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- ◆ As you know, the Partnership Action Team (“PAT”) met on January 10, 2002 at the National Pollution Funds Center in Arlington, Virginia. While an overview of the meeting will be provided in an upcoming edition of this newsletter, it is interesting to note that a Coast Guard officer informed the group that in the early stages of the response to the World Trade Center disaster, unskilled labor was being considered for the response. For its part, the Coast Guard opted for trained contractors. This stance on the part of the Coast Guard comes - in part - from the efforts of the PAT, and it is clear that they are sensitive to the benefit and importance of the trained and experienced resources that the private sector has to offer. It’s also worthwhile to note that the PAT formed a working group that will focus on Homeland Security/WMD issues.
- ◆ The Central Intelligence Agency (“CIA”) recently issued an unclassified summary of its latest National Intelligence Estimate (“NIE”). While the main focus is on foreign missile developments and ballistic missile threats, it also briefly discusses other potential non-missile weapons of mass destruction. These include ships, trucks, and airplanes – all of which are less expensive and easier to develop and produce, easier to employ covertly, more reliable, more accurate, and in some cases, more effective than missiles. Follow this link for a copy of the document: www.cia.gov/nic/pubs/other_products/Unclassifiedballisticmissilefinal.htm. (Source: *Maritime items*) ***While the reports statement on the use of non-missile means to deploy weapons of mass destruction does not come as a surprise, it certainly underscores the importance of including professionally trained private sector response entities in consequence management initiatives.***
- ◆ The First Annual Global Conference on Bio/Chem Terrorism will be held February 12-13, 2002 at the Hyatt Regency in Crystal City, Virginia. This non-classified event will consist of a conference and workshop, and issues that will be addressed include homeland defense; industry readiness response; prevention and mitigation planning. More information on this event can be found on-line at www.bioterrorism-defense.com, or you can call E.J. Krause & Associates at 1-301-493-5500.
- ◆ In case you haven’t heard, the Commerce Business Daily was discontinued effective January 4, 2002. FedBizOpps (www.fedbizopps.gov) is now the official federal source for reporting solicitation and award announcements.

- ◆ The Bush administration's plan to reshuffle the office of Environmental Protection Agency's hazardous waste ombudsman was stopped by a U.S. District Court judge, who issued a temporary restraining order against the government until a full hearing on the matter can be scheduled. The restraining order will remain in effect until February 26. (Source: *USA Today*)
- ◆ Senator Lincoln Chafee (R-Rhode Island) recently introduced a new bill to Congress that would help prevent groundwater contamination caused by leaking underground storage tanks. The Underground Storage Tank Compliance Act of 2001 would require tanks to be inspected every two years, and would increase federal emphasis on operating training. Moreover, it would emphasize compliance of tanks owned by local, state, and federal governments, and would

provide some \$200 million for MTBE contamination cleanup. Funding for the administration of the federal UST program would also be increased under the proposed legislation. (Source: *Water & Wastewater Products E-News*)

- ◆ The Office of Information and Regulatory Affairs, an obscure White House office set up under the Reagan administration and tasked with reviewing federal rules, has identified 13 guidelines on environmental protection that could be changed or abolished. The office is part of the White House Office of Management and Budget. While it's common for the office to try and influence regulations as they're being written, an attempt to alter existing regulations is unprecedented. The guidelines nominated for review were obtained via suggestions from industry groups, including the American Petroleum Institute, The Mercatus Center, and the American Chemistry Council. (Source: *USA Today*)
- ◆ In a recent decision, the U.S. Supreme Court ruled that the Occupational Health and Safety Administration ("OSHA") shares jurisdiction over working conditions on uninspected vessels of the United States with the U.S. Coast Guard. In the case, a vessel owner was cited by OSHA for unsafe working conditions, and ultimately challenged the citation by saying that the Coast Guard exclusively regulated the working conditions aboard the vessel. Because the Coast Guard has not affirmatively regulated the working conditions at issue, nor have they affirmatively asserted comprehensive regulatory jurisdiction over working conditions on uninspected vessels, the Supreme Court ruled that the Coast Guard has not taken sufficient action to pre-empt OSHA from regulating specific working conditions on such vessels. (Source: *Maritime Items*)
- ◆ A U.S. Federal Claims court recently ruled that the Oil Pollution Act of 1990 ("OPA '90") does not constitute a "taking" of property under the Fifth Amendment of the U.S. Constitution. As you know, Maritrans initially filed suit in 1996 alleging that the forced retirement (per OPA '90) of its predominantly single-hulled fleet of barges constituted the "taking" of property, and the company was seeking some \$38.3 million in compensation. In short, the claims court ruled that Maritrans has been able to recoup its investment during the period of enactment of OPA 90 until the OPA-mandated retirement date. Therefore, the ban on further use of single-hulled vessels constituted a non-compensable diminution in value, and not a taking. A decision any other way by the court could have eroded the enforceability of OPA '90. (Source: *Lloyd's List* and *Journal of Commerce*)
- ◆ Euronaval 2002 – International Naval and Maritime Show and Conference – will be held at the Paris-Le Bourget Showgrounds in Paris, France from October 21-25, 2002. The event will focus on all forms of government action at sea, including pollution prevention and control. More information can be obtained online at www.euronaval-show.com, or by calling +33-1-47-36-80-80.
- ◆ **Work/Life/Health:** As a manager, there are many things you can do to help employees deal with work-related stress. These include: (1.) Get to the heart of the problem – get specifics on who or what is causing the stress. (2.) Find out what the employee wants – it's not possible for you to know exactly what causes the stress, or how it can be relieved. (3.) Offer alternative solutions. (4.) Let your actions speak as loudly as your words – follow up with appropriate action. (5.) If employees are being unrealistic or unreasonable, tell them so. (6.) If the situation doesn't improve, make it clear that you will have to start taking action. (7.) Remember – your job isn't done until you've offered a solution. Be sure to follow up with the employee to see how it's going. (Source: *Manager's Legal Bulletin*)
- ◆ **Quote of the Week:** "In business everyone is out to grab, to fight, to win. Either you are the under or the over dog. It is up to you to be on top." - Alice Foote MacDougall