Pacific Merchant Shipping Association

Thank you for the opportunity to comment.

My name is Captain Mike Moore, Vice President of the Pacific Merchant Shipping Association whose membership includes ocean carriers, container terminal operators, tug companies as well as vessel agents serving both tank and non-tank vessels.

By way of relevant background, I retired at Captain of the Port Puget Sound and was very involved in the discussions around the ERTV at Neah Bay when it was part time funded by the public sector during winter months. I also implemented a policy requiring the nearest suitable tug to be used when a vessel had reduced operational capabilities, primarily related to reduction or loss of propulsion and/or steering. This was implemented via Captain of the Port or Administration Orders (under OPA 90) and the nearest suitable tug requirement was fully complied with using tugs of opportunity. In addition, I gathered stakeholders to start the Puget Sound Harbor Safety Committee which produced the first Harbor Safety Plan including Standards of Care one of which involved tugs and tethering. I currently serve as President of the Emergency Response Towing Vessel Compliance Group for the tug stationed at Neah Bay and jointly negotiated the service contract and fully agreed upon fee structure for both tank and non-tank vessels in partnership with the tank sector led by the Western State Petroleum Association. We have provided compliant coverage for enrolled vessels since 2010.

The "Emergency Response Towing Vessel Analysis Scope of Work" should logically focus on identifying the need for an ERTV. This requires identifying specific scenarios where all other mitigation measures fail to avoid an oil spill from a drift grounding. Here are several key inputs that to our knowledge have yet to be studied or evaluated with any academic rigor:

* Tugs of opportunity availability in the area of study - this has been dismissed by those that support an additional ERTV but the International Tug of Opportunity system created in the 90's has expanded with the use of AIS and additional tugs for assist and escort work and is extremely relevant given the available data demonstrates all internal water tug assists have been conducted by such tugs.

* Validation that a tug response does not require open ocean towing capability but rather the ability to help successfully control a vessel that has suffered some reduction (or loss) of propulsion and/or steering such that a grounding is avoided.

* Tug presence evaluation must consider status quo of escort/assist tugs plus tugs engaged in other activities that are in the area, repositioning, staged awaiting next job or otherwise available.

* Additional tug saturation/availability due to increased tug escorts must be fully considered as tugs have to be positioned, repositioned or staged for each escort job in addition to escorting while tethered or untethered.

* This should include additional tug escorts recently implemented in Washington State waters as well as the upcoming implementation of tug escorts associated with the Trans Mountain expansion

project in Canada. The specifics of the Canadian tug escort regime will greatly increase tug presence in the Haro/Boundary area as well as Georgia Strait and the Strait of Juan de Fuca. This tug escort regime is likely to split the transit into the involvement of two tugs with a handoff point. This dynamic will significantly increase tug presence and will by definition involved tugs designed to escort or respond to a vessel in need.

* The study should include all mitigation strategies that the master/pilot can implement when a vessel has suffered some reduction/failure in propulsion and/or steering. The momentum involved in the transit allows for actions that are different than simply allowing a vessel to drift with the current and wind until grounding. Failure to maneuver the vessel to reduce risk would involve a failure to perform their duties which is extremely unlikely. So, appropriately positioning of the vessel with the available momentum in the tide/current and wind conditions of various scenarios and with various vessel types, sizes and loaded conditions is a key mitigation measure that must be considered. In concert with this is identifying areas in various transit scenarios where a vessel could be best positioned to allow for more response time of a tug or to allow for successful anchoring. This of course, will depend on many issues including but not limited to the location of a propulsion and/or steering issue, tide/current, wind, sail area, loaded condition and the type/size of the vessel.

* Engineering analysis of the energy and shoreline/grounding type needed to result on penetration of a protectively located fuel tank under various scenarios. Protectively located fuel tanks on non-tank vessels are no longer on the bottom or side of a vessel but internally located typically athwart ship significantly reducing the percentage of the hull in any close proximity to fuel tanks. A collision energy analysis was done during the Blue Ribbon Task Force in Washington State in the 90's assessing collision scenarios involving ferries and cargo ships; I can provide some background on this issue.

* Confirmation that there have been zero drift grounding incidents that led to an oil outflow from any cargo (or cruise) vessel calling at a Puget Sound port in history. The scope of study should evaluate why that outcome was produced and what mitigation factors were key to the avoidance of a drift grounding caused oil spill including but not limited to master/pilot actions to position the vessel, self-repair, anchoring, tug of opportunity response to stand by, tug of opportunity response putting a line up on the vessel and the specifics involved in each.

* Validation that no matter where an additional ERTV would be located, that multiple areas in the study area would involve a quicker response by a tug of opportunity.

* There should be analysis of the probability differences of propulsion and/or steering issues in any particular area within the study area or confirmation that such location would be random.

I am happy to have a follow up discussion to further explain any of the above comments or to review past reviews of these issues.

Respectfully submitted,

Captain Mike Moore
Vice President
Pacific Merchant Shipping Association