

Liability Statutes Generally										
Federal and State Laws	Applicable Statute	Responsible Parties	Nature of Liability	Statutory Defenses	Cleanup Costs	Natural Resource Damages (NRD)	Property Damage, Consequential, Economic Loss	Just for Break Right of Limitation	Reporting	ETC. (Links/other important resources)
NOTE: Some states are not included because they do not have their own individual oil pollution statute, or their oil pollution statute relates to ground pollution.										
Federal (OPA)	OPA, 33 USC 2701, et seq.	shipowner, operator, demise charterer, possibly cargo owner	strict, joint and several	Complete Defenses: (1) an act of God; (2) an act of war; (3) an act or omission of a third party, other than an employee or agent of the responsible party or a third party whose act or omission occurs in connection with any contractual relationship with the responsible party (except where the sole contractual arrangement arises in connection with carriage by a common carrier by rail); if the responsible party establishes, by a preponderance of the evidence, that the responsible party— (A) exercised due care with respect to the oil concerned, taking into consideration the characteristics of the oil and in light of all relevant facts;	(1) for a tank vessel, the greater of— (A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only, \$3,000 per gross ton; (B) with respect to a vessel other than a vessel referred to in subparagraph (A), \$1,500 per gross ton; or (C) (i) with respect to a vessel greater than 3,000 gross tons that is— (I) a vessel described in subparagraph (A), \$22,000,000; or (II) a vessel described in subparagraph (B), \$16,000,000; or (ii) with respect to a vessel of 3,000 gross tons or less that is— (I) a vessel described in subparagraph (A), \$6,000,000; or (II) a vessel described in subparagraph (B), \$4,000,000; (2) for any other vessel, \$500 per gross ton or	(1) in general, the measure of natural resource damages under section 1002(b)(2)(A) [33 USCS § 2702(b)(2)(A)] is— (A) the cost of restoring, rehabilitating, replacing, or acquiring the equivalent of, the damaged natural resource; (B) the diminution in value of those natural resources pending restoration; plus (C) the reasonable cost of assessing those damages. (2) Determine costs with respect to plans. Costs shall be determined under paragraph (1) with respect to plans adopted under subsection (c). (3) No double recovery. There shall be no double recovery under		gross negligence or willful misconduct; failure to report a spill or to cooperate in spill response; failure to comply with USCG order		
Federal (Clean Water Act)	33 U.S.C. § 1321	owner and operator of a vessel or of a facility		(A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was not negligent; or any combination of the foregoing clauses	Any costs of removal incurred in connection with a discharge excluded by subsection (a)(2)(C) of this section shall be recoverable from the owner or operator of the source of the discharge in an action brought under section 309(b) of this Act [33 USCS § 1319(b)]. For the removal of such oil or substance by the United States Government in an amount not to exceed in the case of an inland oil barge \$125 per gross ton of such barge, or \$125,000, whichever is greater, and in the case of any other vessel, \$150 per gross ton of such vessel (or, for a vessel carrying oil or hazardous substances as cargo, \$250,000, whichever is greater, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs					
Alabama	Alabama Act Regarding Liability for Persons Responding to Oil Spills. Code of Ala. § 6-5-332.2	Any vessel, or any person owning, operating, or demise chartering the vessel.	Wrongful act, omission or negligence (punitive and compensatory damages allowed in case of willful or wanton conduct; compensatory alone in case of negligence or act of omission)		Unlimited	Liable for costs of restoration	No recoverability	No recoverability Not Applicable	1-800-843-0699	
Alaska	Title 46, Water, Air, Energy, and Environmental Conservation Chapter 04, Oil and Hazardous Substance Pollution Control Article 1, Oil Pollution Control	owner of the oil carried as cargo; any person owning, operating, or chartering by demise, a vessel	Jointly, Severally, and Strictly	(1) an act of God; (2) an act of a third person with intent to cause a discharge, unless the third person is a person with whom the person charged is made jointly and severally liable under (e)(1) — (3) of this section; (3) a negligent or intentional act of this state or the United States; or (4) an act of war.	direct and indirect costs associated with the abatement, containment, or removal of the pollutant;	restoration of the environment to its former state;	loss of persons or property, real or personal, loss of income, loss of the means of producing income, or the loss of an economic benefit; amounts paid as grants under AS 29.60.510 — 29.60.599 and any emergency first response advances and reimbursements under AS 46.06.070(a) — and	the court shall assess four times the penalty set out in (a) of this section if the court finds (1) the discharge was caused by the gross negligence or intentional act of the defendant; (2) the defendant did not take reasonable measures to contain and clean up the discharged oil; or (3) the defendant did not act in accordance with an approved oil discharge prevention and contingency plan.	The nearest response team: https://naiveillageofalaska.files.wordpress.com/2018/12/19-reportingplan.pdf	https://dec.ala.gov/media/533h/3p0/18-aac-75.pdf
California	THE LEMPKE-KEENE-SEASTRAND OIL SPILL PREVENTION AND RESPONSE ACT, Chapter 7, California Emergency Services Act	The owner or transporter of oil or a person or entity accepting responsibility for the oil. (2) The owner, operator, or lessee of, or a person that chartered by demise, a vessel or facility, or a person or entity accepting responsibility for the vessel or facility.	Strict	Damages, other than costs of removal incurred by the state or a local government, caused solely by any act of war, hostilities, civil war, or insurrection or by an unanticipated grave natural disaster or other act of God of an exceptional, inevitable, and irresistible character, that could not have been prevented or avoided by the exercise of due care or foresight. (2) Damages caused solely by the negligence or intentional malfeasance of that injured person. (3) Damages caused solely by the criminal act of a third party other than the defendant or an agent or employee of the defendant. (4) Natural seepage not caused by a responsible party. (5) Discharge or leakage of oil or natural gas from a	Unlimited	Unlimited	Loss of profits; loss of taxes, royalties or rent; loss of employment; economic damages to real or personal property	Failure to remove, report, cooperate, refuse to comply with clean-up order and plan	Contact the California Office of Emergency Services	https://www.slcc.ca.gov/oil-spill-prevention/ text: The%20Lempke%20Keene%20Seastrand%20Oil%20Spill%20Prevention%20Act%20of%201982
Colorado	Incorporates EPA regulations	targeted at pipelines and hazardous waste refusal							1-877-518-5688 within 24 hours of discovery	
Connecticut	Chapter 446k Water Pollution Control (§§ 22a-416 — 22a-599) (incorporates OPA)	Any person, firm or corporation that directly or indirectly causes pollution or contamination of any land or waters	Strict	Limitation on liability available only for "innocent landowners" - holders of real estate	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	The Department of Energy and Environmental Protection (DEEP), Emergency Response Unit, 860-424-3338 or toll free 1-866-DEP-SPILL (1-866-337-7745), 24 hours/day. Should these numbers become unavailable for any reason, call 860-424-3333	
Delaware	Title 7 Conservation Chapter 62 "Oil Pollution Liability" §6201- §6216	owner and operator of a vessel or of a facility	Jointly, Severally, and Strictly	(1) War, Hostilities, civil war or insurrection, or by natural phenomenon of an unforeseen, exceptional, inevitable and irresistible character; (2) as to a particular claimant, where the accident or economic loss caused by the gross negligence or willful misconduct of that claimant (3) ACT OF WAR (b) An act of government, either federal, state, county, or municipal. (c) An act of God, which means only an unforeseeable act exclusively occasioned by the violence of nature without the interference of any human agency. (d) An act or omission of a third party other than an employee or agent of the responsible party or a third party whose act or omission occurs in	Unlimited	Not referenced in the statute.	Loss of profits; loss of tax revenue; loss/injury to real and personal property	Not referenced in the statute.	800-662-8802	
Florida	Fla. Stat. § 376: Pollutant Discharge Prevention and Removal	any person owning, operating, or demise chartering the vessel; cargo owners when operators fail to pay	Not referenced in the statute.		(a) For a vessel transporting pollutants as cargo: \$10 million or \$1,200 per gross ton, whichever is greater. (b) For any other vessel: \$500,000 or \$600 per gross ton, whichever is greater.	See Fla. Stat. Ann. § 376.121 specifically for computation schedule. Essentially \$1 per gallon or its equivalent measurement of pollutant discharged, by the number of gallons or its equivalent measurement, times the location of the discharge factor, times the special management area factor plus other environmental damages.	Unlimited	willful or gross negligence or willful misconduct; failure to cooperate; failure to report; failure to provide reasonable assistance	1-800-320-0519	
Georgia	O.C.G.A. 12-5	Any individual, corporation, partnership, or unincorporated association	strict	Not referenced in the statute.	\$50,000 per day for each day during which the negligent or intentional failing or refusing to comply with any final or emergency order continues. OTHER THAN THAT, NO CAP SEE O.C.G.A. 12-5-505c	NO CAP	Not referenced in the statute.	Not referenced in the statute.	DNR Emergency Operations Center at 800-341-4113 or 404-656-4863	
Guam	Guam Oil Responder Act 10 GCA Section 54A003	any vessel, onshore facility, offshore facility, deepwater ports, pipelines, or abandoned vessel	n/a	n/a	any removal costs and damages				1-800-424-8802	
Hawaii	HRS § 128D-6	Any owner, or operator, of a vessel accepting, disposing of oil	strict	(1) Unanticipated grave natural disasters or other natural phenomenon, (2) act of war, (3) third party act or omission, (4) any combination of the preceding.	\$7000,000,000 for any vessel; carrying "heavy fuel oil" interland. HRS § 128D-6.5				affirmative duty to report the incident to the director within twenty-four hours of the discharge.	
Illinois	(740 ILCS 113) Oil Spill Responders Liability Act; Incorporates OPA	Same as OPA	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Illinois Emergency Management Agency: Office of Homeland Security:(217) 782-7860 National Response Center:(800) 424-8802	https://epa.illinois.gov/epic/emergency.html
Louisiana	Louisiana Oil Spill Prevention and Response Act; La.R.S. 30:2451 et seq.	shipowner, operator, demise charterer	strict	usual defenses, plus act of government, but strict conditions (Sec. 30:2481)	Tanker of 3,000gt or less: greater of \$2 million, or \$1,200/gt; Tanker of more than 3,000gt: greater of \$10 million or \$1,200/gt; Any other vessel: greater of \$500,000 or \$600/gt (Sec. 30:2479)	Not referenced in the statute.	Not referenced in the statute.	gross negligence or willful misconduct; violation of safety, construction or operating regulation; failure to report a spill; failure to cooperate in spill response (Sec. 30:2479)	1-877-925-6595	

Maine	Oil Discharge Prevention and Pollution Control (§§ 541 – 560); 38 M.R.S. 552	Any person, vessel, licensee, agent or servant, including a carrier destined for or leaving a licensee's facility while within state waters.	Strict	Not referenced in the statute.	Unlimited	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	800-482-0777			
Maryland	Md. Environmental Code Ann. §4-401-901	(1) "Person responsible for the discharge" includes: (i) The owner of the discharged oil; (ii) The owner, operator, or person in charge of the oil storage facility, vessel, barge, or vehicle involved in the discharge at the time of or immediately before the discharge; and (iii) Any other person who through act or omission causes the discharge.	Not referenced in the statute.	Not referenced in the statute.	Unlimited	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	(866) MDE-GOTO			
Massachusetts	Massachusetts Oil and Hazardous Material Release Prevention and Response Act (§§ 1 – 22)	owner and operator of a vessel or of a facility	strict, joint & several	1) an act of God; 2) an act of war; 3) an act or omission of a third party other than an employee or agent of the person	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	call your local fire department, then call MassDEP's Emergency Response at 1-888-304-1133	https://www.mass.gov/how-to/report-a-spill-or-environmental-emergency#:~:text=Learn%20how%20to%20report%20oil,133%20to%2000on%20a%20possible	
Michigan	Chapter 324 Natural Resources and Environmental Protection (§§ 324.101 – 324.99923)	State laws target facilities.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Discharges of oil that violate applicable water quality standards or cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines, or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines must be reported immediately to NRC: 800-424-8802 or online at www.nrcinc.org by person in charge of	https://www.michigan.gov/regulatory/regulatoryassistance/emergency-planning-and-community-right-to-know/spill-release-reporting	
Mississippi	Mississippi Code Title 49 - Conservation and Ecology Chapter 18 - Mississippi Liability of Persons Responding to Oil Spills Act; Incorporates OPA	Same as OPA	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.		https://www.mrens.org/wp-content/uploads/2020/04/20-5F-3D-06-and-Hazardous-Materials.pdf	
Missouri	Missouri Oil Spill Response: Mo. Rev. Stat. § 203.818; incorporates OPA	Same as OPA	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	responsible party must report petroleum product releases greater than 50 gallons to the Missouri Department of Natural Resources at 573-634-2436 at the earliest practical moment upon discovery.	https://dnr.mo.gov/documentsearch/reports-small-fuel-spills	
New Hampshire	RSA Title X, Chapter 146-A Oil Discharge or Spillage in Surface Water or Groundwater	Any person or vessel	Strict for containment, cleanup, removal and restoration	A holder who has not assumed ownership of a facility or vessel by the act of taking title by foreclosure or by other similar means and who has not assumed responsibility for the operation of the facility or vessel shall not be liable under RSA 146-A:3-a.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Any person who is determined to be strictly liable for discharge or spillage of oil and who willfully fails to comply with a department order requiring investigation, containment, cleanup, removal, remedial measures, or corrective measures, shall be liable to the state in double the amount of cost recoverable funds expended by the state in undertaking investigative, remedial, or corrective action.	NHDES Waste Management Division (603) 271-3899 (only for discharge of over 25 gallons)	
New Jersey	New Jersey Spill Compensation and Control Act: N.J.S.A. 17:27-11 et seq.	Any person who has discharged a hazardous substance, or is in any way responsible for any hazardous substance, is strictly liable for all cleanup and removal costs	Liability is strict where limitation is applicable; if limitation is not applicable, liability is strict, joint and several	Limited defenses (an act or omission caused solely by war, sabotage, or God, or a combination thereof)	\$1,200 per gross ton for each vessel (Trible damages awarded in actions for contribution for failure to comply with State directives); the cleanup and removal and related costs resulting from that discharge that constitute a maritime lien on the discharging vessel						1) Gross negligence or willful misconduct with privity and knowledge of owner, operator or person in charge; or 2) Gross or willful violation of safety, construction or operating standard/regulation.	NIDEP HOTLINE 1-877-WARNDEP / 1-877-927-6337	
New York	New York Oil Spill Law; Navigation Law Article 12, Sec. 170 et seq.	Any person who has discharged petroleum, including any person owning, operating or demise chartering a vessel.	Strict liability for all cleanup and removal costs and all direct and indirect damages.	Act or omission cause solely by (i) war, sabotage, or governmental negligence or (ii) act or omission of a third party (note: certain additional requirements must be satisfied for defenses to apply)	Tanker of 3,000gt or less: greater of \$2 million or \$1,200/gt; Tanker of more than 3,000gt: greater of \$10 million or \$1,200/gt; Other vessel subject to OPA90: greater of \$500,000 or \$600/gt; Other vessel not subject to OPA90: \$300/gt		Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	1)Gross negligence or willful misconduct, within the knowledge and privity of the owner, operator, or person in charge; or 2) Gross or willful violation of safety, construction or operating standard/regulation; or 3) Failure to report discharge or provide reasonable cooperation and assistance.	NYS Spill Hotline (1-800-457-7362)	
North Carolina	Chapter 143, Article 21A. Oil Pollution and Hazardous Substances Control (Pts. 1-7) -> §§ 143-215.83 – 143-215.94	Any person or vessel	Strict, Joint and several	(1) act of god, (2) act of war or sabotage, (3) negligence on part of US government or state NC gov't, (4) act or omission of a third party, (5) act or omission by or at the direction of a law-enforcement officer or fireman	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.		DENR Regional Office. https://www.dem.nc.gov/water-quality/surface-water-protection/npc/cu-oil-spill-one-page-8-28-13/download	
Ohio	Ohio Revised Code: Section 2305.39 Non-responsible persons responding to oil spill not liable	Incorporates OPA	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	
Oregon	Title 36A Housing, Lottery and Games; Environment (Chs. 455 – 470) Chapter 468B - Water Quality (§§ 468B.005 – 468B.900) Oil or Hazardous Material Spillage (§§ 468B.300 – 468B.500)	Any person owning or having control over oil	Strict, willful or negligent cause or permit of discharge can face civil penalty commensurate with damages incurred.	(1) act of war or sabotage or an act of god, (2) negligence on part of US Gov't or Oregon, (3) act or omission of a third party	unlimited	unlimited	unlimited	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.		Oregon Emergency Management Division's Oregon Emergency Response System (OERS) by calling 1-800-452-0311.	
Pennsylvania	35 Pa. Stat. Ann. § 6023.2	Incorporates OPA	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Must report within 14 days of release: Call 911 immediately- Meets Local Emergency Planning Committee notification requirements and initiates emergency response personnel, if required. Call the National Response Center immediately at 1-800-424-8802. Call the Commonwealth Watch and Warning Center at PEMA	https://www.pema.pa.gov/preparedness/hazardous-material/spill-reporting/Pages/Default.aspx
Puerto Rico	12 L.P.R.A. § 8004n (as translated by Lexis)	any person owning, operating, or demise chartering a vessel. This term shall also include the owners of oil being transported in a tank vessel with a single hull after December 31, 2010.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	Not referenced in the statute.	US Coast Guard Sector San Juan 5 Calle La Puntilla San Juan, Puerto Rico 00901 Tel: +1 787 289 2041	https://www.uscg.mil/Portals/0/Files/USCG_Sector_San_Juan_Puerto_Rico.pdf

Rhode Island	Chapter 12.5.1 Oil Pollution Control (§§ 46-12.5.1-1 — 46-12.5.1-15)	Chapter 12.5.1: any person ("Person" includes an individual, trust, firm, joint stock company, corporation (including a quasi government corporation), municipality, municipal or state agency, fire district, club, nonprofit agency, or country; R.I. Gen. Laws Section 46-12.5.1-3)	Strict	(1) act of god, (2) act of third person, (3) negligent or intentional act of U.S, (4) act of war	unlimited	unlimited - an amount equal to the sum of money required to restock injured land or waters, to replenish a damaged or degraded resource, or to otherwise restore the environment of the state to its condition before the injury	Unlimited		601) 222-1360 normal hours, if emergency call "the environmental police (601) 222- 3070. A person in charge of a facility, operation or vessel, as soon as the person has knowledge of any discharge from the facility, operation, or vessel in violation of this chapter shall, in a timely fashion, notify the department of the discharge.
South Carolina	Chapter 43, Article 3. Pollution Control 48-43-510-620	Any party defined under Section 1001 of OPA '90	Strict	(1) act of god, (2) act of war, (3) negligence on US or SC, (4) act or omission of third-party, (5) act or omission at the direction of local law enforcement or fireman. S.C. Code Ann. §48-43-580	unlimited?	unlimited?	unlimited?		888) 481-0125 or (803) 253-5488 (emergency/24-hours.)
Texas	Oil Spill Prevention and Response Act; Texas Nat. Res. Code Sec. 40.001 et seq.	shipowner, operator, other person who causes, allows, or permits discharge	strict	(1) an act of war or terrorism; (2) an act of government, either state, federal, or local; (3) an unforeseeable occurrence exclusively occasioned by the violence of nature without the interference of any human act or omission; (4) the willful misconduct or a negligent act or omission of a third party	\$1m for vsl <300gt that do not carry oil; \$5m for vsl < 8000gt; \$600/gt not exceeding \$50m for vsl > 8000gt (Sec. 40.202)	Tanker of 3,000gt or less: greater of \$2 million or \$1,200/gt; Tanker > than 3,000gt: greater of \$10 million or \$1,200/gt; Dry cargo ship: greater of \$500,000 or \$500/gt (Sec. 40.203)	For all other recoverable damages: \$1m for vsl <300gt that do not carry oil; \$5m for vsl < 8000gt; \$600/gt not exceeding \$50m for vsl > 8000gt (Sec. 40.202)	gross negligence or willful misconduct; failure to cooperate in spill response Sec. 40.202)	Texas Emergency Oil Spill and Hazardous Substance Reporting (24-Hour): 800 832-8224
Virgin Islands	2019 US Virgin Islands Code Title 12 – Conservation Chapter 17 - Oil Spill Prevention and Pollution Control	Any person	Strict	(1) act of god, (2) act of war, (3) willful act or omission of third-party, (4) any combination of the foregoing	Unlimited	All costs and expenses of rehabilitation of waterfowl and other wildlife	Not referenced in the statute.	Not referenced in the statute.	https://www.itopf.org/knowledge-resources/countries-territories/regions/virgin-islands-us/
Virginia	Va. Code Ann. § 62.1-44.34-18	Any person	Strict	(1) act of god, (2) act of war, (3) willful act or omission of third-party, (4) any combination of the foregoing	greater of \$10,000,000 or \$500/gt. No cap for damages caused by negligence or willful misconduct			Not referenced in the statute.	DEQ regional officer, Federal authorities (assuming OPA), and the correct director or coordinator of emergency services" https://lcmd.vdem.virginia.gov/Public/Defns/all.aspx
Washington	Title 90 Water Rights – Environment (Chs. 90.03 – 90.94) Chapter 90.56 Oil and Hazardous Substance Spill Prevention and Response (§§ 90.56.005 – 90.56.905)	An owner or operator having control over oil	Strict, joint and several		Unlimited	Unlimited	Unlimited		USCG, Washington State 1-800-250-5990 ; 1-800-424-8802 (National Response Center)

With thanks to Freehill Hogan & Mahar LLP for the creation of this document.