



06-01

February 9, 2001

- ♦ **Annual Meeting Update . . .** The dates for the SCAA Annual Meeting have been finalized, and the programming is well underway. The event will start with a golf outing on Sunday, March 25, with the first tee time at 11:36 a.m. at the Feather Sound Country Club, located at 2201 Feather Sound Dr. in Clearwater. The course is about 10-15 minutes from the Tampa Convention Center. The cost to play will be \$85.00 per person, which includes 18 holes of golf and a cart. ***If you are interested in playing golf, contact Marc Shaye ASAP at telephone 1-313-962-8255, facsimile 1-313-962-2937, or e-mail rllaw@tir.com (Marc Shaye).*** The Stanfield Award Dinner will begin with a cocktail reception at 7:00 p.m. on Sunday, March 25. During the dinner, we expect to have a keynote speaker (to be announced), and of course, the Stanfield Award will be presented. The abbreviated meeting will begin on Monday, March 26 with a breakfast at 8:00 a.m. at the Wyndham Harbour Island Hotel, followed by various presentations (the schedule is being finalized, and will be announced in the near future). One confirmed speaker is Steve Poole, who is now at the National Pollution Funds Center ("NPFC"). Steve and his associate Auggie Rios will make a presentation to the membership on submitting claims to the NPFC, and will also take questions from the membership on the claims adjudication process. The cost to attend the annual meeting will be \$200 per person for SCAA members, \$100 per person for spouses or significant others, and \$250 per person for non-members. For non-members, \$100 of the attendance cost will be applied against new member dues for fiscal year 2001 if membership is applied for before June 1, 2001. ***We hope all of you will join us and other representatives of our industry for this meeting! Please contact Marc at the numbers listed above or call 1-313-849-2649 for more information on the event.***
- ♦ The federal government was sued last week for \$96 million by the owners and insurers of the "New Carissa", claiming that outdated navigation charts and poor oversight by the U.S. Coast Guard caused the freighter to run aground near Coos Bay, Oregon in February 1999. The complaint accuses the U.S. Coast Guard, the National Oceanic and Atmospheric Administration, and the Nation Ocean Service of negligence, and seeks damages under the federal Admiralty Act and the Tort Claims Act. The agencies are accused of negligently publishing a navigation chart and pilotage book designating the area as suitable anchorage. The complaint further alleges that the navigation charts also failed to warn that dredge spoils from the Coos Bay bar deposited in the area by the U.S. Army Corps of Engineers made the area unsafe for moorage, and that the Coast Guard failed to properly warn the ships captain or advise him to move after he anchored on February 3. While a Coast Guard investigation of

the grounding resulted in the recommendation to revise the guidebook and navigational charts to reflect the hazards of anchoring in the area during the winter, it also concluded that the judgment of the ships' captain about anchoring in rough weather should have outweighed any recommendations from the guidebook or map. (Source: *The Oregonian*)

- ◆ **Good P.R. move . . .** The Brazilian state oil group Petrobras, who have had their share of oil spills of late, sent 10 tons of equipment (including oil containment boom, absorbent boom, pumps, and materials to clean marine animals and birds) and technicians to help clean up the remaining vestiges of the oil spill caused by the grounding of the "Jessica" last month near the

Galapagos Islands. As you know, a majority of the spilled oil was carried away from the islands by winds and currents, which broadened but lessened the overall environmental impact of the spill. The ultimate fate of the “Jessica” (i.e., leave in place, cut up and remove, or scuttle) is still being discussed and considered by Ecuadorian officials. In related news, the global concern over the spillage of oil endangering rare species of animals (as was the case in this incident) is likely to bring renewed pressure for compulsory indemnity cover for all ships. (Source: *Lloyd’s List*)

- ◆ **REMINDER . . . Don’t forget to send us your pledges for the Dr. Tom Dalton Scholarship Fund, and to let us know if you’re interested in participating as a donor in the silent auction. Also, get those surveys back to Jim Weber Jr. ASAP!**
- ◆ **You reap what you sow . . .** Two former executives from the now defunct environmental company Hi-Po, Inc. (Ypsilanti, Michigan) are expected to plead guilty to federal racketeering charges in connection with a series of intentional spills and cleanups. If the plea goes through as expected, it will be the first racketeering conviction in the country in an environmental case and only the third time federal prosecutors have used the federal Racketeer Influenced and Corrupt Organization (RICO) Act to prosecute environmental violations. Both executives face a maximum penalty of 20 years in prison and a \$250,000 fine if convicted. (Source: *Detroit Free Press*)
- ◆ A draft report entitled “Road Map for National Security: Imperative for Change” was recently issued by the U.S. Commission on National Security/21st Century, which was chartered by Congress to provide a comprehensive review of U.S. national security. Recommendations in the report include the creation of a National Homeland Security Agency, which would be comprised primarily of the Federal Emergency Management Agency, U.S. Coast Guard, the Customs Service, and the Border Patrol. A complete copy of the 156-page report can be obtained on line at <http://www.nssg.gov/PhaseIIIFR.pdf>. Please note that you will need Adobe Acrobat Reader to view the report. (Source: *Maritime Items*)
- ◆ **Work/Life/Health:** Although freedom of speech is a constitutional right of the American people, it has its limits in the workplace. Employees should remember that they cannot say anything they want to in the workplace just because they have the constitutional right to free speech, nor should employers feel that their hands are tied because of this right. When managers are thinking of taking action against an employee for something that he/she has said or done, they should consider the following questions: **(1.)** Is the employee expressing views on a matter of legitimate public concern, or just voicing a personal issue or gripe? **(2.)** Are the employee’s views expressed in a public forum, or in a private place of business, and on working time? **(3.)** Even if the employee doesn’t say anything, does his/her conduct constitute symbolic speech (e.g., wearing a ribbon to support a cause, etc.)? **(4.)** Could the employee’s message be legitimately construed as whistle blowing about some employer conduct that is illegal or contrary to the public interest? **(5.)** Even if the employee is addressing an internal workplace issue of no public concern, would he/she be viewed as speaking for others as well, and thereby engaging in a concerted activity protected by the National Labor Relations Act? Your answers to these questions should help you determine what action, if any, you should take. (Source: *HR Fact Finder*)
- ◆ **Quote of the Week:** “When we see men of worth, we should think of equaling them; when we see men of a contrary character, we should turn inward and examine ourselves.” – Confucius (551-479 B.C.), *The Confucian Analects*