shore or the leak stopped before all of the oil from even one compartment is lost.

Sinkings of barges are extremely rare. In 25 years of operations, Ashland Oil and Refining Co., with the largest single fleet, has had two sinkings, one partial and one complete. The most costly recent oil cleanup from a barge spill of which AWO is aware was the cleanup of a large oil slick in a tributary of the Mississippi, at a cost of $20,000. According to one large company, the cost of cleaning up an oil spill from a barge is typically $3,000 to $4,000. These costs contrast with the cost of the English cleanup following the *Torry Canyon* disaster, in the amount of $10 million.

We would propose, therefore, that a limit be fixed for maximum liability under subsection 19(e), and that this limitation be fixed in the case of tugs, barges, and similar vessels to an amount reasonably related both to the limited danger that these carriers present and to the limited financial resources of the owners and operators of these vessels. For these carriers, the limitation could be based on the oil-carrying capacity of the vessel but should not exceed the value of the vessel before the accident.

This separate treatment of tugs, barges, and similar vessels would be in keeping with the longstanding congressional policy expressed in the Limitation of Liability Act. Tugs, towboats, and barges are expressly excluded from the definition of "seagoing vessel" in the Liability Act and are subject to different treatment. Recognizing the greater capacity for damage, and the greater risk of total loss in the case of an accident involving a seagoing vessel, Congress in the Limitation of Liability Act has established one limitation for seagoing vessels and a separate, lower, limitation for other vessels. AWO urges that, regardless of the limit established for oceangoing tankers, a limitation be established for vessels that are not seagoing vessels, as that term is defined in the Liability Act, that is realistic in light of the nature and operations of these nonseagoing vessels.

These, then, are the major recommendations of AWO on H.R. 14000:

First, liability for the removal of oil spills under subsection 19(e) should be based on negligence.

Second, liability should be limited in the case of nonseagoing vessels to an amount related to the oil-carrying capacity of the vessels. The limit should be no higher than the value of the vessel before the accident.

GOOD SAMARITAN PROVISION

Finally, let me add a word on a separate point. Other witnesses have recommended amending the proposed legislation to include a "good Samaritan" provision to encourage prompt action to contain and clean up oil spills as soon as they occur. Even under subsection 19(e) in its present proposed form, there will be some spills for which vessel owners will have no cleanup responsibility. There seems to be no doubt, however, among those knowledgeable in this field, that damage from oil spills can be kept to a minimum if efforts are exerted promptly to contain and clean them up. Vessel owners should be encouraged to begin this work at once, in the event of every oil discharge, regardless of their ultimate legal liability to clean up the spill.