



**18-02**

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**May 10, 2002**

- ♦ The SCAA Board of Directors conducted a scheduled telephone conference this week. Highlights from the conference call include the following:
  - 1.) The issue of “detrimental reliance”, as it relates to the potential liability that contractors participating in the OSRO program could incur, was discussed. In short, the issue is the potential liability that a contractor participating in the OSRO Classification Program could conceivably incur when a plan holder lists that contractor in his response plan without the contractor’s knowledge. The argument would be that the contractor voluntarily submitted specific information regarding its response capability to obtain the OSRO classification, and the plan holder relies on that information for response planning purposes even though the plan holder does not have a “contract or other approved means” from the OSRO giving them permission to list the resources in the plan. While SCAA recognizes that the potential for a lawsuit stemming from the detrimental reliance argument is remote, the fact is that the possibility does exist. This is an issue that will be brought before the Partnership Action Team for discussion.
  - 2.) It was noted that the next Spills Advisory Group meeting would be held on May 16, 2002 at the API Headquarters in Washington, DC.
  - 3.) SCAA has been speaking with the Coast Guard about the inclusion of representatives of SCAA as Chair’s or Co-Chair’s for sessions occurring during the 2003 International Oil Spill Conference that’s taking place April 6-10, 2003 in Vancouver, British Columbia. With this, the Board also discussed SCAA’s next Annual Meeting, and whether it should be held in conjunction with this event. The general consensus was that the Annual Meeting should be held separately, possibly a month or so before the IOSC. ***Any comments from the membership on this issue are welcome and encouraged! Send them to us via fax at 1-313-849-1623, or via e-mail to [mikes@scaa-spill.org](mailto:mikes@scaa-spill.org).***
  - 4.) The rationale and need for an increase in the annual membership dues was discussed, as was the potential implementation date. ***Note: This was an issue that was also discussed at the Annual Meeting in March 2002.***
  - 5.) The new “Trading Space” on SCAA’s web site ([www.scaa-spill.org](http://www.scaa-spill.org)) was discussed, and it was noted that SPC is sponsoring the first page. To post something on the page to trade or sell,

send your info including a contact name and address to [trading-page@scaa-spill.org](mailto:trading-page@scaa-spill.org). If you'd like to sponsor a page, the cost is \$500.00/year for the sponsorship and your banner will be added to the page. Call us at 1-313-849-2649, or send us e-mail to [mikes@scaa-spill.org](mailto:mikes@scaa-spill.org) if you have any questions or need more information.

- 6.) As mentioned in last week's edition of this newsletter, FEMA is seeking input on a first responders grant program and process for providing \$3.5 billion to state and local responders to help them prepare for terrorist attacks. SCAA will write and submit a comment letter, and encourage all of our members with a first response capability for acts of terrorism to submit

comments by the May 16<sup>th</sup> deadline. Address the comments to the Rules Docket Clerk, Office of the General Counsel, FEMA, 500 C Street S.W., Washington, D.C., 20472, and fax them to the Office of the General Counsel at 1-202-646-4536, or e-mail them to the OGC at [rules@fema.gov](mailto:rules@fema.gov)

- 7.) A regional meeting for SCAA was discussed, and the Board generally agreed that a late summer/early fall time frame for this would be appropriate. We are looking in the East Coast region for venues, and are considering Boston and New York City. ***Again, any comments from the membership on this are welcome and encouraged! Send them to us via fax at 1-313-849-1623, or via e-mail to [mikes@scaa-spill.org](mailto:mikes@scaa-spill.org).***
- ◆ The U.S. Coast Guard has issued a Notice of Proposed Rulemaking for “Salvage and Marine Firefighting Requirements; Vessel Response Plans for Oil”. In short, the Coast Guard is proposing to revise the vessel response plan salvage and marine firefighting requirements for vessels carrying oil. The revisions will clarify the salvage and marine firefighting services that must be identified in vessel response plans. While assuring that the appropriate salvage and marine firefighting resources are identified and available for responding to worst-case incidents, the revisions will also set new response time requirements for each of the required salvage and marine firefighting services. Comments must reach the Docket Management Facility on or before August 8, 2002, and comments sent to the Office of Management (“OMB”) and Budget on collection of information must reach the OMB on or before July 9, 2002. (Source: *Federal Register*, Vol. 67, No. 91, Friday, May 10, 2002, pages 31868 – 31878)
  - ◆ The House Armed Services Committee has approved the National Defense Reauthorization Act for FY 2003. The measure, in part, authorizes the Maritime Administration (“MARAD”) to provide up to \$50 million in Title XI loan guarantees, and MARAD would also be authorized to spend up to \$20 million for the disposal of obsolete vessels in the National Defense Reserve Fleet. Part of the \$20 million can be used to provide financial assistance to state governments to prepare obsolete vessels for use as artificial reefs. (Source: *Maritime Items*)
  - ◆ Scientists are now testing bagasse – the chopped, crushed stalks of sugar cane that are left over from the sugar refining process – as an oil absorbent. The material appeals to microscopic organisms, such as bacteria, that digest both oil and the bagasse. In fact, cleanup crews are using bagasse to help clean up an oil spill that occurred in Little Lake southwest of Lafitte, Louisiana. The Lafourche Parish marsh project was the first to use of bagasse in a wetland. The pure bagasse is packaged as a product called “Cajun Pete”. (Source: *The New Orleans Times-Picayune*)
  - ◆ ***Work/Life/Health:*** If an employee comes to you with a harassment complaint, investigation should be your first priority no matter how bogus you feel the complaint may be. To assist in ensuring that your procedures for investigating the complaint are used against you by the alleged harasser, be sure that all employees know the prohibitions against harassment and misconduct; how to file a complaint; how a complaint will be handled; what to expect in a complaint investigation; and potential disciplinary action that could result from any investigation. (Source: *Manager’s Legal Bulletin*)
  - ◆ ***Quote of the Week:*** “We confide in our strength, without boasting of it; we respect that of others, without fearing it.” – Thomas Jefferson (1743-1826), *Letter to William Charmichael and William Short [June 30, 1793]*