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Court – master service agreement;
Singapore – ballast water analysis;
UK – carriage of dangerous goods and marine pollutants; and
Daylight saving time.

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Bryant's Maritime News

Bryant's Maritime Consulting - 4845 SW 91st Way - Gainesville, FL 32608-8135 - USA

Tel: 1-352-692-5493 – Email: dennis.l.bryant@gmail.com – Internet: <http://brymar-consulting.com>

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. Stupidity is a gift of God, but I try to not misuse it.

Seattle – container ship detained



The US Coast Guard issued a [news release](#) [located at <http://www.uscgnews.com/go/doc/4007/2474898/>] stating that the container ship MOL Precision has been detained in Seattle. A port state control examination revealed defective oil bilge line filtering equipment; missing security training records; and the failure to submit required ballast tank information. The detention will remain in effect until the deficiencies are corrected. (3/6/15).

Florida – regatta terminated as manifestly unsafe



The US Coast Guard issued a [news release](http://www.uscgnews.com/go/doc/4007/2475058/) [located at <http://www.uscgnews.com/go/doc/4007/2475058/>] stating that twelve persons had to be rescued while they were participating in the first stage of a small-boat regatta scheduled from Tampa Bay to Key Largo. The Coast Guard determined that the regatta was unsafe in these conditions and terminated it at the end of the first stage in Englewood, Florida due to numerous cases of vessels capsizing, people in the water with various stages of hypothermia, and the deteriorating weather. The Coast Guard remained on scene until everyone was safely out of the water. (3/7/15).

USCG – AIS fact sheet



The US Coast Guard posted a [Fact Sheet](http://www.navcen.uscg.gov/pdf/AIS/AIS_Rule_Fact_Sheet_20150302.pdf) [located at http://www.navcen.uscg.gov/pdf/AIS/AIS_Rule_Fact_Sheet_20150302.pdf] regarding the recent final rule expanding the carriage and utilization requirements for the automatic identification system (AIS) so as to be consistent with provisions of the SOLAS Convention. (3/2/15).

FTC – alleged robocalls by cruise line



The Federal Trade Commission (FTC) issued a [news release](https://www.ftc.gov/news-events/press-releases/2015/03/ftc-ten-state-attorneys-general-take-action-against-political) [located at <https://www.ftc.gov/news-events/press-releases/2015/03/ftc-ten-state-attorneys-general-take-action-against-political>] stating that it and ten state attorneys general have proposed settlement of complaints against Caribbean Cruise Line, Inc. and various other companies for engaging in a massive telemarketing campaign to sell cruise vacations using robocalls disguised as political surveys. The proposed settlement orders bar the cruise line and other defendants from engaging in abusive telemarketing practices. It also imposes a civil penalty of \$7.73 million against the cruise line, which will be partially suspended after it pays \$500,000. (3/4/15).

DOJ – shipping company fined \$2.75 million



The Department of Justice (DOJ) issued a [news release](http://www.justice.gov/opa/pr/italian-shipping-company-fined-275-million-environmental-crimes) [located at <http://www.justice.gov/opa/pr/italian-shipping-company-fined-275-million-environmental-crimes>] stating that Carbofin S.p.A. has been sentenced by a federal court to pay a criminal penalty of \$2.75 million for violations of the Act to Prevent Pollution from Ships by senior personnel on its tanker M/T Marigola through knowing falsifications of the ship's oil record book (ORB) and the

discharge directly into the sea of sludge, waste oil, and oil-contaminated bilge water. The chief engineer and second engineer previously pleaded guilty and have been sentenced. (3/6/15).

EPA – improving regulations



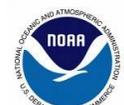
The Environmental Protection Agency (EPA) seeks input on how the agency can promote regulatory modernization through business process streamlining, facilitated by improved technology to address regulations that may be outmoded, ineffective, insufficient, or excessively burdensome. Comments should be submitted by 8 April. **80 Fed. Reg. 12372** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-03-09/pdf/2015-05303.pdf>] (3/9/15).

BSEE – seeking Preparedness Analyst



The Bureau of Safety and Environmental Enforcement (BSEE) issued an **announcement** [located at <https://www.usajobs.gov/GetJob/ViewDetails/395983900>] stating that it is seeking qualified applicants for the position of Interdisciplinary: Petroleum Engineer/Physical Scientist GS-0881/1301-9/11/12 in Jefferson, Louisiana. The position serves as Preparedness Analyst for offshore oil spill prevention, preparedness, intervention, containment, control, and response. Applications must be received by 19 March. (3/5/15).

NOAA – Makah whale hunt DEIS



The National Oceanic and Atmospheric Administration (NOAA) issued a **news release** [located at http://www.nmfs.noaa.gov/mediacenter/2015/03/05_03_makah.html] stating that it seeks comment on the Draft Environmental Impact Statement (DEIS) evaluating the Makah Tribe's request to resume treaty-based hunting of eastern North Pacific gray whales for ceremonial and subsistence purposes. (3/6/15),

CMTS & TRB – innovative technologies for resiliency



The Committee on the Marine Transportation System (CMTS) issued a **summary report** [located at <http://www.cmts.gov/Bulletin.aspx?id=91>] of the biennial Marine Transportation System (MTS) research conference “Innovative Technologies for a Resilient Marine Transportation System”, held with the Transportation Research Board (TRB) on 24-26 June 2014. (3/2/15).

Court – state sales and use tax on fuel



In a 7-2 decision, the United States Supreme Court ruled that, for purposes of a state sales and use tax on fuel, a rail carrier, a water carrier, and a motor carrier were equivalent. Defendant rail carrier alleged that the state tax on fuel was discriminatory because it applied to rail carriers but exempted water carriers and motor carriers. The Court affirmed the appellate court's determination that water carriers and motor carriers are appropriate comparison classes for rail carriers for this purpose. The Court, though, remanded the case for a determination as to whether other members of the comparison class paid another comparable tax. **Alabama Department of Revenue v. CSX Transportation**, No. 13-553 (U.S., March 4, 2015) [located at http://www.supremecourt.gov/opinions/14pdf/13-553_1b82.pdf].

Court – master service agreement



The US Court of Appeals for the Fifth Circuit affirmed the lower court's ruling in a complex three-party action in maritime law involving a master service agreement with an indemnity provision, in addition to prejudgment interest. **Offshore Marine Contractors v. Palm Energy Offshore**, No. 14-30059 (5th Cir., March 2, 2015) [located at <http://www.ca5.uscourts.gov/opinions/pub/14/14-30059-CV0.pdf>]. *Note: This item was first brought to my attention by my good friend Keith Heard of **Burke & Parsons**.*

Singapore – ballast water analysis



The Singapore Maritime and Port Authority (MPA) issued a report on a voluntary trial study conducted on onboard sampling and analysis of ballast water for D2 compliance. Ballast water was sampled and analyzed on six ships to assess the feasibility of indicative and detailed (in-depth) analysis of ballast water on board ships under the realistic conditions of time constraints during unloading and loading processes while the ships were berthed in harbors for just one day or less. Execution of on-board sampling and analysis was found to be generally possible within the time constraints. Five of the six ballast water treatment systems tested were found to be compliant with the IMO D-2 ballast water performance standard. The non-compliant system was suffering from technical difficulties during sampling. The indicative method provided one false positive for non-compliance, but no false negatives. There is no validated protocol for sampling and analysis, particularly with regard to sample volumes and the minimum number of samples to be collected. Technical issues with the equipment and reagents used for indicative analysis need to be understood and taken into consideration. **Shipping Circular 5-2015** [located at

http://www.mpa.gov.sg/sites/circulars_and_notices/pdfs/shipping_circulars/sc_no_5_of_2015.pdf] (3/5/15). *Note: This report is 172 pages in length.*

UK – carriage of dangerous goods and marine pollutants



The UK Maritime and Coastguard Agency (MCA) posted a Merchant Shipping Notice providing guidance on the transportation of dangerous goods and marine pollutants in packaged form by sea on ships within UK waters and on UK ships worldwide. **MSN 1854 (M)** [located at <https://www.gov.uk/government/publications/msn-1854-carriage-of-dangerous-goods-and-marine-pollutants>] (3/6/15).

Daylight saving time



Long-suffering readers are reminded that at 0200 local time, Sunday, 8 March 2015, most of the United States and Canada, plus Bermuda, the Bahamas, Cuba, and Haiti, implemented daylight saving time (going from GMT-5 to GMT-4 for the Eastern Time Zone). European nations and some others in the northern hemisphere implement daylight savings time on the last Sunday in March. It is unclear why we don't utilize daylight saving time year-round. It is also unclear how changing the clock actually saves any daylight. There are mysteries not disclosed to mere mortals.

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

Dennis L. Bryant

Bryant's Maritime Consulting

4845 SW 91st Way
Gainesville, FL 32608-8135
USA

1-352-692-5493
dennis.l.bryant@gmail.com
<http://brymar-consulting.com>

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