

VOLUME 64, No. 18 • SEPTEMBER 14, 2007

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TSAC to Review Draft Medical NVIC at Fall Meeting September 18-19

The Towing Safety Advisory Committee (TSAC) will meet September 18-19 at the Sleep Inn and Suites in Laurel, MD. Topping the committee's agenda will be consideration of two new taskings, including review of the latest draft of the Coast Guard's Navigation and Vessel Information Circular (NVIC) on medical and physical evaluation guidelines for merchant mariner credentials. The target date for publication of the draft NVIC has been delayed and both TSAC and the Merchant Vessel Personnel Advisory Committee (MERPAC) are being given the opportunity to provide detailed feedback on the revised draft. The Coast Guard has asked for a final report from TSAC at its spring 2008 meeting.

TSAC has also been tasked with reviewing new draft versions of forms CG-719K (Merchant Mariner Physical Examination Report) and CG-719K/E (Merchant Mariner Certification of Fitness for Entry-Level Ratings). TSAC will compare the proposed revisions with the current forms, which were last revised in 2004, and provide recommendations for any needed changes.

The meeting will also include updates on high priority regulatory projects, including the towing vessel inspection rulemaking, and the Coast Guard's progress on implementing TSAC-recommended changes to the towing vessel officer licensing requirements. AWO members

should note that the TSAC Working Group on Towing Vessel Inspection will not meet in conjunction with the September 18-19 meeting. The working group will hold its next meeting when the Coast Guard's revised draft of the regulatory text is ready for committee review.

For more information on TSAC or the upcoming meeting, please contact Jennifer Carpenter at (703) 841-9300, extension 260, or via email at jcarpenter@vesselalliance.com.

The AWO Fall Convention is Almost Here...

The AWO Fall Convention is being held in Houston, TX this year at the Four Seasons Hotel. Meetings will begin on the morning of Thursday, October 4 and conclude at noon on Friday, October 5. New Directors should plan to attend the Board orientation session to be held the day before the Convention, on Wednesday, October 3 at noon. To register for the event, please click [here](#). If you have any questions, please contact Hermoine Wellman at (703) 841-9300, extension 291, or via email at hwellman@vesselalliance.com.



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Benkert Award Applications Sought

The Coast Guard is now accepting applications for the biennial RADM William M. Benkert Marine Environmental Protection Award for Excellence.



The Benkert Award is the premier national award recognizing U.S.-based vessel and marine transportation facility operators who have demonstrated sustained excellence and outstanding achievements in protecting the marine environment. Since its establishment in 1995, the Benkert Award program has consistently recognized AWO members for their leadership in environmental protection.

Applications will be accepted until March 1, 2008. The awards will be presented by a senior Coast Guard official at the American Petroleum Institute's biennial Tanker Conference, to be held in June 2008 in San Diego, CA. The Coast Guard notes that in a change to the application requirements from previous years, application packets containing more than 40 pages will not be accepted. For more information on the application process, eligibility and evaluation criteria, visit <http://www.uscg.mil/hq/g-m/mor/mor-1/BenkertAward/Overview.htm>.

Final Portions of Lease Financing Rule Implemented

On August 29, the Department of Homeland Security and the U.S. Coast Guard announced an effective date for portions of the vessel lease financing rule that had been awaiting approval by the Office of Management and Budget (OMB). With the announcement, the final rule for vessel lease financing is fully in place.



The vessel lease financing rule was a result of a provision included in the Coast Guard authorization bill in 2004. The lease financing provision was supported by AWO and the Maritime Cabotage Task Force to address transactions that were violating the Jones Act by allowing foreign owners to control vessels operating in the domestic trades. The original rule was promulgated on October 18, 2006, and portions of the rule required vessel owners to submit certain certifications and supporting documents in connection with an application for a coastwise endorsement for a vessel.

The procedure for regulations in the executive branch requires that these "collection of information" provisions of a rule to be reviewed by OMB. As a result, some of the provisions of the October rule could not be effective until completion of this OMB review. The August 29 announcement that OMB has approved the collection of information requirements of the rule means that the rule is now fully effective. Vessel owners who subsequently submit a new or renewal application for a coastwise endorsement for a vessel that is qualified to engage in the coastwise trade under the lease financing provisions of 46 U.S.C. 12119 must comply with the requirements for certifications and supporting documents.

The Coast Guard rule is important because it ensures that when a vessel is granted coastwise privileges under the lease financing statute, the owner must prove that the operation of the vessel is not controlled by a foreign entity. Closing loopholes such as these ensures that the operation of the Jones Act reflects the spirit of the law, which protects domestic maritime commerce and homeland security by keeping it in the hands of U.S. citizens. For information on the original Coast Guard rule, please see the November 3, 2006, *AWO Letter*, or contact Angela Madden at (703) 841-9300, extension 262, or via email at amadden@vesselalliance.com.

Welcome, New Affiliate Member!

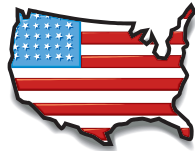
Marine Solutions, Inc.
7985 Boone Trace
Nashville, TN 37221-6508

Rep: Mr. Chetan Chand Kumaria



MCTF Releases Report on Political Leaders' Support of Jones Act

The Maritime Cabotage Task Force (MCTF) is a coalition of hundreds of U.S. maritime groups, including AWO, dedicated to protecting domestic commerce by requiring cargo and passengers moving between two points in the United States be carried on vessels that are U.S.-owned, U.S.-built and U.S.-crewed. The following report was released by MCTF this month.



American products in our coastal vessels, we spur more jobs for hardworking Americans. I oppose efforts to weaken the Jones Act.”

Senator Barack Obama (D-IL): “I supported the reauthorization of the Jones Act...maintaining the American merchant marine fleet is vital to our economy and national security. I would oppose any move to undermine this Act.”

Senator Chris Dodd (D-CT): “I am a strong supporter of the principles of the Jones Act.”

Representative Dennis Kucinich (D-OH): “As a member of the House, I have signed on as a cosponsor of House Continuing Resolution 65, a statement of full support for the Jones Act and related statutes.”

Governor Bill Richardson (D-NM): “The Jones Act plays a valuable role in sustaining American projects for American workers...Without the Jones Act...the U.S. share of global commercial shipbuilding, which at one point had reached zero percent, would return to that level.”

“2008 Presidential Candidates Endorse Jones Act as Maritime Foundation”

A top priority of the Maritime Cabotage Task Force (MCTF) in 2007-2008 is working with the Presidential campaigns. In that vein, the International Brotherhood of Boilermakers recently circulated a questionnaire to the 2008 presidential candidates, which includes a question about the Jones Act. The question focuses on the build elements of the Act, but most candidates addressed the Jones Act in general. To date, the following candidates have responded.

Senator Joe Biden (D-DE): “The Jones Act is a century-old act that has served America’s strategic defense needs well. It is crucial that we maintain domestic capacity – particularly in industries that are important to our national security.”

Former Senator John Edwards (D-NC): “For decades, the Jones Act has ensured the construction and operation of a merchant marine fleet capable of meeting our nation’s commercial and military needs while simultaneously creating a competitive U.S. shipbuilding industry and thousands of good-paying American jobs.”

Senator Hillary Clinton (D-NY): “I am strongly committed to using American products as a way of spurring the creation of new jobs in this country. When we use

Important Dates and Reminders

..... at a glance

All contact persons can be reached by calling AWO’s Arlington, VA office at (703) 841-9300 unless otherwise noted.

October 3-5: Fall Convention and Board Meeting. For more information, contact Hermoine Wellman.

October 31-November 1: Joint Safety Committees Meeting, Baltimore, MD. For more information, contact Bob Clinton.

January 30-31, 2008: Midwest and Ohio Valley Regions Joint Annual Meeting, Nashville, TN. For more information, contact Hermoine Wellman.

“Labor Day 2007 Marks One Year Anniversary of President Bush’s Jones Act Remarks”

September 4, 2007, marks the one year anniversary of President Bush’s remarks in support of the Jones Act. Last year, President Bush spent Labor Day at the Seafarers International Union’s (SIU) Paul Hall Center for Maritime Training & Education in Piney Point, MD, where he made remarks in support of the U.S. maritime industry. President Bush said, “...it’s important for Presidents to embrace the Jones Act. [SIU President Mike] Sacco was constantly talking to me about that. I have...supported the Jones Act, and will continue to do so as the President.”

Is Your Business Prepared for Disaster? September is National Preparedness Month

As reported in the August 31 *AWO Letter*, AWO is a part of the U.S. Department of Homeland Security's (DHS) READY campaign coalition. The campaign has named September as National Preparedness Month, and is focusing on a different theme each week of the month to encourage different areas of disaster preparedness:

- September 1-8: Back-to-School (Ready Kids)
- September 9-15: Business preparedness (Ready Business)
- September 16-22: Multicultural preparedness (Listo)
- September 23-30: Home and family preparedness, including pets, older Americans and individuals with disabilities and special needs (Ready America)

This week, September 9-15, is Ready Business week. The advice of the READY campaign is that business continuity planning should be done by all businesses in order to ensure that your business will survive a disaster, whether man-made or natural. The campaign offers information on the following aspects of emergency planning:

- **Be Informed**
Know what kinds of emergencies might affect your company.
- **Continuity Planning**
Carefully assess how your company functions, both internally and externally.

- **Emergency Planning**
Your employees and co-workers are your business' most important and valuable asset.
- **Emergency Supplies**
Think first about the basics of survival: fresh water, food, clean air and warmth.
- **Deciding to Stay or Go**
Shelter-in-place or evacuate, plan for both possibilities.
- **Fire Safety**
Fire is the most common of all business disasters.
- **Medical Emergencies**
Take steps that give you the upper hand in responding to medical emergencies.

Senate Committee on Homeland Security Chairman Joe Lieberman and Ranking Member Susan Collins, and House Committee on Homeland



Security Chairman Bennie Thompson and Ranking Member Peter King, are serving as honorary Congressional co-chairs of National Preparedness Month 2007 and are leading the effort on Capitol Hill to increase public awareness on the importance of emergency preparedness.

The campaign offers businesses checklists, templates and other resources, including information on the general costs to a business for disaster protection and a business continuity plan, catastrophic insurance coverage, and conducting computer inventories. For more information, please go to www.ready.gov or contact Anne Burns at (703) 841-9300, extension 252, or via email at aburns@vesselalliance.com.


AWO Annual Report Wins American Graphic Design Award

The 2006 AWO *Annual Report* recently won an American Graphic Design Award! The *Annual Report*, designed by the AWO Public Affairs Department and Howell Creative Group, summarizes the major issues, goals and challenges in the industry over the past year, and is sent to, and read by, state and federal regulators, legislators and the media. All AWO members received a copy of the *Annual Report* in March and it is posted on the AWO Web site,

www.americanwaterways.com. If you would like another copy of the *Annual Report*, please contact Mary McCarthy at (703) 841-9300, extension 254, or via email at mmccarthy@vesselalliance.com.



"The Towing Industry Has Worked to Improve Safety"

The following Letter to the Editor, written by AWO Vice President - Public Affairs Anne Davis Burns, was published in the *Pittsburgh Post-Gazette* on September 8. 



The American Waterways Operators

801 North Quincy Street
Suite 200
Arlington, VA 22203

Anne Davis Burns
Vice President - Public Affairs

September 8, 2007

Editor
The Pittsburgh Post-Gazette
34 Boulevard of the Allies
Pittsburgh, PA 15222

Dear Editor,

The August 24 article "Coast Guard Withholds Report on Fatal Towboat Accident" painted an uninformed and inaccurate picture of the American towboat and barge industry. Contrary to the article's characterization of the industry as composed of "operators and industry representatives who oppose...the imposition of expensive safety rules," the essential facts overlooked are that the towing industry represented by the American Waterways Operators has actually been on a continuous safety journey since the mid-1990s through its Responsible Carrier Program, the first-of-its-kind Coast Guard-AWO Safety Partnership, and the many safety improvements developed and shared as industry "best practices" by the AWO safety committees. AWO members are proud of their safety leadership as reflected in the many achievements in the industry's safety record that readers may examine at www.americanwaterways.com.

The article incorrectly asserted that the industry "resisted the mandatory boat inspections that are scheduled to go into effect in January." In reality, AWO went hand in hand with the Coast Guard to ask Congress to pass the new towing vessel inspection law, because we wanted to raise the bar of safety for the entire industry. The article also erroneously said the industry operates under a relative lack of regulation, when, in fact, it must comply with an array of strict federal regulations, enforced by the U.S. Coast Guard and other federal agencies, aimed at ensuring safety, security and environmental protection.

Our record shows that AWO and its members have been longtime leaders in safety, yet the article did not reveal any evidence of that. The article would have had more integrity had it relied less on quotations from sources with opinions but little apparent knowledge of the modern industry.

Sincerely,

Anne Davis Burns
Vice President - Public Affairs
The American Waterways Operators

Internal Auditing – “Growing” Your Internal Audit Program

As discussed in the last issue of the *AWO Letter*, an internal audit of a company’s Responsible Carrier Program (RCP), arguably one of the most important elements of the RCP,

has been a requirement since the program was first introduced, and is expected to be an integral part of the new towing vessel inspection regulations. To refine and improve your company’s own internal audit procedure, remember

that audits are defined as internal when the auditor is being controlled by the company, such as an employee or a third-party auditor hired by the company. In this article we will discuss how to choose, train and develop support for your own internal auditor and help ensure the success of your program.

When upgrading your company’s internal audit program, know that, after management commitment, the most important factor in ensuring the success of your internal audit program is the individual who will become your internal auditor. This person should be a coach, cheerleader and technical expert as well as a direct line of communication to management. The way in which your internal auditor fulfills these roles will have much to do with how well your employees accept the internal audit program and the Responsible Carrier Program itself. An internal auditor must possess a thorough understanding of your company’s business, the segment of the industry in which it operates and practical vessel experience. This experience will enable the internal auditor to better understand the equipment being audited and relate to the vessel crews. However, auditors should not be used to examine areas for which they have direct responsibility.



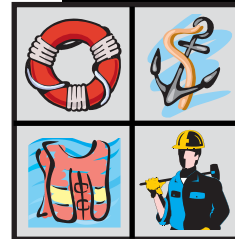
As you consider developing or “growing” your own internal auditor, the most important skills he or she can bring to the job are superior listening and communication skills. These skills

will facilitate the auditor’s ability to relate to personnel at all levels within the company because internal auditors must work with employees to determine their level of understanding of

company policies and procedures, as well as report to management.

Once you have selected an internal auditor, you must provide that individual with the tools to do the job effectively, including providing access to records, equipment and personnel. If you elect to use a contractor to perform your internal audit, make sure that the scope of the audit is understood by all parties and there is a clear understanding of when the report will be completed. The audit should consist of an examination of all records and equipment required by the RCP and interviews with vessel and management personnel to ascertain their understanding of the program and participation in the required training.

For companies that have elected to use their own personnel to conduct internal audits, the scope of the audit is generally the same, and should cover all the required elements of the RCP. These companies should also consider providing some type of formal training to internal auditors. Ideally, that training will provide an understanding of audit principles and practices, as well as philosophy and process of internal audit. Some examples of auditor training are internal auditor courses conducted by the American Bureau of Shipping and



“Safety Pages”

RCP Auditor certification training conducted by AWO.

Whether your company elects to use its own employee or a contractor to conduct internal audits, it is vital that management make it clear to all personnel that an internal audit is a tool for continuous improvement and not a “report card” or means to identify poor performers. Clearly, if an audit uncovers incompetence that issue must be addressed; however, disciplinary action must not be the prime purpose of the audit. Companies should clearly communicate the results of the audit to the personnel involved, recognize and reward employee contributions and use the findings to correct deficiencies and identify areas for improvement. Employees must see that deficiencies identified by the audit are corrected promptly: this step is essential in establishing credibility and building support for the audit.

In the next issue of the *AWO Letter* we will discuss tools and techniques for conducting internal audits. If you have any questions about internal auditing, safety or the RCP, please contact Bob Clinton at (703) 841-9300, extension 253, or via email at bclinton@vesselalliance.com.



CEMS

Training Opportunities

The Crew Endurance Management System (CEMS) is a system for managing risk factors in maritime work environments that can lead to human error and performance slumps. The Coast Guard and AWO have been working together to help companies implement the principles of CEMS. In this space, AWO will publish details of CEMS training opportunities around the country. For further information on CEMS training opportunities, please contact LCDR Vivianne Louie, U.S. Coast Guard, at (202) 372-1358.

DATE	LOCATION	CONTACT
September 6-7	Kirby Corporation Baton Rouge, LA	Ms. Kelly Parker (Contact) kelly.parker@kirbycorp.com (713) 435-1775
September 6-7	Inland Waterways Academy Huntington, WV	Ms. Jo Ann Salyers (Instructor) salyers_solutions@hughes.net (504) 236-4962
October 25-26	Kirby Corporation Metairie, LA	Ms. Jo Ann Salyers (Instructor) salyers_solutions@hughes.net (504) 236-4962
November 8-9	Inland Waterways Academy Huntington, WV	Ms. Jo Ann Salyers (Instructor) salyers_solutions@hughes.net (504) 236-4962
December 6-7	Inland Waterways Academy Huntington, WV	Ms. Jo Ann Salyers (Instructor) salyers_solutions@hughes.net (504) 236-4962

Pacific Region

U.S. District Court Strikes Down California Low-Sulfur Fuel Regulation

On August 30, the U.S. District Court struck down a regulation enacted by the California Air Resources Board (CARB) on January 1 requiring all ocean-going vessels to use low-sulfur fuel.



The lawsuit was brought against CARB by the Pacific Merchant Shipping Association, who charged that the regulation violated the Clean Air Act, a federal act that preempts state regulations. However, the court's ruling allows CARB to proceed with the regulations if it receives authorization from the U.S. Environmental Protection Agency (EPA).

It is unknown how long it will take CARB to obtain the necessary permission to enforce the

(continued on page 8)

DHS Announces West Coast Maritime Radiation Detection Project

On September 5, a west coast maritime pilot program was unveiled by the U.S. Department of Homeland Security's (DHS) Domestic Nuclear Detection Office (DNDO). Over the next three years, the program will construct a system for state and local officials, working with the U.S. Coast Guard and U.S. Customs and Border Protection, to use to identify and respond to illegal radiological and nuclear devices that could be transported on small vessels in Washington State's Puget Sound and California's San Diego Bay. The program will provide non-intrusive, passive detection tools such as portable radiation detection devices, as well as fixed and mobile sensors.

DNDO will be conducting workshops on the program in Seattle and San Diego, both of which AWO will attend. For more information, please visit the Web site of DHS by clicking [here](#) or by contacting Jason Lewis at (206) 262-7308, or via email at jlewis@vesselalliance.com.

CARB Harbor Craft Regulation Draft Moves Forward

The California Air Resources Board (CARB) is continuing forward with its proposed harbor craft regulation, despite the protests of AWO that some of the provisions are too onerous for the tugboat, towboat and barge industry. While AWO worked with CARB to revise the draft regulation, it still contains regulations on ocean-going tugs and tows, dual compliance time lines and a weak alternative compliance section. However, there may be extensions to the timeline in the case of manufacturer delays or equipment not being available.

Jason Lewis, AWO Vice President - Pacific Region, will distribute a detailed memo on the proposed regulation and hold a conference call to discuss the details and next steps. If you are interested in participating in the conference call, or would like more information on the regulation, please contact Jason at (206) 262-7308 or via email at jlewis@vesselalliance.com.

Pacific Region

New Pacific Region Summer Meeting Format Energizes Membership

On August 30, AWO Pacific Region members met in Seattle to discuss the issues facing the region and the industry. The new summer meeting format proved to be a great tool to dig deeper on some very important issues at the regional and national level. In terms of attendance, content, member participation and interesting speakers, the meeting was a success.

Pacific Region Chairman Ric Shrewsbury, Western Towboat, began the meeting by discussing the regional priorities and how the region can meet those goals. Mr. Shrewsbury outlined the importance of a strong grassroots campaign, increased PAC participation and how those two tools can be utilized to achieve success in the realm of public policy. Another issue Mr. Shrewsbury discussed was the need to keep aggressive states in check when it comes to legislating the maritime community.

Thirteenth U.S. Coast Guard District Chief of Inspection John Dwyer took the podium and touched on a number of critical issues on the Coast Guard agenda. The topic that raised the most ire from the crowd was the Transportation Worker Identification Credential (TWIC) rulemaking. Mr. Dwyer expressed a great deal of surprise with the industry's disapproval of the TWIC program. It was clear that this topic was timely and it is certain that a strong message of industry opposition to certain aspects of the program was received by the Coast Guard.

Next, Tom Allegretti, AWO President & CEO, gave a report on critical issues facing the industry. In a Top Ten-style presentation, Mr. Allegretti counted down the perils that face the industry. While TWIC received the most attention at the meeting that day, all of the ten issues addressed in the report have the potential for serious negative consequences.

Jason Lewis, Vice Present - Pacific Region, then gave the regional report. The focus of his report was the California Air Resources Board (CARB) intention to pass a restrictive and potentially unconstitutional harbor craft regulation focusing on engine replacement, and legislative amendments to OPA 90 being sought by Senator Maria Cantwell (D-WA). Other issues addressed were the previous year's PAC participation rate and the importance of grassroots efforts. It was obvious from those in attendance and from discussions at the other regional meetings that AWO will need to continue to develop a dynamic work plan

that will address the needs of the industry, increase communication to the members and ensure that resources are being used effectively and efficiently.

The membership was also joined by Gregg Trunnell, Director of the Pacific Maritime Institute (PMI), who detailed PMI's licensing program and how it can help the industry with its personnel shortage problem. Mr. Trunnell also participated in the focus discussion session relating to vessel personnel shortage and the programs available to help solve this problem.

Finally, the meeting concluded with three strategic dialogue sessions headed by John Pigott, Tidewater Barge Lines, Inc., focusing on the vessel personnel shortage, the proposal to remove marine safety from the Coast Guard's portfolio and the Coast Guard's possible policy change on travel time. These sessions proved very informative with great member feedback.

All meeting presentations, as well as the packet of informational background materials, can be found in the Members Only section of the AWO Web site. For more information, please contact Jason Lewis, Vice President - Pacific Region, at (206) 262-7308 or via email at jlewis@vesselalliance.com.

U.S. District Court Strikes Down California Low-Sulfur Fuel Regulation

(continued from page 7)

regulation from the EPA, but it could be months or years. CARB will continue to move forward with a new regulation mandating low-sulfur fuel on the main engines of ocean-going vessels, but will honor the injunction while it is in place.



For more information, please contact Jason Lewis at (206) 262-7308, or via email at jlewis@vesselalliance.com.

Atlantic Region

Coast Guard Publishes Final Rule for the Regulated Navigation Area of Buzzards Bay

On August 30, the U.S. Coast Guard published the final rule governing the Regulated Navigation Area (RNA) for Buzzards Bay, MA, with an effective date of November 28, 2007. The rule adopts a three-pronged approach to navigation safety specifically within Buzzards Bay for single hulled tank barges being towed by a primary tugboat with twin engines and twin screws. The requirements for single hull barges transiting Buzzards Bay include: 1) monitoring the use of existing recommended routes via mandatory vessel participation in the Vessel Movement Reporting System (VMRS) created by the rule; 2) requiring a federally licensed pilot, in addition to the normal crew, onboard the primary tug towing a single hulled tank barge, but not requiring any other modifications to the applicable manning requirements; and, 3) requiring an escort tug in addition to the primary tug. According to the Coast Guard, the goal of this final rule is to accelerate the use of double hull barges in Buzzards Bay.

The RNA covers all the navigable waterways in the First Coast Guard District. Within First District waterways other than Buzzards Bay, federal pilots, VMRS reporting and escort tugs are NOT required for tank ships or tugs towing single hull tank barges if the tugboats have twin engines and twin screws. However, when operating specifically in Buzzards Bay, including the Cape Cod Canal to its eastern end, tugboats towing any single hull tank barges (regardless of engine/screw configuration) must meet the federal pilot, tug escort and VMRS requirements outlined in the rule.

Other important issues addressed in the rule include:

- Regardless of whether a tug/barge combination is equipped with Automatic Identification System (AIS), it must still participate in the Buzzards Bay VMRS by either installing AIS or using VHF radiotelephones. The VMRS will be managed by the U.S. Army Corps of Engineers at their Cape Cod Canal control center on behalf of the Coast Guard.
- Vessels must instead “notify” the VMRS center when vessels enter or get underway in Buzzards Bay, or meet, cross or overtake other VMRS users in the area.
- To allow for maximum operating flexibility, recommended routes depicted on National Oceanic and Atmospheric Administration charts are NOT mandatory.
- “Neither a master of a primary tug nor any member of its crew may serve as pilot while transiting Buzzards Bay. It is intended that the federally licensed pilot be

an additional navigation resource to the master and crew of the vessel.”

- Federally licensed pilots cannot advise the master of a primary tug from onboard an escort tug – the pilot must be onboard the primary tug.
- “The Coast Guard does not feel it is necessary to require tug escorts for double hull tank barges at this time.”
- Oil spill response vessels and barges are not exempt from these regulations.
- The rule does not establish new manning or watchstanding requirements.

In addition to the requirements outlined in the rule, the preamble to the rule contains strong language indicating that this Coast Guard regulation preempts Massachusetts laws. The rule states clearly that, “to the extent not otherwise already preempted, this rule is intended to, and does, preempt those provisions of Massachusetts’ ‘Act Relative to Oil Spill Prevention and Response in Buzzards Bay and Other Harbors and Bays of the Commonwealth’” for enhanced manning, tugboat escorts, mandatory vessel routes and compulsory state pilotage.

Since the requirements of this RNA do not come into effect until November 28, AWO members are operating in a difficult regulatory environment in the First District. Even though the new federal requirements have not taken effect, Massachusetts Department of Environmental Protection states that three provisions of the Massachusetts Oil Spill Prevention Act (MOSPA) are “in effect” for all double and single hull tank barges transiting Buzzards Bay. The three provisions include escort tugs, manning and financial responsibility requirements. AWO is working with its attorney to clarify the regulatory environment for tug and barge operators as soon as possible. AWO’s attorney has held conversations with the Attorneys General of Massachusetts and the attorneys for the U.S. Department of Justice on this issue and a status conference on the remand decision will take place on October 15 before the U.S. District Judge.

If you have any questions, please contact Chris Coakley or Boyd Hollingsworth at (703) 841-9300, extensions 297 and 258, respectively, or via email at ccoakley@vesselalliance.com or bhollingsworth@vesselalliance.com. 