U. S. Department of Homeland Security

United States Coast Guard

Commandant
United States Coast Guard

2703 Martin Luther King JR Ave SE
Washington, DC 20593-7000
Staff Symbol: CG-09
Phone: (202) 372-3500
FAX: (202) 372-2311

TESTIMONY OF
REAR ADMIRAL JOSEPH A. SERVIDIO
ASSISTANT COMMANDANT FOR PREVENTION POLICY

ON
"MARITIME TRANSPORTATION REGULATIONS: IMPACTS ON SAFETY, SECURITY, JOBS AND THE ENVIRONMENT, PART II"

BEFORE THE
HOUSE COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE
SUBCOMMITTEE ON COAST GUARD & MARITIME TRANSPORTATION

MARCH 4, 2014

Introduction

Good morning Chairman Hunter, Ranking Member Garamendi, and distinguished members of the subcommittee. It is my pleasure to be here today to discuss the Coast Guard's environmental regulations.

This testimony augments testimony I provided on September 10, 2013, which broadly addressed the Coast Guard's regulatory development program. Specifically, I will discuss the subset of Coast Guard regulatory development efforts addressing environmental protection.

Coast Guard Environmental Focus

Approximately 43 percent of active rulemaking projects have environmental protection as a partial component. These projects address a range of potential maritime impacts on the maritime environment, including air emissions, discharge of solid waste, ballast water and pollutants such as oil and hazardous chemicals. Rules address both prevention and response capabilities, reflective of the Coast Guard's vital maritime environmental stewardship missions.

Notable environmental regulations published in Fiscal Year 2013

Rule (Date Published)	**Phase**
Nontank Vessel Response Plans (September 30, 2013) • Establishes standards for the content and use of oil pollution response plans for nontank vessels	Final Rule
Safety & Environmental Management Systems for Vessels on the OCS (September 10, 2013) • States Coast Guard intent to require a vessel engaged in Outer Continental Shelf (OCS) activities to develop and implement a Safety and Environmental Management Systems (SEMS) compatible with Bureau of Safety and Environmental Enforcement (BSEE) requirements for lessees. Asks for comments on this concept.	Advance Notice of Proposed Rulemaking
Double Hull Tanker Escorts on the Waters of Prince William Sound, Alaska (August 9, 2013) • Improves oil pollution prevention measures in Prince William Sound	Interim Rule
Marine Vapor Control Systems (July 16, 2013) • Streamlined Coast Guard requirements to make compatible with other Federal and State regulations and incorporated industry advancements in technology	Final Rule
MARPOL Annex V Amendments (February 28, 2013) • Implements international requirements to reduce discharge of garbage	Interim Final Rule
Adding International Energy Efficiency Certificates (December 10, 2012) • Enables the issuance of certificates required by the 2013 MARPOL Annex VI; Marine Environmental Protection Committee (MEPC) resolution MEPC.203(62)	Final Rule

International Focus

Projects implementing international conventions adopted by the International Maritime Organization (IMO) and other international forums that ensure environmentally sound shipping is a key focus for the Coast Guard. Environmentally-focused international efforts include improving vessel efficiency to reduce air emissions, implementing measures to eliminate the discharge of garbage at sea, developing standards for safe and environmentally friendly methods for ship recycling, and facilitating discussions aimed at bringing the IMO's Ballast Water Management Convention into force, an important global effort to reduce the transfer of aquatic invasive species.

Given the global nature of these projects, it is vital the Coast Guard's rulemaking program includes effective, coordinated enforcement mechanisms with our international partners.

For example, the Coast Guard works closely with our Canadian counterparts through a bi-national inspection program for all vessels entering the St. Lawrence Seaway from outside Canada's exclusive economic zone.

These vessels undergo joint inspections by Coast Guard, Transport Canada, and the U.S. and Canadian Seaway Corporations before they enter the Great Lakes. This enforcement action ensures full compliance with ballast water exchange and flushing requirements, and has proven to be successful in enhancing the environmental protection of the Great Lakes. The Coast Guard, along with the Environmental Protection Agency (EPA), also works closely with Transport Canada in enforcing the North American Emissions Control Area (ECA) by jointly reviewing shipping company proposals to develop and test emission control technology aimed at reducing air pollution and promoting a cleaner marine environment.

The Coast Guard is leading U.S. efforts in cooperation with the National Oceanic and Atmospheric Administration (NOAA), National Science Foundation, Department of Defense, and EPA to develop a consensus U.S. Government position on the development of a mandatory Polar Code at the IMO. As envisioned, the Polar Code will provide a mechanism for ensuring vessels are designed for safe and environmentally sound operations while subject to the harsh conditions associated with the higher latitudes. In addition to addressing polar-specific design, equipment and operating standards for vessels, the Polar Code will also include additional environmental protective measures given the unique characteristics of Polar waters. The Coast Guard, in conjunction with the U.S. interagency group and the partnering Arctic States of Norway, Finland, Canada, Denmark, and Iceland led the drafting of the environmental chapter of the Polar Code to include regulations for potential pollutants including oil, noxious liquid substances, sewage, and garbage.

Interagency Engagement

Interagency partnering efforts include developing and implementing standards to protect the maritime environment, while also facilitating the efficient, reliable and productive flow of commerce. The Ballast Water Discharge Standard Final Rule reflects careful and thorough consideration and coordination with NOAA, EPA, the Department of Transportation, and the Maritime Administration. In developing the Ballast Water Discharge Standard Final Rule, the Coast Guard and the EPA jointly commissioned the National Academy of Sciences to conduct a study that assessed the risk of aquatic invasive species being introduced by ships' ballast water. The findings of the study informed the development of the final rule. The Coast Guard considered available ballast water treatment technology, vessel operating procedures and alignment with international standards to establish a rule that effectively and efficiently reduces the risk of introduction of aquatic invasive species. This cooperative relationship also resulted in the 2011 Memorandum of Understanding (MOU) between the EPA and the Coast Guard that coordinated interagency efforts related to data tracking, training, monitoring, verifying compliance, and industry outreach for more than 61,000 commercial ships based in the U.S. and more than 8,000 foreign ships operating in U.S. waters operating under the EPA's Vessel General Permit (VGP). Collaboration continues today as the Coast Guard and EPA work closely to jointly implement the Coast Guard's ballast water management regulations and the EPA's VGP.

The coordinated approach to implementing each agency's respective ballast water requirements is exemplified by the December 24th, 2013 letter, signed jointly by the Coast Guard and EPA, which discusses extensions to the Coast Guard's ballast water compliance dates that are granted by the Coast Guard. This letter represents a unified approach to addressing ballast water management in U.S. waters.

The Coast Guard is also an active participant with the Great Lakes Ballast Water Collaborative, an initiative spearheaded by the Saint Lawrence Seaway Development Corporation in conjunction with the International Joint Commission. This Collaborative brings together industry, state and federal regulators on the issue of ballast water and invasive species in the Great Lakes region. One of the primary goals of the Collaborative is to share information and foster better communication and collaboration among the key stakeholders engaged in the effort to reduce the risk of introduction and spread of aquatic nuisance species. In recent years, the Collaborative has taken a leading role in informing the affected stakeholders about ballast water management requirements for vessels operating in U.S. waters.

Conclusion

The Coast Guard continues to work with domestic and international partners to ensure environmentally sound commercial and recreational use of the maritime environment. Through our partnerships and focus on effective and achievable standards, we have been able to reduce risk to the environment without creating an undue burden on the marine industry.

Thank you for your continued support and the opportunity to testify before you today. I am happy to answer any questions you may have.