

Investigations into Causes of and Response to Cosco Busan Oil Spill

May 8, 2008 Update

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: Hearing before administrative law judge is scheduled to begin September 2, 2008. The pilot's license will remain suspended until an outcome is determined.

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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."

Capt. Bruce Horton will serve as liaison to the BOPC for interim reports.

Timeline: Preliminary report June 1

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

The Governor has 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.

Update: SF Harbor Safety Committee forwarded findings of PORTS work group to OSPR Feb 1, 2008. HSC reports containing Tug Escorts, Prevention through People and Navigation Work Group recommendations submitted to OSPR March 19 and 20.

Ferry Operations Work Group recommendations are scheduled for a vote by the HSC May 8, 2008, as are further recommendations by the Navigation Work Group. The Tug Escort group will meet May 16 to develop recommendations regarding transit in low visibility by tugs and barges.

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:

AB 2032, Hancock, would amend Section 8670.3 of the Government Code (OSPRA) to revise the definition of “tank ship” to include self-propelled vessels that carry oil in a single tank with a capacity greater than 50,000 gallons; and amend Sections 46012 and 46028 of the Revenue and Taxation Code to increase the amount designated to be maintained in the Oil Spill Response Trust Fund from \$109,750,000 to \$200,000,000, of which \$100,000,000 shall be retained as cash and an equal amount accessible in the form of financial security to be adjusted annually for inflation.

AB 2441, Lieber, would amend Section 8670.17.2 of the Government Code (OSPRA) to require the OSPR Administrator to adopt regulations governing tug escorts for vessels carrying hazardous materials in state waters. *The HSC Tug Escorts Work Group is working with Baykeeper to refine the list of hazardous cargoes to those that call SF Bay in large quantities.*

The OSPR Technical Advisory Committee has established a subcommittee to review and provide analysis of legislation proposed at the state level in response to the Cosco Busan incident. The SF HSC Chair is a member of this group.

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 8-9, 2008. Report expected Fall 2008.

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.

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/CoscoBusan/CoscoBusanISPRFinal.pdf>). The final report will expand on some Phase I focus issues and add some that extend beyond the first two weeks of the incident. *Chair: Rear Admiral Carlton Moore, Ret.*

Report on initial two weeks’ response released January 28, 2008; final report due May 2008

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 Department of Homeland Security Inspector General. The report of the IG’s review of the U.S. Coast Guard’s response to the allision, dated April 9, 2008: http://www.dhs.gov/xoig/assets/mgmt/rpts/OIG_08-38_Apr08.pdf.

Federal legislation to upgrade VTS technology, require pilots to carry their own navigational laptop computers while piloting a vessel, and to raise liability limits for cargo ship owners to cover cleanup costs and damages proposed in the Senate late 2007.

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 is required of 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.

Additionally, the HSC Navigation Work Group will review a Board of Pilot Commissioners study, due in June, of navigation systems and make a recommendation to the HSC.

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 (“Vessel Navigation and Safety Improvement Act”), would direct the Coast Guard to issue regulations requiring pilots of certain vessels to carry and utilize a portable electronic device that is equipped for navigational purposes and capable of connection to AIS.

As stated above, the HSC Navigation Work Group will work with the Pilot Commissioners on this issue. No recommendation to date.

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.

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