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Contact: Anne Davis Burns

(703) 841-9300

**AWO HAILS COURT DECISION DECLARING
MASSACHUSETTS OIL SPILL STATUTE UNCONSTITUTIONAL***Decision Upholds Supremacy Clause of U.S. Constitution*

WASHINGTON, D.C. – The American Waterways Operators (AWO), the national trade association for the American tugboat, towboat and barge industry, today hailed a decision by the U.S. District Court in Massachusetts declaring a 2004 Massachusetts oil spill statute unconstitutional. A lawsuit brought by the U.S. Department of Justice challenged the constitutionality of the law, which was enacted in response to a 2003 accidental tank barge oil spill in Buzzards Bay. The Department of Justice lawsuit asserted that the Massachusetts oil spill law tried to make law in areas that are reserved exclusively to the Federal Government.

The Court said in part: “The challenged provisions of the Oil Spill Prevention Act are preempted, invalid, and unconstitutional under the Supremacy Clause of the United States Constitution. The Commonwealth of Massachusetts is therefore permanently enjoined from enforcing the challenged statutes.”

AWO has a long history of leadership in safety for the industry. Barge transportation provides safe, environmentally-friendly transportation of oil, and AWO members have achieved an 85 percent reduction in tank barge oil spills since 1990. In fact, tank barges are the smallest source of oil spilled in marine environments – three one-hundredths of one percent (0.03%) of oil transported by barge is spilled.

AWO President and Chief Executive Officer Tom Allegretti said, “We are extremely gratified that the U.S. District Court has upheld the U.S. Coast Guard’s regulatory authority regarding vessel operations in U.S. waters. This case is important for interstate commerce. It upholds the U.S. Supreme Court’s holding in *U.S. v. Locke* that federal regulations and statutes preempt state and local activities in those areas. For each portion of the Massachusetts state statute struck down in this case, there is a federal statute or regulation already in place. Those federal provisions create a consistent regulatory framework that is essential for the safe and efficient functioning of interstate commerce and in this case, safety and environmental protection on U.S. waters.”

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The American Waterways Operators (AWO) is the national trade association for the inland and coastal tugboat, towboat, and barge industry. AWO's members operate on the Atlantic, Pacific, and Gulf Coasts of the United States; throughout the full range of our nation's 25,000-mile inland and intracoastal waterway system; and in our inland and coastal ports and harbors.