

Headlines:

CDC – Ebola Hemorrhagic Fever;
NTSB – towing vessel & barge fire & explosion;
Court – Himalaya Clause insulates railroad;
California – alternative compliance with air emission regulations; and
Lighthouse Act – 7 August 1789.

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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. The search for intelligent life on the third planet continues.

CDC – Ebola Hemorrhagic Fever



The Centers for Disease Control and Prevention (CDC) issued a **notice** providing its latest information regarding the outbreak of Ebola Hemorrhagic Fever in West Africa. Unnecessary travel to the region should be avoided. If traveling to the region, avoid contact with bodily fluids of others (good advice everywhere). (8/6/14).

NTSB – towing vessel & barge fire & explosion



The National Transportation Safety Board (NTSB) issued the report of its investigation of the fire and explosions on board towing vessel Safety Runner and Kirby barges 28182 and 28194 on 24 April 2013 in Mobile. The barges, while the tug was berthed alongside, were having their tanks cleaned at the Oil Recovery Company (ORC) facility. Flammable vapors being vented from the barges' open tank hatches entered the tug's engine room and ignited. The fire spread from the tug back to the barges, resulting in explosions. Three persons sustained serious burn injuries. Damage to the tug and barges was estimated at

\$5.7 million. The probable cause of the incident was the failure of the ORC facility to isolate tank-cleaning operations from sources of ignition. Contributing to incident was ORC's failure to provide its personnel with tank-cleaning training and proper procedures for reducing the risk of fire. [MAB-14/13](#) (8/6/14).

Court – Himalaya Clause insulates railroad



The US Court of Appeals for the Second Circuit affirmed the district court decision upholding the provision in a through bill of lading in a multimodal shipment relieving the railroad of liability to owners of cargo damaged in a derailment. By means of a Himalaya Clause, the through bill of lading issued by the upstream ocean carrier exonerated all subcontractors and downstream carriers from any liability with respect to the cargo. [Sompo Japan Ins. Co. v. Norfolk Southern](#), No. 13-3416-cv (2nd Cir., August 6, 2014).

California – alternative compliance with air emissions regulations



The California Air Resources Board (ARB) issued guidance for complying with the California Ocean-Going Vessel Fuel Regulation during the ARB Sunset Review Process. During the Sunset Review Process, the ARB will allow a vessel complying with the North America ECA regulation to comply with the California OGV fuel regulation by using the Temporary Experimental or Research Exemption if the operator of the vessel notifies the ARB prior to the vessel entering California Regulated Waters that they will comply under the Research Exemption. [Marine Notice 2014-1](#) (8/4/14).

Lighthouse Act – 7 August 1789



The [Lighthouse Act](#) was the ninth statute adopted by the First Congress of the United States. It provided for the voluntary cessation by the various states of all lighthouses, beacons, buoys, and public piers to the federal government and tasked the Secretary of the Treasury with building and maintaining the aids to maritime navigation. The Lighthouse Establishment (later named the United States Light House Service) is the oldest of the various components of the present-day United States Coast Guard, joining in 1939.

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

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