

Admiral Paul F. Zukunft
Commandant of the Coast Guard
2703 Martin Luther King Jr. Ave SE
Washington, D.C. 20593

March 14, 2016

Dear Admiral Zukunft:

On behalf of the agriculture, forest products, manufacturing, and recycling industries, and others generating cargo transiting our ports, the organizations below support the US Coast Guard's interpretation of the container weight amendment to the Safety Of Life At Sea Convention (2014). We greatly appreciate Rear Admiral Thomas' interest in balancing the need to assure safety at marine terminals and on ships, while allowing cargo to move into and through US marine terminals without disruption and delay, and to enable US exports to be globally competitive.

Towards this end, he has stated in the [Coast Guard Maritime Commons Blog](#) that the SOLAS Amendment provides flexibility as to the various ways carriers can get verified gross mass (combined weight of cargo and container), and how they do so is a "business practice." Specifically, we support the Admiral's view that if the shipper provides the cargo mass weight, to which the carrier adds the weight of the container, then the intent of SOLAS is achieved. In fact, several ocean carrier executives have advised that such a process would be practical.

The reason for our concern, and appreciation of Admiral Thomas' guidance, is that some ocean carriers, citing this SOLAS amendment, are demanding that the shipper certify both the cargo and the carrier's container. This is contrary to the practical realities of our US export maritime commerce and fundamentally flawed conceptually. (It would be similar to demanding that a soybean shipper certify to the railroad the weight of the railcar itself.) This amendment, unless applied rationally in the manner suggested by the Admiral, would create US supply chain disruption and delay, competitive disadvantage for US exporters (we understand, for instance, Brazil does not intend to change current practices for its exporters), and expensive and disruptive new Electronic Data Interchange software and processes. From a practical standpoint, it is unworkable, given pace of cargo and electronic export data flow.

Exporters from the United States fully understand our responsibility to accurately disclose the weights of cargo tendered to the ocean carriers. In fact, advance submission of accurate gross cargo weight is a well-established practice, mandated by US Customs and Border Protection, by numerous intermodal (trucking and rail) weight requirements, and presently found in Shipper's Instructions to carriers to meet so-called "no doc, no load" cargo cutoffs for entry into marine terminals. In addition, an Occupational Safety and Health Administration (OSHA) Rule, in place since 1983, assures that the accurate weight of combined cargo and container be known to the carrier prior to loading.

Carriers and the shippers represented below can find solutions: for instance, shippers are willing to provide to their carriers an annual written confirmation in the service contract (or other mutually-agreed document) that our cargo weights are accurate.

It should be noted that ocean carrier demands that an individual employee of the US exporter company personally certify the weight of the ocean carrier's container by entering his or her name on the EDI document for that particular shipment, are being rejected. Many US

corporations will not allow their employee to certify the weight of and assume liability for equipment that the corporation does not own, manage, control, and in fact may not even see.

In sum, global competition facing US exports is fierce. Recent data shows loss of market share for US agriculture, forest products, and manufactured goods to other countries. Further, there has not been shown any need, in the interests of safety and accurate cargo weight reporting, to impose the unreasonable new requirement that the shipper tell the ocean carrier how much the carrier's own equipment weighs. The Coast Guard's position is reasonable and consistent with safety and competitiveness of US international commerce.

Sincerely,

Agriculture Transportation Coalition
Albany Area Chamber of Commerce (OR)
Almond Hullers and Processors Association
American Cotton Shippers Association
American Farm Bureau Federation
American Frozen Food Institute
American Pistachio Growers
American Potato Trade Alliance
California Trucking Association
Columbia River Customs Brokers & Forwarders Association
International Wood Products Association
Leather Industries of America, Inc.
Meat Importers Council of America
Midwest Shippers Association
Minnesota Corn Growers Association
Minnesota Soybean Growers Association
National Cattlemen's Beef Association
National Chicken Council
National Cotton Council
National Council of Farmer Cooperatives
National Hay Association
National Onion Association
National Pork Producers Council
National Potato Council
North American Meat Institute
Northwest Food Processors Association
Northwest Horticultural Council
Oregon Export Straw Association
Oregon Farm Bureau
Oregon Potato Commission
Oregon Seed Association
Oregon Seed Council
Oregon Trucking Association
Oregon Women for Agriculture
Pacific Coast Council of Customs Brokers and Freight Forwarders Association
Pacific Northwest Asia Shippers Association
Plains Cotton Cooperative Association
Southern California Shipper's Association
Specialty Crop Trade Council

Strategic Economic Development Corporation (OR)
U.S. Hide, Skin and Leather Association
United Fresh Produce Association
US Forage Export Council
US Shippers Association
USA Poultry and Egg Export Council
Washington Farm Bureau
Washington State Potato Commission
Willamette Valley Specialty Seed Association
Wine and Spirits Shippers Association

CC: The Honorable Jeh Johnson, Secretary, Department of Homeland Security
The Honorable Penny Pritzker, Secretary, Department of Commerce
The Honorable Tom Vilsack, Secretary, Department of Agriculture
The Honorable Jason Furman, Chairman, Council of Economic Advisers

The Honorable John Thune, Chairman, Senate Committee on Commerce, Science, &
Transportation
The Honorable Bill Nelson, Ranking Member, Senate Committee on Commerce, Science,
& Transportation
The Honorable Bill Shuster, Chairman, House Committee on Transportation &
Infrastructure
The Honorable Peter DeFazio, Ranking Member, House Committee on Transportation &
Infrastructure

Contact:
Peter Friedmann, Executive Director, executivedirector@agtrans.org
Donna Lemm, SOLAS Committee Chair, donnal@mallorygroup.com
Abigail Struxness, Program Manager, abigail@agtrans.org