

Headlines:

USCG – icebreaker Healy reaches North Pole;
USCG – alert re seamanship skills;
OEAB – meeting on 1-2 October;
Court – MBTA narrowly interpreted;
Court – class action re securities misrepresentations;
Equasis – the world fleet 2014;
Panama Canal – August operations; and
Singapore – maritime health declarations.

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Bryant's Maritime News

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*Note: This newsletter is one section of the **Bryant's Maritime Consulting** website. Visit the site for more extensive maritime regulatory information. Individual concerns may be addressed by retaining **Dennis Bryant** 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. Unattended children will be given a cup of espresso and a free kitten.*

USCG – icebreaker Healy reaches North Pole



The US Coast Guard issued a **news release** [located at <http://www.uscgnews.com/go/doc/4007/2593986/>] stating that the icebreaker Healy (WAGB-20), carrying the Geotraces science team, reached the North Pole on 5 September. Geotraces is a National Science Foundation funded expedition focused on studying the Arctic Ocean to meet a number of scientific goals, including the creation of baseline measurements of the air, ice, snow, seawater, meltwater, and ocean bottom sediments for future comparisons. (9/8/15). *Note: Healy was joined at the North Pole by the German research icebreaker Polarstern, which arrived on 7 September from the Atlantic side.*

USCG – alert re seamanship skills



The US Coast Guard issued an alert reminding owners and operators of pollution response vessels and other types of special purpose vessels of the need to employ knowledgeable operators with appropriate seamanship skills to navigate their vessels. **Safety Alert 09-15** [located at <http://www.uscg.mil/hq/cg5/cg545/alerts/0915.pdf>] (9/8/15).

OEAB – meeting on 1-2 October



The Ocean Exploration Advisory Board (OEAB), sponsored by the National Oceanic and Atmospheric Administration (NOAA), will meet in Narragansett on 1-2 October. **80 Fed. Reg. 54273** [located at <http://www.gpo.gov/fdsys/pkg/FR-2015-09-09/pdf/2015-22688.pdf>] (9/9/15).

Court – MBTA narrowly interpreted



The US Court of Appeals for the Fifth Circuit reversed the conviction of an oil company for violation of the Migratory Bird Treaty Act (MBTA), holding that the statute does not cover unintentional bird deaths. Defendant used large tanks to hold waste oil. The tanks were not covered and various migratory birds landed in the tanks and then died. While the majority of circuits examining the question have upheld such convictions, the Fifth Circuit has adopted the minority position that, as regards unintentional bird deaths, the MTBA only covers conduct intentionally directed at birds, such as hunting and trapping. **United States v. CITCO Petroleum Corp.**, No. 14-40128 (5th Cir., September 4, 2015) [located at <http://www.ca5.uscourts.gov/opinions/pub/14/14-40128-CRO.pdf>]. *Note: While this is not a maritime case, it has significant import for the maritime community as the MTBA is frequently included among the offenses charged by federal authorities following a marine oil spill, as it was in the charges brought following the Exxon Valdez spill in 1989. As a strict liability offense, there is limited ability for defendants to defend themselves against such a charge.*

Court – class action re securities misrepresentations



The US Court of Appeals for the Fifth Circuit affirmed the certification of a class action against BP for alleged misrepresentations in violation of federal securities laws regarding the flow rate of oil following the Deepwater Horizon

casualty. The action was brought by holders of BP securities. The court found that the plaintiffs had established a model of damages consistent with their liability case and capable of measurement across the class. The appellate court also affirmed the denial of class certification regarding alleged misrepresentations regarding pre-spill safety procedures. **Ludlow v. BP, PLC**, No. 14-20420 (5th Cir., September 8, 2015) [located at <http://www.ca5.uscourts.gov/opinions/pub/14/14-20420-CVO.pdf>].

Equasis – the world fleet 2014



The **Equasis Statistics – The world fleet 2014** [accessible at <http://www.emsa.europa.eu/implementation-tasks/equasis-a-statistics/items/id/472.html?cid=95>] has been posted. The report provides a picture of the world's merchant fleet and its performance. (9/8/15).

Panama Canal – August operations



The Panama Canal Authority (ACP) issued an advisory summarizing Canal operations during August. It also includes the schedule of locks maintenance outages for the remainder of the fiscal year. **Advisory 28-2015** [located at <http://www.pancanal.com/common/maritime/advisories/2015/a-28-2015.pdf>] (9/7/15).

Singapore – maritime health declarations



The Singapore Maritime and Port Authority (MPA) issued a circular advising that Liberia has officially been declared to be free of the Ebola virus transmission. Vessels arriving in Singapore that have been to Ebola affected countries (Guinea and Sierra Leone) in the previous 21 days are required to submit maritime health declarations. **Port Marine Circular 10-2015** [located at http://www.mpa.gov.sg/sites/circulars_and_notices/pdfs/port_marine_circulars/pc15-10.pdf] (9/7/15).

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

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