

MONTEREY BAY NATIONAL MARINE SANCTUARY CONSERVATION WORKING GROUP

MAR 14 2002

March 12, 2002

Superintendent Bill Douros
Monterey Bay National Marine Sanctuary
299 Foam Street
Monterey, CA 93940

Chair Stephanie Harlan and
Members of the Sanctuary Advisory Council
299 Foam Street
Monterey, CA 93940

RE: Recommendations Regarding Cruise Ships in Monterey Bay

Dear Bill, Stephanie and Members of the Sanctuary Advisory Council:

Please accept the following comments on behalf of the Conservation Working Group. As you know, the CWG is made up of ten conservation organizations (Save Our Shores, The Ocean Conservancy, the Sierra Club, World Wildlife Fund, Defenders of Wildlife, the Monterey Bay Aquarium, Friends of the Sea Otter, the American Cetacean Society, the Marine Mammal Center, and the Coastal Watershed Council) and four public at-large members. The CWG's mission is to help promote and achieve comprehensive and long-lasting stewardship of the Sanctuary.

Public Process

At our March 12, 2002, meeting, the CWG discussed the recent announcement that cruise ships will be visiting Monterey this year. As an initial matter, members of the CWG were quite disappointed to learn of this important issue through reading about it in the newspaper. We hope that in the future issues of obvious importance to the Sanctuary community, such as the decision to invite cruise ships into Monterey Bay, will be the subject of greater community discussion *prior* to any decision being made. We believe that the Sanctuary Advisory Council (SAC) is the appropriate setting to have such discussions and encourage SAC members and others to raise issues of importance to the Sanctuary community in this forum.

Inadequacy of Existing Regulations

The CWG is concerned about the inadequacy of existing laws regulating the cruise line industry, specifically the lack of stringent controls on pollution discharges into the marine environment. Under current law, cruise ships are permitted to discharge raw

sewage into the ocean provided they are more than three nautical miles from shore. Both the Clean Water Act and the Sanctuary regulations exempt from regulation the largest cruise ship discharges, gray water from galleys, laundries, baths and showers. Gray water can contain pollutants such as fecal coliforms, food wastes, oil and grease, detergents, shampoos, cleaners, pesticides, heavy metals and, sometimes, medical and dental wastes.¹ Cruise ships have a poor compliance rate under California's ballast water discharge control law and only a few of the newest vessels are equipped with ballast water treatment systems. Because ports within the Monterey Bay National Marine Sanctuary currently receive few visits from large ships from foreign ports, the arrival of cruise ships into Monterey Bay may present a significant new risk for introduction of invasive species in our area. Finally, cruise ships can generate large volumes of oily bilge water, but currently no federal regulatory agency is required to monitor the waste of receiving waters to determine whether on-board treatment devices meet water quality regulations.

History of Non-Compliance

Although the cruise ship industry has sought to reduce its impacts on the marine environment in recent years, there is a long and well-documented history of illegal pollution discharges and air quality violations associated with cruise ships. Over the past decade, nearly 70 ships associated with 42 different cruise lines have been cited for illegal discharges of oil, sewage, gray water, plastics and other solid waste.² Several cruise lines have also been cited for violations of air quality standards. In fact, two out of the three cruise lines planning visits to the Sanctuary this summer have been convicted of violating environmental laws in recent years.³

Current Efforts to Improve Regulations

The CWG is aware of several efforts underway currently to address the inadequacy of existing laws governing the cruise ship industry. Unfortunately, none of these efforts are likely to affect cruise ship visits to Monterey this year. In 2000, the California legislature adopted AB 2746, which creates a cruise ship environmental task force to evaluate the practices and waste streams of large cruise ships and report on the issue

¹ Environmental Protection Agency (EPA). 1999a. Nature of discharge report: Gray water. In Phase I Uniform National Discharge Standards for Vessels of the Armed Forces: Technical Development Document. EPA 821-R-99-001, April 1999; Eley, W.D. 2000. A survey of waste stream discharges and solid waste handling practices of cruise ships operating in southeast Alaska. Appendix B, Report to The Wastewater and Solid Waste Work Group. Alaska Cruise Ship Initiative.

² US General Accounting Office. Report to Congressional Requesters. *Marine pollution: progress Made to Reduce Marine Pollution by Cruise Ships, but Important Issues Remain*. GAO/RCED-00-48. February 2000.

³ In 1998, Royal Caribbean Cruise Ltd. pled guilty to falsifying records and intentionally bypassing pollution control equipment over a period of several years. Royal Caribbean paid millions of dollars in criminal penalties. In spring of 2000, the EPA cited Princess Cruises for violating Alaska's air quality standards. In 1992, passengers aboard the Regal Princess, a Princess Cruises, Inc. ship, videotaped plastic bags of trash being tossed overboard by the crew. The videotape was used by prosecutors to bring charges against Princess Cruises, Inc., which pled guilty to a felony violation and paid a \$500,000 fine.

to the Legislature. In July 2001, Alaska Governor Tony Knowles signed HB 260 into law. The Alaska law prohibits discharge of untreated gray water into state waters, sets gray water standards, and requires improved reporting, monitoring and enforcement. Alaska's efforts to enact strong state controls on cruise ships also prompted the 106th Congress to enact new federal legislation on the issue. The new law (H.R. 5666) authorizes the State of Alaska to establish no-discharge zones and authorizes the EPA to establish effluent standards for treated sewage and gray water. Later this year, the Pew Commission, chaired by Leon Panetta, is expected to issue recommendations for cruise ship regulation at the federal level.

Threats to Sanctuary Resources

Members of the CWG have several concerns about the potential impacts to Sanctuary resources that may result from increased cruise ship traffic through the Sanctuary and particularly from visits of cruise ships to area ports. We recognize that cruise ships may provide economic benefits to some local businesses and that the ships will expose thousands of visitors to the Monterey Bay National Marine Sanctuary. We hope the Sanctuary will take advantage of opportunities to educate these visitors about the importance and vulnerability of Sanctuary resources. However, given the inadequacy of current laws regulating the cruise line industry and the industry's poor record of compliance with environmental regulations, we are concerned that cruise ships may threaten Sanctuary resources.

Recommendations

We urge the Sanctuary and the SAC to carefully consider this issue and to take action to insure adequate protection of Sanctuary resources. In the longer term, we urge the SAC and the MBNMS to address the issue of cruise ship impacts in the Joint Management Plan Review process and to support future efforts at the State and Federal level to improve regulation of this growing industry.

However, to address the immediate issues presented by cruise ships docking in Monterey this summer, we offer the following specific recommendations:

- (1) The City of Monterey, in cooperation with the MBNMS and the Regional Water Quality Control Board, should institute a water quality monitoring program when cruise ships are in port, to ensure protection of nearshore water quality;
- (2) Cruise ship activities should be low impact and occur in a manner that does not disrupt or endanger wildlife - this includes operation of ferries used to shuttle visitors from cruise ships to shore as well as shore-based activities such as visits to area tide pools, sea kayaking, etc. Cruise lines should coordinate with Sanctuary staff to insure any planned activities are consistent with Sanctuary resource protection;

- (3) Cruise ships should be asked to commit to a discharge policy that includes: no discharge of sewage, gray water, ballast water, oily bilge water, hazardous wastes or marine debris anywhere in Sanctuary waters or outside of the Sanctuary if it may impact Sanctuary resources;
- (4) Deck washing activities should be limited to water – in no case should detergents or bleach be allowed to enter Sanctuary waters;
- (5) Cruise ships in transit through Sanctuary waters should comply with the MBNMS vessel traffic lanes and avoid whale migration routes;
- (6) Cruise ships should reduce speed sufficiently to insure protection of wildlife such as whales and sea otters; and
- (7) Cruise ships should be allowed to anchor only in areas of soft bottom and anchoring should be done in a location and manner that minimizes damage to the sea floor and prevents impacts associated with prop scour or sedimentation.

Given the industry's record of poor compliance with environmental regulations and the many threats cruise ships pose to the marine environment, it is imperative that the Sanctuary take immediate action to try to address the adverse impacts cruise ships may cause to Sanctuary resources. We urge the Sanctuary to develop some method of monitoring cruise ships to insure they are complying with the above recommendations, perhaps with on board observers. The CWG believes that the cost of such monitoring should be borne by the City of Monterey or the cruise ships themselves. If our communities are going to invite cruise ships to Sanctuary waters, we must have some assurance that they will act as responsible guests.

Thank you very much for the opportunity to comment on this important subject.

Sincerely,



Kaitilin Gaffney
Co-Chair