

Stafford Act vs. Oil Spill Liability Trust Fund

	OSLTF	Stafford Act
Who Pays?	Polluter (a.k.a. Responsible Party) pays 100% of oil cleanup costs and Natural Resource Damage Assessment.	Federal government pays 75%. State pays 25%.
Source of Funds	Congress imposes a per barrel tax on the oil industry.	Special appropriation from Congress using general tax revenues.
Mechanism	The local U.S. Coast Guard Federal On-Scene Coordinator or U.S. Environmental Protection Agency On-Scene Coordinator calls the National Response Center to “open the fund” for a particular amount for a particular spill or threatened discharge. Responders do not have to wait for funds before starting cleanup.	The President of the U.S. must declare a State of Emergency in the affected area. Responders <i>must wait</i> for the emergency declaration before they initiate actions they plan to pay for with Stafford Act funds.
Purpose	Gives agencies broad authority to directly fund response and compensation associated with an oil spill emergency in U.S. waters.	Gives States broad authority to provide federally-funded assistance to the area covered by the declaration.
Claims	Claimants must submit claims to the Responsible Party (RP) who has 90 days to pay. This may delay reimbursement.	Claimants may submit claims directly to the Federal Emergency Management Agency. This may expedite reimbursement.
Personal Injury	No compensation for personal injuries.	May compensate for personal injuries.
Hazardous Materials	Does not pay for HAZMAT cleanup. The Comprehensive Environmental Response, Compensation & Liability Act (CERCLA/Superfund) is used instead.	The Stafford Act does pay to clean up hazardous materials spills.
More Info	http://www.epa.gov/oem/content/learning/oil_fund.htm	http://www.fema.gov/about/stafact.shtm
Text	http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=RETRIEVE&FILE=\$\$xa\$\$busc33.wais&start=4722980&SIZE=12416&TYPE=TEXT	http://www.fema.gov/pdf/about/stafford_act.pdf