship, the Seabulk Pride – a 600-foot tanker that carries refined petroleum products – was anchored near Anacortes. Stier encountered friends from the academy in an Anacortes bar – he doesn't recall which one – and he had a few too many.

"Started off with a couple of beers, friends showed up, did some shots," he said, referring to shots of hard liquor. "I'd been out at sea for a couple of months. Tolerance was such, it went to my head."

Ironically, he recalls warning one of his friends who was on watch that night that he, the friend, should cut himself off and get back to the ship.

"Advice I should have followed myself," he said.

The launch operators let him pass, but when he got back to the ship his fellow crew members caught him "not acting normally." They called the captain, who administered a Breathalyzer, and he blew a little over .08, Stier said. That's enough to get a drunken-driving ticket and twice the limit for a ship.

He was fired on the spot. The company then reported him to the Coast Guard, apparently not a common practice. He has a theory why.

"We happened to have one of the company bigwigs aboard on the Seabulk. The captain was really quite bummed out," Stier said.

The Coast Guard suspended his license for three months.

Stier said he got good reviews on tankers and would like to sail deep-draft ships again, but maybe not tankers. He worries about spills, and he suspects there is some drinking.

"I'm sure it has happened and it is happening," he said. "I think that with the seriousness of the industry that it is going to come to an end, either with better regulation . . . or an incident."

TANKER TROUBLES

Although Polar tankers are among the most advanced oil tankers in the world, ConocoPhillips' fleet has seen much trouble in recent years.

FEB. 2003
Polar Resolution has a fuel leak in the engine room. The next day a 6,600-volt breaker explodes.

JAN. 2004
Polar Discovery has spill on deck that whistle-blower says went in the ocean. It isn't reported for four months.

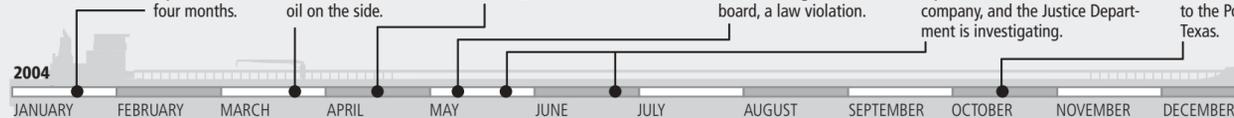
MARCH 2004
Polar Endeavour spills oil from fuel tanks on way to Valdez. Captain reports it to headquarters but they don't relay it to authorities before ship enters Prince William Sound with oil on the side.

APRIL 2004
Polar Endeavour collides with a Chinese bulk carrier in the South China Sea while sailing in dense fog. Minor damage, but an internal company report blames it on the bridge officers sailing too fast in poor visibility.

MAY 2004
Galley worker Velisha "Renee" Robinson uses cell phone to tell company headquarters that the captain and crew members of the Polar California were drinking alcohol on board, a law violation.

MAY-JUNE 2004
An assistant engineer on the Polar Alaska reports that another engineer has been bypassing equipment designed to remove oil from engine-room wastewater before it is pumped overboard. He reports the law violation to the company, and the Justice Department is investigating.

OCT. 2004
Mystery spill at Dalco Passage in Puget Sound. Coast Guard takes samples and traces it to the Polar Texas.



THE HUMAN FACTOR

Why another Exxon Valdez disaster could happen

San Juans disaster narrowly averted

Captain in collision had health, alcohol ills

BY ERIC NALDER

P-I investigative reporter

It was about as close to a disastrous oil spill as you can get without having one – and it happened in the San Juan Islands.

On Jan. 19, 2002, a binge drinker who had suffered several mini-strokes veered the escort tug he was driving in front of the bow of an oncoming single-hulled oil tanker carrying 2 million gallons of light fuel oil, according to a federal court ruling.

The collision near Lopez Island rolled the tugboat over like a dog's chew toy.

Amazingly, no one was seriously hurt and the tanker did not spill oil, but the collision between the 612-foot tanker Allegiance, owned by Maritrans Inc. of Tampa, Fla., and the tug Sea Wolf underlines the special dangers tankers sail through in busy Washington shipping lanes.

The tugboat skipper, Donald Neke-

INSIDE

Modern oil tankers are still susceptible to human error

SEE A6

SEE PUGET, A7

A FOUR-PART P-I SPECIAL REPORT

TUESDAY: An oil spill on a state-of-the-art tanker is covered up – until a whistle-blower comes forward.

YESTERDAY: Port Angeles is a loophole in the effort to crack down on alcohol use in the Alaska-West Coast tanker trade.

TODAY: Polar Tankers' troubling year shows that high-tech ships can break down, and they are operated by fallible humans. **A6**

TOMORROW: Experts talk about what might have happened in the Dalco Passage oil spill.

ON THE WEB: Find past installments of the series at seattlepi.com/humanfactor

PUGET: 'I shouldn't even be driving a car,' tug captain says he was told

feroff, 65, of Tacoma, said in an interview yesterday that he surrendered his Coast Guard tugboat master's license immediately afterward because a doctor told him, "I shouldn't even be driving a car."

U.S. District Judge John Coughenour said in a decision last year the tugboat owner — seagoing giant Crowley Maritime — had known for years about Nekeferoff's mini-strokes and drinking. Yet the company allowed him to regularly command escort tugs that accompanied fully loaded oil tankers through the most hazardous waterways of Washington state.

"That's a total outrage," said Naki Stevens of the environmental watchdog group People for Puget Sound, who did not know about the circumstances surrounding the crash even though she is among the most informed ocean environmentalists in the area.

A spokesman for Crowley said the judge had it wrong in many details, and insisted that the company has a strong policy against alcohol on vessels that is strictly enforced. He said Nekeferoff was tested immediately after the crash and he had no sign of drugs or alcohol in his system.

"Crowley had no reason to believe the tug captain was unfit for duty," said Mark Miller of Crowley Maritime Corp., based in Jacksonville, Fla. "At the time of the incident, the tug captain was licensed and had passed a U.S. Coast Guard physical examination." The Coast Guard requires physicals every five years.

Besides owning tugboats, Crowley is the nation's largest independent operator of petroleum barges and tankers.

One reason tankers have such a challenge in Washington waters is the unfortunate placement of the state's four biggest refineries.

To get to Cherry Point, Ferndale and the two Anacortes refineries, tankers must first navigate one of the busiest deep-draft shipping lanes in the world, the Strait of Juan de Fuca. Then depending on which refinery they are visiting, they go through one of the prettiest and trickiest back roads around — Rosario Strait, Guemes Channel and the Saddlebag Passage at Padilla Bay.

Each features a nerve-racking array of underwater shoals, winds, swift tides and small boat traffic, varying with the season.

"It can be a real mess up there, especially during the tour-boat season. Anything that floats can get in the way," said a Coast Guard vessel traffic controller who watches the waterway on a radar screen.

Other tankers sail south down Puget Sound to a refinery in Tacoma, which has its own hazards, such as container ships with tons of momentum traveling at up to 25 mph.

Nekeferoff and five other crew members on the tug Sea Wolf met the Allegiance that night east of Port Angeles and arranged for a standard escorting maneuver that involves a game of chase.

Because the tanker is faster than the tugs, the Sea Wolf and another Crowley tug, the Chief, got a two- or three-mile running start. The tanker caught up within 45 minutes, around 9:30 p.m., near Davidson Rock, and that's when trouble struck.

With the Sea Wolf off his port bow, the pilot on the bridge of the Allegiance, Joseph Semler, noticed the Sea Wolf moving closer and closer to his bow.

"Don, are you OK?" the pilot asked Nekeferoff, who replied positively.

The tug then veered into the bow of the tanker, or so said the witnesses the judge most believed. Crowley and Nekeferoff insist it was the other way around.

Luckily, the tanker's bow hit the tug, because only a single layer of steel protected the cargo tanks on the side. The heavy ship was traveling nearly 15 nautical miles an hour when it plowed into the stern of the tug, driving it sideways and over. The tug's screw left chew marks in the bow of the ship, but nothing penetrated the cargo tanks.

"I thought I was going to die," said Nekeferoff, who still feels emotional about the experiences. "Water was coming in the wheelhouse."

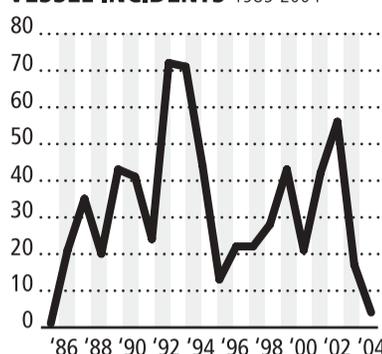
But there were only minor injuries, and no spill. Crew members found Nekeferoff in a "non-responsive state."

An investigation revealed Crowley had records showing Nekeferoff had a mini-stroke on the job in May 1999, and "two or more" other mini-

PUGET SOUND VESSEL INCIDENTS

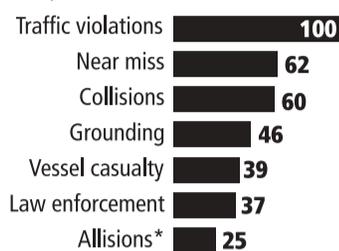
A P-I analysis of Vessel Traffic System Puget Sound data shows that there have been close to 650 "incidents" recorded in the region from 1985 to 2004. Incidents range from collisions to traffic violations to pollution.

VESSEL INCIDENTS 1985-2004



MOST COMMON INCIDENTS

All vessels, 1985-2004



*Hitting a fixed object

Source: U.S. Coast Guard

strokes up to the time of the accident.

He was taken for emergency treatment for low back pain and sharp radiating chest pains in January 2000. He also had been diagnosed with blocked arteries in his neck and had handicapped parking privileges for blocked leg arteries, court records showed.

"Finally, there were repeated references in medical records contained in Crowley's files to Captain Nekeferoff being a chronic alcoholic and being a 'binge' drinker," the judge said.

The P-I asked Nekeferoff in an interview what happened prior to the crash and he said: "I think I had a mini-stroke."

But, he added: "I didn't ram into that ship, it ran over me."

Coughenour rapped the Maritrans tanker for one thing — failing to sound a warning horn as the vessels converged. He found the tug 75 percent liable and the tanker 25 percent liable for the accident.

Stevens said the case proves the need for a citizens oversight board in Puget Sound, a proposal in a bill sponsored by State Sen. Harriet Spanel, D-Bellingham.

John Devens, who is executive director of a citizens' council in Prince William Sound — a panel that inspired Spanel — said their group investigates incidents like the Nekeferoff case and also encourages whistle-blowers to report them.

Dale Jensen, head of the Washington State Department of Ecology's spills program, wasn't aware of the details of the case but said he was aware that the Coast Guard investigated it.

"To me it's just amazing we didn't know," said Spanel. "Somebody didn't take it seriously."

The state House of Representatives will conduct a hearing on Spanel's proposal today at 8 a.m.

Ecology has lobbied successfully to have industry representatives on the proposed board — there are none on the panel in Prince William Sound — and Spanel has resisted Ecology's efforts to have the board report to Ecology rather than the governor.

A citizens board would oversee a pretty neighborhood with some hard edges.

Nearly two tankers a day enter the state through the Strait of Juan de Fuca, a straight-shot wind tunnel leading in from the North Pacific Ocean. Half the trips are made by regulars — about two dozen, owned by oil companies, sail between the Trans-Alaska Pipeline terminal in Valdez, Alaska and the West Coast.

Another 80 tankers come in occasionally, many of them foreign-flagged, and of varying quality. They make up the other half of the trips.

They are joined by thousands of other vessels. Ferries make up about 80 percent of the traffic monitored by the Coast Guard's Vessel Traffic System in Puget Sound, which is one of the best in the world.

Besides VTS, other advantages in Puget Sound are escort tugs that accompany tankers and pilots. The tankers travel nearly all the time within five miles of shore — drifting-ashore distance.

One of the few safety drawbacks is there are no speed limits, as there are in San Francisco Bay, but there are voluntary speed advisories of 11 knots in Rosario Strait and 6 knots in Guemes Channel.

Another asset in Puget Sound is citizen activism. Back in the 1970s, the public forced the adoption of tug escorts, VTS and a ban against tank-

MOST COMMON INCIDENT LOCATIONS

Includes data only for collisions, groundings, near misses, vessel casualties and allisions



Location	Incidents
1 Strait of Juan de Fuca	31
2 Puget Sound	17
3 Duwamish River	15
4 Elliott Bay	10
5 Blair Waterway	7
6 Rosario Strait	7
7 Admiralty Inlet	5

SEATTLE POST-INTELLIGENCER

ers larger than 125,000 deadweight tons.

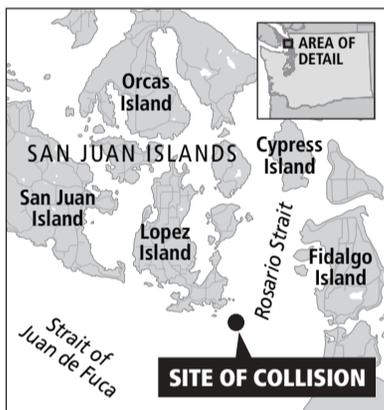
The latter is now on the block. A consultant study done for Ecology has said the size restriction could cause larger spills.

That's because companies such as ConocoPhillips and BP are building tankers for this market that are 142,000 and 188,000 deadweight tons.

They are allowed to enter these waters with those ships, loaded light and riding high, thus keeping their weight under 125,000 tons.

The study said tankers sitting high like that in the water would spill more oil if punctured, because oil pours out of a tanker until it sinks to the level where the cargo is in equilibrium with the outside seawater.

P-I investigative reporter **Phuong Cat Le** contributed to this report.



SEATTLE POST-INTELLIGENCER

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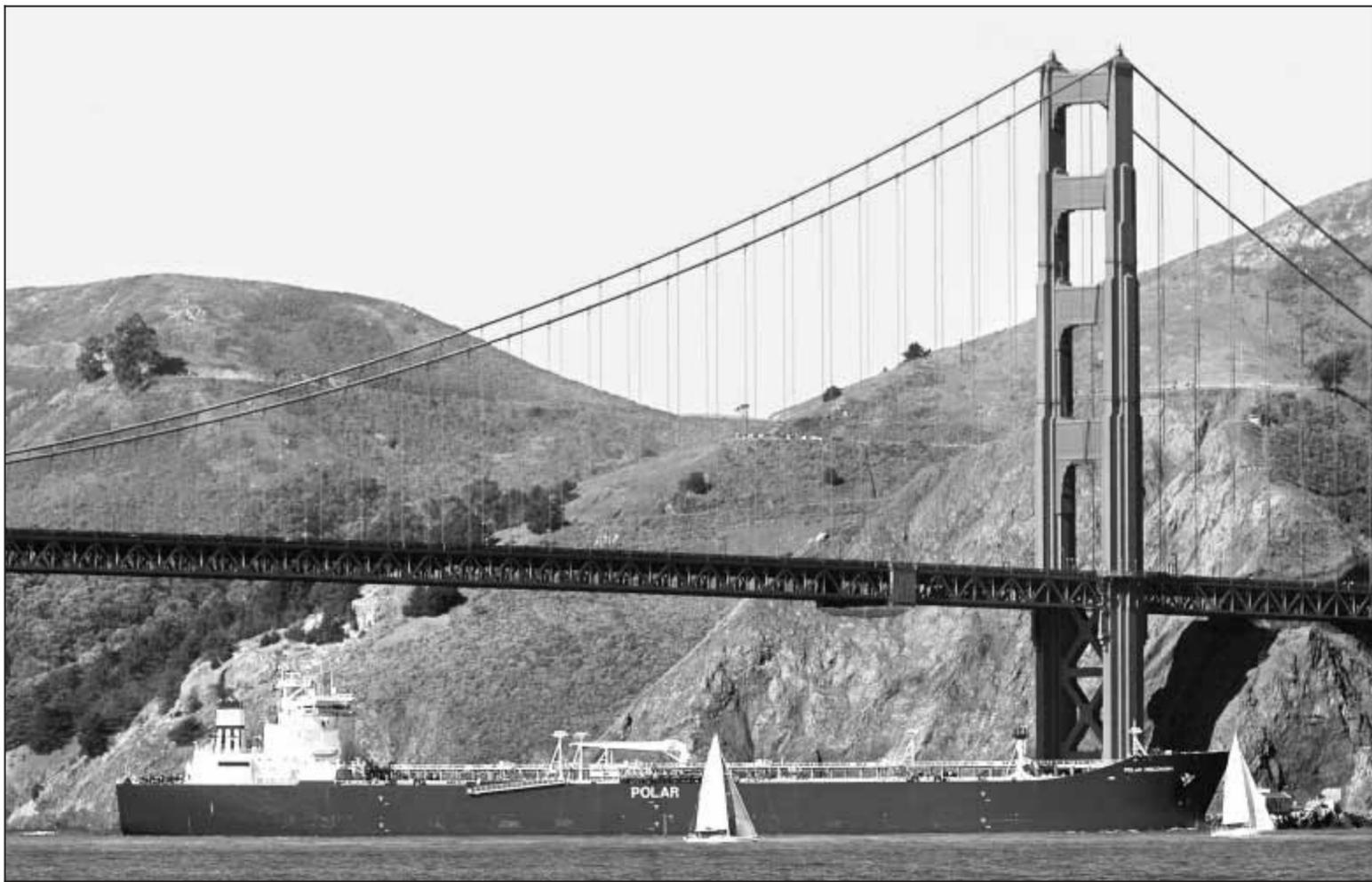
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THE HUMAN FACTOR | Why another Exxon Valdez disaster could happen



The Polar Discovery, one of the most modern tankers, heads into San Francisco Bay in January. A crewman said it had an unreported oil spill at sea in 2004.

DAVID PAUL MORRIS / SAN FRANCISCO CHRONICLE

Even best-built tankers have had problems

Human error, machine failures always leave risk of major oil spill

BY ERIC NALDER
P-I investigative reporter

More than ever, oil-tanker safety hinges on the high-tech equipment that guides, steers and stops what have been called the most reliable ships on earth.

Operated by fallible humans. Take, for example, the Polar Resolution, one of four new ships that are the pride of ConocoPhillips' fleet.

In February 2003, the Polar Resolution was offloading oil in Martinez, Calif., when a tiny fuel leak in a high-pressure line caused hot bunker oil to collect on the deck plating around the pipe. That's not good, because misty, hot fuel is explosive.

The ship sailed out of the Golden Gate even as engineers worked all day and all night, tearing out and re-welding huge sections of pipe.

At least one engineer worked 22 hours straight – a violation of federal work limits instituted after the Exxon Valdez, though there are exceptions in an emergency.

One seaman reported that when he was called to help around 5:30 a.m., the other engineers were "red-eyed, goofy and incoherent."

Then the ship was rocked by an explosion.

The blast, unrelated to the leak, destroyed a 6,600-volt electrical breaker. The tanker scurried back to anchor in San Francisco Bay.

The Coast Guard knew

nothing of the episode when the Seattle Post-Intelligencer repeatedly inquired about it. Apparently neither the tanker's officers nor its owner reported it.

The P-I found out when it contacted a crewman who suffered smoke inhalation in the aftermath of the explosion. In what could be construed as an attempt to evade reporting requirements, a medical report signed by the captain classifies the smoke inhalation not as an accident-caused injury, but as an illness. The captain, Dan Ellison of Fountain Valley, Calif., did not return phone calls.

Failure to report such a damaging explosion and an injury – an apparent law violation – reflects a breakdown in post-Exxon Valdez reforms.

A litany of incidents

The P-I found more examples to temper ConocoPhillips' confidence in double hulls, twin independent engine rooms and redundant steering systems.

The first of the new super-redundant ships, the Polar Endeavour, has experienced at least four human error and machine failures in critical situations. It lost both engines momentarily in a wildlife area near Anacortes in April 2002. Last November, its steering system suddenly veered 15 degrees in Prince William Sound.

During just one voyage last year, two incidents rocked the Endeavor: A spill in March caused by an overfilled

bunker fuel tank, and an April collision in the South China Sea.

The 854-foot ship struck a Chinese bulk carrier in deep fog not unlike the soup the Endeavour encounters regularly in the narrow passages of the San Juan Islands and in San Francisco Bay.

Bridge officers failed to slow down in "severely restricted visibility" and they didn't make adequate course adjustments, said an internal company report obtained by the P-I.

After the collision, a Coast Guard report shows, the ship's high-tech variable speed propeller was stuck in the "100 percent ahead" position, forcing the crew to shut down the starboard engine. Using its port engine, the ship limped into the Singapore shipyard, where it had been headed at the time for routine work.

The collision caused no injuries and only minor damage – a scraped hull – but such collisions can be far more violent, and a hard, direct hit could penetrate a double hull. ConocoPhillips fleet general manager Antonio Valdes told his ship captains in a June 17, 2004, letter that "due to the serious nature of the incident, which could have had much more serious consequences," he wanted them to better follow company rules.

The year had started poorly for Polar Tankers. There was an unreported spill on the Polar Discovery in January, alcohol-use accusations on the Polar California in May, and in June a Polar Alaska engineer's report that a colleague had bypassed pollution-control equipment. It would get worse: In December, the Coast Guard announced it had linked the Polar Texas to an October mystery spill in Puget Sound's Dalco Passage.

Company defends record

ConocoPhillips spokesman Rich Johnson said in an e-mail that his company had voluntarily reported incidents to authorities. It did report some, but the Polar Resolution electrical explosion apparently wasn't reported, the Polar Endeavour spill was discovered by escort vessels and a whistle-blower, not the company, reported the Polar Discovery spill. The company has denied responsibility for the Dalco Passage spill.

Johnson said the e-mail wasn't referring to all cases detailed in communications from the P-I, for example not the Polar Resolution incident, which it hasn't acknowledged.

"Because some of the incidents remain under investigation, it would be inappropriate to discuss details or speculate on outcome," he wrote. "We have taken appropriate actions to prevent recurrences."

"The company has been cooperative and will continue to cooperate fully with the appropriate authorities," Johnson wrote.

Valdes, the fleet general manager, was infuriated by the 2004 incidents. He fired Polar Discovery Capt. Jack Carroll after a whistle-blower reported the January spill that had gone unreported by the company. Then, at a July 15 meeting at ConocoPhillips marine headquarters with Polar Tankers sailors' union Chairman John Pitts, officers' union Presi-

dent Mike McDonnell and Polar Tankers President Robert Lindsay, he vented some of his frustrations.

At the meeting, Valdes countered repeated defensive statements from McDonnell that "a few incidents and the resultant investigations shouldn't be used as a measure of how the entire fleet is operating."

McDonnell told his membership that according to Valdes, "... the investigations were fair and unbiased and he's not convinced the results aren't an indication of how the entire fleet is operating."

McDonnell and Pitts aired a long list of their members' grievances, including criticism of nitpicky oversight, whistle-blower reports that fuel paranoia, the firing of Carroll, long ship assignments caused by the company's failure to fill 65 unfilled job openings, an increase in injuries, crew members doing jobs they aren't fully trained for, a failure by Valdes to meet with his captains and a feeling that top managers had a "do not disturb sign" on their door. Pitts told him the crisis had been brewing for years.

"We were collectively driven to save, but sometimes at the expense of the basic tenets: safety; regard for the rules ... and in some cases being good shipmates to each other," Pitts wrote to his membership.

ConocoPhillips had profits of \$8.11 billion in 2004 – up 77 percent, mostly because of high energy prices.

Valdes promised them that job slots would be filled by 2005 and that when the Polar Texas was retired at the end of the year, the company would "staff up" to a seven-ship fleet, anticipating another Endeavour-class tanker now under construction in the Avondale Shipyard in Louisiana. Polar Tankers now has six ships: the super-modern Polar Endeavour, Polar Resolution, Polar Discovery and Polar Adventure; and the older Polar Alaska and Polar California.

Valdes also vowed to meet with captains and told them he'd always hold safety over practical matters such as refinery deadlines.

Union leaders left the meeting reassured, though McDonnell wrote that with the recent incidents, "I still have definite reservations."

Push to end tug escorts

In July, even as Valdes was raging about the company's mishaps, Washington state – prompted by industry – started a study to consider scrapping tug escorts for the new Polar Tankers ships because of their reliability.

The study ended with a recommendation in favor of a ConocoPhillips proposal to cut the escorts in favor of a tug stationed nearby.

In San Francisco Bay – where the Resolution was having maintenance problems – escorts have already been lifted from such ships.

Some ship captains are skeptical about dropping escorts, including Joe Hazelwood – the former captain of the Exxon Valdez – who disagrees with what industry is proposing.

"As a mariner, I'd rather have them," said the 22-year tanker veteran regarding the tug escorts that might have saved his career had they accompanied the Exxon Valdez that fateful night of March 24, 1989.

He lost his job when he left a junior officer in charge. The ship missed a turn and hit Bligh Reef so hard even a double hull wouldn't have prevented a major spill.

"To me it would be kind of like eliminating the fire department," said Hazelwood, 58, of the recommendation to reduce escorts. "Nothing catches fire. People start wondering, what do we need these guys for?"

Hazelwood, who can't get a captain's job since the 11 million-gallon spill though he is licensed, explained how 140,000 tons of slow-moving momentum can slip out of control.

"The fastest thing in the world is a ship approaching a dock going full astern, and it is almost stopped," said Hazelwood, 58, now a Long Island maritime consultant and investigator for the law firm that defended him. "You are still gobbling up that distance. You are chewing on your tongue. The tugs are going full astern, the dock is getting closer and closer, and you are still not stopped."

Another fired captain, Jack Carroll, agrees with Hazelwood. He thinks the Polar Endeavour is a great ship; he was honored to bring it out of the shipyard for its first voyage in 2001. Great, but not flawless, he said.

"One mistake on one of those ships costs so much money compared to what an escort costs," said Carroll, a respected veteran who was canned last year for the spill aboard the Polar Discovery. "When I had an escort behind me, it was, 'Hey, not out of my pocket.' I liked it back there."

A small expense – until spill

Tanker fleets tend to be minor expenses for oil companies aside from the multibillion-dollar risk of an oil spill. Polar Tankers merited only a paragraph in the 112-page ConocoPhillips annual report last year. Try to find the part of your gasoline bill attributable to tanker expenses and you'll be shaving pennies.

Most notable for ConocoPhillips was the \$200 million price of the Endeavour-class tankers, high by world standards. But it was easily covered by the Houston company's record profits last year.

After the Exxon Valdez spill, industry reformers created the International Safety Management system.

Made mandatory by international treaty after 1998, ISM requires each company to designate someone with direct access to top management to receive trouble reports from below, and pass them up the chain. Reports are audited and necessary changes made.

More serious incident reports must, by law, go to the Coast Guard, which inspects and follows up on some repairs, said Coast Guard Capt. Mike Karr, chief safety, security and environmental protection compliance officer.

The system has improved maintenance standards, and produced an irritating deluge of minor reports.

Puzzling contrast

ConocoPhillips shoreside Alaska representative Kristina O'Connor exemplified the latter when, at a meeting earlier this month of the Prince William Sound Regional Citizens Advisory Council, she proudly reported how her company carried out its "open communication policy" in February. She said the company reported to the Coast Guard a spill of a cup of oil on the deck of the Polar Resolution out in the ocean. It was raining, she said, so some might have gone in the water.

By contrast, in March last year, the Polar Endeavour was on its way to Valdez with bunker fuel tanks overfilled by the chief engineer. Double-hulled ships tend to roll more than others, and it did in heavy weather, splashing oil all over the deck and on the side of the ship, some say into the water. The captain called Polar Tankers headquarters in Long Beach, Calif., but officers say the report wasn't forwarded to the Coast Guard. Escort vessel crews spotted the big stains on the side of the blue-hulled ship and reported them.

That kind of stuff is why tanker captains aren't fond of home offices. "There's so much scrutiny now that the job almost defies description. It's got so little to do with operating a ship anymore," said Hazelwood. "More of a paper exercise to cover your butt and your lawyer's butt."

Reporting system works

Actually, the point of the International Safety Management system isn't butt-covering, but fixing major problems. And, used properly, it works: After the Endeavour burped oil, baffles were installed on the fuel tank vents to stop the stuff from splashing out.

ISM reporting also led to problem-solving when the Polar Endeavour lost power to both engines in sensitive Washington waters near Padilla Bay, by Saddlebag Island. According to a state study, the crew was testing a 300-horsepower electrical pump. That blew the electrical power, shutting down the lube-oil pumps and both engines. Fixes were made.

When the Polar Endeavour suddenly veered 15 degrees due to an autopilot steering system malfunction in Prince William Sound, the reporting led to the installation of new solid-state controls.

The system also worked as designed when first engineer Peter Feeney reported fellow first engineer Dennis Madden for supposedly bypassing pollution equipment on the Polar Alaska. Details obtained by the P-I indicate a lower-ranked engine worker told Feeney that Madden was bypassing the system when Feeney relieved Madden on the ship.

"We all like to think we did the right thing," said Feeney. That was all he would say about his report.

Engine rooms have oily-water separators that take oil from wastewater before it is pumped overboard. It is a crime to bypass the system.

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No report on explosion

No investigation has apparently been done of the case where the Polar Resolution returned to San Francisco with a smoke-filled engine control room. The Coast Guard searched and could find no evidence of a report, said spokeswoman Jolie Shifflet in Washington, D.C.

By law, any incident causing injury to a crew member that requires treatment in a clinic or hospital must be reported, as well as machinery casualties that require more than \$25,000 to repair.

Knowledgeable ship officers said the Resolution damage could have easily qualified.

Failure to report might indicate what union leaders called paranoia brought on by mistrust of management. Valdes addressed it in July.

"He doesn't feel Polar has a culture of forwarding near misses and would like to see that process improved," McDonnell wrote.

"He doesn't want anyone hiding things to protect the company reputation."

"We were collectively driven to save, but sometimes at the expense of the basic tenets: safety; regard for the rules ... and in some cases being good shipmates to each other."

– Union Chairman John Pitts

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THE HUMAN FACTOR

Why another Exxon Valdez disaster could happen

How tanker might have caused spill in Dalco

But pumpman tells grand jury the oil couldn't have come from Polar Texas

BY ERIC NALDER

P-I investigative reporter

The Polar Texas seemed like the perfect crime suspect – on its last legs, with a checkered past, lacking an alibi and keeping a low profile.

On top of that, the authorities allege it left fingerprints at the scene.

Did the aged tanker cause a mystery 1,500-gallon oil spill in Puget Sound's Dalco Passage on Oct. 13? Absolutely not, says its owner, ConocoPhillips. But the Coast Guard says crude oil from the ship matched the oil spilled.

The Seattle Post-Intelligencer got an inside look at the bitter legal battle being waged between ConocoPhillips and the Justice Department – and a new theory that could explain how the Polar Texas might have spilled the oil without realizing it.

Last month, a candid message to ship's officers from their union – apparently approved by company lawyers – gave a frank description of events in the federal investigation and the company response.

"The government has called a couple of people to testify before the grand jury later this month. They are both unlicensed (non-officers) and were involved in the ballasting operations that were going on when the ship was leaving port," the message said.

According to two former Polar Texas officers – a chief engineer and a chief mate – and a former fleet president who knows the ship

A FOUR-PART P-I SPECIAL REPORT

TUESDAY: An oil spill on a state-of-the-art tanker is covered up – until a whistle-blower comes forward.

WEDNESDAY: Port Angeles is a loophole in the effort to crack down on alcohol use in the Alaska-West Coast tanker trade.

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TODAY: Experts talk about what might have happened in the Dalco Passage oil spill.

ON THE WEB: Find past installments of the series at seattlepi.com/humanfactor

INSIDE: A plan for a citizens group to work at preventing oil spills in Washington state runs into a wall of opposition. **B2**

THE HUMAN FACTOR | Why another Exxon Valdez disaster could happen

DALCO: Crew members contend ballasting was done correctly

FROM A1

well, the Polar Texas could have spilled the oil in Dalco Passage without knowing, if a foul-weather ballasting operation – taking in water to keep the ship's profile low and make it more stable in high seas – was done incorrectly.

Attorneys representing the Polar Texas officers and crew told the P-I the ship took on extra ballast that day but no mistakes were made.

Chief Mate Christopher Laired of Corpus Christi, Texas, conducted what is called "dirty ballast operation," but he did it right: turning on the pump first, checking for suction and opening the "skin valve" to bring in seawater through the sea chest, said Robert Mahler, a Seattle attorney hired by the company to represent ship's officers, including Laired. The sea chest is an opening in the hull through which ballast water is drawn.

Doing it the opposite way could discharge oil.

Veteran pumpman Randall Friend of Lewes, Del., was in a control room upstairs, watching the whole operation, and confirmed that it was done right, said Laurence Finegold, an attorney for the unlicensed, or lower ranked, crew members.

"If that oil came off of that ship, I don't know anybody who has any idea of how it happened," said Mahler. "It's a mystery."

Mahler said a diver inspected the Polar Texas sea chest in early November and it was "clean as a whistle." Other experts said the sea chest could have been naturally scoured clean by the ocean and by additional ballasting after the spill, which wasn't discovered until Oct. 14.

Finegold said Friend has been interviewed three times, including once without an attorney on the ship, and he has been completely cooperative. Mahler said his client, too, has been fully forthcoming. Finegold said "half a dozen or more" crewmen have been called to testify before the grand jury.

On Nov. 16, Friend and Laired visited the Polar Texas in Anacortes, where they sequentially took investigators through every step they performed, and both lawyers said the investigators seemed impressed.

On March 17, Friend appeared before a federal grand jury in Seattle and answered questions for about 45 minutes, Finegold said. Laired has not testified before the grand jury.

"Everybody is stumped," said Mahler. "None of my clients believes it could have come from the ship. They have no idea how it got there."

The union memo went on to describe the company feelings about the federal investigation:

"Management feels the government is just trying to apply more pressure to the witnesses and the company in an attempt to get someone to say something inconsistent with what they've said before, or get someone to refuse to say anything," the message warned. "In either case, it would help the governments (sic) attempt to discredit the individuals and the company."

It even told officers how to act before the grand jury: "... The legal department encourages everyone to think about what they've said to date, stay consistent with what they've said and try not to get intimidated. So far the company is very pleased with the way our members have handled themselves and hope they will continue to be open and honest should they be called to testify in the future."

Most Polar Tankers crew members were unwilling to talk to the P-I about the Polar Texas, but some backed up the company's insistence that it knows nothing of the cause of the spill that stained 20 miles of beaches and exposed major weaknesses in the state of Washington's spill response abilities.

"I believe very strongly that we have nothing to do with that (spill)," said Michael Shartel, 29, of El Cajon, Calif., who was a third mate on the Polar Texas when the spill occurred.

"From the beginning, ConocoPhillips has cooperated fully and will continue to cooperate fully with the government's investigation," wrote ConocoPhillips spokesman Rich Johnson in an e-mail. "We are continuing to conduct our own investigation. We do not believe we are the responsible party based on all the information we have to date."

He noted that ConocoPhillips has sued the government for its test data.

"ConocoPhillips has repeatedly assured the investigators that if they shared their information and if it shows we are the responsible party, we will do the right thing," he wrote.

A former chief engineer of the Polar Texas said the ballasting operation could be botched without the crew realizing it. Jerry Aspland, former president of the Polar Texas' fleet when it was called Arco Marine, agreed. What they described is what most experts view as the likeliest – perhaps only – way crude oil could have left the ship at the time it sailed through Dalco Passage.

The 91,000-ton tanker had offloaded crude oil at the U.S. Oil refinery in Tacoma and was facing bad weather on the return trip to Valdez through the North Pacific: 10-foot swells and 30-mph winds, perhaps worse, according to weather records from the time. It needed extra ballast water to lower the ship in the water and better stabilize its 899-foot hull.

The Polar Texas was equipped with clean tanks for handling most ballast water, running down the keel centerline, on the bottom of the ship. Those kind of tanks never cause pollution because they never see oil. But the ship needed more ballast for the stormy seas ahead. And taking on extra ballast required pulling it into cargo tanks through dirty pipes.

As it sailed through Dalco Passage just before sunset, around 6 p.m., its offloading pipes were contaminated with sticky crude oil. A spill later identified by the Coast Guard as crude oil would be discovered by a tug captain in Dalco Passage more than six hours later.

The crew was probably around Dalco Passage when the ship took on ballast water in cargo tanks. The experts say operators could blunder by opening the sea

A LONG CAREER IN THE OIL BUSINESS

The Polar Texas was born in the Bethlehem Steel Shipyard at Sparrows Point, Md. She had a volatile adolescence – six years later she exploded, then was rebuilt and spent the rest of her life hauling oil through the crankiest seas in the world.

During her life, in addition to exploding, she managed to spill more than 631,000 gallons, go

aground twice, go adrift twice, and crack in heavy seas. But she delivered billions of gallons over the Gulf of Alaska without incident.

Here is a thumbnail sketch of U.S.-flagged vessel number 549197, from fiery beginning to an end clouded by suspicion.



In September 1979, the Chevron Hawaii exploded in the Houston Ship Channel. The ship was rebuilt as the Arco Texas. HOUSTON CHRONICLE FILE PHOTO

EARLY LIFE AS CHEVRON HAWAII

June 1973: The Chevron Hawaii is launched, weighing 70,000 deadweight tons. Chevron takes out a \$16,516,430 mortgage against it.

July 1973: Trans Alaska Pipeline project is approved on tie-breaking vote by Vice President Spiro Agnew.

October 1974: Thirty-two tankers are listed as suitable to carry oil from the proposed Alaska pipeline to the lower 48, including Chevron Hawaii.

April 1977: Tankers start sailing from Valdez, Alaska. Route is known as the TAPS Trade (for Trans Alaska Pipeline).

September 1979: Lightning detonates the Chevron Hawaii at a refinery dock in Deer Park, Texas. Explosion kills three, destroys the hull, spills 630,000 gallons of crude oil, detonates four nearby oil barges and ignites an alcohol storage tank on the deck. Nothing of the Chevron Hawaii is left worth salvaging but the engine room and house.

January 1980: Charred carcass is sold to Fred Devine Diving and Salvage Inc., and then to Finn Moller.

WORKING LIFE AS ARCO TEXAS

March 1980: Arco Marine based in Long Beach, Calif., buys the ship, after four months of shifting ownership.

November 1981: Name changes to Arco Texas. Ship is rebuilt at Newport News Shipyard & Drydock Facility in Newport News, Va., as a single-sided tanker with partial double bottom. The forebody is longer; weight is now 91,000 deadweight tons. Arco Marine President Jerry Aspland says it was sized to "squeeze through the Panama Canal."

August 1987: Goes aground in Miraflores Locks at the Panama Canal; no damage or spill reported.

June 1991: Runs aground while loaded at Ediz Hook in Port Angeles. No oil spilled.

March 1992: Tug, pushing on the ship too hard, dents hull slightly.

December 1992: Mist from deck vent riser spills a gallon. It is a frequent problem with old-style risers.

December 1992: Five fractures are found on either side of the hull, ranging from 3 inches to 21 inches long. Cracking is constant with tankers being battered by huge waves in the Gulf of Alaska. Coast Guard reports in those days simply say "vessel in TAPS service" to explain the cause.

June 1993: Pinhole leaks are found in welds due to "stress of normal operations."

July 1993: Spills 19 gallons on deck and one gallon in the water at Valdez terminal, after tank burps contents under pressure.

August 1993: Crack is found in ballast tank.

August 1993: Mystery sheen is discovered near ship by captain, but a diver finds only a light sheen in an air pocket under hull.

January 1994: Five-inch crack is found on deck where work had been done.

March 1994: Two-and-a-half-inch crack is found in tank weld, in area not previously prone to cracking.

March 1994: Mystery sheen is spotted by chief mate within ship's containment boom in Valdez, coming from air bubbles generated by the discharge of ballast water. Diver finds a drydock plug in a cargo tank leaking oil.

June 1994: Eight-inch fracture is found between cargo tank and ballast tank.

December 1994: Two-inch crack on main deck discovered by crewman.

March 1995: Two-inch crack on main deck, caused by faulty workmanship.

April 1995: Crewman walking deck finds eight-inch fracture in center cargo tank.

November 1995: Loses port side anchor when huge link corroded and broke, setting tanker briefly adrift in Samish Bay in 30-mph winds. Starboard anchor held.

May 1996: Arco Texas hits wall of lock in the Panama Canal with its bow because a local ship pilot was fatigued after working 30



The Polar Texas' reconstruction made it an unusual-looking but sturdy tanker.

hours in a 48-hour period and misjudges his turn. Pilot refuses to take a drug test, according to Coast Guard. Ship is repaired in drydock.

RUMORS AND PREPARATIONS

April 1999: Arco Texas officers and others learn that there is a proposed merger between Arco and BP. Could mean shakeup in the fleet. "It was emotionally devastating," wrote officers' union leader Mike McDonnell.

June 1999: Arco Texas spills 1,092 gallons of crude oil into the sea at the Ferndale refinery dock, and 546 gallons on deck. The ship reports it broke mooring lines while off loading oil at the Ferndale refinery, but Coast Guard e-mail indicates skepticism: "Within 10 minutes we overheard the Arco Texas directing the tugs Brian S And Arthur Foss where to push him to stabilize the situation. Notifications were made and the wind was ascertained. It was felt there may be a pollution problem since 15-knot winds are incapable of parting such large hawsers (mooring lines)."

December 1999: Merger talks between Arco and BP heat up. Arco Texas crew is uncertain about its fate. Many worry about the loss of the Arco fleet, which they feel is a great place to work, union memos show.

PHILLIPS TAKES OVER

April 2000: Phillips Petroleum takes over Arco fleet, as part of a consent order by Federal Trade Commission. Arco merges with BP, but the British company cannot absorb Arco's Alaska assets and the tanker fleet, because of laws

mandating U.S. ownership.

April 2000: Arco Texas gets a new name – the Polar Texas – and a new owner, Polar Tankers. Polar Tankers' bear logo is painted on its smokestack.

November 2001: Conoco and Phillips announce merger plans. McDonnell tells membership: "... we need to continue separating ourselves from others in the industry. Our superior operational performance and professionalism has accomplished that goal up to now. Dock personnel and regulators would rather work with Polar Tankers than any other shipping company in the TAPS Trade."

January 2002: Sea marshals first board ship to check security provisions post-9/11.

June 2002: Crew said to be happy with Phillips Petroleum fleet leadership. "I can sit down with anyone in staffing, operation and engineering and provide input that will be listened to," writes McDonnell.

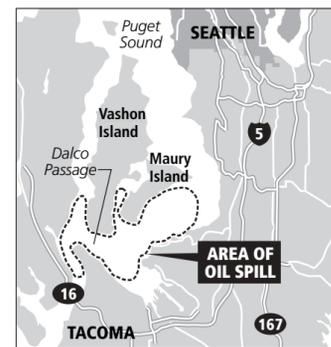
June 2002: Winches fail while tanker is off-loading at Ferndale refinery. Loading pipes damaged as ship rotates away from the pier.

CONOCOPHILLIPS TAKES OVER

August 2002: Federal Trade Commission OKs Conoco and Phillips merger.

October 2003: Sea marshals find Polar Texas does not have locking engine control room or bridge, as required, "or security program in place."

July 2004: Crew of the Polar Texas – and crews on other ships – are infuriated by staff shortages, maintenance problems, whistle-blower reports and what they see as lack of interest from ConocoPhillips leadership in Houston. Fleet general manager



SEATTLE POST-INTELLIGENCER

chest before starting the pump to pull in ballast water. Starting the pump first creates negative suction on the interior pipes caked with crude oil, preventing the muck from escaping to the environment. Doing it wrong would allow crude oil to flow down the pipe and out to sea. It is possible to do so without knowing it, and it can happen quickly.

"That could easily happen," Aspland, now a maritime consultant, said. Neither Aspland nor the former chief engineer could be contacted after the P-I was informed of Laired and Friend's testimony.

There were two captains on the ship when it left Tacoma, Eric Cooper of Homer, Alaska, and William Rich of Port Townsend. Cooper was about to attend a company meeting, and Rich, normally a chief engineer, was preparing to replace him.

Neither officer was willing to comment. It would have been their job – along with other deck officers – to be sure the water was checked for spills during the operation.

At the time of the spill, the Polar Texas was just two months from mandatory retirement and the scrap yard. It was an old ship, powered by a cavernous steam engine. Its hull had suffered many cracks during its long career delivering oil between Valdez and Washington and California.

The ship is now in Bangladesh, where it is being dismantled under a law passed by Congress in 1990 mandating that single-hulled or double-bottomed ships must retire after they reach a certain age. The Polar Texas was 31 years old.

The long, black vessel started its life as a Chevron ship, which exploded when it was struck by lightning in 1979 in the Houston Ship Channel. The rear end was the only salvageable part, so Arco rebuilt it with a new front end. Though larger, it was constructed to squeeze through the Panama Canal, Aspland said, and at one time he recalls it was the largest tanker to ever do so. It looked odd on the water, like its nose was too long, and it didn't have a very high bow structure, or forecastle, so it appeared incomplete.

"It was a good ship," said Aspland, 65, of Fountain Valley, Calif. "We used to laugh. Here's this thing with a new forebody on it – and it just keeps going."

ConocoPhillips has hired four attorneys to separately represent the corporation, its officers and its seamen in the grand jury investigations and whatever else follows. No one has been charged in the Dalco Passage spill, though the Coast Guard publicly announced its laboratory findings. Justice Department officials, and investigators with the Environmental Protection Agency and the state Department of Ecology, declined to comment or give details of their investigation.

However, Gregory Linsin, special litigation counsel for the EPA's environmental crimes section, wrote an article, published early this week, which describes the government's approaches to environmental crimes on ships, and to the corporate response. He provided an advance copy of his article to the P-I without comment.

"One of the more persistent myths regarding criminal vessel pollution enforcement in the United States concerns the renegade prosecutor who casually files criminal charges against vessel owners or operators – and possibly senior shipboard officers as well – with the effect of criminalizing innocent or, at worst, inadvertent behavior," said the article in the Proceedings of the Marine Safety and Security Council, the Coast Guard Journal of Safety at Sea.

"The purveyors of this myth either do not understand or simply choose to ignore the careful analysis and complex review processes to which the charging decisions in vessel pollution cases are routinely subjected."

Linsin went on to describe factors the Justice Department considers when deciding whether to prosecute. They included "the corporation's advancement of attorney's fees, its retention of culpable employees without sanction for their misconduct, and its provision of information to culpable employees about the nature of the government's investigation pursuant to a joint defense agreement."

Another factor was "whether the subject made a voluntary, timely and complete disclosure of the matter under investigation, with particular attention to whether the disclosure occurred before regulatory or law enforcement officials had already obtained knowledge of the non-compliance."

Other factors include "the pervasiveness of the non-compliance, the existence and use of effective internal disciplinary procedures, and the extent of any effort to remedy any ongoing non-compliance."

"In the context of vessel pollution investigation, this guidance requires the prosecutor to look beyond the wrongful conduct that may have occurred aboard a specific vessel and consider the actions or the inaction of the shore-side management of the company with respect to the conduct in question," he wrote.

ConocoPhillips fleet general manager Antonio Valdes would not agree to talk when contacted at home, though he said one thing about the Polar Texas case: "We are in a very tricky situation here."

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