

Headlines: NIC – graphic of Gulf of Mexico spill containment and disposal effort; Penobscot Bay – temporary safety zone; MACOSH – meetings; Senate – bill introduced to require containment plans for offshore leases; Senate – bill introduced to waive Jones Act for oil spill; Court – COGSA trumps Carmack; New Jersey – offshore wind energy; Manila – STCW Conference opens; Tokyo MOU – meeting of Port State Control Committee; Hong Kong – sea parade – 1 July; and New Zealand – log carrier temporarily grounds.

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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.

NIC – graphic of Gulf of Mexico spill containment and disposal effort



The National Incident Command released a [graphic](#) of the Gulf of Mexico spill containment and disposal effort, illustrating the vessels involved in siphoning off the oil from the MC252 well and those involved in drilling relief wells and related activities. (6/21/10).

Penobscot Bay – temporary safety zone



The US Coast Guard has established, through July 5, a temporary safety zone on waters of Penobscot Bay around the drill ship *Stena Forth* while it undergoes replacement three bow thrusters. [75 Fed. Reg. 35299](#) (June 22, 2010).

MACOSH – meetings



The Maritime Advisory Committee for Occupational Safety and Health (MACOSH) and its Shipyard and Stevedoring workgroups, sponsored by

the Occupational Safety and Health Administration (OSHA), will meet in Long Beach on July 14 and 13 respectively. [75 Fed. Reg. 35090](#) (June 21, 2010).

Senate – bill introduced to require containment plans for offshore leases



Senator Brown (R-MA) introduced the [Oil Spill Prevention and Mitigation Improvement Act of 2010](#) (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. Senator Brown issued a [press release](#) explaining the bill. (6/16/10).

Senate – bill introduced to waive Jones Act for oil spill



Senator Hutchison (R-TX) introduced a bill (S. 3511) to provide a statutory waiver of compliance with the Jones Act to foreign flagged vessels assisting in responding to the Deepwater Horizon oil spill. Official test of the bill is not yet available. (6/18/10).

Court – COGSA trumps Carmack



The U.S. Supreme Court ruled (6-3) that the Carmack Amendment does not apply to a shipment of cargo originating overseas under a through bill of lading where the bill of lading complies with the Carriage of Goods at Sea Act (COGSA) and includes a Himalaya Clause extending the bill's defenses and liability limitations to subcontractors. In the instant case, plaintiff cargo owner had contracted with defendant ocean carrier for transportation of certain cargo from a foreign location to an inland location in the United States. Defendant contracted with a US railroad for carriage of the cargo from the US port where the cargo arrived in the United States to its ultimate destination. A derailment along the inland route allegedly destroyed the cargo. Plaintiff brought suit for loss of the cargo. Defendant opposed the suit, asserting that the bill of lading required that disputes be litigated in Tokyo. Plaintiff contended that the bill of lading did not comply with the Carmack Amendment, which controls liability and compensation for damage to cargo carried in the United States by rail carriers. The federal district court dismissed plaintiff's action. The Ninth Circuit reversed, finding that the Carmack Amendment applied. The Supreme Court reversed and remanded, holding that the Carmack Amendment was not intended to apply to shipments originating overseas, where the US railroad was merely an intermediate carrier under a through bill of lading. The dissent argued that the majority had misread the Carmack Amendment and misconstrued Congressional intent. [Kawasaki Kisen Kaisha Ltd v. Regal-Beloit Corp.](#), No. 08-1553 (June 21, 2010).

New Jersey – offshore wind energy



The New Jersey Department of Environmental Protection issued a **news release** stating that a **draft report** on offshore wind energy shows minimal environmental impact would occur at sites proposed for several wind energy projects off the coast of New Jersey. (6/18/10).

Manila – STCW Conference opens



The IMO issued a **news release** stating that the Conference of Parties to the International Convention of Standards of Training, Certification and Watchkeeping for Seafarers, 1978 has opened in Manila. The Conference continues through June 25. (6/21/10).

Tokyo MOU – meeting of Port State Control Committee



The Tokyo MOU issued a **press release** stating that representatives of the Port State Control Committee met in Viet Nam on 14-17 June. The Committee accepted the Marshall Islands as a Co-operating Member and considered the Tokyo MOU strategic plan. (6/21/10).

Hong Kong – sea parade – 1 July



The Hong Kong Marine Department issued a **notice** stating that a sea parade will be conducted on 1 July from 0745 to 0805 from Causeway Bay to the Hong Kong Convention and Exhibition Centre to celebrate the 13th anniversary of the establishment of the Hong Kong Special Administrative Region (HKSAR). Mariners should give wide berth to the sea parade. (6/18/10).

New Zealand – log carrier temporarily grounds



Maritime New Zealand issued a **media release** stating that it is investigating the temporary grounding of a log carrier in Tauranga Harbour on June 21. The vessel is now anchored just outside the harbor. There have been no reports of injury or pollution. Damage assessment is ongoing. (6/21/10).

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

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