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**American Salvage Association Upholds Value of Response Providers
Salvage and Marine Firefighting Services Under Commercial Attack**

June 1, 2017- Washington, DC In a recent statement at a Congressional hearing, American Salvage Association (ASA) President, Todd Schauer, was required to defend the response capabilities of the industry, and, by extension, the implementation of regulations themselves by the United States Coast Guard. "It has come to the attention of the American Salvage Association (ASA) leadership that the resource and response capabilities of the four national salvage and marine firefighting (SMFF) resource providers have been questioned recently," he stated. "There have been false allegations made that these companies are not willing or contractually obligated to respond or somehow lack the resources to meet response requirements. This is unfounded propaganda put forward by a single commercial interest to further its own ill-conceived program."

Regarding the contractual obligation for an SMFF provider to respond, the Coast Guard requires language in each response contract asserting that the provider is capable of, and commits to meeting the Vessel Response Plan. "Rest assured that there will not be response delays due to contracting issues," stated Mr. Schauer. "All four national SMFF resource provider agreements in question meet these regulations by making the necessary statements of capability and commitment to respond within the required response times. The USCG clearly addressed this via the implementation of the SMFF regulations."

The SMFF response contracts have undergone the scrutiny of the marine insurance International Group of Protection and Indemnity clubs, which have also approved the contracts of all national SMFF providers as meeting the SMFF regulations. The agreements do contain statements of qualification that resources may not be immediately available, and that cascading of resources from other locations or providers may be necessary. "In fact, no SMFF resource provider, nor, for that matter any provider in any response service, can warrant 100% availability of resources unless multiple backup is provided" said Schauer. "The crux of the matter is that 24-hour dedicated availability of each supporting resource in each location was never intended by the SMFF regulations. Such a commitment to have the vast myriad of SMFF support resources (tug boats, divers, derrick barges, supply boats, crew vessels, etc.) specifically dedicated for the 19 SMFF services in all U.S. ports and for all U.S coastal and offshore areas would be absolutely cost prohibitive for the salvor and its clients. This was clearly not considered by the original economic analysis of the SMFF Tank Vessel Regulations."

Unlike pollution cleanup contractors that have focused kits of specialized equipment (boom, spill boats, and skimmers, etc.), the diversity of the 19 salvage services demands a vast network of high value support resources in addition to specialized salvage equipment and these support resources routinely perform other marine related work and services to be commercially viable. (The Federal Register Dec 31, 2008, Pg 80645, VII Regulatory Analysis, contains a detailed discussion.)

SMFF providers rely heavily on this ‘vessel of opportunity’ and ‘resource of opportunity’ system that exists throughout the ports and waterways of the United States and throughout the industrial maritime infrastructure of the U.S. This includes thousands of tugs, workboats, supply and crew boats, hundreds of derrick barges, cargo barges and a nationwide network of other marine and industrial resources including heavy equipment, commercial logistics and transportation assets, industrial service providers, divers, welders, small boat operators, etc. The U.S. commercial support fleet alone is extensive with some estimated 7,300-plus self-propelled vessels. An underpinning critical element of emergency response salvage is logistics. Salvor’s livelihoods are based on the ability of their logistics systems and networks to meet the extreme demands of the emergency salvage business. Salvors rely heavily on all air, sea, and ground transport modes.

“Is there a regulatory expectation that a new logistics fleet of vessels, ground transport vehicles, and aircraft be created and dedicated 24-7 to OPA 90 response?” asked Mr. Schauer. “Any such suggestion is not only illogical, but highly impractical. Further, it would set a very disturbing precedent and create a host of other issues if the logic were extended to the entirety of support functions required for all 19 salvage services.”

The ASA submits that through extensive oversight by various agencies and organizations, compliance with a number of exercise and verification programs, and, importantly, a proven track record of successful response, the nationwide SMFF providers meet the OPA 90 regulatory requirements while continuing to improve overall capability.

“U.S. salvors will continue their proud and growing legacy of professional and effective salvage response throughout U.S. waters and in support of U.S. interests abroad. We will continue to meet or exceed SMFF response standards and work closely with ship owners, regulators, and resource providers to grow and improve upon our substantial response capabilities. The ASA member salvors will continue the time-honored marine salvage tradition of “best endeavors” in responding anywhere, any time and for any incident to protect life and the environment, to keep our waterways open for commerce, and to save valuable ships and cargo.”

In summary, Schauer says “Every vessel owner should take note of the actions of a small group aggressively lobbying Congress and criticizing the U.S. Coast Guard in an attempt to establish a monopoly market for themselves. By attempting to exclude existing fleets of tugs, supply boats, crew boats and other work boats from SMFF planning requirements, this group that cannot meet any of the 19 required SMFF services itself, is promoting a precedent that will require an entirely new system of dedicated SMFF vessels and resources, at an overwhelming cost burden for vessel owners.”

About the American Salvage Association (www.americansalvage.org) - The mission of the ASA is to be a unifying association of the commercial marine salvage industry, serving as the definitive spokesman for this industry in Washington, D.C. and elsewhere in North, Central and South America as well as the Caribbean Sea.
