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SENATE JOINT MEMORIAL 8005

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State of Washington

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2001 Regular Session

By Senators Fraser, Swecker, Spanel, Patterson, Thibaudeau, Hargrove, Gardner, Costa, Prentice, Eide, Franklin, Regala, Jacobsen, Kline and Kohl-Welles

Read first time 01/12/2001. Referred to Committee on Environment, Energy & Water.

1 TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED  
2 STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE  
3 HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF  
4 REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

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

8 WHEREAS, Washington State adopted a comprehensive program of  
9 oil spill prevention measures for the protection of its marine  
10 waters and coastal areas in 1991; and

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

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

1 discharge of oil; and

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

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

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

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

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

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

35 BE IT RESOLVED, That copies of this Memorial be immediately  
36 transmitted to the Honorable George W. Bush, President of the  
37 United States, the President of the United States Senate, the

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

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