



**Detailed Comments of the Canadian Shipowners Association
to the United States Coast Guard
Regarding the proposed Rulemaking on Dry Cargo Residue Discharges in
the Great Lakes (Docket No. USCG-2004-19621)**

July 21, 2008

The Canadian Shipowners Association (CSA) represents the owners of ships trading in the Great Lakes and St. Lawrence Seaway. The Canadian fleet is comprised of some 68 vessels that carried 75 billion tonne-km of cargo in 2007. More than half of our annual cargoes are carried between Canada and the United States. The fleet provides Canadian and American communities and industries with reliable, economic and environmentally sustainable transportation. Quietly effective, the Canadian marine transportation industry plays an essential role in the industrial and natural resources economies of Canada and the United States.

The CSA and its member companies recognize our responsibility to maintain a marine transportation system that is environmentally sustainable. This is accomplished through the application of an Environmental Management System to all facets of operations and management, and through participation in Green Marine, a program of continuous improvement of environmental performance.

Section III, Background and Purpose

The CSA supports the intent of the USCG to seek an appropriate balance between commercial and environmental considerations and to avoid or minimize any gap during which enforcement of a zero discharge policy takes place by default.

We also suggest that the rulemaking contain language differentiating “dry cargo residue” from “cargo sweepings,” which appear to be used in different senses within the industry. Some take the two to be synonymous, while others consider DCR to be the physical product and cargo sweeping to be the act of clearing the ship of DCR. Clear definitions of “DCR” and “cargo sweeping” will be important in ensuring uniform application of the rule.

Section IV-A: Control Measures

The notice indicates that the proposed rule would encourage carriers conducting dry bulk cargo operations on the Great Lakes to make voluntary use of measures to control and reduce the amount of DCR that falls on a ship's deck or within a ship's unloading tunnels. CSA vessels do employ and encourage the use of such measures, and will continue to implement improvements as they are identified.

It is worth reiterating here the finding of the Draft Environmental Impact Statement that DCR represents only approximately 0.0006 percent by weight of the cargo transported, and that the dispersion of those residues through the motion of the ship and of the water column leads to very low final concentrations of residues on the lake bottom. Over a hundred years' experience with the accumulation of these residues have shown that the long-term impact of DCR is negligible.

Section IV-B: Record-keeping and reporting

We are concerned that the USCG, through the record keeping requirement, also intends to collect information on control measures employed by the shore-side facilities. Inclusion of this information in the vessel reporting form implies that the responsibility to implement shore-side control measures belongs to the vessels. The "facility" is generally not owned or operated by the vessel owner and the vessels may not be aware of what control measures are used at the load/unload facility. In addition, the vessels do not have the authority to employ or require facility / shore-side control measures and as such should not be required to document the type of control measures or the time to implement such. We would propose that the USCG obtain this information through monitoring of the load/unload facilities.

We are concerned that the proposed rulemaking does not convincingly show the benefits to be gained from additional record-keeping on DCR discharges. This proposed measure would represent an increased administrative burden for Canadian shipowners, and we do not believe that the environmental value of imposing this burden has been adequately demonstrated.

Section IV-C Special Areas

Our Association recognizes the importance of affording increased protection to marine protected areas, sensitive wildlife habitat, etc. As a result, we understand the measures in the proposed rulemaking that would designate additional protected areas for this purpose, despite the fact that DCR would likely have a negligible environmental impact in these areas. It is best to err on the side of caution and apply the precautionary principle in this case.

The geographical coordinates of the Thunder Bay National Marine Sanctuary, the Northern Refuge, Isle Royale National Park, and the Detroit River National Wildlife Refuge are not presently included in the proposed rule and should be added.

The USCG should also consider producing charts illustrating the prohibited DCR discharge areas.

Table 151.66(B) – Bulk Dry Cargo Residue Discharges Allowed on the Great Lakes

The proposed rule and the current IEP specifically reference those cargoes the US Lake Carriers transport, such as coal, iron ore, salt, stone and cement. It would be helpful for regulatory certainty for the USCG to provide a framework for assessing the acceptability of cargo types which could fall under the category of “other”; for instance, sugar, oxides, furnace coke, petroleum coke, fly ash and slag.

Form 151.66(C) – Bulk Dry Cargo Residue Reporting Form

We have the following specific concerns regarding this form:

- As noted above, the reporting form will require documenting information for not only the vessel but also the control measures used at the load or unload “facility”. This information is not available to the vessels and should be removed from the reporting form.
- “Time spent to implement control measures” – As above, “facility” information related to this is not available to the vessel crew.
- “Estimated residue to be swept into water” – This information is to be recorded in the “For Cargo Loading and Unloading Operations” section of the reporting form as proposed. However, as discharge of DCR is prohibited in port, the column “estimated residue to be swept into water” should be moved to the “For Residue Sweeping Operations Only” section of the reporting form. The current location of this column may lead the form user to believe that DCR sweeping at the load/unload location is acceptable.
- “Estimated residue to be swept into water” – This term should be defined to note that it includes residues that are hosed down into sumps and then discharged overboard in the authorized geographic areas.
- The form uses the term “residue sweeping operations”. A definition of “residue sweepings” is not included in and should be added to the rule.

- The requirement to document cargo type and load/unload facility may compromise customer confidentiality agreements.
- Also of concern is the proposed submission of the completed Form to the USCG on a quarterly basis. We suggest that a semi-annual or annual submission would be less onerous for the vessel and will likely still achieve the intent of the USCG to compile the desired information.

Conclusion

The CSA views the environmental impact of DCR discharges as a relatively well-understood phenomenon. Recent studies have measured over a hundred years of accumulations and these studies have already documented the long term impact of cargo residues, which is essentially negligible. In view of this, we are encouraged by the proposed rulemaking which acknowledges the minimal environmental impact of these discharges. We will continue to employ and to refine our management practices to minimize the quantities of residues discharged.

We are, however, concerned that increased record keeping would impose an unnecessary burden on shipowners and unnecessary cost to shippers and consumers, particularly if shipowners are required to report on measures taken by shore facilities over which they have no control. We also have some concerns about the definitions of some of the cargo types and terms used in the proposed rulemaking.

Thank you for the opportunity to present our views on this important subject.

Sincerely,

Don Morrison
President