



SEMAPHORE

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First Violation Alleged Under Jones Act Enforcer Programme

New Orleans (Louisiana)-based Offshore Marine Service Association (OMSA) has filed its first allegation of a vessel violation under its newly-launched Jones Act Enforcer programme.

The 17-page [report](#), which has also been publicly released, was filed with both the United States Coast Guard (USCG) and United States Customs and Border Protection (CBP) on August 23.

It comes a month after OMSA, which represents over 140 member companies in the United States marine service sector, launched the 47-metre Jones Act Enforcer to gather video and photographic evidence of alleged Jones Act violations.

Allegation Against Epic Hedron

OMSA has alleged violations of the Jones Act as well as United States safety and pollution regulations by the Vanuatu-flagged and China-built Epic Hedron – a 146-metre derrick barge equipped with a heavy-lift crane.

The organisation looked into matters after receiving a tip off from an industry source that the vessel was transporting cargo between points off the coast of Louisiana, advises OMSA president and chief executive Aaron Smith.

“As I’ve said before, the Jones Act is a simple law,” says Mr Smith.

“Vessels transporting cargo between United States points must be built in the United States.

“It is also an important law because it protects United States workers from unfair competition from foreign workers willing to accept wages far below what any United States citizen could or should accept.

“In this report, we’ve detailed how a company – by their own admission – used a Chinese-built vessel to transport cargo. That’s illegal. Not to mention the vessel they are using has a record of failing Coast Guard inspections.”

The OMSA report states that the Epic Hedron used its crane to pick up pieces of oil platform (jackets) weighing thousands of tonnes and, while the jackets were suspended in the air, carried the cargo “for miles” across the Gulf of Mexico. It states that such transportation is known to have higher safety risks than placing the pieces of platform on deck.

Checked Past

The document additionally outlines the vessel’s history, through multiple owners, of safety and pollution prevention infractions. Citing official USCG reports, OMSA states that authorities “seemed to let these violations go unpunished, provided the vessel operator agreed to fix the problem”.

Official “write ups” were recorded for:

- illegal modifications to equipment on the vessel which could allow the pumping of oily water into the ocean – known in the industry as a “magic pipe”
- failure to record levels of fuel, oils or other similar substances as required by regulations – such failure speculated as potentially being used to hide other violations
- dumping of garbage, particularly food wastes, into the ocean untreated – such acts noted to both be violations of international regulations as well as potentially contaminating waters
- failure to report discharges of ballast water as required by law – with potential consequence of introducing invasive species to waterbodies

“The Epic Hedron has racked up a shocking number of violations, and in each case, it seems they were told ‘just don’t do it again’,” continues Mr Smith.

“If that were a United States-flagged vessel, the USCG would have prevented it from leaving the dock and the crew might even face criminal penalties. Foreign-flagged vessels should play by the same rules.”

Furthermore, OMSA’s report states that the Epic Hedron has continuously failed to utilise its Automatic Identification System (AIS) in violation of international safety regulations. However, also observing that USCG regulations permit vessels such as the Epic Hedron to turn the system off, OMSA has called on the USCG to change those regulations.

“I think more people, not less, need to know what the Epic Hedron is up to. It, and all other Chinese-built vessels, should be publicly broadcasting their activities. The question is why aren’t they?”

Jones Act Enforcer

OMSA launched the Jones Act Enforcer in frustration that the Jones Act – which requires seaborne cargo shipped between two points in the country to be carried by United States-built, crewed and owned vessels – is not being upheld in the manner intended.

“The Act is not being implemented in a manner that is correct under the law and as a result, American security is being threatened and American workers are losing jobs to foreign vessels,” adds Mr Smith.



“It’s time that someone takes a stand and that’s exactly what we’re doing.

“Now, we’re going to shine a bright spotlight on their actions and show everyone just how many foreign mariners are taking money out of United States mariners’ pockets. If foreign vessel owners or the companies that hire these vessels don’t like this scrutiny, I suggest they hire United States-owned, United States-crewed and United States-built vessels.”

Soon after the vessel’s launch, the crew of the Jones Act Enforcer met with the head of the CBP’s Jones Act Division of Enforcement (JADE) to ascertain what information that organisation wants to see documented in allegations of Jones Act violations.

OMSA describes this development as a “huge step in our fight against Jones Act violators”, with communication and information sharing between OMSA and JADE expected to consequently “dramatically improve”.

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