

ADMINISTRATIVE INITIATIVES — MARITIME ADMINISTRATION

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I would like to briefly discuss the "Environmental Regulatory Process: Does it Work?," emphasizing the dredging regulatory process. In that context I hope to be able to give you a thumbnail sketch of the goals and status of the Interagency Working Group on the Dredging Process. As many of you know, I chair the Steering Committee of that Group.

The major objective of this Working Group is to better coordinate interagency actions governing the deep-water ports dredging regulatory process.

Our work has just begun so we will have to wait a while longer for the full story here. In the meantime, however, I can fill you in on the overall approach being used and a few of the major projects being developed by the Group.

Approach

The Interagency Working Group on the Dredging Process (Group) was established on October 28, 1993, by Secretary of Transportation Federico Peña to review the permit process and identify ways of improving application coordination, information gathering, criteria review, and the overall sequencing of approvals. However, at its first meeting, the Group decided to expand its scope by including Federally authorized projects (which do not necessarily require permits) and the dredge disposal process, a major focus of concern.

The Department of Transportation's role is to ensure the integrity of the nation's transportation system for economic and national security purposes. Waterborne commerce is a crucial element in the network and, therefore, the Department and the Maritime Administration have a natural role in facilitating a process to address these problems. While promoting a strong American merchant marine, the Maritime Administration under President Bill Clinton, will also emphasize the need to do so in an environmentally sensitive way.

This Administration, and in particular Secretary Peña, is firmly in support of strict adherence to environmental standards as part of a vigorous endorsement of the concept of sustainable growth.

To carry out its mission the Group has formed a two-tier structure. The policy steering committee is comprised of persons, at the appointee level, as designated by the Secretary or Agency head, who determine the committee's overall direction, and will prepare final recommendations. The Group includes the Deputy Assistant Secretary, Planning, Policy and Legislation, Civil Works in the Department of the Army, the Assistant Administrator for Water, Environmental Protection Agency, the Deputy Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior, the Assistant Administrator for Fisheries, National Marine Fisheries Service, and the Director, Office of Ocean and Coastal Resource Management, National Ocean Service, both in the Department of Commerce's National Oceanic and Atmospheric Administration.

The White House Office of Environmental Policy and the Coast Guard are the liaisons to the Group.

The Steering Committee has been looking at the overall structure of the process and has focused on developing a charter which they recently approved. The Charter calls for a nine month timeframe in which the Steering Committee will identify which recommendations of the Working Committee to forward to the Secretary Peña and other involved Cabinet members and Agency heads.

A Working Committee comprised of senior career officials from these agencies is the second tier at which most of the substantive review and analysis will be done. The Working Committee plans to continue to meet every two weeks until April and will hold their fourth meeting tomorrow.

They are developing a Workplan and concentrating on review of the current process for authorizing dredging and disposal, for identifying, planning for and selecting dredged material disposal alternatives, and for determining appropriate mitigation measures.

To accomplish these objectives, a five-step approach is being followed: (1) taking inventory, (2) performing analysis, (3) determining preliminary recommendations and strategies, (5) finalizing recommendations and strategies in an action plan, and implementing the action plan.

As part of the inventory stage the working committee is cataloging agency mandates, formulating schemata for each agency's review process, preparing a draft statement of principles, compiling a list of issues, and amassing other information to pursue the outreach program.

This effort is part of a larger program that lay the ground work for addressing some extremely important issues including the remediation and decontamination of contaminated sediment.

Many of these issues are currently being addressed by Federal and private concerns, as well as numerous regional and local efforts. These forums will assist in developing priorities for the perplexing issues and possible solutions involved in the process.

Outreach

The Working Group also has established an outreach program to receive information from interested parties. The steering committee has scheduled national listening sessions in ten cities in January and February. This will provide an opportunity for concerned and interested citizens to provide input on problems and solutions in their areas.

After the listening sessions are concluded and the comments assimilated, follow-up sessions will be held in March and April to seek comment on the Group's proposed options and recommendations. I believe we will see something akin to President Clinton's summit format used as we revisit each of the ten cities.

The Group anticipates that deliberations will be completed within nine months and recommendations will be submitted to the steering committee, but benchmark products are expected to be released to address immediate concerns.

But Does It Work?

There are several approaches to responding to the question "Does the environmental regulatory process work?"

Does it work for the purpose for which its individual elements were intended? For example, the original Federal Water Pollution Control Act was the result of a significant effort by a number of interests in 1972 who intended to get a handle on cleaning up our public water systems. This year, during the reauthorization process for the Clean Water Act, there will be discussion and debate over its scope and application to today's environment

and in today's communities. We will not get into this debate in the Working Groups.

Our Interagency Working Group has established a "ground rule" that its efforts are not intended to abrogate any legal requirements that each Federal agency was mandated to enforce. We have agreed that we will not interfere with an individual Federal agency's mission and/or legal mandate and regulations.

Secondly, one may ask: "For whom does the process work?" In addition to the historical and public purpose of the regulatory laws, who or what benefits and who or what does something in the process is of a "values determination" by legislative bodies, administrative decisionmakers, and regulatory bodies. The Working Group will not get into questioning the values of those who have set the parameters for a particular law and its application. Another ground rule we have established is that each Federal agency's mandate should be respected, acknowledging that each has its constituencies.

Rather, the Group will be addressing the question of whether the environmental regulatory process works as a system. It is precisely because there are some conflicting mandates, possibly because laws were passed at different points in history and there are inconsistent interpretations and application of the laws because those doing the interpretation reflect varying values, that we need to stand back and look at the system of laws, information requirements, technological specifications, and decisionmaking process to determine how better to coordinate agency action.

Dealing with events as they come along and taking 20 years to get a dredging project approved is simply no longer acceptable.

In this regard, the Working Group's "ground rules" provide that:

- The Group will look for solutions to the process which are focussed, doable and practical.
- The Group will emphasize prevention to avoid the need to pay the cost of the cure.
- Long term strategies will be considered as well.
- It is important to separate fact from opinion.
- The Group will stress a one-team approach which the Administration is fostering by asking everyone to take a fresh look at the dredging process and consider innovative changes.

The Working Group intends to review the system and address many issues, including but not limited to, the complex and lengthy process for obtaining all required federal and state approvals for these activities, the lack of practicable disposal alternatives, the lack of

long-term coordinated disposal strategies, and the absence of any formal mechanism for developing coordinated strategies.

It is our hope that the Working Group's findings will complement other Administration efforts, such as the White House's Interagency Working Group on Federal Wetlands Policy and the White House's San Francisco Dredging Task Force, the Joint Environmental Protection Agency and Corps of Engineers Task Group on Management of Dioxin-Contaminated Dredged Material, and the Corps of Engineers Long Term Management System, among others.

We also believe that our findings will complement the work of the National Research Council Marine Board's Committee on Contaminated Sediment. In fact, MARAD staff is currently working with the Marine Board on its remediation project.

We are hoping to shed light, not just heat on the subject. At the same time it must be understood that the Working Group is neither the forum for the legislative process nor is it the sounding board for any Administration legislative efforts.

I hope that I have addressed any questions or concerns you may have on this very important topic. The Working Group is looking forward to your assistance and participation in this effort. I am confident that together we can make the dredging process work better for all of us.