

# Salvage Update

Promoting professionalism and improving marine casualty response in American coastal and inland waters.



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## MESSAGE FROM THE PRESIDENT

It is with a sense of responsibility and appreciation that I take the helm of the American Salvage Association for the next two years. Much has been accomplished in the last decade to further the cooperation between, and status of, the marine salvage operators in North America, regulators and clients. This was accomplished through the vision and skill of past leadership, and I wish to acknowledge that at the outset. For example:

- The promulgation of the OPA mandated Salvage and Marine Firefighting regulations is complete.
- Our stance on responder immunity well established and communicated.
- A robust and effective training program in place.
- The promising beginnings of an Education Committee committed to encouraging future generations of casualty response leaders
- A well-attended Marine Salvage Conference
- Legal, Technical, Safety, Security and Membership committees established

I am proud of this organization and the way it has moved forward and evolved over the years, finding ways to promote our industry. One of the keys to this association's success is that the leadership has always worked to improve the understanding of marine salvage response to the benefit of the maritime industry as a whole. In the long run, a fast and well conceived response to any casualty saves money by keeping the situation from getting out of control, and limiting the risk to life, property and the environment.

In addition to myself, the leadership team consisting of Paul Hankins, Vice President, Todd Schauer, Secretary/Treasurer, Mauricio Garrido, Immediate Past President, and the rest of the Executive Committee, along with Dick Fredricks, Executive Director and his staff, look forward to continuing to work to increase professionalism and cooperation among the members to the benefit of the maritime community as a whole. *—Tim Beaver, ASA President*

## MARK YOUR CALENDAR FOR ASA'S SPRING MEMBERSHIP MEETING

ASA's Spring membership meeting will be held in conjunction with CMA's SHIPPING 2012 conference at the Stamford Hilton Hotel in Stamford, CT. CMA's web site is open for hotel information and registration, and you are urged to reserve hotel rooms early! See [www.shipping2012.com](http://www.shipping2012.com)

The ASA meeting agenda will be developed as the meeting approaches. Please confirm your intention to attend the ASA 2012 Spring Meeting by sending an email to Patricia Welch, [pwelch@americansalvage.org](mailto:pwelch@americansalvage.org).

## REGULATORY AFFAIRS COMMITTEE RESTARTS

ASA's Regulatory Affairs Committee is up and running after being voted back into service at the Fall membership meeting. Chaired by Matt Hahne, RESOLVE, and 19 interested ASA members, the Committee hopes to address

common membership issues. Responder immunity and developing an ASA consensus voice on issues surrounding the OPA '90 SMFF implementation are among the top issues of focus.

The subcommittee's first objective is to recommend issues of interest to the ASA Board for its review and approval to ensure the subcommittee does not delve into potentially commercial issues, or issues that do not represent the good of the entire membership. If you have any questions, contact Matt Hahne, mhahne@resolvemarine.com or 954/650-3188.

As the new SMFF regulations approach their one year anniversary in February, it's clear that while the salvors have come a long way in compliance, there are still significant issues that remain to be resolved.

## **ASA UPDATE ON SMFF REGULATIONS ENFORCEMENT**

The Coast Guard, in its quarterly review of the SMFF provider's Geographic-Specific Annexes (GSAs) of the VRPs (their capability lists), is systematically keying on several of the perceived problem areas in the new SMFF networks. The last review, in October, focused on the offshore capability and readiness of the emergency towing networks.

Perhaps the most complex requirement is the need for a 2-hour fire assessment and 4-hour response capability to tankers that are pier-side. This requires the SMFF providers to have networks of trained shipboard fire response personnel across the country.

Finally, the drills and exercise requirements for the SMFF providers remain largely undefined. The revision to USCG's

National Preparedness and Response Exercise Program (NPREP) guidelines should define the specific requirements, and salvors are individually working with Coast Guard on what those requirements should be.

All in all, the first year has been an important step in preparing for the influx of non-tank vessels into the SMFF response protocols expected within the next couple of years. The entire maritime industry awaits the publication of the non-tanker rule.

## **ASA ADDRESSES ENVIRONMENTAL SALVAGE AT MLA CONFERENCE**

On December 4, ASA's General Counsel Jim Shirley attended U.S. Maritime Law Association (MLA) meetings in Hawaii to represent ASA on a panel addressing "Salvage Convention Revisions – Environmental Salvage." The panel was chaired by Bill Storz, Chairman of the MLA Salvage Committee, and the other panelists were Stuart Hetherington, Chairman of the CMI International Working Group considering proposed revisions to the 1989 Salvage Convention, and Charles Hume, Chairman of the International Group [of P&I Clubs] Salvage Sub-Committee. Mr. Shirley's topic was "Environmental Salvage," but he also spoke briefly on the problems professional salvors may face as a result of the UNESCO Convention on the Protection of Underwater Cultural Heritage (the UCH Convention).

Mr. Shirley concluded that "salvors not only benefit the ship owners and cargo owners whose property they save, but also the public at large. However, it is the public (and its politicians) that impose on the salvor, as a condition for allowing him to rescue that property, the duty to first protect the environment from damage. That in turn saves the ship owner (and in some jurisdictions the cargo owner)

the potentially enormous cost of environmental clean up and remediation, as well as – it is hoped – saving his property. Equity and fairness require that the salvor be compensated for protecting the ship owner’s wealth by preventing environmental damage on the same basis as he is compensated for protecting the ship owner’s wealth by preventing loss of the ship owner’s property.”

## ASA SEEKING ASSOCIATE MEMBERS

ASA’s Membership Committee continues to work to identify and bring aboard new Associate Members to the organization. Please contact ASA Membership Chairman Matt Miller, 206/624-7850, [msmiller@glosten.com](mailto:msmiller@glosten.com) and inform him of your recommendations. Thank you!

## INDUSTRY CALENDAR

- **Jan. 28-31, 2012:** PVA Annual Convention at MariTrends 2012, Portland, OR.  
[http://www.passengervessel.com/annual\\_convention.aspx](http://www.passengervessel.com/annual_convention.aspx)
  - **Feb. 20-24, 2012:** [Great Lakes Waterways Conference](#), Cleveland, OH
  - **March 6-8, 2012:** [Inland Waterways Conference](#) St. Louis, MO
  - **March 15, 2012:** [Quebec Salvage Conference](#) Quebec City, Canada
  - **March 19, 2012:** ASA Spring Membership Meeting at CMA SHIPPING 2011 (March 19-21), Stamford, CT. [SHIPPING 2012](#)
  - **May 15-17, 2012:** [Clean Pacific 2012](#) Long Beach, CA
  - **May 28-June 1:** [The 22nd International Tug, Salvage & OSV Convention and Exhibition](#) Barcelona, Spain
  - **Oct. 15:** American Salvage Association 2012 Fall Meeting, Seattle, WA
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**To ASA members and their families,  
we wish you...**



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