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AWO Applauds Summary Judgment Against Massachusetts Oil Spill Law; Says Decision Will Enhance Safety

WASHINGTON, D.C. – The American Waterways Operators (AWO), the national trade association for the tugboat, towboat and barge industry, hails the decision yesterday by the U.S. District Court, Massachusetts District, to grant Summary Judgment against a 2004 Massachusetts oil spill law, declaring it null and void. The U.S. Department of Justice sued the Commonwealth over the constitutionality of the law enacted in response to a 2003 accidental tank barge oil spill in Buzzards Bay. The decision affirms the 2008 recommendation of the Magistrate Judge that Massachusetts acted unconstitutionally in enacting the 2004 law that regulated the crewing and operation of towing and tank vessels, areas reserved to the Federal government, specifically the U.S. Coast Guard. This action by the District Court upholds the longstanding principle of Federal preemption for interstate commerce and the exclusive authority of the Coast Guard over these and other navigational safety issues.

In ruling, Judge Douglas P. Woodlock asserted, “In the final analysis, the law of preemption – well charted by the Magistrate Judge in his successive Reports and Recommendations – leaves the last word under Federal law regarding the formulation of regulations to control vessel traffic, to enhance vessel safety and to decrease environmental hazards in Buzzards Bay to the Coast Guard. Congress has explicitly authorized the Coast Guard to do so through its rulemaking process.”

AWO President & CEO Thomas Allegretti pointed out the benefits to maritime safety of the ruling saying, “Federal law provides a consistent regulatory framework that helps ensure a safe operating environment for interstate commerce by preventing a confusing set of different situational rules dependent on location. A Regulated Navigation Area (RNA) enacted by the Coast Guard established special safety rules for vessels operating in the area, and safety statistics show that the RNA is working well. This decision puts the safety and environmental protection of U.S. waters squarely under the appropriate authority of the U.S. Coast Guard.”

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