

Deep Water Port *notes*

The News Portfolio of The Connecticut Deep Water Port Community
New London . New Haven . Bridgeport

Maritime Matters in Washington

by Mr. Paul Bea



Tanker "OMEGA LADY SARAH" inbound with a load of #6 fuel oil for Riverhead Terminal. LOA 750 ft Photo by Connecticut Pilot Captain Charles P Jonas

The messy consequences of the prolonged West Coast contract talks between the PMA and ILWU brought on a strong and equally prolonged backlash from shippers and others whose own operations are dependent on well-functioning ports.

You are familiar with the history. The talks started in May 2014 and a year later the rank and file gave the new contract final approval. In between is where it got interesting. Management documented and shippers pointed to labor slowdowns. The union said the terminals brought the congestion problem on themselves by not being prepared for big ships with more cargo. Everyone else saw that cargo moving at a snail's pace was to the detriment of US exports and retailer shelves. By February, when the tentative agreement had been reached, there were over 30 ships waiting at anchor off San Pedro Bay and POLA executive director Gene Seroka told the Wall Street Journal that he expected "it will be about three months before we return to a sense of normalcy."

During the longshore talks a coalition of companies and trade associations periodically met with and issued joint letters to policy makers. They asked for pressure to be put on negotiators. Their major complaint was that the President was just, in the White House's word, "monitoring" and not taking action.

Months after the talks concluded the shipper community continues to lobby for "a tool that will help provide certainty to future

negotiations." Letters seeking legislation typically carry over one hundred organizations' names. Some bills were introduced. Shippers were pleased but ports see more problems than potential solutions.

Two approaches are taken in the legislation. The first to emerge was the "Port Performance Act" (S.1298) by Senator John Thune (R-SD) who also chairs the committee that approved the measure. Noting that the port sector has yet to be plumbed for the sort of "condition and performance" data that Washington is seeking to evaluate the national freight system, Thune's bill prescribes the collection of aggregated terminal operations data from box, breakbulk and bulk ports. It's the sort of data that terminal operators keep for themselves and port authorities don't want competitors to have. Vessel, train and truck time in port, lifts per hour, and cargo dwell time are among the metrics to be reported annually to USDOT in the version that ultimately was approved in July by the Senate. Not in the bill is a provision that would require monthly reports of performance data to Washington during collective bargaining periods. Organized labor and ports don't like the bill and the unions lobbied especially hard to have that particular provision deleted.

The other type of bill that has been introduced would amend labor law. Where Thune's bill would produce data to support arguments that cargo interests are suffering from labor slowdowns, the others would provide a means for data to be used as evidence in court and the public arena.

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Sen. Cory Gardner's (R-CO) "PORTS Act" (S.1519) amends Taft-Hartley to make slowdowns an unfair labor practice and to empower governors to go to court. (A House version was also introduced.) Sen. James Risch (R-ID) took a similar approach and added inspiration from the Port of Portland's experience where the ICTSI terminal lost its principal customer when Hanjin Shipping tired of cargo slowdowns resulting from an over two-year labor dispute in the Oregon port.) Risch's "PLUS Act" (S.1360) not only would make slowdowns an unfair labor practice, it would declare US policy as one to "eliminate the causes and mitigate the effects" of port disruptions, and prescribe penalties for violators, including decertification of labor organizations.

How will these bills fare in this Republican Congress? We may see hearings on the Gardner and Risch bills but between the filibuster rule in the Senate and a certain veto in the White House they may not see floor time in Congress.

Thune's bill is quite another matter. A diluted version is tucked away in the 1024-page, Senate-passed surface transportation bill. Key House legislators have yet to weigh in on the issue of port performance metrics and data collection. Shippers will press for it to be strengthened. Only firm opposition from the House side may keep the metrics provisions from being enacted.

Paul Bea is a government relations and policy advisor in Washington, DC. He discusses marine transportation system matters at www.MTSMatters.com.

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