

Congress of the United States
Washington, DC 20510

December 6, 2013

Docket Management Facility in Room
US Department of Transportation
West Building Ground Floor W12-140
1200 New Jersey Avenue SE
Washington, DC 20590

Re: Docket No. USCG – 2011-0322 Regulated Navigational Area; Special Buzzards Bay Vessel Regulation, Buzzards Bay, MA

Please accept the following as our comments on the Advanced Notice of Proposed Rulemaking noticed in the Federal Register on July 8, 2013. We are writing to request that the Coast Guard adopt regulations that require the mandatory use of independent vessel pilots and escort tug boats for all barges carrying 5,000 or more barrels of oil or other hazardous materials through Buzzards Bay.

In response to a the devastating 2003 fuel oil spill in Buzzards Bay, the Commonwealth enacted the Massachusetts Oil Spill Prevention and Response Act, which instituted key rules for vessels transporting oil in the region. This important Massachusetts law has protected the Buzzards Bay and the Coast Guard's new regulations should build upon the law's safeguards, not rollback the level of protection currently provided by the Commonwealth.

Last August, the Coast Guard hosted a workgroup meeting of local stakeholders including tug boat operators, state and federal pilots, environmental groups, and local, state, and federal representatives. The question posed to the group by the Coast Guard was – "under what conditions should the Coast Guard require escort tugs for barges carrying hazardous cargo?" The unanimous response from the workgroup was that escort tugs should be required in all circumstances. We strongly agree with the workgroup's assessment. It makes no sense to only require escort tugs on the basis of weather conditions. Limiting escorts for double hulls to certain weather conditions overlooks the issue that human and mechanical failures also occur in favorable weather conditions. In fact, while it was a single hull barge, the Bouchard 120 ran aground in the middle of the day in very favorable weather conditions. As you know, this incident resulted in nearly 100,000 of fuel oil being released into our waters.

We must do everything we can to prevent another spill. We urge in the strongest possible terms that the Coast Guard promulgate regulations that will continue the Commonwealth's effort to reduce the probability of future oil spill, and mandate the use of independent pilots and escort tugs. We believe these strong and sensible safeguards will help protect Buzzards Bay for future generations.

Sincerely,



Senator Elizabeth Warren



Senator Edward Markey



Congressman Bill Keating