

U.S. Department
of Transportation

**United States
Coast Guard**



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United States Coast Guard

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STATEMENT OF
CAPTAIN ROBERT C. NORTH
UNITED STATES COAST GUARD,
CAPTAIN OF THE PORT OF
NEW YORK,
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON MERCHANT MARINE AND FISHERIES
SUBCOMMITTEE ON OCEANOGRAPHY
SEPTEMBER 8, 1987

Captain Robert C. North
Captain of the Port New York/New Jersey
and
Commander Coast Guard Group New York

Captain North was graduated from the Baltimore Polytechnic Institute in 1962 and the New York State Maritime College in 1966. Previous Coast Guard assignments include Marine Inspection Office, Portsmouth, VA; USOGC WESTWIND, Marine Inspection Office, Baltimore, MD; Marine Safety Office, Corpus Christi, TX; Marine Safety Office, Paducah, KY; Marine Safety School Staff, Yorktown, VA; and Marine Inspection Office, New Orleans, LA. Following graduation from the U.S. Army War College in 1986, Captain North was assigned to the Planning Staff of the Office of Marine Safety, Security and Environmental Protection at Coast Guard Headquarters in Washington, D.C. Captain North is presently serving as Captain of the Port New York/New Jersey and Commander Coast Guard Group New York. He has held that post since May 1987.

Captain North's military awards include the Meritorious Service Medal, two awards of the Coast Guard Commendation Medal, the Coast Guard Achievement Medal, and two Meritorious Unit commendations.

Captain North is a native of Baltimore, MD. He is married to the former Sharon Sells of Corpus Christi, TX.

GOOD AFTERNOON MR. CHAIRMAN:

I AM CAPTAIN ROBERT C. NORTH, THE COAST GUARD CAPTAIN OF THE PORT OF NEW YORK. I AM PLEASED TO APPEAR BEFORE YOU TODAY TO DISCUSS THE CAPTAIN OF THE PORT OF NEW YORK'S OCEAN DUMPING SURVEILLANCE RESPONSIBILITIES AND ACTIVITIES, AND THE CURRENT STATUS OF INTERNATIONAL NEGOTIATIONS CONCERNING THE DISPOSAL OF GARBAGE AT SEA.

THE OCEAN DUMPING PROGRAM IS PRIMARILY THE RESPONSIBILITY OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY, WHICH ISSUES PERMITS FOR OCEAN DISPOSAL. THE COAST GUARD'S ROLE IN THIS PROGRAM IS, PRIMARILY, ONE OF SURVEILLANCE. FEDERAL AUTHORITY FOR COAST GUARD SURVEILLANCE ACTIVITIES IS DERIVED FROM THE MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT OF 1972 (MPRSA) FROM WHICH THE OCEAN DUMPING REGULATIONS HAVE BEEN PROMULGATED. SPECIFIC COAST GUARD SURVEILLANCE AUTHORITY IS TRACED FROM 33 USC 1417 (C), WHICH ASSIGNS OCEAN DUMPING SURVEILLANCE TO THE SECRETARY OF THE U.S. DEPARTMENT OF TRANSPORTATION. THE AUTHORITY IS FURTHER DELEGATED TO THE COMMANDANT OF THE COAST GUARD. FURTHER AUTHORITY IS DERIVED FROM THE REFUSE ACT WHICH PROHIBITS ANY PERSON FROM DISPOSING OF GARBAGE OR TRASH WITHIN THE NAVIGABLE WATERS OF THE U.S.

FOR ACCOUNTING PURPOSES, OCEAN DUMPING MATERIALS ARE SEPARATED INTO TWO CATEGORIES, "A" MATERIALS, WHICH REQUIRE DISPOSAL AT THE CHEMICAL AND INDUSTRIAL WASTE DISPOSAL SITES DESIGNATED BY EPA, AND "B" MATERIALS, WHICH CONSIST OF ALL OTHER MATERIALS DUMPED AT OTHER EPA DESIGNATED SITES. "A" MATERIALS ARE BASICALLY CHEMICAL/INDUSTRIAL WASTES. "B" MATERIALS ARE SEWAGE AND DREDGING MATERIALS. DISCUSSIONS BETWEEN THE EPA AND THE COAST GUARD RESULTED IN ESTABLISHING COAST GUARD MISSION PERFORMANCE STANDARDS FOR

SURVEILLANCE GOALS AT 75% FOR CATEGORY "A" OCEAN DISPOSAL ACTIVITIES AND 10% FOR CATEGORY "B" ACTIVITIES. THE COAST GUARD CAPTAIN OF THE PORT, NEW YORK (COTP NY) CURRENTLY MONITORS DUMPS AT THE 106 MILE INDUSTRIAL WASTE SITE FOR CATEGORY "A" ACTIVITIES. CATEGORY "B" ACTIVITIES MONITORED BY COTP NY INCLUDE DUMPS AT THE 12 MILE SLUDGE SITE, THE 106 MILE SLUDGE SITE AND ACID DUMPS AT THE 20 MILE SITE.

ALL EPA PERMITTED DUMP ACTIVITIES THAT DEPART THE PORT OF NEW YORK AREA ARE MONITORED BY COTP NY. THIS MONITORING CONSISTS OF THE OPERATORS OF THE DUMPING VESSELS CALLING THE COTP OFFICE TO REPORT THE TYPE OF DUMP ACTIVITY, THE EXPECTED TIMES OF ARRIVAL AND DEPARTURE AT THE DUMP SITE, THE DESTINATION OF THE ACTIVITY, THE DEPARTURE POINT, AND THE VOLUME OF THE LOAD TO BE DISPOSED. AFTER THIS INFORMATION IS RECORDED, COTP NY PERSONNEL ISSUE A TRANSIT NUMBER TO THE TRANSPORTER AS THE AUTHORIZATION TO PROCEED. IN THE CASE OF CATEGORY "B" SLUDGE DUMPS, UPON REACHING THE 12 MILE DUMP SITE THE TRANSPORTER CALLS COAST GUARD GROUP SANDY HOOK VIA RADIO TO OFFICIALLY INFORM THE COAST GUARD THAT HE HAS ARRIVED AND IS BEGINNING THE DUMP. AT THE CONCLUSION OF THE DUMP THE TRANSPORTER AGAIN CALLS GROUP SANDY HOOK TO INFORM THE COAST GUARD OF THE COMPLETION OF THE DUMP AND THAT HE IS DEPARTING THE SITE. THIS INFORMATION IS LOGGED AND TELEXED TO CAPTAIN OF THE PORT NY FOR INCLUSION IN THE DUMPING CASE HISTORY FILE. UPON RETURNING TO PORT, THE TRANSPORTER IS FURTHER REQUIRED BY THE EPA PERMIT TO SUBMIT TO THE COTP NY AN OVERLAY OF THE DUMPING VESSEL'S DUMP ZONE TRACKLINE AND A STATEMENT THAT THE PERMIT CONDITIONS FOR THE PARTICULAR DUMP WERE MET. THESE OVERLAYS AND STATEMENTS ARE FORWARDED TO THE EPA WHERE THEY ARE ANALYZED FOR POTENTIAL VIOLATIONS. FOR THE RECORD, 2,582 SLUDGE DUMPS WERE RECORDED BY COTP NY IN CALENDAR YEAR 1986.

IN THE CASE OF CATEGORY "A" 106 MILE DUMPS, A COAST GUARD SHIPRIDER IS PROVIDED TO OBSERVE THE DUMPS. IN CALENDAR YEAR 1986, COTP NY RECORDED 20 CATEGORY "A" DUMPING ACTIVITIES, PROVIDING RIDERS FOR 18 OF THOSE DUMPS.

EARLIER THIS YEAR THE PHASE-IN PROCESS FOR DUMPING SLUDGE AT THE 106 MILE SITE BEGAN. AS 31 DECEMBER 1987 APPROACHES, MORE AND MORE DUMPS WILL BE MADE AT THE 106 MILE SITE WITH FEWER BEING MADE AT THE 12 MILE SITE WHICH WILL BE CLOSED. THE EXACT SCHEDULE FOR THIS PHASE-IN PROCESS WAS DETERMINED BY EPA AND VARIES WITH THE DIFFERENT DUMPERS.

IN ORDER TO ALLEVIATE THE DEMANDS PLACED ON HUMAN RESOURCES TO CONDUCT THESE MONITORING ACTIVITIES, AN ELECTRONIC SURVEILLANCE SYSTEM APPROPRIATELY CALLED THE OCEAN DUMPING SURVEILLANCE SYSTEM (ODSS) WAS DEVELOPED BY THE COAST GUARD RESEARCH AND DEVELOPMENT CENTER, GROTON, CONNECTICUT. THERE ARE THREE MAIN SECTIONS OF THE ODSS. THE BASE STATION, LOCATED ON GOVERNORS ISLAND, NEW YORK, POLLS EACH VESSEL IN ITS DATA BASE AT LEAST ONCE EACH HOUR AND MONITORS THE INFORMATION TRANSMITTED. AN ELECTRONICS PACKAGE (BLACK BOX) ON THE VESSEL REPLIES, GIVING THE VESSEL'S LOCATION, DRAFT READING AND SYSTEM STATUS. POLLING AND REPLYING IS DONE AUTOMATICALLY UNDER THE CONTROL OF THE BASE STATION AND BLACK BOX COMPUTERS. THE THIRD SECTION IS THE RELAY STATION LOCATED AT SANDY HOOK, NEW JERSEY WHICH IS A PASSIVE SYSTEM AND IS USED WHEN DIRECT COMMUNICATIONS BETWEEN THE BASE STATION AND THE VESSEL ARE NOT ABLE TO BE COMPLETED. WHEN THE VESSEL IS BEYOND RADIO CONTACT WITH BOTH THE BASE STATION AND THE RELAY STATION THE INFORMATION IS STORED IN THE BLACK BOX'S COMPUTER MEMORY AND SENT TO THE BASE STATION WHEN COMMUNICATIONS ARE REESTABLISHED. THREE PROTOTYPE UNITS ARE CURRENTLY ON VESSELS.

COAST GUARD HEADQUARTERS IS IN THE PROCESS OF LETTING CONTRACTS TO HAVE THE FIRST EIGHT UNITS BUILT BY A COMMERCIAL FIRM WITH AN OPTION TO BUY ADDITIONAL UNITS.

CURRENT PROJECTIONS ARE TO HAVE THE DEVICE COMMERCIALY AVAILABLE IN EARLY 1988, WITH ALL 16 VESSELS THAT WILL BE DUMPING AT THE 106 MILE SITE OUTFITTED WITH THEM SHORTLY THEREAFTER. WE ARE HOPEFUL THAT THE PROJECTED TIMELINE CAN BE MET.

NOW DEPARTING FROM DISCUSSION OF PERMITTED OCEAN DUMPING ACTIVITIES, I WOULD LIKE TO DISCUSS THE CURRENT STATUS OF COAST GUARD ACTIVITIES REGARDING THE PREVENTION OF POLLUTION OF THE SEA BY PLASTICS AND OTHER GARBAGE THAT IS GENERATED DURING THE NORMAL OPERATION OF A SHIP.

THE ADMINISTRATION HAS SUBMITTED A LEGISLATIVE PROPOSAL TO BOTH HOUSES OF CONGRESS TO IMPLEMENT ANNEX V, REGULATIONS FOR THE PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS. THIS IS AN OPTIONAL ANNEX TO THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973, AS REVISED BY THE 1978 PROTOCOL RELATING THERETO (MARPOL 73/78), THROUGH APPROPRIATE AMENDMENTS TO THE ACT TO PREVENT POLLUTION FROM SHIPS (APPS), 33 U.S.C. 1901 ET SEQ. WE BELIEVE THIS LEGISLATION WOULD PROVIDE FULL PROTECTION TO THE U.S. COASTLINE, ENCOURAGE BROAD ADOPTION OF ANNEX V OF MARPOL 73/78, AND ENHANCE ITS INTERNATIONAL ENFORCEMENT.

MR. CHAIRMAN, IN PREVIOUS TESTIMONY BEFORE OTHER CONGRESSIONAL COMMITTEES, WE 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. WE HAVE STRESSED THE IMPORTANCE OF

ESTABLISHING INTERNATIONAL STANDARDS TO SOLVE AN INTERNATIONAL PROBLEM THROUGH IMPLEMENTATION OF ANNEX V OF MARPOL 73/78. CURRENTLY, THE PRINCIPLE STATUTE IS THE REFUSE ACT OF 1899 (33 USC 407), WHICH ONLY PROHIBITS THE DISPOSAL OF GARBAGE INTO U.S. NAVIGABLE WATERS INCLUDING THE TERRITORIAL SEA. 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. WE 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.

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. OFFICIALLY 28 STATES REPRESENTING 48 PERCENT OF THE WORLD'S SHIPPING TONNAGE HAVE RATIFIED IT, THE LATEST BEING THE SOVIET UNION ON AUGUST 14, 1987, REPRESENTING 6.2 PERCENT. THIS HAS OPENED THE DOOR FOR THE UNITED STATES WITH 4.91 PERCENT TO BRING THE ANNEX INTO FORCE INTERNATIONALLY. IN SHORT, MR. CHAIRMAN, ALL EYES ARE UPON US.

AS YOU KNOW, MR. CHAIRMAN, ON FEBRUARY 9, 1987, THE PRESIDENT TRANSMITTED ANNEX V TO THE SENATE FOR ITS ADVICE AND CONSENT TO RATIFICATION. WE URGE YOUR CONTINUED SUPPORT FOR EARLY RATIFICATION AND PASSAGE OF THE 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 COMMITTEE MAY WISH TO ASK.