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OMSA Releases Report on Violations in Offshore Wind Industry

Report Details how Offshore Wind Industry, and the Federal Government are Failing to Follow or Enforce the Jones Act, Employment Laws, and Safety Regulations

New Orleans, Louisiana—The Offshore Marine Service Association (OMSA) [publicly released its second allegation under the JONES ACT ENFORCER program](#). The report details how the GEOQUIP SAENTIS, a Chinese-built, foreign-crewed, and Bahamian-flagged vessel, transported cargo off Virginia in support of an offshore wind project. The report also details how weak oversight from the government allowed the vessel to not only violate the Jones Act, but also fail to comply with employment, safety, and environmental protection laws and regulations.

“U.S. wind power should mean U.S. jobs,” said OMSA President Aaron Smith. “Our report provides a case study of how far too often wind projects are instead creating jobs for Estonians and Romanians, while capable American mariners sit on the shore. We’ve detailed how a foreign company—by their own admission—used a Chinese-built vessel with foreign crew members to transport cargo within U.S. waters. That’s illegal.”

The OMSA report utilized information produced by the vessel owner and publicly available records to document how the vessel transported merchandise from points in U.S. waters to U.S. ports, an activity that the Jones Act reserves for U.S.-built, crewed, and owned vessels.

As for the foreign crew members, the report detailed how the U.S. Coast Guard was not following existing law, or their own regulations in allowing the GEOQUIP SAENTIS to utilize non-U.S. citizens in U.S. waters. While the report was unable to provide wages for the specific Estonian, Romanian, and Polish mariners that served on the GEOQUIP SAENTIS, OMSA did include wage estimates provided by a foreign crewing agent. This inclusion showed the foreign crew of the GEOQUIP SAENTIS were paid far less than U.S. mariners, enabling the vessel operator to secure an unfair competitive advantage against U.S. vessels that are required by the Jones Act and the Outer Continental Shelf Lands Act (OCSLA) to hire U.S. mariners.

The report also detailed how the GEOQUIP SAENTIS’ status as a Chinese-built, foreign-owned vessel provided the vessel with lenient regulatory enforcement from the U.S. government which would never be allowed for U.S.-flagged vessels, thereby creating not only a competitive advantage for the foreign vessel, but also safety and pollution risks. Specifically, the report notes:

- The vessel was apparently never inspected or obtained the classifications required to conduct drilling or coring activities.
- When the vessel first arrived in U.S. waters it did not secure the Clean Water Act-required permits and was therefore prohibited from entering two U.S. ports.

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- In securing the permit required by the Clean Water Act, the vessel operator falsely reported the number of crew members and the amount of time the vessel was to spend in U.S. waters.
- The vessel has been documented as an “acknowledged pollution source” by the USCG.
- The vessel repeatedly failed to broadcast its position via Automatic Identification System (AIS) in violation of U.S. law.

[Comparing today’s report to the previous JONES ACT ENFORCER report](#), Smith said, “again we have demonstrated that there are two distinct regulatory environments for vessels engaged in the U.S. offshore energy industry. There is a high level of regulatory compliance for U.S.-flagged vessels and an environment where problems are allowed to slide for foreign flagged vessels. This system is does not protect the safety of our industry or the environment and creates a competitive advantage for foreign-flagged vessels.”

The GEOQUIP SAENTIS was built in 2005 in China as a vessel, designed and classed to carry supplies for offshore oil and gas projects. In 2019, the Swiss firm, Geoquip Marine, purchased the then-mothballed vessel and made quick modifications to allow engagement in geotechnical surveys. This work consists of drilling hundreds of holes in the seabed where offshore wind farms will be located and transporting samples from these holes to shoreside labs for analysis. It doesn’t appear that the vessel ever registered its change of ownership or the modification with the U.S. Coast Guard, nor had the geotechnical equipment retrofitted onto the vessel inspected by the U.S. Coast Guard, the Bahamian government (where the vessel is flagged), or the international classification organization tasked with ensuring this equipment is safe.

Smith also spoke about what this report means for the future of the offshore wind industry, “lobbyist for the offshore wind industry have claimed their clients will only utilize foreign-flagged vessels when there is not a U.S.-flagged vessel available. Today’s report shows that’s simply not true. Wind developers will continue to exploit lax enforcement of U.S. laws to utilize Chinese-built and foreign-crewed vessels.”

The GEOQUIP SAENTIS continues to work in U.S. offshore wind fields, the vessel left New Bedford, Massachusetts on Saturday, November 13 and seemed to be heading to an offshore wind project South of Nantucket, however, the vessel’s AIS did not seem to be registering so an exact location was not available.



The GEOQUIP SAENTIS transits through Norfolk, Virginia on May 12, 2021 (Source OMSA).

About OMSA:

The Offshore Marine Service Association represents more than 140 member companies, including approximately 60 firms that own and operate marine service vessels. These sophisticated vessels, connect America with its offshore energy resources, constructing these assets and providing every pipe, wrench, computer, barrel of fuel, and gallon of drinking water to rigs and platforms, as well as transporting tens of thousands of workers to and from the facilities. More information about OMSA's JONES ACT ENFORCER program can be found [here](#).

About the Jones Act:

The Jones Act requires seaborne cargo shipped between two U.S. points to be carried by U.S.-built, crewed, and owned vessels. The Act is the primary component of U.S. maritime policy and is vital to American national, homeland, and economic security. For this reason, the Jones Act enjoys the support of the U.S. Navy, Coast Guard, U.S. Maritime Administration, and members of Congress. CBP is charged with enforcing the Jones Act and prosecuting Jones Act violations.

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