U.S. Department
of Transportation
**United States
Coast Guard**

Commandant
United States Coast Guard

Washington, D.C. 20593-0001
Staff Symbol:
Phone:

JULY 7, 1987

STATEMENT OF REAR ADMIRAL J. WILLIAM KIME

U.S. COAST GUARD

BEFORE THE

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

U.S. SENATE

JULY 7, 1987

OFFICIAL

# Rear Admiral J. William Kime
# Chief, Office of Marine Safety, Security and Environmental Protection
# United States Coast Guard

Rear Admiral John William Kime became Chief, Office of Marine Safety, Security and Environmental Protection in Washington, in 1986. This office resulted from combining the Offices of Merchant Marine Safety and Marine Environment and Systems, each of which RADM Kime had previously headed.

RADM Kime was graduated from Baltimore City College in 1951 and the U.S. Coast Guard Academy in 1957. He received a Master of Science degree in naval architecture and marine engineering and the professional degree of naval engineer from Massachusetts Institute of Technology in Cambridge (1964).

RADM Kime served in deck and engineering assignments on board the Coast Guard Cutter *CASCO* before assuming command of Loran Station Wake Island in 1960. He served at Coast Guard Headquarters in the Merchant Marine Technical and Naval Engineering Divisions and afloat in Boston, as the first engineering officer aboard Coast Guard Cutter *BOUTWELL*.

While at Headquarters, he served as the principal U.S. Negotiator at the International Maritime Organization (IMO) in London, during the drafting of the IMO Code for Liquefied Gas Ships and was in charge of the structural design of the polar star class Coast Guard icebreakers.

In 1977, RADM Kime was a distinguished graduate of the Industrial College of the Armed Forces and was assigned to Coast Guard Headquarters as Assistant Chief of the Merchant Marine Technical Division, and both general coordinator and member of the U.S. Delegation to the International Conference on Tanker Safety and Pollution Prevention (TSPP) in London, in 1978.

RADM Kime assumed duty as Commanding Officer, Marine Safety Office, Baltimore, in 1978. He was assigned to Coast Guard Headquarters in 1981 as Deputy Chief of the Office of Marine Environment and Systems and was Chief, Operations Division of the Seventh Coast Guard District, Miami, from 1982 until 1984 where his duties included daily direction of Coast Guard drug and illegal migrant interdiction in the Caribbean. RADM Kime has headed the U.S. delegation to the IMO Maritime Safety Committee and Marine Environment Protection Committee.

He is a Registered Professional Engineer, member of Tau Beta Pi, Sigma XI, ASME, ASNE and SNAME. His decorations include the Defense Superior Service Medal, five Meritorious Service Medals with operational distinguishing device, the Commendation Medal, the Achievement Medal, three Commandant's Letter of Commendation Ribbons with operational distinguishing device, two Unit Citations with operational distinguishing device and the Meritorious Unit Citation.

RADM Kime, a Greensboro, N.C., native, is married to the former Valerie Jean Hiddlestone of Pontardulais, South Wales.

GOOD MORNING, MR. CHAIRMAN:

I AM REAR ADMIRAL J. WILLIAM KIME, CHIEF OF THE COAST GUARD'S OFFICE OF MARINE SAFETY, SECURITY AND ENVIRONMENTAL PROTECTION AT COAST GUARD HEADQUARTERS IN WASHINGTON, D.C. IT IS A PLEASURE FOR ME TO APPEAR BEFORE YOU TODAY TO PRESENT OUR COMMENTS AND RECOMMENDATIONS AS TO THE BEST MEANS TO CONTROL PLASTIC POLLUTION IN THE OCEANS.

IN PREVIOUS TESTIMONY BEFORE OTHER CONGRESSIONAL COMMITTEES, I HAVE STATED THE COAST GUARD'S CONCERNS REGARDING THE HAZARDS TO THE MARINE ENVIRONMENT FROM GARBAGE, PARTICULARLY PLASTICS AND OTHER SYNTHETIC MATERIALS INCLUDING SYNTHETIC FISHING NETS; AND I STRESSED THE IMPORTANCE OF ESTABLISHING INTERNATIONAL STANDARDS TO SOLVE AN INTERNATIONAL PROBLEM THROUGH IMPLEMENTATION OF ANNEX V OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS REVISED BY THE 1978 PROTOCOL RELATING THERETO (MARPOL 73/78). ANNEX V WOULD NOT ONLY PROHIBIT THE DISCHARGE OF PLASTICS INTO THE OCEANS OF THE WORLD, BUT WOULD ALSO REGULATE DISPOSAL OF FORMS OF GARBAGE OTHER THAN PLASTICS, GENERATED DURING THE NORMAL OPERATION OF SHIPS, BEYOND THE TERRITORIAL SEA UP TO 25 NAUTICAL MILES FROM THE NEAREST LAND. I ALSO EMPHASIZED THAT EARLY U.S. RATIFICATION AND IMPLEMENTATION OF ANNEX V WOULD DEMONSTRATE TO THE WORLD OUR RESOLVE TO PROTECT THE MARINE ENVIRONMENT GIVING DUE CONSIDERATION TO THE JOINT EFFORTS OF THE INTERNATIONAL COMMUNITY.

MR. CHAIRMAN, THE COAST GUARD'S SUPPORT FOR EARLY RATIFICATION REMAINS STRONG, AND THIS IS REFLECTED BY OUR ACTIONS SUBSEQUENT TO TWO PREVIOUS CONGRESSIONAL HEARINGS.

IN THE FALL OF 1986, THE COAST GUARD WORKED EXTENSIVELY WITH THE DEPARTMENT OF STATE TO PREPARE THE DOCUMENTS NECESSARY FOR RATIFICATION OF ANNEX V OF MARPOL 73/78. AS YOU MAY KNOW, MR. CHAIRMAN, ON FEBRUARY 9, 1987, THE PRESIDENT TRANSMITTED ANNEX V TO THE SENATE FOR ITS ADVICE AND CONSENT TO RATIFICATION.

ALSO IN THE FALL OF 1986, THE COAST GUARD WORKED CLOSELY WITH THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) AND THE MARINE MAMMAL COMMISSION (MMC) TO DEVELOP A U.S. PROPOSAL RECOMMENDING THE DEVELOPMENT OF INTERNATIONAL GUIDELINES TO ASSIST IN THE EFFECTIVE IMPLEMENTATION AND ENFORCEMENT OF ANNEX V OF MARPOL 73/78. THIS PROPOSAL WAS SUBMITTED TO THE 24TH SESSION (FEBRUARY 16-20, 1987) OF THE INTERNATIONAL MARITIME ORGANIZATION'S (IMO) MARINE ENVIRONMENT PROTECTION COMMITTEE (MEPC 24) AND WAS UNANIMOUSLY ACCEPTED.

CURRENTLY, THE U.S. IS TAKING THE LEAD IN PREPARING THESE DRAFT GUIDELINES WITH THE ASSISTANCE OF INFORMATION RECEIVED FROM IMO MEMBER GOVERNMENTS AND INTERNATIONAL SHIPPING, TRADE AND OBSERVER ORGANIZATIONS FOR SUBMISSION TO THE 25TH SESSION OF THE MEPC SCHEDULED FOR NOVEMBER 30 - DECEMBER 4, 1987.

THE SCOPE OF THESE GUIDELINES WILL INCLUDE: TRAINING, EDUCATION, AND INFORMATION PROGRAMS FOR SEAFARERS AND THE PUBLIC ON THE MARINE DEBRIS PROBLEM; MEANS TO MINIMIZE THE AMOUNT OF POTENTIAL GARBAGE; SHIPBOARD STORAGE AND HANDLING PROCEDURES FOR GARBAGE; SHIPBOARD EQUIPMENT FOR PROCESSING GARBAGE; RECEPTION FACILITIES; AND MEANS TO ENSURE COMPLIANCE WITH ANNEX V OF MARPOL 73/78. INCORPORATED IN THE LATTER WILL BE PROVISIONS FOR CONTROL AND ENFORCEMENT BY NATIONAL AUTHORITIES, AND POSITIVE INCENTIVES AND VOLUNTARY MEASURES TO DISCOURAGE POTENTIAL VIOLATIONS.

MR. CHAIRMAN, I WANT TO EMPHASIZE THAT THIS U.S. INITIATIVE HAS BEEN EXTREMELY WELL RECEIVED BY THE INTERNATIONAL COMMUNITY BECAUSE IT REINFORCES A FUNDAMENTAL PRINCIPLE OF MARPOL 73/78; THAT IS, TO CONTROL POLLUTION OF THE OCEANS FROM SHIPS THROUGH GLOBAL AS OPPOSED TO UNILATERAL STANDARDS. I BELIEVE WORKING THROUGH MARPOL 73/78 WILL ULTIMATELY FACILITATE BETTER INTERNATIONAL COOPERATION REGARDING COMPLIANCE WITH THE REQUIREMENTS. FOR EXAMPLE, MR. CHAIRMAN, WE ENJOY A BETTER THAN 95% COMPLIANCE RATE FOR ANNEX I OF MARPOL 73/78 PROVISIONS COVERING POLLUTION BY OIL FROM SHIPS. I AM CONVINCED THIS IS LARGELY DUE TO THE GLOBAL ACCEPTANCE OF ANNEX I STANDARDS.

THE ADMINISTRATION HAS NOT COMPLETED THEIR REVIEW OF S.633, THEREFORE I AM UNABLE TO COMMENT FULLY ON THAT BILL. I WOULD HOWEVER LIKE TO PROVIDE SOME GENERAL COMMENTS WHICH PERTAIN TO THIS AND OTHER LEGISLATIVE PROPOSALS WHICH HAVE BEEN INTRODUCED TO IMPLEMENT ANNEX V.

THE ADMINISTRATION BELIEVES THAT RATHER THAN ENACTING SEPARATE "FREE STANDING" LEGISLATION TO APPLY THE ANNEX V REGULATIONS, THAT THEY BE APPLIED THROUGH APPROPRIATE AMENDMENTS TO THE ACT TO PREVENT POLLUTION FROM SHIPS (APPS), 33 U.S.C. 1901 ET SEQ. THE REASON FOR THIS IS THAT APPS PROVIDES THE LEGAL STRUCTURE FOR APPLYING THE PROVISIONS OF MARPOL 73/78 ANNEXES WITHIN THE CONTEXT OF THE OVERALL CONVENTION REGIME. ESPECIALLY IMPORTANT IN THIS CONNECTION IS THE MARPOL 73/78 ANNEX AMENDMENT PROCEDURE PRESCRIBED IN ARTICLE 16 OF THE CONVENTION AND IMPLEMENTED BY SECTION 10(b) AND (c) OF APPS. OF COURSE, ALL OF THE AMENDMENT PROCEDURES, REGULATORY STRUCTURE, AND ENFORCEMENT PROVISIONS CURRENTLY CONTAINED IN APPS COULD BE DUPLICATED IN "FREE STANDING" LEGISLATION. HOWEVER, SUCH AN APPROACH IS LESS EFFICIENT AND WOULD NOT FACILITATE A CAREFUL, COMPREHENSIVE REVIEW OF THE IMPLEMENTING LEGISLATION OF THE CONVENTION (INCLUDING THE 1978 PROTOCOL), WHEN IN THE FUTURE, MODIFICATIONS TO PARTS OF ITS REGIME ARE FOUND TO BE NECESSARY. SHOULD IT BE NECESSARY TO APPLY SPECIAL POLICIES TO PARTICULAR ANNEXES OF MARPOL 73/78, THIS CAN CERTAINLY BE DONE WITHIN THE CONTEXT AND FRAMEWORK OF APPS. THE IMPLEMENTING LEGISLATION THAT THE COAST GUARD IS PREPARING WOULD IMPLEMENT ANNEX V THROUGH AMENDMENTS TO APPS. WE BELIEVE THAT OUR IMPLEMENTING LEGISLATION WOULD BE THE MOST EFFECTIVE MEANS TO ACCOMPLISH THE BASIC GOALS OF THE NECESSARY LEGISLATION.

SECOND, ARTICLES 4, 5, AND 6 OF MARPOL 73/78 PROVIDE FOR ENFORCEMENT ON A PORT STATE/FLAG STATE BASIS. UNILATERAL COASTAL STATE, TERRITORIAL SEA AND EEZ APPLICATION OF THE ANNEX V REGULATIONS BY THE U.S. COULD HAVE NEGATIVE EFFECTS ON THE ENTRY INTO FORCE OF ANNEX V, THE ACCEPTANCE AND RECOGNITION OF THE UNITED STATES AS A CONTRACTING STATE TO ANNEX V BY THE OTHER CONTRACTING STATES, AND THE POTENTIAL FOR BROAD, GLOBAL ACCEPTANCE OF THE ANNEX V REGIME.

THE U.S. STATUTORY REGIME IMPLEMENTING ANNEX V SHOULD HAVE A REASONABLE TIME FOR ANNEX V TO ENTER INTO FORCE, BEFORE MAKING THE REGULATIONS EFFECTIVE. ANNEX V WILL ENTER INTO FORCE TWELVE MONTHS AFTER THE DATE ON WHICH NOT LESS THAN FIFTEEN (15) STATES, REPRESENTING FIFTY (50) PERCENT OF THE GROSS TONNAGE OF THE WORLD'S MERCHANT SHIPPING HAVE BECOME PARTIES TO IT. CURRENTLY 27 STATES REPRESENTING 41.85 PERCENT OF THE WORLD'S SHIPPING TONNAGE HAVE RATIFIED ANNEX V.

WE BELIEVE THAT AN APPROACH CAN BE ADOPTED WHICH WOULD ENCOURAGE OTHER STATES TO BECOME PARTIES TO ANNEX V, PROVIDE FULL PROTECTION TO THE U.S. COAST AND DEMONSTRATE TO OTHER CONTRACTING PARTIES THAT THE U.S. WILL UTILIZE THE MARPOL 73/78 REGIME. THE SPECIFICS OF THIS APPROACH ARE CURRENTLY UNDER REVIEW WITHIN THE ADMINISTRATION.

MR. CHAIRMAN, THE COAST GUARD IS PREPARING A LEGISLATIVE PROPOSAL TO IMPLEMENT ANNEX V THROUGH AMENDMENTS TO THE APPS WHICH WE BELIEVE WILL RESOLVE THE CONCERNS I HAVE MENTIONED. WE WILL BE PLEASED TO WORK WITH YOUR SUBCOMMITTEE ON SUGGESTED IMPLEMENTING LANGUAGE OR OTHER MATTERS RELATING TO ANNEX V.

IN CLOSING I WOULD ASK, MR. CHAIRMAN, THAT YOUR SUBCOMMITTEE STRONGLY SUPPORT THE EARLY RATIFICATION AND PASSAGE OF LEGISLATION TO IMPLEMENT THE PROVISIONS OF ANNEX V OF MARPOL 73/78.

THANK YOU, MR. CHAIRMAN. I WOULD BE PLEASED TO ANSWER ANY QUESTIONS YOU OR MEMBERS OF THE SUBCOMMITTEE MAY WISH TO ASK.