



# Oil Pollution Act Liability Limits in 2012

2012 Report to Congress  
*October 18, 2012*



Homeland  
Security

# Foreword

OCT 18 2012

I am pleased to present the following report, "Oil Pollution Act Liability Limits in 2012," which has been prepared by the United States Coast Guard.

This report is the sixth annual update to the report submitted on January 5, 2007, pursuant to section 603(c) of the *Coast Guard and Maritime Transportation Act of 2006* (P.L. 109-241).

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable John D. Rockefeller IV  
Chairman, Senate Commerce, Science, and Transportation Committee

The Honorable Kay Bailey Hutchison  
Ranking Member, Senate Commerce, Science, and Transportation Committee

The Honorable John L. Mica  
Chairman, House Transportation and Infrastructure Committee

The Honorable Nick J. Rahall II  
Ranking Member, House Transportation and Infrastructure Committee

I am happy to answer any further questions you may have, or your staff may contact my Senate Liaison Office at (202) 224-2913 or House Liaison Office at (202) 225-4775.



Sincerely,

A handwritten signature in blue ink, appearing to read "R. J. Papp, Jr.", written over a large, stylized blue circular mark.

R. J. PAPP, JR.  
Admiral, U. S. Coast Guard  
Commandant

# Executive Summary

This is the sixth annual update to the report submitted on January 5, 2007, pursuant to section 603(c) of the *Coast Guard and Maritime Transportation Act of 2006* (P.L. 109-241).<sup>1</sup>

This report includes:

- Analysis of the extent to which oil discharges from vessels and non-vessel sources have resulted or are likely to result in removal costs and damages, as defined in the Oil Pollution Act of 1990 (OPA), for which no defense to liability exists and that exceed the liability limits established in OPA as amended by section 603 of the *Coast Guard and Maritime Transportation Act of 2006*.
- Analysis of the impacts that claims against the Oil Spill Liability Trust Fund (hereafter referred to as “the Fund”) for amounts exceeding such liability limits will have on the Fund.
- Recommendations, based on the above analyses and other factors impacting the Fund, on whether the liability limits need to be adjusted in order to prevent the principal of the Fund from declining to levels that are likely to be insufficient to cover expected claims.

Since the enactment of OPA, in the case of non-vessel sources (hereafter facilities), only the discharge in connection with the explosion and fire involving the *DEEPWATER HORIZON* and Macondo Well has resulted in damages that exceed the OPA statutory \$75 million limit of liability for damages for offshore facilities. The projected damages for this unprecedented and catastrophic spill are in the billions of dollars with BP, one of the responsible parties (RPs), having established a \$20 billion trust to pay claims, with the \$20 billion establishing neither a ceiling nor a floor on liability. OPA does not limit liability for removal costs in connection with offshore facilities.

Typically, onshore facility discharges have not resulted in removal costs and damages exceeding the \$350 million limit of liability for such facilities. However, the owners of the Enbridge Pipeline have reported estimated total costs of \$765 million as a result of the discharge failure of the Enbridge Pipeline in Michigan in 2010. As the Coast Guard has been unable to verify the costs reported by the owner with any degree of confidence, this report does not further address onshore facility-source spills or the OPA onshore facility limit of liability.

In respect to vessels, excluding the mobile offshore drilling unit *DEEPWATER HORIZON*, 59 oil discharges or substantial threats of discharge (hereafter referred to as “discharge” or “incident”) have taken place since the enactment of OPA that have reportedly resulted, or are likely to result, in removal costs and damages that exceed the liability limits, as amended in 2009.

The estimated removal costs and damages from these 59 vessel incidents total approximately \$1.8 billion in 2012 dollars. Of these costs, approximately \$1.2 billion, or an annual average of \$55.3 million, would be in excess of liability limits as amended by regulation.

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<sup>1</sup> Section 603(c)(3) of the *Coast Guard and Maritime Transportation Act of 2006* (P.L. 109-241) requires the Secretary to provide an update of this report to the Committees on an annual basis. References to data for the year 2012 found throughout this report are partial year data ending on May 1, 2012.

The number of incidents varies from year-to-year. However, the historical data clearly demonstrates the financial impact vessel discharges, with costs that exceed liability limits, had on the Fund and show that the impact has grown in recent years. Therefore, the overall trend continues to be toward an increasing average annual potential Fund liability for vessel discharges despite the amended limits.

Regardless of OPA liability limits for RPs, a substantial portion of Fund expenses, including appropriations from the Fund to agencies, and removal costs and damages from oil discharges where liable parties cannot be identified or are unable to pay, will continue to be expended from the Fund.

Payments from the Fund resulting from costs for vessel incidents exceeding liability limit levels generally have a lesser impact on the Fund principal than the total Fund payments for appropriations, damages, removal costs, and third-party claims. However, the available data continue to suggest that existing liability limits for certain vessel types, notably tank barges and cargo vessels with substantial fuel oil, may not sufficiently account for the historic costs incurred as a result of oil discharges from these vessel types. Targeted increases in liability limits for these vessel types may better support OPA's "polluter pays" public policy purposes. Data presented in this report indicate that increasing liability limits for certain vessels, particularly non-tank vessels greater than 300 gross tons, single hull tank ships and tank barges, would result in a more balanced cost share between RPs and the Fund, positively impact the balance of the Fund, and reduce the Fund's overall risk position.

Available vessel data include only a limited number of discharge incidents available for analysis and many of the removal costs and damage amounts are only best estimates. The data have been updated to reflect new incidents. In addition, estimates for previously reported incidents have been revised as removal costs and damage amounts are updated. Some historical incidents not previously reported have been added to the data based on updated information. The overall results of the data remain consistent after considering inflationary factors.

With ongoing tax revenue, including the taxes enacted in the *Energy Improvement and Extension Act of 2008* (P.L. 110-343), the National Pollution Funds Center (NPFC), which administers the Fund, anticipates the Fund will be able to cover its projected non-catastrophic liabilities, including claims, without further increases to vessel liability limits. However, increases to liability limits for certain vessel types would result in a more equitable division of risk between the Fund and RPs and have a positive impact on the balance of the Fund.

The NPFC cannot definitively determine at this time what impact the *DEEPWATER HORIZON* catastrophe will have on the Fund.



# Oil Pollution Act Liability Limits in 2012

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# I. Legislative Language

This report responds to the language set forth in section 603(c) of the *Coast Guard and Maritime Transportation Act of 2006*, (P.L. 109-241), which states:

## **SEC. 603. LIMITS ON LIABILITY.**

### **(c) REPORT.—**

(1) Initial Report. – Not later than 45 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report on liability limits described in paragraph (2) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) Contents. – The report shall include, at a minimum, the following:

(A) An analysis of the extent to which oil discharges from vessels and nonvessel sources have or are likely to result in removal costs and damages (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) for which no defense to liability exists under section 1003 of such Act and that exceed the liability limits established in section 1004 of such Act, as amended by this section.

(B) An analysis of the impacts that claims against the Oil Spill Liability Trust Fund for amounts exceeding such liability limits will have on the Fund.

(C) Based on analyses under this paragraph and taking into account other factors impacting the Fund, recommendations on whether the liability limits need to be adjusted in order to prevent the principal of the Fund from declining to levels that are likely to be insufficient to cover expected claims.

(3) Annual Updates. - The Secretary shall provide an update of the report to the Committees referred to in paragraph (1) on an annual basis.



## II. Background

The Oil Pollution Act of 1990 (OPA) was enacted in the wake of the T/V *EXXON VALDEZ* oil spill to promote the prevention of oil spills into or upon navigable waters, the adjoining shorelines, and the exclusive economic zone, to promote the restoration of damaged natural resources, and for other purposes. It provided for a more robust Federal response to spills, increased the liability of polluters (*i.e.*, responsible parties, or RPs) for such spills, and provided for compensation for those that incur removal costs and damages as a result of these spills. The National Pollution Funds Center (NPFC) was commissioned to implement certain provisions of OPA, administer the Fund, ensure funding for Federal response, and recover costs from RPs.

OPA provides that RPs are strictly liable for removal costs and damages resulting from a discharge up to certain statutory liability limits. In general, RPs are liable without limit only if the incident results from gross negligence or willful misconduct or a violation of operation, safety, or construction regulations; or if the RP fails to report the incident or to cooperate with respect to removal activities. (OPA § 1004 (33 U.S.C. § 2704)).

The Fund plays a critical role in the OPA regime.<sup>2</sup> It pays Federal costs for oil removal when a discharge occurs and reimburses third-party claims for uncompensated removal costs and damages when a RP does not pay or is not identified. The types of damages compensable under OPA include damages to natural resources, loss of subsistence use of natural resources, damages to real or personal property, loss of profits or earning capacity, loss of government revenues, and increased cost of public services. In addition, the Fund is an important source of annual appropriations to various Federal agencies responsible for administering and enforcing a wide range of oil pollution prevention and response programs addressed in OPA (OPA § 1012 (33 U.S.C. § 2712)).

As provided by OPA, the Fund is available to pay claims for removal costs and damages resulting from an oil discharge that exceed the RP's liability limits. This includes payment of claims from RPs who pay or incur removal costs or damages in excess of their liability limits and can establish their entitlement to the limits under the circumstances of the discharge (OPA § 1008 (33 U.S.C. § 2708)).

Claims to the Fund are payable only from the Fund and payments are limited by the available balance. For any single discharge incident, the Fund is authorized to pay no more than \$1.0 billion, of which no more than \$500 million may be paid for natural resource damages (OPA § 9001(c) (26 U.S.C. § 9509)). The Administration has determined the current "incident" limitation (\$1 billion) on Fund payments and liability limitations for RPs are inadequate to address effectively the response and removal effort related to some oil spills. These limitations were set in 1990 and have not been adjusted to reflect the dramatic growth in deepwater exploration and production, among other things. The Administration has proposed, for any single incident, raising (1) the statutory expenditure limitation by the Fund from \$1 billion to \$1.5 billion and (2) the cap on natural resource damage assessment and claims from \$500 million to \$750 million.

Pursuant to Section 603 of the *Coast Guard and Maritime Transportation Act of 2006* (P.L. 109-241), liability limits for vessel discharges were substantially increased. In that same section, Congress requested this analysis and report.

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<sup>2</sup> A more comprehensive history of the Fund detailing its revenues and expenses can be found in the Coast Guard's May 12, 2005, "Report on Implementation of the Oil Pollution Act of 1990."



### III. Analysis of Discharges

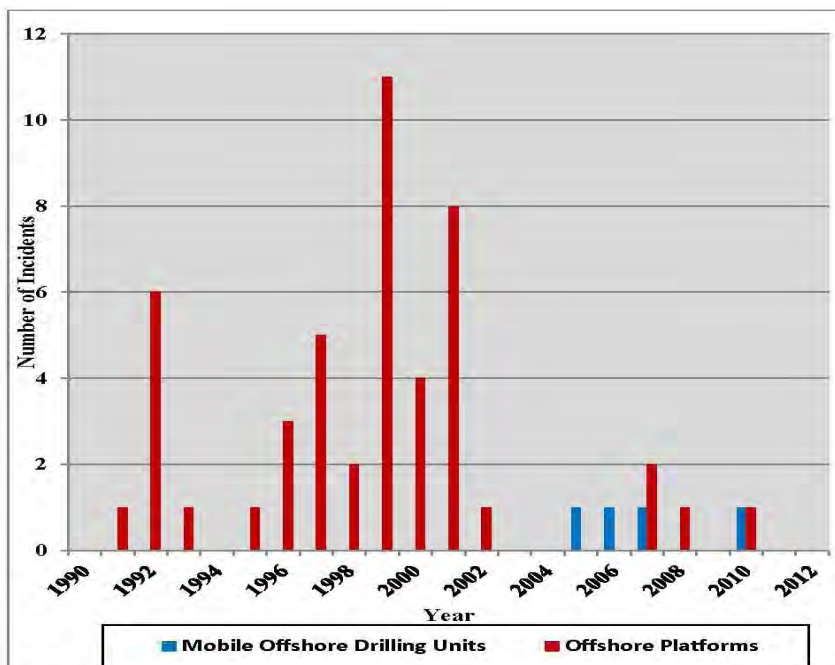
*This section provides an analysis of the extent to which oil discharges from non-vessel and vessel sources have resulted, or are likely to result in removal costs and damages, as defined in OPA, that exceed liability limits established in OPA, as amended by the Coast Guard and Maritime Transportation Act of 2006 (P.L. 109-241).*

#### A. Non-vessel Sources

The incident involving the *DEEPWATER HORIZON* and Macondo Well is the only incident that has resulted in costs and/or damages exceeding the statutory liability limit for a facility.<sup>3</sup> RPs for an offshore facility are liable for all removal costs plus \$75 million for damages. The full extent of the damages from the *DEEPWATER HORIZON* incident cannot be predicted with any degree of certainty. On May 12, 2010, the Administration proposed raising the limitation on liability for all RPs, including RPs for offshore facilities. As the background data for all offshore incidents show, *DEEPWATER HORIZON* constitutes a single data point for determining what amended liability for damages is needed. There have been no other offshore facility incidents that approach the “all removal costs plus \$75 million” limit under existing law.

With respect to offshore facility incidents (other than the incident involving the *DEEPWATER HORIZON*), best available data indicate there have been 51 incidents since the enactment of OPA that have resulted in removal costs and damages (4 Mobile Offshore Drilling Units and 47 Offshore Platforms). Figure 1 shows the frequency of these incidents by year and facility type.

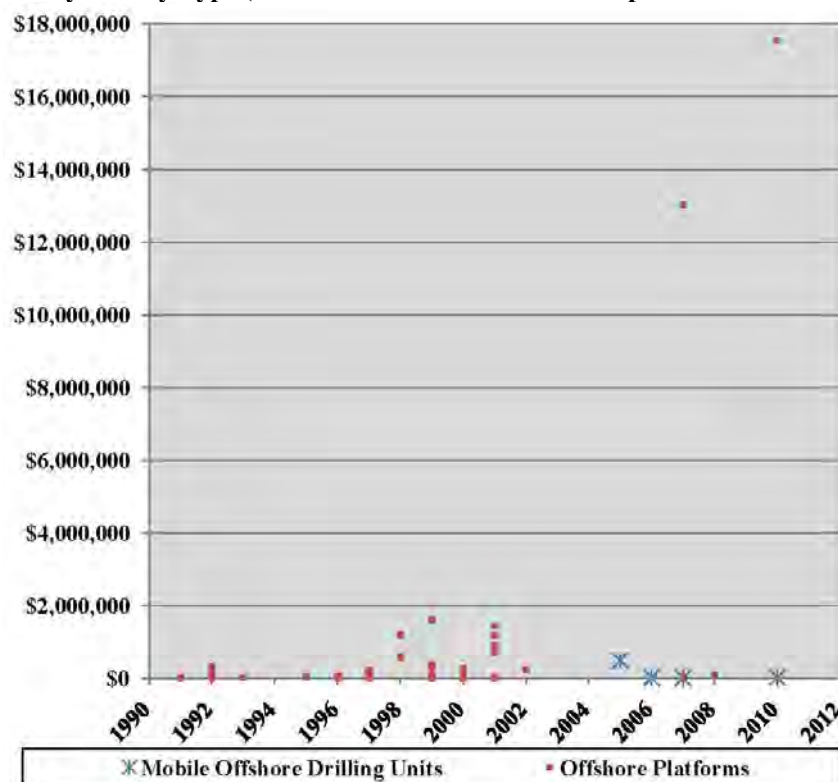
**Figure 1: Number of Offshore Facility Incidents by Year and Facility Type (Excludes 2010 Deepwater Horizon Oil Spill)**



<sup>3</sup> As discussed above, the 2010 Enbridge Pipeline spill in Michigan may be the first onshore facility discharge resulting in removal costs and damages that exceed the liability limit. But reliable supporting estimates of OPA removal costs and damages are not available from the RP **Error! Main Document Only.** and a natural resource damage assessment has not been completed. Accordingly, this report does not further address onshore facility-source spills or onshore facility-related limits of liability.

Figure 2 shows the total incident cost for each of these incidents. As depicted, the highest cost incident, at approximately \$17.5 million (in 2012 dollars), does not meet the statutory limit of liability of all removal costs (plus \$75 million for damages).

**Figure 2: Total Incident Cost of Offshore Facility**  
Incidents by Facility Type (2012 Dollars / Excludes 2010 Deepwater Horizon Oil Spill)



## B. Vessel Sources

Best available data indicate 59 oil discharges from vessels have resulted in removal costs and damages exceed the amended liability limits. Data have been updated to incorporate new incidents, and reflect revised estimates of costs and damages associated with previously reported incidents.<sup>4</sup> Discharge incidents are listed by vessel type in Attachment A and by incident date in Attachment B.

Figure 3 depicts the number of such discharges per year. The higher total for 1999 is the result of a typhoon in American Samoa, which resulted in oil discharges involving eight fishing vessel wrecks. The figure illustrates the variance in numbers of incidents from year to year.

<sup>4</sup> References throughout this report to data for the year 2012 are partial year data ending on May 1, 2012.

**Figure 3: Number of Incidents Exceeding Limits of Liability**

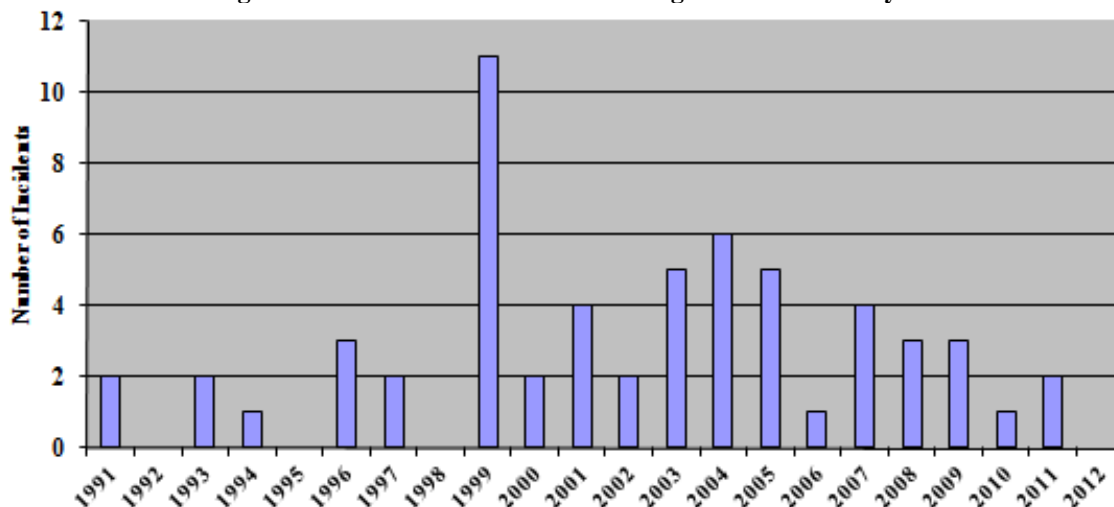


Figure 4 shows a breakdown of these 59 incidents by vessel type. Fishing vessels account for 33.9 percent of the historical incidents that result in damages in excess of the liability limits, while cargo and other self-propelled non-tank vessels represent 47.5 percent of the incidents. Single hull and double hull tank barges represent 11.9 percent and 3.4 percent, respectively. Single hull tank ships account for only 3.4 percent of such discharges. There are no double hull tank ship incidents among the 59 incidents.

**Figure 4: Number of Incidents Exceeding Limits of Liability by Vessel Type**

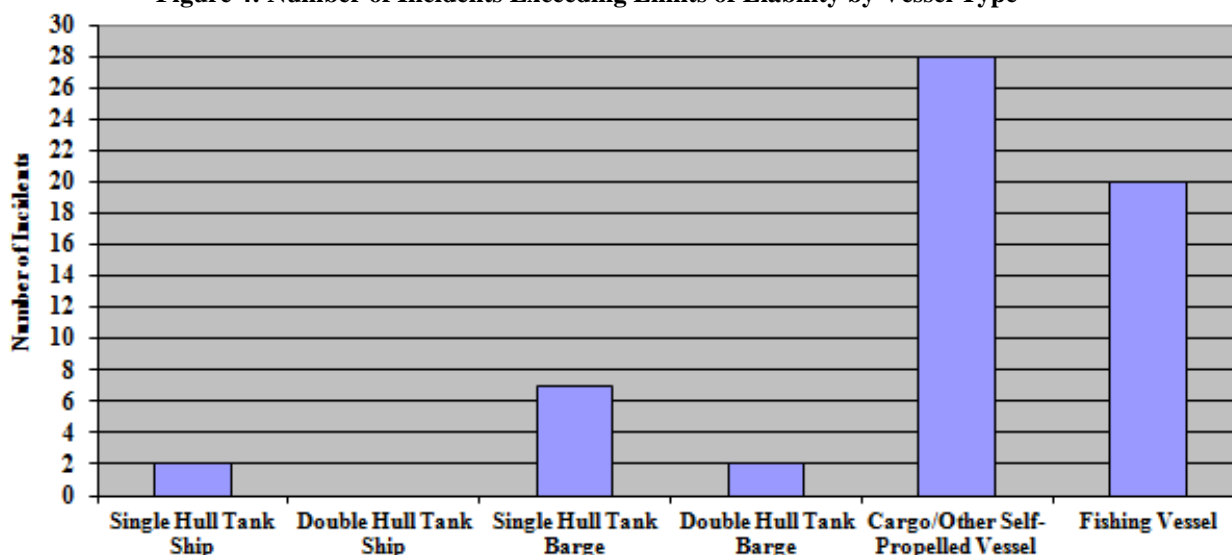
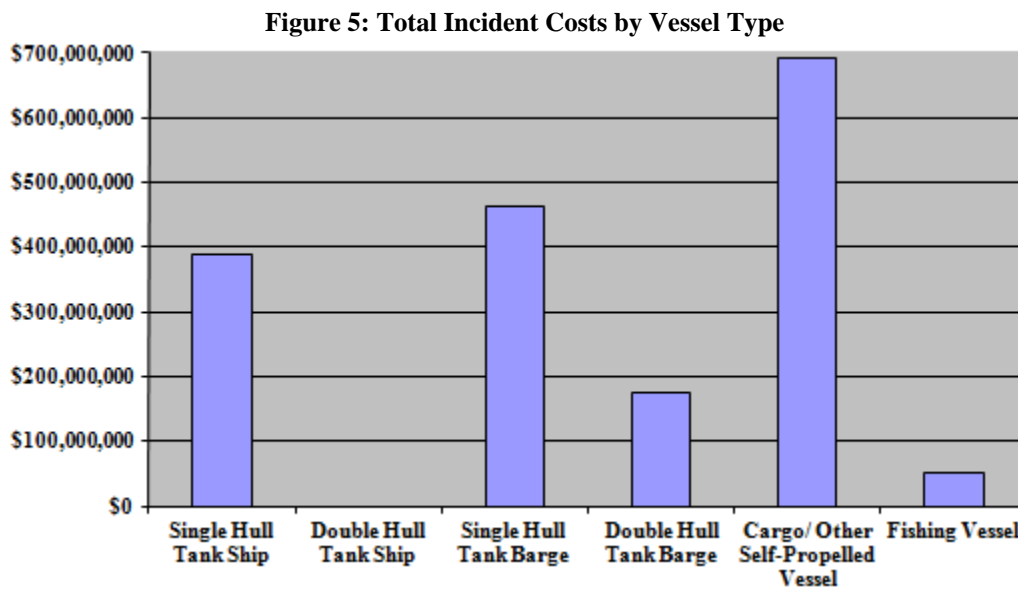


Figure 5, total removal costs and damages from these incidents by vessel type, portrays a similar picture. Total costs in excess of liability limits for cargo/other self-propelled vessel discharges have been the highest. Total costs for single hull tank ship and tank barge discharges that exceed liability limits have also been significant. Per discharge costs from single hull tank ship incidents are the highest (approximately \$193.8 million) in light of the quantities of oil these vessels carry. Per discharge costs for all tank barges are also substantial (approximately \$70.7 million). Larger cargo vessels also carry enough fuel to result in costly discharges (approximately \$24.8 million per incident). The small size and limited quantities of oil characteristic of most fishing vessel incidents

accounts generally for the lower total costs of such discharges (approximately \$2.5 million), shown here and in more detail in Attachment A.

Total removal costs and damages for these discharges since enactment of OPA is approximately \$1.8 billion.



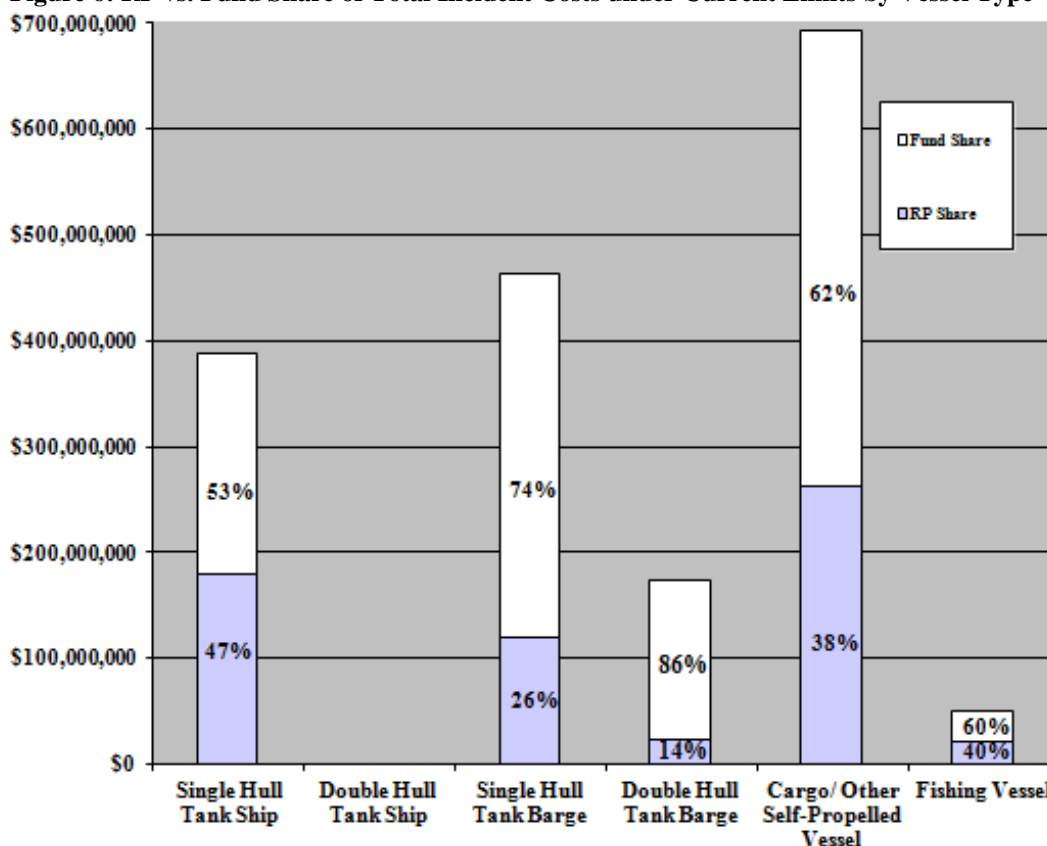
## IV Impacts on the Fund

*This section provides an analysis of the impacts on the Fund resulting from claims against the Fund for vessel incidents in which costs and damages exceed liability limits.<sup>5</sup>*

### A. Historical Impact

As indicated in Figure 6, the Fund's financial obligation in cases where removal costs and damages exceed liability limits (listed in Attachment A) is substantial despite recent liability limit amendments. The top portion of the bar for each vessel type represents the Fund's share of the risk (in excess of applicable liability limit). The bottom portion of the bar for each vessel type represents RP risk (RP liability limit based on gross tonnage or minimum limit as applicable for each discharge).

**Figure 6: RP vs. Fund Share of Total Incident Costs under Current Limits by Vessel Type**



Of the approximately \$1.8 billion in estimated removal costs and damages from these incidents over the last 21 years, the Fund's share of risk totals approximately \$1.2 billion. This amount represents a maximum potential impact on Fund risk resulting solely from the application of the liability limit levels. While the rate of such incidents is difficult to predict and may vary widely from year-to-year (as indicated by Figure 3), the risk to the Fund can be expressed broadly as an annual cost of approximately \$55.3 million (total costs of \$1.2 billion over 21 years) in excess of amended limits in 2012 dollars.

<sup>5</sup> As discussed above, historically, with the exception of the single *DEEPWATER HORIZON* data point, and possibly the Enbridge Pipeline spill in 2010, only vessel incidents had total incident costs that exceeded limits of liability. Therefore, facilities are not included in the discussion of RP and Fund risk cost sharing.

## ***B. Impact from Claims***

Figure 7 shows that actual claims paid by the NPFC over the past 21 years as a result of vessel RPs exceeding their liability limits have totaled \$333 million (or 72 percent of all claims paid). This number includes both payments made directly to the RPs for the removal costs and damages they paid or incurred in excess of liability limits, as well as an estimate of the number of third-party claims paid by the Fund because the RP had spent up to its limit of liability.

Figure 8 shows that of the \$491 million in claims under adjudication as of May 1, 2012, \$271 million (or 55 percent of the total dollars) are pending claims by RPs who have incurred incident costs exceeding their liability limits or claims by third parties where incident costs exceeded the liability limits.

**Figure 7: Total Claims Paid**



**Figure 8: Total Pending Claims**

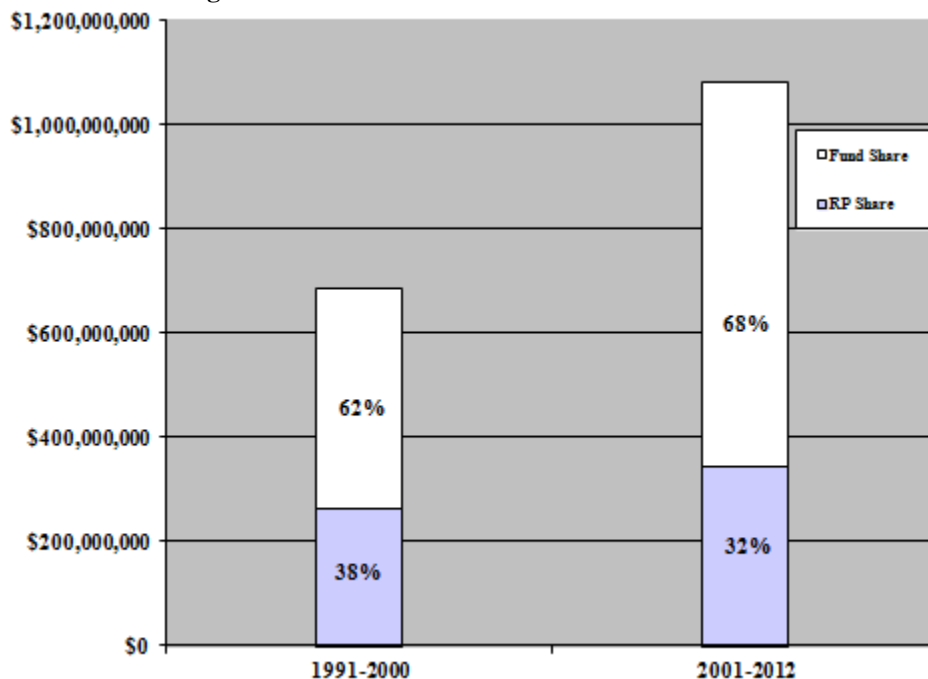


## ***C. Recent Trends***

The potential impact to the Fund resulting from payments to RPs, third parties for claims, and response costs where vessel incident costs exceeded the RPs' limits of liability varies substantially from year to year, but has averaged approximately \$55.3 million per year over the past 21 years. While the potential impact is significant, it is also useful to note the available data show a continued trend toward more Fund risk in recent years.

As illustrated in Figure 9 and Attachment B, the Fund risk for discharges that result in estimated removal costs and claims that exceed liability limits in the most recent 12-year period (approximately \$700 million) is greater than the Fund risk for the discharges in the preceding 10 years (approximately \$400 million). This would indicate, despite the uncertainties as to the actual impact over time, the risk to the Fund resulting from the liability limits applicable to individual vessel incidents has increased in recent years. This increased risk is largely the result of the greater cost of such incidents in recent years.

Figure 9: RP vs. Fund Share of Total Incident Costs



The *Energy Improvement and Extension Act of 2008* (P.L. 110-343) extended the barrel tax through December 31, 2017, and increased the tax from five cents to eight cents for 2009-2016, and to nine cents for 2017. Tax revenues are deposited into the Fund, which should provide additional income to the Fund over the next several years. Based on current revenue and expenditure projections, the NPFC forecasts that the Fund should maintain liquidity through 2018 (See Figure 10).

However, as noted earlier, the impact on the Fund from the *DEEPWATER HORIZON* catastrophe remains uncertain. If the Fund must bear substantial removal costs and damages from the catastrophe without recovery, additional revenue may be needed to continue to carry out Fund-financed programs.



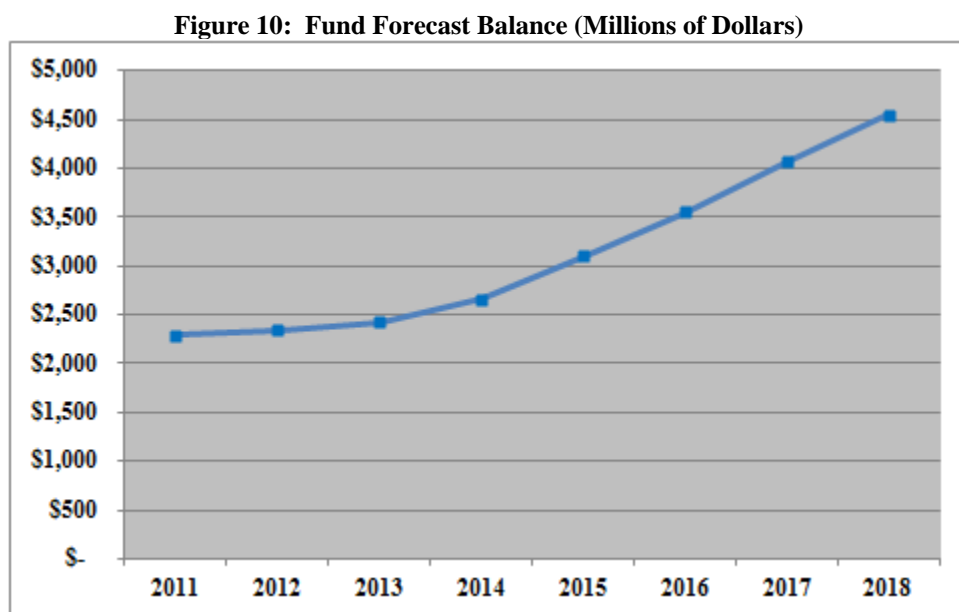
## V. Findings with Respect to Further Liability Limit Adjustments

*This section discusses findings, based on historical trends and analyses, and taking into account other factors impacting the Fund, on whether the liability limits need to be adjusted in order to prevent the principal of the Fund from declining to levels that are likely to be insufficient to cover expected claims.*

### A. Future Year Fund Outlook

The NPFC anticipates the Fund will be able to cover its projected non-catastrophic liabilities, including claims, without further increases to liability limits except as the *DEEPWATER HORIZON* impacts may develop. However, increases to liability limits for certain vessel types would result in a more equitable division of risk between the Fund and RPs and have a positive impact on the balance of the Fund.

Figure 10 projects the end of year balance of the Fund through 2018 based on estimated revenues and expenditures (no adjustment for inflation or potential *DEEPWATER HORIZON* impacts):



Notably, several classes of Fund expenditures are independent of revisions to the limits of liability, such as Federal removal costs and annual appropriations. The Fund provides resources to the Federal government to respond to oil discharges (Federal removal costs) and to compensate claimants for their removal costs and damages when a RP cannot be identified, does not respond, or does not compensate claimants. See OPA § 1012(a)(1), (4) (33 U.S.C § 2712(a)(1), (4)). The Fund also pays when recourse against RPs is not available, such as when a RP declares bankruptcy or cannot be identified. Thus, the Fund is the ultimate insurer with respect to oil removal costs and damages when there is a discharge or substantial threat of discharge to navigable waters, adjoining shorelines, or the exclusive economic zone.

The Fund also pays various agencies responsible for administering and enforcing OPA and provisions of the *Federal Water Pollution Control Act*. See OPA § 1012(a)(5) (33 U.S.C. § 2712(a)(5)). Administrative and enforcement costs that are not allocable to a specific oil discharge are not recoverable from liable RPs.

Figure 11 shows total Fund expenses in recent years for agency appropriations, Federal removal costs, and claims for removal costs and damages, of which claims resulting from incident-related costs exceeding the limits of liability is a subset.

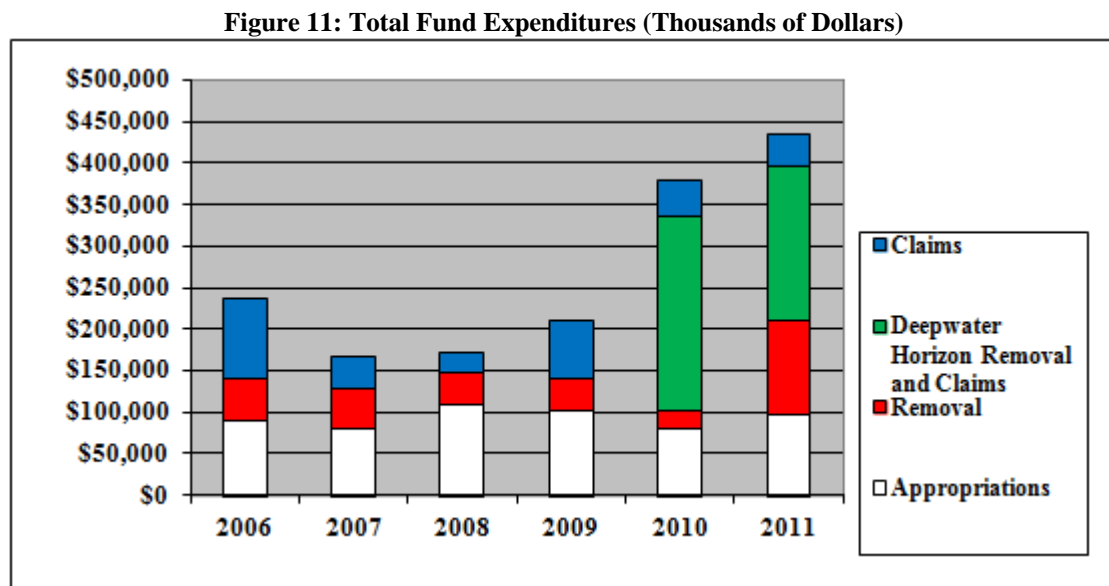


Figure 11 illustrates that, with the exception of the *DEEPWATER HORIZON* oil spill costs in 2010 and 2011, the Federal removal costs and claims payments for which RPs may be liable have represented only a portion, often well less than half, of the annual expenditures from the Fund. This graph displays all costs for vessel or facility discharges.

The *DEEPWATER HORIZON* experience has demonstrated that the \$75 million limit on damages for a catastrophic offshore facility incident could be inadequate. As with the limitation on liability for RPs, the Administration has proposed raising the limitation on damages. Excepting *DEEPWATER HORIZON*, roughly half of the removal costs in Figure 11 are for onshore and offshore facility discharges. Historical data indicates that the \$350 million liability limit for onshore facilities is also adequate for traditional, non-catastrophic spills.<sup>6</sup> However, as explained in the introduction section, for at least one incident in 2010, the Enbridge Pipeline spill, removal costs and damages may approach (or exceed) \$350 Million.

With respect to the Fund expenses for removal costs and claims allocable to vessel spills, the Fund frequently pays when a RP is unknown. In these cases, liability limits have no impact on Fund risk.

Vessel and facility liability limits will affect the Fund only to the extent RPs are available and have the ability to pay.

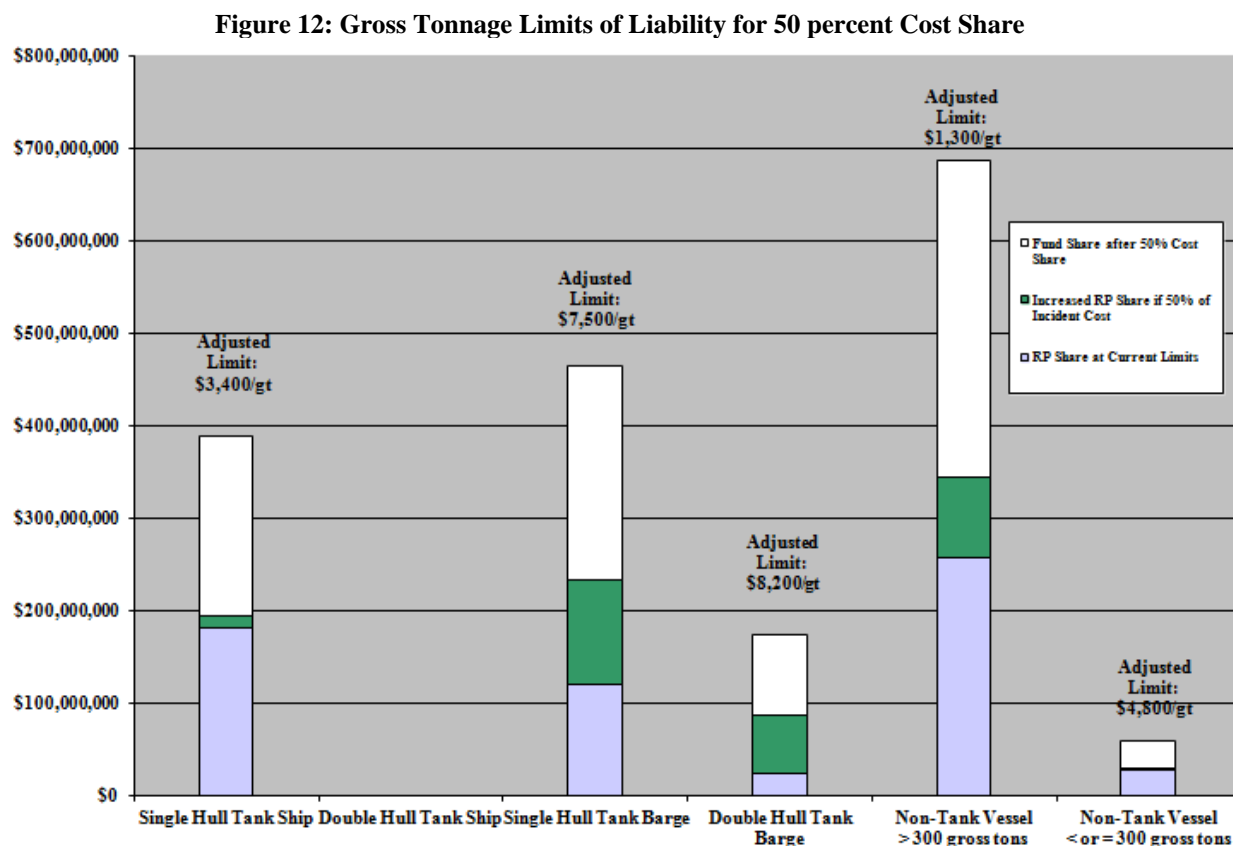
<sup>6</sup> As discussed in Coast Guard's rulemaking titled "Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability - Vessels and Deepwater Ports," a future rulemaking will adjust the limit of liability for onshore facilities by regulation to reflect significant increases in the consumer price index as required by OPA section 1004(d)(4). [See 73 FR 54997 (Notice of proposed rulemaking), 74 FR 31357 (Interim Rule), and 75 FR 750 (Final Rule)],

## B. Further Liability Limit Adjustments

Adjustments to liability limits help more equitably divide liabilities between the Fund and RPs. OPA is founded on the “polluter pays” principle. At the same time, OPA also places limits on the polluter’s liability to pay for clean-up of spills except in certain circumstances, and the Fund is the ultimate insurer for removal costs and damages. As previously noted, on May 12, 2010, the Administration proposed raising the limitation on liability for all RPs, including RPs for activities other than offshore drilling activities (such as shipping).

Analysis indicates establishing different liability limits for non-tank vessels, which include fishing, cargo, and other self-propelled vessels, by tonnage (*i.e.*, greater than 300 gross tons and less than or equal to 300 gross tons) would provide more equitable limits on smaller vessels.

Figure 6 demonstrates that for vessel discharges where removal costs and damages exceed current liability limits, the Fund bears a majority of the cost even if every RP is available and pays to its limit. Figure 12 illustrates how further adjustments to limits of liability per gross ton might achieve an equal sharing of that risk between RPs and the Fund. The bottom portion of the bar represents the RP risk at the current limits of liability based on gross tonnage or minimum limits as applicable for each discharge. The middle portion represents the additional cost the RP would pay if the additional limits were applied, which would leave the Fund covering 50 percent of the total incident costs (the top portion of each bar).



For example, to split the estimated clean-up costs evenly between the Fund and the vessel operators, liability limits for single hull tank ships would increase to \$3,400 per gross ton, single hull tank barges to \$7,500 per gross ton, double hull tank barges to \$8,200 per gross ton, non-tank vessels greater than 300 gross tons to \$1,300 per gross ton, and non-tank vessels less than or equal to 300 gross tons to \$4,800 per gross ton.

Figure 13 indicates the minimum amount a RP would be expected to pay for an incident (based on average historical costs of incidents by vessel type in 2012 dollars), if the limits of liability were adjusted so that costs were shared evenly between the RP and the Fund.

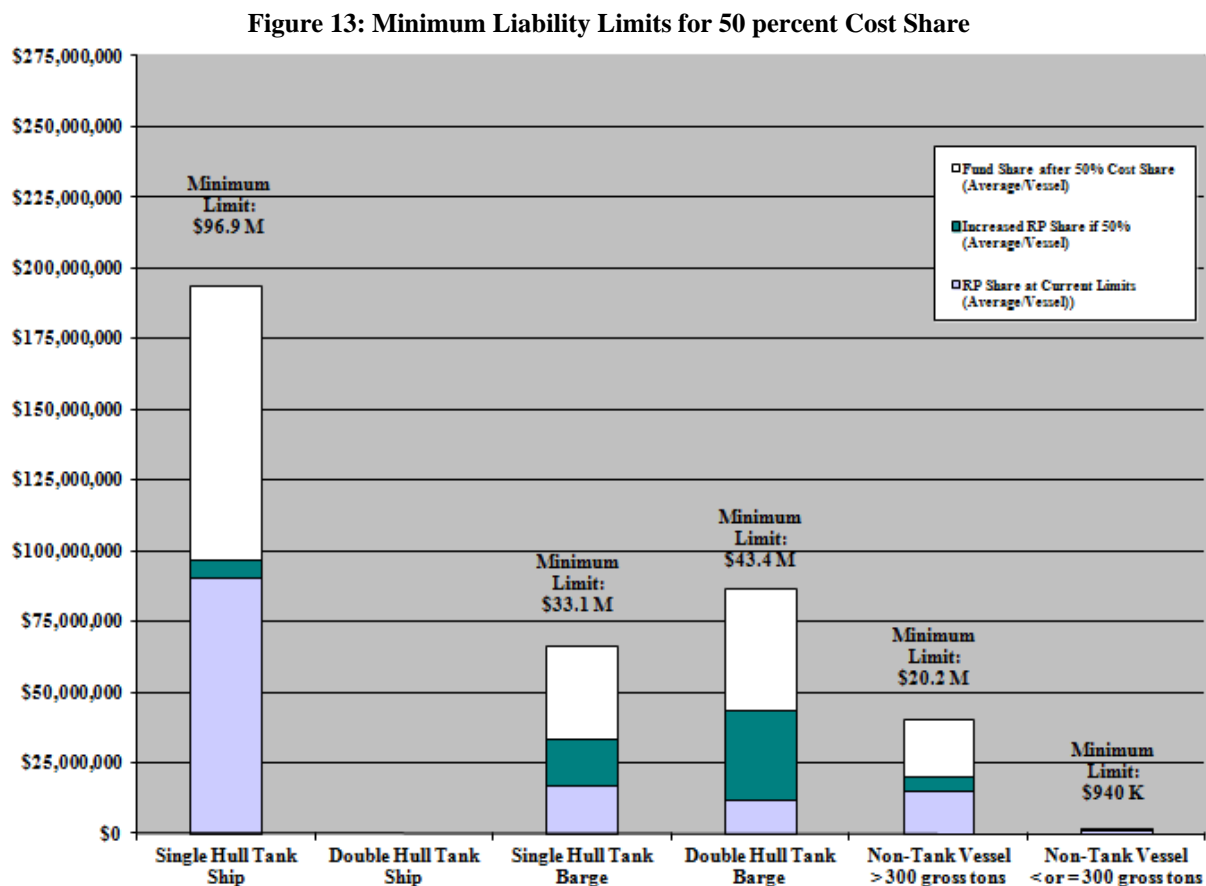


Figure 14 summarizes the 50 percent cost share limits and minimums and compares them to the current limits. Attachment C illustrates how these limits would protect the Fund from paying the majority of the total incident cost when applied to the 59 incidents discussed earlier. The current limits distinguish between single hull tank vessels, double hull tank vessels and non-tank (other) vessels. As discussed in Section III, however, analysis has shown these categories might best be subdivided as follows: categories of *Tank Ship* and *Tank Barge* are addressed separately as subsets of single and double hull *Tank Vessel*, and the *Non-Tank Vessel* category is divided between vessels greater than 300 gross tons and vessels less than or equal to 300 gross tons.<sup>7</sup>

<sup>7</sup> The comparative results for single and double hull tank barges may appear incongruous at first glance. While double hull vessels may be safer, and be less likely to spill oil, the data shows that a catastrophic discharge from a double hull tank barge can be just as expensive as one from a single hull tank barge.

**Figure 14: Limits of Liability under OPA**

<b>If the vessel is a. . .</b>		<b>The current limits of liability are the ‘greater of:’</b>	<b>But to achieve an equal cost share limits of liability would need to be increased to:</b>
<b>Tank Ship</b>	With a single hull, double sides only, or double bottom only	Greater than 3,000 gross tons: \$3,200 per gross ton or \$23,496,000 Less than or equal to 3,000 gross tons: \$3,200 per gross ton or \$6,408,000	\$3,400 per gross ton or \$96,900,000.
	With a double hull	Greater than 3,000 gross tons: \$2,000 per gross ton or \$17,088,000 Less than or equal to 3,000 gross tons: \$2,000 per gross ton or \$4,272,000	No data
<b>Tank Barge</b>	With a single hull, double sides only, or double bottom only	Greater than 3,000 gross tons: \$3,200 per gross ton or \$23,496,000 Less than or equal to 3,000 gross tons: \$3,200 per gross ton or \$6,408,000	\$7,500 per gross ton or \$33,100,000.
	With a double hull	Greater than 3,000 gross tons: \$2,000 per gross ton or \$17,088,000 Less than or equal to 3,000 gross tons: \$2,000 per gross ton or \$4,272,000	\$8,200 per gross ton or \$43,400,000.
<b>Non-Tank Vessel</b>	Greater than 300 gross tons	\$1,000 per gross ton or \$854,400.	\$1,300 per gross ton or \$20,200,000.
	Less than or equal to 300 gross tons	\$1,000 per gross ton or \$854,400.	\$4,800 per gross ton or \$940,000.

## VI. Conclusion

The NPFC continues to anticipate the Fund will be able to cover its projected non-catastrophic liabilities, including claims, without further increases to vessel liability limits.

Nonetheless, the Administration has recommended in the May 2010 budget proposal that Congress raise the limitation on liability for RPs and that such increases be both substantial and proportional. A more equitable division of risk between the Fund and RPs may be one such approach. The limited data available indicate that increasing liability limits per incident for single hull tank ships, tank barges and non-tank vessels greater than 300 gross tons too could result in a more balanced cost share between the Fund and RPs. Similarly, splitting the total forecasted costs for discharges equally between the Fund and RPs appears to be a reasonable standard to apply in determining adequacy of limits.

Using this methodology, equity between the Fund and RPs for vessels, may be more directly achieved by raising minimum limits.

*DEEPWATER HORIZON* is a single catastrophic event and its full impact remains to be determined. Accordingly, the Administration has recommended that Congress raise the \$75 million limit on damages. Although RPs for *DEEPWATER HORIZON* have to date borne the OPA removal costs and certain damages, it has not been determined whether all costs and damages related to the event will be covered. Moreover, the Fund will always be at risk of a potential catastrophic spill with a non-viable RP. Additional revenues may be required to ensure the Fund remains viable in the wake of any catastrophic spill.

# Attachment A: Incidents Exceeding Liability Limits by Vessel Type

Vessel Type	Project Name	Incident Year	Incident Location	Gross Tonnage	Total Incident Cost	Inflation Factor	Total Incident Cost (2012 Dollars)	Limits of Liability	Fund Exposure	Actual OSLTF Costs Incurred
Tank Ship (Single Hull)	T/V JULIE N	1996	ME	18,500	\$52,601,200	1.46	\$76,798,000	\$59,126,000	\$17,671,000	\$28,376,000
Tank Ship (Single Hull)	T/V ATHOS I	2004	NJ	37,900	\$256,978,000	1.21	\$310,943,000	\$121,264,000	\$189,679,000	\$209,929,000
<b>Total Tank Ship (Single Hull)</b>							<b>\$387,741,000</b>	<b>\$180,390,000</b>	<b>\$207,350,000</b>	<b>\$238,305,000</b>
Tank Barge (Single Hull)	T/B VISTABELLA	1991	PR	1,100	\$6,124,100	1.68	\$10,289,000	\$6,408,000	\$3,881,000	\$4,782,000
Tank Barge (Single Hull)	T/B (TAMPA BAY COLLISION)	1993	FL	9,300	\$68,900,000	1.59	\$109,551,000	\$29,638,000	\$79,913,000	\$2,397,000
Tank Barge (Single Hull)	T/B MORRIS J. BERMAN	1994	PR	5,400	\$95,488,300	1.55	\$148,007,000	\$23,496,000	\$124,511,000	\$95,488,000
Tank Barge (Single Hull)	M/V SCANDIA & T/B NORTH CAPE	1996	RI	5,500	\$49,000,000	1.46	\$71,540,000	\$23,496,000	\$48,044,000	\$9,016,000
Tank Barge (Single Hull)	T/B BUFFALO #292	1996	TX	1,500	\$21,529,900	1.46	\$31,434,000	\$6,408,000	\$25,026,000	\$16,810,000
Tank Barge (Single Hull)	T/B B NO. 120	2003	MA	6,900	\$61,339,200	1.25	\$76,674,000	\$23,496,000	\$53,178,000	\$1,753,000
Tank Barge (Single Hull)	T/B EMC 423	2005	IL	1,400	\$13,424,100	1.17	\$15,706,000	\$6,408,000	\$9,298,000	\$4,813,000
<b>Total Tank Barge (Single Hull)</b>							<b>\$463,201,000</b>	<b>\$119,350,000</b>	<b>\$343,851,000</b>	<b>\$135,089,000</b>
Tank Barge (Double Hull)	T/B DBL 152	2005	LA	9,700	\$57,079,800	1.17	\$66,783,000	\$19,482,000	\$47,301,000	\$19,478,000
Tank Barge (Double Hull)	T/B DM932	2008	LA	800	\$99,735,600	1.07	\$106,717,000	\$4,272,000	\$102,445,000	\$21,516,000
<b>Total Tank Barge (Double Hull)</b>							<b>\$173,500,000</b>	<b>\$23,754,000</b>	<b>\$149,746,000</b>	<b>\$40,994,000</b>
Cargo/Other SPV	M/V KUROSHIMA	1997	AK	4,200	\$19,702,600	1.43	\$28,175,000	\$4,160,000	\$24,015,000	\$17,540,000
Cargo/Other SPV	M/V KURE	1997	CA	36,600	\$47,218,900	1.43	\$67,523,000	\$36,009,000	\$31,514,000	\$711,000
Cargo/Other SPV	M/V NEW CARISSA	1999	OR	36,600	\$50,501,400	1.38	\$69,692,000	\$36,571,000	\$33,121,000	\$32,914,000
Cargo/Other SPV	M/V STUYVESANT	1999	CA	7,100	\$11,700,000	1.38	\$16,146,000	\$7,111,000	\$9,035,000	\$379,000
Cargo/Other SPV	M/V SERGO ZAKARIADZE	1999	PR	16,500	\$15,966,700	1.38	\$22,034,000	\$16,502,000	\$5,532,000	\$6,065,000
Cargo/Other SPV	SS J LUCKENBACH	2001	CA	7,900	\$39,691,800	1.30	\$51,599,000	\$7,869,000	\$43,730,000	\$44,051,000
Cargo/Other SPV	M/V KIMTON	2001	PR	200	\$713,700	1.30	\$928,000	\$854,000	\$73,000	\$714,000
Cargo/Other SPV	VICTORIA ROSE HUNT	2003	MA	100	\$1,085,700	1.25	\$1,357,000	\$854,000	\$503,000	\$94,000
Cargo/Other SPV	M/V RED DIAMOND	2003	FL	200	\$2,595,200	1.25	\$3,244,000	\$854,000	\$2,390,000	\$2,595,000
Cargo/Other SPV	CRANE BARGE MONARCH	2003	CA	200	\$2,481,700	1.25	\$3,102,000	\$854,000	\$2,248,000	\$2,482,000
Cargo/Other SPV	M/V BOWSTRING	2003	FL	300	\$1,606,500	1.25	\$2,008,000	\$854,000	\$1,154,000	\$1,606,000
Cargo/Other SPV	M/V SELENDANG AYU	2004	AK	39,800	\$178,988,100	1.21	\$216,576,000	\$39,755,000	\$176,821,000	\$6,721,000
Cargo/Other SPV	M/V ORIENTAL I	2004	FL	200	\$727,400	1.21	\$880,000	\$854,000	\$26,000	\$727,000
Cargo/Other SPV	ALBION	2005	CA	200	\$1,207,100	1.17	\$1,412,000	\$854,000	\$558,000	\$1,207,000
Cargo/Other SPV	M/V CASITAS	2005	HI	300	\$1,710,700	1.17	\$2,001,000	\$854,000	\$1,147,000	\$1,711,000
Cargo/Other SPV	MAMA LERE	2006	TX	400	\$1,217,300	1.14	\$1,388,000	\$854,000	\$533,000	\$1,217,000
Cargo/Other SPV	M/V COSCO BUSAN	2007	CA	65,100	\$110,557,900	1.11	\$122,719,000	\$65,131,000	\$57,588,000	\$4,208,000
Cargo/Other SPV	M/V SENECA	2007	MI	200	\$1,211,000	1.11	\$1,344,000	\$854,000	\$490,000	\$1,211,000
Cargo/Other SPV	LST-1166	2007	OR	2,400	\$5,150,700	1.11	\$5,717,000	\$2,418,000	\$3,299,000	\$5,151,000
Cargo/Other SPV	CATALA	2007	WA	5,700	\$6,138,500	1.11	\$6,814,000	\$5,700,000	\$1,114,000	\$6,138,000
Cargo/Other SPV	C/V SEA WITCH	2008	MD	17,900	\$20,629,900	1.07	\$22,074,000	\$17,902,000	\$4,172,000	\$20,630,000
Cargo/Other SPV	BIG BOY & SCOOPY DOO	2008	PA	200	\$1,010,800	1.07	\$1,082,000	\$854,000	\$227,000	\$1,011,000
Cargo/Other SPV	WENONAH	2009	CA	300	\$932,500	1.07	\$998,000	\$854,000	\$143,000	\$933,000
Cargo/Other SPV	SOUND DEVELOPER	2009	AK	200	\$1,576,600	1.07	\$1,687,000	\$854,000	\$833,000	\$1,577,000
Cargo/Other SPV	MONARCH	2009	AK	300	\$2,698,200	1.07	\$2,887,000	\$854,000	\$2,033,000	\$24,000
Cargo/Other SPV	M/V PRINCESS KATHLEEN	2010	AK	5,900	\$14,185,900	1.05	\$14,895,000	\$5,875,000	\$9,020,000	\$14,186,000
Cargo/Other SPV	DAVY CROCKETT	2011	WA	4,600	\$22,284,000	1.02	\$22,730,000	\$4,643,000	\$18,087,000	\$22,284,000
Cargo/Other SPV	TUG TIGER	2011	CA	200	\$2,419,900	1.02	\$2,468,000	\$854,000	\$1,614,000	\$2,420,000
<b>Total Cargo/Other SPV</b>							<b>\$693,480,000</b>	<b>\$262,456,000</b>	<b>\$431,020,000</b>	<b>\$200,507,000</b>

This listing includes all incidents regardless of vessel size or type and regardless of whether a claim to the Fund by a responsible party for amounts in excess of liability limits was received or is anticipated. Costs include Federal removal costs and claims paid that have been verified. Other costs are estimated from best available information but cannot otherwise be verified. Fund exposure amounts are estimated and do not imply that the responsible parties will be able to limit their liability under the statute where the issue has not yet been determined.



Vessel Type	Project Name	Incident Year	Incident Location	Gross Tonnage	Total Incident Cost	Inflation Factor	Total Incident Cost (2012 Dollars)	Limits of Liability	Fund Exposure	Actual OSL/TF Costs Incurred
Fishing Vessel	F/V TENYO MARU	1991	WA	4,200	\$6,062,900	1.68	\$10,186,000	\$4,167,000	\$6,019,000	\$6,063,000
Fishing Vessel	F/V JIN SHIANG FA	1993	AS	400	\$2,013,000	1.59	\$3,201,000	\$854,000	\$2,346,000	\$2,420,000
Fishing Vessel	F/V YU TE NO. 1	1999	AS	200	\$1,164,600	1.38	\$1,607,000	\$854,000	\$753,000	\$5,296,000
Fishing Vessel	F/V AMIGA NO. 5	1999	AS	200	\$3,355,700	1.38	\$4,631,000	\$854,000	\$3,777,000	\$2,766,000
Fishing Vessel	F/V KWANG MYONG	1999	AS	200	\$1,554,800	1.38	\$2,146,000	\$854,000	\$1,291,000	\$965,000
Fishing Vessel	F/V KORAM NO. 3	1999	AS	200	\$1,403,100	1.38	\$1,936,000	\$854,000	\$1,082,000	\$813,000
Fishing Vessel	F/V KWANG MYONG NO 72	1999	AS	200	\$2,182,900	1.38	\$3,012,000	\$854,000	\$2,158,000	\$1,593,000
Fishing Vessel	F/V KWANG MYONG NO 58	1999	AS	200	\$1,557,600	1.38	\$2,149,000	\$854,000	\$1,295,000	\$967,000
Fishing Vessel	F/V KORAM NO 1	1999	AS	200	\$1,378,400	1.38	\$1,902,000	\$854,000	\$1,048,000	\$788,000
Fishing Vessel	F/V KWANG MYONG NO 51	1999	AS	200	\$1,249,200	1.38	\$1,724,000	\$854,000	\$869,000	\$659,000
Fishing Vessel	F/V JESSICA ANN	2000	ME	200	\$947,000	1.33	\$1,260,000	\$854,000	\$405,000	\$947,000
Fishing Vessel	F/V SWORDMAN I	2000	HI	100	\$1,528,500	1.33	\$2,033,000	\$854,000	\$1,178,000	\$1,528,000
Fishing Vessel	F/V WINDY BAY	2001	AK	400	\$3,396,400	1.30	\$4,415,000	\$854,000	\$3,561,000	\$3,396,000
Fishing Vessel	F/V VANGUARD	2001	AK	200	\$699,800	1.30	\$910,000	\$854,000	\$55,000	\$700,000
Fishing Vessel	F/V GENEI MARU #7	2002	AK	100	\$869,800	1.28	\$1,113,000	\$854,000	\$259,000	\$870,000
Fishing Vessel	F/V TERESA LYNN	2002	FL	200	\$690,800	1.28	\$884,000	\$854,000	\$30,000	\$691,000
Fishing Vessel	F/V NEW HORIZON	2004	CA	100	\$805,300	1.21	\$974,000	\$854,000	\$120,000	\$305,000
Fishing Vessel	F/V MWALIL SAAT	2004	GU	200	\$3,413,500	1.21	\$4,130,000	\$854,000	\$3,276,000	\$3,414,000
Fishing Vessel	F/V THE BOSS	2004	OR	200	\$926,100	1.21	\$1,121,000	\$854,000	\$266,000	\$926,000
Fishing Vessel	F/V MILKY WAY	2005	WA	200	\$1,039,600	1.17	\$1,216,000	\$854,000	\$362,000	\$9,000
<b>Total Fishing Vessel</b>							<b>\$50,550,000</b>	<b>\$20,393,000</b>	<b>\$30,150,000</b>	<b>\$35,116,000</b>
<b>Grand Total</b>							<b>\$1,768,473,000</b>	<b>\$606,357,000</b>	<b>\$1,162,116,000</b>	<b>\$650,011,000</b>

SPV - Self-Propelled Vessel

*This listing includes all incidents regardless of vessel size or type and regardless of whether a claim to the Fund by a responsible party for amounts in excess of liability limits was received or is anticipated. Costs include Federal removal costs and claims paid that have been verified. Other costs are estimated from best available information but cannot otherwise be verified. Fund exposure amounts are estimated and do not imply that the responsible parties will be able to limit their liability under the statute where the issue has not yet been determined.*

## Attachment B: Incidents Exceeding Liability Limits by Incident Date

Vessel Type	Project Name	Incident Year	Incident Location	Gross Tonnage	Total Incident Cost	Inflation Factor	Total Incident Cost (2012 Dollars)	Limits of Liability	Fund Exposure	Actual OSLTF Costs Incurred
Fishing Vessel	F/V TENYO MARU	1991	WA	4,200	\$6,062,900	1.68	\$10,186,000	\$4,167,000	\$6,019,000	\$6,063,000
Tank Barge (Single Hull)	T/B VISTABELLA	1991	PR	1,100	\$6,124,100	1.68	\$10,289,000	\$6,408,000	\$3,881,000	\$4,782,000
Fishing Vessel	F/V JIN SHIANG FA	1993	AS	400	\$2,013,000	1.59	\$3,201,000	\$854,000	\$2,346,000	\$2,420,000
Tank Barge (Single Hull)	T/B (TAMPA BAY COLLISION)	1993	FL	9,300	\$68,900,000	1.59	\$109,551,000	\$29,638,000	\$79,913,000	\$2,397,000
Tank Barge (Single Hull)	T/B MORRIS J. BERMAN	1994	PR	5,400	\$95,488,300	1.55	\$148,007,000	\$23,496,000	\$124,511,000	\$95,488,000
Tank Barge (Single Hull)	M/V SCANDIA & T/B NORTH CAPE	1996	RJ	5,500	\$49,000,000	1.46	\$71,540,000	\$23,496,000	\$48,044,000	\$9,046,000
Tank Barge (Single Hull)	T/B BUFFALO #292	1996	TX	1,500	\$21,529,900	1.46	\$31,434,000	\$6,408,000	\$25,026,000	\$16,810,000
Tank Ship (Single Hull)	T/V JULIE N	1996	ME	18,500	\$52,601,200	1.46	\$76,798,000	\$59,126,000	\$17,671,000	\$28,376,000
Cargo/Other SPV	M/V KUROSHIMA	1997	AK	4,200	\$19,702,600	1.43	\$28,175,000	\$4,160,000	\$24,015,000	\$17,540,000
Cargo/Other SPV	M/V KURE	1997	CA	36,000	\$47,218,900	1.43	\$67,523,000	\$36,009,000	\$31,514,000	\$711,000
Cargo/Other SPV	M/V NEW CARISSA	1999	OR	36,600	\$50,501,400	1.38	\$69,692,000	\$36,571,000	\$33,121,000	\$32,914,000
Cargo/Other SPV	M/V STUYVESANT	1999	CA	7,100	\$11,700,000	1.38	\$16,146,000	\$7,111,000	\$9,035,000	\$379,000
Cargo/Other SPV	M/V SERGO ZAKARIADZE	1999	PR	16,500	\$15,966,700	1.38	\$22,034,000	\$16,502,000	\$5,532,000	\$6,065,000
Fishing Vessel	F/V YU TE NO. 1	1999	AS	200	\$1,164,600	1.38	\$1,607,000	\$854,000	\$753,000	\$5,296,000
Fishing Vessel	F/V AMIGA NO. 5	1999	AS	200	\$3,355,700	1.38	\$4,631,000	\$854,000	\$3,777,000	\$2,766,000
Fishing Vessel	F/V KWANG MYONG	1999	AS	200	\$1,554,800	1.38	\$2,146,000	\$854,000	\$1,291,000	\$965,000
Fishing Vessel	F/V KORAM NO. 3	1999	AS	200	\$1,403,100	1.38	\$1,936,000	\$854,000	\$1,082,000	\$813,000
Fishing Vessel	F/V KWANG MYONG NO 72	1999	AS	200	\$2,182,900	1.38	\$3,012,000	\$854,000	\$2,158,000	\$1,593,000
Fishing Vessel	F/V KWANG MYONG NO 58	1999	AS	200	\$1,557,600	1.38	\$2,149,000	\$854,000	\$1,295,000	\$967,000
Fishing Vessel	F/V KORAM NO 1	1999	AS	200	\$1,378,400	1.38	\$1,902,000	\$854,000	\$1,048,000	\$788,000
Fishing Vessel	F/V KWANG MYONG NO 51	1999	AS	200	\$1,249,200	1.38	\$1,724,000	\$854,000	\$869,000	\$659,000
Fishing Vessel	F/V JESSICA ANN	2000	ME	200	\$947,000	1.33	\$1,260,000	\$854,000	\$405,000	\$947,000
Fishing Vessel	F/V SWORDMAN I	2000	HI	100	\$1,528,500	1.33	\$2,033,000	\$854,000	\$1,178,000	\$1,528,000
Cargo/Other SPV	SS J LUCKENBACH	2001	CA	7,900	\$39,691,800	1.30	\$51,599,000	\$7,869,000	\$43,730,000	\$44,051,000
Cargo/Other SPV	M/V KIMTON	2001	PR	200	\$713,700	1.30	\$928,000	\$854,000	\$73,000	\$714,000
Fishing Vessel	F/V WINDY BAY	2001	AK	400	\$3,396,400	1.30	\$4,415,000	\$854,000	\$3,561,000	\$3,396,000
Fishing Vessel	F/V VANGUARD	2001	AK	200	\$699,800	1.30	\$910,000	\$854,000	\$55,000	\$700,000
Fishing Vessel	F/V GENEI MARU #7	2002	AK	100	\$869,800	1.28	\$1,113,000	\$854,000	\$259,000	\$870,000
Fishing Vessel	F/V TERESA LYNN	2002	FL	200	\$690,800	1.28	\$884,000	\$854,000	\$30,000	\$691,000
Cargo/Other SPV	VICTORIA ROSE HUNT	2003	MA	100	\$1,085,700	1.25	\$1,357,000	\$854,000	\$503,000	\$94,000
Cargo/Other SPV	M/V RED DIAMOND	2003	FL	200	\$2,595,200	1.25	\$3,244,000	\$854,000	\$2,390,000	\$2,595,000
Cargo/Other SPV	CRANE BARGE MONARCH	2003	CA	200	\$2,481,700	1.25	\$3,102,000	\$854,000	\$2,248,000	\$2,482,000
Cargo/Other SPV	M/V BOWSTRING	2003	FL	300	\$1,606,500	1.25	\$2,008,000	\$854,000	\$1,154,000	\$1,606,000
Tank Barge (Single Hull)	T/B B NO. 120	2003	MA	6,900	\$61,339,200	1.25	\$76,674,000	\$23,496,000	\$53,178,000	\$1,753,000
Fishing Vessel	F/V NEW HORIZON	2004	CA	100	\$805,300	1.21	\$974,000	\$854,000	\$120,000	\$305,000
Cargo/Other SPV	M/V SELENDANG AYU	2004	AK	39,800	\$178,988,100	1.21	\$216,576,000	\$39,755,000	\$176,821,000	\$6,721,000

This listing includes all incidents regardless of vessel size or type and regardless of whether a claim to the Fund by a responsible party for amounts in excess of liability limits was received or is anticipated. Costs include Federal removal costs and claims paid that have been verified. Other costs are estimated from best available information but cannot otherwise be verified. Fund exposure amounts are estimated and do not imply that the responsible parties will be able to limit their liability under the statute where the issue has not yet been determined.

Vessel Type	Project Name	Incident Year	Incident Location	Gross Tonnage	Total Incident Cost	Inflation Factor	Total Incident Cost (2012 Dollars)	Limits of Liability	Fund Exposure	Actual OSLTF Costs Incurred
Fishing Vessel	F/V MWALIL SAAT	2004	GU	200	\$3,413,500	1.21	\$4,130,000	\$854,000	\$3,276,000	\$3,414,000
Fishing Vessel	F/V THE BOSS	2004	OR	200	\$926,100	1.21	\$1,121,000	\$854,000	\$266,000	\$926,000
Tank Ship (Single Hull)	T/V ATHOS I	2004	NJ	37,900	\$256,978,000	1.21	\$310,943,000	\$121,264,000	\$189,679,000	\$209,929,000
Cargo/Other SPV	M/V ORIENTAL I	2004	FL	200	\$727,400	1.21	\$880,000	\$854,000	\$26,000	\$727,000
Tank Barge (Double Hull)	T/B DBL 152	2005	LA	9,700	\$57,079,800	1.17	\$66,783,000	\$19,482,000	\$47,301,000	\$19,478,000
Cargo/Other SPV	ALBION	2005	CA	200	\$1,207,100	1.17	\$1,412,000	\$854,000	\$558,000	\$1,207,000
Cargo/Other SPV	M/V CASITAS	2005	HI	300	\$1,710,700	1.17	\$2,001,000	\$854,000	\$1,147,000	\$1,711,000
Tank Barge (Single Hull)	T/B EMC 423	2005	IL	1,400	\$13,424,100	1.17	\$15,706,000	\$6,408,000	\$9,298,000	\$4,813,000
Fishing Vessel	F/V MILKY WAY	2005	WA	200	\$1,039,600	1.17	\$1,216,000	\$854,000	\$362,000	\$9,000
Cargo/Other SPV	MAMA LERE	2006	TX	400	\$1,217,300	1.14	\$1,388,000	\$854,000	\$533,000	\$1,217,000
Cargo/Other SPV	M/V COSCO BUSAN	2007	CA	65,100	\$110,557,900	1.11	\$122,719,000	\$65,131,000	\$57,588,000	\$4,208,000
Cargo/Other SPV	M/V SENECA	2007	MI	200	\$1,211,000	1.11	\$1,344,000	\$854,000	\$490,000	\$1,211,000
Cargo/Other SPV	LST-1166	2007	OR	2,400	\$5,150,700	1.11	\$5,717,000	\$2,418,000	\$3,299,000	\$5,151,000
Cargo/Other SPV	CATALA	2007	WA	5,700	\$6,138,500	1.11	\$6,814,000	\$5,700,000	\$1,114,000	\$6,138,000
Tank Barge (Double Hull)	T/B DM932	2008	LA	800	\$99,735,600	1.07	\$106,717,000	\$4,272,000	\$102,445,000	\$21,516,000
Cargo/Other SPV	C/V SEA WITCH	2008	MD	17,900	\$20,629,900	1.07	\$22,074,000	\$17,902,000	\$4,172,000	\$20,630,000
Cargo/Other SPV	BIG BOY & SCOOBY DOO	2008	PA	200	\$1,010,800	1.07	\$1,082,000	\$854,000	\$227,000	\$1,011,000
Cargo/Other SPV	WENONAH	2009	CA	300	\$932,500	1.07	\$998,000	\$854,000	\$143,000	\$933,000
Cargo/Other SPV	SOUND DEVELOPER	2009	AK	200	\$1,576,600	1.07	\$1,687,000	\$854,000	\$833,000	\$1,577,000
Cargo/Other SPV	MONARCH	2009	AK	300	\$2,698,200	1.07	\$2,887,000	\$854,000	\$2,033,000	\$24,000
Cargo/Other SPV	M/V PRINCESS KATHLEEN	2010	AK	5,900	\$14,185,900	1.05	\$14,895,000	\$5,875,000	\$9,020,000	\$14,186,000
Cargo/Other SPV	DAVY CROCKETT	2011	WA	4,600	\$22,284,000	1.02	\$22,730,000	\$4,643,000	\$18,087,000	\$22,284,000
Cargo/Other SPV	TUG TIGER	2011	CA	200	\$2,419,900	1.02	\$2,468,000	\$854,000	\$1,614,000	\$2,420,000
<b>Total 1991-2000</b>							<b>\$686,974,000</b>	<b>\$262,491,000</b>	<b>\$424,483,000</b>	<b>\$239,314,000</b>
<b>Total 2001-2012</b>							<b>\$1,081,499,000</b>	<b>\$343,866,000</b>	<b>\$737,633,000</b>	<b>\$410,697,000</b>

SPV - Self-Propelled Vessel

*This listing includes all incidents regardless of vessel size or type and regardless of whether a claim to the Fund by a responsible party for amounts in excess of liability limits was received or is anticipated. Costs include Federal removal costs and claims paid that have been verified. Other costs are estimated from best available information but cannot otherwise be verified. Fund exposure amounts are estimated and do not imply that the responsible parties will be able to limit their liability under the statute where the issue has not yet been determined.*

# Attachment C: Incidents Exceeding Liability Limits With Limits to Achieve 50 percent Cost Share

Vessel Type	Project Name	Incident Year	Incident Location	Gross Tonnage	Total Incident Cost	Inflation Factor	Total Incident Cost (2012 Dollars)	Limits of Liability	Fund Exposure	Actual OSLTF Costs Incurred	Gross Ton Liability Limits for a 50% Cost Share	Minimum Liability for a 50% Cost Share
Shaded Area Indicates Higher Limit Which Would Be Applied												
Tank Ship (Single Hull)	T/V JULIE N	1996	ME	18,500	\$52,601,200	1.46	\$76,798,000	\$59,126,000	\$17,671,000	\$28,376,000	\$62,900,000	\$96,900,000
Tank Ship (Single Hull)	T/V ATHOS I	2004	NJ	37,900	\$256,978,000	1.21	\$310,943,000	\$121,264,000	\$189,679,000	\$209,929,000	\$128,860,000	\$96,900,000
Total Tank Ship (Single Hull)							\$387,741,000	\$180,390,000	\$207,350,000	\$238,305,000		
Tank Barge (Single Hull)	T/B VISTABELLA	1991	PR	1,100	\$6,124,100	1.68	\$10,289,000	\$6,408,000	\$3,881,000	\$4,782,000	\$8,250,000	\$13,100,000
Tank Barge (Single Hull)	T/B (TAMPA BAY COLLISION)	1993	FL	9,300	\$68,900,000	1.59	\$109,551,000	\$29,638,000	\$79,913,000	\$2,397,000	\$69,750,000	\$33,100,000
Tank Barge (Single Hull)	T/B MORRIS J. BERMAN	1994	PR	5,400	\$95,488,300	1.55	\$148,007,000	\$23,496,000	\$124,511,000	\$95,488,000	\$40,500,000	\$33,100,000
Tank Barge (Single Hull)	M/V SCANDIA & T/B NORTH CAPE	1996	RI	5,500	\$49,000,000	1.46	\$71,540,000	\$23,496,000	\$48,044,000	\$9,046,000	\$41,250,000	\$33,100,000
Tank Barge (Single Hull)	T/B BUFFALO #292	1996	TX	1,500	\$21,529,900	1.46	\$31,434,000	\$6,408,000	\$25,026,000	\$16,810,000	\$11,250,000	\$33,100,000
Tank Barge (Single Hull)	T/B B NO. 120	2003	MA	6,900	\$61,339,200	1.25	\$76,674,000	\$23,496,000	\$53,178,000	\$1,753,000	\$51,750,000	\$33,100,000
Tank Barge (Single Hull)	T/B EMC 423	2005	IL	1,400	\$13,424,100	1.17	\$15,706,000	\$6,408,000	\$9,298,000	\$4,813,000	\$10,500,000	\$33,100,000
Total Tank Barge (Single Hull)							\$463,201,000	\$119,350,000	\$343,851,000	\$135,089,000		
Tank Barge (Double Hull)	T/B DBL 152	2005	LA	9,700	\$57,079,800	1.17	\$66,783,000	\$19,482,000	\$47,301,000	\$19,478,000	\$79,540,000	\$43,400,000
Tank Barge (Double Hull)	T/B DM932	2008	LA	800	\$99,735,600	1.07	\$106,717,000	\$4,272,000	\$102,445,000	\$21,516,000	\$6,560,000	\$43,400,000
Total Tank Barge (Double Hull)							\$173,500,000	\$23,754,000	\$149,746,000	\$40,994,000		
NTV > 300 GT	F/V TIENYO MARU	1991	WA	4,200	\$6,062,900	1.68	\$10,186,000	\$4,167,000	\$6,019,000	\$6,063,000	\$5,460,000	\$20,200,000
NTV > 300 GT	F/V JIN SHIANG FA	1993	AS	400	\$2,013,000	1.59	\$3,201,000	\$854,000	\$2,346,000	\$2,420,000	\$520,000	\$20,200,000
NTV > 300 GT	M/V KUROSHIMA	1997	AK	4,200	\$19,702,600	1.43	\$28,175,000	\$4,160,000	\$24,015,000	\$17,540,000	\$5,460,000	\$20,200,000
NTV > 300 GT	M/V KURE	1997	CA	36,000	\$47,218,900	1.43	\$67,523,000	\$36,009,000	\$31,514,000	\$711,000	\$46,800,000	\$20,200,000
NTV > 300 GT	M/V NEW CARISSA	1999	OR	36,600	\$50,501,400	1.38	\$69,692,000	\$36,571,000	\$33,121,000	\$32,914,000	\$47,580,000	\$20,200,000
NTV > 300 GT	M/V STUYVESANT	1999	CA	7,100	\$11,700,000	1.38	\$16,146,000	\$7,111,000	\$9,035,000	\$379,000	\$9,230,000	\$20,200,000
NTV > 300 GT	M/V SERGO ZAKARIADZE	1999	PR	16,500	\$15,966,700	1.38	\$22,034,000	\$16,302,000	\$5,532,000	\$6,065,000	\$21,450,000	\$20,200,000
NTV > 300 GT	F/V WINDY BAY	2001	AK	400	\$3,396,400	1.30	\$4,415,000	\$854,000	\$3,561,000	\$3,296,000	\$520,000	\$20,200,000
NTV > 300 GT	SS JLUCKENBACH	2001	CA	7,900	\$39,691,800	1.30	\$51,599,000	\$7,869,000	\$43,730,000	\$44,051,000	\$10,270,000	\$20,200,000
NTV > 300 GT	M/V SELENDANG AYU	2004	AK	39,800	\$178,988,100	1.21	\$216,576,000	\$39,755,000	\$176,821,000	\$6,721,000	\$51,740,000	\$20,200,000
NTV > 300 GT	MAMA LERE	2006	TX	400	\$1,217,300	1.14	\$1,388,000	\$854,000	\$533,000	\$1,217,000	\$520,000	\$20,200,000
NTV > 300 GT	M/V COSCO BUSAN	2007	CA	65,100	\$110,557,900	1.11	\$122,719,000	\$65,331,000	\$57,388,000	\$4,208,000	\$84,630,000	\$20,200,000
NTV > 300 GT	LST-1166	2007	OR	2,400	\$5,150,700	1.11	\$5,717,000	\$2,418,000	\$3,299,000	\$5,151,000	\$3,120,000	\$20,200,000
NTV > 300 GT	CATALA	2007	WA	5,700	\$6,138,500	1.11	\$6,814,000	\$3,700,000	\$1,114,000	\$6,138,000	\$7,410,000	\$20,200,000
NTV > 300 GT	C/V SEA WITCH	2008	MD	17,900	\$20,629,900	1.07	\$22,074,000	\$17,902,000	\$4,172,000	\$20,630,000	\$23,270,000	\$20,200,000
NTV > 300 GT	M/V PRINCESS KATHLEEN	2010	AK	5,900	\$14,185,900	1.05	\$14,895,000	\$5,875,000	\$9,020,000	\$14,186,000	\$7,670,000	\$20,200,000
NTV > 300 GT	DAVY CROCKETT	2011	WA	4,600	\$22,284,000	1.02	\$22,730,000	\$4,643,000	\$18,087,000	\$22,284,000	\$5,980,000	\$20,200,000
Total NTV > 300 GT							\$685,884,000	\$256,375,000	\$429,507,000	\$194,074,000		
NTV < or = 300 GT 300 GT	F/V YU TE NO. 1	1999	AS	200	\$1,164,600	1.38	\$1,607,000	\$854,000	\$753,000	\$5,296,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	F/V AMIGA NO. 3	1999	AS	200	\$3,355,700	1.38	\$4,631,000	\$854,000	\$3,777,000	\$2,766,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	F/V KWANG MYONG	1999	AS	200	\$1,554,800	1.38	\$2,146,000	\$854,000	\$1,291,000	\$965,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	F/V KORAM NO. 3	1999	AS	200	\$1,403,100	1.38	\$1,936,000	\$854,000	\$1,082,000	\$813,000	\$960,000	\$940,000

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Vessel Type	Project Name	Incident Year	Incident Location	Gross Tonnage	Total Incident Cost	Inflation Factor	Total Incident Cost (2012 Dollars)	Units of Liability	Fund Exposure	Actual OSLTF Costs Incurred	Gross Tonnage Liability Limits for a 50% Cost Share	Minimum Liability for a 50% Cost Share
											Shaded Area Indicates Higher Limit Which Would Be Applied	
NTV < or = 300 GT 300 GT	F/V KWANG MYONG NO 72	1999	AS	200	\$2,182,900	1.38	\$3,012,000	\$854,000	\$2,158,000	\$1,593,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	F/V KWANG MYONG NO 58	1999	AS	200	\$1,557,600	1.38	\$2,149,000	\$854,000	\$1,295,000	\$967,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	F/V KORAM NO 1	1999	AS	200	\$1,378,400	1.38	\$1,902,000	\$854,000	\$1,048,000	\$788,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	F/V KWANG MYONG NO 51	1999	AS	200	\$1,249,200	1.38	\$1,724,000	\$854,000	\$869,000	\$659,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	F/V JESSICA ANN	2000	ME	200	\$947,000	1.33	\$1,260,000	\$854,000	\$405,000	\$947,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	F/V SWORDMAN I	2000	HI	100	\$1,528,500	1.33	\$2,033,000	\$854,000	\$1,178,000	\$1,528,000	\$480,000	\$940,000
NTV < or = 300 GT 300 GT	M/V KIMTON	2001	PR	200	\$713,700	1.30	\$928,000	\$854,000	\$73,000	\$714,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	F/V VANGUARD	2001	AK	200	\$689,800	1.30	\$910,000	\$854,000	\$55,000	\$700,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	F/V GENIE MARU #7	2002	AK	100	\$869,800	1.28	\$1,113,000	\$854,000	\$259,000	\$870,000	\$480,000	\$940,000
NTV < or = 300 GT 300 GT	F/V TERESA LYNN	2002	FL	200	\$690,800	1.28	\$884,000	\$854,000	\$30,000	\$691,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	VICTORIA ROSE HUNT	2003	MA	100	\$1,085,700	1.25	\$1,357,000	\$854,000	\$503,000	\$94,000	\$480,000	\$940,000
NTV < or = 300 GT 300 GT	M/V RED DIAMOND	2003	FL	200	\$2,595,200	1.25	\$3,244,000	\$854,000	\$2,390,000	\$2,595,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	CRANE BARGE MONARCH	2003	CA	200	\$2,481,700	1.25	\$3,102,000	\$854,000	\$2,248,000	\$2,482,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	M/V BOWSTRING	2003	FL	300	\$1,606,500	1.25	\$2,008,000	\$854,000	\$1,154,000	\$1,606,000	\$1,440,000	\$940,000
NTV < or = 300 GT 300 GT	F/V NEW HORIZON	2004	CA	100	\$805,300	1.21	\$974,000	\$854,000	\$120,000	\$305,000	\$480,000	\$940,000
NTV < or = 300 GT 300 GT	F/V MWALIL SAAT	2004	GU	200	\$3,413,500	1.21	\$4,130,000	\$854,000	\$3,276,000	\$3,414,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	F/V THE BOSS	2004	OR	200	\$926,100	1.21	\$1,121,000	\$854,000	\$266,000	\$926,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	M/V ORIENTAL I	2004	FL	200	\$727,400	1.21	\$880,000	\$854,000	\$26,000	\$727,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	ALBION	2005	CA	200	\$1,207,100	1.17	\$1,412,000	\$854,000	\$558,000	\$1,207,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	M/V CASITAS	2005	HI	300	\$1,710,700	1.17	\$2,001,000	\$854,000	\$1,147,000	\$1,711,000	\$1,440,000	\$940,000
NTV < or = 300 GT 300 GT	F/V MILKY WAY	2005	WA	200	\$1,039,600	1.17	\$1,216,000	\$854,000	\$362,000	\$9,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	M/V SENECA	2007	MI	200	\$1,211,000	1.11	\$1,344,000	\$854,000	\$490,000	\$1,211,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	BIG BOY & SCOOBY DOO	2008	PA	200	\$1,010,800	1.07	\$1,082,000	\$854,000	\$227,000	\$1,011,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	WENONAH	2009	CA	300	\$932,500	1.07	\$998,000	\$854,000	\$143,000	\$933,000	\$1,440,000	\$940,000
NTV < or = 300 GT 300 GT	SOUND DEVELOPER	2009	AK	200	\$1,576,600	1.07	\$1,687,000	\$854,000	\$833,000	\$1,577,000	\$960,000	\$940,000
NTV < or = 300 GT 300 GT	MONARCH	2009	AK	300	\$2,698,200	1.07	\$2,887,000	\$854,000	\$2,033,000	\$24,000	\$1,440,000	\$940,000
NTV < or = 300 GT 300 GT	TUG TIGER	2011	CA	200	\$2,419,900	1.02	\$2,468,000	\$854,000	\$1,614,000	\$2,420,000	\$960,000	\$940,000
Total NTV < or = 300 GT 300 GT							\$58,146,000	\$26,474,000	\$31,663,000	\$41,549,000		
Grand Total							\$1,768,473,000	\$606,357,000	\$1,162,116,000	\$650,811,000		

NTV - Non-Tank Vessel

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