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USCG – guidance on COD delays;
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SLSDC – Seaway Tariff of Tolls;
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House – bill introduced re rec vessel operator training;
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Court – dismissal under ‘rule of necessity’;
Somalia – Piracy HRA reduced; and
MREN – HazSub spill response plans.

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Bryant's Maritime News

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USCG – guidance on COD delays



The US Coast Guard issued a Marine Safety Information Bulletin (MSIB) providing guidance regarding Certificates of Documentation (CODs) for US vessels. The USCG National Vessel Documentation Center (NVDC) is experiencing delays in processing CODs. Thus, various temporary work-arounds are provided. **MSIB 03-19 (3/11/19)**
[https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/MSIB/2019/MSIB_003_19.pdf].

DOS – meeting on 1 April re FAL 43



The Department of State (DOS) issued a notice stating that an open meeting will be held on 1 April in Arlington, VA to prepare for the upcoming session of the IMO Facilitation Committee (FAL 43). Topics on the agenda include application of the single-window concept. **84 Fed. Reg. 9198** (3/13/19) [<https://www.govinfo.gov/content/pkg/FR-2019-03-13/pdf/2019-04592.pdf>].

SLSDC – Seaway Regulations and Rules



The Saint Lawrence Seaway Development Corporation (SLSDC) promulgated a final rule updating the Seaway Regulations and Rules. The amendments enter into effect on 30 March. **84 Fed. Reg. 8983** (3/13/19) [<https://www.govinfo.gov/content/pkg/FR-2019-03-13/pdf/2019-04521.pdf>].

SLSDC – Seaway Tariff of Tolls



The Saint Lawrence Seaway Development Corporation (SLSDC) promulgated a final rule updating the Seaway Tariff of Tolls. The amendments enter into effect on 30 March. **84 Fed. Reg. 8984** (3/13/19) [<https://www.govinfo.gov/content/pkg/FR-2019-03-13/pdf/2019-04525.pdf>].

USN – new class of towing, salvage, and rescue ships



The US Navy issued a **news release** stating that the new class of towing, salvage, and rescue ship will be named Navajo in honor of the major contributions the Navajo people have made to the US armed forces. The new class will be based on existing commercial offshore towing vessel designs. (3/12/19) [https://www.navy.mil/submit/display.asp?story_id=108871].

EPA & CBP – illegal imports found



The Environmental Protection Agency (EPA) issued a **news release** stating that it and the US Customs and Border Protection (CBP) conducted a joint operation in southern California ports inspecting imported

engines and vehicles. Many of these items lacked required emission controls. Fines have been assessed against importers. (3/12/19)
[<https://www.epa.gov/newsreleases/us-epa-and-customs-continue-joint-operations-southern-california-ports>].

House – bill introduced re rec vessel operator training



Representative King (R-NY) introduced a bill (H.R. 1669) to direct the Secretary of the department in which the Coast Guard is operating to study and report to the Congress regarding recreational vessel operator training. Official text of the bill is not yet available. (3/11/19).

Court – marine insurance claim denied



In an unpublished decision, the US Court of Appeals for the Eleventh Circuit affirmed the grant of summary judgment in favor of defendant marine insurers and defendant shipyard in breach of contract and negligence claims brought by a yacht owner whose yacht partially sank at the shipyard. The court found that the plaintiff failed to present probative evidence to support its claim. **Kol B'Seder v Certain Underwriters**, No. 18-10447 (11th Cir., March 12, 2019) [<http://media.ca11.uscourts.gov/opinions/unpub/files/201810447.pdf>].

Court – dismissal under 'rule of necessity'



In an unpublished per curium decision, the US Court of Appeals for the Fourth Circuit affirmed the dismissal of a lawsuit brought against the appellate court and the federal district court. The basis for their hearing a claim against themselves was cited as the 'rule of necessity'. **Clarke v Fourth Circuit Court Judges**, No. 18-7035 (4th Cir., March 2019) [<http://www.ca4.uscourts.gov/opinions/187035.U.pdf>]. *Note: While this apparently is not a maritime case, it does advance, in an unclear direction, our appreciation of litigation.*

Somalia – Piracy HRA reduced



The Indian Directorate General of Shipping (DGS) issued a circular providing the coordinates of the reduced Piracy High Risk Area (HRA) off Somalia. **Piracy Circular 02-2019** (3/11/19)

[http://dgshipping.gov.in/writereaddata/News/201903110518191636001dgs_cir_2of2019_piracy.pdf].

MREN – HazSub spill response plans



In the March 2019 edition of Maritime Reporter and Engineering News, you can find my article entitled "**HazSub spill response plans**". The article discusses the recent decision of the US Coast Guard to withdrawal its proposed rulemakings for hazardous substance spill response plans for tank vessels and marine transportation-related facilities. In my opinion, the USCG proposals evidence a failure of imagination. I recommend that the Coast Guard meet with the marine transportation chemical sector and determine which current industry measures can be considered as providing an equivalent level of safety to measures mandated in OPA 90. The gaps identified can then be filled in a rulemaking. (3/12/19) [<http://www.brymar-consulting.com/wp-content/uploads/MREN/MREN190300.pdf>].

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