

BY JOHN A. WITTE JR., PRESIDENT, AMERICAN SALVAGE ASSOCIATION

COMMUNICATION IS KEY

Within the marine community we have begun to fully digest the revisions to OPA-90 and there have been interesting questions and concerns raised about the specific steps that must be taken to properly fulfill these new modifications. Based upon the American Salvage Association's (ASA) discussions with public and private sector representatives, some of the more common "big ticket" concerns are as follows:

1) What contract form is acceptable to the U.S. Coast Guard when contracting for salvage services in response to the revised requirements of OPA 90?

2) What is the role of the Qualified Individual (Q.I.) when involved in a salvage response?

3) How, if at all, do public firefighting organizations fit into the present OPA 90 response framework?

4) Does an owner/operator require the

services of multiple service providers to fulfill his/her obligations under OPA 90 or will one service provider to cover all suffice?

5) In the event of a casualty where a secondary or unnamed salvage service provider is in the best position—what is the role of the primary service provider versus a secondary or back-up service provider?

Based upon proximity to the casualty, equipment availability or other factor leading to a quicker more effective response, what is the role of the named primary salvage service provider, if any?

6) Who is responsible in the event a named primary salvage service provider does not perform as required by OPA 90? Is it the owner/operator, the salvor, the Q.I.?

These as well as other more specific, legitimate questions require answers and/or clarification for an owner/operator to properly prepare for mid-2010 when the revisions go into full effect. These questions and others will be answered or clarified by the USCG as part of a NVIC to be issued by the Commandant's office. Once this document is provided, it will be up to each owner/operator to implement the changes necessary to his/her Vessel Response Plan (VRP) so that plan can be approved prior to the effective date required by the USCG to be in compliance



with the updated OPA 90. While final implementation is almost a year away, the time is now to understand all of the revised requirements, to update your Vessel Response=2 OPlan (VRP), and to submit any questions you may have to either the USCG directly or through your trade organization such as AWO, Chamber of Shipping, API or even the ASA.

In addition to these points of access to the USCG, the ASA, in partnership with *MARINE LOG* will sponsor the National Maritime Salvage Conference October 6-8, 2009 in Arlington, Va. (visit www.marinelog.com). Marine professionals involved in all aspects of marine salvage response will gather to discuss issues critical to the marine salvage community, primary among them the revised requirements of OPA-90.

While the revisions to OPA-90 may not be universally accepted for one reason or another, there is no question that they will help to better protect our environment and our marine community now and into the future. While these revisions may not be exactly what we all want, they are certainly what we, as a nation, need. **ML**

THE NATIONAL MARITIME SALVAGE CONFERENCE

OCTOBER 6-8, 2009
ARLINGTON, VA

For more information on Sponsorship and exhibiting opportunities contact: **Jane Poterala**, T: 212-620-7209, e: jpoterala@sbpub.com

For delegate information and general inquiries contact: **Michelle Zolkos** T:212-620-7208, e: mzolkos@sbpub.com

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345 Hudson Street, New York, N.Y. 10014
Tel: (212) 620-7200 Fax: (212) 633-1165
Website: <http://www.marinelog.com>

Advertising Sales

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New York Sales Office
345 Hudson St., 22th floor
New York, NY 10014

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Sales Director
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WORLDWIDE

Donna Edwards,
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Marine Log (UK)
Suite K5 & K6, The Priory
Syresham Gardens
Haywards Heath
RH16 3LB UNITED KINGDOM
Tel: +44 1444 416368
Fax: +44 1444 458185

**Australia, China, India, Japan,
New Zealand and Singapore
Representative**

Benn Wood
Tel: +44 1444 416908
Fax: +44 1444 458185
E-mail: bw@railjournal.co.uk

Korea

Young-Seoh Chinn
JES Media International
2nd Fl. ANA Bldg.
257-1, Myungil Dong,
Kangdong-Gu
Seoul 134-070, Korea
Tel: +82-481-3411
Fax: +822-481-3414
e-mail: jesmedia@unitel.co.kr

CLASSIFIED SALES

Diane Okon
Classified Advertising Sales
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