

Headlines:

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MARAD – Cutting Edge Green Project award;
ITA – Ports & Marine Technology Trade Mission to India;
NTSB – FAA can regulate drones;
Senate – bill introduced re critical infrastructure;
Senate – bill introduced to exempt old vessels;
UN – Resolution re piracy off Somalia;
UK – provision of food and water; and
Prestige sinking and oil spill – 19 November 2002.

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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. Having the right answer is valuable only if asked the right question.

USCG & EPA – ECA enforcement



The US Coast Guard posted a **notice** [located at http://www.brymar-consulting.com/wp-content/uploads/Misc/ECA_enforcement_141118.pdf] stating that it and the Environmental Protection Agency (EPA) will soon take action to ensure compliance with the forthcoming 0.10% fuel sulphur limits in the North American and US Caribbean Sea Emission Control Areas (ECAs), which come into effect on 1 January 2015. In addition to checking Bunker Delivery Notes and related records, the agencies are developing plans for joint boardings that will include fuel oil sampling and in-the-field screening for sulphur levels. (11/18/14).

MARAD – Ebola advisory



The Maritime Administration (MARAD) issued an advisory providing guidance to vessel and port operators that visit or receive vessels transiting from West African nations affected by Ebola. [Advisory 2014-03](http://www.marad.dot.gov/news_room_landing_page/maritime_advisories/advisory/advisory_2014-03.htm) [located at http://www.marad.dot.gov/news_room_landing_page/maritime_advisories/advisory/advisory_2014-03.htm] (11/13/14).

MARAD – Cutting Edge Green Project award



The Maritime Administration (MARAD) issued a [news release](http://www.marad.dot.gov/news_room_landing_page/news_releases_summary/news_release/MARAAD_Awards_AEPnews_release.htm) [located at http://www.marad.dot.gov/news_room_landing_page/news_releases_summary/news_release/MARAAD_Awards_AEPnews_release.htm] announcing that it awarded a \$450,000 Cutting Edge Green Project award to AEP Rivers Operations of St. Louis to modify the MV Christopher Parsonage into a fuel-efficient hybrid vessel with a hybrid generator set attached to the main engine that will provide auxiliary power, which would normally be produced from the diesel generator. (11/14/14).

ITA – Ports & Marine Technology Trade Mission to India



The International Trade Administration (ITA) issued a notice stating that the period within which to apply for participation in the India Ports and Marine Technology Trade Mission to India has been extended to 21 November. A second optional stop to the eastern port of Visakhapatnam (Vizag) has been added. [79 Fed. Reg. 68393](#) [located at] (11/19/14).

NTSB – FAA can regulate drones



The National Transportation Safety Board (NTSB) issued a [news release](http://www.nts.gov/news/2014/141118.html) [located at <http://www.nts.gov/news/2014/141118.html>] stating that the Board has remanded the case of [FAA Administrator v. Pirker](#) back to the NTSB administrative law judge (ALJ). The Federal Aviation Administration (FAA) had assessed a \$10,000 civil penalty against the respondent for allegedly operating an unmanned aircraft (drone) in a reckless manner. The respondent appealed and the ALJ initially compared the drone to a model aircraft and determined that the FAA had not enacted an enforceable regulation regarding such aircraft. In reversing and remanding the determination, the Board ruled that the FAA may apply the regulation that prohibits operation of an aircraft in a careless or reckless manner to unmanned aircraft. The ALJ has been instructed to review evidence to determine whether the operation of the drone was careless or reckless. (11/18/14). *Note: Although not directly a maritime case, drones are*

being used increasingly in the maritime environment. This decision will impact such use, at least in the United States.

Senate – bill introduced re critical infrastructure



Senator Schumer (D-NY) introduced a bill (S. 2934) to prohibit trespassing on critical infrastructure used in or affecting interstate commerce to commit a criminal offense. Official text of the bill is not yet available. (11/17/14).

Senate – bill introduced to exempt old vessels



Senator Brown (D-OH) introduced a bill (S. 2924) [located at <http://www.gpo.gov/fdsys/pkg/BILLS-113s2924is/pdf/BILLS-113s2924is.pdf>] to amend title 46, United States Code, to exempt old vessels that only operate within inland waterways from the fire-retardant materials requirement if the owners of such vessels make annual structural alterations to at least 10 percent of the areas of the vessels that are not constructed of fire-retardant materials. (11/13/14).

UN – Resolution re piracy off Somalia



The United Nations Security Council adopted **Resolution 2184** (2014) [located at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2184%20\(2014\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2184%20(2014))] reaffirmed its position with regard to the eradication of piracy and armed robbery at sea in waters off the coast of Somalia and urged States to continue efforts in this direction. (11/12/14).

UK – provision of food and water



The UK Maritime & Coastguard Agency (MCA) issued a Marine Guidance Note (MGN) providing practical advice on the provision of food and water for all UK non-Maritime Labour Convention merchant ships and all UK fishing vessels. **MGN 525** (M+F) [located at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/376024/mgn_525.pdf] (11/18/14).

Prestige sinking and oil spill – 19 November 2002



On 19 November 2002, the single-hull Aframax tanker PRESTIGE broke in two and sank in waters of the North Atlantic off the northwest coast of Spain. It had been carrying a cargo of 77,000 metric tons of heavy fuel oil from Russia and Latvia to Singapore when it encountered heavy weather on 13 November. It suffered structural failures and developed a substantial list. A distress call was made to Spanish authorities. The crew was evacuated shortly before the ship broke up. Much of the oil onboard was spilled immediately, and much of that came ashore on the beaches of Spain and Portugal and, to a lesser extent, France. Oil that remained onboard the wreck slowly seeped out and also came ashore. Remotely operated vehicles (ROVs) were used to remove much of the remaining oil. In the aftermath, the European Union tightened its marine environmental protection regulations and pressed the International Maritime Organization (IMO) to take action. The phase-out dates for single-hull oil tankers were accelerated and restrictions were placed on the carriage of heavy fuel oil as cargo in single-hull tankers. In a major miscarriage of justice, the master of the Prestige was arrested and held in Spain for an inordinate period on charges of impeding the movement of the tanker during the crisis. The Kingdom of Spain brought suit against the American Bureau of Shipping for negligent classification of the tanker. The suit was eventually dismissed for lack of evidence. The criminal trial in Spain of the master and various others eventually ended with the master convicted of disobeying an order issued by the Spanish government.

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