



26-02

www.scaa-spill.org

July 5, 2002

- ◆ According to an analysis released by the U.S. Environmental Protection Agency, The White House is planning on stopping cleanup work at 33 Superfund sites in 18 states, while a dozen additional sites will get less funding than officials requested. The Bush Administration wants to curb spending on the Superfund program because the fund is running out of money. The taxes on chemical and petroleum companies that had been used to fund the program expired in 1995, and the fund will have diminished from \$3.6 billion to a projected \$28 million by the end of 2003. The White House has opposed resuming the Superfund taxes, and wants funding to be shifted to the government's general fund – meaning that taxpayers would foot the bill for future cleanup efforts. (Source: *USA Today*) ***It should be interesting to see how this funding issue is ultimately worked out . . . all the more reason we should aim our efforts to obtain a higher status within the evolving homeland defense initiatives***
- ◆ Last week, the Senate Judiciary Committee conducted a hearing on “Protecting the Homeland: The President’s Proposal for Reorganizing Our Homeland Defense Infrastructure”. During the hearing, Senator Orrin Hatch (R-Utah) stated that simply reorganizing the federal government won’t win the war against terrorism, and that **the resources and expertise of the private sector must be involved**. Tom Ridge, now Director of the Transition Planning Office, also testified during the hearing. Full copies of testimonies from Mr. Hatch and Mr. Ridge can be obtained on line at <http://judiciary.senate.gov>. (Source: *Maritime Items*)
- ◆ The General Accounting Office (“GAO”) released testimony before the Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations of the House Committee on Government Reform. The testimony is entitled “Homeland Security: Intergovernmental Coordination and Partnership Will Be Critical to Success”, and can be found on-line at www.gao.gov. Among other things, the testimony notes that the appropriate roles and responsibilities within and between the levels of government and with the private sector are evolving and need to be clarified. (Source: *Maritime Items*)
- ◆ ***Editor’s Note: The two preceding stories only serve to highlight the need for SCAA to remain involved in these on-going discussions on homeland security and homeland defense and their respective initiatives. The more the private sector can highlight the availability of its professional and experienced response resources to the federal government, the more likely it is that the private sector will be a significant part of the***

resulting plans and initiatives. Your support of SCAA in these efforts is needed, and very much appreciated!

- ◆ According to a recent ruling of the U.S. Court of Appeals for the Fifth Circuit, the U.S. Coast Guard has no right to a salvage award based upon actions taken under the Federal Water Pollution Control Act (“FWPCA”). In the case, a passing freighter damaged a decommissioned aircraft carrier while it was moored in New Orleans. The Coast Guard determined that the aircraft carrier constituted an imminent threat of pollution. After the owner failed to move the vessel and take further action, the Coast Guard hired stand-by tugs, improved mooring arrangements, and took additional measures to decrease pollution risks from the vessel – all

under the auspices of the FWPCA. The carrier was later moved and sold at auction, and various parties (including the federal government) asserted claims on the proceeds. The Court ruled that the Coast Guard was taking action as required by the FWPCA; that it was not a salvor, and as such, was not entitled to a salvage lien. (Source: *Maritime Items*)

- ◆ SCAA member Fleet Environmental Services recently announced the addition of two new members to its team. Matt Raynes has joined Fleet as its General Manager of the company's Bethel, Connecticut office, and John Eldredge joined the company General Manager of its West Chester, Pennsylvania office. ***Congratulations and best wishes to both Matt and John in their new positions!***
- ◆ Last month, Norman Mineta – Secretary of the U.S. Department of Transportation – announced the award of \$92.3 million in grants for port security. The funding will be spread across 51 ports, with New York receiving some \$9.3 million. Of the \$92.3 million, \$78 million will be used to enhance facility and operational security, with \$5 million allocated for security assessments. The remaining \$9.3 million will be used to fund “proof of concept” programs aimed at exploring new technology designed to improve maritime security. (Source: *Lloyd's List*)
- ◆ The U.S. Environmental Protection Agency (“EPA”) recently announced that the owner of a Seattle-area marine construction company pled guilty in federal court to appear for a judicial procedure. When he failed to appear for trial in May of 1996 (he fled to Mexico), he forfeited \$20,000 bail. He had been charged with violating the Clean Water Act by allowing oil to spill when his tug sank in Puget Sound. Charges were based on allegations of improper maintenance of the tug. The man had also been convicted of pumping oil bilge water into Puget Sound in 1989. (Source: *Maritime Items*)
- ◆ As you know, port and maritime issues continue to be an area of focus for legislators. Senators John Breaux (D-Louisiana) and Gordon Smith (R-Oregon) introduced the “Ship, Seafarer and Container Security Act” last month. This month, Senator Joe Biden (D-Maryland) has introduced a new bill (S.2534) that is aimed at reducing crime and preventing terrorist acts at U.S. ports. The U.S. House of Representatives has also been busy, passing the Customs Border Security Act of 2002 (H.R. 3129). The Act would require, among other things, that cargo and passenger manifests be transmitted electronically to the U.S. Customs Service. (Source: *Marine Log*)
- ◆ ***Work/Life/Health:*** When trying to increase the performance of an employee, be careful not to take actions that could demoralize employees and/or land you in court. Some things to keep in mind: (1.) ***Don't*** make employees feel guilty about requesting time off. Periodic breaks help employees to relax, refuel, and return to work recharged. When an employee asks for time off during a busy period, keep emotions in check unless the employee has no good reason for taking the time off. (2.) ***Don't*** make promises you can't keep. If you make a promise and find you have to break it, sit the employee down and explain why. (3.) ***Don't*** allow employees to struggle alone. Managing requires helping employees in both good times and bad. (4.) ***Don't*** lie or exaggerate. While certain threats can serve to motivate employees, stressing out employees is also liable to backfire if they are too panicked to react effectively. (Source: *Manager's Legal Bulletin*)
- ◆ ***Quote of the Week:*** “Even in the common affairs of life, in love, friendship, and marriage, how little security have we when we trust our happiness in the hands of others.” – William Hazlitt (1778-1830), *Table Talk [1821-1822]*, *On Living to One's Self*