



**35-01**

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**September 7, 2001**

- ♦ The Contractor's Forum we've discussed in past newsletters has been scheduled for October 25, 2001, and will be held in conjunction with the Contractor's Panel portion of the Clean Gulf Conference. At this point, the details regarding the space and time of the forum are being worked out, and we'll provide you with them as soon as they are finalized.
- ♦ An interesting article appeared in the September 2001 Edition of "The Beacon", a monthly newsletter published by the National Domestic Preparedness Office. The article is titled "Coast Guard WMD Roles", and is written by a lieutenant in the Coast Guard. It discusses the Coast Guard's roles and responsibilities in responding to a chemical WMD incident, and highlights the agency's Strike Teams, their make up, and their respective response capabilities. The article further states that the Strike Teams respond to over 200 chemical releases each year, and that an advantage the Strike Teams possess is "extensive familiarity with State and local responders gleaned from many years of joint operations in HAZMAT spill mitigation." ***Editor's Note: While the content of the article discussed above appears accurate, it does raise several questions. The article states that the Strike Teams respond to more than 200 chemical spills occurring each year, but are they providing oversight or actual cleanup services (or both) on these incidents? The article also references the advantage of having familiarity with local responders from many years of joint operations in HAZMAT response operations. Are the "local responders" private sector contractors or state/local agencies or both? It is also important to remember that the frequent turnover of Coast Guard personnel results in a loss of both experience and responder familiarity within the Strike Teams – for oil spills, HAZMAT spills, and WMD incidents. As we've stated many times, private sector responders provide this type of service (i.e., responding to HAZMAT and oil spills) routinely during the normal course of business and need to be involved in national WMD preparedness efforts, which include training and drills, to ensure that the Coast Guard and other regulators are aware of the extensive capabilities and resources that are available. As an association and as individual companies, we need to work together to promote this message.***
- ♦ In an interview with "Emergency Preparedness News" writers, the acting chief of FEMA's Office Of National Preparedness ("ONP") - the office announced by President Bush earlier this year that will focus on anti-terrorism programs – offered some insight as to how the unit will help direct federal, state, and local efforts in responding to WMD threats. Mr. Tom Antush

stated his philosophy of building upon existing anti-terrorism programs and groups, and reiterated his position that the ONP would act primarily in a support role. The ONP will attempt to coordinate capability, training, exercises, and equipment acquisitions where excessive fragmentation exists in these areas. FEMA's director has asked for \$25 million to fund the ONP for the 2002 fiscal year. Federal agencies involved in the ONP project with FEMA include the Pentagon and departments of Justice, Transportation, Energy, Agriculture, Health and Human Services, the EPA, and others.

- ◆ **Speaking of WMD** . . . Jane's Information Group has announced an event entitled "Jane's WMD2001 (Weapons of Mass Destruction): Protecting the Lifeline Conference", which will take place in Washington, DC on October 1-2, 2001. The underlying theme of the event is the threat to infrastructure and the logistics chain. More information on this event can be obtained by contacting Erika Davies or Katrina Thompson at 1-700-683-3700, or you can visit Jane's Conferences Web Site at <http://conference.janes.com>.
- ◆ As mentioned in last weeks' newsletter, the Department of Transportation will hold a public meeting on November 14, 2001 to solicit comments on the development of certain guidelines on the knowledge required for civil penalty enforcement proceedings related to the handling of hazardous materials. The meeting will take place from 9:00 a.m. - 5:00 p.m. EDT on the 14<sup>th</sup>, and will be held in Room 2300 of the U.S. Department of Transportation headquarters building (Nassif Building), 400 Seventh Street SW., Washington, DC 20590-0001. Written comments will be accepted until December 14, 2001. (Sources: *Maritime Items* and *Federal Register*)
- ◆ A study performed at Purdue University – Calumet in Hammond, Indiana has revealed that low-frequency radio waves may someday be used instead of chemicals to control zebra mussels, an aquatic nuisance species that was introduced into the Great Lakes and other inland waterways in the 1980's. Zebra mussels have caused millions of dollars worth of damage to boats and power plants since that time. Researchers found that zebra mussels exposed to low-frequency electromagnetic waves – about 60 hertz – died within 40 days. The technique appears to be safe for fish and other aquatic life. (Source: *USA Today*)
- ◆ Earlier this year, the U.S. Supreme Court affirmed that federal law permits employers and employees to enter into agreements requiring arbitration for workplace claims. However, employers using arbitration agreements need to review the terms of those agreements and ensure that they would be enforceable in light of federal civil rights law. A recent opinion issued by the Eleventh Circuit Court of Appeals found that an arbitration agreement that had been executed between an employer and employee contained a "cost and fees" provision that essentially attempted to usurp the employees Title VII right to obtain costs and fees upon prevailing in the arbitration, and rendered the arbitration agreement unenforceable. In short, the Appeals Court ruled that an agreement containing provisions that defeat a federal statute's remedial purpose is not enforceable. (Source: *Holland & Knight LLP Employment Law Letter*)
- ◆ The International Tanker Owners Pollution Federation Limited ("ITOPF") has issued its 2001 Review, which incorporates the 2001 Directors' Report and Accounts. During the period April 1, 2000 through February 20, 2001, ITOPF attended to 22 spills (one shore-side storage tank, 9 non-tank vessels, and 12 tankers) in 16 different countries. The Review also reports that Helge Chr. Schmidt, ITOPF's Chairman, will step down in October 2001 and will be succeeded in this capacity by Dr. Helmut Sohmen. ITOPF can be contacted via e-mail at [central@itopf.com](mailto:central@itopf.com), and their web site is [www.itopf.com](http://www.itopf.com). ITOPF's telephone number is +44-20-7621-1255.
- ◆ **Work/Life/Health:** As a manager, one way to stay in tune with your employees – and to know what they do and how they do it – is to develop a "cheat sheet" of questions to ask. The sheet should be customized for each employee, and you should sit down once a month to go over it with the employees. Ask specific questions about their respective jobs (e.g., "Are you still having problems with the ABC account?"), and be sure to include some core questions that you'll ask each employee (e.g., "What was the biggest obstacle you ran into last month, and how did you get around it?") (Source: *Positive Leadership*)
- ◆ **Quote of the Week:** "Never give in, never give in, never, never, never, never – in nothing, great or small, large or petty – never give in except to convictions of honor and good sense." – Winston Churchill (1874-1965), *Address at Harrow School [October 29, 1941]*