

Responsible Cruising in Alaska

819 Goldbelt Avenue
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May 30, 2019

Honorable Patricia Seitz,
United States District Judge
United States District Court
Southern District of Florida.
Miami, Florida

RE: US v. Princess Cruise Lines, Ltd.;
Case No.: 16-20897 – CR-Seitz

Judge Seitz:

I am writing on behalf of Responsible Cruising in Alaska and also as a long-time Alaska resident with regard to the proceedings over which you are presiding in the above-referenced case. I commend you for acting in a forthright manner in regard to the behavior of Princess Cruises, a subsidiary of Carnival Corporation, and other Carnival brands subject to the probation agreement and Environmental Compliance Program. This encompasses not only Princess Cruises ships, but also other subsidiary brands that frequent Alaska: Holland America Line, Carnival Cruise Line, and Seabourn Cruises. The repeated acts of Carnival in regard to the pollution of our nation's waters and air across brands and while on probation warrant significant sanctions.

My personal involvement with Carnival Corporation and their unwillingness to follow our national and state laws addressing pollution goes back to the 1990's. I have worked with numerous individual citizens in Alaska and other states to require Carnival to operate their vessels in a manner that minimizes impacts on the water and air quality of the ports in Alaska and other places in America. I have also skippered vessels on the waters of Southeast Alaska and observed first-hand air and marine water pollution discharged by large cruise vessels.

To an extent that is remarkable in 2019, Carnival has continuously and repeatedly engaged in a pattern of pollution. It would appear that Carnival's internal corporate culture views environmental laws and the need to protect the clean air and marine waters we all use as aspirational. In Alaska, Carnival has a record of polluting and counting on casual enforcement by regulatory

agencies to insulate them from sanctions. To a degree that is embarrassing to me and many Alaskans, enforcement of Alaska laws designed to prevent pollution of our marine waters and protect our air quality have been ignored by both Carnival and the Alaska Department of Environmental Conservation.

In regard to the lack of meaningful enforcement by the Alaska Department of Environmental Conservation, I urge you to direct the court appointed monitor for Carnival to comb through the records produced by the Alaska Ocean Ranger program. It is conceivable to me that the kind of systemic pollution you are dealing with based on the evidence you presently have will be amplified if you review state records.

The pattern is clear, at least up here: Carnival talks about how their customers desire clean air and water, even while refusing to adopt available technology that would insure compliance with our air and water quality standards. When the citizens grumble about obvious air pollution or discharges from cruise ships, Carnival deploys legions of lawyers and lobbyists to positively spin the media and pressure decision makers in order to quell any meaningful enforcement.

It is not wrong to conclude that Carnival is basically a rogue entity that simply doesn't harbor a core value related to protecting the very environment that their customers desire to see and experience while cruising. This disconnect is not just related to some quest to maximize a return on investment. It appears to me to be a deeply entrenched attitude, related to control, and founded on the belief that just because they operate under a flag of convenience that somehow the laws of the United States and the State of Alaska do not apply to them.

The issue before you is what to do about a corporate entity that has routinely engaged in lawbreaking activities and continued to do so while on probation.

My father was an agent of the Federal Bureau of Investigation and I recall him using the term "scofflaw" occasionally. My old dad was a pretty tough guy, having flown B-24's over Europe during World War II and I remember distinctly how he reserved special disdain for scofflaws. Being as I was kind of a rebellious guy back in the 60's and a bit of a provocateur, I asked him why he was so hard on scofflaws. He thought about it for a bit and went on a little riff about how ignoring the law, that is, scoffing at the law, was one of the reasons that societies fall apart. Rebellious person that I was, I was inclined to think he was talking about me but as I matured, I take his point.

Micky Arison, Arnold Donald, and their crew do not understand that ignoring the law is unacceptable. There are obvious health issues related to polluting the marine waters that all of us use for commercial fishing, sport fishing, and subsistence fishing in Alaska. There are obvious negative health consequences that result from Carnival's decision to use bunker fuels that pollute the air we breathe in Alaska. Carnival says the company cares, but it apparently does not care about the water and air pollution laws enacted by the Congress of the United States and by the State of Alaska.

I have listened to a variety of individuals in Alaska who are impacted by Carnival's operations. The strong sense I have based on these discussions is that in order to alter results in Carnival's beliefs and conduct, you are required to levy a serious financial fine and also restrict Carnival's freedom to operate in an unrestricted fashion. Carnival, by their behavior and decision to ignore our national and state laws has earned sanctions that should include restrictions on Carnival's ability to sail wherever they desire.

Given the repeated failure of Carnival to live up to the terms of settlement agreements where Carnival promised to alter their conduct and stop polluting, I would respectfully recommend general sanctions that would compensate the residents of Alaska impacted by Carnival's callous disregard of national and state pollution requirements. First, levy the maximum fines that have been suspended in previous cases where Carnival's lawyers agreed to deferred prosecution agreements conditioned on adherence to federal and state laws. Secondly, any additional documented violations of federal or state water or air quality laws that are presently before your court should result in the maximum statutory fine being levied against Carnival. Carnival's repeated failure to follow the law warrant the maximum fine allowed by law.

In terms of restricting access to critical marine waters and sensitive areas, please consider precluding all Carnival vessels from entering the interior waters of Glacier Bay National Park and Preserve in Alaska. Glacier Bay is one of the most esteemed conservation areas in North America and a genuine treasure that belongs to the people of the United States. Carnival's casual dumping in this area of international significance reflects a serious problem and debarring Carnival and the other cruise lines from entering Glacier Bay for a period of 3 to 5 years commencing in the 2021 cruise season is an appropriate punishment.

My thinking here is based on both the importance of Glacier Bay but takes into account the long lead time cruise vessels are scheduled as well as the possible negative impact that an abrupt cancellation of vessels scheduled to sail in Glacier Bay would have on Alaskan ports. It has been widely reported in Alaska that you may be considering banning Carnival vessels from American waters. Tempting as this remedy may be, ports in Alaska and other states would likely lose significant direct and indirect revenue from a complete ban. Debarring Carnival and associated Carnival company vessels from entering Glacier Bay would serve as a significant punishment given that routine customer surveys of cruise travelers to Alaska suggest that trips into Glacier Bay are highly desired by the public.

If you do elect to ban Carnival and Carnival owned vessels from the waters of Glacier Bay, do give some consideration to holding the National Park Service harmless from any consequent loss of revenue derived from Carnival operations. At present federal law provides that customers entering Glacier Bay on cruise vessels pay a fee that is used to operate the park and preserve as well as maintain necessary infrastructure within the park. It seems to me that the Park Service could provide you with a calculation on the number of visitors that arrive on Carnival vessels that would allow you to assess an additional fine on Carnival for the loss of passenger traffic that stem from an order preventing the company from entering Glacier Bay. The logic here is to prevent a federal agency from losing a predictable revenue source as a result of corporate wrongdoing.

Lastly, I have listened to various individuals and organizations in terms of how to mitigate and compensate individuals and communities that have been harmed by Carnival's legal failings.

Cruise vessel operations in Alaska are conducted on increasingly large vessels that are essentially floating cities in terms of production of waste water and air emissions. The newer cruise vessels have as many as 5,000 passengers and crews exceeding 2,000. It is not uncommon for multiple large cruise vessels, including vessels operated by Carnival and Carnival's sister companies, to exceed the entire population of the town in which they are berthed. Even in a relatively large port like Juneau which has population of 32,000 souls, there are days when there are significantly more passengers and crew members in Juneau than the entire population of the town. This size and scale of the cruise industry in Alaska is having an increasingly large impact on our communities. There are numerous health and safety problems associated with large-scale industrial cruise operations that go beyond the

obvious marine water and air pollution concerns that Carnival has elected to ignore.

In order to address these obvious concerns and provide some relief to individuals and communities who have been negatively impacted by Carnival's illegal conduct, I recommend you consider allocating some of the fines imposed on Carnival for the following tasks:

- ✓ Direct payment of a portion of any fines levied against Carnival to the City of Ketchikan and the Gateway Borough (essentially Ketchikan), for the express purpose of establishing infrastructure to mitigate and offset the large numbers of cruise passengers who visit that city during a compressed tourist season.
- ✓ Direct payment of a portion of any fines levied against Carnival to the City of Hoonah, Alaska, for the express purpose of paying off the outstanding debt Hoonah incurred building a cruise ship facility. Hoonah is a predominately Native community and historically Glacier Bay was the ancestral home of many Natives now residing in Hoonah.
- ✓ Consider directing a large portion of what is anticipated to be a hefty fine to be paid by Carnival to the National Park Service for two purposes, as follows:
 - A. For upgrades and improvements to the existing lodge within Glacier Bay Park & Preserve located in Bartlett Cove. The lodge is dated, needs maintenance and is nowhere near as majestic as lodges in similarly grand national parks like Yellowstone and Yosemite, just to select a couple of obvious comparisons.
 - B. Research within Glacier Bay Park & Preserve as directed by National Park Service. Glacier Bay is a wonderful natural place but also a natural laboratory that warrants study of historic cultural practices, glacier formation and retreat, wildlife migration and measurements related to climate alteration.
- ✓ Direct that a large portion of the fine against Carnival be allocated to the City and Borough of Juneau, Alaska for the express purpose of installing electrical connections that will allow cruise vessels calling on Juneau to utilize shoreside power derived from hydroelectric

sources and eliminate or significantly reduce the need for vessels to burn fossil fuels while moored. The health benefits of eliminating or reducing use of shipboard generators powered by diesel or other hydrocarbons would be good and mitigate substantially the negative impact on Juneau residents and cruise passengers, especially the elderly, youth and individuals with respiratory ailments.

- ✓ Allocate several million dollars of any fine levied against Carnival to each of the following:
 - A. The National Science Foundation, possibly in conjunction with the National Oceanographic & Atmospheric Administration, for a comprehensive study on the impact large cruise passenger vessel operations have on whales and other marine mammals. Cruise vessels regularly strike whales and the impact of cruise passenger propulsion systems on whales and other marine mammals is thought to be significant but largely unknown. Because cruise passengers relish observing marine mammals, it would be appropriate for a portion of the fines to be paid by Carnival for the purpose of understanding the impacts cruise vessels have on marine mammals and how to mitigate these impacts.
 - B. The National Institute of Health, in conjunction with the Center for Disease Control, for a comprehensive study about the impact large scale cruise passenger activities have on the health of passengers and port communities. Cruise vessels are significant point sources of air pollution and may contribute large number of fine particulates and other problematic air pollution to the environment of Alaska and other coastal communities. Conducting the basic research on the effects of these floating cities is essential to devise thoughtful responses to this industry.
 - C. The National Science Foundation, possibly in conjunction with the Environmental Protection Agency and the National Oceanographic & Atmospheric Administration, for a much-needed study of the impact discharge of scrubbed air emission residues has on the marine waters of Alaska. At present, it is obvious to many of us in Southeast Alaska that the various Carnival shipping brands are using relatively inexpensive bunker fuels with high sulfur content as a fuel source. In order

to comply with air quality standards, the companies are “scrubbing” the air emissions, a process that concentrates residues which are then dumped into the marine waters of our nation in some instances. These scrubbed air emissions are essentially converted into a marine pollution problem of unknown harm. While the scrubbed emissions routinely leave a faint sheen on the marine waters of Southeast Alaska, the discharge of these concentrated wastes is apparently not regulated by any federal agency or the State of Alaska. Stories abound up here about fishing vessels running into a foamy brownish residue that has been discharged by cruise vessels as a result of their scrubbing technique. While scrubbing might marginally save a few dollars compared to burning cleaner, lighter forms of fuel, the potential health impacts on humans and marine life forms is likely negative. Using part of the fine Carnival should pay to gather data on the actual impact of their decision to dump scrubbed emissions would be just.

Coastal Alaska is a wonderful place. What we call Southeast Alaska is a national treasure. The islands and fjords that make up this part of coastal Alaska deserve care and protection from depredation by outlaw entities like Carnival. With your assistance we can rectify past transgressions and use a portion of the fines Carnival ought to be required to pay to address how we can sensibly regulate Carnival and other large cruise vessel operations in a manner that works for visitors and residents of this wonderful place I am pleased to call home.

Thank you for addressing these matters of significant health and safety issues that impact those of us living in coastal Alaska.

Responsible Cruising in Alaska



Theodore Thoma,
President