

Salvage Committee / Maritime Law Association of the United States
Fall 2020 meeting (Friday, October 30, 2020 @ 12:00 noon Eastern Time)
Via Zoom

Salvage Committee officers:

Chair: Twain Braden, Esq. (Thompson Bowie & Hatch, LLC, Portland, Maine):

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Vice Chair: Lindsay Malen-Habib (Resolve Marine Group, Inc., Fort Lauderdale, Fla.):

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Secretary: Salomee Briggs, Esq. (United States Coast Guard Seventh District Legal Office):

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AGENDA

1. Sarah Wallace, International Claims Director, Standard Club Americas: **WRECK REMOVAL FROM THE P&I PERSPECTIVE**

The International Group of P&I Clubs provide marine liability cover for approximately 90% of the world's ocean-going tonnage. P&I cover responds to a wide range of liabilities including personal injury, cargo loss and damage, pollution and wreck removal.

The IG clubs have handled some of the biggest and most complex casualties around the world. Wreck removal incidents have become increasingly more severe. They can be complicated to manage both in terms of technical complexity and dealing with the various stakeholders involved.

This presentation will look at wreck removal claims from a P&I perspective. It will also explore some of the challenges raised by wreck removal claims as well as the action being taken by the IG and the clubs to manage those challenges.

2. Todd Duke, Resolve Marine Group: **WRECK REMOVAL OF CAR CARRIER HOEGH XIAMEN**

Todd Duke will present a case study overview of a car carrier fire (Hoegh Xiamen) that occurred this past summer at the height of the COVID Pandemic. The ship is the largest such casualty in the United States in recent history. A text book OPA-90 response that incorporated not only a Unified Command but more importantly a Unified Operations Section consisting of Fire and Salvage Contractor, Local Fire Department, and both public/private on water resources from several jurisdictions.

3. Coast Guard LT Megan Gold, USCG, Staff Attorney in the Office of Maritime & International Law at Coast Guard Headquarters: **SALVAGE AND MARINE FIREFIGHTING REGULATIONS – The Impact of Vessel Response Plans on Salvage Operations and Wreck Removal.**

LT Gold will be addressing the application of Vessel Response Plans to Salvage Operations during immediate and long-term salvage operations. The Coast Guard oversees vessel response plans (VRP) and pollution response in accordance with the Federal Water Pollution Control Act

(FWPCA) and the Oil Pollution Act of 1990 (OPA 90). This oversight includes the approval of VRPs and their effective implementation during a salvage response in accordance with Salvage and Marine Firefighting regulations (SMFF). When salvage plans change, or when a vessel is declared a constructive total loss, the USCG may continue to apply the SMFF regulations during a response in spite of industry determinations that a response is no longer salvage and is now wreck removal. LT Gold will be addressing the applicable Coast Guard regulations and international conventions regarding salvage and wreck removal and their impact, or lack thereof, on salvage operations conducted pursuant to a VRP.

This presentation will provide ample opportunity for discussion and perspectives on the SMFF regulations and their practical application during a response. Her presentation will address the following regulations and international conventions:

*Federal Water Pollution Control Act (FWPCA); 33 USC § 1321 (j)(5) and 33 USC § 1321 (c)(3)(b)
Salvage and Marine Firefighting Regulations - 33 CFR § 155.4010 et seq
Non-Tank Vessel Response Plans Regulations – 33 CFR § 155.5010 et seq
Coast Guard Act of 1996: Chaffee Amendment - 33 USC § 1321(c)(3)(b)
International Convention on Salvage
Nairobi International Convention on the Removal of Wrecks*