



NCEL

National Caucus of
Environmental Legislators

LEGISLATOR GUIDE FOR OFFSHORE AND COASTAL PROTECTION





Overview

This year the Biden-Harris Administration placed a moratorium on new oil and gas leasing in federal waters through a sweeping [executive order](#). This policy represents a monumental shift from the Trump administration's rollbacks to offshore drilling protections and proposals to open up more than [90 percent](#) of the coastline to oil and gas exploration and construction. While the Biden-Harris Administration's commitment to act on climate is encouraging, now is the time for states to act and permanently block offshore drilling off their coasts through resolutions, bans in state waters, restrictions on seismic testing, and strict liability laws.

Policy Models

Bans

- State legislators opposed to offshore drilling can introduce outright bans preventing drilling within state waters.
 - **Active Legislation:** Connecticut ([S.B.8](#)), Florida ([H.B. 283](#)), Hawaii ([H.B.1227](#), [S.B.1006](#), [S.B. 370](#)), Massachusetts ([S.D.1707](#)), South Carolina ([S.B.0119](#)).
 - **Enacted Legislation:** California ([S.B.834](#), [A.B.1775](#)), Delaware ([S.B. 200](#)), Maine ([L.D. 955](#)), New Hampshire ([S.B.76](#)), New Jersey ([A.839](#)), New York ([A.2572](#)), Oregon ([S.B.256](#)), Virginia ([HB 1016](#); [SB 795](#)).

Restrictions

- State legislators opposed to offshore drilling can also introduce other types of legislation to block new and existing offshore drilling, like restrictions on seismic testing or strict liability laws
 - **Active Legislation:** Alaska ([HB 33](#)), Connecticut ([H.B.5625](#)), South Carolina ([H.B.3935](#)).
 - **Enacted Legislation:** Maryland ([H.B.1456](#)).

Resolutions

- State legislatures can issue resolutions documenting their opposition to offshore drilling in federal waters. These resolutions influence the federal government's policy and actions.
 - **Enacted Legislation:** California ([A.J.R.29](#)), Delaware ([S.S. 1](#)), New Jersey ([S.R.29](#)), Rhode Island ([S.R.2360](#)).

KEYPOINTS

- **Spills:** Offshore drilling threatens entire marine ecosystems and the associated livelihoods. Exploration and drilling can have negative long-lasting impacts on the marine environment and coastal communities. ([Surfrider](#))
- **Infrastructure:** Offshore drilling requires massive amounts of onshore infrastructure. This infrastructure usually occupies wetlands and beaches, and diminishes the ecosystem services that these habitats offer to onshore communities, including protection against sea level rise and shoreline stabilization. ([Beachapedia](#))
- **Climate:** There are alternative forms of clean energy that are competitive and can provide power to coastal communities without the risks and detriments associated with offshore drilling. ([Center for American Progress](#))

Other Resources

- [Southern Environmental Law Center](#) study documents the impact of offshore drilling in the South Atlantic.
- [Map detailing the location](#) of every oil spill and incident where NOAA's Office of Response and Restoration provided scientific support for the response.
- For more, visit NCEL's [Offshore Drilling webpage](#)





1. What is offshore drilling?

Offshore drilling is the process used to obtain oil and gas from beneath the seabed in coastal waters. It requires a variety of technologies and infrastructure including seismic testing for exploration, drilling wells and rigs for oil and gas recovery, and pipelines for transport.



2. What is seismic testing?

Seismic testing is the first step in oil and gas exploration. Devices known as seismic airguns are towed behind ships and send loud blasts of compressed air through the water into the seabed. These airwaves reflect information back to the ship about the location of oil and gas deposits. These blasts are [harmful to marine mammals, fish, and other wildlife](#). They disrupt mating and feeding, kill fish eggs and larvae and result in marine mammal death. They have been shown to decrease catch rates of certain species of fish by 40 to 80 percent.

3. How much untapped oil is there offshore?

Supporters of offshore drilling believe that unexplored regions, such as areas in the Atlantic Ocean, have abundant, untapped reserves. Yet the majority of projections have found [minimal resources](#) in these regions.



4. Is it still profitable to extract this untapped oil?

No. Offshore drilling is not only a [high risk](#) activity, but it is also exceptionally [expensive](#) and time consuming. Electrification is swiftly moving forward and renewables, such as wind and solar, have become [cost competitive](#) with the oil industry. For the same reason, industry giants - like Chevron and BP - are [investing billions in renewables](#).

5. What harm does offshore drilling have?

While drilling does occasionally bring drilling-specific jobs to coastal communities, it often hurts jobs depending on clean and healthy coastlines such as fishing or tourism. The [environmental damage from daily offshore drilling operations](#) includes pollution from onshore infrastructure (pipelines, refineries, powerlines, etc.) and harm to marine life from seismic exploration. In addition, pursuing offshore drilling increases the risk of oil spills like Deepwater Horizon (2010) or Exxon Valdez (1989).



6. What is the current state of offshore drilling in the US?

Only a few days into his presidency, President Biden signed a sweeping executive order halting all new offshore drilling in federal waters. The executive order also included protecting [30% of our oceans and doubling offshore wind energy by 2030](#). Multiple bills have been introduced in Congress to permanently restrict offshore drilling in every major body of water bordering the United States, including the Atlantic, Pacific, and Arctic oceans, as well as parts of the Gulf of Mexico. To date, 16 states have considered legislation to restrict offshore drilling, 10 have passed legislation opposing offshore drilling, and 5 states are currently considering such legislation. To learn more, please visit [NCEL's website](#).



Offshore Drilling Lessons Learned: California Q&A With Senator Hannah-Beth Jackson's Office

Why did your office want to introduce SB 834?

Senator Jackson is from Santa Barbara and represents two counties that have been long impacted by offshore drilling. The threat of expanded offshore drilling has always been there, but the proposals have never been to this degree. The latest proposal wants to open up so much of the coastline. Senator Jackson knew this time was different and was very concerned. She wanted to think of the best way to create an effective model signaling to the federal government that California has no interest in offshore drilling and that would change the financial calculations of drilling companies. By prohibiting them from using state lands and waters, it makes companies consider more expensive alternatives for getting the oil to shore.



Senator Hannah-Beth Jackson
Represents Santa Barbara and
Ventura County

What type of coalition supported the bill?

We have several great ocean and coastal groups in California including the Blue Business Coalition. They represent a variety of companies that come together for environmental oriented legislation beneficial for both California and business. We also had the support of the California Coast Keeper Alliance. Santa Barbara business leaders have also always had long-standing ties with environmental groups and backed the proposal, along with Patagonia who is headquartered in Ventura, California.

Beyond the environmental and business groups, we had the Pacific Coast Federation of Fishermen's Alliance on board with the bill. They are the primary backers of fishery-related bills but have really focused on being sustainable and support efforts to protect the ocean and marine health.

What were the primary arguments against the bill that you encountered?

Since California has existing offshore drilling, one of the main arguments from the oil and gas lobby was that they couldn't separate new production from existing rigs from the existing production. They were concerned that if there was existing infrastructure needing repairs or upgrades, that this bill would prevent such activity. However, our bill explicitly outlines that this activity would be allowed.

There were also arguments about California's offshore natural gas reserves. Industry argued that offshore natural gas is a cleaner alternative to fracking, that producing oil and gas domestically is better than internationally, and that natural gas is the bridge fuel that we need to transition from fossil fuels to renewable energy.



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How did you counter those arguments?

In California, we are aggressively moving away from fossil fuels and transitioning towards being carbon-free. By the time we develop these fossil fuels, we will have transitioned away from needing new natural gas plants. Also, California would be producing a lot of this oil and gas but we wouldn't be the ones using or benefiting from it. Much of the gas is shipped via the Panama Canal to refineries in the Southeast. Finally, the amount of financial benefits that California would receive for the leasing royalties of the offshore sites wouldn't benefit the state much.

Was the bill bipartisan and were there any roadblocks that you ran into?

At the end of the day, the vote was somewhat bipartisan. California voters were polled during the second year of the effort and the results came back showing strong support around cessation of oil drilling across party lines and regions. This broad support was something that Senator Jackson focused on a lot.

Coastal Republicans supported the bill. However, the vote wasn't as bipartisan as the polling numbers reflected. In the Assembly, it was tough due to the oil and gas lobby. There were many arguments made that domestically producing oil is safer than international production, in addition to the arguments that piping the oil is safer than tankers.

The bill took two years for California to pass. Why was that?


There were two main reasons why the bill took two years to pass. One of those had to do with the Public Lands Commission. The bill got held in up appropriations over fears that the bill would hurt the Commission's budget due to lost revenue from the oil leases.

The other major source of pushback came from labor groups, specifically pipe fitters and workers. They were concerned that the bill would take away jobs and that they would lose work on existing infrastructure that needed repairs.








2017


 **April 25** - Trump signs executive order to open Arctic waters to drilling.


2018


 **January 4** - First Draft of Proposed 5-year Leasing Program released.


 **April 20** - New Jersey adopts law banning offshore drilling and drilling infrastructure.


 **May 15** - Maryland adopts law establishing liability for those engaged in offshore oil drilling.


 **June 19** - Administration issues an Executive Order repealing/replacing National Ocean Policy, eliminating several regional planning bodies.

 **September 8** - California adopts law banning new offshore drilling and infrastructure.


 **September 21** - Delaware adopts law banning offshore drilling and infrastructure.


 **November 6** - Florida passes Constitutional Amendment banning offshore drilling and exploration.


 **November 20** - Administration approves permits for seismic testing in the Atlantic.


 **December 20** - Attorney Generals from nine states file a lawsuit pushing back against seismic testing in the Atlantic.


2019


 **January 8** - Legislators from 9 states announce a united front to introduce legislation banning offshore drilling.


 **January 8** - Members of Congress introduce bills that would block drilling in the Arctic, Pacific, and Atlantic Oceans.


 **March 27** - Oregon Governor Kate Brown signed legislation banning offshore drilling in Oregon waters.


 **March 29** - A federal judge in Alaska declared that the Trump Administration's order to revoke an Obama era banning drilling in the Arctic and Atlantic illegal.


 **April 2** - Georgia House of Representatives pass an anti-drilling resolution.


 **April 25** - Reports claim the Administration has put its proposed 5-year plan on hold.

 **April 29** - New York adopts law banning offshore drilling and infrastructure.


 **May 2** - Administration announced rollbacks on safety regulations that were put in place following Deepwater Horizon.


 **June 13** - Maine adopts a law banning offshore drilling and exploration.


 **August 6** - Administration publishes final rule revising the CZMA to modify state consistency review.


 **September 11** - New Hampshire adopts law banning offshore drilling and exploration.

2020

 **March 25** - Virginia adopts a law banning offshore drilling and drilling infrastructure.


 **April 10** - One decade after Deepwater Horizon, scientist are still studying full effects of the spill, including persistent record mortality rates.


 **September 8** - Administration announces a 10-year moratorium on offshore drilling for Florida, Georgia, and South Carolina.

 **October 1** - Court determines that all existing federal permits for seismic testing in the Atlantic cannot be reissued.

 **November 18** - Federal government leases more than a half-million acres for drilling in the Gulf of Mexico.

2021

 **January 6** - Only half of the oil and gas leases offered by the federal government in the Arctic National Wildlife Refuge receive bids.

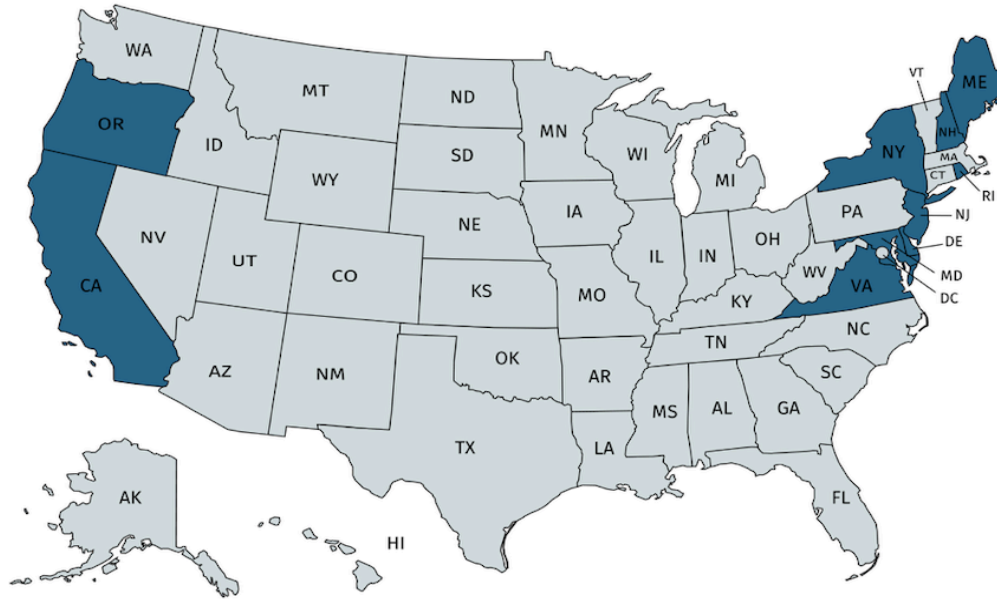
 **January 27** - Biden signs executive order establishing a moratorium on new offshore oil leasing.

Key

 **Federal Action**

 **State Action**

Enacted Offshore Drilling Legislation



Bill	Region	Sponsors List	Source Link
A.B.1775: State lands: leasing: oil and gas.	California	CA Assemb. Al Muratsuchi (D-CA-066), CA Sen. Monique Limon (D-CA-019)	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1775
S.B.834: State lands: leasing: oil and gas.	California	CA Outgoing Sen. Hannah-Beth Jackson (D-CA-019), Insurance Commissioner Ricardo Lara (CA)	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB834
A.J.R.29: Oil and gas: offshore drilling: operations: leases.	California	CA Assemb. David Chiu (D-CA-017), CA Assemb. Jim Wood (D-CA-002), CA Sen. Monique Limon (D-CA-019), CA Outgoing Assemb. Todd Gloria (D-CA-078), CA Assemb. Al Muratsuchi (D-CA-066)	https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AJR29
S.S. 1: An Act Opposing Drilling Off Delaware'S Coast And Directing Certain State Officials And State Agencies To Enforce Delaware'S Rights Relating To Offshore Drilling Under Federal And State Environmental Laws.	Delaware	DE Sen. Stephanie Hansen (D-DE-010)	https://legis.delaware.gov/BillDetail?LegislationId=26877
S.B. 200: An Act To Amend Title 7 Of The Delaware Code Relating To Offshore Drilling And The Coastal Zone.	Delaware	DE Sen. Ernesto "Ernie" Lopez (R-DE-006)	https://legis.delaware.gov/BillDetail?LegislationId=26637

L.D. 955 (H.P. 710): An Act To Prohibit Offshore Oil And Natural Gas Drilling And Exploration	Maine	ME Former Rep. Michael "Mick" Devin (D-ME-090)	http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280072025
H.B.1456: Offshore Drilling Liability Act	Maryland	MD Del. Kumar Barve (D-MD-017)	http://mgaleg.maryland.gov/webmga/frmMain.aspx?tab=subject3&pid=billpage&ys=2018rs&id=HB1456&stab=01
S.B.76: Relative to the Prohibition of Offshore Oil and Natural Gas Exploration.	New Hampshire	NH Outgoing Sen. Martha Fuller Clark (D-NH-021)	http://www.gencourt.state.nh.us/bill_status/bill_status.aspx?lsr=900&sy=2019
A.839: Prohibits offshore oil and gas exploration, development, and production in State waters, and issuance of DEP permits and approvals for activities associated with offshore oil and gas activities.*	New Jersey		https://www.njleg.state.nj.us/bills/BillView.asp?BillNumber=A839
A.2572: Relates to prohibiting state authorizations related to certain offshore oil and natural gas production	New York	NY Outgoing Assemb. Steve Englebright (D-NY-004)	https://nyassembly.gov/leg/?bn=A2572&term=2019
S.B.256: Repeals sunset on moratorium on oil, gas and sulfur leasing in territorial sea.	Oregon	OR Outgoing Sen. Arnie Roblan (D-OR-005), OR Rep. David Gomberg (D-OR-010), OR Rep. David Smith (R-OR-001)	https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB256
S.R.2360: Senate Resolution Expressing Opposition To President Donald J. Trump'S Decision To Allow Offshore Drilling In Most Of America'S Coastal Waters	Rhode Island	RI Sen. Walter Felag (D-RI-010), RI Sen. Joshua Miller (D-RI-028), RI Former Sen. William Conley (D-RI-018), RI Sen. Maryellen Goodwin (D-RI-001), RI Sen. V. Susan "Sue" Sosnowski (D-RI-037)	http://status.rilin.state.ri.us/
H.B. 706: Offshore drilling; prohibition on leases, policy.	Virginia	VA Del. Mark Keam (D-VA-035)	http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+HB706
S.B. 795: Offshore drilling; prohibition on leases, policy.	Virginia	VA Sen. Lynwood Lewis (D-VA-006)	http://lis.virginia.gov/cgi-bin/legp604.exe?201+sum+SB795



Messaging on Offshore Drilling

Overview of Federal Policy on Offshore Drilling

- The Biden-Harris Administration placed a moratorium on new oil and gas leasing in federal waters through an [executive order](#).
- In Congress, bills have been introduced to block offshore drilling in areas of the Gulf of Mexico as well as in the Pacific, Atlantic, and Arctic oceans.
- States have the ability to enact laws that affect activities that occur within state waters.
- State action restricting or banning offshore drilling influences federal policy and curtails the federal government's ability to develop offshore oil in federal waters.

States are Coming Together to Permanently Protect Their Coasts From Offshore Drilling

- These efforts are bipartisan and spread across at least 16 coastal states.
 - Six states have already taken action to block or restrict offshore drilling: California, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Oregon, and Virginia.
 - This year, six additional states have introduced legislation to restrict or ban offshore drilling: Alaska, Florida, Connecticut, Hawaii, Massachusetts, and South Carolina.
- More than 300 municipalities and over 2,000 elected local, state, and federal officials have formally opposed offshore oil and gas drilling.
 - [This includes](#) nearly every governor along the East and West Coasts - both Democrat and Republican and [over 225 state legislators](#) from 17 coastal states.

States are Taking Action to Block Offshore Drilling to Protect Their Coastal Ecosystems, Industries, and Communities.

- Offshore drilling risks catastrophic oil spills and [smaller spills common to the industry](#).
- Oil from just one spill can travel over [1,000 miles](#), damaging every coastal economy in its path.
- Clean coasts support about [3.3 million jobs and \\$250 billion in GDP](#).
 - The **Atlantic Ocean** contributed [\\$94 billion in GDP in 2016](#), and 65% came from tourism, recreation, fishing, and seafood industries, which employ roughly [1.1 million](#) workers.
 - The **Arctic Ocean** is facing some of the most severe [impacts from climate change](#), and offshore drilling exacerbates the problem and risks further disturbing the fragile ecosystem that supports communities in the region.
 - The **Pacific Ocean** contributed about [\\$62.1 billion](#) in economic benefits to Washington, Oregon, and California in 2016.
 - Communities along the **Gulf of Mexico** are on the frontlines of the industry, and oil and gas infrastructure has left them more [vulnerable to hurricanes](#).

Now is the Time to Secure a Path for Clean Renewable Energy and Ensure Long-Term Protections Through State Action.

- Since the Deepwater Horizon, there have been approximately [four thousand explosions](#) related to offshore drilling.
- Offshore wind has the potential to generate [more energy](#) than the current energy demand in the entire United States and create 83,000 jobs by 2030.