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October 28, 2003

Docket Management Facility  
U.S. Department of Transportation  
Room PL-401  
400 Seventh Street, S.W.  
Washington, D.C. 20590-0001

Re: Mandatory Ballast Water Management  
Program for U.S. Waters  
(USCG-2003-14273) -18

Dear Sir or Madam:

The American Waterways Operators (AWO) is the national trade association representing the inland and coastal tugboat, towboat, and barge industry. AWO members own and operate 80 percent of the U.S.-flag fleet of towing vessels and barges. As drafted, the Coast Guard's notice of proposed rulemaking (NPRM) to make the voluntary ballast water management program mandatory would apply to all tugboats, towboats, and barges equipped with ballast water tanks, regardless of their area of operations. The NPRM would have a significant impact on AWO members. We appreciate the opportunity to submit these comments.

As we described in our April comments on the NPRM on ballast water reporting requirements and penalties (USCG-2002-13147), AWO members are committed to improving their operations in ways that truly enhance marine safety and environmental protection. This commitment is demonstrated through AWO members' implementation of the Responsible Carrier Program, an award-winning, third-party-audited safety management system, and the first-of-its-kind Coast Guard-AWO Safety Partnership. As the Coast Guard proceeds to establish mandatory requirements for ballast water management, AWO urges the agency to bear in mind the complementary objectives of marine safety, environmental protection, and cost-effective regulation. **We also urge the Coast Guard to recognize that the unique characteristics of domestic barge and towing vessel operations require different approaches to ballast water management than those that apply to oceangoing ships.**

With these principles in mind, AWO is deeply concerned about the effect of this NPRM on the domestic tug and barge industry, which, for the most part, operates within the U.S. Exclusive Economic Zone (EEZ). The existing voluntary ballast water management program was designed for deep-draft vessels on ocean voyages entering U.S. waters from overseas. This NPRM would

make the voluntary program mandatory, regardless of vessel type and area of operations. However, the operational profile of barges and towing vessels is very different from that of deep-draft ships. Tug and barge units, while separate vessels, operate as a unit and frequently call at multiple U.S. ports in a short time, staying entirely within U.S. waters. There are also instances when ballast operations are conducted on a barge during cargo operations, without a towing vessel present. **AWO's specific concerns with the NPRM center on the applicability of the NPRM to the tug and barge industry and the content of the Ballast Water Reporting Form.**

*Applicability to the Tug and Barge Industry*

AWO has several concerns about the applicability of the NPRM in its current form to the domestic tug and barge industry. First, AWO continues to have concerns about the **application of the ballast water management requirements to vessels that have tanks or voids that are not carrying ballast water**. Such tanks or voids may be capable of carrying ballast water, but in many cases are not used for ballast. The Coast Guard should clarify its definition of ballast water tank to specify that a ballast tank is a tank that is designed to hold ballast water and equipped with adequate piping and pump systems. As part of that clarification, the Coast Guard should explicitly **exempt inland towing vessels and barges** from the ballast water management requirements since these vessels are not equipped with ballast water tanks.

Second, AWO is concerned that the **operational characteristics of tug-barge units make it difficult, if not impossible, to comply with the proposed mandatory ballast water management practices**. While barges and towing vessels are operated as a unit, they are designed differently and conduct ballast water operations under different circumstances. For a barge, ballast operations are necessary for cargo loading and unloading and typically take place at the dock as cargo is being loaded or unloaded. Cargo operations may take place at night, and are conducted in the shallow water of a port that may be stirred up by the propellers of a towing vessel or other vessels nearby. While it would be impossible to comply with the proposed ballast water management requirements under these circumstances, conducting ballast water operations aboard a barge while underway is not a safe or logistically practicable alternative. (Towing vessels, on the other hand, must conduct ballast operations underway to maintain stability and minimize stresses on the vessel's structure as fuel is burned off.)

These operational characteristics make the mandatory application of the ballast water management requirements in 33 CFR 151.2035(a) to tug-barge units extremely problematic. For example, tug-barge units operating in Hawaii conduct ballast water operations in Honolulu, a coral reef area, but the first management requirement urges operators to avoid the discharge or uptake of ballast water in areas that may affect coral reefs. The inability to conduct ballast water operations in the port of Honolulu would prohibit tug-barge units from loading or unloading cargo there. In other parts of the country, as part of normal cargo operations in a harbor complex, barge and towing vessels commonly take on ballast water in the areas and situations that would be barred under 33 CFR 151.2035(a)(2): near dredging operations, during darkness, and where propellers might stir up sediment. Barge loading and unloading operations are also commonly coordinated with tidal flows to ensure the safety of personnel conducting cargo operations.

Without feasible ballast water management practices that do not compromise the safety and efficiency of tug-barge operations, AWO members have serious reservations about the value and content of a required ballast water management plan for barges and towing vessels. We urge the Coast Guard **not to require such plans for barges and towing vessels that operate entirely within the EEZ until the agency has worked with industry to develop a set of reasonable and achievable management practices appropriate to barge and towing vessel operations.** We urge the Coast Guard to work with AWO or the congressionally authorized Towing Safety Advisory Committee (TSAC) to that end. AWO members are prepared to meet with the Coast Guard at its earliest convenience to develop such practices.

Third, just as the unique nature of tug-barge units limits the ability of these vessels to comply with mandatory ballast water management plans based on the existing voluntary ballast water management guidelines, **the ability of tugs and barges that travel beyond the EEZ to employ any of the four authorized treatment options is compromised.** Ballast water exchange is an inherently unsafe practice aboard a barge that is underway. It is not safe to place crewmembers aboard an unmanned barge towed on a hawser to perform ballast water exchange. (Moreover, barges generally lack power systems needed to operate pumping equipment.) As discussed above, conducting barge cargo loading and unloading operations safely requires the uptake and discharge of ballast water, ruling out the option of retaining ballast on board. The option of discharging ballast water at shoreside reception facilities, while operationally possible, is not currently practicable because few such facilities exist. Finally, while AWO members are interested in learning about ballast water treatment options and are eager for the Coast Guard to develop and approve a treatment standard, no such standard exists at this time.

#### *Ballast Water Reporting Form*

Finally, AWO urges the Coast Guard to develop a **new ballast water reporting form designed specifically to collect information on tug and barge ballasting operations in domestic waters.** The existing form, designed for deep-draft ships, would require a vessel operator to fill out a separate form for the towing vessel and each barge in tow, even though these vessels may be operating as a unit. The form assumes that ballast water is either being treated or exchanged, although neither is required for vessels operating exclusively within the EEZ. The measurement unit for ballast water held in the vessel's tanks is cubic meters, not tons of water, a metric more commonly known and used in the towing industry. The form also requests information on exact ballast water volume, temperature, and salinity readings, which, in the case of barges, cannot be safely or precisely obtained. The Coast Guard should develop a new ballast water reporting form for tug-barge units that addresses these concerns. In doing so, the Coast Guard should be aware that a barge might take on or discharge ballast water during cargo operations while under the care of individuals responsible for the cargo, not individuals with ownership responsibility for the barge and thus accountability for completion of the reporting form.

In addition to modifying the reporting form in this way, AWO again urges the Coast Guard to allow tug and barge operators that carry ballast water and serve the domestic coastwise trade to **submit ballast water reports every 30 days**, rather than 24 hours prior to arrival at the first U.S. port. Many tug-barge voyages are less than 24 hours in duration. Monthly reporting of

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information for domestic coastal voyages would ease the administrative burden on the vessel operator, yet still provide the Coast Guard with the necessary information on ballast water management practices.

Thank you for the opportunity to comment on this NPRM. AWO looks forward to working with the Coast Guard on this and future ballast water-related rulemaking projects to ensure that they are appropriately applied to the tugboat, towboat, and barge industry. We believe it is critical that the Coast Guard work with the barge and towing industry to develop appropriate ballast water management standards before issuing final regulations applicable to tug-barge units. Without this step, industry faces the prospect of having to comply with, and the Coast Guard faces the prospect of having to enforce, inappropriate and unworkable regulatory standards.

Sincerely,



Jennifer A. Carpenter

cc: Desk Officer: U.S. Coast Guard  
Office of Information and Regulatory Affairs  
Office of Management and Budget