

## Marcie Keever

Please find attached a comment letter from Friends of the Earth, Friends of the San Juans, James Bay Neighbourhood Association, Pacific Environment, Puget Soundkeeper Alliance, Seattle Cruise Control, Stand.Earth, Washington Environmental Council, Zero Waste Washington, and 350 Seattle offering strong support for adoption of both proposed amendments to the Cruise MOU.

**Friends of the Earth • Friends of the San Juans  
James Bay Neighbourhood Association  
Pacific Environment • Puget Soundkeeper Alliance  
Seattle Cruise Control • Stand.Earth  
Washington Environmental Council  
Zero Waste Washington • 350 Seattle**

March 19, 2021

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*Submitted via web portal:* <http://wq.ecology.commentinput.com/?id=M5Bx2>

**Re: Support for Proposed Amendments to the Cruise Ship MOU**

Dear Mr. Dobrowski,

Thank you for the opportunity to provide comment on the proposed amendments to the 2004 Memorandum of Understanding (MOU) governing cruise ship discharges in Washington State waters and the Olympic Coast National Marine Sanctuary. This comment is submitted on behalf of Friends of the Earth, Friends of the San Juans, James Bay Neighbourhood Association, Pacific Environment, Puget Soundkeeper Alliance, Seattle Cruise Control, Stand.Earth, Washington Environmental Council, Zero Waste Washington, and 350 Seattle to offer strong support for adoption of both proposed amendments to the MOU. While we were disappointed that our other proposed amendment to ‘ban the use and sale of single use plastics on board cruise ships...in MOU waters’ was not moved forward for consideration, we hope to continue the dialogue with the Department of Ecology and the Port of Seattle regarding reducing plastic pollution in Puget Sound and how the cruise industry can reduce plastic pollution in the future.

Despite challenges from the COVID-19 pandemic, we anticipate that the cruise industry will rebound within the next few years, with several new vessel debuts planned for 2020 delayed due to COVID-19 now slated for debut in 2021 and 2022. We see this time as an opportunity to enact important protections for Puget Sound and the MOU waters.

**1. Institute a ban on the discharge of exhaust gas scrubber washwater from all scrubber types, including bleed off or sludges, in MOU waters.**

With the creation of the North American Emission Control Area (ECA), the majority of the large cruise ships in the Cruise Lines International Association North West & Canada (CLIA) fleet have installed exhaust gas scrubbers to comply with ECA provisions. According to a 2019 report

from the International Council on Clean Transportation,<sup>1</sup> approximately 80% of the scrubbers installed on vessels are open-loop scrubbers and 18% are hybrid scrubbers. These scrubbers in open-loop mode emit acidic washwater that is warmer than ambient sea water and contains heavy metals, polycyclic aromatic hydrocarbons (PAHs), suspended particulate matter, and nitrates, all of which are harmful to the marine environment. Although smaller in volume, bleed off from hybrid or closed-loop scrubber systems can include toxics that are more concentrated than open-loop washwater and higher in acidity.

In 2019, the 30 different cruise ships that made 256 calls to the Victoria cruise terminal generated 8 billion gallons of toxic scrubber washwater.<sup>2</sup> The majority of ships call on both Seattle and Victoria, and some of that toxic washwater was likely discharged into MOU waters. A 2017 study<sup>3</sup> found that approximately 10% of scrubber washwater discharges occurred within Northern and Southern Resident Killer Whale critical habitats. Cruise ships accounted for 77% of the vessels studied that used scrubbers, and they emitted 31 million tonnes of washwater in the ECA off the coast of British Columbia, constituting nearly 90% of all washwater discharges in the study. The pollution caused by discharged washwater impacts acidity of surrounding waters and is harmful to marine wildlife and ecosystems. Heavy metals and PAHs are of particular concern for marine mammals because they bioaccumulate in the food web and have been linked to negative health effects in marine mammal species, including Southern Resident Killer Whales (SRKWs).<sup>4</sup> These toxics found in scrubber washwater are putting the already imperiled SRKWs at even greater risk. Adopting this amendment and banning all discharges of exhaust gas scrubber washwater in Puget Sound and MOU waters will provide essential protections to the marine ecosystem.

We fully support the adoption of this proposed amendment as it is written. We do not believe that the wording used in the proposed amendment requires changing to conform with regulations under the MARPOL treaty regarding exhaust gas scrubber washwater. The International Maritime Organization (IMO) has published guidelines with continuous discharge limits for pH, PAH, turbidity, nitrates, and temperature for scrubber washwater, but these limits are not mandatory, and no scientific justification has been given for them. Changing the language to conform with these voluntary guidelines is unnecessary and would not strengthen pollution restrictions in MOU waters. The Port of Seattle has already amended its tariff to halt the discharge of scrubber washwater while ships are docked due to concerns about pollution. Washington State has the jurisdiction to enact this amendment without changing the existing

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<sup>1</sup> Elise Georgeoff, Xiaoli Mao, and Bryan Comer; “A Whale of a Problem: Heavy Fuel Oil, Exhaust Gas Cleaning Systems, and British Columbia’s resident killer whales.” International Council on Clean Transportation. 2019. Available at [https://theicct.org/sites/default/files/publications/HFO\\_in\\_killer\\_whale\\_habitat\\_consulting\\_20200413.pdf](https://theicct.org/sites/default/files/publications/HFO_in_killer_whale_habitat_consulting_20200413.pdf)

<sup>2</sup> “An investigation into unregulated cruise ship pollution in Canada’s West Coast waters.” Stand.Earth. July 14, 2020. Available at <https://www.stand.earth/publication/protect-arctic/canadian-shipping/covid-pandemic-results-cleaner-coast>

<sup>3</sup> Elise Georgeoff, Xiaoli Mao, and Bryan Comer. “A Whale of a Problem: Heavy Fuel Oil, Exhaust Gas Cleaning Systems, and British Columbia’s resident killer whales.” International Council on Clean Transportation. 2019. Available at [https://theicct.org/sites/default/files/publications/HFO\\_in\\_killer\\_whale\\_habitat\\_consulting\\_20200413.pdf](https://theicct.org/sites/default/files/publications/HFO_in_killer_whale_habitat_consulting_20200413.pdf)

<sup>4</sup> Bryan Comer, Elise Georgeoff, and Liudmila Osipova. “Air emissions and water pollution discharges from ships with scrubbers.” International Council on Clean Transportation. Nov. 24, 2020. Available at <https://theicct.org/publications/air-water-pollution-scrubbers-2020>

language to conform with the IMO, which would weaken the provision in the process. Without enacting a ban on scrubber washwater discharge and adopting the proposed language, Puget Sound and MOU waters will continue to be used by the cruise industry as a dumping ground for harmful, unregulated wastewater.

**2. Ecology proposes to incorporate the Vessel Sewage No Discharge Zone (NDZ) for Puget Sound into the MOU to reflect the Washington state NDZ regulation.**

We fully support the adoption of Proposed Amendment #2. The Vessel Sewage No Discharge Zone (NDZ) for Puget Sound protects Puget Sound, orcas and other marine mammals, as well as human health from harmful pollutants in sewage from vessels. Consistency between the MOU and these state regulations would strengthen vital protections for our waters and public health and we appreciate the inclusion into this year's amendments.

Thank you for publicly proposing one of the amendments we suggested in our comments from December. We look forward to working with the Department of Ecology, the Port of Seattle, and the cruise industry to ensure that these amendments are adopted this year and Puget Sound waters are protected from harmful and toxic wastewater discharges.

Sincerely,

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Friends of the Earth

R. Brent Lyles, Executive Director  
Friends of the San Juans

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