

## Headlines:

USCG – Policy Letter re 2009 MODU Code;  
MARAD – proposed DWP in Gulf of Mexico;  
Senate – hearing on American maritime industry;  
House – hearing re maritime & shipbuilding industries; and  
Court – Certificate of Need for NDZ.

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# Bryant's Maritime News

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*Note: This newsletter is one section of the [Bryant's Maritime Consulting](#) website. Visit the site for more extensive maritime regulatory information. Individual concerns may be addressed by retaining [Dennis Bryant](#) directly. Much of the highlighted text in this newsletter constitutes links to Internet sites providing more detailed information. Links on this page may be in PDF format. Comments on these postings are encouraged and may be made by email to the editor or by going to the blog page on the website and clicking the envelope that appears at the end of each posting. Be aware that the daily newsletter is a single posting, even though it contains a number of individual items. Once a job is fouled up, anything done to improve it will only make it worse.*

## **USCG – Policy Letter re 2009 MODU Code**



The US Coast Guard issued an updated policy letter establishing that the Coast Guard considers the design and equipment standards of the IMO Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009 (2009 MODU Code) and its amendments to be at least as effective as the design and equipment standards of 1979 and 1989 MODU Codes. **CG-ENG Policy Letter 02-12 CH-1 (3/4/19)**

[[https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/Design%20and%20Engineering%20Standards/Life%20Saving%20and%20Fire%20Safety/Docs/CG-ENG%2002-](https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/Design%20and%20Engineering%20Standards/Life%20Saving%20and%20Fire%20Safety/Docs/CG-ENG%2002-12%20CH1%20Acceptance%20of%20the%202009%20MODU%20Code.pdf?ver=2019-03-06-112537-953)

[12%20CH1%20Acceptance%20of%20the%202009%20MODU%20Code.pdf?ver=2019-03-06-112537-953](https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/Design%20and%20Engineering%20Standards/Life%20Saving%20and%20Fire%20Safety/Docs/CG-ENG%2002-12%20CH1%20Acceptance%20of%20the%202009%20MODU%20Code.pdf?ver=2019-03-06-112537-953)].

## **MARAD – proposed DWP in Gulf of Mexico**



The Maritime Administration (MARAD) issued a notice stating that a public scoping meeting will be held on 20 March in Lake Jackson, Texas to

receive comments on the proposed deepwater port (DWP) in the Gulf of Mexico to be constructed and operated by SPOT Terminal Services LLC. Written comments must be received by 5 April. **84 Fed. Reg. 8401** (3/7/19) [<https://www.govinfo.gov/content/pkg/FR-2019-03-07/pdf/2019-04101.pdf>].

### Senate – hearing on American maritime industry



The Senate Committee on Commerce, Science & Transportation conducted a **hearing** entitled “The State of the American Maritime Industry”. Testimony was received from: Mr. Thomas Allegretti, American Waterways Operators; Mr. Bert Eriksson, Sailors’ Union of the Pacific; Mr. Austin Golding, Golding Barge Line; Mr. Matthew Paxton, Shipbuilders Council of America; and Mr. Matthew Woodruff, American Maritime Partnership. (3/6/19) [<https://www.commerce.senate.gov/public/index.cfm/hearings?ID=51F39152-C8C2-43D2-B3F1-E15DCDE880AD>].

### House – hearing re maritime & shipbuilding industries



The Subcommittee on Coast Guard and Maritime Transportation of the House Committee on Transportation and Infrastructure conducted a **hearing** entitled: “US Maritime and Shipbuilding Industries: Strategies to Improve Regulation, Economic Opportunities, and Competitiveness”. Testimony was heard from RADM John Nadeau, US Coast Guard; RADM Mark Buzby, Maritime Administration; RADM Michael Alfultis, SUNY; Ms. Jennifer Carpenter, AWO; Mr. John Crowley, National Association of Waterfront Employers; Mr. Michael Roberts, American Maritime Partnership; and Mr. Augustin Tellez, SIU. (3/6/19) [<https://transportation.house.gov/committee-activity/hearings/us-maritime-and-shipbuilding-industries-strategies-to-improve-regulation-economic-opportunities-and-competitiveness>].

### Court – Certificate of Need for NDZ



The Court of Appeals of the State of Washington ruled that the Pollution Control Hearings Board does not have jurisdiction to hear an appeal of the Certificate of Need prepared by the Department of Ecology as part of its application to the federal Environmental Protection Agency (EPA) for permission to engage in rulemaking to prohibit marine vessel sewage discharges into Puget Sound by designating Puget Sound as a No Discharge Zone (NDZ). The Certificate of Need asserts that Puget Sound requires greater environmental protection than the federal standard provides. **American Waterways Operators v**

Department of Ecology, No. 51547-4-II (Wash. App., March 5, 2019)  
[<http://www.courts.wa.gov/opinions/pdf/D2%2051547-4-II%20Published%20Opinion.pdf>]. *Note: This item was brought to my attention by my good friend Keith Heard of **Lennon Murphy & Phillips**.*

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