

BY MAURICIO GARRIDO, PRESIDENT, AMERICAN SALVAGE ASSOCIATION

COORDINATED MARINE FIREFIGHTING RESPONSE— ARE WE THERE YET?



Unfortunately, the answer is “Not yet.” Fighting a major vessel fire is complex and dangerous, and the strategies and tactics employed differ from a shoreside incident. The response invariably goes beyond just fire extinguishment, and could, for example, include vessel stability calculations, structural analysis, and cargo lightering in order to put out the fire but also to prevent the sinking of the vessel. The full spectrum of marine salvage response may have to be brought to bear to prevent the total loss of a vessel with the resultant environmental and commercial impact. After all, the response to a vessel on fire is a salvage response which is well governed by the legal framework of the International Salvage Convention, which requires the salvor to use its best endeavors to save ship, cargo and protect the environment. However, a vessel on fire at a pier, where the local shore based fire department is mandated to protect the neighboring community, creates a unique set of conflicting and challenging issues.

The responsibility for marine firefighting in U.S. waters is ill-defined. As with pollution, OPA 90 places the responsibility to muster a commercial response squarely on the vessel operator. However, longstanding Coast Guard policy states that “local authorities” are principally responsible for marine fire-

fighting within U.S. ports and harbors. Finally, the municipal and volunteer fire departments- the public fire service- have local and state mandates to respond to all fires, including marine ones, within their jurisdictions.

The commercial responder brings expertise and an extensive resource base for marine fire response. The public service responder brings municipal or volunteer firefighters and equipment, but may have little or no experience in marine firefighting.

With both a commercial and public service response to the same incident, the question of command and control is crucial. In an offshore incident, it is very likely a commercial responder will direct on-scene operations while coordinating with the federal and state authorities. Inshore, and particularly pierside, the situation is not at all clear as to who is in charge. Under the present OPA 90 regulatory planning requirements, the commercial responder must be on-scene within four hours. The public service responders will be on-scene in less time. Both will be there with a similar overall mission: to put the fire out. Unfortunately, history tells us that fire departments are not shy about delivering firefighting water and sinking vessels in order to put the fire out. Unfortunately for the vessel owner, the terminal, and the cargo owner, the sunken vessel now becomes

a pollution incident, a total loss, and a multi-dimensional third party liability which must be removed at great expense in order to restore commerce.

What should be done to ensure an effective and coordinated response? With “joint jurisdiction” between the commercial and public service responders, exercises and drills with a firefighting component are critical. Such drills and exercises are now required of the vessel operator by federal regulation and every effort should be made to include the public fire service. The Coast Guard, in its federal oversight role, should foster such participation. Various port and waterway committees should ensure the inclusion of the public fire service in response planning and that the issue of coordination with the commercial responders is addressed. The salvage industry and vessel operators should continue their outreach to the public fire service at every opportunity. The public responders need to be made cognizant of the new salvage and firefighting regulations with its provision for their listing as a resource in vessel response plans. Finally, the public fire service, in turn, should make every effort to interface with commercial responders, the committees and agencies to ensure optimal coordination through participation in drills and exercises.

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