

Before the United States Congress

Date: 12/18/2007
Session: 110th Congress (First Session)
Witness: Mike Cooper
Credentials: Chairman, Washington Oil Spill Advisory Council;
County Councilman elect, Snohomish County, Washington;
Four-term member of the Washington State House of Representatives; and
Career firefighter
Chamber: Senate
Committee: Commerce Committee, Subcommittee on Oceans, Atmosphere, Fisheries,
and Coast Guard
Subject: Oil Spills from Non-tank Vessels: Threats, Risks, and Vulnerabilities

Oil Spills from Non-tank Vessels: Threats, Risks, and Vulnerabilities; Recommendations for Reform.

Testimony of

Mike Cooper

Chairman, Washington Oil Spill Advisory Council

before the

Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard
Commerce Committee
U.S. Senate

December 18, 2007

I. INTRODUCTION

Good morning Madame Chair and members of the Committee. I am Mike Cooper, Chairman of the Washington State Oil Spill Advisory Council. Thank you for inviting me to testify. I am pleased to appear before you today on behalf of the Council and the State of Washington. Also, I wish to thank the Chair for her continuing leadership to protect Washington State from the risk of oil spills. Particularly I wish to thank the Senator for her efforts to assure that the Neah Bay tug remains on stand-by protecting our outer coast and the Straight of Juan de Fuca from the perils of drift landings.

The mission of the Council is to maintain Washington's vigilance in preventing oil spills in marine and navigable waters, by ensuring an emphasis on oil spill prevention while also recognizing the importance of improving spill preparedness and response. The Council's goal is to act as a mechanism to foster a long-term partnership and consensus between communities, government, and industry. The Council operates by consensus, even on the difficult issues. To date, it has not been necessary for the Council to avail itself of its statutory authorization allowing nine members to call for a majority vote.

It is important to note: Through the Council's organic legislation and as implemented by Governor Christine Gregoire, Washington State invited Washington tribal governments to participate on the Council. And they do participate. However, we do recognize that the Council, as a State-created entity, can not stand in for the tribes, as they are resource trustees with whom the federal government has a direct relationship. Additionally, we recognize that the tribes should be invited as a sovereign to work with the state and federal governments on these important natural resources issues.

In light of the growing oil spill risks from commercial cargo vessels, I will limit my testimony to the regulation of these vessels. My intention with my testimony is to generally represent the various governmental and citizen interests of Washington. There was not sufficient time for the Council to come to consensus over my remarks. We will have a meeting in January 2008, however. Our agenda will include an action item to discuss my testimony and to provide some follow up from the Council on my testimony.

One thing I know we all agree upon is the value of citizen advisory councils. As Governor Gregoire noted earlier this year, to prevent oil spills it is important for the public to be engaged and involved; only if public engagement continues can we battle complacency. The Council encourages Congress to support the work of citizen advisory councils like those in Alaska and Washington. These bodies play a vital role in ensuring vigilance in oil spill prevention, response, and remediation. Members of Washington's Oil Spill Advisory Council not only live and breathe in and among the fragile Puget Sound, but they also are vested in the success of our local economy. For this reason, citizen bodies are very well suited to spotlight problem areas and to effectuate needed change.

The issue before the Subcommittee is how to better regulate non-tank vessels. In Washington, we understand the urgency of grappling with this issue, particularly in light

of the significant spill from a cargo vessel into San Francisco Bay on November 7 of this year. This was a spill caused when a container ship sideswiped the stationary Bay Bridge. The vessel spilled 58,000 gallons of fuel oil, blackening the coastline and wildlife, shutting down the fishing industry, and requiring an expensive mop-up operation.

II. RISK FROM CARGO VESSELS IN PUGET SOUND

A. Washington's Waters Are Unique

Washington's marine resources are unique in their geographic characteristics, their rare beauty, for the bounty they provide—and for their fragility. Puget Sound is a shimmering estuary with oysters, clams, and soul stirring views for the nearly four million people who live near its waters. The Strait of Juan de Fuca is a rushing narrow waterway that carries the tides in and out of Puget Sound and acts as our country's natural border between its western most portion and Canada. Washington's Pacific Coastline boasts rugged and rocky coastlines, a part of which includes the federally protect Olympia Coast Marine Sanctuary.

But Washington's waters also are in peril. For example, State studies show that just beneath the shimmering surface of Puget Sound lies a sick and dying water body. Further, the region's two keystone marine species—the orca whale and the salmon—are listed under the federal Endangered Species Act. It is said that the region's populations of the orca whale are so fragile that they are only one large oil spill away from extinction.

We must do everything humanly possible to ensure that Washington's coastal and marine environments and navigable waters continue to be a source of beauty, recreation, health, ecological integrity, food production, and economic betterment for Washington citizens. We need Congress to help.

B. Puget Sound Bears Unique Risks Due to Passenger Ferry and Commercial Vessel Interactions

Washington is unique in that a very large number passenger ferries crisscross through the traffic lanes in which large cargo vessels are required to travel. Washington has the largest car passenger fleet in the nation. As population grows, the number of Ferry transits will increase. As cargo vessel grow larger and the number of cargo vessel

transits increase, so too will the risk of them negatively interacting with an increasingly active ferry fleet.

Cargo vessels are growing in both size and number in Washington. These vessels encounter passenger ferries zipping around the Sound taking Washington citizens to and fro. This poses a growing risk of oil being spilled in Washington's waters from cargo vessels.

A growing number of cargo vessels are transiting more frequently in Washington's waters. In 2006, there were over 6,000 cargo and passenger vessel that engaged in "entering transits" in Washington. This number jumps to over 12,000 when considering that most cargo vessels entering Puget Sound must leave through the Strait of Juan de Fuca. In Puget Sound alone, there were over 2000 cargo and passenger vessel transits. Again, when one considers that these vessels must leave Puget Sound, this number jumps to over 4,000 trips. These transits happen in conjunction with 23 public passenger ferry routes that, in 2006, had over 167,000 transits made through them across the commercial vessel traffic lanes.¹ As cargo vessels grow bigger and increase their transit numbers, the risk posed by interactions between cargo vessels and passenger ferries will increase. And, of course, this is complicated by a very high volume of recreational boater traffic, which exists due to Washington's popularity with recreational boaters and fishers.

C. Risk from Cargo Vessels Currently Exist and Will Continue to Grow

Cargo vessels have a history of having dangerous mishaps in Washington's waters. After a review of Washington vessel incident data, the Washington Department of Ecology concluded that:

- Cargo and passenger vessel casualty and near-miss rate trend is downward, but the spill rate trend is flat.
- The overall downward trends should be viewed in light of other indicators that show there are generally longer periods of time between spills to marine waters--especially large spills.
- Ongoing efforts by Ecology, the Coast Guard, maritime industry, tribes, and public advocacy groups appear to be pushing most spill and incident rates downward in Washington State. However, maintaining the downward trend

will require focused on-going efforts. Also, Ecology specifically believes non-tank vessels need to be regulated to a much higher standard than exists today.

Projections show that cargo vessels will grow in both size and in number. In 1999, the U.S. Coast Guard reported that over 65% of the vessels above 300 gross tons (GT) that transited the Strait of Juan de Fuca were container ships and bulk carriers.² The Coast Guard report also noted that Puget Sound waterborne commerce is becoming increasingly dominated by container traffic—over 75% of the tonnage moved through the Port of Seattle is not in containers, with break bulk traffic, including paper and pulp, moved through Tacoma and surrounding ports.³ Movements of dry cargo are predicted by the Coast Guard study to increase by 3.6% per year through 2025.⁴ Thus, by 2025, it is expected that bulk carrier and containership transits will increase from 7,513 transits in 2000 to over 12,425 transits in 2025. Additionally, these ships will get much larger. The 1999 Coast Guard report noted that in 1997 27% of containerships were less than 2500 TEU and that 36.7% were 2500 to 4000 TEUs, with 36.1% being greater than 4000 TEUs. The report noted that the first of the large 6000 TEU containerships were delivered in 1996, and more than thirty 4500 plus TEU container ships were delivered through 1999. The study projects that by 2025, there will only 30% of the container fleet will be comprised of vessels under 4000 TEU, with 70% of the fleet being comprised of vessels over 4000 TEU.⁵

Naturally, the bunker fuel carried increases with the size of the ship. Thus, the Coast Guard reported that gallons of oil transported as bunker in cargo vessels (bulk liquid carriers, bulk carriers, container ships, and vehicle carriers) would increase from 78,385,168 gallons in 2000 to over 143,405,063 gallons per year in 2025. This is a transit increase of about 160% and an increase of oil transported by cargo vessels of about 180%.⁶ While this may not have quite the “wow factor” as what is predicted to be carried by oil tank vessels, this oil transport presents a serious and significant risk.

D. Global Climate Change Will Worsen Existing Risk

As human-induced climate change inevitably worsens, there will be more random and serious weather events. For example, this past December 3, Seattle experienced its second rainiest day on record. First place goes to a rainy day in very recent history—2003. Now that we can predict that the 100-year storm will come much more frequently,

weather related vessel incidents may increase accordingly. As an example of this, on December 3, the *Kauai*, a 720-foot container ship sailing near Cape Flattery, Washington was suddenly smashed by a large ocean swell. The waves broke out the wheelhouse windows, damaged electronic systems and knocked out the ship's primary steering system.

Disaster was averted, however. The vessel did not drift onto the rocks and spill oil because the state-funded Neah Bay rescue tug launched to save the stranded cargo vessel. This was the tug's thirty fourth save since it was put on stand-by status in 1999. Its thirty fifth save came days later on December 12 when it saved the *Na Hoku*, a 105-foot tug towing a fuel barge containing more than two million gallons of diesel fuel and about a half million gallons of gasoline. The tug was headed down Washington's outer coast when its primary electrical generator engine failed about 12.5 miles west of Cape Flattery. As storm events gain strength and frequency, it is paramount to have a tug that intervenes to prevent groundings when vessels are disabled or have reduced maneuverability or propulsion capability while transporting oil and other cargo along the Pacific coast and through the Strait of Juan de Fuca.

III. OPTIONS FOR REDUCING RISK FROM CARGO VESSELS

A. Introduction

Seeing strong federal regulations put into place at the federal level is extremely important to the Council and the State of Washington, particularly in areas in which states are limited in their ability to prevent oil spills from underway vessels engaged in commerce.⁷

There are several very real changes Congress could make to enhance prevention of oil spills from non-tank vessels.

First, Congress could work to enhance federal and state collaboration to prevent oil spills, including changing Coast Guard and state dynamics and authorities. For example, Congress could delegate authority to capable states like Washington to conduct vessel inspections, conduct investigations, and enforce federal regulations, and to review and approve vessel and facility contingency plans.

Second, Congress could federally apply Washington's Voluntary Best Achievable Protection Standards to non-tank vessels.

Third, Congress could require that cargo vessels be redesigned so that their bunker fuel tanks are not so vulnerable to injury and leakage.

Fourth, Congress could require that the Coast Guard complete the "Salvage Rule" and also extend it to non-tank vessels.

Fifth, Congress could relocate the high-volume port line to the entrance of the Strait of Juan de Fuca.

Sixth, Congress could extend restrictions in the Area to Be Avoided around the Pacific Coast Marine Sanctuary to non-tank vessels (not just oil cargo vessels) and expand the definition of "carrying cargo" to include tank oil "clingage."

Last, Congress could implement federal non-tank vessel contingency planning requirements and recognize state accepted "umbrella" plans.

B. Enhanced Federal and State Collaboration to Prevent Oil Spills; Changes to Coast Guard and State Interactions and Authorities

The State of Washington, through the State Department of Ecology, has a positive and strong partnership with the Coast Guard. This relationship was affirmed and reinforced earlier this year at an oil spill summit between Governor Gregoire and Admiral Houck, Commander of the Thirteenth District of the U.S. Coast Guard. But, we acknowledge there is still work to be done. The following are recommendations for continued improvements as they relate to non-tank vessels.

Again, these recommendations have not been vetted through the Council, which will take these issues up at its January meeting. While certain industries may not fully agree with these recommendations, most of the stakeholder groups represented by the Council would agree. Also, the State Department of Ecology agrees.

Delegate Authority to Capable States like Washington

The Washington Department of Ecology and the Oil Spill Advisory Council maintain that one way to optimize federal and state resources would be for Congress to direct the Coast Guard to delegate authority to capable states to perform several functions: conduct vessel inspections, conduct investigations and enforce federal regulations, and to review and approve vessel and facility contingency plans.

Review and Approve Vessel and Facility Contingency Plans

The Washington Department of Ecology has reviewed and approved non tank, tank vessel, and facility contingency plans for over thirteen years. Washington regulators have a long history of implementing a rigorous plan review and drill program. Ecology's plan review staff members are recognized nationally as leaders. This reputation is based on local knowledge and relationships built with communities, industry, federal, state and local agencies, and tribal nations.

The federal government has only recently begun to require contingency plans from non-tank vessels. All tank and non-tank vessel contingency plan reviews are centralized by the Coast Guard to ensure consistency in applying standards. Copies of the plans are maintained at the Coast Guard's Headquarter offices in Washington D.C., rather than in local Captain of the Port offices. Yet, any spill that occurs is going to have a local impact and any response will typically be managed by local state and federal officials, using local Area Contingency Plans.

Delegating authority for qualified and experienced state personnel to conduct these activities would maximize efficiency and effectiveness of both agencies' resources and provide a strong unified approach for responding to spills in Washington waters. Further, it would enhance mutual respect and collaboration between state and federal safety professionals, and would reduce duplication of efforts where agencies have concurrent jurisdiction or areas of mutual interests.

Vessel Inspections and Delegation to Investigate Violations of and Enforce Coast Guard Regulations

The Washington Department of Ecology has a staff of trained and experienced mariners who board tank vessels through a program called the Voluntary Best Achievable Protection Program (BBAP). This program was put into place after U.S. v. Lock as a way for the state to continue to provide oil spill prevention services for underway tank vessels. The program has been enormously successful.

Through the VBAP program, Ecology inspectors board participating tank vessels and conduct inspections to determine whether VBAP standards are being met. Simultaneously, inspectors are able to determine if the vessels are compliant with Coast Guard regulations. In this way, Ecology inspectors can act as the Coast Guards eyes and ears.

Ecology's experience has been that vessel crews see Ecology staff as mentors who provide education regarding what is expected in Washington waters under applicable law. The experienced Ecology inspectors are seen as equals—as experienced mariners, many of whom have lived and worked in Washington's waters for years, even decades. This augments Coast Guard activities, many of which are performed by staff rotating into a Washington assignment from a different area or from the Coast Guard academy. Having state inspectors board participating vessels is of enormous benefit. Education conducted by state inspectors has increased crew “situational awareness,” which is often a key to preventing incidents that lead to oil spills.

It makes sense to expand the role of this trusted and capable resource to include inspecting both tank and non-tank vessels and conducting investigations to determine compliance with Coast Guard Rules. It also would seem logical to extend this authority to allowing capable states to assist with enforcement of federal Coast Guard regulations on both tank and non-tank vessels.

C. Federally Apply Washington's Voluntary Best Achievable Protection (VBAP) Standards to Non-tank Vessels

Many of Washington's thirty-one VBAP standards for tankers already have been incorporated into federal and international standards. Insofar as these standards have not

been extended to non-tank vessels, it is logical to extend them. Washington's VBAP standards include, but are not limited to, navigation watch- bridge watch composition, bridge resource management, voyage planning, refresher training, drug and alcohol policies, personnel evaluation system, work hours, language proficiency, record keeping, and preventative maintenance documentation. These standards are geared toward preventing incidents while underway that could lead to oil spills in marine waters.

Cargo vessels are growing appreciably in their size and in the amount of bunker they will hold. Therefore, taking measures to reduce incidents that could result in bunker fuel entering marine waters is a sound risk reduction strategy.

D. Vessel Design; Double Hull Bunker Tanks on Cargo Vessels

Just as federal law no longer allows tankers to be constructed without a double hull in order to protect oil cargo, neither should vessels be constructed with unprotected bunker tanks. Current regulatory requirements permit fuel tanks to be arranged outside of the cargo block region and to be located adjacent to the shell. This was an issue with the *Cosco Busan* that "scraped" the side of the San Francisco Bay Bridge and instantly lost 58,000 gallons of bunker.

E. Complete and Extend the Coast Guard Salvage and Firefighting Rule for Vessel Contingency Planning

The Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990, mandated that the Coast Guard issue regulations to improve response capabilities from tank vessels and minimize the impact of oil spills from these vessels. The Coast Guard promulgated a rule in 1993 that required salvage and marine firefighting resources in vessel oil spill response plans for tank vessels. This rule should be finalized and also extended to cargo vessels.

The Coast Guard's 1993 rule did not set forth specific requirements because salvage and marine firefighting response resource requirements were viewed as unique to each vessel. The CG intended to rely on plan holders to prudently identify contractor resources to meet their needs. The CG thought that significant benefits of a quick and effective salvage and marine firefighting response would be sufficient incentive for industry to develop salvage and firefighting capabilities similar to the development of oil

spill removal organizations. Also, the Coast Guard mandated no specific response times due to concerns over the capacity of these resources that existed in the United States. Yet, under the 1993 rule, response plans submitted for approval after 1998 (by owners or operators of tank vessels carrying groups I through V petroleum oil as a primary cargo) had to identify a salvage company with expertise and equipment and a company with firefighting capability that could be deployed to a port nearest to the vessel's operating area within 24 hours of notification or discovery of a discharge.

In 1997, the CG became aware that anticipated salvage and marine firefighting capability development was not occurring. Instead, there was disagreement among plan holders, salvage and marine firefighting contractors, marine associations, public agencies, and other stakeholder regarding what constituted adequate salvage and marine firefighting resources. There was also concern over the ability to meet the 24-hour requirement. So, the Coast Guard delayed implementation of the 1998 requirement. In 2001, the Coast Guard suspended the rule again, saying the suspension would be lifted in 2004.

In 2002, the Coast Guard issued a notice of proposed rulemaking to amend the 1993 rule in light of stakeholder meetings that occurred. The proposed rule provided that plan holders of a vessel carrying groups I through V of petroleum oil as primary cargo would need to identify, in their plans, a salvage and marine firefighting resources provider(s) that performs the specific salvage and marine firefighting services identified in a proposed table. The CG said that the proposed table provided the specificity that was previously lacking while still maintaining flexibility for each vessel. Focusing on services, versus specific equipment, was deemed to be more practical for the plan holder, since the amount and type would vary depending on the vessel's characteristics and the operating environment.

This proposed rule generated many comments of many different perspectives. The rule was never finalized. Instead, just before the 1993 rule's suspension was to end in 2004, the Coast Guard issued a notice stating it would suspend the rule for another three years until 2007. Then in 2004, the Coast Guard issued another three year suspension and the new date for the suspension to end is in 2009.

Congress should consider directing the Coast Guard to finish this rule, incorporate the changes suggested by the Pacific States / British Columbia Oil Spill Task Force (attached), and extend the rule to non-tank vessels.

F. Relocate the High-volume Port Line to the Entrance of the Strait of Juan de Fuca

The Department of Ecology finds that the high-volume port line, currently located at Port Angeles, should be moved to the entrance of the Strait of Juan de Fuca.

The Coast Guard's oil spill response planning requirements apply (or do not apply) to an area based on whether the area is east or west of the high-volume port line that currently is established in an alignment from Port Angeles, Washington to Vancouver Island, Canada. As a result of this, response equipment is not required to be pre-staged close to Washington's outer coast. Staging equipment only in this eastern area increases the time it will take to mount an effective response to a spill event on the outer coast.

Puget Sound is a high-volume port and, therefore, merits more response equipment being available in the event of a spill. The Strait of Juan de Fuca is the only commercial vessel traffic highway through which vessels travelling into Puget Sound proceed. Yet, having the high-volume port line established at Port Angeles, rather than at Strait's entrance, denies much of this high volume vessel highway the same response equipment protections that are available east of Port Angeles.

High volume port lines for all other ports in the country are located at the entrances to main water bodies, not sixty miles inside as in the case of Washington. Similarly situated areas should be treated similarly.

The State of Washington is concerned that Washington's coastline is not adequately protected on the basis of the current high-volume port line location. The eventual federal requirement for a marine salvage response capability is also expected to be based on this high volume port line. The State is very concerned that this may jeopardize a timely rescue/response action off of our pristine coastline. We urge Congress to shift this critical response benchmark to the entrance of the Strait of Juan de Fuca.

G. Extend the Pacific Coast Marine Sanctuary Area to Be Avoided to Include Non-tank Vessels (not Just Oil Carrying Tank Vessels) and Expand Definition of “Carrying Cargo” to Include Tank Oil “clingage”

The Olympic Coast National Marine Sanctuary is one of our nation's most treasured marine areas. Its mission is to protect the sanctuary and ensure that future generations are able to use and enjoy it. That means that managing the sanctuary to both conserve its resources and encourage uses that are compatible with conservation. To this end, the Area to Be Avoided was created by the International Maritime Organization. The ATBA standard is that “all ships and barges carrying cargoes of oil or hazardous materials” will not enter the ATBA.

Recently, the Oil Spill Advisory Council wrote a letter to the NOAA’s Olympic Coast Marine Sanctuary questioning why vessels with hundreds or thousands of gallons of oil “clingage” inside their tanks are not considered to be “carrying cargo,” and thus required to stay outside of the ATBA. The Council asked that the Sanctuary revisit its interpretation of “carrying cargo” and make a determination about whether oil carrying ships and barges that are mostly empty should be considered empty and not carrying cargo, or whether they should be considered mostly empty and carrying some cargo.

Unfortunately, the Sanctuary responded that it feels constrained by the ATBA language and that it will continue to consider vessels that have only residual product in their holds as not “carrying cargo,” and thus not having to stay out of the Sanctuary’s ATBA.

The Council asks that Congress act to change this. The Council has learned from the Washington Department of Ecology (Ecology) that oil-carrying vessels that have been “emptied” actually contain at least several hundred gallons of oil on board, and are more likely to contain several thousand gallons of oil “residue.” We have even learned that one vessel that had its tanks cleaned and certified to be gas-free was still carrying 15,000 gallons of diesel when it landed on the rocks.

The Council has learned that if an incident involving a vessel carrying thousands of gallons of oil, or even hundreds of gallons of oil, resulted in a release of that oil to the environment, serious environmental and economic harm would almost certainly result.

There are scenarios where the release of this residue oil could cost the State of Washington millions and millions of dollars.

True, the severity of any oil related incident depends on factors such as the type of oil released, where the oil is spilled, whether weather conditions are conducive to containment and recovery, and the sensitivity of impacted habitats and resources. However, it goes without saying that hundreds or many thousands of gallons of oil released into the environment would not be an insignificant event, especially in an area where the precautionary principle is being implemented as the IMO deemed it to be “exceptionally important to avoid casualties.”

Additionally, preventing huge cargo vessels with many thousands of gallons of oil as bunker to transit through the ATBA is not consistent with the goals of the ATBA or the Sanctuary. Therefore, Congress should expand the ATBA to include non-tank vessels that are simply transiting through the ATBA without any real need to be there (such as fishing vessels who are actively fishing inside the sanctuary).

H. Vessel Response Plans for Non-tank Vessels

Federal regulations for non-tank vessel contingency plans should be finalized without further delay and aggressively implemented. In addition, Congress should recognize state accepted planning standards that increase response effectiveness.

Many states, including Washington and Oregon, have adopted an “umbrella” approach for non tank vessel planning, approving a single plan that covers large classes of vessels. The State believes the federal rules should fully recognize state accepted umbrella plans that are locally designed. They are more cost-effective for industry and ensure the local first-response capability is aggressively launched in the event of a spill. This approach is also able to provide a smooth transition to any longer-term response organization without compromising federal or international standards. This can be accomplished by delegation of authority to authorized states.

I. Impose Additional Speed Limits in Vessel Traffic Lanes; Enforce With Civil and Criminal Penalties

The pilot maneuvering the *Cosco Busan* was speeding. Had he not been, he possibly could have averted the vessel away from the bridge. The pilot apparently had a history of

being careless and going too fast. Had there already been in place enforceable speed limits that could form the basis for fining companies and for taking away the license of a pilot or a master, it is quite possible that the *Cosco Busan* pilot would not have been “behind the wheel.”

The larger the vessel, the longer it takes to stop. Cargo ships often take miles to slow down and stop. The difference in being able to avert disaster or not, could be as little as one knot. Therefore, it is important to slow down vessel traffic and to enforce vessel speed limits, just like we do on our nation’s highways. Indeed, it is even more important given that one “boat wreck” can “wipe out” an entire community, its culture, and its economy. Congress could impose these speed limitations and couple them with strong Coast Guard enforcement.

IV. CONCLUSION

I would like close by stressing how vitally important it is for all levels of government to work together to solve these issues—for the federal government to work with state, tribal, and local governments to assure that while we pursue the interests of commerce, we do not do so at the expense of other things that are so dearly important to our culture, our local communities, and our general well being.

Thank you for inviting me to testify before the House Science Committee. I would be happy to answer any questions you have.

¹ Washington’s Vessel Entries and Transits for Washington Waters, VEAT 2006, WDOE Publication 07-08-005.

² Regulatory Assessment, Use of Tugs to Protect Against Oil Spills in the Puget Sound Area, p. 7, U.S. Coast Guard, Report No. 9522-02, November 15, 1999.

³ Regulatory Assessment, p. 13, November 15, 1999.

⁴ Regulatory Assessment, p. 18.

⁵ Regulatory Assessment, p. 1-20.

⁶ Regulatory Assessment, p. 19-20.

⁷ United States v. Locke, 529 U.S. 89, 120 S. Ct. 135 (2000).