

BRIAN J. DOWNEY Jr.

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Sen. Tepler, Chair
Rep. Doudera, Chair
Joint Standing Committee on Environment
and Natural Resources
100 State House Station
Augusta, ME 04333

Re: ***Testimony of Brian Downey in Opposition to LD 1507, An Act to Require
General Public Notification of Oil Terminal Facility Transfer Activities***

Chair Tepler, Chair Doudera, and Members of the Joint Standing Committee on Environment and Natural Resources:

My name is Brian Downey, I am a resident of Falmouth, Maine, and I appreciate the opportunity to provide testimony in opposition to LD 1507.

By way of background, I am a former officer in the United States Coast Guard, I am currently a marine consultant, and between June 2013- December 2024, I served as Administrator of the Maine Pilotage Commission. As a result of my background, I am very familiar with marine transportation safety, security and environmental laws and regulations. My testimony today is solely on behalf of myself and no other organization.

At the outset, I should note that I have only infrequently come before the Maine Legislature during my career. However, when I learned that LD 1507 had been introduced, I felt compelled to weigh in. My primary concern with this bill is that it creates significant safety and security risks to the public were it to pass.

While I understand the apparent intent behind LD 1507—to promote transparency and environmental oversight, the bill would create significant and unwarranted risks to public safety and maritime security. By requiring public notification of oil tanker arrivals and departures at terminal facilities, the legislation could unintentionally expose sensitive operational information to individuals or entities with malicious intent. The public dissemination of such sensitive information stands in contrast to longstanding federal policies aimed at reducing the risk of terrorism.

The Maritime Transportation Security Act (MTSA) requires regulated marine facilities to maintain comprehensive Facility Security Plans, which are developed in coordination with the U.S. Coast Guard to identify and mitigate security vulnerabilities. These plans explicitly account for threats arising from the public disclosure of operational details such as vessel schedules, cargo types, and transfer activities. Publishing this type of information in real time—or even on a 24-hour notice basis—would undercut the protective purpose of these federally mandated security protocols.

Under LD 1507, terminal operators would be required to send text messages to “any member of the public” who requests to receive advance notice of oil deliveries, which would include the arrival of oil tankers into Maine harbors. But who is a member of the “public”? Will there be screening of names to ensure proper intent? What happens if a terrorist signs up, posing as a member of the “public”? It is hard to imagine any reasonable way to screen out members of the public with good intent versus those with bad intent.

Meanwhile, terminal operators already coordinate closely with the Coast Guard and local first responders through secure communication channels to provide necessary information for safety and emergency preparedness. When an oil tanker comes into port, they are escorted by trained sea pilots into the harbor. Their arrival is coordinated with the US Coast Guard. And the local fire department is contacted. All of these communications are confidential, for good reason.

In closing, Maine should not be adopting policies that create more risks to the public, and I am concerned that LD 1507 represents a significant risk to the public.

For these reasons, I respectfully urge the Committee to vote **Ought Not to Pass** on LD 1507. If you have questions or need additional information, please do not hesitate to reach out.

Respectfully submitted,

Brian Downey

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