

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

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