

Stakeholder Response to the Study Report

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NOTE: The National Research Council (NRC) study report stressed the importance of partnerships among stakeholders. It was evident to the committee that, if progress is going to be made in dealing effectively with contaminated sediments, then it will be with the participation and cooperation of all parties involved in and affected by the issues. The decisions must be made together. Accordingly, a distinguished panel of representative stakeholders was invited to offer different perspectives on the NRC report. Each panelist presented opening remarks to stimulate interaction with the audience.

PORT PERSPECTIVE

Thomas H. Wakeman III

The opening speakers mentioned two NRC reports. I want to mention an earlier report produced by the NRC in 1985, *Dredging Coastal Ports: An Assessment of the Issues*.^{*} This report essentially stated that there is a need for dredging, that port channels will get deeper, and that there are contaminated sediments. The second NRC report, released in 1989, confirmed the presence of contaminated sediments and the need to do something about them. The third report was issued in 1997, again stating that there are contaminated sediments in our ports, harbors, and other waterways, and we need to do something about them. I am afraid that, in five years or so, there will be yet another report that says we have contaminated sediments in our ports and harbors and we should do something about them.

I want to begin by reiterating a comment made ear-

lier by Spyros Pavlou, who said we need to have clearly defined and mutually agreed-on objectives that are aimed at reduction of risk, reuse of material, and sustainable management. The problem is that we do not agree on the objectives.

For the port community, the objective is to maintain our business, which is providing a service in a way that ensures a return on our investment. Ports are generally not the generators of the contaminants that they often find themselves forced to deal with, but they do need some type of regulatory certainty. They need adequate technical ways to deal with these problems, and they need help with the enormous expense of removing these contaminant burdens from channels and waterways.

The most recent NRC report looked at the three areas covered before. Among other things, I noted that there are nine conclusions and four recommendations regarding decision making, which means the committee clearly considered this issue. There are 12 conclusions and five recommendations related to technologies, which means there was something to report on. There were five conclusions and five recommendations with respect to project implementation, which suggests very little has been done, and that does not help the port industry at all. From the perspective of the port industry, talk is delay—too often the solution is another meeting to talk about the problems instead of action to do something about them.

^{*} *Dredging Coastal Ports: An Assessment of the Issues*. National Academy Press, Washington, D.C. 1989. Available via the Internet at <http://www.nap.edu/readingroom>, or call the National Academy Press (1-800-624-6242).

The study concluded that three key things needed to be done. The first is to forge partnerships and agree on where you are going. Here in Washington, the greatest bureaucracy in the world, you want to ask the federal agencies to partner? Recently, there was a maritime listening session hosted by the U.S. Coast Guard, Maritime Administration, U.S. Army Corps of Engineers (USACE), and a variety of other folks, but not the Environmental Protection Agency (EPA). Does the EPA not believe, or do others not recognize, that the EPA is part of the maritime industry? Federal agencies, particularly the EPA, need to learn how to partner within their own organization as well as with other agencies.

I want us to consider laws, regulations, and practices. Practices are what I want to see, because I like to see action. I am tired of having the environment compartmentalized. That was fine when we were writing laws in the late 1960s and early 1970s that said, essentially, "We will deal with air, we will deal with water, we will deal with contaminated sediments." We must recognize that it is a closed system. If you take something out of here and put it over there, then it is still here with us. If it comes off the China coast, then it will be here sooner or later. It is a closed system. We need to work together to look at the risks to the system, to ourselves, and to other critters that share the planet.

We need to have flexible, practical ways of dealing with these problems in my industry, because that will give us the opportunity to gauge the business risk of getting involved. As someone said earlier, "You touch it, you own it." Nowhere is this more true than in the port industry. I have about two floors of lawyers telling me, "Don't touch it." That is of no help if I have ship coming in drawing 47 ft (14 m). Nor is it cheap.

What does the port industry need? We need to agree on the objectives of this work. More reports will not cut it, at least not for me. We need to identify what the risks are to the best of our abilities, decide what it will

cost to meet those risks, and then decide on what the benefits are, because someone is going to pay. I would prefer to see the people who benefit from the activity pay for it, but those who created the problem also should pay a share. The idea that the Port Authority of New York and New Jersey is the source of all goodness and cream is over. Partnering, to me, is not coming in with your hand out saying, "Give me money." The federal and state governments are also players, along with the ports.

I want to see action. Demonstration projects are necessary because this is a trial-and-error type of reality. The certainties of how contaminants partition in biological organisms and ultimately end up in humans is really a stochastic process. There is no deterministic equation of which I am aware that tells me exactly how much mercury I will get. There is also a need to think about the recycling component. Sediment comes from the mountains down into the bays, and if we do not move it, then we become a meadow instead of a harbor. Let us think about how to recycle it, the way any other industry now looks at recycling technologies.

In my view, developing partnerships is also a trial-and-error process. We do not have adequate models for how to develop partnerships. Mathematical equations are lousy at predicting what you will do, because we are value-driven creatures. Maybe a stochastic model will work, but it is still not deterministic.

There is a need to consider new laws and regulations that are based on risk. This is a tough challenge, particularly when you tell someone there is a one-in-a-million chance they will get cancer. Of course, the family that had the one-in-80-million chance of getting \$100 million is very happy right now. I also want us to stop compartmentalizing the world and begin writing and applying legislation in a fashion that gets the maximum return on investment instead of the best press.

INDUSTRY PERSPECTIVE

John Haggard

I have been involved in a number of "meat and potatoes" sediment problems and may have a different perspective than other presenters do. I want to thank the NRC for convening this symposium on what is a very important topic from many different perspectives. The 1997 NRC report provides a thorough, concise, and thoughtful review of what we as a country are doing to deal with contam-

inants in sediments within our waterways. It also lays a foundation, based on risk management principles, for evaluating objectively both the potential risks that may be posed by contaminated sediments and the methods of controlling those risks.

In reviewing the charge to the panelists, Frank Bohlen asked that we offer our unique perspectives as stakeholders and try to comment on the report's conclusions and recommendations. He also encouraged us to "get the juices flowing" by not avoiding controversy. I will try my best to do just that.

My perspective is that of an industrial company trying to manage sites where there are contaminated sediments