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## Supreme Court Denies Michigan's Request to Close Chicago-Area Locks; Congressional Effort to Close Locks Begins

On January 19, the U.S. Supreme Court denied the State of Michigan's request for a preliminary injunction to close Chicago-area locks. As reported in the January 15 edition of the *AWO Letter*, AWO filed an affidavit in this case opposing the Michigan effort. Michigan was seeking closure in an effort to prevent the Asian Carp's entry into the Great Lakes, in spite of the significant damage that such a move would do to the regional economy and environment, and even though closure would not guarantee the prevention of Carp migration. The Court issued its denial without comment and will hear Michigan's request to reopen this case no earlier than late-February.

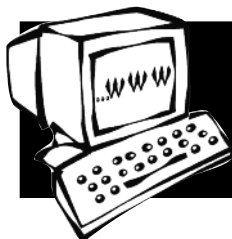
AWO issued a press release shortly after the Court's decision expressing strong support for the denial. (See page 5.) In the release AWO President & CEO Thomas Allegretti stated that, "We are gratified that the U.S. Supreme Court has taken action to prevent disastrous consequences to Midwest consumers and to the hard-working Americans employed in the towing industry and in all the industries and companies that rely on the essential commodities shipped by barge."

AWO will continue to work with its legal counsel to ensure that the Chicago-area waterways remain open to commerce.

Shortly after the Court's decision was issued, however, Rep. Dave Camp (R-MI) and Senator Debbie Stabenow (D-MI) introduced companion bills in the House of Representatives and the Senate, respectively, that would instruct the U.S. Army Corps of Engineers to "immediately close the currently constructed barriers and locks" in the Chicago area. Rep. Camp is in the process of soliciting support for this bill from his congressional colleagues. Other members of the House, though, are engaged in an effort to prevent this bill from becoming law, as it would result in the same severe consequences as the failed legal action by the State of Michigan would have, had it been successful.

AWO members and staff have been active in providing their perspectives on this issue through interviews with a number of mainstream print, radio and television outlets. If you would like to view some of these media dispatches, please contact Anne Burns at (703) 841-9300, extension

*(continued on page 2)*



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## Supreme Court Denies Michigan's Request to Close Chicago-Area Locks



(continued from page 1)

252, or via email at [aburns@vesselalliance.com](mailto:aburns@vesselalliance.com).

AWO will continue to work with members of Congress and representatives of federal and state agencies to inform them of the importance of waterborne commerce both to the Chicago region and to the country. For further information, please contact Lynn Muench at (314) 446-6474; Benjamin Rogers at (703) 841-9300, extension 264, or via email at [brogers@vesselalliance.com](mailto:brogers@vesselalliance.com); or, Mary McCarthy at (703) 841-9300, extension 254, or via email at [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com).

### Welcome, New Affiliate Member!

**Alfa Laval Inc.**  
955 Mearns Road  
Warminster, PA 18974

Rep: Ms. Noreen Comerford  
Marketing Communications  
Manager

## Senators Urge OMB to Include Inland Waterways Users Board Proposal in FY11 Budget



On January 22, a bipartisan group of 20 Senators sent a letter to Office of Management and Budget (OMB) Director Peter Orszag requesting the inclusion of language in the President's upcoming FY 2011 budget proposal that would allow for a comprehensive solution to fix the Inland Waterways Trust Fund (IWTF) that does not include a lock usage tax. Although the Congress has twice rejected the idea of implementing a lock usage tax to pay for the IWTF, Senate staff have indicated there is a likelihood that the lock tax proposal may reappear for a third time in the FY 2011 budget, slated to be introduced in the first week in February.

The Senate letter, signed by 13 Democrats and 7 Republicans, follows a similar letter sent by Senator Harkin to Director Orszag in April 2009 (click [here](#)), that points out the shortcomings of the Obama Administration's proposal to fund the IWTF through a lock usage tax. In September 2009, Senators Harkin and Bond sent another letter signed by 21 Senators to the Chairmen and Ranking Members of the Senate Finance Committee (click [here](#)) and the Senate Environment and Public Works Committee (click [here](#)) to oppose the lock tax and explain the joint Army Corps and Inland Waterways Users Board (IWUB) effort to develop a comprehensive and long term solution to infrastructure modernization and funding.

As reported in the January 15 *AWO Letter* (click [here](#)), the industry has worked cooperatively with personnel from the Corps to outline a strategy to prioritize lock project development, modernize Corps project delivery methods, and revise the cost sharing and revenue generation formulas of the IWTF. The draft report was unanimously approved by the Inland Waterways Users Board on December 15, 2009 and the complete report, titled "The Inland Marine Transportation System Capital Investment Strategy," will be presented to the IWUB in March 2010.

To read the most recent Senate letter to Director Orszag, please click [here](#). For further information and for updates on Senators Harkin and Bond's letter, please contact Chris Coakley at (703) 841-9300, extension 297, or via email at [ccoakely@vesselalliance.com](mailto:ccoakely@vesselalliance.com).

If you receive a hard copy of the *AWO Letter* and need to know the exact Web addresses of the hyperlinks in any articles, please contact Mary McCarthy at (703) 841-9300, extension 254, or via email at [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com).



# STCW NPRM Could Harm Coastal Towing Companies and Mariners, AWO Tells Coast Guard

The U.S. Coast Guard should ensure that forthcoming regulations to fully incorporate the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) into the credentialing requirements for U.S. mariners are operationally appropriate for all of the vessels and mariners to which they will apply, AWO told the Coast Guard at a public meeting January 20. In testimony on the Coast Guard's November 17, 2009 notice of proposed rulemaking (NPRM), AWO Senior Vice President-National Advocacy Jennifer Carpenter noted that, given the ship-centric nature of the STCW Convention, many of the NPRM's requirements are "neither appropriate nor necessary for the safe operation of towing vessels in domestic coastal service, or limited international service to Canada and the Caribbean."



told the Coast Guard, making no provision for future use of licenses commonly used in the coastal industry today. AWO also urged the Coast Guard to integrate the licensing and STCW requirements for engineers into a single system akin to that which exists for deck officers and to remove geographic limitations such as "Near Coastal" from engineering licenses.

- **Deck Officer License Structure.** AWO urged the Coast Guard to confirm that the proposed rule is not meant to establish new manning requirements and to allow mariners who operate intermittently in oceangoing service to substitute approved training for recency of ocean service.
- **Training.** AWO urged the Coast Guard to ensure that the necessary training infrastructure is in place before requirements to have the subject training take effect.

AWO also urged the Coast Guard to ensure that current license holders can transition into the new regime in a smooth fashion, receiving full credit for previous training and experience and without losing the ability to do the same jobs on the same vessels for which their licenses qualify them today. In addition, AWO urged the Coast Guard to revise its regulatory analysis to take account of the impact of the NPRM on vessel operating companies, as well as on mariners and training institutions.

More specifically, AWO commented on three aspects of the proposed regulations that will have the greatest impact on the towing industry, including:

- **Engineering License Structure.** The proposed engineering license structure is a poor fit for towing vessels, AWO

The STCW Convention applies to mariners on towing vessels: of any size on international voyages; over 200 gross tons on voyages beyond the U.S. Boundary Line; or, of any size on domestic voyages that pass through international waters.

AWO will be submitting more extensive written comments on the NPRM before the February 16 deadline. To read AWO's public meeting statement, please click [here](#). For a copy of the NPRM, please click [here](#). For more information, please contact Jennifer Carpenter or Benjamin Rogers at (703) 841-9300, extensions 260 or 264, respectively, or via email at [jcarpenter@vesselalliance.com](mailto:jcarpenter@vesselalliance.com) or [brogers@vesselalliance.com](mailto:brogers@vesselalliance.com).

## Important Dates and Reminders *at a glance*

*For more information, please contact Ashley Smith at (703) 841-9300, extension 291, unless otherwise noted.*

**February 4-5:** Atlantic Region Annual Meeting, Jacksonville, FL

**February 18-19:** Pacific Region Annual Meeting, Seattle, WA

**February 24-25:** AWO Executive Committee Meeting, Arlington, VA

**April 13:** "Barge-In" preparation briefing, Arlington, VA

**April 14-16:** AWO Spring Convention, Arlington, VA

## MarAd Seeks Applications for Small Shipyards Grant Program

On January 13, the U.S. Maritime Administration (MarAd) announced the availability of \$14.7 million in grants for capital and related improvements for qualified shipyards and maritime training programs to foster technical skills and operational productivity in communities whose economies are related to or dependent upon the maritime industry. MarAd intends to use the grants to foster efficiency, competitive operations, and quality ship construction, repair, and reconfiguration within the maritime industry. The period for submitting grant applications, as mandated by

statute, commenced on December 16, 2009, and will terminate on February 16, 2010.

For more information, consult the *Federal Register* notice [here](#), or contact Carl Setterstrom, Director, Office of Shipyards and Marine Engineering, Maritime Administration, at (202) 366-5737. ☸



## Coast Guard Seeking Comment on Information Sharing through NAIS

On January 15, the U.S. Coast Guard published a notice of policy and request for comments seeking feedback on an interim policy for the access and sharing of information collected by the Coast Guard's Nationwide Automatic Identification System (NAIS). The Coast Guard is also seeking comments on the applicability and levels of sharing of information collected by the NAIS, the definition of historical NAIS information, and any commercial or security sensitivities with respect to sharing NAIS information in order to assist in the development of the final policy on NAIS information sharing. Comments are due February 16.

The new policy will serve as guidance for Coast Guard program managers and field units regarding the sharing of information collected by NAIS with foreign governments, Federal, State, local, and Indian tribal governments, and non-governmental entities. The Coast Guard notes that sharing information collected by NAIS would improve navigation safety, enhance the ability to identify and track vessels, heighten Maritime Domain Awareness, address threats to maritime transportation safety and security, facilitate commerce, and enhance environmental protection efforts.

NAIS is a mechanism that would allow the Coast Guard to share information collected through the Automatic Identification System (AIS). The notice of policy does not explicitly mention the types of information the agency would share with key government and non-government agencies, but notes that AIS communications are intended to be received by the public and that there is no expectation of privacy for any information transmitted on AIS.

For more information, please see the *Federal Register* notice [here](#). If you have any concerns about this potential

Coast Guard action, please contact Jennifer Carpenter or Brian Vahey at (703) 841-9300, extensions 260 and 251, respectively, or via email at [jcarpenter@vesselalliance.com](mailto:jcarpenter@vesselalliance.com) or [bvahey@vesselalliance.com](mailto:bvahey@vesselalliance.com). ☸



## *NMC Reminds Mariners of Delayed Issuance Option for Credentials*

In a January 26 bulletin, the U.S. Coast Guard's National Maritime Center (NMC) reminded mariners that they have the option of requesting delayed issuance of Merchant Mariner Credentials (MMC). Delayed issuance allows mariners to request the delivery of their new MMC close to the expiration date of their current MMC, thereby preventing "license creep," or the unnecessary loss of service time.

As noted in the November 6, 2009 edition of the *AWO Letter*, mariners who seek delayed issuance must make the request on their renewal application. Delayed issuance can be requested up to one full year in advance of the existing MMC's expiration date.

To read the NMC notice, please click [here](#). For questions on any credential-related items, please contact Jennifer Carpenter or Benjamin Rogers at (703) 841-9300, extensions 260 or 264, respectively, or via email at [jcarpenter@vesselalliance.com](mailto:jcarpenter@vesselalliance.com) or [brogers@vesselalliance.com](mailto:brogers@vesselalliance.com). ☸



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Arlington, VA 22203

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PHONE: (703) 841-9300  
FAX: (703) 841-0389

FOR IMMEDIATE RELEASE  
January 19, 2010

CONTACT: Lynn Muench at (314) 308-0378 or  
Anne Burns at (703) 841-9300, Ext. 252

## **AWO HAILS SUPREME COURT ASIAN CARP DECISION TO KEEP WATERBORNE COMMERCE FLOWING**

WASHINGTON, D.C. – The American Waterways Operators (AWO), the national trade association for the American tugboat, towboat and barge industry, hailed the decision today by the U.S. Supreme Court to keep the Illinois Waterway System locks open for the free flow of commerce. The Court rejected a petition brought by the State of Michigan and other Great Lakes states against the State of Illinois that sought a preliminary injunction to close the locks to prevent Asian carp from entering Lake Michigan. U.S. Solicitor General Elena Kagan had argued that closing the locks was not justified by available science and would not provide a solution to the Asian carp issue, since there are other outlets through which the fish can gain access to the Great Lakes.

AWO submitted an affidavit on January 6, 2010 as part of Illinois' response to the Michigan suit. The affidavit set out the case for the devastating impact that closing the locks would have on the barge industry and the Midwest economy, environment, jobs, public safety and quality of life by preventing millions of tons of commodities from being shipped by barge to and from Great Lakes ports.

AWO President & CEO Thomas Allegretti commented, "We are gratified that the U.S. Supreme Court has taken action to prevent disastrous consequences to Midwest consumers and to the hard-working Americans employed in the towing industry and in all the industries and companies that rely on the essential commodities shipped by barge. These economic building blocks include coal for utilities, industrial steel, iron ore, petroleum, home heating oil, road salt, deicing liquid for airliners, and gasoline." He said further, "Barging is the safest, most economical and most environmentally friendly mode of cargo transportation. Our industry will continue the work we have done for over the past six years with the U.S. Army Corps of Engineers, EPA, U.S. Coast Guard and other officials to ensure a balance between preventing the spread of Asian carp while ensuring the free flow of commerce essential to our nation."

###

## Save the Date for the AWO Spring Convention

The 2010 AWO Spring Convention will be held April 14-16 in Arlington, VA. With more critical issues facing the towing industry than ever before, the Spring Convention gives you the opportunity to be engaged with AWO's efforts to lobby policymakers on your behalf. The Convention will kick off on April 14 with the seventh annual

"Barge-In" to Capitol Hill, giving you a chance to speak to your Senators and Representatives about issues facing your industry. (If you are planning to attend the "Barge-In," please make arrangements that allow you to attend a preparatory session the afternoon of April 13.) On April 15, committee meetings to discuss critical issues will

be held at the Ritz-Carlton Pentagon City, followed by an evening reception. The Convention concludes on April 16 with the Annual Membership and Board of Directors meetings, also at the Ritz.

More information and registration will become available closer to the event. If you have any questions, please contact Ashley Smith at (703) 841-9300, extension 291, or via email [asmith@vesselalliance.com](mailto:asmith@vesselalliance.com).

## CEMS Training Opportunities Available

The Crew Endurance Management System (CEMS) is a system for managing risk factors in maritime work environments that can lead to human error and performance slumps. The Coast Guard and AWO have been working together to help companies implement the principles of CEMS. In this space, AWO will publish details of CEMS training opportunities around the country. For further information on CEMS training opportunities, please contact Pik Kwan Rivera, U.S. Coast Guard, at (202) 372-1354.

DATE	LOCATION	CONTACT
February 2-3	Salyers Solutions, LLC Mobile, AL	Jo Ann Salyers (Instructor) (504) 236-4962 <a href="mailto:salyers_solutions@hughes.net">salyers_solutions@hughes.net</a>
February 8-9	Salyers Solutions, LLC Portland, OR	Jo Ann Salyers (Instructor) (504) 236-4962 <a href="mailto:salyers_solutions@hughes.net">salyers_solutions@hughes.net</a>
February 24-25	Salyers Solutions, LLC Houma, LA	Jo Ann Salyers (Instructor) (504) 236-4962 <a href="mailto:salyers_solutions@hughes.net">salyers_solutions@hughes.net</a>
March 2-3	Salyers Solutions, LLC Norfolk, VA	Jo Ann Salyers (Instructor) (504) 236-4962 <a href="mailto:salyers_solutions@hughes.net">salyers_solutions@hughes.net</a>
March 11-12	Salyers Solutions, LLC Houston, TX	Jo Ann Salyers (Instructor) (504) 236-4962 <a href="mailto:salyers_solutions@hughes.net">salyers_solutions@hughes.net</a>
March 23-24	Salyers Solutions, LLC St. Louis, MO	Jo Ann Salyers (Instructor) (504) 236-4962 <a href="mailto:salyers_solutions@hughes.net">salyers_solutions@hughes.net</a>
April 20-21	Salyers Solutions, LLC Tampa, FL	Jo Ann Salyers (Instructor) (504) 236-4962 <a href="mailto:salyers_solutions@hughes.net">salyers_solutions@hughes.net</a>
April 27-28	Salyers Solutions, LLC Oakland, CA	Jo Ann Salyers (Instructor) (504) 236-4962 <a href="mailto:salyers_solutions@hughes.net">salyers_solutions@hughes.net</a>

*(Additional classes can also be scheduled at your location.)*

## 2010 AWO Safety Calendar Now on Sale!



The 2010 AWO Safety Calendar, which features 13 beautiful, full-color industry photos, is now for sale. The theme of this year's calendar is "Exercise for Health and Safety," and each page contains an important safety message.

Each AWO member company receives a calendar as a gift, and additional calendars are on sale for \$12.00 each. If you would like to order calendars, please fill out an order form (attached) and mail it with a check, or email/fax it and have it invoiced, to Deborah Koester at the following address:

The American Waterways Operators  
801 North Quincy Street  
Suite 200  
Arlington, VA 22203  
(703) 841-0389 (fax)  
[dkoester@vesselalliance.com](mailto:dkoester@vesselalliance.com).

Order your calendars today!

## 2010 AWO Letter Sponsorships Now Available!

AWO is now accepting sponsorship applications for the 2010 *AWO Letter*. Each great advertising opportunity costs \$500, which includes a front-page “sponsorship block” featuring your company’s name, location, logo, and Web site address along with a half-page advertisement.

The following issues are available:

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| ■ April 9     | ■ September 24 |
| ■ April 23    | ■ October 8    |
| ■ May 7       | ■ October 22   |
| ■ May 21      | ■ November 5   |
| ■ June 4      | ■ November 19  |
| ■ June 18     | ■ December 3   |
| ■ July 2      | ■ December 17  |
| ■ July 16     |                |

To secure a sponsorship, please complete the attached sponsorship form and send it to Deborah Koester via fax at (703) 841-0389 or email at [dkoester@vesselalliance.com](mailto:dkoester@vesselalliance.com).

## Welcome, New Carrier Member!

Vizier Marine Co. L.L.C  
P.O. Box 307  
Lockport, LA 70374

Rep: Mr. Fred Vizier  
Operations Manager

## Register for 2010 Atlantic and Pacific Annual Regional Meetings

This is your last chance to register for the Atlantic Region Annual Meeting, which will be held February 4-5, at the One Ocean Resort & Spa, Atlantic Beach, FL. To register, click [here](#).

In addition, time is also running out to register for the Pacific Region Annual Meeting,

which will be held February 18-19, at Salty’s on Alki, Seattle, WA. To register, click [here](#).

For more information about either the Atlantic or Pacific Annual Regional Meeting, please contact Ashley Smith (703) 841-9300, extension 291, or via email at [asmith@vesselalliance.com](mailto:asmith@vesselalliance.com).





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ATLANTIC REGION

## Maine Proposes Ballast Water Treatment Bill

On January 6, Maine Representative Sean Patrick Flaherty (D-Scarborough) introduced a bill that would require vessels discharging ballast within the coastal waters of Maine to obtain a permit by 2011 and install systems to treat their ballast water. AWO and its fellow Shipping Industry Ballast Water Coalition members have serious concerns with the bill, and have been working with affected members and other stakeholders to oppose the bill.

The bill conflicts with the U.S. Coast Guard's proposed ballast water treatment standards, which are currently

being finalized, as well as the Coalition's stance that a uniform, national standard for ballast water requirements is critical to avoiding a patchwork of federal and state requirements that poses enormous difficulties for vessels operating in interstate commerce. The legislature's Natural Resources Committee has scheduled a hearing on the bill on January 29, and members of the Coalition plan to submit a letter outlining these concerns to



committee members. AWO plans to provide testimony at the hearing. For more information on the hearing, please see the next *AWO Letter*, to be published on February 12.

To see a copy of the bill, click [here](#). If you have questions about the bill, please contact Nicole deSibour or Mary McCarthy at (703) 841-9300, extensions 292 or 254, respectively, or via email at [ndesibour@vesselalliance.com](mailto:ndesibour@vesselalliance.com) or [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com).

SOUTHERN REGION

## AWO Promotes Towing Industry Efforts to Reduce Air Emissions

On January 25, AWO provided a comprehensive statement on the towing industry's efforts to reduce air emissions to the Environmental Protection Agency's (EPA) National Risk Management Laboratory in North Carolina. The letter outlines AWO's partnerships with state agencies in

California, Louisiana, Texas, Tennessee, Washington, and 14 Atlantic Coast states that make up the Northeast and Mid-Atlantic Diesel Collaboratives. The National Risk Management Laboratory was responsible for the EPA study examining the impact of inadvertent

tank barge emissions on air quality in Louisiana. Pending EPA approval, the AWO emissions statement (click [here](#)) will be distributed throughout EPA and posted on the agency's web site in conjunction with the Louisiana study.

The letter outlines the towing industry's proactive efforts to reduce emissions. "AWO members have long prided themselves on being responsible environmental citizens and look forward to contributing their considerable amount of expertise to the work being done on air emissions across the country," wrote Lynn Muench, AWO Senior Vice President - Regional Advocacy.

If you have any questions, please contact Ms. Lynn Muench at (314) 446-6474 or via email at [lmuench@vesselalliance.com](mailto:lmuench@vesselalliance.com); Mark Wright at (985) 674-3600 or via email at [mwright@vesselalliance.com](mailto:mwright@vesselalliance.com); or Brian Vahey at (703) 841-9300, extension 251, or via email at [bvahey@vesselalliance.com](mailto:bvahey@vesselalliance.com).

MIDCONTINENT OFFICE

## Corps Holding Public Meetings on MRAPS

The U.S. Army Corps of Engineers is holding a number of public meetings on its Congressionally-authorized Missouri River Authorized Purposes Study (MRAPS). AWO has been involved in this study in order to ensure that navigation remains one of the primary purposes of the river. AWO urges its members to attend the Corps' MRAPS public meeting on February 23 in New Orleans, LA, or on February 25 in Memphis, TN. If you are interested in attending one of the public meetings and would like talking points to deliver, please contact Mary McCarthy at (703) 841-9300, extension 254, or via email at [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com).

More information on MRAPS can be found at <http://www.mraps.org>, or by contacting Lynn Muench at (314) 446-6474, or via email at [lmuench@vesselalliance.com](mailto:lmuench@vesselalliance.com).