



Client Advisory

Environmental, Industrial and Emergency Response Solutions

CLIENT ADVISORY LETTER 2010-02

April 2, 2010

RE: Massachusetts Tug Escort Law Struck Down

Dear Client:

On March 31, a U.S. Federal court found in favor of the U.S. Coast Guard and several industry trade associations (INTERTANKO, the American Waterways Operators (AWO), the Chamber of Shipping of America (CSA) and BIMCO) in their efforts to stop the State of Massachusetts from implementing its manning and tug escort requirements on tank vessels operating in Buzzards Bay.

Beyond its direct impact on vessel operations in Massachusetts, this ruling is important because it confirms the U.S. Coast Guard's authority over vessel operations in U.S. waters, making it clear that federal law preempts state law in these type situations (i.e. attempting to regulate tug escort and vessel manning provisions as part of a State's oil spill prevention regulations).

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Candito', is positioned above the printed name.

Steven A. Candito
President

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