



The Commonwealth of Massachusetts

House of Representatives

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BILL TO PROTECT BUZZARDS BAY HEADS TO GOVERNOR'S DESK

Measure Will Seek to Prevent Future Oil Spills in Buzzards Bay

BOSTON—State Representative Straus led colleagues in the Massachusetts House of Representatives in the final passage of House bill 4247, An Act Preventing Oil Spills in Buzzards Bay. This bill was a Conference Committee report comprised of the following members of the legislature: Reps. Straus, Rodrigues, and Gifford, and Sens. Petrucci, Tarr, and Montigny. The bill now heads to the Governor's desk for signature.

"The Conference Committee worked diligently to ensure that this bill was crafted to address every concern raised in previous versions of the bill" said Rep. Straus. "I am confident that the passage of this legislation will result in a greater level of protection and safety for both humans and the environment in the Buzzards Bay region."

Rep. Straus was a cosponsor of the original 2009 legislation and had advocated for swift action on the bill after it had been reported favorably from the Joint Committee on Environment, Natural Resources, and Agriculture, the Committee of which he serves as Chairman.

This legislation was created in response to the tragic Buzzards Bay oil spill in 2003, where nearly 100,000 gallons of oil spread across more than 93 miles of shoreline, killed more than 400 birds, and closed thousands of acres of shellfish beds. After this spill, the Legislature took immediate and decisive action by passing a comprehensive oil spill prevention and response act in 2004. The law included several common sense measures that, if in place in 2003, likely would have prevented the accident. Notably, one of the most important measures included was the requirement of escort tugs to accompany both single and double hull barges carrying oil through Buzzards Bay.

However, not six months after the 2004 law was passed, the federal government filed suit in federal district court challenging the validity of these much needed measures, including escort tugs. This lawsuit to-date remains unresolved. Today, while the United States Coast Guard requires escorts for single hull vessels in Buzzards Bay, they fail to provide that same protection for those double

hull barges which are larger, carry more oil, are harder to navigate, and account for 50% of the barge fleet transiting Buzzards Bay.

On August 6, 2008, Governor Patrick signed into law Chapter 268 of the Acts of 2008. The intent of this law was to ensure that every barge, single and double hulled, transiting Buzzards Bay had the benefit of an escort tug to prevent oil-laden vessels from becoming distressed and to prevent potential oil spills. In order to give the Department of Environmental Protection (DEP), the agency charged with implementing this law, clear direction on implementation, the Legislature saw fit to file clarifying language in 2009.

This 2009 legislation requires the DEP to dispatch a 'state-provided escort tug' to every double hull barge entering Buzzards Bay. This state-provided escort tug shall never be more than $\frac{1}{4}$ mile away from the double hulled vessel and will be on-site and able to immediately navigate the barge out of trouble if necessary. It also allows double hulled barges to request state pilots to assist in navigating the barge through Buzzards Bay.

The passage of this law will ensure that every oil-laden barge transiting Buzzards Bay will have the virtue of an escort tug to prevent a 2003 oil spill accident from occurring in the future.

