

Headlines: Gulf of Mexico – status report on oil spill response; Louisiana – shallow water barge recovery system; Boston – safety zone at DWP; NTSB – update re May 8 Staten Island Ferry casualty; Senate – bill introduced to require containment plans for offshore leases; Senate – bill to expedite waivers of the Jones Act; Court – fishermen have right of action when pollution impacts fish; ReCAAP – special report re piracy in South China Sea; EC – DFDS conditionally approved to acquire Norfolk; Ireland – port state control; Panama Canal – continuation of cost mitigation measures; Singapore – enhancement of electronic COE application process; UK – illegal transboundary waste shipment halted; and Summer Solstice – June 21, 2010.

June 21, 2010



## Bryant's Maritime News

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*Note: This newsletter is one section of the [Bryant's Maritime Consulting](http://brymar-consulting.com) website. Visit the site for more extensive maritime regulatory information. Individual concerns may be addressed by retaining [Dennis Bryant](mailto:dennis.l.bryant@gmail.com) directly. Much of the highlighted text in this newsletter constitutes links to Internet sites providing more detailed information. Links on this page may be in PDF format, requiring use of Adobe Acrobat Reader. Comments on these postings are encouraged and may be made by email to the editor or by going to the blog page on the website and clicking the envelope that appears at the end of each posting. Be aware that the daily newsletter is a single posting, even though it contains a number of individual items. Bringing chaos out of order.*

### Gulf of Mexico – status report on spill response



The National Incident Command (NIC) issued a **status report** on the response to the ongoing Gulf of Mexico oil spill. (10/19/10).

### Louisiana – shallow water barge recovery system



The National Incident Command (NIC) issued a **news release** stating that US Coast Guard marine inspectors provided safety recommendations to operators of eleven shallow water barge recovery system vacuum barges in Louisiana. The owners/operators of the barges had requested the inspections to ensure operations were safe. Five of the barges have now commenced operations. The others are implementing recommendations made by the USCG inspectors. (6/19/10).

## **Boston – safety zone at DWP**



The US Coast Guard has established safety zones at each of the two submerged turret loading (STL) buoys and accompanying systems that are part of GDF Suez Energy's Neptune Deepwater Port (DWP) located in the Atlantic Ocean off Boston. This temporary rulemaking is in effect through December 31, 2010. 75 Fed. Reg. 34929 (June 18, 2010).

## **NTSB – update re May 8 State Island Ferry casualty**



The National Transportation Safety Board (NTSB) issued an **Update** on its investigation of the May 8 Staten Island Ferry accident. The only anomaly identified to date is with regard to one of the two propulsion units not responding properly to commands from the wheelhouse. Propulsion control components have been removed for further analysis. (6/18/10).

## **Senate – bill introduced to require containment plans for offshore leases**



Senator Brown (R-MA) introduced a bill (S. 3497) to amend the Outer Continental Shelf Lands Act to require leases entered into under that Act to include a plan that describes the means and timeline for containment and termination of an ongoing discharge of oil, and for other purposes. Official text of this bill is not yet available. Senator Brown issued a **press release** explaining the bill. (6/16/10).

## **Senate – bill to expedite waivers of the Jones Act**



The Senate Committee on Commerce, Science & Transportation issued a **press release** stating that Senator Kay Bailey Hutchison (R-TX) intends to introduce a bill to expedite waivers of the Jones Act so that foreign-flag vessels can assist in the response to the ongoing Gulf of Mexico oil spill. (6/17/10).

## **Court – fishermen have right of action when pollution impacts fish**



The Florida Supreme Court ruled that, under general maritime law, fishermen have a right of action against a polluter when the pollution adversely impacts the fish that they would normally catch, even though the fishermen have no property right in the fish until they are brought on board the boat. In the instant case, pollutants leaked into waters of Tampa Bay from defendant's property. Fish in the Bay were adversely impacted and many died. The quantity of fish caught by plaintiff fishermen following the incident decreased from what it had been previously. The lower court, relying on state law, dismissed the action, finding that the plaintiffs had no property rights in the fish that were killed. The

Florida Supreme Court reversed, based on general maritime law. One justice filed a separate concurring opinion. **Curd v. Mosaic Fertilizer**, No. SC08-1920 (Fla., June 17, 2010). *Note: This decision was brought to my attention by my good friend John Bennett of Maritime Protective Services.*

### **ReCAAP – special report re piracy in South China Sea**



The ReCAAP Information Sharing Centre issued a **Special Report** addressing piracy in the South China Sea. Between January and June 2010, there have been eleven reported attacks by pirates against ships underway in water near the islands of Anambas, Natuna, and Mangkai. Masters transiting these waters should take enhanced anti-boarding measures, especially at the quarters. (6/18/10).

### **EC – DFDS conditionally approved to acquire Norfolk**



The European Commission (EC) issued a **press release** stating that it has approved acquisition of Norfolk, a ferry and cargo shipping provider in the North Sea, by DFDS of Denmark. The approval is conditional upon the conclusion by DFDS of a space charter agreement on routes between the UK and Denmark. (6/18/10).

### **Ireland – port state control**



The Irish Department of Transport issued a notice reminding masters of high risk ships of the obligation to submit a report to the Marine Survey Office at least three days prior to calling in an Irish port if the vessel has not undergone an expanded inspection by a Port State Control Officer in the Paris MOU region. Pilots and port authorities are also reminded to contact the Marine Survey Office if they learn of deficiencies on vessels that may prejudice the safe navigation of the vessel or pose a threat to the marine environment. **Marine Notice 13 of 2010** (6/17/10).

### **Panama Canal – continuation of cost mitigation measures**



The Panama Canal Authority issued an advisory stating that the temporary reduction in late arrival fees for vessels holding transit reservation slots will remain in effect until June 30, 2010. The time allowed for substitutions without incurring a cancellation charge will remain at 30 days in advance of the booked vessel's required arrival date until further notice. **Advisory-10-2010** (6/17/10).

## Singapore – enhancement of electronic COE application process



The Singapore Maritime and Port Authority (MPA) issued a circular stating that, effective 1 July, further enhancements are being made to the existing on-line application process for the Certificate of Endorsement (COE) through MARINET. **Shipping Circular 7 of 2010** (6/18/10).

## UK – illegal transboundary waste shipment halted



The UK Environment Agency issued a **news release** stating that a joint operation halted an illegal transboundary waste shipment. A law enforcement raid found large numbers of shipping containers with no relevant environmental permits. The containers were packed with waste electrical and electronic equipment, refrigerators without compressors and pumps, gas cylinders, waste mattresses, and tires. There was evidence of waste being shipped to Africa, including Ghana. (6/18/10).

## Summer Solstice – June 21, 2010



This year, the summer solstice occurs at 11:28 UTC on June 21. It occurs at a different time each year, sometimes on different days. One might think that, after all this time, the sun could develop a certain consistency in this regard.

If you have questions regarding the above items, please contact the editor:

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