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SENATE JOINT MEMORIAL 8030

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State of Washington

56th Legislature

2000 Regular Session

By Senators Fraser, Spanel, Swecker, Jacobsen, Eide, Morton, McAuliffe and Kline

Read first time 03/09/2000.

1 TO THE HONORABLE WILLIAM J. CLINTON, PRESIDENT OF THE UNITED  
2 STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE  
3 OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF  
4 THE UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE SECRETARY OF  
5 TRANSPORTATION:

6 We, your Memorialists, the Senate and House of Representatives of  
7 the State of Washington, in legislative session assembled, respectfully  
8 represent and petition as follows:

9 WHEREAS, Washington State has adopted a comprehensive program of  
10 oil spill prevention measures for the protection of its marine waters  
11 and coastal areas; and

12 WHEREAS, This program establishes standards for oil tanker vessel  
13 spill prevention plans to provide the best achievable protection from  
14 damages from oil spills, and standards relating to tanker design,  
15 equipment, reporting, and operating requirements, as well as oil spill  
16 prevention standards directed to large cargo and passenger vessels; and

17 WHEREAS, This program was authorized in legislation enacted in 1991  
18 following the Congressional enactment of the Oil Pollution Act of 1990,  
19 33 U.S.C. Secs. 2701 et seq., in which the Act preserved state  
20 authority to impose additional requirements or liabilities with respect  
21 to the discharge of oil; and

1       WHEREAS, Washington and other coastal states have understood this  
2 Congressional preservation of state authorities to allow states to  
3 adopt additional spill prevention measures to supplement federal  
4 standards administered by the United States Coast Guard, to assure a  
5 high level of protection of their state waters from the devastating  
6 impacts of oil spills; and

7       WHEREAS, On March 6, 2000, the United States Supreme Court ruled in  
8 *United States v. Locke* that the state savings clause in the Oil  
9 Pollution Act of 1990 applied to only one portion of that Act, and  
10 further struck down four Washington spill prevention standards and  
11 directed lower courts to review the remaining eight state standards in  
12 light of the court's analysis of federal preemption on this subject;  
13 and

14       WHEREAS, The breadth of the Court's ruling places in doubt the  
15 validity of many measures adopted by coastal states to address spill  
16 risks of oil tankers, barges, and cargo vessels; and

17       WHEREAS, In the absence of further action by Congress and the  
18 Department of Transportation the risks of oil spills from tankers will  
19 be far greater in the waters of many coastal states that have adopted  
20 strong state standards since 1990;

21       NOW, THEREFORE, Your Memorialists respectfully pray that Congress  
22 act expeditiously to amend the Oil Pollution Act of 1990 to make clear  
23 that states have the authority to adopt additional oil tanker, barge,  
24 and cargo vessel operating requirements that are supplemental to and  
25 not inconsistent with regulations adopted by the United States Coast  
26 Guard; and

27       That the United States Coast Guard act immediately to strengthen  
28 its tanker vessel safety standards by adopting measures similar to  
29 Washington state's standards that the United States Supreme Court held  
30 to be preempted by Congressional intent that these subjects be reserved  
31 exclusively to federal jurisdiction, these measures relating to tanker  
32 crew training, accident reporting, navigation watch practices, and deck  
33 officer English-language proficiency.

34       BE IT RESOLVED, That copies of this Memorial be immediately  
35 transmitted to the Honorable William J. Clinton, President of the  
36 United States, the Secretary of the United States Department of  
37 Transportation, the President of the United States Senate, the Speaker

1 of the House of Representatives, and each member of Congress from the  
2 State of Washington.

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