

Harbor Safety Committee

of the San Francisco Bay Region

*Mandated by the California Oil Spill
Prevention and Response Act of 1990*

May 7, 2004

Mr. Carlton Moore
Administrator
Office of Spill Prevention and Response (OSPR)
Department of Fish and Game
P.O. Box 944209
1700 K Street
Sacramento, CA 95814

Re: SB 1480 and AB 2777

Dear Mr. Moore,

As Chairman of the Harbor Safety Committee of the San Francisco Bay Region I am writing to advise you that at it's May 6, 2004 meeting the committee voted unanimously to oppose California Senate Bill SB1480 with Amendment One and California Assembly Bill AB 2777. These two bills propose legislation to allow regulations governing tug escort for vessels carrying hazardous materials.

The Tug Escort workgroup of the committee has met four times regarding the proposed legislation with a broad representation from the public participating. The work group recommended to the full Harbor Safety Committee that the proposed legislation in its current form should be opposed.

I have included with this letter a copy of the final Tug Escort Work Group recommendation, with its findings.

Yours truly,



Captain J. Grant Stewart
Chairman

CC: The Honorable Byron Sher
CC: All SF HSC Members
CC: Al Storm, OSPR SF HSC representative

Recommendation and Minutes
Tug Escort Work Group Meeting
May 5, 2004

Subject: SB 1480 and AB 2777: Proposed legislation to allow regulations governing tugboat escorts for vessels carrying hazardous materials.

Recommendation to San Francisco Harbor Safety Committee

The Tug Escort Work Group held four meetings on the proposed legislation, well attended by a broad representation of the tanker, tug, pilots, terminal operators, U.S. Coast Guard, State Lands Committee, BCDC and OSPR.

The Tug Escort Work Group recommends that the Harbor Safety Committee oppose SB 1480 with Amendment 1 and AB 2777 because:

1. The definition of "hazardous materials" is too broadly written to be meaningful in pinpointing the most dangerous chemicals and quantities hazardous to the public and the environment. As written the legislation would affect almost every ship in the Bay, from cargo ships to tankers, and would not enhance safety.
2. The Work Group is concerned that, because the definition of hazardous materials is so broadly written, permanent, broad powers would be granted to the OSPR Administrator with no criteria or analysis upon which to base his/her decision. Within the past five years, OSPR has had five Administrators.
3. San Francisco Bay has the most stringent and comprehensive tug escort regulations for oil tankers and barges in the United States, based upon extensive public hearings and discussion by the Harbor Safety Committee. The Work Group, through the Harbor Safety Committee, reaffirms its desire to work with state legislators to craft workable legislation on this topic relevant to San Francisco Bay and its rivers.

Findings:

1. The Tug Escort Work Group has continued to struggle over the past two plus years to define what chemicals and what quantities are considered most dangerous to the public and the environment. It is beyond the expertise of this advisory committee to define the most hazardous materials for the purpose of establishing legislation.
2. The Tug Escort Work Group was concerned about the reported number of marine casualties that implied a higher incidence of steering, propulsion and groundings and a major increase in the number of Chemical Tankers now entering the Bay. The Work Group carefully reviewed the 9 year record of Coast Guard Casualty reports for Chemical Tankers, the 7 year record of Coast Guard Captain of the Port (COTP) orders to require

Chemical Tankers to be tug escorted, and Chemical Tanker arrivals in the Bay for 2003. Of 23 reported Casualties for the past nine years, only 4 were for loss of steering or power, 4 were for the same ship and 7 Chemical Tankers carried oil. The other Casualties were minor in nature because of the broad definition of a reportable Marine Casualty. Similarly of the COTP orders for 7 Chemical Tankers, 5 carried oil and the other 2 probably carried oil. Based upon the case data reviewed, the Work Group could not conclude there were excessive major problems for Chemical Tankers carrying chemicals.

There was a marked increase in the number of Chemical Tankers entering the Bay in 2003. The Work Group reviewed the list of ships, berths and whether the ships were escorted by tugs and therefore carrying oil. Of 145 Chemical Tankers entering the Bay, 89 ships carried oil and the balance carried chemicals which included tallow, palm oil, and a very broad list of materials. The major increase in the number of Chemical Tankers was due to the change in definition of tankers by Lloyds of London.

3. The Tug Escort Work Group also noted that prevention of accidents may occur through a number of means: ship design, training of crew and pilots, use of anchors and the use of tug escorts. Most chemical tankers are double-hulled ships subject to strict standards and close vetting review. The Work Group previously analyzed the 2001 list of chemical tankers for international classification type. The majority of chemical tankers calling in the Bay in 2001 were Type 2, double hull, affording a higher level of ship safety than most oil tankers in the Bay.

Joan Lundstrom, Chair
Tug Escort Work Group
San Francisco Harbor Safety Committee