TESTIMONY OF MIKE JEWELL
PRESIDENT
MARINE ENGINEERS' BENEFICIAL ASSOCIATION

HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATON
AND THE
SUBCOMMITTEE ON WATER RESCOURCES AND ENVIRONMENT

HEARING ON
"REDUCING REGULATORY BURDENS, ENSURING THE FLOW OF COMMERCE, AND PROTECTING JOBS: A COMMON SENSE APPROACH TO BALLAST WATER REGULATION"

July 13, 2011

Good morning Chairmen LoBiondo and Gibbs and Ranking Members Larsen and Bishop. I am Mike Jewell, President of MEBA, and a U.S. Coast Licensed Chief Engineer and a Captain in the U.S. Navy Reserve.

On behalf of the Marine Engineers' Beneficial Association (MEBA), the American Maritime Officers (AMO), the International Organization of Masters, Mates & Pilots (MM&P and the Seafarers International Union (SIU), I thank you for the opportunity to testify; and I thank you for your continued support of the U.S. Merchant Marine. We appreciate the opportunity to present our views on "Reducing Regulatory Burdens, Ensuring the Flow of Commerce, and Protecting Jobs: A Common Sense Approach to Ballast Water Regulation."

Collectively, our maritime labor organizations represent ships' Masters, Deck and Engineering Officers, and unlicensed merchant mariners working aboard U.S.-flag commercial vessels operating in our nation's foreign commerce and domestic trades. The development and implementation of policies and regulations that govern this fleet are very important. They have a

large impact on its economic viability and its ability to compete for a larger share of America's foreign trade as well as the creation of a vibrant coastwise shipping industry. The policies and regulations are therefore extremely important to the jobs of the men and women our labor organizations represent. Consequently, we are pleased that this hearing is being held and that we have been given the opportunity to present our views.

Today, more than ever, it is clear that there is a need for clear and consistent measures to address ballast water. These ballast discharges have the potential to carry invasive species into U.S. bodies of water causing environmental damage. The U.S.-flag maritime community has and continues to work diligently to address the issue. Prior to the enactment of state and federal regulatory proposals, the maritime industry began developing ballast water management plans as early as 1993.

On February 6, 2011, the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) came into action. The NPDES is a permit system that was originally intended to apply only to landside establishments concerning discharges into surrounding waters. In 2005, a federal judge overturned the part of the regulation that exempted vessel discharges (which had been in place since 1973) thus subjecting vessels to a set of standards that had been tailored to address a much different industry. Following this court decision, on December 18, 2008, the Environmental Protection Agency (EPA) issued regulations governing 26 vessel discharges. Since these standards have come into effect, in February of 2009, vessel operators have worked with the Coast Guard and the EPA to ensure that they are reaching compliance in a timely fashion. As the Subcommittees move forward with their consideration of meaningful and

attainable ballast water regulatory policy, it is important to consider: uniformity by flag; a comprehensive federal standard; consideration of our Great Lakes fleet (Lakers); promotion of coastwise shipping; and safety.

I. Uniformity by Flag

When vessel operators decide whether to operate under the U.S.-flag and provide the corresponding landside and seafaring jobs, they consider a number of factors. In addition to taxes, fees, and availability of cargo, federal and state safety and environmental regulatory considerations are paramount. Should there be relaxed operational conditions for vessels flying a foreign flag, it places a prejudicial burden on their U.S. counterparts and their ability to compete in the world market. In order to have its intended environmental benefits and remain equitable, any ballast water regulation applied to vessels operating in U.S. waters should be applied uniformly to both U.S.- and foreign-flagged vessels.

II. A Comprehensive Federal Standard

Under current law, individual states are able to implement their own regulations and establish their own state-specific permits regarding ballast water discharge. In a commercial industry that is international and interstate by nature, it is important that operators are able to understand and comply with the set of laws under which they operate. When federal agencies develop new regulations of this magnitude, they usually consult with leaders in the industry, through public comment, and conduct studies in order to calculate the intended effectiveness and feasibility.

Those measures taken by the federal government ensure that regulations will produce their intended effect and that negative consequences will be minimized. Unfortunately, the individual state permit development process does not always follow the federal model of public comment and involvement of the various industries. Also, it is impossible for the ship operators, who operate in many states, to follow the regulatory processes of each jurisdiction in which they conduct business. Further, with constantly changing laws and regulations, it is difficult for vessel operators to formulate and conduct a sound business plan. Thus, the maritime industry will be well-served by a comprehensive federal standard rather than piecemeal legislation by the states.

State regulations are often implemented in contrast or contradiction to one another. For instance, Michigan law requires vessels to utilize one of four specific types of ballast water treatment systems in order to obtain a permit to operate in their waters. California's regulatory program, on the other hand, addresses the performance of ballast water treatment by mandating that vessel discharges contain microbes no larger than 50 micrometers in size. This standard is 1,000 times more rigorous than the international standard in use by the International Maritime Organization. The discrepancy between, and uncertainty of, state ballast regulations make the building and operation of vessels a cumbersome, confusing, and potentially very costly endeavor.

As Congress moves forward with ballast discharge legislation, it must consider a comprehensive, national approach. With input from the states, as well as environmental, scientific, and maritime communities, a suitable level of ballast discharge regulations can be achieved. This will safeguard the economy surrounding the maritime industry, because piecemeal state legislation

may force U.S.-flagged vessels and their corresponding landside and seafaring jobs out of existence.

III. Consideration of Lakers

We thank the Lakes Carriers Association and the Great Lakes Maritime Task Force for assisting with pertinent facts and figures in the preparation of this testimony.

Vessels that operate exclusively on the Great Lakes require unique consideration because of the particular environment in which they operate.

First, Congress should question the need for any enhanced ballast regulations on those vessels that spend their entire life solely on the Great Lakes. As interconnected bodies of water, ballast is only one of 65 different ways in which invasive species can be introduced and spread throughout the Lakes. Since the Lakers do not leave the system, they have never introduced non-indigenous species into the Great Lakes.

Moreover, the U.S.-flag fleet operating on the Great Lakes has been proactive in their effort to prevent invasive species. Best Management Practices have proven to be effective and the maritime industry welcomes an ongoing partnership with government in order to further protect the ecosystem on the Great Lakes.

Second, most vessels operating on the Lakes rely on a higher level and speedier transfer of ballast water. They are generally in port for less than 12 hours and usually discharge up to 16 million gallons of ballast water at rates of 80,000 gallons per minute. Because of this uniquely rapid transfer, many of the ballast treatment systems proposed for their coastal and inland counterparts are not unsuitable for use on these vessels.

Third, state regulations have the ability to adversely affect the shipping industry on the Lakes. On January 1, 2012, New York State regulations added to the EPA's Vessel General Permit will require that ballast water is as pure as distilled water (similar to that of bottled drinking water) before it can be discharged into state waters. These well intentioned regulations would have the effect of closing the St. Lawrence Seaway, thus disrupting shipping throughout the region and eliminating the waterway's workforce.

Finally, lakers are cost and environmentally efficient, especially when compared to the alternative – transferring the bulky cargo to the already overloaded rail and truck infrastructure. Additionally, since lakers do not come in contact with salt water, their life is considerably longer than their seagoing counterparts. With many years left in their lives, it is unlikely that these older vessels would be able to be integrate the potentially massive ballast treatment systems. There is no system today that could handle the flow rates of Great Lakes vessel discharge. Because of this, and the proposed costs associated with the changes anticipated by the U.S. Coast Guard, the shipping industry on the Lakes, as well as the associated jobs, would be put in jeopardy. In this case, well intentioned environmental priorities would have the unintended effect of pushing cargo to transportation means that are vastly less environmentally friendly than shipping.

Therefore, for the aforementioned reasons, when considering regulations for the Lakes, it is important to consider the unique, region-specific factors and operating parameters.

IV. Promotion of Coastwise Shipping

Congress and the Administration have strongly supported the development of a vibrant coastwise shipping industry that would supplement and complement the increasingly congested rail and roadways. This energy efficient and environmentally friendly industry would create many new transportation jobs that require little to no federal investment to start and maintain. Like the lakers, these vessels will spend their entire life in the same waters, thus limiting the risk of the introduction of invasive species along the U.S. coastline. Still in its development, Congress should consider coastwise shipping when drafting regulations for vessels that stay within U.S. waters.

Safety

Foremost in considerations for ballast standards and their corresponding implementation deadlines should be safety. The transfer of ballast water works to alter the vessel's draft, maintain proper propeller immersion, and stabilize the vessel. Both the rate and volume of ballast transfer ensures that the ship remains stable. Should requirements be put in place where improper technology exists, the ship's integrity and the safety of its mariners could be put at risk. Presently, there is no technology that can safely satisfy the proposed regulations in relation to ballast transfer. In fact, there is simply no technology that would meet the proposed standards.

Creating regulations without the availability of safe, cost-effective technology may prove fatal for the U.S. maritime industry.

Conclusion

American policy makers have long recognized, and history has repeatedly proven, that it is in the best interest of the U.S. to maintain and support a strong, active, competitive and militarily-useful privately-owned U.S.-flag merchant marine industry. Our men and women protect, strengthen and enhance our nation's economic and military security. In times of war or other international emergency, U.S.-flag commercial vessels and their United States citizen crews have responded quickly, efficiently, and effectively to our nation's call, providing the commercial sealift capability and civilian maritime manpower necessary to transport and support American forces overseas. Further, the economic security of the country is dependent on a vibrant foreign and domestic U.S.-flag fleet that is ready, able, and willing to ship our country's goods.

Domestically, U.S. vessels operate more efficiently, safely, and more environmentally consciously than any other means of transportation. Increased promotion of the shipment of goods by the U.S. maritime industry will dramatically reduce the country's transportation environmental footprint. Further, the development of highly skilled, middle-class jobs in today's economic environment is invaluable.

To best serve the economy surrounding the U.S-flag maritime industry, the United States should develop safe, sound, and economically feasible regulations that affect ballast water transfer.

While considering the needs and availability of ballast water technology, working together we can achieve a high level of environmental standards as well as foster the development of new jobs.

The U.S. maritime labor organizations look forward to working with Members on both the Subcommittee on Coast Guard and Maritime Transportation and the Subcommittee on Water Resources and Environment in order to address the regulatory concerns surrounding ballast water.

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Mike Jewell

Objective

Experience

1982 to 2011 **US Naval Reserve**

- Ensign to Captain
- Duty with the Navy included various shipboard tours, shipyards tours, breakout of different Maritime Administration vessels and classroom instruction on Chemical Biological Radiological Defense.
- Selected Reserve Special projects Coordinator for the MMROCH unit 0420, 2002 to 2004
- Activated for 90 days November 28th 2005 to February 25th 2006, for work with COMSC N34 as lead instructor in CBR-D Mariner Training, reported to SEALOGPAC , Trained over 450 personal overseas.
- Lead Instructor for new Navy class; Navy Merchant Marine Reserve Orientation Class, starting in Jan –07 for two weeks each month of Jan, May, June, July
- Senior Instructor for the June, July, August 2008, Class; Navy Merchant Reserve Marine Orientation Class. (NMMROC)
- Senior Instructor for the April, June 2009, Class; Navy Merchant Reserve Marine Orientation Class. (NMMROC
- Senior Instructor for the April, 2010, Class; Navy Merchant Reserve Marine Orientation Class. (NMMROC). ADT for May 3rd to June 5th COMRON4 Norfolk assigned USS KEARASAGE for Steam plant evaluation

January 1,2011 to present

President of the Marine Engineers' Beneficial association

October 2008 to December 31 2010

First assistant Engineer on CAPE JACOB

January to June 2008

. Worked as First Assistant Engineer for Horizon lines, Sargeant Marine Lines, Matson lines

February/March/ April 2007

. 90 day relief Day Third Engineer aboard SS Horizon Spirit

June/July/August 2006

.Relief First Assistant Engineer aboard SS Horizon Trader for for 75days

August/September 2005

- Two thirteen day relief First Assistant Engineer tours aboard the D7 MV Horizon Anchorage

July/August 2005

- Relief First Assistant Engineer for 36 days, SS Horizon Enterprise

February 1-05 to July1 2005 Port Engineer Horizon lines

- Oversee the repairs and maintenance of ships while they are in port
- Communicate with the onboard engineers to ascertain their needs prior to arrival at dock
- Arrange and coordinate various vendors to deliver needed repair parts and technicians in a timely manner
- Make every effort to make sure the ship leaves port at its scheduled departure time

2011 to Present

President

Marine Engineers' Beneficial Association

1999–2004 **Union Official MEBA**

Patrolman Seattle

- Visited on average 4 ships a week Port of Seattle/Tacoma becoming familiar with various vendors including Puglia, Drew Chemical, MTA, Thermo-Imaging, and Todd Shipyard
- Working knowledge of Port Seattle, Port of Tacoma
- Primary responsibility contract enforcement on behalf of MEBA Engineers, crane, port, and shipboard. Secondary responsibility to act as a liaison between various contracted companies and said engineers.
- Established professional relationships with various company officials based on mutual respect with the goal of solutions that were beneficial to both the company and the employee.

1989–1999 **Marine Engineer**

Assistant Engineer

- Various assistant engineer's jobs 2ndAE- 3rdAE's on different vessels Waterman, Ferrell Lines, Lykes, West Coast Shipping, Alaska Tanker Co., Horizon (Sealand, CSX), both Motor and Steam vessels

1983–1889 **Marine Engineer**

Assistant Engineer to Chief Engineer

- Worked as assistant engineer on MV NOAA MT Mitchell 1983-87
- Relieving Chief MT Mitchell 1987-89, Perm First A/E 1985-89
- Supervised 11 people in the engineering Dept Mt Mitchell

Education

1973-1977 James Madison University Harrisonburg, VA

- B.S., Biology/minor in Chemistry

1979-1982 Calhoon Engineering School Easton, MD

- USCG License 3rd AE Steam and Motor

1990- 2008

- Continuing education, various classes including STCW requirements, Container Refrigeration, Applied Diesel, Tankship Safety, Sealand continued education requirements, Chief, First and Third. MSC Small arms qualified, Government Vessel Operations , Damage Control class, Shipboard Security Tactics
- US Navy Gas Turbine School 1996

License

Chief Engineer (Limited), First Assistant Engineer; Steam, Motor, Gas Turbine. Any Horsepower

[redacted]

Training

Advance Fire fighting

Applied Diesel Engineering

Basic Computer

Basic Safety Training

CBR-D one day orientation

Container Refrigeration

Electricity Correspondence Course

Electronics Correspondence Course

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Truth in Testimony Disclosure

Pursuant to clause 2(g)(5) of House Rule XI, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include: (1) a curriculum vitae; and (2) a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(1) Name:
MICHAEL B. JEWELL

(2) Other than yourself, name of entity you are representing:
MARINE ENGINEERS' BENEFICIAL ASSOCIATION

(3) Are you testifying on behalf of an entity other than a Government (federal, state, local) entity?

YES **If yes, please provide the information requested below and attach your curriculum vitae.**

NO

(4) Please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by you or by the entity you are representing: N/A

Michael B Jewell
Signature

7/12/11
Date