



Department of Environmental Protection

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Fact Sheet: Massachusetts Oil Spill Act Requirements Reinstated for Buzzards Bay

This fact sheet has been prepared by the Massachusetts Department of Environmental Protection (MassDEP) to provide guidance on the status of the Massachusetts Oil Spill Prevention Act (MOSPA), M.G.L. c. 21M, ss. 1, 4, 6, 9, and its regulations, 314 CMR 19.00, in light of the U.S. Court of Appeals for the First Circuit's decision to lift the injunction that had prevented MassDEP from implementing and enforcing MOSPA's manning (M.G.L. c. 21M, s. 4) and Tugboat Escort (M.G.L. c. 21M, s. 6) requirements in Buzzards Bay. This fact sheet also provides guidance on how the lifting of the injunction effects MOSPA's voluntary 24-hour advance notice, State-funded Pilot, and State-provided Tugboat Escort programs (M.G.L. c. 21M, s. 9). As of July 12, 2011, MOSPA's manning and Tugboat Escort requirements are back in effect.

Tugboat Escort Requirements (M.G.L. c. 21M, s. 6)

- Single and double hull tank vessels carrying 6,000 or more barrels of oil must hire a Tugboat Escort to enter or transit "areas of special interest" (M.G.L. c. 21M, s. 6(a)).
- "Areas of Special Interest" are defined as the waters of Buzzards Bay (including the Cape Cod Canal), Mount Hope Bay, and Vineyard Sound (M.G.L. c. 21M, s. 1).
- For additional guidance on the Tugboat Escort requirements, please refer to the Fact Sheet entitled "Massachusetts Oil Spill Act Requirements for Tugboat Escorts" at: [Marine Oil Spill Prevention & Response Program](#)

State-provided Tugboat Escorts (M.G.L. c. 21M, s. 9(d), 314 CMR 19.06)

- Double-hulled tank barges carrying 6,000 or more barrels of oil through Buzzards Bay and the Cape Cod Canal are no longer eligible to receive a State-provided Tugboat Escort because, M.G.L. c. 21M, s. 6 mandates that they hire their own Tugboat Escort, so no double hulled tank barge loaded with 6,000 or more barrels of oil will be "unaccompanied by a tugboat escort," as provided in M.G.L. c. 21M, s. 9(d).

Manning Requirements (M.G.L. c. 21M, s 4)

- Watch Requirements for Towing Vessels (M.G.L. c. 21M, s. 4(a)):
- All tow vessels towing or pushing a single-hulled tank barge carrying 6,000 or more barrels through Buzzards Bay and the Cape Cod Canal must have at least 1 licensed deck officer or tow

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vessel operator serving exclusively as a lookout with no other concurrent duties during the transit of Buzzards Bay and the Canal.

- All tow vessels towing or pushing a single-hulled tank barge carrying 6,000 or more barrels through Buzzards Bay and the Cape Cod Canal must have three licensed officers or tow vessel operators onboard during the transit of Buzzards Bay and the Canal.
- Tow vessel operators subject to M.G.L. c. 21M, s. 4 must (1) maintain a list of crew members onboard the towing vessel, and (2) log the name of each navigation watch member in the deck log as the member assumes his or her watch duties.
- Crew Requirements for Barges (M.G.L. c. 21M, s. 4(b)).
- The crew on a single-hulled tank barge shall consist of 2 personnel, 1 of whom shall be a certified tanker-man under 46 CFR subpart 12.20 and shall be onboard the tank barge whenever the tank barge is in Buzzards Bay or the Cape Cod Canal.
- The crew requirement does not apply to single-hulled tank barges that are not equipped to accommodate personnel on board or if the barge is carrying less than 6,000 barrels of oil.

State-funded Pilot (M.G.L. c. 21M, s. 9(b) and 314 CMR 19.05)

- As of July 12, 2011, MassDEP will no longer pay for a State Pilot to accompany a towing vessel towing or pushing a double-hulled tank barge loaded with 6,000 or more barrels of oil through Buzzards Bay and the Cape Cod Canal, even if the tank vessel chooses to provide 24-hour advance notice of the vessel's intent to operate in Buzzards Bay and the Canal because, M.G.L. c. 21M, s. 6 mandates that they hire their own Tugboat Escort, so no double hulled tank barge loaded with 6,000 or more barrels of oil will be "unaccompanied by a tugboat escort," as provided in M.G.L. c. 21M, s. 9(b).

24- Hour Advance Notification (M.G.L. c. 21M, s. 9(a) and 314 CMR 19.04)

- The owner or operator of a tank vessel carrying 6,000 barrels or more of oil as cargo may continue to provide 24-hour advanced notice to MassDEP of its intent to operate the vessel in Buzzards Bay (Western boundary - the Buzzards Bay Tower at 41o 23.8 N, 71o 02.0 W; Eastern boundary - the Cape Cod Canal buoy at 41o 48.9 N; 70o 27.7 W).

This fact sheet is intended only to provide guidance and therefore readers should consult MOSPA and its regulations for a complete list of all aspects of the Program.

For questions concerning this fact sheet or the MassDEP Marine Oil Spill Prevention & Response Program contact Steve Mahoney, Stephen.Mahoney@state.ma.us, 617-292-5516.

To learn more, see: [Marine Oil Spill Prevention & Response Program](https://www.mass.gov/oil-spill-prevention-response-massdep)
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