

New OPA 90 limitation amounts



For single hull tank vessels > 3,000 gt
the greater of USD 3,500 per ton or USD 25,845,600



For other tank vessels > 3,000 gt
the greater of USD 2,200 per ton or USD 18,796,800



For single hull tank vessel <= 3000 gt
the greater of USD 3,500 per ton or USD 7,048,800



For other tank vessels <=3000 gt
the greater of USD 2,200 per ton or USD 4,699,200



For any other vessel (including oil tank vessel in edible oil trade and any oil spill response vessel)

the greater of USD 1,100 per ton or USD 939,800



For deepwater ports and pipelines
USD 633,850,000



For the Louisiana Offshore Oil Port
USD 96,366,600



For onshore facilities, including motor vehicles, pipelines
USD 633,850,000

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Raising the roof – OPA 90 limitation amount increased again

OPA 90 limits to increase by an average of ten per cent for all vessel types from 21 December 2015.

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The USCG has recently announced that it will be raising the OPA 90 limitation amounts to reflect significant increases in the Consumer Price Index (CPI). The increases are necessary to preserve the deterrent effect and *polluter pays* principle embodied in OPA 90. In addition, a simpler procedure will be established to automatically take account of inflation on a periodic basis - but not less than every three years since the limits were last adjusted. For any three-year period in which the change in inflation is less than three per cent, no adjustment will be made until the cumulative change equals or exceeds three per cent.

Based on general economic trends, it is doubtful these limitation ceilings will ever be lowered in the future and more likely will always increase. Therefore, the cost of OPA 90 pollution cases in the USA will remain high - even if a vessel is eligible to utilise the protection of the limitation figure.

The USCG also takes the opportunity to clarify that the OPA 90 vessel limits of liability also apply to edible oil cargo tank vessels and tank vessels designated as oil spill response vessels.

For most of the applicable vessel categories, the changes are aligned with relatively modest currency valuation changes. The exception is for deepwater ports, pipelines, and other offshore facilities, and onshore facilities, in which the limitation ceiling is almost doubled, due to delayed incremental increases over a period of many years.

For further detailed information, the text for the final USCG rule, issued on 19 November 2015, can be found at: <http://www.gpo.gov/fdsys/pkg/FR-2015-11-19/pdf/2015-29519.pdf>

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