Briefing for PWSRCAC Board of Directors – January 2026

INFORMATION ITEM

Sponsor: Joe Lally and the Legislative Affairs Committee

Project number and name or topic: Vessel of Opportunity (VOO) exemption in the NDAA

1. **Description of agenda item:** Staff will highlight recent efforts that led to passage of language included in the FY2026 National Defense Authorization Act (NDAA) that exempts vessels of opportunity (VOO) from meeting certain inspection requirements while participating in oil spill drills and during actual responses in Alaska.

The participation of local vessels, known nationally as VOOs, in the Alyeska/Ship Escort Response Vessel System (SERVS) contracted program was potentially put at risk when the U.S. Coast Guard raised the application of the Subchapter M, Towing Vessel inspection regulations to uninspected vessels that tow boom, and micro and mini barges, during oil spill drills and actual responses. VOOs are vessels that normally engage in activities other than spill response but are available to train for and respond to spills as needed. If these requirements were put in place, many of the vessels would not have been able to pass inspections that the vessels were not specifically designed for.

2. **Why is this item important to PWSRCAC:** This exemption preserves this important aspect of oil spill prevention and response in Alaska. If a solution to the application of these inspection requirements was not found, it would have completely dismantled the SERVS contracted fishing vessel program for the entire Exxon Valdez oil spill region, greatly diminishing oil spill response capabilities in Alaska.

3. **Previous actions taken by the Board on this item:** No specific action by the Board has been taken. However, preserving the SERVS contracted fishing vessel or VOO program has been a legislative priority for the Council since the issue came to the forefront in 2019. The Board has received numerous updates at their meetings on this topic over the last several years.

4. **Summary of policy, issues, support, or opposition:** The SERVS contracted fishing vessel program was created after fishermen and local residents were called upon to respond to the Exxon Valdez oil spill in order to protect sensitive resources and recover oil. The program has officially been part of the oil spill response system for the past 35 years and is the backbone of oil spill response in Prince William Sound (PWS). It includes approximately 400 contracted fishing and other vessels based in ports around PWS, Seward, lower Cook Inlet, and Kodiak Island. See attached December 1, 2025 letter from PWSRCAC to the U.S. Coast Guard in response to their “Request for Information on Multi-Service Vessels and Vessels of Opportunity” for more background and information on the SERVS contracted fishing vessel program and this issue.

In 2024, the PWSRCAC assisted in creating a workgroup to help promote a solution to this issue. Other workgroup members included Alyeska Pipeline Service Company (Alyeska), Cook Inlet Regional Citizens Advisory Council, Washington State Maritime Cooperative, Alaska Chadux Network, the American Waterways Operators, Cook Inlet Spill Prevention & Response, Inc. (CISPRI), and Southeast Alaska Petroleum Response Organization (SEAPRO). Suzanne Cunningham of Alyeska led the workgroup and deserves recognition for her efforts. PWSRCAC's legislative monitors in Washington, D.C., were instrumental in promoting a legislative solution to this issue. Members of Alaska's Congressional Delegation were champions of preserving oil spill response capabilities in Alaska through this program and sponsored the Alaska exemption that was signed into law on December 18, 2025.

5. **Committee Recommendation:** The Legislative Affairs Committee was the lead committee on this effort. The Oil Spill Prevention and Response Committee was provided regular briefings and assisted with many efforts related to finding a solution to this issue.

6. **Relationship to LRP and Budget:** Costs related to this effort were primarily staff time, but direct costs were included in the Legislative Affairs Committee, Federal Government Affairs, and contingency planning budgets.

7. **Action Requested of the Board of Directors:** None. Item is for information only.

9. **Attachments:** For more background on the SERVS contracted fishing vessel program see PWSRCAC's December 1, 2025 comments to the U.S. Coast Guard in response to their "Request for Information on Multi-Service Vessels and Vessels of Opportunity."

PRINCE WILLIAM SOUND RCAC REGIONAL CITIZENS' ADVISORY COUNCIL

www.pwsrcac.org

Citizens promoting the environmentally safe operation of the Alyeska terminal and associated tankers.

Members:

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City of Homer

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December 1, 2025

Rear Admiral W.R. Arguin
Assistant Commandant for Prevention Policy
United States Coast Guard

SUBJECT: PWSRCAC Comments on Request for Information on Multi-Service Vessels and Vessels of Opportunity (USCG-2025-0248)

Introduction

The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) provides these comments on the October 2, 2025 *Federal Register* notice, "Request for Information on Multi-Service Vessels and Vessels of Opportunity" (RFI).

PWSRCAC is a federally mandated, independent nonprofit corporation whose mission is to promote the environmentally safe operation of the Valdez Marine Terminal (VMT) and associated tankers in our region. Our work is guided by the Oil Pollution Act of 1990 (OPA 90) and our contract with Alyeska Pipeline Service Company (Alyeska). PWSRCAC's 19 member organizations are communities in the region affected by the 1989 Exxon Valdez oil spill in Prince William Sound (PWS), Kodiak, and lower Cook Inlet, as well as commercial fishing, aquaculture, Alaska Native, environmental, tourism, and recreation groups.

The Alyeska/Ship Escort Response Vessel System (SERVS) contracted fishing vessel or vessels of opportunity (VOO) program was created after fishermen and local residents were called upon to respond to the Exxon Valdez oil spill in order to protect sensitive resources and recover oil. The SERVS VOO program has officially been part of the oil spill response system for the past 35 years and is the backbone of oil spill response in PWS. SERVS' oil spill response capabilities are commonly held up as the gold standard across the country. PWSRCAC is concerned that the USCG Work Instruction CVC-WI-032(1) adds unnecessary requirements to VOO that threaten to undermine this well-established and highly effective system.

One important lesson learned from the Exxon Valdez oil spill was the immeasurable value of incorporating local knowledge in spill response efforts. These locals clearly proved their capability to respond in the successful protection of the PWS salmon hatcheries including the Armin Koernig Hatchery in Port San Juan. For decades, VOOs have been a critical component of oil spill response operations and planning across the United States. Their ability to rapidly mobilize and support response efforts enhances preparedness and improves the effectiveness of spill containment and recovery. These vessels are not confined to a single location, and their crews possess extensive knowledge of local environmental conditions, weather patterns, and geographic challenges, making them invaluable assets to an oil spill response. Vessel response plans often rely on VOOs to supplement response efforts, which ensures that VOOs have already undergone appropriate training and vetting, enabling them to contribute effectively to a response operation while remaining in compliance with regulations

governing their regular operations. This also ensures that VOOs can be quickly mobilized to support a response thereby improving response times and overall effectiveness. Having a fleet of pre-vetted and trained VOOs strengthens national preparedness and ensures a more effective, timely response to oil spills while maintaining necessary safety and regulatory standards.

In responding to the RFI, we first provide some background on the SERVS VOO program, which incorporates local vessels that meet the definition of "vessel of opportunity" in the 2023 National Defense Authorization Act (2023 NDAA) into oil spill response plans for the tankers calling at the VMT and for the VMT itself.

Then, we respond to the questions posed in the *Federal Register* request based on our decades of experience with and understanding of the SERVS response vessel program for Prince William Sound. Many of our volunteers participate in this program. PWSRCAC typically observes more than 15 SERVS VOO exercises or trainings per year, and we review the State-mandated oil discharge prevention and contingency plans that rely on the VOO program. Our organization also hosts periodic meetings with representatives from the SERVS VOO fleet to discuss the overall health of the program, the exercises and training activities they participate in, and other topics of mutual interest.

Background on SERVS VOO Program

The SERVS VOO program includes approximately 400 contracted fishing and other vessels based in ports around Prince William Sound, Seward, lower Cook Inlet, and Kodiak Island. Many of the VOO are uninspected. The program has been in place since 1990, thanks to the efforts of the industry, and the willingness of vessel owners and operators to participate. SERVS VOO have effectively supported small spill responses and maintained readiness for a large spill.

The Exxon Valdez spilled an estimated 11 million gallons (257,000 barrels) and spread a distance of 470 miles by day 56, oiling an estimated 1,300 miles of coastline. Another spill of that magnitude would require local vessels to deploy spill response equipment coming to the region from throughout Alaska, the U.S., and the world. Figure 1 shows the communities of the region through which the Exxon Valdez oil spill spread, including the ones where vessels participating in the SERVS VOO program are located.

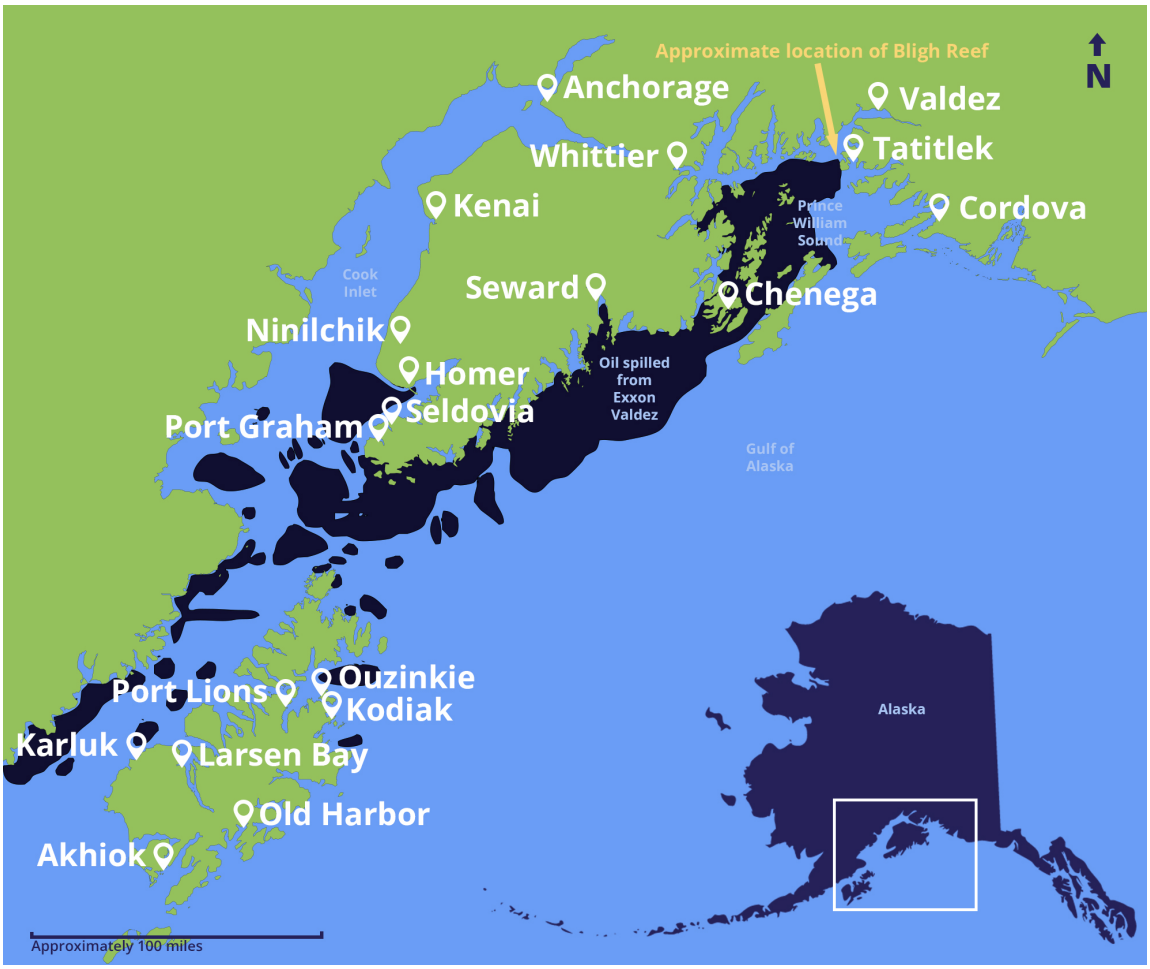

Figure 1. Ultimate trajectory of oil spilled from the Exxon Valdez in March 1989. Vessels involved in the SERVS VOO program are located in Cordova, Valdez, Whittier, Seward, Homer, and Kodiak. Vessels in these ports have been contracted and trained to play critical roles in an oil spill response for the past 35 years.

Federal Statute Requires Training Local Residents, Fishing Vessels in PWS

Federal statute (OPA 90) requires operators shipping oil from the VMT to provide for "training in oil removal techniques for local residents and individuals engaged in the cultivation or production of fish or fish products in Prince William Sound."[1] The SERVS VOO program is the means through which the oil shippers meet this statutory requirement.

Structure of the SERVS VOO program

The SERVS VOO program organizes vessels in three categories, as described in the SERVS' Technical Manual:

- **Tier I:** Vessels that are "in-region, first response vessels located in Valdez, Cordova, and Whittier."[2] These vessels are contracted to respond within 6 hours, except for a subset in the "rapid response" category which would mobilize within an hour of notification. The crews are

[1] 33 CFR 154.1125
[2] SERVS Technical Manual (SV-140), 4th edition, February 2022. Alyeska Pipeline Service Company.

HAZWOPER-trained, fit-tested for respirators, and would likely be tasked with Open Water operations (working around fresh oil). Tier I vessels experience the most exercise activity. These vessels are involved with a minimum of three exercises each year including the annual training.

- **Tier II:** Vessels that are also contracted and may be in the same ports as the Tier I vessels or come from additional locations in Seward, Homer, or Kodiak. These crews undergo annual training and are available to respond within 24 hours of notification.
- **Tier III:** Vessels that are not on contract but there is a process in place to identify, contract, and train them quickly to integrate them into a response.

VOO Program Training

The annual training conducted for Tier I and II vessels consists of classroom training that includes HAZWOPER and personnel safety, hands-on equipment familiarization on land, and an on-water deployment of oil containment and recovery tactics. SERVS' HAZWOPER training is OSHA-approved and tailored specifically to oil spills.

Other training varies but may include:

- Task Force Leaders trained in the Incident Command System and management of the task forces and strike teams in the field.
- Tier I vessel operators trained to use gas meters and conduct site safety characterization since they are most likely to be operating near fresh oil.
- Some Tier I and II vessels are trained in oiled wildlife response so they can assist trustee agencies and other wildlife experts to safely haze and capture oiled wildlife, collect carcasses of dead oiled wildlife, and transport injured wildlife to stabilization facilities.
- Tier I and II vessels trained to deploy pre-staged boom and other response gear at the five hatcheries around PWS.

All Tier I and II vessels undergo a USCG safety exam and also need to meet whatever contractual agreements Alyeska has in place, such as having VHF and CB radios, and sufficient food and fuel on board to sustain response operations for 72 hours on short notice.

Vessels are participating in this program voluntarily but are on contract and compensated for their time. Alyeska/SERVS typically holds around 400 contracts of which approximately 50 are for Tier I vessels. PWSRCAC's experience is that the local fleet is very interested in the program and there are sometimes more vessel operators interested in participating than the number needed.

Ensuring an Adequate Number of Vessels are Available

An Alyeska/SERVS database is updated weekly with the availability of Tier I vessels and monthly for Tier II vessels. This information is tracked by the local Fishing Vessel Administrator in each port who also manages contracts, crew training rosters, vessel details, and contact information. The program manager ensures there are enough Tier I vessels available to be able to provide 46 Tier I vessels within 6 hours after notification (four of these are underway within one hour) and 229 Tier II vessels within 24 hours after notification (40 of which are underway within 18 hours). Alyeska/SERVS provides quarterly Tier I and II fishing vessel availability status reports to the State of Alaska.

Critical Value of the Engaging Local Vessels

While the vessel operators are compensated to participate the program, the critical presence of these vessels throughout our region is sustained by the local economy. The participation of local vessels brings additional benefits:

- Vessels in the SERVS VOO program bring critical local knowledge, including local knowledge of the biology, water, winds, and currents including maneuvering in nearshore areas and transporting people or freight in the same waters where they may respond to a spill.
- Vessel crews are already equipped for the appropriate seasonal conditions because they are already working in them. Many of them are in the commercial fishing industry so are used to long days of work on the water and living on board a vessel for weeks or months.
- Vessel crews are adept at navigating in conditions that surpass those in which viable spill response activities would occur, since winds and waves can impede an effective response long before they would discourage fishing activities or transits.
- Local vessels are already distributed through the region, which is particularly critical in remote areas.
- Experienced crew help mentor and train those new to spill response. The majority of vessel captains and crews in the program have been involved for years. Some responded to the Exxon Valdez oil spill and have been involved since the program's inception. It is truly remarkable to observe these seasoned captains mentoring young crew members and passing along spill response skills they have learned through training and actual spill responses.

The value of incorporating local vessels into a spill response was recognized when the SERVS VOO program was being developed in the aftermath of the Exxon Valdez oil spill. As one example considered at the time, the efficiency of local fishermen and their vessels was illustrated when 100 purse seine vessels captured approximately 15,000 tons (30,000,000 lbs.) of herring in one hour of fishing time in 1992. The volume of this catch is equivalent to about 1/3 of the weight of the EVOS spilled oil, demonstrating the fact that local knowledge and efficient vessels made specifically for the region can be a valuable resource in the recovery of whatever fish is in season. For a fisherman, responding to an oil spill is like converting the vessel for another fishery – a common practice in Alaska. In addition, there are other local vessels and operators licensed and prepared to assist in spill recovery during an emergency.

Vessels in the program comply with whatever inspection or other requirements apply to their normal function. When participating as VOO, the vessel captains retain responsibility for their own safe navigation but also operate under the direction of the incident command that is directly informed by a Safety Officer. Safety is incorporated throughout SERVS VOO program training and protocols, including the use of a buddy system when VOOs are in transit.

VOO Program at Risk

The VOO inspection policy established under the USCG Work Instruction CVC-WI-032(1) imposes unnecessary inspection, construction, or administrative requirements that threaten to dismantle this program, thereby reducing the ability to conduct effective oil spill response in the same region where oil from the Exxon Valdez spill still lingers. The use of trained local citizens, using local vessels and their local knowledge in a coordinated oil spill response effort, is a cost-effective way to ensure a timely response to protect areas at risk before oil reaches them. Compliance with both federal and

state laws put in place after that spill would be substantially undermined and industry would be burdened with significant costs without enhancing safety, or the protection of the environment and local economy if CVC-WI-032(1) is followed.

Response to RFI Questions

1. What are the operational and regulatory challenges for MSVs? Are there improvements you recommend to Coast Guard policy in this area?

N/A. We are commenting on VOO specifically, not multi-service vessels (MSV).

2. What are the current industry practices for MSV operations and inspections, considering geographic and regional challenges? Based on your vessel's specifications and intended activities, which regulations apply to your vessel? Are there challenges in meeting these requirements?

N/A. We are commenting on VOO specifically, not MSV.

3. A VOO is defined by the 2023 NDAA, section 11316, as "a vessel engaged in spill response activities that is normally and substantially involved in activities other than spill response and not a vessel carrying oil as a primary cargo." Does this definition align with your understanding of VOOs and how they operate? If not, what changes would you recommend?

The definition is from statute and already used in regulation, thus it is not ripe for revision through regulation or policy, so the purpose of asking for opinions on it here is unclear.

The USCG should understand that there is wide variability among vessels that will fit this definition. The definition is silent regarding whether the vessels in question are identified, contracted, or trained, and the nature of such contracts or trainings.

While the definition "aligns with our understanding of VOOs and how they operate," whether or not that definition is "appropriate" depends on how it will be applied. The USCG should not add requirements above and beyond those already in place to ensure vessel safety, just because a vessel is on occasion contributing to a spill response effort.

What types of vessels operate as VOOs and what services do they normally perform when not operating as VOOs?

The following types of vessels participate in the SERVS VOO program:

- Crew boats,
- Landing craft and other specialty vessels,
- Bow pickers,
- Tenders,
- Jitneys or seine skiffs,
- Work boats, and
- Large and small seiners/stern pickers.[3]

[3] SERVS Technical Manual (SV-140), 4th edition, February 2022. Alyeska Pipeline Service Company.

When not involved in a spill response, vessels enrolled in the SERVS VOO program normally are engaged in:

- Commercial fishing,
- Cargo transport,
- Passenger transport (e.g., water taxis) or tours,
- Mariculture, or
- Research.

4. As a vessel owner or operator, what obstacles and real-world operational, logistical, and geographic challenges do vessels encounter when conducting VOO operations? Are there improvements you recommend to Coast Guard policy in this area? *(see response in two parts, below)*

As a vessel owner or operator, what obstacles and real-world operational, logistical, and geographic challenges do vessels encounter when conducting VOO operations?

When conducting VOO operations in Southcentral Alaska, vessels may experience such challenges as darkness, cold, high winds and waves, superstructure icing, and low visibility. However, as these operators are local, these are not unfamiliar circumstances to the VOO fleet. Additionally, these crews would be operating with a heighted level of communication and coordination during a spill response than they may be normally.

Of course, VOOs need to be well-matched to their role in the response plan. This is managed by the SERVS program, which has specific tactical functions that are performed by specific types of VOOs. This refers to the contractual and training component, addressed through Tiers I – III, above, but also the actual type of vessel.

While annual trainings and most exercises are scheduled, contracted VOO may need to stop other activities to respond to unannounced exercises or actual spills. As discussed above, these requirements vary by contract Tier. Especially for the Tier I vessels, which have the shortest required response times. For example, it is vital that these crews keep up with snow removal to enable quicker deployment.

Every incident will be unique, but the PWS crude oil tanker contingency plan assumes that vessels will begin to cascade into PWS from nearby ports (Homer, Seward, and Kodiak), within days of the incident. Making the transit into PWS and through the Gulf of Alaska could be tough at any time of the year, but more challenging or impossible in the winter. These are critical navigational decisions with which VOO operators in the region are intimately familiar.

Are there improvements you recommend to Coast Guard policy in this area?

The SERVS VOO program has been operating excellently for 35 years. Should the USCG Work Instruction CVC-WI-032(1) be implemented as written, it would completely dismantle the program for the entire Exxon Valdez oil spill region, greatly diminishing oil spill response capabilities in Alaska. Alaska is remote, with limited resources including oil spill removal organizations available to respond in a timely manner. CVC-WI-032(1) is flawed and should be replaced with clear and practical guidance that allows VOOs to be used for oil spill response, training, or exercises.

In 2004, Congress directed the USCG to add "towing vessels" to the list of vessels required to be inspected.[4] The USCG implemented 46 CFR Subchapter M requirements for towing vessels in 2016. The regulatory definition of "towing vessels" refers to a vessel having any involvement in the act of "pushing, pulling, or hauling alongside." In issuing its regulations, the USCG excluded some towing vessels, including those less than 26 feet (unless moving oil or hazardous material in bulk), a workboat doing intermittent towing on a worksite (the definition of worksite does not include the site of an oil spill), and a vessel that is otherwise inspected and doing occasional towing.[5] Many VOO in the SERVS program are not otherwise inspected, though the towing is indeed very occasional at most. Subchapter M regulations also specifically excepted certain vessels from some requirements: these include vessels engaged in emergency or spill response.[6] Thus, on the one hand Subchapter M includes vessels of any size pushing/pulling/hauling oil in bulk (more on that to come), but it also indicates that a vessel already inspected (e.g., as a commercial fishing vessel) should not be treated as a towing vessel if it does only occasional towing.

Following the development and implementation of the Subchapter M regulations, D17 Marine Safety Information Bulletin (MSIB Number: 01-20) clarified in 2020 that in Alaska, oil spill response vessels (OSRV) and VOO were "exempted" from Subchapter M requirements. Fishing vessels "serving as VOO or pulling nets" were also exempted. At that time, there was no requirement referenced regarding vessels participating as VOO that were *not* pushing, pulling, or hauling anything alongside.

The National Defense Authorization Act of 2023 (2023 NDAA) put the definition of VOO from the vessel response plan regulations into statute and charged the USCG with reviewing policies related to exempting OSRV, VOO, and/or fishing vessels operating as a VOO from Subchapter M requirements. The statute directed the USCG to: "revise or issue any necessary policy to clarify the applicability of subchapter M" to those three categories of vessels. The statute did not require a policy to be issued, but said that if a policy was issued, it must "ensure safe and effective operation of such vessels."

The 2023 NDAA said nothing about vessels outside of an oil spill response context and nothing about establishing requirements for vessels assisting with an oil spill response that are *not* pushing/pulling/hauling alongside (e.g., VOO that are moving people, equipment, supplies, injured wildlife, etc.). The statute leaves it up to the USCG to determine how to ensure safety and effectiveness.

Following enactment of the 2023 NDAA, the USCG issued Work Instruction CVC-WI-032(1). PWSRCAC understands this to be intended as the "necessary policy to clarify the applicability of subchapter M" for OSRV, VOO, and fishing vessels operating as VOO. However, the work instruction also addresses many issues unrelated to oil spill response such as multi-service vessels.

Regarding the vessel categories in the 2023 NDAA, the work instruction states that:

- A fishing vessel operating as VOO is not subject to Subchapter M requirements.

[4] Coast Guard and Maritime Transportation Act of 2004 (Sec 415)
[5] 46 CFR 136.105(a)(1)
[6] 46 CFR 136.110

- An OSRV should not be subject to Subchapter M when engaged in activities where it is towing boom or oil spill response equipment. (Other requirements depend on whether the OSRV carries oil/hazmat, as well as how, or how much they carry.)

When it comes to VOO, CVC-WI-032(1) fails to establish clarity because it conflates a vessel's *capability* with its intended service and connecting the definition to that of an OSRV. It also refers to "adapting" vessels for oil spill response, which is not typical or necessary for VOO in our experience. The Work Instruction states:

> *Vessel of Opportunity (VOO). The National Defense Authorization Act for Fiscal Year 2023, section 11316 introduced a definition of a "vessel of opportunity" as "a vessel engaged in spill response activities that is normally and substantially involved in activities other than spill response and not a vessel carrying oil as a primary cargo." A VOO is not defined in 46 U.S.C. § 2101, nor in inspection regulations within 46 CFR Chapter I. As an OSRV is defined by 46 U.S.C. 2101(27) in part, as a vessel "that is adapted to respond to a discharge of oil or a hazardous material," and a VOO is explicitly capable of responding to a discharge of oil or hazmat. Accordingly the CG has determined that a VOO is a specific type of OSRV that is "adapted to respond to a discharge of oil or hazmat" but is more narrowly defined by the 2023 NDAA as engaging "in spill response activities that is normally and substantially involved in activities other than spill response and not a vessel carrying oil as a primary cargo". Consequently, a VOO is a type of OSRV, but due to the specific definition provided by the 2023 NDAA, an OSRV cannot be a VOO.* (2023 NDAA)

The paragraph above oversteps the statutory language while doing little to enhance clarity. Nothing in the 2023 NDAA statutory language suggested that VOO must be considered within the vessel inspection regulations overall, simply that the USCG should clarify whether VOOs, as defined in the statute, are subject to Subchapter M requirements for towing vessels. CVC-WI-032(1):

- Uses policy to expand an existing category of inspected vessels (OSRV) within regulation by identifying VOO as within the category OSRV. It also does this based on a vessel's capability ("a VOO is explicitly capable of responding to a discharge"). This contradicts the way most categories of inspected vessels are defined based on intended service, not how they may be used occasionally. Technically, one could fish from a cruise ship but that does not make it a fishing vessel.

- Establishes requirements for vessels that fall under the definition of VOO *regardless* of whether they are pushing/pulling/hauling alongside anything at all. There was never any question as to whether these vessels might be subject to Subchapter M, whether or not they are inspected under another subchapter. The 2023 NDAA spoke to clarifying the applicability of Subchapter M exceptions, not to establishing requirements for VOO in general beyond any nexus with Subchapter M (towing). However, the CVC-WI-032(1) established a requirement for VOO to have their status as a VOO indicated on their Certificate of Inspection (if inspected under an existing vessel category) or with a letter issued by the USCG every five years and a note in the vessel's file (if the vessel is not otherwise required to be inspected). Both approaches simply add paperwork and burden on both the USCG and the vessel operators without adding any assurance as to the "safe and effective" operation of these vessels. An irrefutable lesson learned from the Exxon Valdez oil spill, and others that occurred before and after that tragic incident, is that "time" is a critical factor in the success

> or failure of any oil spill response. Delays in getting response resources on scene and operating are a detriment to the response.

Senator Dan Sullivan of Alaska articulated how CVC-WI-032(1) failed to meet the intent of the 2023 statute in a March 2025 letter sent to Admiral Kevin Lunday and shared with PWSRCAC:

> *Section 11316 of Public Law 117-263, the National Defense Authorization Act (NDAA) for Fiscal Year 2023, was enacted to ensure VOOs are exempt from undue and duplicative inspection requirements, ensuring their readiness and preventing delays in deployment during oil spills or other environmentally hazardous incidents. CVC-WI-032(1) undermines the intent of this law.* (Senator Dan Sullivan letter to Admiral Kevin Lunday, March 7, 2025)

The Coast Guard Office of Commercial Vessel Compliance (CG-CVC) through their Work Instruction (CVC-WI-032(1)) as currently written, inserts delays by requiring Officer in Charge Marine Inspection discretion and approval requirements into a system that has operated successfully for more than three decades. Issuing letters to VOOs prior to these vessels being permitted to support an oil response is an unnecessary administrative burden on both the USCG and the VOO operators at best and will result in critical time lost during a response at worst.

PWSRCAC raised another major concern with CVC-WI-032(1) in a meeting with CG-CVC at USCG Headquarters in Washington, D.C., in May 2024: the definition of "oil in bulk." At that meeting, PWSRCAC brought up a few parts of the Work Instruction that were unclear and confusing. Captain Neeland, at that time, requested that we send a letter requesting clarification on those issues. PWSRCAC sent that letter on May 17, 2024, and received a response six months later.

Regarding the "oil in bulk" definition, the Coast Guard provided little to no clarity on this issue that would dismantle the SERVS VOO response system. The Coast Guard's letter stated, "Most regulations do not consider the volume of liquid cargo in their use of the term 'in bulk.' Therefore, as a general matter, vessels regardless of length are ordinarily subject to 46 CFR Subchapter M if they are towing oil or hazardous materials in bulk (of any volume)." Why use the language or definition of "in bulk" when it applies to any volume large or small? The Work Instruction goes on to say, "Therefore, a VOO (and fishing vessel when operating as a VOO) cannot engage in pushing, pulling, or hauling alongside, barges or other containments carrying oil or hazardous cargo in bulk of any volume." This approach takes a very narrow and impractical approach to weaving together terminology from various parts of the regulations. A more practical approach would be to take the precedent in the Vessel Response Plan regulations, which specifically exempt VOOs from needing to plan or prepare for a spill response simply because they are moving oil as secondary cargo (oil in bulk on an uninspected vessel). A spill of already recovered oily-water mixture from a vessel would be unfortunate, but that oil had, by definition, already spilled. Releasing it would be an impediment to the response but would not overall increase the volume of oil spilled to the water.

The mini (249 barrels) and micro (120 barrels) barges that are used to hold recovered oil during a response were intentionally built to a capacity that complies with the regulatory definition of "oil in bulk" established in Subchapter D (tank vessels) and I (cargo vessels). Based on the Coast Guard's letter to clarify the Work Instruction and the definition of "oil in bulk," all of the 400 VOOs that comprise the SERVS fleet would be prohibited from engaging in pushing, pulling, or hauling alongside any micro or mini barge that has a drop of oil in it. Without fixing this definition of "oil in

bulk," the SERVS response system will be decimated, and the "gold standard" and global model for oil spill response and preparedness dismantled.

PWSRCAC strongly urges that CVC-WI-032(1) be rescinded. New USCG policy should be issued to meet the requirements of the 2023 NDAA. That new policy should address only the vessel categories named in the statute and speak only to clarifying the nexus of those vessels to Subchapter in M while responding to oil spills. It should take the practical approach of ensuring that Subchapter M requirements do not apply to OSRV, VOO, or a fishing vessel serving as a VOO or pulling nets. The USCG should not establish other requirements related to VOOs more broadly, whether inspected or uninspected. The USCG policy, as written, risks disrupting decades of successful operation of the SERVS VOO program while not realizing the goal of improving safety or environmental protection.

5. What information should be required to obtain and renew a VOO letter from the Coast Guard? What impediments exist to obtaining a VOO letter from the Coast Guard?

VOO letters should not be required. As discussed above, these add paperwork without enhancing safety or protection of the environment and local economy. PWSRCAC believes this is likely to deter vessel captains from participating in established VOO programs. Furthermore, in places without established VOO programs, the VOO letters would need to be obtained once oil is spreading on the water. This would delay the vital response, especially in a region like ours where the USCG does not have personnel in every port and weather often impedes travel among remote ports. If waivers would readily be granted to mitigate the impact of these obstacles on response, then there is no point to having the letters in the first place.

Additionally, Subchapter M inspection requirements would place significant financial burdens for a vessel owner forced to retrofit a vessel to meet inspection requirements which are not mandatory for their normal vessel functions. In many cases, the vessels would not be able to be retrofit to meet the inspection requirements, forcing these VOO owners to withdraw from the SERVS program.

6. Are there elements of existing VOO programs that could be integrated into Coast Guard policies or programs?

The SERVS VOO program was established and has been operated by local industry to meet state and federal laws using local vessels. The SERVS program is an excellent one, but it is inherently local and not necessarily replicable elsewhere. If the USCG wants to share practices among VOO programs or act in a clearinghouse role among programs nationally (as they do with harbor safety committees), that could be useful for places starting VOO programs to learn from those who have experience. However, the USCG should not direct these programs through policy or programs.

7. Have you encountered VOOs operating for multiple oil spill removal organizations? Are the participation requirements different for each organization? If so, what challenges arise from these differences?

There have been VOOs participating in both the SERVS program and with CISPRI in Cook Inlet. PWSRCAC does not see a problem if vessel operators choose to do that.

8. For oil spill removal organizations that use VOOs as part of the capability packages they provide to a vessel or facility to meet vessel or facility response plan requirements;

a. What kind of services do VOOs provide for the oil spill removal organization? (For example, towing, wildlife response, carrying cargo or supplies, or passenger transportation.)

VOOs in the SERVS program conduct:

- Free oil recovery in open water and nearshore conditions,
- Sensitive area protection (placement and maintenance of boom),
- Shuttling primary storage to offload into secondary storage,
- Surveillance and tracking oil,
- Monitoring non-mechanical response,
- Transport of personnel and supplies such as food, personal protective equipment, fuel, and other equipment,
- Oiled wildlife response hazing, capture and transport of recovered wildlife or carcasses,
- Transport of waste,
- Support of vessel decontamination,
- Command and control of spill response task forces and strike teams.

b. What percentage of these VOOs are used for each kind of service?

PWSRCAC analyzed the VOOs needed in different roles to respond to a 546,000 bbl. spill of oil as described in the state-required contingency plan for crude oil tankers in Prince William Sound. Table 1 shows the number and percentage of vessels needed for each activity by hour 72 (when the Tier I and II vessels described above are all active).

Table 1. VOO required by Hour 73 for a major PWS response

Activity	**Total VOO by Hr 73**	**% Total**
Open-water task forces	26	9%
Nearshore task forces	216	77%
Non-mechanical monitoring	1	<1%
Sensitive area protection	8	3%
Wildlife hazing, capture, and transport	21	8%
Support vessels	5	2%
Decontamination	2	1%
Total VOO Needed by Hour 73	*279*	

9. Considering geographic and regional challenges, what are the implications if VOOs are not available? What advantages or utility do VOOs bring to regional response efforts?

Both the PWS crude oil tankers' and Valdez Marine Terminal's contingency plans rely so heavily on local VOO it is unrealistic to think a significant spill response could be mounted without them.

10. As an owner or operator of a vessel that participates in a VOO program, what additional costs do you incur in order to participate? For example, are there additional inspection costs, and do you need additional equipment to meet the needs of a VOO?

Not applicable to PWSRCAC.

Thank you in advance for your consideration of these comments. Please let me know if you have any questions or need additional information.

Sincerely,

Donna Schantz
Executive Director

Attachments:

a. November 8, 2024 letter from Captain Mark Neeland to PWSRCAC.
b. March 7, 2025 letter from Senator Dan Sullivan to Admiral Lunday.
c. June 17, 2025 letter from Senator Dan Sullivan to Admiral Lunday.

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