



## Department of Environmental Protection

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# Fact Sheet: Massachusetts Oil Spill Act Requirements for Tugboat Escorts

This fact sheet has been prepared by the Massachusetts Department of Environmental Protection (MassDEP) to provide guidance on the requirements in the Massachusetts Oil Spill Prevention Act (MOSPA), M.G.L. c. 21M, ss. 1, 6, and its regulations, 314 CMR 19.00, that govern Tugboat Escort services in certain Massachusetts waters, including Buzzards Bay. On July 12, 2011, the U.S. Court of Appeals for the First Circuit lifted an injunction, which had prevented Massachusetts from implementing and enforcing MOSPA's Tugboat Escort requirements for tank vessels operating in Buzzards Bay. As a result, the Massachusetts Tugboat Escort requirements described below are in effect as of July 12, 2011.

### **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)
- A "Tugboat Escort," as defined by M.G.L. c. 21M, s. 1, 314 CMR 19.02, and 314 CMR 19.03, is a Tugboat:
  - with twin screws and a separate system for power to each screw, with an aggregate shaft horsepower equivalent to 4,000 horsepower or greater and a minimum bollard pull of 50 tons; or a tractor tug, having an aggregate horsepower equivalent to 4,000 horsepower or greater and a minimum bollard pull of 50 tons, which is propelled by blades or screws which may be manipulated or rotated to provide propulsive thrust to any part of a 360 degree arc relative to the keel or longitudinal axis of the tug; and
- equipped with firefighting equipment and, at a minimum, meeting the requirements of the following American Bureau of Shipping (ABS) classifications: Fire Fighting Vessel Class 1 and Maltese Cross A1 (Towing Vessel).

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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## **Waiver of Tugboat Escort Requirements (314 CMR 19.03(b))**

- Upon request of a Tank Vessel, MassDEP may authorize a single or double hull tank vessel carrying 6,000 or more barrels of oil to enter or transit an Area of Special Interest without a tugboat that qualifies as a Tugboat Escort or without any tugboat escort at all if it determines that one or more of the following conditions are met:
- there is no Tugboat Escort reasonably available to accompany the Tank Vessel in the relevant Area of Special Interest; or
- the delay in waiting for an available Tugboat Escort has or may reasonably result in a significant disruption of energy services to the public; or
- the existence or threat of a public health, safety or environmental emergency or other unique circumstances warrant MassDEP's exercise of its enforcement discretion.
- To request a waiver authorization, the owner or operator of a Tank Vessel should contact MassDEP's emergency notification number at (888) 304-1133.

## **Tugboat Escort Certification (314 CMR 19.03(1)(c))**

- Within 30 days of July 12, 2011, the owner or operator of any tugboat that is serving as a Tugboat Escort shall certify to MassDEP, on a Form established by MassDEP, that the tugboat meets the requirements in the definition of a Tugboat Escort in 314 CMR 19.02 & 19.03.
- The Certification Form is available at [Marine Oil Spill Prevention & Response Program](#) .

## **Reporting (314 CMR 19.03(5))**

- The owner or operator of a tugboat that is serving as a Tugboat Escort shall submit to MassDEP and the Massachusetts Pilot Commissioner for District III a report on its Tugboat Escort activities on a form established by MassDEP.
- Reporting shall occur on a quarterly basis following the July 12, 2011 effective date of this provision
- The Quarterly Reporting Form is under development and will be available at [Marine Oil Spill Prevention & Response Program](#).
- Completed forms should be sent to:  
Massachusetts Department of Environmental Protection  
Marine Oil Spill Prevention & Response Program  
1 Winter Street  
Boston, MA 02108  
Attn: Steve Mahoney

## **State-provided Tugboat Escorts (M.G.L. c. 21M, s. 9(2), 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)."

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 Tugboat Escort program.

For questions concerning this fact sheet or the MassDEP Marine Oil Spill Prevention & Response Program contact Julie Hutcheson ([Julie.Hutcheson@state.ma.us](mailto:Julie.Hutcheson@state.ma.us), 617-556-1191). Additional information is available at [Marine Oil Spill Prevention & Response Program](#).