

HOUSE BILL REPORT

SB 5272

As Reported By House Committee On:
Government Operations

Title: An act relating to regulatory reform using incentives for vessel owners and operators to reduce the risk of oil spills.

Brief Description: Providing regulatory reform to reduce the risk of oil spills.

Sponsors: Senators Spanel, Swecker, Fraser, C. Anderson, McAuliffe and Winsley; by request of Office of Marine Safety.

Brief History:

Committee Activity:

Government Operations: 3/31/95 [DP].

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass. Signed by 15 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Staff: Bonnie Austin (786-7135).

Background: The Office of Marine Safety (OMS) administers state programs relating to oil spill prevention and response. These programs contain a number of planning and operational requirements for vessels that operate in waters of the state, a field program for the monitoring and inspection of vessels, and financial responsibility requirements.

Oil spill prevention plans are required for tank vessels. Oil spill contingency plans for the containment and cleanup of oil spills are required of all "covered vessels". "Covered vessels" include tank vessels, large cargo vessels, and large passenger vessels. Minimum requirements for both plans are detailed in statute and in rule.

All tankers entering navigable waters of the state must be inspected at least annually to assure that they comply with all applicable federal and state standards. Cargo and passenger vessels may also be inspected.

There are financial responsibility requirements in statute for various types of vessels. Tankers are required to demonstrate evidence of responsibility to pay at least \$500 million, unless the tanker is covered by an international protection and indemnity mutual organization. Inland barges, cargo vessels and passenger vessels also have financial responsibility requirements specified in statute.

Summary of Bill: An owner or operator of a covered vessel may petition the Office of Marine Safety (OMS) for a waiver of rules or statutes relating to vessel inspection, plan compliance, vessel operation, or financial responsibility. A waiver may be granted if the owner or operator has implemented a practice or technology that: (1) exceeds the intent of the statute or the standards established by rule; (2) increases the safety of marine transportation; and (3) the owner or operator can demonstrate continued use of the practice or technology.

Procedures are set forth for requesting a waiver and for OMS's response to a waiver request. A denial of a request is not appealable under the Administrative Procedure Act, except under limited circumstances. Waivers are effective for one year from the date granted, and may be renewed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will ensure that the money in the office is put where he is needed most.

Testimony Against: None.

Testified: Senator Spanel; prime sponsor; and Barbara Herman, Office of Marine Safety.