

# Offshore Wind Development and the Adverse Consequences of the Maritime Crewing Mandate in the Coast Guard Authorization Act of 2022



**Proposed changes to maritime manning and crewing laws included in the Don Young Coast Guard Authorization Act of 2022 (H.R. 6865) would halt the President’s goal of deploying 30,000 MW of offshore wind by 2030 and undermine domestic energy independence.** It is important to recognize that a majority of the over 25 vessels needed for an offshore wind project will be built in America and crewed by 100 percent Americans.



The provision would mandate that a few specialized foreign-flagged construction vessels carry crews that are either entirely Americans or citizens of the nation where the vessel is flagged as a condition of working on the U.S. Outer Continental Shelf (OCS). Effectively requiring a full-scale replacement of construction vessel crews with mariners who are not trained for the work that a specific vessel performs poses unacceptable safety risks to crews and projects because these vessels operate heavy machinery during rough seas requiring millimeters of accuracy. Given global competition for these vessels, operators will simply prioritize markets with less risky requirements over participation in the U.S. market. Also, the U.S. risks the deployment of up to 1,460 MW of offshore wind energy per year, and the elimination of 4.9 million tons of CO<sub>2</sub> per year, for each unavailable Wind Turbine Installation Vessel.<sup>1</sup>

With this fact sheet, ACP sets the record straight on 10 misconceptions about offshore wind development, the Jones Act, and maritime crewing laws that are relevant for understanding the impacts of the proposed crewing restrictions in the Coast Guard Authorization Act.



<sup>1</sup>Available at <https://dl.tufts.edu/pdfviewer/9k41zt70h/rn301f830>.

# Frequent Claims vs. The Facts

## CLAIM

**This mandate would ensure compliance with the Jones Act.**

## FACTS

**The vessel crewing debate is not a Jones Act issue.**

The crewing provision would impose citizenship-based requirements on foreign construction vessels and has no impact on compliance with the Jones Act. The Outer Continental Shelf Lands Act regulates vessel crewing. U.S. Customs and Border Protection has long held that, under the Jones Act, foreign-flagged vessels can do certain construction activities on the U.S. OCS, such as heavy lifts, cable laying, and oceanographic research, and the Jones Act places no citizenship requirements on the mariners crewing those ships.

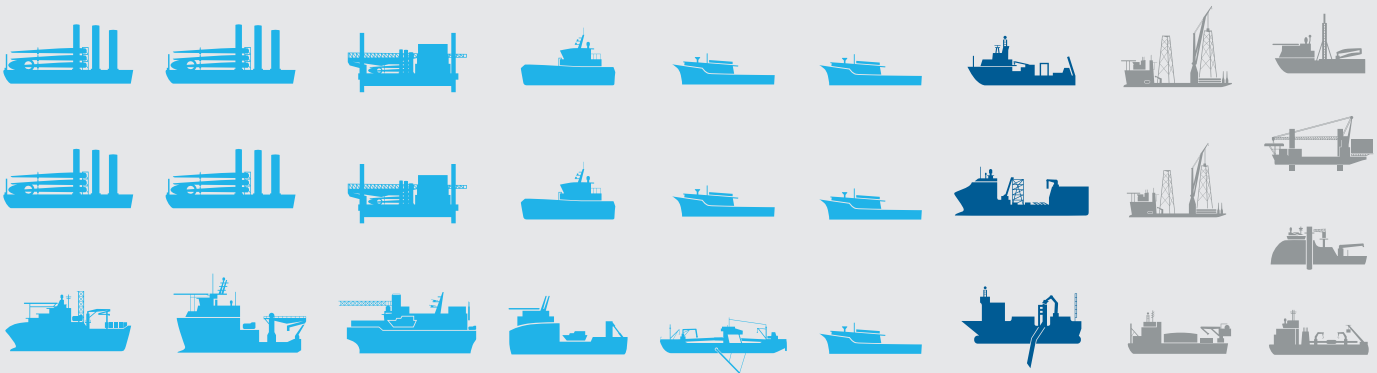
## CLAIM

**This mandate would level the playing field for American mariners.**

## FACTS

**The offshore wind industry is expanding the playing field by creating thousands of new opportunities for American mariners.**

Of the more than 25 vessels used to construct, operate, and maintain an offshore wind project, the majority will be U.S.-flagged, including safety vessels, scout vessels, feeder vessels, barges, and more. In addition to the number of vessels, U.S.-flagged vessels will also have the greatest amount of vessel hours because they will perform all transportation activities, such as on crew transfer vessels and service operations vessels, between U.S. ports and offshore wind turbines during the approximately 35-year lifetime of a project. These years of operations will dwarf the months of construction that international ships will conduct, meaning American mariners will perform the vast majority of the job hours needed for offshore wind projects.



The majority of the over 25 vessels needed per offshore wind project will be U.S.-flagged.

● US Ships ● Mixed ● International Ships

**CLAIM**

**There are unemployed American mariners available to operate and navigate offshore wind construction vessels.**

**FACTS**

**MARAD<sup>2</sup> and maritime industry groups<sup>3</sup> have described a shortage<sup>4</sup> of American mariners available to crew existing domestic vessels.**

Instead of imposing crewing restrictions that cannot be safely implemented, Congress should authorize and fund maritime training through legislation, such as the Offshore Wind Jobs and Opportunity Act and the Maritime Technological Advancement Act.

**CLAIM**

**This mandate is the only way to achieve a domestic maritime workforce for the U.S. offshore wind industry.**

**FACTS**

**The best way to maximize the number of American mariner jobs is by building more U.S.- flagged vessels that are required to be crewed by U.S. citizens and U.S. permanent residents.**

To build the experience necessary to operate specialized offshore wind construction vessels, mariners need to gain vessel-specific experience, in addition to onshore training and certification. The best way to gain such experience is months on the same vessel that consistently hires Americans because of its work in U.S. waters. Therefore, new specialized offshore wind vessels in the Jones Act fleet would provide those opportunities for American mariners to receive vessel-specific training like their foreign counterparts and develop the expertise to operate the vessels safely and efficiently. However, to ensure these vessels and the associated jobs aboard them, shipbuilders need incentives to produce more vessels that can compete with foreign vessels operating in the global fleet.

**CLAIM**

**This mandate would be a commonsense revision to the crewing laws for foreign-flagged vessels operating on the U.S. Outer Continental Shelf.**

**FACTS**

**This provision is nearly impossible to implement.**

There is nothing commonsense about discouraging specialty construction vessels from coming to the U.S. and, in turn, sacrificing millions of dollars worth of existing work contracts with American mariners on domestic tug, barge, and support vessels. These vessels employ crew members from various maritime nations, with particular skill sets that require years of vessel-specific experience and are not easily replaced. Since the U.S. does not currently possess that specialized workforce, these linchpin vessels will be compelled to avoid the American market because there will simply be no one to crew their vessels without undertaking significant safety risks. The vessels will instead continue to operate in Europe or Asia where demand is extremely high, and construction can be performed safely.

<sup>2</sup> Available at <https://www.maritime.dot.gov/sites/marad.dot.gov/files/2020-07/Mariner%20Opportunities%20and%20Challenges%20Report%20%28002%29.pdf>

<sup>3</sup> Available at [https://cdn.ymaws.com/offshoremarine.org/resource/resmgr/materials\\_for\\_pages/documents/official\\_correspondence/Smith\\_Letter\\_to\\_Mauger\\_on\\_Te.pdf](https://cdn.ymaws.com/offshoremarine.org/resource/resmgr/materials_for_pages/documents/official_correspondence/Smith_Letter_to_Mauger_on_Te.pdf)

<sup>4</sup> Available at <https://www.workboat.com/q-a-with-jennifer-carpenter-president-and-ceo-of-the-american-waterways-operators>.

**CLAIM**

**Crews can be easily swapped out between specialized offshore wind construction vessels.**

**FACTS**

**Years of vessel-specific experience are necessary to safely perform certain roles in offshore wind construction.**

This legislation covers all types of crews on offshore wind construction vessels. There are two main types of crews: industrial personnel that conduct specialized construction activities (such as turbine, foundation, and cable installation), and mariners that operate and oversee the vessel. For example, Wind Turbine Installation Vessels (WTIVs) and Heavy Lift Vessels (HLVs) are two of the few linchpin vessels needed to install fixed-bottom offshore wind turbines because of their extremely large cranes. Crane operators on these vessels, who not only have years of training but also years of experience handling a specific vessel's crane in challenging environments (e.g., placing massive wind turbine components at construction sites, with millimeters of tolerance), cannot safely be switched out for workers without the same experience just to work on the U.S. OCS. Given global competition for these vessels, operators will prioritize markets with less risky requirements over participation in the U.S. market.

**CLAIM**

**Offshore wind is anti-labor.**

**FACTS**

**The U.S. offshore wind industry is on track to create good-paying American jobs, both onshore and offshore, and is actively engaged with more than a dozen organized labor unions on Project Labor Agreements and workforce training programs.**

The proposed maritime crewing requirements would jeopardize good American jobs because entire projects could be delayed for years or even canceled if they are unable to use these specialized foreign-flagged construction vessels that are virtually absent from the U.S. fleet.

**CLAIM**

**This mandate would guarantee new union jobs for mariners.**

**FACTS**

**The proposed crewing provision does not take a position on union versus non-union workers.**

The maritime crewing mandate would not require project labor agreements, prevailing wage, or union training agreements. As noted above, this proposal would likely serve as a barrier to developers supporting union labor because significantly fewer offshore wind energy projects would be built to provide such work. In fact, existing union partnerships and associated jobs depend on these specialized vessels to construct the pipeline of projects that are already underway.

**CLAIM**

**This mandate would provide exemptions if an American workforce were unavailable to staff foreign-flagged vessels.**

**FACTS**

**The opposite is true.**

120 days after enactment, the maritime crewing restrictions would terminate the existing exemption process that currently allows offshore wind developers to utilize the few specific foreign-flagged construction vessels—as they are largely manned by specialized crews from around the world and not the flag state of the ship. Since offshore wind energy is in high demand across the globe and vessel supply is low, developers must reserve these specialized foreign-flagged vessels many years in advance to guarantee access to their unique capabilities. Disrupting the existing regulatory framework for exempting citizenship requirements on foreign-flagged vessels, when there is an insufficient number of qualified U.S. mariners to perform the needed specialized activities, would upend existing and impending contracts. This would delay, substantially, if not altogether halt, offshore wind projects about to start construction and those planned for the future.

**CLAIM**

**This mandate would address national security risks.**

**FACTS**

**This mandate would not improve national security.**

Maritime crews who need visas to work on the U.S. OCS are vetted by the State Department's B-1 visa program for national security risks to the same extent as anyone applying for a tourist visa. This mandate would also require U.S. OCS workers with work visas to also secure Transportation Worker Identification Credential (TWIC) credentials that only Americans are currently permitted to acquire. A TWIC is required for workers who need unescorted access to secure areas of our nation's maritime facilities and vessels, which is not applicable in this situation. Also, a robust 96-hour advanced notice of arrival and departure (NOAD) process already exists for foreign vessels entering U.S. ports and/or operating on the U.S. OCS. Prior to arrival in ports or on the U.S. OCS, these crew lists and changes to crew lists are already vetted by the U.S. Coast Guard and U.S. Customs and Border Protection.

