

MLAUS – Salvage Committee Meeting Summary – Spring 2023

Salvage Committee

Chair: LCDR Salomee Briggs | Salomee.G.Briggs@uscg.mil

Vice Chair: Lindsay Malen-Habib | LMalen@mcallistertowing.com

Secretary: William Leschaeve | William.Leschaeve@brookesbell.com

Young Lawyer Committee Liaison: Ms. Colleen Jacoby | CEJ@tecklaw.net

- New Secretary and Young Lawyer Liaison: The Salvage Committee is happy to welcome our new Secretary, Will Leschaeve, a Senior Naval Architect and member of the Lloyd's Special Casualty Representative (SCR) Panel. We also welcomed our new YLC Liaison, Ms. Colleen Jacoby, an associate attorney at Tecklenburg & Jenkins in Charleston, SC.
- Meeting Attendance: Our meeting was held both in-person and virtually with approximately 35 members in attendance. We had three presentations, as follows:
 - Mr. Doug Martin, the Chair of the OPA90 Forum, provided the Committee with an overview of the newly formed OPA90 Forum, which aims to preserve and enhance the intent of the Oil Pollution Act of 1990 (OPA90). The Committee intends to share new OPA90 Forum developments with our members to facilitate industry engagement between both organizations.
 - LCDR Ben Robinson, USCG, the Deputy Chief of Environmental Law, spoke on Salvage Committee Highlights from the International Maritime Organization (IMO). This included MARPOL updates on Ship-To-Ship transfers and the on-going development of regulations regarding containers lost at sea and plastic pellets. This presentation prompted robust discussion regarding potential updates to MARPOL and ongoing efforts to mitigate the impact of plastics to the marine environment.
 - CAPT Trey Wirth, the Chief of the Coast Guard's Office of Marine Environmental Response Policy discussed OPA90 Vessel Response Plans (VRP), Salvage and Marine Fire Fighting (SMFF) response operations, and the recommendations of the Oil-Spill Response Plan Advisory Group (MORPAG). We look forward to hearing more about the Coast Guard's future actions regarding the MORPAG recommendations and CGAA of 2022 sections related to VRP regulations, which the agency intends to address in future public meetings and comment periods.
- We also discussed a recent High Court Order from London in the EVER GIVEN case, which held the contract negotiated by the Owner's representative and SMIT was not completed; accordingly, the completed work would be resolved under common law, not contract salvage.
- The Committee thanks our presenters and on-going participation from our members. We look forward to developing another engaging agenda for the Fall, to include addressing the discretion of FOSCs regarding the activation of VRPs and review under the Administrative Procedures Act.