
HOUSE JOINT MEMORIAL 4029

State of Washington 56th Legislature 2000 1 Special Session

By Representatives Cooper, Linville, Constantine, McIntire, Kessler, Barlean, Scott, Keiser, Cody, Stensen, Fisher, Santos, Morris, Fortunato and Rockefeller

Read first time 03/21/2000. Referred to Committee on Agriculture & Ecology.

1 TO THE HONORABLE WILLIAM J. CLINTON, PRESIDENT OF THE UNITED
2 STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE
3 OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF
4 THE UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE SECRETARY OF
5 TRANSPORTATION:

6 We, your Memorialists, the Senate and House of Representatives of
7 the State of Washington, in legislative session assembled, respectfully
8 represent and petition as follows:

9 WHEREAS, Washington State has adopted a comprehensive program of
10 oil spill prevention measures for the protection of its marine waters
11 and coastal areas; and

12 WHEREAS, This program establishes standards for oil tanker vessel
13 spill prevention plans to provide the best achievable protection from
14 damages from oil spills, and standards relating to tanker design,
15 equipment, reporting, and operating requirements, as well as oil spill
16 prevention standards directed to large cargo and passenger vessels; and

17 WHEREAS, This program was authorized in legislation enacted in 1991
18 following the Congressional enactment of the Oil Pollution Act of 1990,
19 33 U.S.C. Secs. 2701 et seq., in which the Act preserved state
20 authority to impose additional requirements or liabilities with respect
21 to the discharge of oil; and

1 WHEREAS, Washington and other coastal states have understood this
2 Congressional preservation of state authorities to allow states to
3 adopt additional spill prevention measures to supplement federal
4 standards administered by the United States Coast Guard, to assure a
5 high level of protection of their state waters from the devastating
6 impacts of oil spills; and

7 WHEREAS, On March 6, 2000, the United States Supreme Court ruled in
8 *United States v. Locke* that the state savings clause in the Oil
9 Pollution Act of 1990 applied to only one portion of that Act, and
10 further struck down four Washington spill prevention standards and
11 directed lower courts to review the remaining eight state standards in
12 light of the court's analysis of federal preemption on this subject;
13 and

14 WHEREAS, The breadth of the Court's ruling places in doubt the
15 validity of many measures adopted by coastal states to address spill
16 risks of oil tankers, barges, and cargo vessels; and

17 WHEREAS, In the absence of further action by Congress and the
18 Department of Transportation the risks of oil spills from tankers will
19 be far greater in the waters of many coastal states that have adopted
20 strong state standards since 1990;

21 NOW, THEREFORE, Your Memorialists respectfully pray that Congress
22 act expeditiously to amend the Oil Pollution Act of 1990 to make clear
23 that states have the authority to adopt additional oil tanker, barge,
24 and cargo vessel operating requirements that are supplemental to and
25 not inconsistent with regulations adopted by the United States Coast
26 Guard; and

27 That the United States Coast Guard act immediately to strengthen
28 its tanker vessel safety standards by adopting measures similar to
29 Washington state's standards that the United States Supreme Court held
30 to be preempted by Congressional intent that these subjects be reserved
31 exclusively to federal jurisdiction, these measures relating to tanker
32 crew training, accident reporting, navigation watch practices, and deck
33 officer English-language proficiency.

34 BE IT RESOLVED, That copies of this Memorial be immediately
35 transmitted to the Honorable William J. Clinton, President of the
36 United States, the Secretary of the United States Department of
37 Transportation, the President of the United States Senate, the Speaker

1 of the House of Representatives, and each member of Congress from the
2 State of Washington.

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