

**Buzzards Bay Oil Commission - Meeting Minutes**  
**February 5<sup>th</sup>, 2004 11am-12pm State House Room 511**

Present: Rep. John Quinn (Acting Chair), Rep. Susan Gifford, Rep. Mark Howland, Rep. Robert Koczera, Rep. Thomas O'Brien, Rep. Matthew Patrick, Rep. Eric Turkington, Rep. Steven Walsh, Sen. Mark Montigny, Sen. Robert O'Leary, Sen. Bruce Tarr, Matt Brock, Paul Molloy, Tim Duncan, Dale Young, Ben Bryant, Katie Buck, Patrick Cahill, Steve Carvalho, Beth Devonshire, Courtney Feeley, Sarah Heard, Mike Horton, Stephen Lehmann, Rafael Leonor, Joshua Mant, Korrin Nygren, Mark Rasmussen, Susan Reid, Jason Whittel

Purpose: First meeting of special commission to study the ecological and environmental impacts of the oil spill in Buzzards Bay, and to investigate changes to laws and regulations to increase the safety of commercial barges traveling in state waters.

1. Senate appointees will decide on the Senate chair of the commission and inform House chair Representative Greene.
2. Rep. Turkington gave a brief overview of H.4104, which requires pilots on certain vessels to increase safety. The bill is currently before the House Committee on Third Reading and is expected to move forward.
3. Legislators discussed creating disincentives for single hulled barges, increasing fines, creating a dedicated fund for spill-related activity, harnessing public safety grants, involving environmental groups, and standing up to strong opposition.
4. The Coalition for Buzzards Bay gave an overview of their research on other states with laws regulating barge safety, specifically California, New York, Rhode Island and Washington. Options to consider include requiring vessel tracking systems (VTS), a per barrel tax on imports, incentives for double hull use, more equipment and training to municipalities, and a tightening of laws requiring drug and alcohol testing. The Coalition will compile and distribute their research to commission members
5. The Attorney General's office discussed the Environmental Endangerment Act passed in last year's budget, which permits a judge to order an independent auditor to determine the harm done and prescribe preventative actions. Current criminal statutes lack meat due to low fines and prison time and the need to prove criminal intent. The AG's office will draft language for legislation to increase criminal penalties, tie them to recklessness and endangerment, and tie them to the damage done.

On the civil side, the AG and EOEA are negotiating with Bouchard for a formal commitment to pay damages under the natural resources damage process; a cooperative outcome is expected. The NRD process is lengthy, and the commission's actions should take care to ensure consistency.

6. The commission decided to hold three public hearings in order to keep the spotlight on the issue and to aim for releasing a report in April, to highlight the spill's one year mark. Commission members will explore the option of invited guests to speak at the hearings before opening them up to public comment. The hearings were scheduled as follows:
  - a. Tuesday March 2<sup>nd</sup> - Whaling Museum, New Bedford
  - b. Thursday March 4<sup>th</sup> - Mass. Maritime Academy, Bourne
  - c. Monday March 8<sup>th</sup> - North Shore site TBA by Sen. Tarr
7. Any questions or concerns shall be directed to Rep. Greene and the Committee on Natural Resources & Agriculture, which shall serve as a resource for the commission. Committee researchers may be contacted at (617) 722-2210.