

Headlines: EPA – toxicity testing for eight oil dispersants; OFAC – updated listing of blocked persons and vessels; PHMSA – safe transport of radioactive material; House – bill introduced re documentation of drilling vessels; House – bill introduced re participation in C-TPAT program; House – bill introduced to amend LIBERTAD Act; House – bill introduced to use HMTF to pay EIS costs; House – bill introduced to require use of safe well control technologies; House – bill introduced re oil spill response and damage recovery; Senate – bill introduced to prohibit royalty incentives for deepwater drilling; Senate – bill introduced to resolve oil spill claims; Senate – hearing on holding responsible parties accountable; House – hearing on oil spill legislation; House – hearing on vessel capacity; Senate – hearing on strengthening defenses against nuclear terrorism; Court – firearms litigation; Neah Bay – funding for emergency rescue tug; IMO – reminder re revised Annex VI of MARPOL; IMO – reminder re passenger ship safety regulations; Qingzhou TSS – amendments; Ireland – fatigue; New Zealand – Safe Sea, Clean Seas newsletter; and UK – report on engine room fire on tug.

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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. Exposure to this newsletter has been known to cause cancer in mice.

EPA – toxicity testing for eight oil dispersants



The Environmental Protection Agency (EPA) issued a [news release](#) stating that peer-reviewed results from the first round of toxicity testing of eight oil dispersants indicate that none of those dispersants (including the product currently used in response to the Gulf of Mexico oil spill) displayed biologically significant endocrine disrupting activity. Some have less impact on small fish, while others are less toxic to mysid shrimp (a small crustacean near the lower end of the food chain in the Gulf of Mexico). (6/30/10).

OFAC – updated listing of blocked persons and vessels



The Office of Foreign Assets Control (OFAC) issued an updated list of blocked persons, blocked vessels, specially designated national, specially designated terrorists, specially designated global terrorists, foreign terrorist organizations, and specially designated narcotics traffickers. Among other things, it reflects the addition of Somalia as a sanctions program. The update is effective immediately. [75 Fed. Reg. 38211](#) (July 1, 2010).

PHMSA – safe transport of radioactive material



The Pipeline and Hazardous Materials Safety Administration (PHMSA) is seeking comment on a draft revision of the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Material, which is scheduled for publication in 2012. Comments should be submitted by October 29. [75 Fed. Reg. 38168](#) (July 1, 2010).

House – bill introduced re documentation of drilling vessels



Representative Cohen (D-TN) introduced the [American Coastal Waters and Shorelines Protection Act](#) (H.R. 5613) to require that vessels used to engage in drilling for oil or gas in ocean waters that are subject to the jurisdiction of the United States must be documented under chapter 121 of title 46, United States Code. (6/29/10).

House – bill introduced re participation in C-TPAT program



Representative Owens (D-NY) introduced a bill ([H.R. 5619](#)) to amend the SAFE Port Act to provide for the eligibility of certain third party logistics providers for participation in the Customs-Trade Partnership Against Terrorism program. (6/29/10).

House – bill introduced to amend LIBERTAD Act



Representative Ros-Lehtinen (R-FL) introduced the [Caribbean Coral Reef Protection Act of 2010](#) (H.R. 5620) to amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to exclude from the United States aliens who contribute to the ability of Cuba to develop petroleum resources located off Cuba's coast and to provide for the imposition of sanctions and prohibition on facilitation of development of Cuba's petroleum resources, and for other purposes. (6/29/10).

House – bill introduced to use HMTF to pay EIS costs



Representative Sanchez (D-CA) introduced the **Harbor Maintenance Trust Fund Improvement Act of 2010** (H.R. 5621) to amend the Water Resources Development Act of 1986 to authorize funds in the Harbor Maintenance Trust Fund to be used to pay up to 100 percent of the eligible costs of preparing Federal environmental impact statements for certain navigation projects, and for other purposes. (6/29/10).

House – bill introduced to require use of safe well control technologies



Representative Waxman (D-CA) introduced the **Blowout Prevention Act of 2010** (H.R. 5626) to protect public health and safety and the environment by requiring the use of safe well control technologies and practices for the drilling of high-risk oil and gas wells in the United States, and for other purposes. (6/29/10).

House – bill introduced re oil spill response and damage recovery



Representative Oberstar (D-MN) introduced the **Oil Spill Accountability and Environmental Protection Act of 2010** (H.R. 5629) to ensure full recovery from responsible parties of damages for physical and economic injuries, adverse effects on the environment, and clean up of oil spill pollution, to improve the safety of vessels and pipelines supporting offshore oil drilling, to ensure that there are adequate response plans to prevent environmental damage for oil spills, and for other purposes. (6/29/10).

Senate – bill introduced to prohibit royalty incentives for deepwater drilling



Senator Feinstein (D-CA) introduced a bill (S. 3541) to prohibit royalty incentives for deepwater drilling, and for other purposes. Official text of the bill is not yet available. (6/29/10).

Senate – bill introduced to resolve oil spill claims



Senator Murkowski (R-AK) introduced a bill (S. 3542) to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, to establish a Commission to investigate and report on corrective measures to prevent similar incidents, to improve the Oil Spill Liability Trust Fund and Federal oil spill research, and for other purposes. Official text of the bill is not yet available. (6/29/10).

Senate – hearing on holding responsible parties accountable



The Senate Committee on Commerce, Science & Transportation conducted a hearing on the **Deepwater Horizon Tragedy: Holding Responsible Parties Accountable**. **Mrs. Shelley Anderson** testified concerning the loss of her husband on the MODU and the need for legislative changes. Mrs. Natalie Roshto testified to the same effect. **Dr. Tom Galligan**, Colby-Sawyer College, testified concerning differences in damages between shoreside and maritime recovery for death and personal injury. Mr. Fred McCallister, Allegiance Capitol Corporation, testified concerning difficulties in obtaining government approval for use of innovative skimming vessels. (6/30/10).

House – hearing on oil spill legislation



The House Committee on Natural Resources conducted a **hearing** on oil spill legislation. **Secretary Ken Salazar**, Department of the Interior, testified concerning the drilling moratorium and related matters. **Mr. David Bromwich**, Bureau of Ocean Energy Management, Regulation, and Enforcement, testified concerning his goals for the new agency. **Ms. Janis Jones**, Ocean Conservancy, testified in support of the draft legislation, but made various recommendations to strengthen the bill's environmental protection provisions. **Dr. David Dismukes**, Louisiana State University, testified in support of the draft legislation, but contended that deepwater drilling incentives should not be repealed and that the states off whose coasts offshore drilling occurs should receive direct financial benefit therefrom. (6/30/10).

House – hearing on vessel capacity



The Subcommittee on Coast Guard and Maritime Transportation of the House Committee on Transportation and Infrastructure conducted a hearing on the **Federal Maritime Commission's Examination of Vessel Capacity**. Opening statements were made by Committee Chairman **James Oberstar** (D-MN) and Subcommittee Chairman **Elijah Cummings** (D-MD). FMC Chairman **Richard Lidinsky** testified that the major cause of the current shortage of vessel and container capacity has been the rapid rebound of the economy. He also proposed a legislative change to give the FMC authority to arbitrate or mediate certain shipper-carrier disputes and to establish rapid response teams to address disputes quickly. FMC Commissioner **Rebecca Dye** testified that her investigation revealed multiple reasons for the container shortage, including the lapse in production of new containers and the fact that incoming containers generally are shipped to and unloaded at metropolitan areas far removed from locations where containers are required for the US export trade. (6/30/10).

Senate – hearing on strengthening defenses against nuclear terrorism



The Senate Committee on Homeland Security and Governmental Affairs conducted a hearing on Nuclear Terrorism: Strengthening Our Domestic Defenses. Opening statements were made by Committee Chair **Joseph Lieberman** (I-CT) and Ranking Member **Susan Collins** (R-ME). **Mr. Eugene Aloise**, Government Accountability Office (GAO), testified that the Department of Homeland Security (DHS) has made some progress in this regard, but has not yet completed a strategic plan for its global nuclear detection efforts or closed previously identified gaps. **Dr. Micah Lowenthal**, National Research Council, testified concerning procurement of next-generation radiation detectors for screening cargo. **Dr. Dana Shea**, Congressional Research Service, testified concerning the difficulties in quantifying the effectiveness of the global nuclear detection architecture. (6/30/10).

Senate – committee approves oil spill response legislation



The Senate Committee on Environment and Public Works issued a **news release** stating that it approved three bills related to the ongoing oil spill in the Gulf of Mexico: S. 3305 – the Big Oil Bailout Prevention Liability Act of 2010; S. 3515 – the Department of the Interior Research and Technologies for Oil Spill Prevention and Response Act of 2010; and S. 1311 – the Gulf of Mexico Restoration and Protection Act. Official text of the bills as reported out of the Committee is not yet available. (6/30/10).

Court – firearms litigation



The US Court of Appeals for the Second Circuit affirmed the dismissal of various actions by private parties against the Port Authority of New York & New Jersey and various Port Authority police officers for alleged violation of federal law, false arrest, and infringement of the right to travel. Plaintiffs, whose separate cases were joined due to their similarity, were traveling from one state where their possession of firearms was legal to another state where their possession of firearms was legal, but transiting through airports in New York. None of them had New York State firearms permits. All had packed their weapons in accordance with federal law and regulation and declared possession of the weapons when they checked in with the airlines for boarding. All were stopped from boarding by Port Authority police officers and at least one was arrested for violation of New York firearms laws (although charges were later dismissed). Plaintiffs brought suit, seeking damages. The court held that the federal law allowing, under certain circumstances, interstate transport of firearms is not enforceable by means of the statute establishing liability for any person who, under color of law, deprives another of any rights, privileges, or immunities secured by federal law. **Torraco v. Port Authority of New York & New Jersey**, No. 08-1768-cv (2nd Cir., June 30, 2010). *Note: While not a maritime case, this points out the difficulties involved in the carriage and transport of*

firearms due to the many differing laws promulgated and enforced in multiple jurisdictions.

Neah Bay – funding for emergency rescue tug



The Washington State Department of Ecology issued a **news release** stating that, effective July 1, 2010, funding responsibility for the emergency response tug at Neah Bay shifts from the state government to the maritime industry. The petroleum-related sector will pay 57% of the costs, with the remainder to be paid by cargo and passenger ship interests. (6/29/10).

IMO – reminder re revised Annex VI of MARPOL



The IMO issued a **news release** reminding the maritime community that revised Annex VI of the MARPOL Convention enters into force globally on 1 July 2010. Maximum sulphur content of fuel oil burned by ships operating in Emission Control Areas (ECAs) is also reduced from 1.50% to 1.00% (or vessels may utilize alternative technology to achieve an equivalent SOx emission level). (6/30/10).

IMO – reminder re passenger ship safety regulations



The IMO issued a **news release** reminding the maritime community that a comprehensive package of amendments to the international regulations affecting new passenger ships enters into force on 1 July 2010. Increased emphasis is placed on reducing the chance of accidents occurring and on improved survivability. (6/30/10).

Qingzhou TSS – amendments



The Hong Kong Marine Department issued a **notice** stating that, effective 1 July, various amendments are being made to the Qingzhou Traffic Separation Scheme (TSS) in the Pearl River Delta, between Hong Kong and Macao. (6/30/10).

Ireland – fatigue



The Irish Department of Transport issued a notice reminding owners, operators, and masters of merchant vessels of the prohibitions against excessive hours of work by seafarers and the requirement for sufficient rest periods. **Marine Notice 16-2010** (6/29/10).

New Zealand – Safe Seas, Clean Seas newsletter



Maritime New Zealand released the latest edition of its **Safe Seas, Clean Seas** newsletter, addressing marine safety, security, and environmental protection topics. (6/30/10).

UK – report of engine room fire on tug



The UK Marine Accident Investigation Branch (MAIB) issued the summary of its **Preliminary Examination** into the circumstances surrounding an engine room fire on a tractor tug near Gareloch on 12 May 2010. The tug was involved in warship escort duties when the fire alarm sounded and a fire was discovered in the vicinity of the port main engine. The engines were shut down and CO₂ was released into the engine room, extinguishing the fire. Subsequent investigation revealed that progressive chafing of a fuel injector leak-off pipe had caused the pipe to fail, allowing diesel fuel to be discharged onto the hot engine. (6/30/10).

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

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