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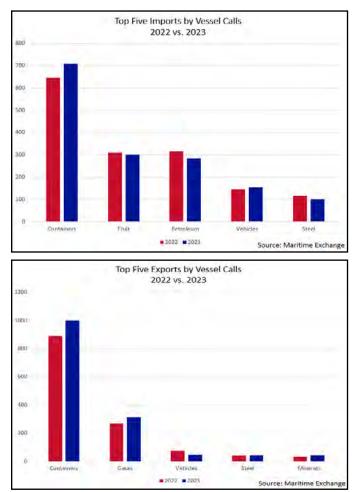
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Another year in the black!

KH,/

Vessel calls up in 2023, continued gains expected



"The growth trend of the last five years allowed the Delaware River port complex to improve its position in the global market," said Maritime Exchange President Lisa Himber. "Last year's gain comes even as shipping faced new challenges arising from global conflicts in Europe and the Middle East and threats from attacks in the Red Sea and from drought in the Panama Canal."

Maritime Exchange records show that 2,410 ships arrived at Delaware River port facilities in 2023, a 5% increase over the previous year.

Contributing factors included a strong export market, a deeper channel, and improved regional infrastructure.

Export cargos led the year, with outbound wet gas ships coming in at 315, up 17% compared to 2022. Mineral exports rose by 27%, and vessels leaving with steel cargos grew by 5%. Total exports for the region were valued at \$11.1 billion and came in at 976,064 metric tons.

On the import side, ships carrying containerized goods continued to increase year over year, finishing 2023 with 709 arrivals, an increase of 10%. Vehicle import vessel arrivals also rose, reaching 155, up 6%. The value of imported cargoes in 2023 was \$119.8 billion, including 32.2 million metric tons of goods.

continued on page 14

Government Affairs Committee sets 2024 agenda

It is a small but growing group.

It is also one of the best ways for Exchange members to communicate with each other and with staff about concerns they have, concerns that may ultimately translate into items for action. The Exchange Government Affairs Committee looks to the community to determine the most pressing issues that need attention at any given time.

"Maritime Exchange members are taking interest in this relatively

about continuing to increase the level of participation over the coming year and expanding the range of issues we tackle together."

At its December 2023 meeting, the committee took a turn from its normal agenda to provide participants an opportunity to brief colleagues on key projects, programs, and initiatives underway at their companies. All appreciated learning about activities up and down the river.

new committee and the opportunities it provides," said Exchange Presi- issues facing members, the com- raising awareness of issues affectdent Lisa Himber. "We're excited mittee highlighted 15 areas of inter-

est. As usual, Customs and Border Protection staffing was high on the list, but other CBP issues, such as the pending CBP SPACE Act, the Reimbursable Services Program, forced labor violations, and the aging fleet of radiation portal monitors also made the cut.

"The Government Affairs Committee is a valuable resource to discuss policy and regulatory issues impacting the maritime industry in a forum with colleagues. The com-After turning its attention to the mittee fosters dialogue through ing port terminals within the region and provides a platform to exchange information and advocate for initiatives that encourage economic opportunity and effect positive change on the industry," said Cadie Di-Giambattista, who leads Government Relations and Public Affairs at Repauno Port & Rail Terminal. The rest of the agenda demonstrates the diversity of the agencies involved in maritime operations. The Government Affairs Committee is watching the USDA Agriculture and Plant Health Inspection Service Agriculture Quarantine Inspection fees, Federal Maritime Commis-

Interview with Lieutenant Colonel **Jeffrey Beeman**

Commander, USACE Philadelphia District



LTC Jeffrey Beeman took command of the U.S. Army Corps of Engineers Philadelphia District on July 7, 2023. He oversees a 500-person workforce responsible for dredging waterways for navigation, protecting communities from flooding and coastal storms, responding to natural and declared disasters, regulating construction in the nation's waters and wetlands, and several other critical missions. His distinguished career has found him in Operation Iraqi Freedom and in operational assignments in Hawaii, Guam, and Fort Hood, Texas. *Most recently, he served as Deputy Commander for the U.S. Army Corps* of Engineers Los Angeles District. LTC Beeman took time to share his thoughts with The Beacon on the status and importance of dredging on Delaware River.

Q: Now that the Delaware River has been deepened to 45 feet, has the Corps identified any changes in river dynamics that may require additional maintenance dredging, and as a result, the need for additional



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funding?

A: Dredging is one of those important maintenance tasks that is never truly done, especially along a sediment-rich and dynamic system like the Delaware River. We've got a great survey team, and they are well equipped to conduct channel exams and share that important data with our team and externally with mariners. This helps us plan projects and observe near- and long-term trends. Our team has observed some changes/fluidity to shoaling along certain portions of the river, but we do expect a leveling off, and that has started to occur.

continued on page 15

continued on page 17



Several Exchange members reached out to me recently to let me know they'd heard from an organization trying to sell ads in unknown port directory. One member told me he was offered a discount because he advertises in *The Beacon*. Another told us the salesperson alluded to being associated with PhilaPort.

To say this approach is particularly gutsy is an understatement. A few other choice words come to mind, but prudence dictates that we keep those to ourselves.

There's a much bigger story here. I'll get to that, but first—to save our members wasted money and to sort out the confusion—be aware this "new" directory is not affiliated with the Exchange nor any other local port organization that we can determine.

The question here is not whether members chose to spend money on listings in an unknown medium that has no history, roots, or connections in our community; the real story is that our port directory is so much more than a listing or an ad.

So much more than a "listing" . . . The bigger story

If I might be permitted to paraphrase Grateful Dead icon Jerry Garcia, the Exchange is not only the best at what we do, we are the *only* ones who do what we do. And we are strong in our commitment to ensure this remains the case for as long as we serve the interests of the Delaware River port business community.

For almost 149 years now, we have stayed the course and stayed true to our mission to serve our members in a unique and deeply connected, personal manner. The straightforward goal: to facilitate uninterrupted beneficial commerce on the Delaware River.

Fulfilling that goal involves a lot of moving parts. A very few things in our menu of services are not unique to the Maritime Exchange, like our port directory or answering service. That others may try to copy and perhaps imply, even if not state explicitly, that they are somehow aligned with us is indeed sincerely flattering. But no organization can offer what we can.

Take the answering service. We do so much more than take and deliver messages. One of the reasons members take advantage of this program is because many callers want ship information, and members look to us to make their lives easier by including it as part of the service.

And as for the port directory, the differences between the Exchange and other publishers are even more remarkable. Unlike others we don't contact people once to try to sell them a listing or an ad and then disappear for a year. On the contrary, we provide useful information members need to do their jobs—daily, weekly, monthly, and on demand—all year long. Nor do we just publish a book once and leave it at that. We also post your listings to our website where they're updated in real time and searchable by company name or business category. And as an added perk, we place full-page ads on our website for a full 12 months.

But as I said, the whole story is much bigger. Beyond publishing a directory and taking calls, we bring the people of this port community together under our umbrella to collaborate, share war stories, and solve problems. We offer learning opportunities and a host of other programs members have come to rely on and trust. We stay on top of government regulations. We interact with government officials, trade organizations, and host of others to help ensure nothing impedes the flow of cargo on our river.

That is the bigger story here.

Case in point. At our January meeting, Exchange directors—all local maritime businesspeople—spoke strongly and eloquently about how much the Exchange does for our port community.

The staff and I are continually humbled by the tenacity and dedication the members display on our behalf.

So, when someone else tries to do what we do, we're flattered. And we're also confident in the knowledge that our members appreciate the service we provide and value their relationship with us.

Almost as much as we value our relationship with them.

Lísa Hímber



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The Operations team: Semper diligentes

Like that old saying, the more things change, the more they stay the same, the Operations team at the Maritime Exchange remains steadfast in delivering the best service possible to its customers.

Some new names have replaced those we have lost or who have moved on, but the core principles remain unchanged. Consisting of seven full-time employees, the Operations staff disseminates ship movement information throughout the Delaware River port community and monitors activity 24-hours a day, 7 days a week. The team is the only source of information critical to private- and public-sector entities with an interest in the cost-efficiency, safety, security, and environmental health of the region.

"Though some of our people are new, to a person they are as diligent as ever," said Exchange Director of Operations Paul Myhre. "About a year ago, we converted our part-time position to full time to better serve member needs, a move that has proven beneficial to the stakeholders and to us."

To meet the growing needs of Maritime On-Line® users and to minimize downtime, the Operations staff function from two locations: the main office in Philadelphia and the Ship Reporting Tower in Lewes, Del.

The primary function is to provide current and historical ship movement information, but Exchange watchstanders do a whole lot more. For a start, they ensure Customs bulletins, Coast Guard navigation, safety and security notices, and other information critical to the safe and efficient operation of the Delaware River regional port complex get to those who need the information. The data flows from the Exchange to the community via telephone, email, VHF radio, and the Maritime On-Line system as part of the Exchange's comprehensive, sophisticated port information network.

An equally important part of the job is assisting Maritime On-Line users locally and abroad, serving as help desk support to those who use the TRACS manifesting, Automatic Identification System, and Ship Reporting systems.

"Key to the smooth functioning of the department is that the individuals work as well collectively as they do alone," Myhre said, noting that Kenny Johnson, Taylor Kirk, Laura Miller, Robb Reyes, Karen Scotton, Mike Smith, and Sarah Thompson have a combined 55 years of experience with the Exchange. "From shift transitions to assisting each other with complex CBP/TRACS reporting, to working together on data mining projects, no one is ever too busy to help others."

"The Operations team is always helpful and keeps us up to date with issues or schedule changes relating to the vessels we represent," said Domenic Colella, vessel manager at Moran Shipping Agencies, Inc. "We can always rely on the Exchange to have the information we need to better serve our customers."

Give the Operations staff a call at 215-925-1524 to find out what we can do for you. No matter what time, someone is there to take your call.



Welcome New Members

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Philadelphia International Airport Department of Aviation Operations 2 International Plaza Philadelphia, PA 19113 215-937-6800 steven.belton@phl.org www.phl.org

ly, and fumigation capacity is ample to meet expected demand," said Dr. Shannon Sked, director at Western Fumigation.

The pieces are in place for a great season.

Maritime Matters—Really!



Exchange fruit group launches second season

"With a number of positive indications for a successful Chilean 2023-24 Chilean fruit season, the Exchange's Chilean Fruit Working Group ramped up in January for its second go around," said Maritime Exchange President Lisa Himber.

Last fall, the Chilean Table Grape Committee projected a harvest of over 60 million boxes, with 180 pounds to a box, for the current season. Over half of that number, 33.6 million boxes, is destined for U.S. markets, with the Delaware River receiving the lion's share. That translates into about 22.18 million boxes—or almost 4 billion pounds—heading for Delaware River port facilities.

As of mid-January, when this article went to press, those numbers appear to be holding.

According to a January 22, 2024 FreshFruitPortal.com article, Uvanova, Chile's advisor- and producer-led table grape development research commission, projected production volumes of 62 million boxes during the current harvest season. These volumes could come up shorter and arrive later than expected due to higher temperatures, Uvanova Vice President Carolina Cruz told FreshFruitPortal.com. partners, not just locally but in Chile as well, to ensure smooth vessel and cargo processing along Delaware River ports.

"With Frutas de Chile [the Chilean exporters association], carriers, importers, local terminal operators, brokers, and fumigators participating, the working group has the right people at the table to effect meaningful dialogue," Himber said. "The challenge is to carve out time to participate in the discussions during the height of the busy season. The members believe it's important enough to make that time." The one sour note is the delay associated with vessel transits through the drought-reduced Panama Canal. One of the Chilean Fruit Working Group challenges is to try to convey to the Panama Canal Authority the necessity of prioritizing the movement of ships carrying perishable commodities such as fruit. All agree conditions seem to be improving.

Beyond that, the Delaware River port community stands ready to make this season a strong one.

"The terminals are ready to receive the ships and move the cargo quick-

Cautious optimism is the watchword on the Delaware River.

"Our working group of service providers is looking forward to another Chilean fruit season. Planning and communication are paramount among the supply chain partners, and being proactive in doing what is best for the fruit within our control will help ensure a successful season for everyone," said Edward A. Fitzgerald, vice president of Trade Services at GEODIS.

The Exchange's Chilean Fruit Work Group is keeping to its self-assigned mandate to help improve communications and foster cooperation between If we needed evidence that sometimes in-person events truly are much more valuable, the January 24, 2024 Maritime Matters event, LegalEase Expanded, is a case in point. Western Fumigation's Christina Lista *(far left)* served as moderator extraordinaire, and *(l-r)* attorneys Andy Levine (Stradley Ronon Stevens & Young, LLP), Sandy Knapp (Gawthrop Greenwood PC), and Lisa Reeves (Reeves McEwing, LLP) shared their expertise on changing energy policies, the Jones Act, and Coast Guard sexual assault/sexual harassment reporting requirements.

The two-hour event was characterized by continual interaction between panelists and attendees. Participants asked thoughtful questions and provided examples from their own operations to support points raised during the presentations. And as always tends to happen after in-person meetings, most attendees stayed after the event to continue the discussions and enjoy some networking with their fellow members.

Are you a subject matter expert willing to share your insights with Exchange members at a Maritime Matters event? Would you like to suggest a topic for a future session that interests you enough to want to learn more? We'd like to hear from you. Contact exchange@maritimedelriv.com to let us know.

VECS going strong, electronic payment follows

CBP releases new MCR payment option for vessel fees

Record advancement. What started as a pilot program in a single port just a year ago is now available at most U.S. ports nationally.

The Customs and Border Protection Vessel Entrance and Clearance System, known as VECS, has been widely accepted by the steamship community as a major improvement.

VECS is an electronic portal for ship agents and other filers to submit the data required on CBP forms 26, 226, 1300, 1302, 1303, 1304, and 3171 electronically prior to arrival or departure from designated ports.

CBP has been busy at the local and national levels to encourage participation in the pilot program that allows industry to switch to electronic submissions and forgo the paper forms. The agency has deployed VECS to all but five remaining ports in the country; the Delaware River went live on Sept. 13, 2023.

As part of the ongoing rollout, CBP conducted numerous in-person and online training courses and webinars to help the agent community adopt the new platform and to train its own personnel. It also made several training videos and instruction documents available on the VECS web page. At the local level, Assistant Area Port Director Donald Josey and Supervisory CBP Officer Joshua Mason held a VECS Best Practices and Feedback meeting with local ship agents in January 2024 to discuss system progress and provide an open forum to raise questions and concerns. That over 30 participants attended demonstrates the active interest of the Delaware River vessel agent community in the pilot program.

"VECS was very user friendly from the first moment we started using the system, and our overall experience has been very positive," said Josh Schmidt, vessel agent for Terminal Shipping, a Division of John S. Connor, Inc. "The process is extremely simple and only takes minutes to complete, and CBP has been very responsive to comments we enter in VECS to help complete the entry process. And of course, filing online saves us a trip to the vessel or the U.S. Customs House, an enormous benefit to the steamship community."

To complement the ongoing VECS pilot rollout, CBP announced that it is activating a new payment option in MCR, the Mobile Collections & Receipts platform, to allow agents to pay vessel arrival fees via credit card. The new option, implemented in January 2024 is available to all ports, regardless of VECS status. In an ideal scenario, CBP estimates the vessel fees in MCR based on the agent's VECS arrival report and subsequently generates the payment request in MCR after the agent arrives the vessel in VECS. The agent then makes the electronic payment in MCR, at which point CBP approves vessel entrance—all other factors being in line. Currently the system accepts only credit and debit card payments, but CBP says that ACH and other options may be available in the future.

Although VECS remains in a pilot program and the MCR vessel fee option is new, the transition away from paper is welcome news to the steamship community. Gone are the days of last-minute rushed visits to the Customhouse to clear a vessel. Filers note the ease of clearing ships from the office or the comfort of home.

"The Exchange fully supports the ongoing efforts by CBP to transition legacy paper filing to a digital environment," said Michael Fink, Exchange CAO & director of information technology. "We were particularly pleased to see that electronic submissions through VECS, a pilot program no less, satisfy the reporting requirements for vessels without a transition period where paper and electronic submissions are both required."

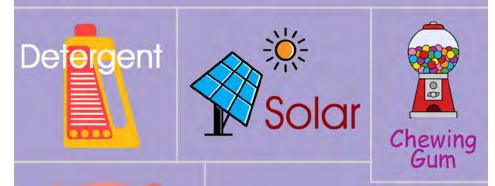
Intelligent technology: The good, the bad, and the risky

The move toward smart ports is inevitable but comes with potential risks

Technology continues to advance as it becomes more intelligent with each developmental breakthrough. The tech trends of 2024 are reflective of previous years' lists: industry cloud platforms, sustainable technology, intelligent applications, and datafication technology remain

Amazing Petroleum

Though efforts are intensifying to replace oil with cleaner fuels, many agree that that it is not going away any time in the foreseeable future. Why? Not only because oil powers 98% of vehicles in use today but also because of the wide array of products that derive from petroleum. Some of its uses may surprise you.



top contenders. But artificial intelligence, or AI, is the list's heavyweight champ and has the greatest potential impact to the industry while also imposing some serious risks worth considering.

Automated, immersive, and predictive technologies

Immersive, automation, and Internet of Things technologies will continue to greatly enhance the efficiency of ships and ports, creating opportunities to better facilitate the movement of goods. AI-powered assistants will simplify and enhance tasks, although human supervision will still be essential. Immersive technologies such as augmentedand mixed-reality solutions can assist operators by offering task-specific information during training or navigational hazards, and surrounding vessel traffic. Data collected by these systems are used to create detailed maps and models to alert ship operators and authorities about potential hazards or emergencies, current conditions, and predictive patterns. The intelligent software behind these systems will continue to improve with the use of AI to prevent maritime incidents, helping to reduce damage to marine ecosystems, decrease costs, and facilitate clean up in the event of an disaster.

AI rewards and risks

Artificial intelligence has become a crucial tool for thriving in the time of digital services. Already in use in the industry, AI-based modules help maritime industry professionals calculate vessel estimated arrival times, monitor air and water quality, assess underwater noise, plan vessel routes to reduce transit times and fuel consumption, and perform a host of other tasks. Combined with immersive technologies such as VR and augmented reality, AI will be a growing and vital component in moving toward true smart ports.



DENTURES





Cosmetics

Prosthetics

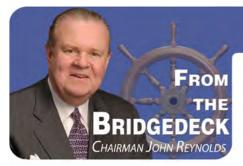
The Delaware River port complex has always been known as an energy port, with refineries dotting the riverbanks on both sides of the channel. With over 300 oil tankers calling regional terminals last year, crude oil represents about 15% of all vessel activity. maintenance operations. VR, or virtual reality, for example, provides immersive simulations of tasks on vessels, enabling more effective training.

The Internet of Things plays a key role in predictive maintenance by using historical and real-time data and a system of alerts to immediately inform concerned teams when anomalies occur. This reduces response time and avoids timeconsuming repairs.

Advanced monitoring systems used in the maritime industry are designed to continually monitor the state of the environment in realtime, including such metrics as air and water quality, weather patterns, Yet it is not as simple as buying software off the shelf.

Intelligent applications must learn to adapt and respond appropriately and autonomously, and industry needs to be more diligent than ever with the information used to train the AI models that rely heavi-

continued on page 18



Growing up in New York City in the 1940s and early 1950s, the average kid did not have a whole lot to do. In most cases, you made your own entertainment, like spinning tops, playing stickball, roller skating in the streets, and fishing in the Hudson River. The other popular activity that took up a whole day was riding the Staten Ferry between lower Manhattan and Staten Island for five cents. What an adventure to see all the ships in New York Harbor as the ferry maneuvered across the Bay and on to the least known Borough of Staten Island. Surely this experience contributed to my desire to sail the Seven Seas in the U.S. Merchant Marine. Even today, I still venture down to Lewes to ride the Cape May-Lewes Ferry whenever I can.

Ferry service on the Delaware River began just a few years after William Penn's arrival in 1682. Even before that time, Swedish colonists operated the region's first ferries along the Christina River in

Ferries on the Delaware

the region that became Delaware. By 1700, several ferries operated across the Delaware River between growing riverfront settlements in Pennsylvania and New Jersey. Until the advent of steam or internal combustion engines, all of these early ferries required man, horse, or mule power.

During the early 1800s, bridges began to replace ferries at narrow crossing points, such as Trenton and Morrisville, N.J. and Newport, Del. Ferries remained important carriers at wider crossings, however, and in the early industrial period they introduced steam as a means of propulsion. By 1900, wooden bridges connected towns along the Delaware River from Bristol, Pa. north to New Hope. South of Bristol, ferries continued to ply the River, until the Delair Railroad Bridge was built in 1896, linking Philadelphia and New Jersey.

It would only be a matter of time before our other great bridges would begin to span the Delaware River, causing the closure of many small ferries. Beginning with the Ben Franklin Bridge in 1926, the Tacony-Palmyra Bridge in 1929, the Delaware Memorial and Walt Whitman Bridges in the 1950s, and finally the Commodore Barry Bridge in 1974, the fate of almost all the Delaware River ferries was sealed.

In 1962, the Delaware River and Bay Authority (DRBA) was created by the legislatures of the States of Delaware and New Jersey and by Act of the U.S. Congress. The new Authority took over the Delaware Memorial Bridge in 1963 and was given the authority to manage all crossings over the Delaware River and Bay between the two states. Soon a mandate was issued to study the need for another Bay crossing between Cape May, N.J. and Lewes, Del. When the results of the study arrived, the DRBA resolved in April 1963 to establish the Cape May-Lewes Ferry.

Service began on July 1, 1964 with a fleet of over 2,000 private

boats scheduled to escort the first ferry crossing at Cape May. Tens of thousands of people joined the week-long dedication celebrations recognizing the tremendous impact this new service would have on the economies of Delaware and New Jersey. Today, more than 50 million passengers and over 17 million vehicles have crossed the 17-mile mouth of Delaware Bay aboard the Cape May-Lewes ferries during its more than 50 year history of sailings.

Ferries on the Delaware River have contributed greatly to our proud history. If you want to feel like what is to be out at sea in about 90 minutes, a trip on

the Cape May-Lewes Ferry is in order.



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Port celebrates CMA CGM "J Madison" arrival





The Port of Philadelphia welcomed the largest container vessel ever to call the Delaware River when the M/V "CMA CGM J. Madison" arrived at the Packer Avenue Marine Terminal on Dec. 15, 2023. She is 1,200 feet in length, has a beam of 158 feet, and carries over 14,000 TEUs.

"With our deeper main channel and our super post-Panamax cranes, we can easily handle this size vessel and larger," said PhilaPort Executive Director and CEO Jeff Theobald. "It's just great to see this vessel calling Philadelphia."

The "Madison" is part of the CMA CGM Columbus Service, which transits to and from South China and Southeast Asia via the Suez Canal. While the "Madison" holds the record for largest container ship to sail the Delaware, it won't hold it for long. Sister ships "CMA CGM Osiris" and "CMA CGM Mexico," both topping 15,000 TEUs, are set to arrive later in February, and the 16,000+ TEU vessel "CMA CGM Marco Polo" is scheduled for arrival in early March. the company that is:



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Frutas de Chile: New brand, new name of the Chilean fresh fruit industry

New brand designed to further strengthen the competitiveness and growth of the sector and to achieve sustainable growth in domestic and international market.

The Chilean Fruit Exporters Association, formerly ASOEX, has rebranded as Frutas de Chile as part of a strategy to address mounting competition from other southern hemisphere suppliers and internal structural challenges facing the Chilean fruit industry.

The new brand was presented by Iván Marambio, president of Frutas de Chile, during a seminar that included presentations and analysis by Chile's Ministers of Economy and Agriculture and a prominent local economist. The event was attended by government authorities, representatives of agricultural associations, and members of the Chilean fruit industry.

Marambio noted that the Frutas de Chile brand is the beginning of a roadmap to boost the competitiveness and growth of the Chilean fruit industry in alliance with the state. He also explained the priorities facing the industry: better fruit quality, improvement of water infrastructure and port logistics, and better access to new markets through the deepening of free trade agreements with China, India, and South Korea.

About the motivation behind the rebranding, Marambio said, "We are facing a very difficult fruit growing season, with threats from nature such as heatwaves, lack of cold in winter, atmospheric rivers and more than a decade of drought—pressure from pests, and competition that did not exist 10 years ago, which force us to adapt and compete, leading us to the conclusion that we needed a change in our image."

He added that the new brand will contribute to increasing the competitiveness of the sector both nationally and internationally. "In the world in which we compete, image is very important, and red is the color that identifies Chile—and the reason why this color prevails in our brand," he said.

Through Frutas de Chile, the industry will speak to its different audiences and stakeholders, including the final consumer (public opinion). Marambio said, "Also our new brand reflects our way of doing things as a sector: excellence (focusing our objectives and efforts on quality), empathy (conscious of the impact of our industry on society,



Frutas de Chile President Iván Marambio announces ASOEX rebranding.

the economy and the environment), and passion (what motivates us every day to do our work)."

Delaware River navigation channel maintenance: A glimpse at the past, present, and future

By: Mike Landis, Chief of Operations Division U.S. Army Corps of Engineers Philadelphia District

Most in our region are well aware of the economic importance of the Delaware River and Bay. However, many may not be aware of the significant channel maintenance required to keep this vital waterway open for commerce.

Much like the course of the river, the history of the management of the navigation channel has been a long and meandering path. The United States Army Corps of Engineers, the USACE, has been involved in maintaining the waterway since the 1800s when the controlling depth of the river was about 18 feet. Congress authorized a federal project in 1910, and the channel from Philadelphia to the sea was later deepened to 40 feet during the 1940s. The channel remained at that depth for the next 70 years until construction of the 45-foot channel began in of new work dredging for the 45foot federal project was completed.

The USACE navigation mission is to provide safe, reliable, efficient, and environmentally sustainable waterborne transportation systems for movement of commerce, national security needs, and recreation. Approximately three million cubic yards of dredge material are removed from the channel annually through maintenance dredging contracts managed by the USACE Philadelphia District to sustain the authorized 45-foot channel depth. Most dredging is contracted to private industry, however, the Delaware River project also has the benefit of the USACE hopper dredge "McFarland," homeported in Philadelphia. The "McFarland" is authorized to perform up to 70 days of dredging on the Delaware River per The Delaware River, Philadelphia to the Sea navigation channel is just over 100 miles long. Some sections of the waterway accumulate significant shoals at specific times of the year and must be dredged annually, while others accumulate sediment at a slower rate and are dredged periodically as material builds. And then there are sections of the waterway that remain naturally deep with little or no dredging required.

Additionally, the type of sediment that accumulates in one area may be fine grain silt and clay or more coarse grain sand and gravel. The type of material helps us determine the type of dredge to remove shoals while meeting environmental standards most effectively.

The annual high-rate shoaling areas of the Delaware River are the Marcus Hook, New Castle, and Deepwater Ranges. Material in these ranges varies from lighter, fine-grain sediments to heavier and coarser sediments. To effectively remove these shoals from the channel annually, we contract for hydraulic cutterhead pipeline dredges. These dredges work their way through shoals and use a system of chains, anchors, and spuds to sweep a cutterhead suction back and forth across the bottom of the channel, sucking up and pumping sediment and water through a pipeline that often extends miles to an upland containment site on the shore of the river. The dredged material remains in the containment area until the sediment consolidates and clean water can be drained back into the river.

What to do with the sediment?

The process of dredging sediment from the river and placing it upland has worked well to maintain the depth of the channel for decades. However, upland dredge material capacity is finite, and today we face both near-term and future capacity challenges. The recent Delaware River deepening project filled several of our upland sites, which now need to undergo construction to create more capacity.

Construction of containment areas includes the building and compaction of dredged sediment to raise the elevations of dikes that will retain newly placed dredge material slurry. Construction of the new dikes will take existing containment areas offline and require approximately 18 months to complete. Additionally, limited dike raisings can be performed, so long-term solutions to create capacity are a necessity. Further, with development along most waterways, available riverfront real estate that can acquired to build new upland dredge material sites is limited. With those capacity challenges in mind, and the understanding that sediment can be a resource for various benefits, USACE has established a goal to beneficially use 70% of our dredged material by 2030. This would reduce our need for traditional upland placement capacity sources. Some examples of beneficial use include shoreline restoration and using dredged material for construction fill.

2010. In October 2022, the final bit year.



continued on page 19

Biden Administration unveils hydrogen tax credit

All the buzz about federal financing for clean hydrogen hubs, including the Mid-Atlantic Clean Hydrogen hub to be located in the Delaware Valley, led to the December Biden administration proposal for distributing tax credits to hydrogen producers to the tune of billions of dollars.

The Internal Revenue Service published a notice of proposed rulemaking on December 26, 2023 on the Clean Hydrogen Production Credit established by the Inflation Reduction Act.

While clean hydrogen holds considerable potential to reduce emissions across a range of sectors and applications, conventional hydrogen production typically results in significant climate pollution. The Clean Hydrogen Production Credit aims to make production of clean hydrogen with minimal climate pollution more economically competitive and accelerate development of the U.S. clean hydrogen industry.

"[This] announcement will further unprecedented investments in a new, American-led industry as we aim to lead and propel the global clean energy transition," said U.S. Secretary of Energy Jennifer M. Granholm. "Hydrogen has the potential to clean up America's manufacturing industry, power the transportation sector, and shore up our energy security all while delivering good-paying jobs and new economic opportunity to communities in every pocket of America."

The Inflation Reduction Act establishes a Clean Hydrogen Production Credit with four technology-neutral credit tiers based on the emissions rate

of a hydrogen production process. For hydrogen production facilities meeting prevailing wage and registered apprenticeship requirements, the amount of the credit ranges from \$.60 per kilogram of hydrogen produced to \$3 per kilogram of hydrogen, depending on the lifecycle emissions of the hydrogen production.

The credit is available for 10 years starting on the date that a hydrogen production facility is placed into service for projects that begin construction before 2033, meaning it will remain available for some facilities well into the 2040s.

Hydrogen produced using electricity

The proposed rules describe how taxpayers may use energy attribute certificates, EACs, which demonstrate the purchase of clean power, to assess and document qualification for a particular credit tier. The rules explain the three criteria that must be reflected in EACs being purchased by hydrogen producers claiming the tax credit: new clean power (incrementality), deliverable clean power, and deliverable clean power generated annually, with a phase-in to hourly generation (time-matching).

Hydrogen produced using renewable natural gas

The proposed rules detail eligibility requirements for hydrogen production from landfill gas in certain circumstances. If finalized as proposed, the rules would allow for additional hydrogen production pathways using renewable natural gas and fugitive methane, such as coal mine or coal bed methane.



Exchange staff tours

Coast Guard Sector Delaware Bay recently hosted Maritime Exchange staff for a tour of the Sector and a briefing about the numerous Coast Guard missions and resources available to the Delaware River Maritime community.

Shown (l-r) are Lt. Owen Mims from the U.S. Coast Guard, Paul Myhre, Candace Stanford, Donna Stargell, Kim Zumbado, Taylor Kirk, and Laura Miller, all from the Maritime Exchange for the Delaware River and Bay.



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Delaware River Unsung Heroes

Saluting Our Unsung Heroes—Class of 2024!

Getting to meet so many members of the port community we might not otherwise get to know has been a real treat for the Maritime Exchange staff. So many heroes, people who make significant contributions to the effective workings of our port but do not get the recognition they deserve, put their best efforts forward every day, and The Beacon is thrilled to be able to bring you their stories.

In these first introductions to the 2024 cohort, we caught up with an old friend—Patty Spenillo, who once worked for the Exchange—and made a new one, Maria Martinez of PSA Penn Terminals. Please join us in congratulating these outstanding members of our community for their service!

Patty Spenillo

Chief Dispatcher, Pilots' Association for the Bay and River Delaware

Patty Spenillo is one of those people who has just about dedicated her whole life to maritime commerce. Starting before she graduated high school, she has been in the industry for over 52 years.



Patty Spenillo (right) shares a warm moment with Capt. Ward Guilday.

Patty grew up in the Port Richmond section of Philadelphia, near the South Philadelphia terminals. She got a part-time job with Lipschutz Brothers (chandlers) while in Jules Mastbaum High School, from which she graduated in 1971, and stayed there full time for another 17 years.

She left Lipschutz to work as a dispatcher for the Maritime Exchange in 1988. More seasoned Exchange members will understand when Patty remembers fondly being interviewed by Eileen Collins.

In 1990, Patty was recruited by the Pilots' Association to train as a dispatcher to fill in shifts when needed. She worked there on her days off from the Exchange until starting full time in 1991.

Having been with the Pilots' Association for 33 years, little on the river does not come across her radar. "Our job is to know when ships are arriving and departing, the weather conditions at the different terminals, and even when the tides will change," Patty said.

Meeting her job responsibilities during heavy weather can be daunting. "Today, we close the anchorages in high winds, which can challenge ship schedules. Our president, Capt. David Cuff, discusses the situation with the Coast Guard, and when ships stay at the dock instead of going to anchorage, we know they're safe," she said.

"I am overjoyed to hear Patty is receiving the Unsung Hero award! Her unwavering dedication to the port is truly a testament to who she is. Her contributions have not gone unnoticed, and this award is truly well deserved. Congratulations, Patty!" said Capt. Cuff.

As chief dispatcher for the Pilots' Association, Patty helps with scheduling, preparing dispatchers' payroll, and—key to her role—staying on top of ships schedules. The dispatchers' primary function is to make sure the pilots get where they need to go when they need to be there. "We never want to be caught short and not have a pilot available when needed," said Patty. Every day in the life of a dispatcher is different. When river traffic is light, Patty says it can feel like the longest day of her life. But other days, especially in times of rough weather, there are not enough hours in the day to get everything done. "We're ordering cars to move pilots around, arranging for launches, checking tide tables, talking to agents about ship departures, communicating with pilots about weather conditions—a lot going on at once," she said. Then the ship schedules change, and she has to undo everything and do it all over again.

Maria Martinez

Customer Service Clerk, PSA Penn Terminals

One thing the Maritime Exchange holds in high esteem is great customer service. So, apparently, does Maria Martinez, judging by the many positive reviews the Exchange found submitted online by PSA Penn Terminals customers.



Maria started with PSA Penn Terminals in 2018 in the containers department, and she cross-trained in others throughout her five years with the company. She trained in breakbulk and really enjoyed assisting customers with shipping vehicles to Puerto Rico, stating that being bilingual certainly helped in this role. Maria noted that in addition to facilitating good customer service, the opportunity to speak Spanish with customers gives her a taste of home.

"I am always seeking to learn new skills that will benefit our department. I pride myself in providing excellent service to our customers and offering help to the rest of our team when I can," she said. "The part of my job that I enjoy the most is dealing with an amazing variety of people every day. It definitely makes the day interesting!"

Maria handles multiple responsibilities in her current role, including processing trucks at the port, answering customer inquiries, and coordinating U.S. Customs VACIS—vehicle and cargo inspection system—exams.

She explains that there is no such thing as a typical day—each is unique in the world of customer service. On any given day, she confirms truck driver identities, equipment, and carrier affiliation at the gate, fields driver inquiries, and confirms Automated Commercial Environment clearance status of imported cargo to prevent unlawful gateouts, that is, delivery of cargo without authorization. Terminals are required to verify that cargo is released and neither CBP nor other federal agencies has any active holds it before releasing it from the terminal. Cargo misdelivery can lead to significant fines, and Maria helps make sure that does not happen.

She also provides critical cargo status information to the many PSA

Patty and her husband Joseph have been married for 25 years. She is looking forward to retirement at the end of May this year, especially spending time with her youngest grandson. He's one of nine, ranging in age from 12 to 30.

Thank you, Patty, for your many decades of service. A true unsung hero who helps make sure that the ships come and go on schedule—one of the most important but least recognized jobs on the river!

Penn Terminals customers, such as holds on equipment and schedules of expected exams, and she answers all sorts of questions as they arise.

Maria is especially proud of the VACIS responsibilities she took on last year, including placing containers on hold pending exams, organizing the payment of fees, and the eventual release of containers once the exams are completed.

"Maria always demonstrates passion in the work she does," said Cat Almonte, Maria's colleague in the Customer Service Container Department. "She strives to help others every single day by providing support for those who need it."

Maria was born and raised in Chester, Pa. She is a graduate of Chester High School and attended CHI Institute toward a Medical Assistant degree. Her family is originally from Maunabo, Puerto Rico, and she loves to visit her mother and many family members who still reside there. Although Maria likes to travel and spend time with her family, her children Ryan, Alexander, X'Zavior, and Julissa are what matter most to her.

Congratulations, Maria, for your commitment to our port and its customers!

Sites provide awareness of forced labor

Maritime industry workers may have a better understanding than the average American that items they buy are at risk of being produced or transported by forced labor. Most consumers-and corporate purchasing departments-are not aware they too can take steps to help combat this pressing issue.

Several organizations publish resources designed to help make a difference. These sites steer consumers toward humanitarian purchasing choices, such as highlighting retail stores and brands that are taking a stand against forced labor, and provide intelligence companies can use to make informed supply chain decisions.

KnowTheChain

KnowTheChain provides a scorecard based on how well companies address forced labor risks in their global supply chains. It rates each on varying criteria, including commitment and governance, traceability and risk assessment, purchasing practices, recruitment, worker voice, monitoring, and remedy. https:// knowthechain.org/

Transparentem

Transparentem investigates, reports on, and seeks to advocate change to eradicate human rights and environmental abuses in global supply chains. The focus is on areas believed to have the greatest impact, including child labor, forced labor, and gross environmental degradation that affects the health and welfare of workers and their communities. https://transparentem.org/

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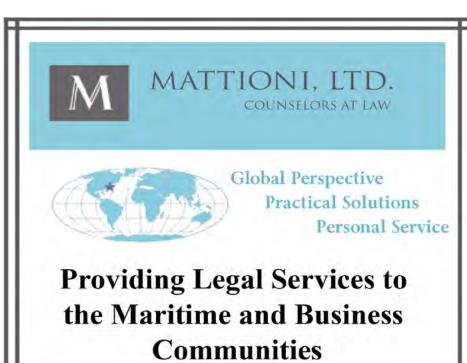
This site evaluates thousands of clothing brands to help consumers make ethical and sustainable choices by assessing fashion brands' impacts across the entire supply chain. It rates each brand on its impact on the environment, people, and animals. https://goodonyou.eco/

FRDM

FRDM is a supply chain risk-management tool companies can use to map, monitor, and mitigate human rights and climate risks in supply chains. By uploading basic vendor and supplier data, FRDM maps out the supply chain to determine the proximity and intensity of risk. It monitors and notifies companies of risk events. https://www.frdm.co/

Slavery Footprint

Slavery Footprint, powered by FRDM, is a consumer-awareness tool that asks and responds to the question, "how many slaves work for you?" Through a brief survey of what you own and your lifestyle, it reports on how many slaves in the supply chain work for you. https://slaveryfootprint.org/



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Innovation delivering an organic fumigation for cocoa

By: Shannon Sked, Ph.D., Director Western Fumigation

One of the more considerable challenges in cocoa logistics and warehousing is ensuring that the commodity's various certifications are maintained during its constant movement within the supply chain.

Those who work in the cocoa sector are familiar with many of the certifications available: Rainforest Alliance, UTZ certification, Fair Trade Certified, FLOCERT, and of course, National Organic Program. Each of these certifications requires specific standards for handling, storing, and treating the cocoa.

Pest management in cocoa creates a particular difficulty for beans that are certified organic; they are often moved to areas where conventional cocoa beans might have once been stored, could be transported with conventional products, or be in areas where conventional pesticide treatments or fumigations are likely to occur. A supply chain manager has quite a challenge ensuring these certified organic beans are protected from comingling or cross-contamination with conventionally treated product. One way is to segregate conventional and organic beans within the storage facility or transportation vehicle, but this can waste time, space, and money.

Fumigations are invaluable to the cocoa industry to keep the supply chain in line with the FDA requirements under the Food Safety Modernization Act. This act requires that food product, ingredients, packaging, and facilities are kept free of pests to ensure they remain unadulterated and available for manufacturing.

Yet cocoa is particularly susceptible for (or attractive to) several cosmopolitan pests such as the cocoa moth, warehouse beetle, foreign grain beetle, and cigarette or drug store beetle. This high level of pest pressure on cocoa creates a high demand for effective control options, such as fumigants, to ensure the supply chain remains pest free and available for the market.

However, organic standards do not allow the use of conventional fumigants. If organic product is exposed to fumigants like sulfuryl fluoride, the most commonly used fumigant in the cocoa industry, it would lose its organic certification and the value differentiation on the market. This is also true for most, if not all, effective pesticide products such as those used in space treatments, fogging, or residual sprays.

To meet this challenge, Western Fumigation has been working on an alternative option that would be effective in controlling these pests and also allow organic certified beans to maintain their certifications. Enter carbon dioxide.

Western recently partnered with an ag-chem manufacturer on a service offering using CO2. The product, IGI Carbon Dioxide, is EPA registered and certified for organic use.

Over the winter, following registration acceptance, Western Fumigation has conducted field trials to ensure product effectiveness, determine monitoring requirements within the treated enclosure and in the surrounding ambient areas, and work through operational requirements. These field trials were necessary to ensure that the system works and is operationally realistic. They also help Western Fumigation determine the best ways it can offer this service to the port community.

Challenges have been significant, as the chemical is much more active and smaller than conventional fumigation chemistries. Maintaining high enough concentrations to ensure effectiveness is therefore more difficult.

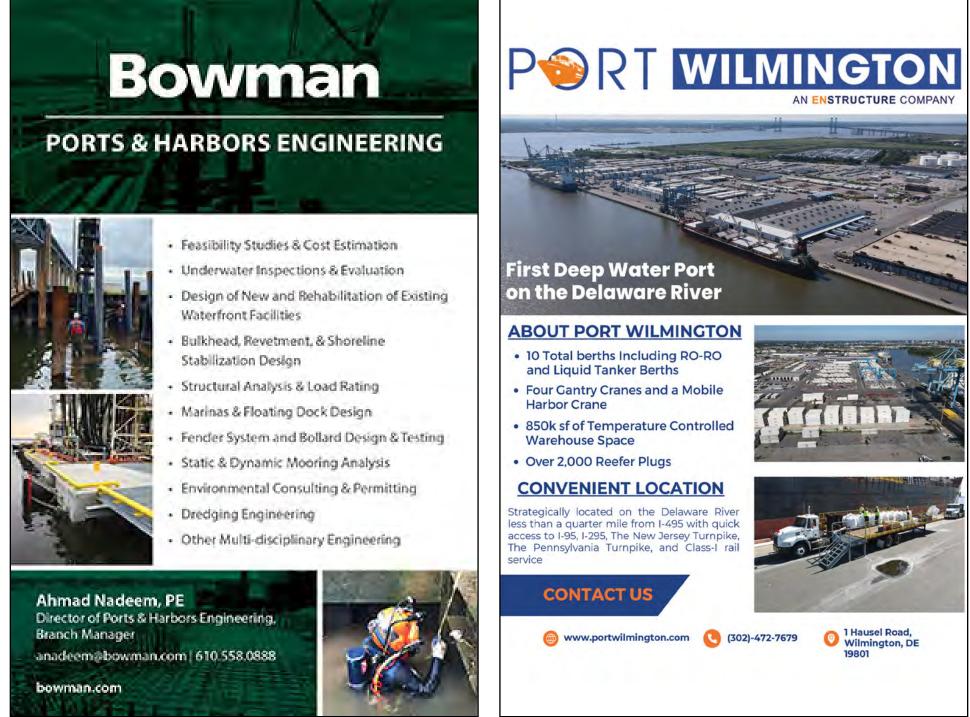


Mike Wisser, Western Fumigation Service Supervisor, evaluates headspace readings during a trial.

The system uses a hermetically sealed bag made of a thick poly lining that can fit several pallets at the same time. Contrary to what most think, the CO2's lethal action is not just anoxia (suffocation), but rather it causes increased respiration in pests exposed to the higher concentrations. This in turn causes them to keep their air exchange openings in an open position, and they lose water; so, the lethality is actually desiccation, an extremely effective mode of action among pesticides.

If the remaining trials continue to go as successfully as they have so far, Western anticipates being able to offer this treatment to small batches of pallets this spring. The plan is to first ensure it works well in the field and then develop scalable models to be able to do larger batch operations as the service progresses.

This type of innovation can offer great solutions for organic cocoa or other commodities that face the challenges of persistent pest pressures while still maintaining organic certification.



"Miami" joins Philadelphia Barge **Company fleet**

Philadelphia Barge Company is pleased to announce the addition of the tug "Miami" to its fleet of workboats. The "Miami" is a 3000 horsepower tug that is Subchapter M and ABS certified for oceans.

"The 'Miami' will allow us to expand our current operations to include ship assist and coastal towing," said Philadelphia Barge Company Coowner Capt. Scott Cointot. "Currently we have seven deck barges, a 40-foot USCG-inspected crew boat for passengers and freight for hire, and numerous other small workboats. We also have a custodial bond to transport cargo as a 'free trade zone,' which allows us to transport imports from one trade zone to another."

Philadelphia Barge Company-locally owned and operated by husbandand-wife team Scott and Lynn Cointot-is a tug, launch, and barge company located in the Philadelphia Navy Yard. In operation since 2018, team has worked diligently to grow the compa-



Philadelphia Barge Company Co-owners Scott and Lynn Cointot aboard their new tug, "Miami."

ny's scope of services. "In addition to our direct work with port partners, the relationships we have built with them have facilitated contracts with the City of Philadelphia, and Camden Special Services District." Cointot said.

APHIS licensing and permitting goes digital

Another paper process went the way of the dodo when on Dec. 20, 2023, the USDA Animal and Plant Health Inspection Service completed development of its eFile system. eFile is a digital platform that streamlines permitting and licensing for animal and plant health and animal welfare activities.

Built as a one-stop shop for all the agency's issued registrations, permits, and other licenses, APHIS eFile allows stakeholders to apply for and manage permits and licenses online and provides real-time tracking of application status. The system also automates many of the manual tasks involved in these processes, which APHIS believes will make it more efficient and accurate than paper filing.

"APHIS eFile is a major step forward in modernizing our permitting and licensing process," said APHIS Acting Administrator Michael Watson. "It automates more than 70% of our licensing and permitting processes and makes it easier for stakeholders to comply with our regulations, so we can APHIS eFile website.

NY SHUP

focus on protecting animal and plant health and welfare."

Animal Care, Plant Protection and Quarantine, Veterinary Services, and Biotechnology Regulatory Services programs all provide services through eFile, and APHIS reports that its successful implementation across these programs has yielded significant improvements for both customers and employees.

Animal Control's Learning Registration Assistant reduced calls to specialists by assisting over 57,100 users, while Veterinary Services' Permitting Assistant helped avoid unnecessary applications and accelerated permit processing, issuing nearly 33,500 permits. Plant Protection and Quarantine's eFile streamlined permitting issuance, reducing processing time from weeks to minutes, while BRS's Permitting Assistant allows users to determine permit requirements before applying.

To learn more about eFile. visit the



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Crowley vessels and crews recognized for environmental achievement



VADM Paul Thomas, Deputy Commandant for Mission Support, U.S. Coast Guard (left) and Tamekia Flack, Deputy Administrator, Maritime Administration (right) were on hand to congratulate Crowley's Chief Engineer Thomas Mahoney (middle left) and Capt. Timothy Burke of the M/V "Florida" as the Chamber of Shipping of America honored Crowley for its outstanding safety record.

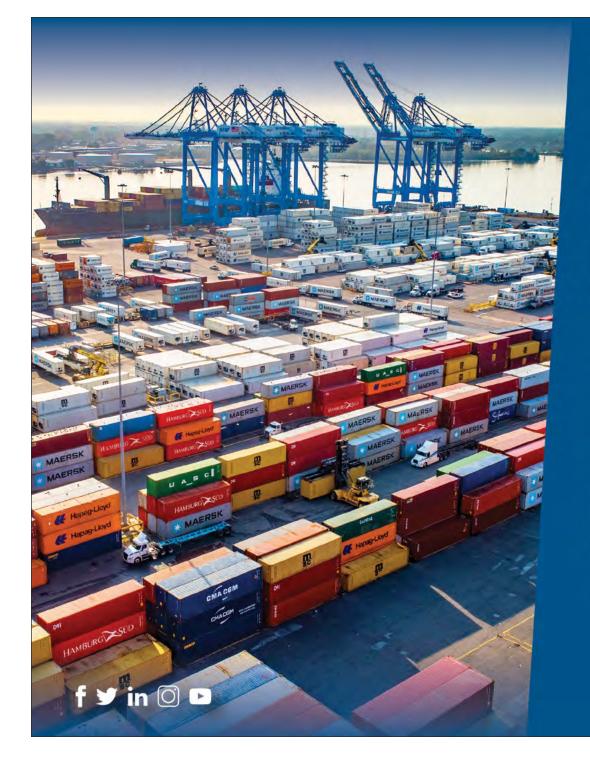
The Chamber of Shipping of America recognized Exchange member Crowley and 85 of its vessels and their crews for a cumulative 782 years of safe environmental practices and operations.

The Environmental Achievement Awards, presented annually by the chamber, commend vessels and mariners that demonstrate outstanding safety records with no reportable spills, no U.S. Coast Guard environmental citations, and no other pollution incidents. Crowley has sustained its long commitment to environmental stewardship on safety, training, and sustainable operations everywhere the company serves.

The Crowley-owned and -managed vessels recognized by the Chamber of

Shipping of America span diverse categories, including tugs, barges, containerships, tank vessels, and company-managed government ships operating globally.

"We are thrilled to be recognized once again for our safety and environmental stewardship," said Peter Sutton, vice president of health, safety, security, and environment and operations integrity for Crowley Shipping. "This acknowledgment is a true testament to the hard work and dedication of our mariners and underscores Crowley's commitment to sustainability and safety within its organization and the maritime industry."



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CACC enters a new era

Change in leadership after 15 years



The Chilean & American Chamber of Commerce of Greater Philadelphia hosted the 24th annual "Friend of Chile" awards luncheon on Nov. 29, 2023 at the Union League of Philadelphia. (I-r) Gene Bailey of the Diamond State Port Corporation, Jeff Theobald of PhilaPort, incoming CACC president John Ercolani of 721 Logistics, Miriam Borja-Fisher, recently retired from Western Fumigation, Mark Greenberg of Capespan North America, Andy Economou of Tastyfrutti International, Inc., Robert Palaima, immediate CACC past president, Leo Holt of Holt Logistics Corp., Andres Rodriguez of the Chilean Embassy, and Christina Lista of Western Fumigation and the CACC were on hand to celebrate the event.

The Chilean & American Chamber of Commerce of Greater Philadelphia is pleased to welcome a new executive board. Robert Palaima, Andreas Economou, and Miriam Borja-Fisher stepped down from their respective leadership roles as president, vice president, and treasurer at the 24th Annual "Friend of Chile" awards luncheon on Nov. 29, 2023.

The celebration honored the outgoing leadership trio with the 2023 Albert S. Marulli "Lifetime Achievement" Award for their accomplishments, which include promoting a Week of Chile in 2009, organizing several events to aid relief efforts in Chile after a particularly devastating earthquake, and hosting Michelle Bachelet in 2015 at a dinner in her honor—the first time a sitting president of Chile visited the region—among many other endeav-

ors. Mark Greenberg, president of Capespan North America, received the Dennis Rochford "Friend of Chile" Award for his dedication to the Chilean fruit trade throughout his vibrant career. John Ercolani, vice president of J&K Fresh East, has taken the helm as president of the CACC. Sean Mahoney, senior director of Marketing at PhilaPort, has become vice president, and Ed Fitzgerald, vice president of Trade Services at GEODIS USA, is serving as Treasurer.

tie that binds the deep commercial and trade relationships between Chile and our port stakeholders, as well as providing the necessary leadership, vision, and guidance that's required in the complex and ever-changing environment that is international trade. Our outgoing executive board is a great example of that leadership. They represent the type of executive skill set, character, and business acumen that's required and exemplifies the type of leadership our trade community is known for and routinely produces. So, to Miriam, Andy and Bob, your leadership, vision, and unwavering dedication of 15+ years to the CACC has positioned it to continue its role as the preeminent organization for Chilean and American trade relations in the Delaware Valley."

Facing a new horizon, CACC Director Christina Lista is looking forward to a renewed energy at the chamber. "John, Sean, and Ed have all been incredibly active members of the CACC since I became involved with the chamber over nine years ago," she said. "Although we are losing powerhouses of knowledge and incredibly dedicated leaders in Bob, Andy, and Miriam, I am eager for the fresh ideas and vision this new team of industry stakeholders will bring to the organization." The CACC will host its next program, the 15th annual "Experience the Taste of Chile" dinner this spring. More information will be available on www.caccgp.com.



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"The bond shared between Chile and the Greater Philadelphia region is extraordinary," Ercolani said. "The Chamber has always been the with our specialized services and expert team — committed to your needs.



Dole adds shipping service for fresh fruit North America

Additional vessel rotation increases capacity of bananas, pineapples, and other tropical fruit to Northeast U.S.

The Dole Food Company launched a new weekly vessel service that will call the Northeast United States on Dec. 31, 2023. The expanded service will increase services remain unchanged. capacity of tropical fresh fruits, including Dole branded bananas, pineapples, dragon fruit, mangos, and limes coming to the U.S. from Colombia, Honduras, and Guatemala into the Port of Wilmington, Del.

The service will deploy two 1,200 FEU container vessels, M/V "Robin-2" and M/V "Robin-5," in a 14-day rotation, with one of these vessels making weekly ports of call in Santa Marta, Colombia, Puerto Castilla, Honduras, and a new port of service in Puerto Barrios, Guatemala before landing in Wilmington, Del. each Saturday.

Both vessels entering the expanded service will allow for optimum freshness of the fruit through increased sourcing options, discharges, and port rationalization.

These vessels allow for increased fuel efficiency of service derived from slow-speed operation.

All other existing Dole shipping

Dole Ocean Cargo Express, the company's commercial marine transportation service, is also utilizing these vessels with the introduction of the Mayan Express Service between the Northeast U.S. and Colombia, Honduras, Guatemala, and El Salvador. The new service will expand ocean network coverage providing an additional alternative to North Central America to and from the Port of Wilmington.

"Dole is excited to expand our service level into the Northeast, bringing even more fresh tropical fruit to market," said Nelson Montoya, president of Dole Fresh Fruit North America. "Both existing and future Dole customers can be equally excited at this growth in our service as we continue our journey to make the world a healthier place."



Blasting for a cause



At their 2nd annual Fall Blast for a Cause, the Pilots' Association for the Bay and River Delaware and Norton Lilly International gathered teams from around the region to compete in a clay shooting tournament to see which would claim the top spot. All event proceeds supported Ronald McDonald House Charities Philadelphia Region and Cathedral Kitchen.

The Maritime Exchange was proud to be an event sponsor. Exchange staffers (l-r) Taylor Kirk and Laura Miller joined William Meyers and Morton Govertson of Delaware River Stevedores for an enjoyable outing on a fine fall day to benefit two worthy causes. "It was a great day with even better people at a fun event to raise money for a good cause," said Miller.

2023 a good year

continued from page 1

"The region ended 2023 on a high note with history being made," said Pilots' Association for the Bay and River Delaware President Capt. David K. Cuff. "In December, the region saw the largest container vessel ever to call the river and the start of a new service."

The M/V "CMA GGM J. Madison" docked at Philadelphia's Packer Avenue Marine Terminal on Dec. 15, 2023, coming in at 14,400 TEUs. The ship is part of the CMA CGM Columbus Service, moving to and from South China and Southeast Asia via the Suez Canal. This service, which will continue into 2024, was possible due to terminal improvements to accommodate ships of this size. "Bringing the 'Madison' in was a tremendous milestone for the Delaware River," Cuff said, "and it's a testament to the cooperation that exists in

In addition, Dole Food Company added a new weekly service to Wilmington, Del., increasing the capacity of bananas, pineapples, and other tropical fruits. This service has two vessels in rotation, stopping in Columbia, Honduras, and Guatemala.

"Total vessel arrivals finished strong in 2023 compared to the previous year," Himber said, "and with continuing development of the New Jersey Wind Port, new service in the region, increasingly larger ships, and recent grants to ports in Philadelphia, South Jersey, and Wilmington for additional infrastructure projects, we're optimistic for a positive 2024 as well."

Exchange Chairman John Reynolds agrees. "The Delaware River maritime community ended 2023 with a new record for the biggest container ship," he said. "As we continue into 2024, the same determination, collaboration, and innovation that has always been a part of the Delaware River will keep our port among the

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Moriarty to receive SCI Spirit of the Port award

Less than a year after retiring from Customs & Border Protection, Edward Moriarty was selected by the Seamen's Church Institute of Philadelphia & South Jersey to receive the 2024 Spirit of the Port award. The award recognizes an individual who embodies the spirit and humanity of the Delaware River regional port community.

"This is our 34th Spirit of the Port, and this year marks the first time we are honoring someone from U.S. Customs and Border Protection. It is well past time to honor this integral part of our regional port activities," said Helene Pierson, SCI executive director. "Ed's long-time service and leadership in just the past several years and during the pandemic, his compassion when dealing with the crew of an arrested ship, and his willingness to work as a team with other port stakeholders to solve unique problems makes him the perfect choice for this year's award."

Moriarty is a long-time friend and supporter of the port with a distinguished career at CBP, from which he retired in August 2023. His 32-year career included positions in Washington, D.C., Nassau, Bahamas, and New York City, and finally as Assistant Area Port Director in Philadelphia. He also traveled extensively in support of CBP's anti-smuggling, antiterrorism, supply chain security, and private sector initiatives.

"Mr. Moriarty has been a guiding presence in the port for over 20 years. In that time, he displayed strong leadership in his position at CBP and has been a helpful advisor to SCI, especially during the pandemic," said Robert Herb, Seamen's Church Institute president. "Ed's compassion and attention to crews' needs were very important during those untested and challenging times. I personally and sincerely appreciate his service to our port and country."

Following his retirement last year, Moriarty cofounded the Pinelands Group, LLC, a consulting firm that provides international trade and border security solutions to both the public and private sectors. He remains active in the port community, recently joining the Maritime Exchange board of directors.

"Receiving this award from an organization I deeply admire fills me with profound joy and gratitude. The honor, along with the accomplishments it symbolizes, is the outcome of a collaborative effort within a community of individuals," Moriarty said. "My heartfelt thanks to the many government and private industry members who contributed to this success. A special expression of appreciation to the



Seamen's Church Institute for this recognition; I feel truly blessed and humbled by this honor."

SCI will present the Spirit of the Port award at a luncheon on Feb. 29, 2024 beginning at 11:30 a.m., at Auletto Caterers in Deptford, N.J.

For tickets and sponsorship information, contact Rebecca Pierson at 215-940-9900 or mailto:rpierson@sciphiladelphia.org.

Q&A with LTC Jeffrey Beeman

continued from page 1

Q: Given the amount of annual maintenance dredging required on the Delaware River, what are the challenges and opportunities to increase the number of bidders for these contracts?

A: Dredging, for both channel maintenance and shore protection, is in demand. There's no doubt about that. Our Operations Division fully recognizes this and works to plan, prioritize, and schedule maintenance dredging work accordingly. Sometimes, this requires us to include additional time to complete work or pursue other contractual methods to accomplish our mission. We're very aware of the national trends and demands and mindful of what we can do at our level to enable safe navigation on the Delaware River.

Q: Maintenance dredging obviously generates a significant amount of material. Are there opportunities to increase the number of beneficial use programs to take advantage of this material?

velopment Center (ERDC) to form the Seven Mile Island Innovation Lab. The work is centered generally around Avalon and Stone Harbor, and the idea is to advance and improve dredging and marsh restoration techniques in coastal New Jersey through innovative research, collaboration, knowledge sharing and practical application. We've had a fair amount of success with this initiative and have been sharing our lessons learned nationally. Recently, we also accomplished a beneficial use project near the mouth of the Maurice River. We also routinely dredge coastal inlets and use the sand for shore protection purposes. I recently had the chance to visit ERDC down in Vicksburg, Mississippi and am excited about some of the technological developments that may help us reach LTG Spellmon's goal.

Along the Delaware River and Bay, we dredge about three million cubic yards of sediment per year. Beneficial use may not be plausible for some of that, but our team absolutely explores and considers various options on our projects. Sediment characteristics are of course a key element of determining potential avenues for beneficial use. And it's also important to point out that not all beneficial use occurs while the dredging and pumping operation takes place. Sometimes, sediment that is dredged and de-watered can be used at a much later date for various construction purposes. If that happens, it can also create capacity at our dredged material disposal sites so it's a win-win. The bottom line is our team fully understands that sediment can be an important resource for a variety of purposes, and we fully consider the potential to do positive things with it given our significant maintenance dredging mission across our District.

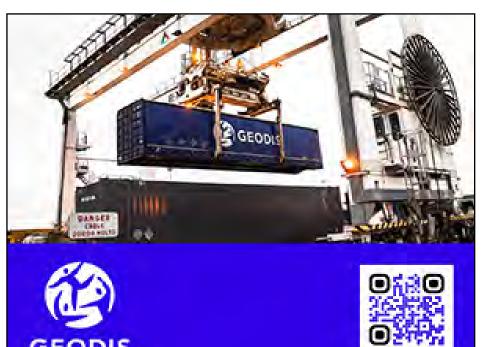
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A: Lieutenant General Scott A. Spellmon, the 55th Chief of Engineers and Commanding General of the United States Army Corps of Engineers, has identified a goal of using 70% of dredged material for beneficial use purposes. Nationally, USACE currently uses about 30-35% of dredged material, so we are only about halfway there.

Our District has been a leader on this. Along the New Jersey Intracoastal Waterway, we've partnered with the State of New Jersey, The Wetlands Institute, and the U.S. Army Engineer Research and De-

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PSA Penn Terminals has new digs



PSA Penn Terminals and PSA BDP have moved into their new offices. The 83,401 square foot, newly refurbished twostory building, located directly outside the terminal, will for the first time bring together the two PSA branches, not just in one building, but also on the same floor.

The new offices are a significant upgrade as they more closely fit the teams' infrastructural needs with an ultramodern open landscape layout with all new office furniture. PSA Penn Terminals and PSA BDP are thrilled to share the facility, which they believe marks PSA as more than just a global port operator, but a trusted partner to cargo stakeholders.

The address remains the same as the previous PSA Penn Terminals location: 1 Saville Ave, Eddystone, PA 19022.

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Safeguarding seafarers: The vital role of seamen's centers

By: Christine Lassiter, Executive Director Seamen's Center of Wilmington

In the vast expanse of the world's oceans, a dedicated group of individuals labors tirelessly to keep the global supply chain moving seamlessly. These unsung heroes, known as seafarers, face myriad challenges that often go unseen. From meager wages to prolonged separations from their families, the life of a seafarer is marked by sacrifice and resilience.



In times of distress, not every port offers a seamen's center to provide assistance to these sailors. Lack

of access to essential services such as medical support, communication facilities and connections, and a safe haven exacerbates the risks they face. The absence of a supportive infrastructure leaves them vulnerable to exploitation and further intensifies the challenges with which they already contend.

Venjamin Mandanas, a return caller to our port on the M/V "Dole Colombia," sent SCW this lovely note after we asked him how important it is for seafarers to have a seamen's center when they arrive in port:

"Working as a seafarer is a very challenging profession. We are highly at risk every day of our lives in our journey at sea and as well as when we are on our job posts. Being far from our family is the most difficult thing we have to endure. Somehow, arriving at the port makes us feel excited because through Seaman Center, we somehow feel like we're home.

"The center is well organized. There is free Wi-Fi, TV, ping pong, pool tables, computers, free books and magazines, DVDs, games, and a bible. They also sell SIM cards that seafarers use. Once you enter the center, the staff there is very friendly and accommodating. Their smiling faces will make you feel assured that they are willing to talk to you. They are selfless in giving their time and service to us seafarers.

"From time to time, there are freebies that they give us like clothes, shoes, bags, and others that are very useful to us. Some we personally use and sometimes we give to our loved ones. On special occasions such as Christmas, they also prepare gifts. They arrange Mass onboard when we seafarers are unable to attend church in person. But the best part for me is the transport service which enables us to go to nearby malls wherein we can shop or send remittances to our loved ones. Upon arriving at our home port, they make sure to schedule several trips to the mall where seafarers can shop. It is the best feeling for us since we are confined to the ship for days at a time in between ports, so going out is therapeutic for us seafarers. "True enough, the center's mission to welcome seafarers and make their short time in port a rewarding one by providing personal, practical, and spiritual assistance, and to extend a warm welcome to ease the pain of loneliness and isolation and to offer a respite from the hazards of the sea. It's a mission definitely achieved. May the center be blessed for their kind deeds to all the seafarers in the world."



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In the face of adversity, seafarers continue to play an indispensable role in sustaining the interconnected world in which we live. It is imperative that we acknowledge their sacrifices and take concrete steps to alleviate the challenges they face, ensuring they can continue their crucial work with dignity, security, and the support they rightfully deserve.

Your generosity can make a significant difference in providing a welcoming and secure environment for these essential maritime workers. Won't you consider supporting their home away from home? Thank you from the crew at the Seamen's Center of Wilmington, Delaware. Please visit www.scwde.org to learn how you can help.

Government Affairs Committee in full swing

continued from page 1

sion efforts to add to its own sphere of operations, NOAA right whale restrictions and PORTS™ (Physical Oceanographic Real-Time System) funding, hydrogen hub opportunities, Corps of Engineers funding for maintenance dredging, Panama Canal restrictions, and methyl bromide alternatives. The possibility of unintended consequences for seafarer processing resulting from Congressional efforts to reform immigration laws is also on the watchlist.

"While the old adage 'If you've seen one port, you've seen one port" is as true today as it's ever been, there are still fundamental issues facing all ports and stakeholders of the maritime industry," said South Jersey Port Corporation Chief of Staff and External Affairs Jonathan Atwood, who serves as committee co-chair. "The Exchange Government Affairs Committee allows representatives from across the industry to come together to discuss how best to tackle these shared issues and speak with one voice to our state and federal representatives."

No doubt 2024 is going to be a busy year. To learn more about the committee or get involved, contact Yair Farkas at yfarkas@maritimedelriv.com.



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PPMS Elects New Board

After a few years of pandemic-related fits and starts, the Ports of Philadelphia Maritime Society spent 2023 getting its program schedule back on track. One of the last items to attend to after a busy year was electing a new class of board members.

"Though we couldn't hold regular events and some membership meetings in person during 2020-2022, the Maritime Society board continued to meet regularly and maintain those programs we could, such as the scholarship, and complete essential administrative tasks," said newly elected Board President Lynn Cointot. "We are sincerely grateful to Nathan Hauser, who was re-elected to extend his term as president during the period, and to the other governors who stuck with us—meeting virtually at first and resuming in-person meetings as soon as possible—through those challenging times. Now we are ready to move forward with a good mix of directors who have long institutional memories and some new faces and well."

The Maritime Society is pleased to announce its newest officers and directors:

Officers Lynn Cointot - President Capt. Joseph Benton - Vice President Linda Greene - Secretary Colleen Kirk - Treasurer

Governors

Michael Fink Jeff Moller David Monk Capt Rob. Cook

For more information about the Society and how to get involved, visit http://www.portsofphilamaritimesociety.com.

AI tops tech trends again

continued from page 4

ly on data for learning and decision making. Inaccurate, biased, and incomplete data can lead to flawed decision making and inaccurate predictions or recommendations by AI systems in navigation or route planning that could result in costly errors or transportation incidents.

Maritime safety can be put at risk if AI systems are trained on historical data that do not include all potential or recent scenarios, or worse, data that include erroneous information. In unpredictable or unprecedented situations, AI systems may struggle to make appropriate decisions, potentially compromising safety or efficiencies.

Because AI is seen as the technology that will most significantly affect the industry for the next three years, its users must also remain vigilant against intrusion and malicious attacks. AI is both friend and enemy as cyber criminals and those tasked with protecting the nation's critical infrastructure rely more heavily on this evolving technology. As quickly as the good actors implement AI to detect, prevent, and mitigate cyber intrusions, the criminals develop AI to circumvent these measures.

The maritime industry is witness to significant technological innovations at an increasingly rapid development pace. Recent advances in automation, immersive training, communication, and monitoring make shipping faster, safer, more efficient, and greener. A careful and comprehensive approach to selecting and implementing AI is vital to ensure the solution does not introduce unforeseen problems. AI is certainly here to stay, and with it the potential for great rewards . . . and some risks.



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Pa. lawmakers deliver \$13 million for PhilaPort upgrades

PhilaPort has received more than \$15.3 million from the infrastructure law to date

U.S. Senators Bob Casey (D-PA) and John Fetterman (D-PA) and U.S. Representatives Brendan Boyle (D-PA-2) and Mary Gay Scanlon (D-PA-5) announced in January that the Port of Philadelphia is receiving just over \$13 million in new infrastructure funding from the U.S. Department of Transportation.

"I fought for this funding because PhilaPort is a critical link in our region's and our nation's supply chains. The commerce moving through this region's waterways creates and sustains good-paying union jobs and spurs economic growth," said Sen. Casey. "Thanks to the infrastructure law, PhilaPort continues to be one of the nation's premier maritime shipping hubs and helps transport more goods to families and businesses in Southeastern Pennsylvania and beyond."

"I am proud to announce yet another investment from the Biden Administration into Pennsylvania's infrastructure," Sen. Fetterman said. "This \$13 million for Philaport's Packer Avenue Marine Terminal Connector Bridge Project will continue to expand the capacity of the port and strengthen economic development and job creation in the region."

"I voted for this federal infrastructure funding that will bring marked improvements and effi-

ciencies to the Packer Avenue Marine Terminal," said Rep. Boyle. "Our city relies heavily on our local ports. Investing in the modernization of the Packer Avenue Marine Terminal not only enhances our city and region's supply chains but also contributes to the overall economic growth and competitiveness of our community."

"This new funding for Phila-Port's Packer Avenue Marine Terminal Connector Bridge Project will be critical to meeting our regional freight transportation needs while promoting economic growth, creating jobs, and keeping costs down for consumers and businesses," said Rep. Scanlon. "I was proud

to support PhilaPort's application for this competitive grant and will continue working to ensure our region is able to tap into the funding opportunities made possible by the Bipartisan Infrastructure Law.

The funding will help enhance port operations, improve the flow of freight through the port, and prolong the lifespan of port equipment by building a new bridge to connect two critical terminals. The award is from the Nationally Significant Multimodal Freight and Highway Projects program, known as INFRA, which is bolstered by the Infrastructure Investment and Jobs Act.

Maintenance dredging on the **Delaware River**

continued from page 6

The other key challenge I believe we face today is insufficient private industry dredging capacity. The large number of waterway deepening projects underway and completed creates an increased maintenance dredging need in many places. Additionally, shoreline and beach nourishment work along the East Coast is also in high demand and requires the use of hopper dredges and cutterhead suction pipeline dredges.

Private industry is building several new dredges, which may partially address this problem in the future. Sometimes, the increased demand for dredges can cause delays in a dredging contractor's ability to respond to a contract requirement in a timely manner. The Army Corps of Engineers is working with the dredging industry to improve scheduling maintenance dredging projects and mitigate delays. USACE is also developing tools to analyze shoaling rates in channels with the goal of developing a regional approach to dredging that will potentially increase channel reliability and reduce dredging costs.





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Winter 2024

Editorial

How herring can change Delaware River ports

After 149 years of operation, over the last year the Exchange suddenly became a U.S. Supreme Court watcher. This new interest was prompted by three herring fisherman from our very own backyard, in Cape May, N.J. The case at hand is *Loper Bright Enterprises v. Raimondo*.

For those not familiar with Loper Bright, a quick primer will help.

As we in the maritime industry know all too well, when Congress passes a bill and it becomes law, the affected federal agency drafts implementing regulations. Sometimes a regulated party challenges those regulations in court. Under what is known as the Chevron Doctrine, the court must apply a two-step process. First, it must determine whether the statute is ambiguous. The inquiry ends if the intent of the Congress is clear. If the language in the legislation is vague or altogether silent, the process moves forward. In step two, the court determines whether the federal agency interpretation of the statute is reasonable; if so, under the Chevron Doctrine, the court must defer to the federal agency.

The detail behind the Chevron case is too complex for this space, but suffice it to say that the decision has served as precedent since 1984.

To bring it back to the current case, since the 1976 Magnuson-Stevens Act, the NOAA National Marine Fisheries Service has required that fisheries operating within 200 nautical miles off the U.S. coast carry federal observers onboard who ensure against overfishing and verify fishing only takes place where authorized. When the Fisheries Service promulgated a rule in 2020 to require that the industry must pay cost of those at-sea monitors, the three Cape May fishermen challenged the rule in court.

It's a classic story familiar to many Exchange members: the small business owner feeling overly burdened by government regulations.

The case made its way to the U.S. Supreme Court, which heard oral arguments on Jan. 17, 2024.

Many court observers believe the Supreme Court is prepared to if not fully jettison the Chevron Doctrine at least severely limit it.

What's at stake

Taking the side of the petitioner seems obvious. How many regulations have the Exchange and its members opposed over the years? Another mechanism to fight against perceived Executive agency overreach would be very welcome.

But think about it. Imagine that every time an agency published a rule it ended up in court. What we think of as Washington gridlock today would look like a stroll in the park.

The petitioners argue that executive agencies have far too much leeway when there is no affirmative Congressional mandate. Tough to argue with that.

Yet do we want to see the courts setting policy? Some see the U.S. Supreme Court overturning the precedent as a way to take power away from the Executive Branch and invest it in the Judiciary.

The government argues that the Chevron Doctrine recognizes the executive agency expertise that members of Congress do not have. This argument would ostensibly also hold true for the courts.

The government further claims that the doctrine allows for uniformity in

The Chevron Doctrine, explained

By: A. Robert Degen, Esq. Law Offices of A. Robert Degen

The editorial in the opposite column brings the attention of the Exchange membership to the pending Supreme Court case of *Loper Bright Enterprises v. Raimondo.* As indicated, this case threatens to upend nearly 40 years of precedent by overturning *Chevron U.S.A., Inc. v. NRDC*, the holding which became known as the Chevron Doctrine. Under that doctrine, lower courts are instructed to give deference to a federal agency's interpretation of a statute it administers. While beyond the scope of the editorial, some background to the Chevron case and the rationale behind it may be useful in understanding the issue.

Stripped down to its essence, the Chevron case concerned the EPA's interpretation of the Clean Air Act; it involved a regulation regarding state permitting requirements when there is a modification to one of several pollution-emitting devices within a "stationary source." The EPA regulation allowed states to treat all pollution-emitting devices in an industrial grouping as within a single "stationary source" and would not require a new permit if the overall emissions are not increased. That is, it treated the "stationary source" as a "bubble." NRDC argued that each pollution-emitting device should be a "stationary source," and thus any modification would require a new permit. The rub comes because the Clean Air Act does not define "stationary source."

Accordingly, the Court had to decide whether the agency's interpretation of the statute (i.e., allowing for the "bubble" concept) is a permissible construction. The Court reviewed the legislative history as well as the agency's historic use of the term "source" and found that the purpose of the permitting program, balancing economic interests with environmental interests, was best served by a flexible definition, "... not in a sterile textual vacuum, but in the context of implementing policy decisions in a technical and complex arena..."

The Court found that the NRDC's argument amounted to an effort to wage in court a specific policy battle that NRDC lost at the agency and state levels and that such policy arguments are ". . . more properly addressed to legislators or administrators, not to judges."

The Court ultimately reasoned that, "Judges are not experts in the field, and are not part of either political branch of the Government. Courts must, in some cases, reconcile competing political interests, but not on the basis of the judges' personal policy preferences. In contrast, an agency to which Congress has delegated policymaking responsibilities may, within the limits of that delegation, properly rely upon the incumbent administrator's views of wise policy to inform its judgements."

The Court summed it up by saying that, given a challenge to an agency construction of a statute that centers on the wisdom of the policy rather than whether it is reasonable within the gap left open by Congress, the challenge must fail. "In such a case, federal judges—who have no constituency—have a duty to respect legitimate policy choices made by those who do. The

federal law enforcement. That is, without Chevron, lower courts in different jurisdictions all over the country would interpret the laws very differently.

These are also very good points.

The bottom line is that excellent arguments can be found on both sides of the question. What remains to be seen is whether and how far the U.S. Supreme Court will unravel the Chevron Doctrine.

An opinion is expected sometime this spring or summer. Looks like we will be watching for a bit longer.

responsibility for assessing the wisdom of such policy choices and resolving the struggle between competing views of the public interest are not judicial ones: Our Constitution vests such responsibilities in the political branches."

A. Robert Degen has been practicing law in Philadelphia since 1975 and serves as counsel to the Maritime Exchange Board of Directors. This article is for general information only and should not be construed as legal advice.

The Beacon is the official newsletter of the Maritime Exchange for the Delaware River and Bay. The Exchange encourages its readers to submit letters to the editor at any time in response to articles that appear in *The Beacon* or to address other topics of interest to the port community.

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Employee or independent contractor? DOL announces final rule on how to classify staff

Legal Ease



By: Lindsey Cook, Esq. and Colin Dougherty, Esq. Fox Rothschild LLP

The U.S. Department of Labor has announced a final rule regarding the classification of workers as employees versus independent contractors under the Fair Labor Standards Act (FLSA).

The final rule, effective March 11, 2024, mirrors the proposed rule the DOL released on Oct. 11, 2022. It is significantly different from the Trump Administration's "core factors" test, which instructed courts to focus on two factors—(1) the nature and degree of the worker's control over the work and (2) the worker's opportunity for profit or loss.

The final rule marks a return to the totality-of-the-circumstances economic reality test that courts previously applied. This test asks whether a worker is economically dependent on his or her employer for work. It will require courts to consider the six economic reality factors with equal weight when deciding whether a worker is an employee or an independent contractor. Those factors include: (1) the worker's opportunity for profit or loss; (2) investments by the worker and the potential employer; (3) how permanent the work relationship is; (4) nature and degree of control; (5) whether the work is an integral part of the potential employer's business; and (6) skill and initiative. These six factors are not exhaustive, which means that courts can consider additional factors not listed here to assess a particular worker's economic dependence. This final rule seems to resemble the "ABC test" that many state courts apply, including California, New Jersey, and Massachusetts. The ABC test presumes that workers are employees unless the employer can establish otherwise, meaning courts are more likely to classify workers as employees than independent contractors. However, the DOL has explicitly stated that the final rule does not adopt an "ABC test" because there are certain differences in how the ABC test is applied. The DOL's restoration of the

multi-factor analysis seeks to combat the potential misclassification of workers, as the new rule is more protective of workers' rights than the rule used during the Trump administration. In general, employees have more rights than independent contractors because the FLSA's minimum wage and overtime pay protections do not apply to independent contractors. As such, employers that misclassify workers as independent contractors improperly deny them federal labor protections. Narrowing the definition of "independent contractor" means the FLSA's protections will apply to more workers once the final rule goes into effect. Given the implications the new rule has for employers and workers alike, it is likely that the rule will be subject to challenges in court.

Under the Trump-era rule, courts and employers could classify workers as independent contractors based upon just two factors, even if the broader economic-reality test indicated otherwise. But starting March 11, 2024, employers will need to be more stringent about how they categorize their workers. They will no longer be able to classify their workers as independent contractors without looking at the totality of the circumstances.

A finding of misclassification can result in expensive penalties, such as unpaid overtime and minimum wage, liquidated damages, and attorneys' fees. The IRS can levy additional penalties for misclassification-including criminal charges-if it suspects an employer intentionally misclassified its employees. Employers should take precautions, such as consulting a checklist or structured guidelines each time they hire new workers. Implementing a standardized system will help to clarify the status of all new hires. Employers should also conduct routine checks to ensure that workers they hired as independent contractors have not become employees over time due to



Lindsey Cook, Esq.

a shift in the nature of their work. Employers should also recognize that it is not a defense to a misclassification claim that a worker requested to be treated as an independent contractor.

Proper classification of workers can be confusing. Employers should seek legal assistance to confirm they are complying with all federal and state rules.

Lindsey Cook is an attorney in the Labor & Employment Department at Fox Rothschild LLP. She defends businesses in

www.RANDIVE.com



Colin Dougherty, Esq.

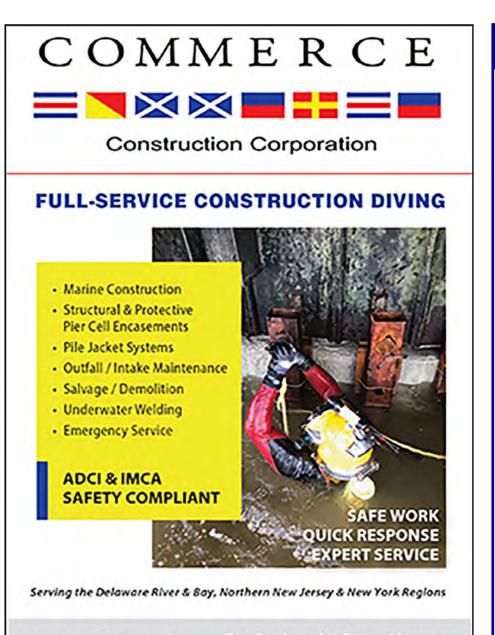
employment litigation and helps clients resolve a wide variety of commercial disputes. She can be reached at lcook@foxrothschild. com.

An experienced litigator, Colin D. Dougherty is a partner the in the Labor & Employment Department at Fox Rothschild LLP. He handles a range of employment and complex commercial disputes for clients across the United States. He can be reached at cdougherty@foxrothschild. com.



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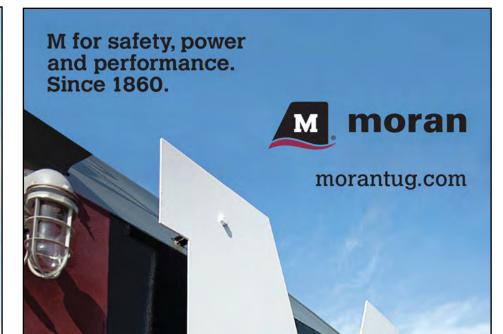
Calendar of Events

- 02/19 Maritime Exchange Chilean Fruit Workgroup Virtual Meeting 11:00 a.m. – noon Contact: Yair Farkas
- World Trade Center Delaware Annual Tastes of Chocolate & Beer from Around the World
 5:30 p.m. 7:00 p.m.
 Midnight Oil Brewing Company, 674 Pencader Drive, Newark, DE 19702
 - Register
- 02/29 Seamen's Church Institute Spirit of the Port Award Luncheon 11:30 a.m. – 2:00 p.m. Auletto Catering, 1849 Cooper Street, Almonesson, NJ 08096 Contact: Rebecca Pierson
- 03/06 Ports of Philadelphia Maritime Society Board Meeting Noon 2:00 p.m.
- 03/07 Maritime Exchange Government Affairs Committee Meeting 10:00 a.m. – 11:30 a.m. Contact: Yair Farkas
- **03/07-** Seamen's Center of Wilmington Do More 24 Delaware Fundraiser **03/08** Click here for more information
- 03/13 Maritime Exchange Board & Annual Meetings 11:00 a.m.

Maritime Exchange Annual Election Noon – 2:00 p.m.

- 03/15 Area Maritime Security Committee Managing Board Meeting USCG Sector Delaware Bay 1 Washington Avenue. Philadelphia, PA 19147 Contact: Glena Tredinnick
- 03/20 & World Trade Center Greater Philadelphia Bringing the World to 03/22 Pennsylvania Tour, Philadelphia, PA
- Click here for more information
- 03/26- U.S. Customs and Boarder Protection 2024 Trade Facilitation and Cargo 03/28 Security Summit
 - Philadelphia Marriott Downtown Click here for more information and to register

For a complete schedule and event details, visit www.maritimedelriv.com.



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