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COSTA CONCORDIA DISASTER SPARKS NEW REGULATION: MAY BE TOO LATE TO SALVAGE BUSINESS

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The world looked on in shock as the Costa Concordia lay on its side off of the Tuscan coast.¹ As rescue crews frantically searched for survivors, fresh attention was drawn to the flaws in international rules and standards for cruise ship safety. Survivors spoke of the madness of fleeing a sinking ship, raising eyebrows about how well cruise liners are preparing their passengers for such an event.²

Current law mandates that passengers be informed of safety protocols and emergency evacuation procedures within 24 hours of boarding the ship.³ However, after countless accounts of the chaos surrounding Costa Concordia's evacuation, industry leaders have decided to tighten protocols. Three major worldwide cruise line associations have recently agreed to inform passengers of the protocols and procedures before the ship leaves port.⁴ The associations have also agreed to the implementation of safety reviews, which would examine safety protocols and other practices within the industry.⁵ Effective implementation of these new safety standards will require the cooperation of governments and regulatory bodies, who are responsible for assuring compliance with laws and regulations.⁶ For example, the Cruise Lines International Association, one of the agreeing parties to the new standards, is regulated by the U.S. Coast Guard.⁷ Under the agreement, the U.S. Coast Guard conducts unannounced safety inspections, which include examination of fire safety equipment, lifesaving equipment, and fire and abandon ship drills.⁸ Problems may arise, however, when cruise lines are regulated by countries with less stringent standards. Because cruise lines are able to choose which country they are registered in, many choose not to register in the United States, where standards are strict.⁹

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¹ See Gaia Pianigiani & Rachel Donadio, *As Divers Search Cruise Ship, Reason for Crash is Unclear*, N.Y. Times (Jan. 14, 2012), <http://www.nytimes.com/2012/01/15/world/europe/cruise-ship-runs-aground-off-tuscan-coast.html?pagewanted=all>.

² *Id.*

³ Mary Forgione, *Cruise Industry Adopts New Safety Rules after Concordia Disaster*, Los Angeles Times (Feb. 13, 2012), <http://articles.latimes.com/2012/feb/13/news/la-trb-new-cruise-ship-rules-20120213>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* See also *Ship Safety*, Cruise Industry Facts, <http://cruiseindustryfacts.com/safety-and-security/ship-safety/> (last visited Feb. 28, 2012).

⁷ *Ship Safety*, *supra* note 6.

⁸ *Id.*

⁹ See Pat Magarick & Ken Brownlee, *Casualty, Fire, and Marine Investigation Checklists* § 12:45 (7th ed. 2008).

Although the cruise industry is taking efforts to improve safety, it may be too late to maintain high sales. After the Costa Concordia disaster, some people are looking for refunds on already-purchased cruise tickets.¹⁰ According to a recent survey, one-fourth of those polled were less likely to book a cruise because of the recent events.¹¹ It is not surprising, therefore, that cruise bookings have declined compared to this time last year.¹² However, industry leaders attribute the decline to common fluctuations, and are confident that the incident will not have a long-term impact on business.¹³ Only time will tell.

¹⁰ See Christopher Elliott, *Costa Concordia Sinking Leaves Other Cruise Ship Passengers Alarmed — and out Of Luck*, The Washington Post (Jan. 18, 2012), http://www.washingtonpost.com/lifestyle/travel/costa-concordia-sinking-leaves-cruise-ship-passengers-alarmed-and-out-of-luck/2012/01/17/gIQAcybe8P_story.html.

¹¹ *Id.*

¹² Paul Motter, *Despite Concordia, Cruise Sales Riding the Wave*, Fox News (Jan. 30, 2012), <http://www.foxnews.com/travel/2012/01/30/cruise-sales-strong-despite-concordia/>.

¹³ *Id.*