

CSAW

Campaign to Safeguard America's Waters



Earth Island Institute

4/09/08

Senator Joseph Simitian
Chairman, Senate Environment Committee

Testimony of Gershon Cohen Ph.D., on S.B.1582

Dear Chairman Simitian,

My name is Gershon Cohen, and I represent the Earth Island Institute, a sponsor of S.B.1582, and the group Responsible Cruising in Alaska, which sponsored the citizen's initiative in Alaska in 2006 that successfully passed the nation's first Ocean Ranger law.

Thanks to public pressure, more pollutants are now being removed from cruise ship wastestreams than ever before, however, many pollutants remain in the effluent that can be harmful to aquatic life. California must be applauded for being the only State in the nation to ban all discharges of wastes from cruise ships into State waters.

Nevertheless, the placement of Ocean Rangers on cruise ships in California is timely and necessary, because your current discharge ban does not incorporate any provisions for independently verifying compliance. Regardless of any potential improvement in technology, pollution equipment is only worthwhile if it is being properly used and maintained.

I have attached a document for your review entitled *Significant Pollution and Environmental Violations and Fines, 1998 – 2007*, which describes numerous environmental infractions and improper discharges by this industry. The table should not be assumed to be exhaustive; it merely represents incidences that have surfaced under a grossly inadequate oversight system. As the document indicates, on many occasions wastewater treatment systems have been purposefully disabled or circumvented, hazardous wastes have been mixed with conventional wastestreams and improperly disposed at sea, and discharge logbooks required by the Coast Guard have been falsified.

The Ocean Rangers will therefore serve multiple purposes on the ships with respect to environmental compliance. They will make sure all wastestreams

are treated and disposed of properly, ensure all treatment equipment is properly maintained and operated, and verify entries into ship logs.

But equally, if not more importantly, the presence of the Ocean Ranger will help deter future environmental crimes. In 1981, I was hired by NOAA to be an “observer” in the foreign fishing fleet off the coast of Alaska. I can state from personal experience that having an independent set of eyes on board is an extremely effective method of deterring crimes on the high seas. The Alaska fisheries observer program is still active today; the presence of observers on every ship ensures compliance with U.S. law and is tolerated if not appreciated by the entire fleet.

As the record on this industry clearly indicates, the foreign cruise ship fleet deserves no less independent scrutiny. Placing Ocean Rangers on cruise ships is akin to having a cop walk a beat. In areas where the crime rate is high, we put more police on the streets than in areas where the crime rate is low. While we all hope that crimes do not occur, there is little doubt that having a law enforcement presence in an area that experiences a significant crime rate can serve as an important deterrent against illegal and dangerous behavior. Case in point: if an Ocean Ranger had been on board the cruise ship Crystal Harmony in 2002, it would have been far less likely the discharges of wastes into the Monterrey Bay Marine Sanctuary would have occurred, and five months would certainly not have gone by before the incidents were reported to the California authorities.

Frankly, it is disconcerting that the industry does not support this legislation. If their performance has truly improved, and their corporate ethic has evolved to no longer tolerate, abide, or encourage flagrant violations of environmental law and procedure, why wouldn't they welcome the presence of an Ocean Ranger to verify their claims? What better way to make your case than to have an independent observer report that all is well? If there is an accidental spill, the Ranger will be there to verify that there was no illegitimate intent. However, if a crime is committed, the Ranger will be there to gather evidence and document the proceedings so that justice is served.

California's aquatic resources are too fragile and too important to not have a cop on the beat. I hope the committee will pass S.B.1582 with a unanimous vote, to demonstrate to the rest of the Senate it supports prudent oversight for this industry, for the safety and protection of California's coastal waters.

Thank you for this opportunity to testify on this important piece of legislation.

Gershon Cohen, Ph.D.
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