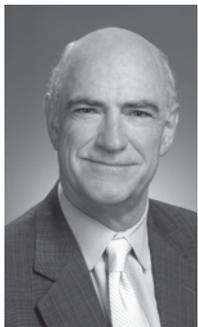


“GIUE” SOUNDS FUNNY, BUT IT’S SERIOUS



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WHAT IS A GIUE?

GIUE, pronounced “gooey,” stands for Government-Initiated Unannounced Exercises. The US Coast Guard’s Vessel Response Plan (VRP) regulations, issued under the Oil Pollution Act of 1990, require periodic unannounced drills for tank vessel plan holders. Congress is extending these requirements to non-tank vessels under the Coast Guard and Maritime Transportation Act of 2004. In recent months, the Coast Guard has announced the need to “re-energise” and “re-emphasise” the GIUE programme, and Qualified Individuals (QIs) report increased numbers of GIUEs.

Captains of the port will select a particular plan holder and vessel VRP for a GIUE to the level of “average most probable discharge”. The GIUE will test the plan holder, the QI and the Oil Spill Response Organizations (OSROs) listed in the VRP in real-time, with real equipment deployment. Up to four GIUEs can be conducted annually in each “area” for which Area Contingency Plans exist under the National Contingency Plan. The plan holder is required to pay for the cost of the GIUE and is exempt from participating in another GIUE for three years.

WHERE DID GIUES COME FROM?

Vessels subject to the VRP requirements must have approved response plans that demonstrate the plan holder’s (owner or operator) capability to activate the response through the designated QI. The QI must have the authority to engage OSRO services, to obligate funds on behalf of the plan holder and to act as the liaison to the federal On-Scene Coordinator. The VRP requires the plan holder to have contracts in place with OSROs that are based in a geographic area covered by the plan and that provide response resources that meet the planning requirements for different volumes of spills – Average Most Probable Discharge, Maximum Most Probable Discharge and Worst Case Discharge. The regulations (33 CFR 155.1060) require plan holders to hold several different types of exercises on a regular basis, including table-top drills, annual equipment deployment exercises and unannounced, self-initiated drills. The GIUE requirements are in addition to the unannounced drills conducted by plan holders (33 CFR 155.1060(c)).

Many plan holders satisfy their pollution response exercise requirements by participating in the so-called PREP programme (National Preparedness for Response Exercise Program). PREP is a voluntary programme, and following PREP guidelines satisfies the regulatory exercise requirements. The PREP Guidelines (issued most recently in August 2002) include a description of the GIUEs. A GIUE is not deemed complete until the initiating authority determines that the plan holder has successfully demonstrated compliance with the VRP. If response personnel, for example, are found to be inadequately trained or if equipment is found inoperative, corrective action may be required, and the plan holder may be subjected to additional exercises. Unsuccessful exercises may lead to “appropriate enforcement actions (including, but not limited to, civil penalties)”.

WHAT SHOULD PLAN HOLDERS DO?

Check to make sure that their QIs and OSROs are aware of this increased emphasis on GIUEs and are prepared to successfully complete a surprise exercise.