

March 4, 2024

Ms. Dana S. Tulis
Director, Emergency Management
U.S. Coast Guard Headquarters Stop 7516
2703 Martin Luther King Jr. Ave, SE
Washington, DC 20593

RE: Request for Information on the
Coast Guard Implementation of a
Western Alaska Oil Spill Planning
Criteria Program (Docket No.
USCG-2023-0824)

Dear Ms. Tulis,

The American Waterways Operators (AWO) is the tugboat, towboat, and barge industry's advocate, resource, and united voice for safe, sustainable, and efficient transportation on America's waterways, oceans, and coasts. Our industry is the largest segment of the nation's 40,000-vessel domestic maritime fleet and moves 665 million tons of cargo each year safely, sustainably, and efficiently. On behalf of AWO's more than 300 member companies, we appreciate the opportunity to comment on Western Alaska Oil Spill planning criteria.

AWO shares the U.S. Coast Guard's goal of protecting the marine environment from oil spills, and AWO's members are committed to reducing our industry's environmental impact while preserving its safety and efficiency. This is demonstrated by AWO's active partnership with the Coast Guard, Congress, and our industry's shipper-customers to reduce oil spills since the enactment of the Oil Pollution Act of 1990. This partnership has produced results: a Coast Guard Report to Congress directly attributed a downward shift in oil spill volumes since 1997 to the implementation of the AWO Responsible Carrier Program (RCP), which is now a Coast Guard-accepted Towing Safety Management System under 46 CFR Subchapter M. AWO continues to work closely with the Coast Guard through the Coast Guard-AWO Safety Partnership, which has produced several Quality Action Teams to further reduce oil spills through the collaborative development of data-driven, results-oriented best practices.

AWO has ten members who operate in Alaska, many of whom utilize the Alaska Petroleum Distributors and Transporters (APD&T) Alternative Planning Criterion (APC) for oil spill response planning and equipment requirements. AWO was part of the original consultation between the Coast Guard, the State of Alaska, and the tank barge industry in 1993 that resulted in a report titled, "Recommendations for Towing Tank Barges Carrying Bulk Non-Crude Petroleum Products in Alaska Waters," a precursor to the APD&T APC. AWO members operating in Alaska voluntarily complied with these recommendations as well as the AWO RCP long before the advent of towing vessel inspection under Subchapter M. With this in mind, we offer the following comments.

Use the APD&T APC as a framework for the Western Alaska Oil Spill planning criteria for tank barges carrying non-persistent cargoes.

In western Alaska, the tugboat, towboat, and barge industry plays a crucial role in the regional economy by providing many remote and Native Alaskan communities with fuel, food, and consumer goods and by supporting key Alaskan industries such as fishing, mining, and oil and gas exploration. Our members' vessels provide transportation services and industrial support to areas where road or rail transportation is impossible, air transportation is cost-prohibitive, and deep-draft vessels cannot safely transit. However, the vast geography, lack of infrastructure, and adverse environmental conditions create a uniquely remote and challenging operating environment in which to mobilize oil spill response resources and render the national planning criteria inappropriate outside of Cook Inlet. Since its initial approval by the Coast Guard in 1993, the APD&T APC has provided a high level of, and driven continuous improvement in, oil spill prevention, preparedness, and response capabilities for tank barge operators carrying non-persistent cargoes in Western Alaska and has a demonstrated track record of success. In the five-year period from 2015 to 2019 – following the Coast Guard's most recent full approval of the APD&T APC – APD&T operators reported only 11 spills, the largest of which was estimated at just four gallons.¹

In the Don Young Coast Guard Authorization Act of 2022, Congress mandated that Western Alaska Oil Spill planning criteria include: mechanical oil spill response resources that are located within the applicable Captain of the Port zones; response times for mobilization of response resources and arrival on the scene; pre-identified vessels for response; the availability of at least one Oil Spill Removal Organization that meets established criteria; for tank barges carrying non-persistent cargoes, on-board response resources; and, wildlife protection and rehabilitation resources. Each of these criteria can be found in the existing APD&T APC. AWO recommends that the Coast Guard use the APD&T APC as the basis for the Western Alaska Oil Spill planning criteria for tank barges carrying non-persistent cargoes, which will ensure that this new set of standards is based on proven oil spill response strategies.

Improve consultation with stakeholders.

As stated in the Don Young Coast Guard Authorization Act of 2022, in establishing the Western Alaska Oil Spill planning criteria, the Coast Guard “shall consult with the federal agencies, State and local governments, Tribes [...], the owners and operators that would be subject to such planning criteria, oil spill removal organizations, Alaska Native organizations, and environmental nongovernmental organizations”². Not only is consultation required by Congress, but direct stakeholder engagement is vital to the effective development of planning criteria, which will require balancing protection of the marine environment, facilitation of maritime commerce, and support of Alaskan communities and industries. AWO urges the Coast Guard to hold meetings with stakeholders in Alaska to discuss the development of the planning criteria and allow them to engage in dialogue with the Marine Environmental Response Criteria Action Team.

¹ Source: APD&T, from Alaska Department of Environmental Conservation and Coast Guard databases.

² Pub.L. 117-263 Section 501(b)(2).

Consultation is also important when the Coast Guard considers, after the establishment of the planning criteria, whether to create subregions. At that time, the statute authorizes the development of subregions only if necessary to adequately reflect the needs and capabilities of various locations within the Western Alaska Captain of the Port Zone. The views of stakeholders as to any differences in needs and capabilities between locations and the costs and benefits of establishing subregions must be solicited and considered, both because it is required by Congress³ and in order to ensure that the agency has a complete understanding of the potential advantages and disadvantages of a subregion approach.

Thank you again for the opportunity to comment. AWO is pleased to discuss these comments further or provide any additional assistance as needed.

Sincerely,

A handwritten signature in cursive script that reads "Caitlyn E. Stewart". The signature is written in dark ink and is positioned above the typed name.

Caitlyn E. Stewart
Vice President – Regulatory Affairs

³ 33 U.S.C. §1321(j)(9)(D)(iii)(II).