

Headlines:

DOI – MBTA newly interpreted;
DOS – meeting on 24 January re PPR 5;
FMC – petition for filing exemption;
Seattle - \$650,000 in Clean Diesel Program awards;
Court – LHWCA benefits and retirement; and
UK – Code of Safe Working Practices.

January 4, 2018



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>

Contact me to help you reach your target audience

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. 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. Whatever hits the fan is not evenly distributed.

DOI – MBTA newly interpreted



The Department of the Interior (DOI) Office of Solicitor issued an opinion letter concluding that the Migratory Bird Treaty Act (MBTA) does not apply to incidental or accidental actions that take (injure or kill) migratory birds. [M-37050](https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf) (12/22/17) [<https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf>]. *Note: This is an abrupt departure from a long-standing federal position and contradicts numerous court decisions. Litigation is likely.*

DOS – meeting on 24 January re PPR 5



The Department of State (DOS) issued a notice stating that it will host a meeting on 24 January in Washington, DC to prepare for the upcoming session of the IMO Sub-Committee on Pollution Prevention and Response (PPR 5). Topics on the agenda include ballast water sampling and analysis; and the impact

on the Arctic of black carbon emission from shipping; shipboard gasification of waste systems. **83 Fed. Reg. 61000** (1/4/18) [].

FMC – petition for filing exemption



The Federal Maritime Commission (FMC) issued a notice stating that it received a petition from Ocean Network Express Pte Ltd for an exemption from filing individual service contract amendments. Petitioner plans to acquire assets of the container shipping divisions of K Line, MOL, and NYK with their approximately 4,800 service contracts. Comments on the petition must be received by 10 January. **83 Fed. Reg. 61000** (1/4/18) [].

Seattle – \$650,000 in Clean Diesel Program awards



The Environmental Protection Agency (EPA) issued a **news release** stating that \$650,000 has been awarded under the Clean Diesel Program to reduce air emissions from up to eight ships in the Seattle area. (1/3/18) [<https://www.epa.gov/newsreleases/epa-provides-650k-diesel-reductions-seattle-area-vessels>].

Court – LHWCA benefits and retirement



The US Court of Appeals for the Fourth Circuit reversed the ruling of the Benefits Review Board and held that, under the Longshore and Harbor Workers' Compensation Act (LHWCA), a shipyard worker who is injured on the job just prior to scheduled voluntary retirement and who does not undergo surgery until after retirement is entitled to compensation for his post-surgery recovery period during which he was not medically cleared for work. **Moody v. Huntington Ingalls**, No. 16-1773 (4th Cir., January 3, 2018) [<http://www.ca4.uscourts.gov/opinions/161773.P.pdf>].

UK – Code of Safe Working Practices



The UK Maritime and Coastguard Agency (MCA) issued the **2017 Code of Safe Working Practices for Merchant Seafarers**. The 523-page document is intended as guidance for seafarers on UK ships, but can be utilized by others. (1/3/18)

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/671403/CSWPMS_GOV_UK_2017.pdf].

Join my mailing list



If you are not receiving my almost daily electronic newsletter and would like to have it sent directly to your email inbox, please send me an email, or see below:

Join Our Mailing List!



If you have questions regarding the above items or are interested in advertising in this newsletter, 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>

© Dennis L. Bryant – January 2018



Redistribution permitted with attribution