

Enhancing Maritime Governance

The role of private sector compliance providers

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United States Coast Guard Publication 1 (Pub 1), the doctrine for the U.S. Coast Guard, explains that the United States is a maritime nation. With 95,000 miles of coastline and dozens of commercial ports hosting more than 83,000 annual ship visits, it is, and will always remain, tied to the sea as “the seas link the nation with world trade and commerce.” As a maritime nation, the United States must incorporate and leverage the capabilities of the private sector to ensure an effective regime of maritime governance. Pub 1 also explains that “building effective maritime governance requires engagement beyond navies and coast guards . . . that commitment from [the] private sector is required as well.”

In the realm of maritime environmental emergency response and response to vessel casualties, many people may not be familiar with one type of private sector backing the Coast Guard relies upon day-in and day-out—that of qualified individual (QI) service providers. QI service providers act as a single point of contact on behalf of a vessel’s owner/operator if that vessel experiences an oil spill, collision, grounding, fire, or other casualty while

operating in the United States. The QI, with full decision-making and spending authority on behalf of the ship owner, ensures a smooth flow of communication with federal agencies—especially the Coast Guard.

The role can be traced back to one of the most significant environmental disasters in the United States, the *Exxon Valdez* oil spill. In 1990, Congress passed the Oil Pollution Act (OPA 90) as a result of the *Exxon Valdez* oil spill in Alaska. This single piece of legislation significantly expanded the Coast Guard’s maritime governance over the protection of the marine environment. At its legislative core, OPA 90 requires that the owner or operator of a vessel must appoint a qualified individual who is familiar with the vessel’s response plan and can activate the plan in case of a vessel emergency. However, over the past two decades, the role of the QI and the capabilities provided by the QI have greatly expanded. In this time, the QI service providers have developed extensive expertise which the Coast Guard has relied upon during some significant pollution responses. In other areas, QI service providers have acted as behind-the-scene force



The *Exxon Valdez* remains in place after running aground on Bligh Reef in Prince William Sound, Alaska, in March 1989. The grounded tanker spilled 11 million gallons of crude oil—the largest oil spill in U.S. history, at that time. Coast Guard photo

multipliers for the Coast Guard. In both instances, the QI service providers have supported the Coast Guard with additional capability, enhancing and augmenting resources, and furthering the maritime governance goals of ensuring the safe and efficient mitigation of a casualty.

What is a QI?

Qualified individuals are U.S.-based individuals required by OPA 90 to be available 24 hours a day, seven days a week to coordinate a response to an oil spill from a vessel, facility, or pipeline, or summon resources to address environmental threats. The QI's job is to make rapid notifications to federal, state, and local authorities and, when necessary, obligate funding to respond, engage, and coordinate with the appropriate response resources—oil spill response organizations or salvage and marine fire-fighting resource providers. An effective response to an emergency in a sector is contingent on the QI efficiently mobilizing, managing, and directing response resources, as well as coordinating and cooperating with the local Coast Guard sector and other stakeholders. The QI must bridge communications between the Coast Guard and the vessel owner/operator to ensure an adequate and effective response.

It is paramount to understand the QI's role and note they are the only entity with the authority to fulfill these responsibilities on behalf of the responsible party. In this way, they are essential to the effectiveness of the response and to the Coast Guard's capability to keep ports operating and maintain a smooth flow of commerce—the important underlying tenant of effective maritime governance. During an actual spill, the QI service provider will represent the responsible party in the spill response organization created by the local Coast Guard sector.

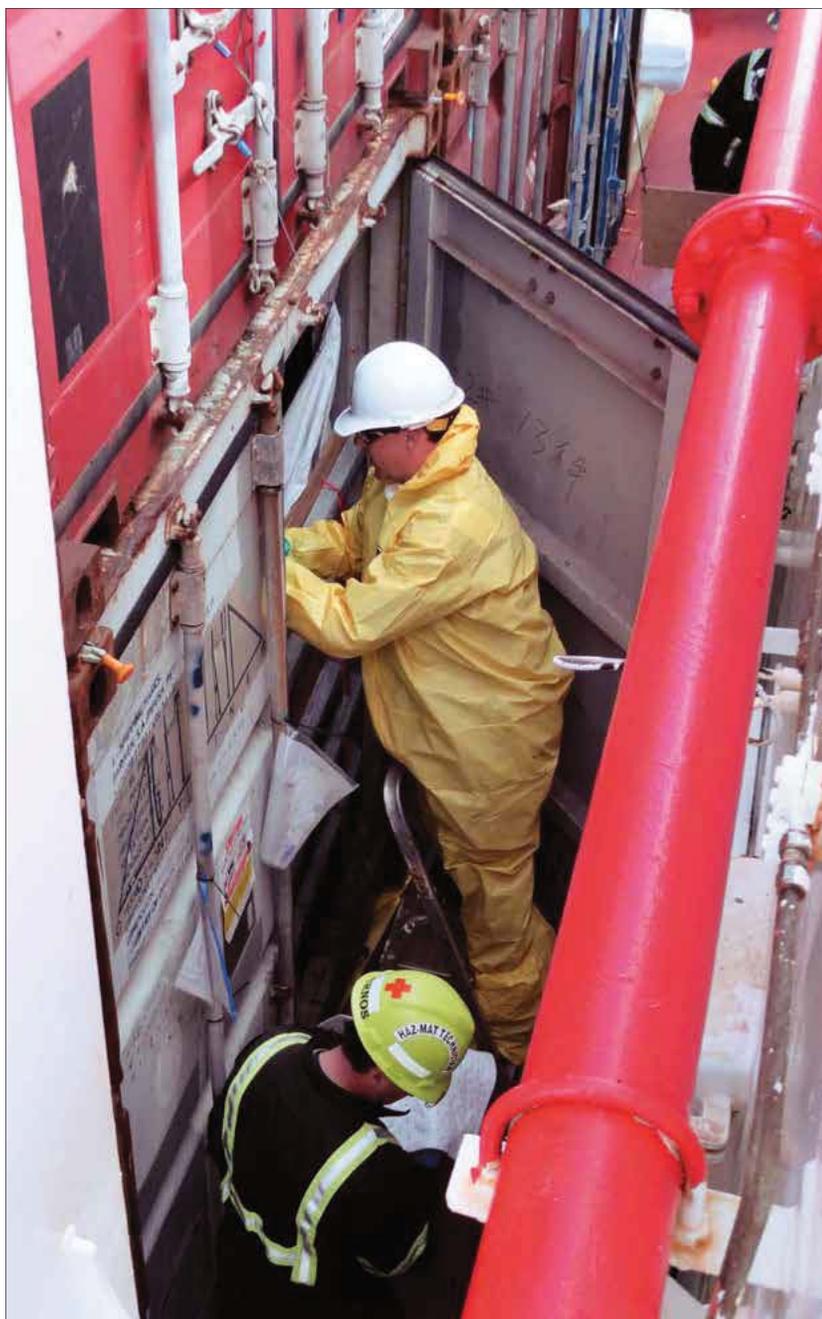
In addition to the designation of the QI in a response plan, OPA 90 requires that a vessel's response plan designates an incident or spill management team (IMT). QI service providers typically staff the IMT with personnel who have previous government experience—former United States Coast Guard (USCG) members, National Oceanic and Atmospheric Administration staff, or those who have formerly worked with state response agencies. Previous government experience is an important element for IMT members, considering they often work side by side with their government colleagues in a unified command or incident command system setting. Familiarity with policies and procedures of the government response agencies provides critical knowledge from the private sector to enhance the response

efforts. This concept of involving the private sector in the response organization to ensure an integrated response coordination structure was one of the key tasks in developing the National Response Plan (NRP) in 2008. The depth and experience of QI/IMT human resources can help Coast Guard first responders improve response efficiencies. The NRP recognizes that the majority of resources, including people and critical infrastructure, lies within the private sector and an effective response is dependent upon all available resources being brought to bear on a disaster, while minimizing the impact to critical infrastructure. Only through the cooperation and support from the private sector—through effective maritime governance—can this key task be realized.

At the individual port or Coast Guard sector level, close partnerships with stakeholders, established through harbor safety and security committees, provide invaluable assistance to the local captain of the port. In addition, area committees aid in developing contingency plans for port-wide emergencies that fulfill the more tactical goals of the NRP. The interactions that occur between the Coast Guard and the private industry stakeholders that make up these committees help ensure the development of policies that create an effective response to port contingencies, lead to the best use of port resources, and provide an opportunity for input from all stakeholders. The QI compliance service providers often attend these meetings to provide input on behalf of their clients, sharing valuable information that augments safety and security committee understanding of port challenges. Often, the QI's expertise developed through previous oil spill responses—locally and nationally—further inform an



Coast Guard CAPT J.J. Plunkett, commanding officer of U.S. Coast Guard Marine Safety Unit Port Arthur, and Jason Maddox, the environmental unit leader with Gallagher Marine Systems Inc., discuss information at the Port Arthur oil spill unified command, in January 2010. The unified command consisted of different agencies working together during the Port Arthur oil spill response. Coast Guard photo by Petty Officer 3rd Class Casey J. Ranel



Response personnel sample transformer oil aboard the *BBC Arizona* in Valdez, Alaska, in June 2013. Preliminary tests indicated no presence of polychlorinated biphenyls, also referred to as PCBs, a hazardous substance sometimes associated with transformer oil. Coast Guard photo

area committee's contingency plan, enhancing prevention and mitigation activities when responding to vessel emergencies. Captains of the port value this private sector participation because it lays the ground work for the critical requirements necessary to mount an effective response and ensure maritime governance—familiarity, trust, and knowledge—during often stressful situations.

Expanding Services

In several instances, QI firms have expanded their

capabilities and, in several areas, act as behind the scene force multipliers to the Coast Guard. At Gallagher Marine Systems, LLC (GMS), for instance, the firm's clients are provided with an arrivals checklist to assist their vessels in preparing for U.S. arrivals. This checklist provides comprehensive information regarding Coast Guard, EPA, and U.S. state requirements with which the vessel operator must comply. In many cases, a vessel master is able to avoid potential violations or infractions by reviewing the checklist prior to their vessel's U.S. arrival, therefore, ensuring compliance with a host of sometimes complex and confusing requirements. In some cases, vessel operators opt for a pre-inspection where an experienced surveyor, former ship master, or Coast Guard port state control officer, carries out a detailed review of the ships preparedness for U.S. arrival. These pre-inspections include a comprehensive review of a client's vessels for compliance with Coast Guard port state control (PSC) requirements, and occasionally include an in-depth inspection to ensure vessel compliance with strict international and U.S. environmental regulations. Over the years, compliance service providers have developed specialized training programs to ensure vessel crews meet Coast Guard and EPA requirements for managing ballast water discharges and oil spill response. Since the establishment of the Coast Guard's PSC program, the trend of vessels detained for safety reasons has declined. In the 2017 USCG PSC annual report, Rear Admiral John P. Nadeau, former assistant commandant for Prevention Policy, points out that compliance with international conventions and the safety of shipping has increased dramatically in the last two decades. The Coast Guard's stringent enforcement of PSC requirements—along with shipping company implementation of safety management systems—deserves credit for the improved vessel compliance. Some credit is also due to the compliance service providers who offer their clients expert advice and training to ensure they are operating at the Coast Guard's high standards. Through this system of maritime governance, the Coast Guard has fostered a regime of private sector support for vessel operators that has contributed to the safety of vessel and port operations across the United States.

Training and Partnerships

In addition to the core mission of the private-sector QI firms providing emergency response capabilities and additional expertise in PSC compliance, QI compliance service providers regularly train in incident command post settings during large-scale exercises with Coast Guard, state, and local entities, along with oil spill response organizations and salvage and marine fire-fighting providers. This joint training greatly enhances mutual understanding of each entity's capabilities and builds familiarity with regional response protocols.

Furthermore, when delivered to area committee meetings, regional response teams, the USCG On-Scene Coordinator Crisis Management Course, and similar settings, Gallagher Marine Systems' presentations about the QI's incident management team's function and purpose serve to foster a better understanding of these critical roles. Recently, GMS provided an overview of those roles and a "Response from a Responsible Party's Perspective" lecture at the 2018 District 17 Federal On Scene Coordinator Representative College in Anchorage, Alaska. USCG District 17 units and Alaska Department of Environmental Conservation personnel developed a better understanding regarding the role of the responsible party, specifically, the QI and IMT. GMS regularly hosts QI courses in their Moorestown, New Jersey, headquarters, which are attended by U.S.- and foreign-flagged ship owners, facility representatives, and often Coast Guard personnel from local units, including the Atlantic Strike Team. This combination of students provides a blend of response perspectives and expectations, which provides learning opportunities for all parties, and Coast Guard members gain an enhanced understanding of private sector capabilities; a critical element necessary for cultivating maritime governance.

Conclusion

Maritime governance is a critical tenant of the Coast Guard's doctrine allowing for an efficient and effective regime to ensure the safety, security, and environmental stewardship of our nation's ports and waterways. Through the engagement of, and interaction, with



Gallagher Marine Systems, LLC, Coast Guard, and Emerald Services Inc., monitor offloading operations at the Valdez container terminal in Valdez, Alaska, in June 2013. North Star Terminal and Stevedore Company had to remove I-beam cargo from the BBC *Arizona* before responders could clean up and decontaminate the ship's leaking oil containers. Coast Guard photo

private sector QI compliance service providers, the Coast Guard has access to a critical knowledge base and established infrastructure. Ample response experience and expertise with resources to leverage provide a swift, effective response to an oil spill, or threat of one. Over the past 25 years, this experience and capability has expanded to foster a higher level of PSC compliance for vessels trading in U.S. ports, and also has provided training opportunities for Coast Guard personnel. As the third decade of mandated QI begins, the opportunity for the Coast Guard and private sector to further enhance and strengthen maritime governance continues to grow. ■

About the authors:

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