

**CHALOS,
O'CONNOR
& DUFFY**

COUNSELLORS AT LAW

**366 MAIN STREET
PORT WASHINGTON, NEW YORK 11050-3120**

**TELEPHONE (516) 767-3600
TELECOPIER (516) 767-3605 & 3925
WEBSITE: WWW.CODUS-LAW.COM**

**George M. Chalos
Partner
gmc@codus-law.com**

Michael G. Chalos
Eugene J. O'Connor
George M. Chalos*
Owen F. Duffy
Charles S. Cumming
Leroy S. Corsa
Timothy Semenoro**
Brian T. McCarthy
George E. Murray
Michael P. Siravo

*Admitted USDC SD- Tx
**Admitted in New Jersey

August 30, 2006

**SHIP AGENTS' POTENTIAL LIABILITIES ARISING
OUT OF A POLLUTION INCIDENT.**

The Oil Pollution Act of 1990 ("OPA"), § 2702(a) provides, in part,

*"... each **responsible party** for a vessel or a facility from which oil is discharged, or which poses the substantial threat of a discharge of oil, into or upon the navigable waters or adjoining shorelines or the exclusive zone, is liable for the removal costs and damages..."*

For pollution incidents involving a vessel, OPA expressly defines a responsible party as "any person owning, operating or demise chartering the vessel."

While a ship's agent has no legal liability under OPA for either an actual or potential pollution incident, it has been our experience that clever plaintiff's attorneys may seek recovery from a vessel's agent in ensuing third-party claims litigation (assuming, of course, the pollution incident impacted third parties). Of course, if the pollution incident was caused by an act or omission of the agent, a responsible party may seek indemnity for its' statutorily prescribed liability under OPA. Notwithstanding, we are unaware of any third-party claims litigation wherein a claimant successfully prosecuted a recovery against a ship's agent.

For more information on ship agents liabilities and/or the Oil Pollution Act of 1990, please feel free to contact George M. Chalos, Esq. at the above noted details or by Email at: gmc@codus-law.com.