

# Marine Casualty Response

## Preparedness & Leadership

By Jim Shirley



The operational, commercial, and regulatory complexities of marine casualty response have increased enormously over the last half century. In days past it was not unusual for the only responders to a vessel grounding in U.S. coastal waters to be the vessel owner's port captain or superintendent engineer, the insurer's surveyor, and the salvors. If significant amounts of oil were

spilled, beach cleanup crews may have been manned by trustees mobilized from a nearby prison or some similar source of manpower. If the U.S. Coast Guard appeared on scene, it would have been for the purpose of protecting life and property, but they may also have monitored the pollution response. Contrast that with today's requirements, many of which have been driven by environmental and other public welfare concerns. Needless to say, there are so many responders today that efficiency and success require them all to work closely together as a team despite some having opposing or conflicting interests.

In the March issue of *MarineNews*, this column addressed the importance of informed marine casualty response. In large measure, each responder being fully informed of its own roles and responsibilities and reasonably knowledgeable of the roles and responsibilities of others is an important part of response preparedness. That article also addressed some of the initiatives of the American Salvage Association (ASA) and others designed in part to meet the objective of informed response. However, full preparedness requires more. As mentioned in the March article, the National Preparedness for Response Program (PREP) drills contribute to informed response. However, as the title of the program suggests, they are specifically designed to contribute much more to preparedness.

The regulations establishing the PREP Drill program were a subset of the regulations promulgated for Vessel and Facility Response Plans, a considerable and evolving program. Captain Dennis L. Bryant USCG (ret.) is well known to thousands in the international maritime industry who receive his daily blog containing brief descriptions and comments on important maritime events, happenings, court decisions, and governmental actions. He is also well known to many for his frequent authoritative contributions in *Maritime Reporter & Engineering News*, a sister publication to *MarineNews*. Those who know Captain Bryant are not surprised to

learn that he spent the last three years of his 27-year-long U.S. Coast Guard career as a leader on the Oil Pollution Act of 1990 (OPA 90) staff charged with writing the regulations. His final year was spent in charge of that entire group. Captain Bryant and his staff tackled many rule-making projects, of which, for the purposes of addressing U.S. Coast Guard leadership in the marine casualty response area, the PREP Drill program was of immense importance.

The success of this program speaks well for the benefit of the U.S. Coast Guard's leadership in safety and environmental protection. However, that success may not have been altogether apparent from the conduct of some of the early drills, all within what was then also the relatively new (to the marine response industry) Incident Command System (ICS). The ICS was sometimes particularly irksome to salvors in drill situations because, to serve the primary purpose of the drill of chasing, corralling, diverting, and recovering spilled oil, the drill had to sometimes ignore the possibility (or, in many cases, the probability) that the salvor might succeed in keeping the oil, or most of it, from spilling in the first place. In these drills, salvors were not always allowed the primary role they would likely play in an actual casualty situation.

Nonetheless, the PREP drills help train all the stake holders in working together. They come into the drill incident filling their roles, with at least some understanding of the roles of other responders and stake holders, and they practice working together to accomplish the ultimate objectives of the drill as if it were an actual event. This is something that cannot be learned in classrooms. Clearly, preparation through broad-based drilling is better than preparation only through actual casualty response, which one would hope would be infrequent. It is also better than drilling that is narrowly focused to test only a few of the responders that are likely to participate in an actual event. Also, drilling can be kept current for all participants, whereas practice achieved only through actual response will likely be sporadic, and — in the best of circumstances, which history shows cannot be relied upon to last — can be non-existent for many designated response personnel for long periods. Each situation will always be different from any preceding it, and no amount of drilling is likely to make everyone familiar with every circumstance and every personality type that will be faced in every actual event. However, the more drill scenarios that

are tested, the greater the familiarity that will be developed in the process of dealing with more of the differences. That is one reason why PREP drills today may accomplish as much, or more, in less time than was required for many of the PREP drills in the early years of the program.

As Captain Bryant advises, the regulations that established the PREP Drill program were a subset of the regulations promulgating the Vessel and Facility Response Plans. Recent changes to oil tanker Vessel Response Plan (VRP) requirements, by adding the Salvage and Marine Firefighting regulations, found at 33 CFR Part 155, Subpart I, have moved preparedness for those vessels and the salvors listed in their VRPs to another level. In fact, these new regulations by their very terms may be expected to take preparedness to an altogether new level. The requirements they place on vessel owners and operators in the selection of their listed salvor(s) should eliminate those cases in which unqualified persons or entities were listed to fill that role. This article is not meant to address these new regulations in detail, however it is worth pointing out that the U.S. Coast Guard is still taking a leadership role, consistent with its oversight responsibilities, in ensuring that the public welfare, particularly in respect of the marine environment, will be protected well into the future as was the intention of Congress in passing OPA 90. Current and future PREP drills incorporating the new regulations may be expected to ingrain them into the system of response, ensuring that preparedness of all drill participants will begin at an earlier stage and be more complete than ever before. This has to be good for everyone.