

Investigations into Causes of and Response to Cosco Busan Oil Spill

September 11, 2008 Harbor Safety Committee update (current as of 8.15.08)

Linda Scourtis, BCDC

State Government Inquiries

State Board of Pilot Commissioners

1. Through the Incident Review Committee (IRC), the Board investigates actions on the part of the pilot that may have contributed to the incident. The board will work with the HSC work group as it also considers lessons learned from the incident. *Update:* Pilot retired effective October 1, 2008.

Executive Director: Capt. Pat Moloney, 415.397-2253

2. Established a standing Navigation Technology Committee. The purpose is “to investigate the different types of navigation systems generally found on ships calling on the San Francisco Bay Area and the sufficiency of pilot training in the use of such systems; to evaluate lap top computers, GPS units and other portable electronic chart systems that can be brought aboard ships by pilots to assist in navigation...The committee shall establish a dialogue with the Harbor Safety Committee and its cognizant subcommittees in the exchange of relevant information.”

Update: HSC Navigation work group reviewed BOPC recommendations and delivered its report to the HSC for a vote July 10.

Governor’s Investigation into causes of and response to the oil spill

The Governor directed OSPR, in coordination with the Governor’s Office of Emergency Services and the Department of Fish and Game, to review procedures and identify areas for improvement including prevention, preparation, response, notification, and cleanup; assess natural resource damage and the associated economic impact to fishermen, small businesses and state and local economies; assess environmental damage to water and beaches; identify the best ways to return the environment to its natural state. The SF Harbor Safety Committee reviewed known facts of the incident and developed recommendations to improve vessel transit safety in San Francisco Bay, submitting the following report to OSPR:

SF Harbor Safety Committee forwarded findings of the PORTS work group to OSPR Feb 1, 2008. HSC reports containing Tug Escorts, Prevention through People and Navigation Work Group recommendations were submitted to OSPR March 19 and 20, 2008. Ferry Operations Work Group recommendations on ferry routing in the Central Bay were forwarded to OSPR May 21, as were recommendations by the Navigation Work Group on vessel speed and crew staffing. Navigation Work Group report on pilot use of portable navigation tools was submitted July 16, 2008.

A final packet of HSC reports with findings and recommendations to improve navigation in the Bay was submitted to OSPR July 24, 2008.

California State Legislature

State Assembly special hearing on spill response held in Emeryville November 15, 2007. State Senate Joint Informational Hearing of Natural Resources and Governmental Organization subcommittees held a special hearing November 30, 2007, on the state response to the spill.

The following bills related to navigational issues that may be of interest to the Harbor Safety Committee have been introduced in the State Legislature in response to the Cosco Busan spill:

SB 1217, Yee, would add Section 1157.5 to the Harbors and Navigation Code, to require the Board of Pilot Commissioners to submit an annual report to the Legislature, beginning February 2010, that provides information on each pilot and trainee, vessel movements, investigations of reported incidents, and the financial status of the Board of Pilot Commissioners. Sponsored by the SF Bar Pilots Association and supported by PMSA. Amended May 6, 2008, to include stronger language regarding incident reports and additional fiscal reporting requirements tied to the passage of SB 1627.

On Assembly floor: third reading. If passed will return to Senate floor for concurrence vote.

SB 1627, Wiggins, would place the Board of Pilot Commissioners under the direct oversight of the Business, Transportation and Housing Agency, as opposed to its current independent status. The Department of Finance is required to complete Finance and Performance Audits of the Board by the end of 2009, with BT&H comments on any recommendations included in the audits due within six months of completion. The bill also clarifies that all additional state administrative costs will be borne by the Board Operations special fund and creates new special funds for pilot and trainee training. Sponsored by PMSA and supported by the SF Bar Pilots Association, Save the Bay, the Ocean Conservancy and the California Trade Coalition.

On Assembly floor: third reading. If passed will return to Senate floor for concurrence vote.

AB 2032, Hancock, would amend Section 4670.40 of the Government Code to increase the Oil Spill Prevention and Administration Fee (OSPAPF) maximum from \$0.05 to \$0.08 per barrel, and amend Section 46012 of the Revenue and Taxation Code to adjust annually for inflation the Oil Spill Response Trust Fund.

On Senate floor: third reading. If passed will return to Assembly floor for concurrence vote.

AB 2441, Lieber, would amend Section 8670.17.2 of the Government Code to require the OSPR Administrator to adopt regulations governing tug escorts for vessels carrying hazardous materials entering, leaving or navigating state harbors.

Did not pass out of Senate Appropriations Committee.

Other Organizations

San Francisco Bar Pilots

The San Francisco Bar Pilots internal review of its policies and procedures as well as of the Harbor Safety Committee Safety Plan will produce recommendations to improve shipping safety. The pilots will work with the HSC work group to inform our efforts.

Update: The HSC included in its March 19, 2008, report to OSPR, "Guidelines for Navigating in Reduced Visibility" developed primarily by the Bar Pilots and Coast Guard. The Guidelines apply to specific "Critical Maneuvering Areas" in the Bay.

Capt Pete McIssac: 415.362-5436

Federal Government Inquires

National Transportation Safety Board (NTSB)

Will consider equipment and navigation systems as well as human error in looking into the cause of the accident: the performance of the master, pilot and crew, as well as the operation and maintenance of equipment and navigation systems. A second focus of the NTSB investigation is on the response to the spill.

Public hearing held April 2008. Report is currently under review, expect early autumn release.

U.S. Coast Guard: Incident Specific Preparedness Review (ISPR)

Will evaluate the effectiveness of the Coast Guard's oil spill response and communications efforts, as well as the overall preparedness system. The following are the investigating agencies: San Francisco, OSPR, Pacific States-British Columbia Oil Spill Task Force, Baykeeper, PMSA, NOAA and the USCG. *Chair: Rear Admiral Carlton Moore, Ret.*

Update: An initial report was released January 28, 2008, which concentrated on the first two weeks of response to the spill (<http://uscg.mil/foia/CoscoBuscan/CoscoBusanISPRFinal.pdf>). The final report expanded on some Phase I focus issues and added a number that extend beyond the first two weeks of the incident.

Final report released May 16, 2008, available at <http://www.uscg.mil/FOIA/CoscoBuscan/part2.pdf>

Congressional Inquiry

Special Senate briefing with the USCG spill response was held in Washington, D.C., November 14, 2007. Special hearing on the Coast Guard spill response held by the House Subcommittee on Coast Guard and Maritime Transportation in San Francisco November 19, 2007. The congressional panel focused on a number of issues, including what caused the ship to hit the bridge, whether there were adequate communications and equipment on board, and why there were delays in reporting the spill and its severity.

Further inquiry into preparation for and response to the spill was conducted by the Department of Homeland Security Inspector General. IG's review of the U.S. Coast Guard's response to the allision, dated April 9, 2008 found at: http://www.dhs.gov/xoig/assets/mgmt/rpts/OIG_08-38_Apr08.pdf.

Federal legislation to require pilots to carry their own navigational laptop computers while piloting a vessel, to raise liability limits for cargo ship owners to cover cleanup costs and damages, and for double hulling of cargo ships proposed in Congress.

S. 2430, Boxer/Feinstein ("Maritime Emergency Prevention Act of 2007"), would authorize the VTS to command the pilot of a vessel to modify the speed or direction of a vessel in an emergency or hazardous conditions as determined by the VTS director. Also would require a federally licensed pilot to carry and use a laptop computer equipped with a navigation system where determined by the pilotage authority that a computer is practical and necessary.

The HSC voted on March 13, 2008, to accept the Prevention through People Work Group's recommendation that no additional authority be proposed for the Coast Guard to regulate shipping and control vessel movements, recognizing that the best skills for maneuvering a vessel originate from onboard the vessel itself, and not from the Vessel Traffic Service. Transmitted to OSPR March 20.

The HSC stated in comment letters dated April 17, 2008 to Senators Boxer and Feinstein, that no additional Coast Guard VTS authority is needed.

The HSC Navigation Work Group reviewed recommendations adopted by the Board of Pilot Commissioners regarding use of portable navigation systems, which were approved by the full HSC and submitted to OSPR July 16, 2008.

S. 2699, Lautenberg/Boxer (“Oil Spill Prevention Act of 2008”), would require new vessels (contracted for construction after the date of enactment of the Act or delivered after August 1, 2010), with an aggregate capacity of 600 cubic meters or more of fuel oil to have double hulls, oil fuel being defined as “oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.”

S. 2841, Feinstein (“Marine Emergency Protocol and Hull Requirement Act of 2008”), would amend the Oil Pollution Act of 1990 to require new cargo ships over 5,000 gross tons to have a double hull protecting their fuel tanks by 2010, and existing ships to be retrofitted by 2024. The bill also would direct the Coast Guard to assume direct authority of all vessels during adverse conditions, or "enhanced danger" situations, such as an act of war or terrorism, low visibility, or after a large oil spill or hazardous materials discharge.

H.R. 5428, Tauscher/Woolsey/Filner (“Vessel Navigation and Safety Improvement Act”), would direct the Coast Guard to issue regulations requiring pilots of vessels 300 gross tons or greater to carry and utilize a portable electronic device that is equipped for navigational purposes and capable of connection to AIS, and require pilot training on such devices.

As stated above, the HSC approved the Navigation Work Group recommendation regarding portable navigation systems.