

## Headlines:

USCG – El Faro hearing website;  
IWUB – meeting on 24 February;  
EPA & DOD – uniform discharge standards;  
NOAA – Gulf of Mexico Bryde's whale;  
DOE – authority to import and export LNG;  
House – bill introduced re ocean acidification;  
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Court – shipper liability;  
California – ballast water discharge regulations;  
California – preemptive federal BWM standards opposed;  
ReCAAP – no reports of piracy;  
Australia & Fiji – repairing navigation equipment; and  
UK – hours of work and alcohol limits.

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# Bryant's Maritime News

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## **USCG – El Faro hearing website**



The US Coast Guard has a **dedicated website** for its Marine Board of Investigation regarding the sinking of the cargo ship El Faro with loss of life. The site allows users to watch the hearing live. (2/7/17)  
[<http://www.news.uscg.mil/News-by-Region/Headquarters/El-Faro-Marine-Board-of-Investigation/>].

## IWUB – meeting on 24 February



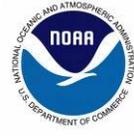
The Inland Waterways Users Board (IWUB), sponsored by the US Army Corps of Engineers (USACE), will meet on 24 February in Lake Charles. Topics on the agenda include the status of FY 2017 funding, status of the Inland Waterways Trust Fund, and project updates. **82 Fed. Reg. 9728** (2/8/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-02-08/pdf/2017-02572.pdf>].

## EPA & DOD – uniform discharge standards



The Environmental Protection Agency (EPA) and the Department of Defense (DOD) have delayed, until 21 March, the effective date of the Uniform Discharge Standards for Vessels of the Armed Forces – Phase II Batch One. **82 Fed. Reg. 9682** (2/8/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-02-08/pdf/2017-02594.pdf>].

## NOAA – Gulf of Mexico Bryde's whale



The National Oceanic and Atmospheric Administration (NOAA) has extended, until 23 February, the period within which to submit comments on its proposal to list the Gulf of Mexico Bryde's whale as an endangered species. **82 Fed. Reg. 9707** (2/8/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-02-08/pdf/2017-02529.pdf>].

## DOE – authority to import and export LNG



The Department of Energy (DOE) issued a notice of recent orders granting authority to import and export liquefied natural gas (LNG). **82 Fed. Reg. 9732** (2/8/17) [<https://www.gpo.gov/fdsys/pkg/FR-2017-02-08/pdf/2017-02575.pdf>].

## House – bill introduced re ocean acidification



Representative Carbajal (D-CA) introduced a bill (H.R. 845) to provide for ocean acidification collaborative research grant opportunities. Official text of the bill is not yet available. (2/3/17).

## GAO – access control harmonization



The Government Accountability Office (GAO) issued a report on critical infrastructure protection. It recommends enhanced harmonization of access control efforts, including those related to the transportation worker identification credential (TWIC) and the merchant mariner credential (MMC). [GAO-17-182](http://www.gao.gov/assets/690/682547.pdf) (2/7/17) [<http://www.gao.gov/assets/690/682547.pdf>].

## Court – shipper liability



The US Court of Appeals for the First Circuit ruled that, except in unusual circumstances not present here, the shipper as shown on an ocean bill of lading has the primary obligation to pay the freight charges. In the instant case, defendant shipper contracted by means of an ocean bill of lading for shipment of containers of used tires from Puerto Rico to Vietnam. The shipment was refused and accrued demurrage charges and other fees. Defendant contended that it was not liable because the course of conduct of the parties should have informed the carrier that the shipper was acting on behalf of a third party, the actual owner of the tires. The court held that the alleged course of conduct was insufficient to overcome the legal presumption. [Mediterranean Shipping Co. v. Best Tire Recycling](http://media.ca1.uscourts.gov/pdf/opinions/15-2482P-01A.pdf), No. 15-2482 (1st Cir., February 6, 2017) [<http://media.ca1.uscourts.gov/pdf/opinions/15-2482P-01A.pdf>].

## California – ballast water discharge regulations



The California State Lands Commission (SLC) issued a **notice** stating that it invites participation in the informal comment period on proposed regulations relating to performance standards and compliance assessment protocols for the discharge of ballast water for vessels operating in California waters. The informal comment period closes on 24 March. (2/7/17) [<http://www.slc.ca.gov/Laws-Regs/Proposed-MISP4-7.html>].

## California – preemptive federal BWM standards opposed



The California State lands Commission (SLC) posted a **letter** stating that the Commission unanimously opposes proposed federal legislation that would revoke the right of states to regulate ballast water discharges into state waters by making federal ballast water discharge standards preemptive. (2/7/17) [[http://www.slc.ca.gov/Info/News\\_Room/2017/02-07-17.pdf](http://www.slc.ca.gov/Info/News_Room/2017/02-07-17.pdf)]. *Note: I seem to recall an interstate and foreign commerce provision in the US Constitution.*

## ReCAAP – no reports of piracy



The ReCAAP Information Sharing Centre issued a **report** stating that it received no reports of incidents of piracy or armed robbery against ships in Asian waters during the week of 31 January – 6 February. (2/7/17)  
[[http://www.recaap.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core\\_Download&EntryId=477&PortalId=0&TabId=78](http://www.recaap.org/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&EntryId=477&PortalId=0&TabId=78)].

## Australia & Fiji – repairing navigation equipment



The Australian Maritime Safety Authority (AMSA) issued a **media release** stating that it is working with the Maritime Safety Authority of Fiji to repair navigation equipment there damaged by Cyclone Winston. (2/7/17)  
[[http://www.amsa.gov.au/media/documents/07022017\\_Mediarelease\\_AMSAassistancetoFiji.pdf](http://www.amsa.gov.au/media/documents/07022017_Mediarelease_AMSAassistancetoFiji.pdf)].

## UK – hours of work and alcohol limits



The UK Maritime and Coastguard Agency (MCA) issued a marine guidance note explaining recent amendments to the STCW Convention with regard to hours of work and alcohol limits. **MGN 566 (M+F)** (2/7/17)  
[[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590127/MGN\\_566\\_STCW\\_Manila\\_Amendments\\_Hours\\_of\\_Work\\_Alcohol\\_limit\\_final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/590127/MGN_566_STCW_Manila_Amendments_Hours_of_Work_Alcohol_limit_final.pdf)].

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