

**STATEMENT OF
RICHARD B. FAIRBANKS, PRESIDENT
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ON
THE NEED FOR A NATIONAL SALVAGE POLICY TO
LIMIT VESSEL POLLUTION AND
IMPROVE MARITIME SAFETY AND SECURITY
BEFORE THE
U.S. COMMISSION ON OCEAN POLICY
WASHINGTON, D.C.
JULY 22, 2004**

Mr. Chairman, members of the Committee, thank you for this opportunity to present an important issue concerning marine salvage and its relationship to vessel safety, environmental protection, and port security.

I am Richard B. Fairbanks, President of the American Salvage Association. On behalf of our executive board, and members, I extend my thanks to you and to Congress for your commitment to the oceans and for your efforts to protect the marine environment.

INTRODUCTION

In light of the need to provide for a heightened level of marine environmental protection, and with the benefit of today's capabilities, the United States must address threats to the marine environment as well as threats to maritime transportation and port security.

The American Salvage Association represents a group of fourteen of the leading professional salvage companies that have responded to the overwhelming majority of the most serious marine casualties that have occurred in the United States and Canada over the course of the past two decades. While remaining independent and competitive, the individual companies making up the Association recognize a common interest in promoting the value of salvage, more importantly, by sharing information and experience, the group can together improve the national salvage, marine environmental protection, wreck removal, and harbor clearance response capability.

SALVAGE IN THE UNITED STATES

Beyond an interest to safeguard ship and cargo, and provide for environmental protection, issues of port security and the maintenance of safe and navigable waterways are being urgently reviewed in this time of terrorist concern. Marine salvage, shipboard firefighting, wreck removal and harbor clearance in the event of terrorist use of vessels and their cargoes as vehicles of destruction are now important considerations. Vessels and other terrorist targets including port facilities and infrastructure (bridges, industrial

terminals, pipelines, tunnels, etc.), and the protection of environmentally sensitive areas are also topics being considered at this time.

There are a number of factors that have forever changed marine salvage and maritime casualty response to the point where it will never again rely only on risk and compensation based solely upon the value of the property saved. The factors that have effected this change in marine casualty events in the United States are the same factors that support the need for a national salvage policy, namely, environmental protection and homeland (port) security concerns.

Recognizing the emphasis on expanded regulatory control and public interest in any significant emergency event, the American Salvage Association is maximizing its efforts to integrate its membership into the expanded community of responders. This community, consisting of representatives of government, business, environmentalists, industry, media, spill responders, underwriters and others must work together to create effective security and response systems. Contributing to this new, expanded response capability in a coordinated manner is a primary goal of the American Salvage Association.

The American salvage community stands ready, willing and able to assist in matters of maritime protection, casualty response planning, vessel and cargo salvage, marine environmental protection, wreck removal and harbor clearance.

But, if not given the support of a regulatory framework such as a National Salvage Policy including the proposed and long overdue U.S. Coast Guard regulations for Salvage and Firefighting, the current salvage structure and capability will fail in the end. Capital costs, training, and the retention of skilled and experienced personnel are matters that can only be supported by appropriate regulation that defines and then provides a means of support for the required response.

RECOMMENDATIONS

I respectfully request that you modify two of the recommendations contained in your Preliminary Report, specifically Recommendation 13-6 and Recommendation 16-13 by adding the language show in italics:

- Recommendation 13-6. In developing a national freight transportation strategy, the U.S. Department of Transportation should work closely with the U.S. Department of Homeland Security and the Federal Emergency Management Agency, *as well as the Transportation Security Administration and the U.S. Coast Guard*, to incorporate port security and other emergency preparedness requirements. The strategy should focus on preventing threats to national security and port operations and on response and recovery practices that limit the impacts of such events, including an assessment of the availability of *response resources including salvage and harbor clearance capability and alternative port capacity*.

- Recommendation 16-13. The U.S. Coast Guard, working with the *marine salvage and spill response* community, should develop comprehensive policy guidance and contingency plans for places of refuge in the United States. The plans should clearly delineate decision-making authorities and responsibilities and provide for a coordinated and timely assessment and response to vessels seeking a place of refuge.

Additionally, I propose that the following three recommendations be added to the Final Report:

- *Recommendation 16-16. – Congress and the Administration should establish a National Salvage Policy and provide the U.S. Coast Guard with the mandate and support needed to require all vessels over 400 gross registered tons to carry Vessel Response Plans and then promulgate the long overdue Salvage and Firefighting regulations.*
- *Recommendation 16-17. – Congress should take the necessary action to provide professional salvors with responder immunity; the same immunity already afforded oil spill response organizations.*
- *Recommendation 16-18. – The U.S. Coast Guard should place salvage at the Operations Section level within the Incident Command Structure, and establish a Partnership Action Team with the American Salvage Association similar to those it has already established with other sectors of the maritime industry.*

SUMMARY

In his presentation entitled “A Guide for Casualty at Sea or in Port” and delivered over 35 years ago at the first International Oil Spill Conference, March 1969, Capt. Paul Preus, now deceased, founder of Clean Water Incorporated and recognized by many as being the father of oil pollution response as we know it today, stated, “Good salvage operations are the key to preventing oil pollution. Quick action in repairing damage and making the cargo and bunkers safe are the keys to preventing a major spill from a marine casualty whether at sea or in a harbor.”

Later in his presentation, Capt. Preus stated, “One aspect too frequently overlooked in discussing pollution prevention is swift salvage operations by trained and experienced personnel. When a tank ship, cargo ship, oil barge or shore pipeline has a casualty, time is of the essence in making emergency repairs, thus lessening the severity of the initial casualty.”

As ‘Uncle Paul’ was so often heard to say in the years following that first oil spill conference, “... the best pollution response is a good salvage response. Protect the ship. Keep the oil out of the water!” Were Uncle Paul with us today, I am confident that he

would also be heard to say, "... a good salvage response is good port protection.", or words to that effect.

Mr. Chairman, I want to commend and thank you and the Commission for your commitment to the oceans, for your efforts to protect the marine environment, and for your consideration of this issue. Our hope is that with your support, Congress and the Administration will provide the U.S. Coast Guard with both the mandate and the financial support that it will need to address these issues; the time has long since come for action.

Thank you, again, for the opportunity to present this important issue. I would be happy to take any questions.