

Marine

News

MAY 2016

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President & COO,*

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Operators**

Jennifer A. Carpenter serves as Executive Vice President & Chief Operating Officer of the American Waterways Operators (AWO), the national trade association representing the inland and coastal tugboat, towboat, and barge industry. Carpenter joined AWO in August 1990. Over time, she has served in various roles, including Director-Government Affairs, Vice President-Government Affairs, Senior Vice President-Government Affairs & Policy Analysis, Senior Vice President-National Advocacy and Executive Vice President before assuming her current position in January 2016. From 1994 to 2007, she was a member of the congressionally authorized Towing Safety Advisory Committee (TSAC). Carpenter holds a B.S. in international relations, law and organization from Georgetown University and an M.S. in conflict analysis and resolution from George Mason University. Arguably, no one has advocated longer and more vigorously for the collective domestic waterfront than Carpenter. This month, she weighs in on a variety of topics, all near and dear to U.S. domestic maritime stakeholders.

From 1994 to 2007, you were a member of the congressionally authorized Towing Safety Advisory



Committee (TSAC). Tell us about TSAC, its work, and why it is important.

TSAC is a true three-way-win for the tugboat, towboat and barge industry, for the Coast Guard, and for the American public. Our industry gets a forum to provide early input to the Coast Guard on the development of regulations and policies that are crucial to our business; the Coast Guard gets a knowledgeable group of industry experts to help it make better decisions; and the American public gets the benefit of better-informed, more cost-effective regulations and policies to protect people, the environment and property. TSAC has provided advice to the Coast Guard on every significant rulemaking that's affected our industry over the last 25 years, from the implementation of the Oil Pollution Act of 1990 to Subchapter M, and AWO members and staff participate actively in TSAC's work because we've seen firsthand what a valuable forum it is.

You are a native of St. Louis, Missouri, hence you grew up watching the inland industry virtually grow up around and with you. Did that early exposure bring you to the waterfront and AWO?

Ironically, I didn't have a deep appreciation of the importance of the tugboat, towboat and barge industry to our nation, or even to my hometown of St. Louis, until I came to Washington, D.C. and started working for AWO. (Who says no one ever learned anything useful in Washington!) But seriously, my own experience has helped me to understand how easy it is even for people who live in river or coastal towns and cities to overlook an industry that does its job quietly, efficiently and well. It's a good reminder to me that we can't just expect people to "get it" – we have to be active and vocal in telling our industry's story to policymakers and the public.

Give us a short summary of the AWO as an organization, its goals and make-up?

AWO is the 71-year-old national trade association for the tugboat, towboat and barge industry. Our members operate tugboats, towboats and barges on the inland rivers; on the Atlantic, Pacific and Gulf coasts; on the Great Lakes; in the noncontiguous trades; and in ports and harbors around the country. AWO's mission is to advocate for public policy that enables the industry to operate safely, efficiently and cost effectively; support our members in continuously improving safety, security and environmental stewardship;

and promote the positive story of our industry's value to the nation with policymakers and the public. For 26 years, that's the mission that's gotten me out of bed in the morning and made it a real pleasure to come to work every day.

What is the number one item on the agenda of AWO today?

It all starts with the Jones Act, which is the statutory foundation for the tens of thousands of good, family wage jobs that AWO members provide to Americans throughout the country and the basis for billions of dollars of investment by AWO member companies. Nothing is more important than ensuring continuing strong, bipartisan support for the Jones Act from every quarter of the U.S. government.

Where do you see the biggest threats to the Jones Act today?

The biggest threats to the Jones Act today come from two sources. First is a small group of ideologically driven opponents who are looking for opportunities to tie the Jones Act to other issues under consideration by Congress, like the Puerto Rico aid package. Heritage Action actually made the ludicrous claim that nothing would be more beneficial in promoting economic growth in Puerto Rico than waiving the Jones Act, when in fact the opposite is true: eliminating the Jones Act would destroy exactly the kind of well-paying jobs for Puerto Ricans that the island needs more of, and threaten to disrupt the most reliable and cost-effective shipping that any island in the Caribbean enjoys. Second is the oil refiners' lobby, the American Fuel and Petrochemical Manufacturers Association, whose members would like to increase their profits by using flag-of-convenience vessels instead of U.S. vessels to move cargo between U.S. ports.

The President's proposed FY 17 budget cuts deeply into USACE funding and for that of port infrastructure. Are you concerned about this? Should membership be?

The President's budget proposal was a terrible disappointment. Funding the Corps of Engineers' navigation mission at the levels proposed by the Administration would amount to an enormous step backward from the promise

of the Water Resources Reform and Development Act (WRRDA) 2014. AWO is working closely with Waterways Council, Inc. to make sure that Congress improves upon this unacceptable situation. Specifically, we are seeking to make full use of the Inland Waterways Trust Fund match by providing \$390 million for navigation construction projects; funding for operation and maintenance at least at the FY 2016 level of \$3.1 billion; and at least \$10 million for the Corps' Investigations account for pre-construction engineering and design work for the Navigation Ecosystem Sustainability Program.

Subchapter M – something AWO has pushed for and advocated – got some pushback at a recent industry event. Some stakeholders felt that there should've been a supplemental or secondary comment period before going to final rule. What are your thoughts on that premise?

It is absolutely time to get Subchapter M published. My oldest son was born the week AWO's Board of Directors voted to support the Coast Guard in seeking the statutory authority to establish a towing vessel inspection regime, and now he's almost a teenager, as tall as I am and in need of a shave! But seriously, our industry is ready for Subchapter M. We've spent more than a decade working with the Coast Guard to develop and prepare for implementation of the rule, and it's time to get it published so we can all reap the benefits of an improved regulatory floor. There has been extensive and arguably unprecedented Coast Guard-industry consultation throughout the development of this rule. And, it's worth noting that there will be a generous phase-in period, which means that if the Coast Guard, despite its best efforts, really got something important wrong, there will be time to go back to the agency and advocate for suspension or reconsideration of the problematic provision. There is plenty of precedent for that.

How much input and guidance into the formulation of what is developing into the final Subchapter M rule did AWO have with the Coast Guard and stakeholders?

Subchapter M is the most important Coast Guard



rulemaking ever to affect our industry and we have taken it with the seriousness that it deserves. AWO members and staff have been leaders and active participants in the work of the Towing Safety Advisory Committee on towing vessel inspection since 2004. We submitted comprehensive comments on the August 2011 notice of proposed rulemaking and we worked hand-in-hand with the Coast Guard to institute and execute the Towing Vessel Bridging Program to help the agency and our industry prepare for the transition to inspection. We will continue to work closely with the Coast Guard and to advocate for effective implementation and policy guidance after the rule is published and we move into the next crucial phase of this long journey: effectively implementing the rule so that it achieves its potential to raise the bar of safety and environmental stewardship without interruption to maritime commerce.

How similar will the final Subchapter M rule be to the current AWO RCP program?

We expect the Towing Safety Management System requirements of Subchapter M to be very similar to the Responsible Carrier Program. Last June, the Coast Guard confirmed its intent to accept the RCP as a TSMS when Subchapter M is finalized, based on its assessment that the RCP is substantively equivalent to the ISM Code and to the audit frequency proposed in the Subchapter M notice of proposed rulemaking. As soon as the rule is published, we will work with the Coast Guard to identify any final tweaks needed to secure final agency acceptance of the RCP as a TSMS. Of course, Subchapter M establishes requirements in addition to the TSMS provisions. But, as RDML Paul Thomas, Coast Guard Assistant Commandant for Prevention Policy, said last year, "I'm very confident that any AWO member who's implemented the RCP with [the changes to the program approved by AWO's Board in October 2014] will be very well positioned for compliance with Subchapter M."

VIDA – where do we stand on this bill, and what is its chance of being passed in this calendar year or this session of Congress?

This is the year we will get vessel discharge reform legislation enacted into law. We have a strong and diverse coalition of supporters from all quarters of the industry – U.S. and international vessel owners and operators; fishing vessel, passenger vessel and charterboat operators; labor unions; marine terminals and port authorities; and national business organizations and industries that rely on commercial vessels to transport essential cargoes in domestic and international commerce. We have broad,

bipartisan support in Congress. And, we have the votes to prevail. There's no question we face challenges, starting with this year's truncated Congressional calendar, but we are better positioned to get this much-needed legislation passed in the 114th Congress than we have ever been.

One of your AWO member working groups is the "Mariner Credentialing Working Group." What are they working on right now, and why is that important?

The Mariner Credentialing Working Group is a forum for the Coast Guard and AWO to work together to identify practical improvements to the credentialing process so that mariners and their employers can more easily navigate the system without delays that impede a mariner's ability to go to work. The group has developed a set of best practices to that end, which we're currently updating. Other issues on the near-term work list include making the evaluation of sea service letters more consistent to reduce requests from NMC evaluators for additional information, which slows down application processing, and ensuring the continued utility of limited geographic area and limited local area licenses, which are very important to AWO members in the harbor services sector. AWO is also working closely with the Coast Guard to implement the requirement from last year's Coast Guard Authorization Act to harmonize the expiration dates of Merchant Mariner Credentials, medical certificates and radar observer endorsements. And, we plan to participate actively in a new TSAC subcommittee that will get underway soon to take a look at the firefighting training requirements imposed on brown-water mariners by the rule implementing the STCW Amendments to identify changes needed to better fit the inland towing vessel operating environment.

AtoNs – digital and physical: What is AWO's position on these technology advancements and specifically, do you support the Coast Guard's efforts to bring them online?

Electronic aids to navigation, and electronic means of delivering navigation information to mariners, have tremendous potential to improve navigation safety and efficiency when used as a supplement to physical aids to navigation. The Coast Guard has said it well: just because most of us have GPS in our cars doesn't mean it's time to take down the exit signs on the highways. The analogy is apt: physical aids to navigation continue to be critically important, even as we make greater use of the potential of electronic AToNs. AWO members throughout the country are actively engaged with the Coast Guard in reviewing mariners' needs for physical and electronic aids to navigation and making waterway-specific recommendations to ensure safety and improve efficiency.