



## U.S. Coast Guard Issues its Final Action on the Deepwater Horizon Joint Investigation

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On September 14, 2011, the Coast Guard published its Final Agency Action on the Report of the Joint Department of the Interior and Department of Homeland Security Investigation, addressing the recommendations of the Joint Investigation Team and noting the Coast Guard's intentions with regard to regulatory, enforcement, and administrative actions. A copy of the Report is attached. While generally agreeing with most of the Report, the Commandant disagreed with the Report's conclusion that the Republic of the Marshall Islands had failed to ensure that the Deepwater Horizon was in compliance with applicable requirements. The Commandant noted that the Report did not identify any specific instance in which the RMI failed to meet international guidelines, instead suggesting that the guidelines themselves may have room for improvement. The Commandant's Action states that the Coast Guard will consider recommending changes to the International Maritime Organization's Mobile Oil Drilling Unit Code, and to U.S. Outer Continental Shelf regulations, to improve safety and oversight of offshore drilling in the future. However, the Action also indicates that the Coast Guard will take a deliberate approach, based on further analysis as well as international consultation.

The Commandant concurred with the intent, but not the specifics, of a number of recommendations calling for detailed changes to the MODU Code and Coast Guard regulations. Instead, the Commandant noted that the issues would be further studied to determine what, if any, changes are needed. However, the Commandant did approve recommendations to consider requiring continuously-manned shore-based operations centers for drilling operations, clarifying training requirements, and requiring MODUs to prepare Salvage and Marine Fire Fighting plans. With regard to internal Coast Guard matters, the Commandant approved recommendations to consolidate MODU and OCS inspection operations, review the Coast Guard's ability to carry out those duties, and evaluate the use of a "safety case" regulatory approach to rapidly changing technologies, under which the agency would set out safety goals, and the operator would provide a "safety case" detailing how those goals could be met. The Commandant also approved a number of recommendations for personal recognition of persons involved in the response to the explosion, and of a number of crewmembers who displayed great heroism in helping their shipmates during the evacuation of the vessel.

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