

Liability Limits Under OPA

Below are various liability limits under OPA. Please note however that these limits do not apply if the incident was proximately caused by gross negligence, willful misconduct, or the violation of an applicable Federal safety, construction, or operating regulation. There is no preemption of claims brought under state law and these limits would not apply.

(A) Vessels:

(1) For an oil cargo tank vessel greater than 3,000 gross tons with a single hull, including a single-hull tank vessel fitted with double sides only or a double bottom only: The greater of \$3,200 per gross ton or \$23,496,000.

(2) For a tank vessel greater than 3,000 gross tons, other than a vessel referred to in (a)(1): The greater of \$2,000 per gross ton or \$17,088,000.

(3) For an oil cargo tank vessel less than or equal to 3,000 gross tons with a single hull, including a single-hull tank vessel fitted with double sides only or a double bottom only: The greater of \$3,200 per gross ton or \$6,408,000.

(4) For a tank vessel less than or equal to 3,000 gross tons, other than a vessel referred to in (3): The greater of \$2,000 per gross ton or \$4,272,000.

(5) For any other vessel: The greater of \$1,000 per gross ton or \$854,400.

(B) Deepwater Ports:

(1) For a Deepwater Port, other than a Deepwater Port with a limit of liability established by regulation under 33 U.S.C. 2704(d)(2): \$373,800,000.

(2) For the Louisiana Offshore Oil Port (LOOP): \$87,606,000.

(b) Onshore Facilities: \$350,000,000

(c) Offshore Facilities:

- No limit for the liability for removal costs (as defined in OPA Sec. 1001(32)).
- A \$75,000,000 limit for damages (as defined in OPA Sec. 1002 (b)(2)), unless “broken through” because of gross negligence, willful misconduct, or the violation of an applicable Federal safety, construction, or operating regulation.