Government Public Services Damage Claim

Claims for increased government public services originate from the net costs of providing increased or additional public services during or after removal activities, including protection from fire, safety, or health hazards caused by the discharge of oil.

General Claim Requirements

A claim for increased government public services can only be presented by a State, or a political subdivision of a State, who incurred the costs. When preparing the claim for submission to the [Oil Spill Liability Trust Fund](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) (OSLTF or Fund), the claimant bears the burden of providing all evidence, information, and documentation deemed relevant and necessary by the Director of the CG National Pollution Funds Center (NPFC), to support and properly process the claim. At a minimum, the claimant will be required to:

* Prove that the damage costs associated with the claim meet the criteria for a claim as established within the [Oil Pollution Act of 1990](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) (OPA) as detailed below:  
  + The substance associated with the response was [oil](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/);
  + That there was a [discharge](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) of oil or [substantial threat of discharge](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) of oil;
  + The discharge or substantial threat of oil discharge impacted a [navigable waterway of the United States](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/); and
  + The discharge or substantial threat of discharge of oil originated from a [vessel](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) or [facility](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/).
* Prove the nature of the specific public services provided and the need for those services.
* Prove the public services occurred during or after the removal activities.
* Prove the public services were provided as a result of the discharge of oil and would not have otherwise been provided.
* Prove the net costs of the public service and provide the methods used to compute those costs.
* Prove that you first presented your loss of government revenue damage costs to the [responsible party (RP)](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary), unless:  
  + The NPFC has advertised for claims specific to the incident that is the subject of your claim;
  + You are a U.S. claimant in a case where a [foreign offshore unit](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary) has discharged oil; or
  + A responsible party was never identified for the incident that is the subject of your claim and the incident was determined to be a [mystery spill](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) by the [Federal On-Scene Coordinator](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) (FOSC).
* Submit your signed claim in writing with a [sum certain](https://www.uscg.mil/Mariners/National-Pollution-Funds-Center/Glossary/) (total claimed costs) for compensation resulting from the incident.
* Submit the claim within three years after the date on which the injury and its connection with the discharge in question were reasonably discoverable with the exercise of due care.

Compensation Allowed

The amount of compensation allowable is the net cost of the increased or additional service provided by the State or political subdivision of a State.

Example of Increased Government Public Services Damage Claim  
  
You were forced to close your public beach due to an oil spill to allow for oil spill response activities. Your city called in extra police officers who weren’t scheduled to work on the date(s) they were called in to provide emergency traffic control in and around the location of the oil spill incident. In preparation for submitting your claim to the NPFC, you were able to obtain information that substantiated the nature of the public services provided and the need for those increased public services. Additionally, you were able to obtain information that confirmed your increased public services occurred during or after the removal activities and were provided as a result of the discharge of oil and would not have otherwise been provided. Lastly, you documented the net costs of your increased public services as well as the methods used to compute those increased net costs. By providing this information along with other required information (e.g., General Claim requirements and other Supporting Documentation), you may have a government public services damage claim for the increased public services provided during the oil spill incident.

Examples of Supporting Documentation

You must provide evidence that supports your claim, and you can use whatever documentation you believe best supports your claim. Listed below are examples of documentation typically submitted in support of increased government public service damage claims:

* Photographs or videos of the incident and the response actions.
* Reports from local, State, or Federal agencies overseeing the incident.
* Analysis of the oil that is the subject of the incident on which you based your claim submission.
* Timesheets for the increased public service personnel, that document work times before, during, and after the incident.
* Payroll records for the increased public service personnel, that document payroll before, during, and after the incident.
* Personnel schedules that demonstrate the normal schedules for the increased public service personnel.
* Affidavits or witness statements attesting to the incident and your response to the incident.
* Any additional documentation that you feel supports your claim.

How to Submit Your Claim

1. Develop a claim submission that meets the general requirements for a claim found in 33 CFR 136.105 or complete the [Optional OSLTF Claims Form](https://www.uscg.mil/Portals/0/NPFC/docs/PDFs/OSLTF_Claim_Form_Rev_Aug19.pdf?ver=2017-08-15-124737-893)that describes your claim.
2. Attach supporting documentation, such as those listed above.
3. Submit your damage claim submission electronically to the NPFC Claims Division at [hqs-smb-npfc-claimsinfo@uscg.mil](mailto:hqs-smb-npfc-claimsinfo@uscg.mil). Please note, the NPFC’s email server will only accept email attachments up to 8MB in size and any attachments larger than 8MB will be rejected by the NPFC’s mail server. As such, the NPFC recommends claimants request a drop-off for any supporting claim documents in excess of 8MB within their claim submission email to the NPFC. Upon receipt of your electronic claim submission and email request to drop-off additional documents, the NPFC will send you a link to the DoD SAFE server that will allow you to upload your additional documents using the NPFC’s Claims Division email account [hqs-smb-npfc-claimsinfo@uscg.mil](mailto:hqs-smb-npfc-claimsinfo@uscg.mil) as the recipient of your documents.

In the alternative, you can mail your claim submission with supporting documentation via US Postal Service or other mail service carriers to the following address:

CG National Pollution Funds Center: Claims

US Coast Guard Stop 7605

2703 Martin Luther King Jr Ave. SE

Washington DC 20593-7605

Note – all mail intended for the NPFC is screened before delivery to our office. In the past, the irradiation methods employed during screening have destroyed CDs and thumb-drives mailed to the NPFC in support of claim submissions. As such, the NPFC Claims Division may ask you to provide your information electronically via the DoD SAFE site if the CDs/thumb drives provided in support of your claim submission are damaged during the screening process.

Questions

The NPFC maintains a toll-free number that’s monitored Monday – Friday from 7:00 a.m. to 4 p.m. EST. The toll-free number is 1-800-280-7118. You can also email the NPFC Claims Division at [hqs-smb-npfc-claimsinfo@uscg.mil](mailto:hqs-smb-npfc-claimsinfo@uscg.mil). Calls or emails placed to the NPFC Claims Division after normal working hours, or on Holidays/weekends, will be responded to on the next business day.  
  
Disclaimer

The summary information contained within this document is intended to assist claimants in the preparation of their claim and not as the sole source of information regarding the OPA or claims regulations. Instead, claimants should review and then rely upon the OPA located at <https://uscode.house.gov/view.xhtml?path=/prelim@title33/chapter40&edition=prelim> and implementing regulations located at <https://www.ecfr.gov/current/title-33/chapter-I/subchapter-M/part-136> for information definitive to their claim and claim submission.