

Gulf Coast Mariners Association



P. O. Box 3589
Houma, LA 70361-3589
TOLL FREE: 1-800-979-GCMA
Phone: (985) 537-4885
Fax: (985) 537-4860

News Bulletin
March 5, 2003

TOWING SAFETY ADVISORY COMMITTEE MEETING IN NEW ORLEANS MARCH 19th

The Towing Safety Advisory Committee (TSAC) will convene for 2 days in New Orleans on March 18th and 19th at the Monteleone Hotel on 214 Royal Street at 8:00 AM. TSAC meetings are usually held in Washington and, on occasion, in other cities but only occasionally in New Orleans. So, this is a good opportunity to move GCMA's Towing Vessel initiatives forward at relatively little cost with more representatives than our limited budget can afford to send to a distant city.

TSAC is a federal **advisory** committee and, as such, provides information and guidance to the Coast Guard on all aspects of the towing industry—inland, rivers, and offshore. TSAC members are appointed by the Secretary of the Department in which the Coast Guard is operating. This changed on March 1st from the Department of Transportation to the Department of Homeland Security. Of course, the Coast Guard is free to either accept or reject the advice it receives.

GCMA wants to encourage its members, **especially those who work on tugs and towboats**, to attend the meeting. Advisory committees are one place where you can learn what plans the Coast Guard has in the works—straight from the horse's mouth. Some of our mariners will have an opportunity to speak out on issues that concern them in the part of the program that is open to the public on Wednesday and put their comments "on the record".

Captain Gerard Maurice—one of us—is serving as host of the meeting. Captain Maurice recently served as Master of the Boomtown Belle and has spent a career of over a quarter century on the river and is now in business for himself. Gerard is very concerned about all the mariner issues we have undertaken and has spoken out on behalf of our mariners ever since he was appointed to TSAC by the Secretary of Transportation. He called and invited our GCMA members to make a special point to attend the meeting. A good showing by our mariners and intelligent, orderly participation can only help us and make the Coast Guard take notice of the things we think are important. Consequently, please

call Penny Adams (1-800-979-GCMA) or Richard Block (985) 879-3866 and tell us if you plan to attend and on which day.

The meeting is a 2-day affair with most of the "committee" work done on Tuesday, March 18th. The Tuesday session will be the more informal of the meetings. There are several working groups. Of particular concern to GCMA is the working group on Regulation Review in which our proposal to regulate uninspected towing vessels (GCMA Report #R-276) will be discussed. Frankly, the towing industry has run fast and loose for so long that it will do almost anything to avoid regulation. Since the Supreme Court decided last year that OSHA may step in and regulate those areas the Coast Guard does not regulate makes the towing industry's trade association, the American Waterways Operators (AWO), even willing to consider new regulations. We believe GCMA Report #R-276 that we presented to TSAC last year in San Francisco is fair, balanced and has proven to be successful in regulating other types of vessels like T-boats and OSVs. We even recommended our proposal to Congress for their consideration. If you plan to attend the Tuesday working group session, please ask for and review a copy of R-276 revision 4 (20 pages) to prepare for the meeting in which you may participate.

Why does GCMA push for "regulation"? Aren't there enough regulations already? One example: Two mariners came in and reported about a dozen safety violations on their inland towboat, complete with pictures. Expressed politely, this boat was a floating piece of garbage. Among other things, it had NO engineroom doors on either side. Of the dozen items, all obvious safety hazards, only two violated any regulation. Since no law was violated the Coast Guard could not hold the vessel for repairs in spite of the fact that this boat was a perfect candidate for a downstream accident. This is why we want mariners serving on UNINSPECTED towing vessels to receive the same protection under the law as is provided to mariners on INSPECTED OSVs and small passenger vessels!

The main TSAC session is on Wednesday March 19th. This is the meeting of record in which TSAC will take formal action on a number of agenda items carried over from previous meetings. Captain Maurice is making arrangements for Mayor Ray Nagin of New Orleans to speak to the group. We will also hear from Captain Ronald Branch, Captain of the Port of New Orleans, a representative of the U.S. Army Corps of Engineers to speak about the Industrial Locks project, and a representative of a maritime training school to speak on licensing. There are a number of other topics ranging from homeland security to the problem of recreational boaters crashing into tows.

GCMA REPORT #R-350 SENT TO CONGRESS

Over the past four years GCMA has tried to work with the Coast Guard in every possible area. While we made some progress, we are at the point where there are

many things they either **cannot or will not** do to protect our mariners' safety, health and welfare. We now realize that the answer will be "NO" to just about any change we ask for, no matter how much it is needed.

The most shocking areas of shortfall lie in the realm of uninspected towing vessels. The Coast Guard and their "partners" in industry make a mockery of the 12-hour rule and work deckhands, unlicensed engineers, cooks and others for unlimited hours since existing laws and regulations do not adequately protect them. These are only two of sixteen items where our safety is thrown to the winds. We took pains to document our story and to tie it to the recent history. Admiral Pluta chose to ignore our complaints!

GCMA Report #R-276 proposed reasonable regulatory standards for towing vessels that the Coast Guard, AWO, and TSAC would like to turn their back on.

In light of our lack of progress with the Coast Guard, we sent a copy of GCMA Report #R-350 to 102 selected Senators and U.S. Representatives along with an introductory letter on February 21st seeking their help in specific ways. Unfortunately, this request must compete with pressing items of national importance—Iraq, North Korea, terrorism, homeland security and governmental reorganization, etc.

While we cannot predict results, the truth is NOW out there for our government leaders to read. Any additional support you can give on any of the 16 listed issues will help if you write to one or more U.S. Representatives or Senators on the list we will make available to you.

CONGRESSIONAL ACTION REQUESTS

[Editorial note: This list summarizes what we asked Congress to do for our mariners in Report #R-350 (23 pages). Additional information on many issues is available in the GCMA Report(s) listed after each request.]

GCMA Report #R-350 reflects conditions that existed long before the terrorist acts of September 11, 2001. Most of these issues could and should have been addressed by Coast Guard officials through the years. Since they did not address them, we must turn to Congress for redress of our grievances.

A review of our requests shows that we are not asking for the sun, the moon or the stars. In fact, there are no "big money" items and that none of them is attached to a deadline.

1. GCMA asked Congress to add "towing vessels" to the existing list of vessels the Coast Guard regulates. We need a comprehensive set of inspection **regulations** to protect our mariners who work on the nation's 5,200+ uninspected towing vessels and to protect the public from substandard vessel operators. GCMA's position is that towing vessels should be inspected and that existing programs like the Responsible Carrier Program and the Cooperative Towing Vessel Examination

Program have proven to be only halfway measures at best that do not protect all mariners.. *[Refer to GCMA Reports #R-276, R-293, R-340, R-300, R-347, R-351 and R-282.]*

2. GCMA asked Congress to investigate why Coast Guard officials have been unwilling to enforce existing work-hour laws and regulations. *[Refer to the GCMA "Yellow Book" and Reports #R-322 and R-346.]*
3. GCMA asked Congress to direct the Coast Guard to provide as fair and **equal consideration to the views of working mariners** (i.e., "maritime labor") as they give to the views of management. *[Refer to 33 CFR §1.05-20]*
4. Since the Coast Guard claims to lack the authority to establish **reasonable work-hour limits for unlicensed mariners**, GCMA asked Congress to give them both the authority and direction to do so. *[Refer to the GCMA "Yellow Book" and to Report #R-305.]*
- 4A. GCMA asked Congress to apply similar wage and hour laws that apply to shoreside workers to our lower-level mariners working on domestic waters.
5. Since the Coast Guard claims to lack the authority to require small commercial vessels on domestic voyages to **maintain uniform and meaningful logbooks**, GCMA asked that Congress require logbooks on all commercial vessels and require that mariners record specific and meaningful information that would be useful for accident investigations and other lawful purposes in those logbooks; also, grant the Coast Guard the authority to subpoena logbooks when investigating marine violation cases. *[Refer to GCMA Report #R-291]*
6. GCMA asked Congress to direct the Coast Guard to bring the **accident reporting standards** of the U.S. Coast Guard in line with more comprehensive standards enforced by OSHA. *[Refer to GCMA Reports #R-292, R-309, and R-333.]*
7. GCMA asked Congress to determine from the National Transportation Safety Board (NTSB) whether a violation of work-hour statutes (specifically 46 USC 8104(a)) was one of the factors leading to the Webbers Falls, OK, bridge allision and 14 fatalities on May 28, 2002. Such a determination would point out flaws in a Coast Guard policy document (G-MOC #4-00) regarding **time counted as "on-duty" time** and a failure within the Department of Transportation to require uniformity in regulating its modal administrations. The GCMA position is that travel time enroute to a vessel should be considered "on duty" time for watchstanding purposes. *[Refer to G-MOC #4-00.]*
8. GCMA asked Congress to provide both the authority and direction to the Coast Guard (or other federal agency if appropriate) to ensure that the **potable water systems** on ALL vessels of less than 1,600 gross tons are properly con-

structed and regularly tested to ensure clean and sanitary fresh water for drinking, cooking and bathing purposes. The GCMA position on this issue is that we cannot understand why the Coast Guard does not show at least as much concern for the mariners it superintends as for their own personnel and require pure water for drinking and bathing purposes that is tested on a regular basis. [Refer to USCG Docket #20023-14325 on the internet.]

9. Since our mariners provide 100% of the workforce on vessels less than 1,600 gross tons in the towing, small passenger vessel, and offshore oil sectors of our industry, GCMA asked Congress to require the Coast Guard to establish effective regulations that adequately consider our concerns and **set and review realistic safe manning levels** on ALL inspected and uninspected commercial vessels less than 1,600 gross tons. [Refer to GCMA Report #R-279]
10. GCMA asked that Congress provide lower-level mariners with the same **hearing protection** afforded American industrial workers under the OSHA regulations at 29 CFR 1910.95. [Refer to GCMA Report #R-349.]
11. GCMA asked Congress to protect our mariners from the harmful effects of **second-hand smoke** in the workplace that also serves as living, eating, and recreational space aboard ship. [Refer to GCMA Report #R-341]
12. GCMA asked Congress to review our 1999 comments to **revise offshore supply vessel regulations** and, if appropriate, direct the Coast Guard to open a regulatory project on this matter. [Refer to GCMA Report #R-265]
13. In light of homeland security concerns, GCMA asked that Congress require ALL mariners serving on commercial vessels carry a **Coast Guard identity document**. [Refer to GCMA Report #R-315]
14. GCMA expressed its appreciation of the work of the 107th Congress in addressing **whistleblower protection**. GCMA asked Congress to review the new \$1,000 limit in the statute to see if it is enough to provide a working mariner with adequate legal representation. [Refer to GCMA Report #R-346]
15. GCMA asked Congress to honor the National Transportation Safety Boards "Most Wanted" recommendation and require **out-of-water lifesaving equipment** (e.g., **inflatables**) on all small passenger vessels, OSVs and offshore towing vessels to protect the lives of the crew and other persons on these vessels.
16. GCMA asked Congress to direct the Coast Guard to ensure that all maritime personnel required to work on deck in winter be equipped with adequate **safety equipment** including **hypothermia protective clothing** equal to the gear now required for Coast Guard personnel on search and rescue missions.

INDUSTRY OBSERVATIONS: A MARINER'S VIEW

Introduction. Lower-level mariners who work the boats in the maritime industry have their own views of how the industry operates. This view seldom makes its way to the nation's capitol. We took the opportunity in this paper to share this view with our elected representatives.

1. **Coast Guard officers have little first-hand knowledge** of the work we perform and the schedules we keep. Very few Coast Guard officers have had first-hand experience in working on vessels of less than 1,600 tons in the merchant marine service. Very few Coast Guard projects ever require Coast Guard officers to "ride our boats" for any length of time to get a first-hand sense of what our mariners do. When they do ride with us, the trip has a management "spin" since it can only take place with management approval. Although the Coast Guard as an institution lacks first-hand experience with the industry, they rarely go out of their way to solicit the unique views of our mariners.
2. **Mariners respect and admire the Coast Guardsmen** assigned to Search and Rescue work and those that work on Coast Guard cutters and buoy tenders. Consequently, our mariners bond with those Coast Guardsmen when they learn that they also are overworked and overburdened with duties as Congress discovered following the MORNING DEW accident on December 29, 1997.⁽¹⁾ The officers that were responsible apparently are of the same ilk as those who ignore our lower-level mariner work-hour violations. These officers conveniently overlook the fact that there are no work-hour limits set for many lower-level mariners, mostly those that are not required to hold merchant mariner documents. [⁽¹⁾Refer to GCMA Report #R-305.]
3. **Limited Coast Guard resources.** Over the years it was evident that Coast Guard resources were stretched very thin. Until recently, USCG boasted of its ability to do more with less. We saw this as little more than false pride or arrogance as many programs deteriorated or fell by the wayside. GCMA did not "go to bat" for the Coast Guard because we do not see that they have any genuine interest in our mariners' welfare. Many mariners, especially during the 1998 Pilots Agree strike, believed the Coast Guard betrayed us by allowing the industry to operate towboats in 24-hour service with only one licensed officer on board. This feeling persists today in the treatment our mariners receive.
4. **Partnerships.** Our mariners view "partnerships" with the government as reserved only for people who wear neckties. The partnerships are often touted in trade publications but seldom work to benefit our mariners who believe they are highly

overrated. These partnerships involve large corporations and industry trade associations that often have the power to set the agendas. This is particularly worrisome where an association clearly does not represent a majority of the participants in an industry or where it provides information that is misleading or inaccurate.⁽¹⁾ [⁽¹⁾Refer to GCMA Report #R-351.]

5. **Revolving Doors.** While in their closing years of government service, many senior Coast Guard officers develop cozy relationships with industry management or trade associations in anticipation of retirement. During these years few find any need to go out of their way to stand up for our lower-level mariners. Since most Coast Guard officers are college graduates, they are more comfortable in dealing with management personnel at a comparable level and expect them to control their peons. It is this arrogance and their obvious attempts to ingratiate themselves within the industry before leaving the service that mariners most clearly resent. Management can offer very attractive and lucrative jobs to cooperative and malleable Coast Guard officers on leaving the service.

When Rear Admiral North was Eighth District Commander, he allowed his staff to betray many western river pilots by turning the pilotage endorsements they had worked, studied, and paid for over the years worthless. This destroyed the pride of some of the most professional and experienced mariners on the river. When Admiral North retired, he appeared in London at a meeting of the International Maritime Organization representing a “flag-of-convenience” registry. While this may be “legal” it does not bring credit to the Coast Guard officer corps in the eyes of our mariners and should raise eyebrows in Congress.

Mariners also observe that very few Coast Guard officers show any interest in working at sea especially if they must qualify for a merchant marine officer’s license.

6. **Employers don’t always speak for mariners.** Because employers hire lower-level mariners to crew their boats, they feel that that entitles them to speak on behalf of them on every matter. While there is usually no reason to challenge their employers on most business issues, there are some distinctive issues where mariners need to make their voices heard. That is the purpose of our Association.
7. **Coast Guard investigations.** We have observed that Coast Guard officials are reluctant to investigate problems reported by our mariners. We note that the quality of Coast Guard investigations has deteriorated markedly. This is borne out by a Coast Guard Research and Development Center Report (#CG-D-13-95) titled U.S. Coast Guard Marine Casualty Investigation and Reporting: Analysis and Recommendations available from NTIS. We believe the new requirements in §442 of the Maritime Transportation Security Act of 2002 requiring the

Coast Guard to electronically publish all major marine casualty reports is a step forward. Another step forward is the new two-year limit on preparing these reports. This new law should provide the public with meaningful accident reports from which we can draw important lessons in a timely manner.

8. **Coast Guard statistics and security gaps.** We question the accuracy of many Coast Guard statistics we have seen. The Coast Guard personal injury statistics are a cruel farce. Also, since 1992 the Coast Guard has been unable to provide an accurate count of the number of licensed lower-level mariners. In the last two years they ignored repeated FOIA requests for this basic information that were finally directed to the Commandant’s personal attention. At the national level, we believe the Coast Guard does not know how many mariners there are, who they are or where they reside. They have no records of most unlicensed and undocumented mariners who serve on inland waters⁽¹⁾ or mariners working on vessels of less than 100 gross tons working “offshore.” They rarely check to see which small commercial vessels enter and leave our ports or who are the mariners that crew these vessels or whether they are properly licensed or documented. These huge gaps have existed for years. We see little effort expended to close these gaps after the terrorist attack of September 11, 2001. Yet, these are the same people our nation counts on to plan and successfully manage a proposed multi-billion dollar homeland security program.
9. **Voluntary guidelines are a failure.** The Coast Guard prefers persuasion rather than their “enforcement” powers. They tried and failed to improve commercial fishing vessel safety using voluntary means throughout the 1980s until Congress finally stepped in and demanded action by passing the 1988 Commercial Fishing Industry Vessel Safety Act. The towing industry is clearly out of control. The Bayou Canot, Webbers Falls I-40, Lake Washington and South Padre Island bridge allision disasters⁽¹⁾ killed hundreds and cost millions. Spectacular barge groundings along the Rhode Island and Puerto Rico coasts caused regional ecological disasters. Although these and thousands of lesser accidents resulted from a plethora of causes, the simple fact remains that the towing industry operates with such an inferior set of regulatory standards that it cries out for Congressional attention. [⁽¹⁾Refer to GCMA Report #R-293.]
10. **Administrative Law System.** Mariners have no clear concept of what the Coast Guard’s “Administrative Law” system is all about because there is little written about it in layman’s terms. Many mariners that face administrative proceedings incorrectly believe they are being court-martialed and will sign or do almost anything to avoid it. We see the administrative law system used by some Coast Guard officers as a tool to terrorize and subjugate our mariners⁽¹⁾ while it does next to nothing to investigate,

restrain, or reprimand corporate executives that may have ordered or allowed violations of statutes or regulations. It takes fewer resources to bring a mariner before an Administrative Law Judge than to bring a civil penalty action against a company. Mariners are an easier target. Many lawyers find the system unfair and necessary to use their full courtroom skills to defend mariners before an Administrative Law Judge (ALJ). [⁽¹⁾Refer to GCMA Report #R-323]

We believe that our mariners need should engage effective legal counsel knowledgeable in administrative law before signing away any rights they may have in "settlement agreements" even though those agreements must be presented to an ALJ. We have urged our licensed mariners to purchase license insurance⁽¹⁾ to cope with protecting their credentials without which they cannot work. [⁽¹⁾Refer to GCMA Report #R-342.]

There is a prevalence of drugs throughout the industry that belies the published 1.63% annual rate of convictions. The Coast Guard has been unable to stop the use of drugs in part because many drug cases result from abuses of existing drug laws by employers that the Coast Guard "partners" with.

11. **NTSB safety recommendations.** The Coast Guard does not pay sufficient attention to many NTSB recommendations. For example, in 1995, the NTSB listed 55 Small Passenger Vessel safety recommendations that were still "open".⁽¹⁾ [⁽¹⁾Refer to Report #NTSB/MAR-95/03, Appendix F. Some of these recommendations were 10 years old and some of NTSB's "Most Wanted" regulations that would protect our mariners show no signs of acceptance by the Coast Guard.]

The NTSB called for the implementation of "science-based hours of work" regulations in all transportation modes. Although we appreciate the "scientific" work the Coast Guard laboratory has done on "crew endurance", we have little confidence in the way they plan to manipulate their science to maintain the illusion of legitimacy of the existing "two-watch" system on uninspected towing vessels when they have done little to investigate and confirm the abuses of the 12-hour statutes or show any real interest in curbing unlimited work hours for unlicensed personnel.

12. **Participation in federal advisory committees.** GCMA monitors and participates in three Federal advisory committees, the Towing Safety Advisory Committee (TSAC), the Merchant Marine Personnel Advisory Committee (MERPAC) and the National Offshore Safety Advisory Committee (NOSAC).

We are impressed with the knowledge, background and diversity of the members of these committees.

We would have liked to see the Coast Guard change its attitude toward lower-level mariners and devote considerably more attention to pressing mariner complaints instead of loading meeting

agendas to serve its own purposes. It is difficult to justify the cost of attending meetings in Washington or other distant cities if our contributions are not valued and our problems are rarely acted upon. After all, lower-level mariners are a majority of all U.S. merchant mariners holding 69% of the total deck licenses.⁽¹⁾ [⁽¹⁾These are our figures based on license statistics the Coast Guard published in 1992. See item #8, above.]

International agreements recognize maritime labor as an equal participant with management and government. This seems to be an accepted practice in assigning membership positions in two of the three federal advisory committees we monitor. However, offshore industry vessel owners at NOSAC meeting are obnoxious in their rejection of such a tripartite arrangement for mariners as they are in their persecution of the entire American labor movement.

We recognize that some mariner representatives appointed to federal advisory committees cannot attend every meeting because they serve aboard ship. We believe the Coast Guard needs to make special arrangements for working mariners to have alternate delegates to represent them at all advisory committee meetings.

We note that travel and per diem considerations are not uniform among Coast Guard advisory committees with some advisory committees having no arrangements for member travel and per diem. This is particularly noticeable in NOSAC where it discriminates in favor of independently wealthy individuals and large corporations and against mariners.

13. **Hard work, long hours, no appreciation!** With the exception of those lower-level mariners who work on ferries and small passenger vessels, the jobs that most lower-level mariners perform have little exposure to the general public. Mariners on the rivers usually work "on the other side" of a levee in urban areas. Many mariners working on OSVs work offshore from bases in isolated oil ports. Neither the public nor the media understand the importance of the work they perform because they are a small and generally unseen part of society. Mariners are often noticed only if they cause a disaster that affects the public. All the "glory" goes to the Coast Guard because they have a public information staff to release news to the media.

THE WINDOW OF OPPORTUNITY

There is a ground swell of dissatisfaction among towboatmen on the western rivers and Gulf Intracoastal Waterway following the 1998 "Pilots Agree" strike. This was a "grass roots" organization formed by the river pilots that sought to make specific improvements in the industry by dealing with the management of approximately 100 towing companies. In that strike, an estimated 1,400 licensed Masters and Pilots joined the work stoppage to improve their working conditions.

Management of the affected companies refused to negotiate with the striking workers and used their superior financial resources and “union busting” tactics⁽¹⁾ to break the strike. GCMA experienced similar tactics from the CCFC that made all sorts of false accusations against us. [⁽¹⁾Refer to GCMA Report #R-352.]

Although GCMA did not exist in 1998 and is not connected to Pilots Agree, river and inland mariners still carry much of the resentment about how they were treated both by management and the Coast Guard at that time. GCMA approached the Coast Guard issues and, in Report #R-350, brought many of the following issues to the attention of Congress.

Unfortunately, many of the problems our mariners face are with employers and not with the Coast Guard. To solve these problems, it is first necessary for mariners to work under a contract rather than to remain as “employees at will” who can be fired for any reason or for no reason at all. To gain a contract, you must first organize the employees within your company and, when you have a majority, appoint a union as a bargaining agent to negotiate the terms and conditions you want to work under. However, as we announced from Day 1, GCMA is NOT a union! However, Offshore Mariners United (OMU), a totally separate group, is a union and was established by four major maritime unions to work with those who are ready, willing and able to step forward and work to achieve goals in the following areas. The Field Director of the OMU is “**Chip Barnes**” at (985) 537-1801. OMU leads the drive to organize individual companies to improve mariner working conditions along these lines:

- Curb the practice of “blackballing” that companies use to ruin the careers of targeted employees.
- Improve pay and working conditions in the company through a collective bargaining process.
- Job protection under a contract that prevents unjust firing for refusing to perform unsafe and/or illegal operations.
- Give you an opportunity to choose a labor union to represent you without employer interference.
- A labor union is a democratic organization where its members set its own rules and elect officers.
- Seek overtime pay for legal overtime work.
- Stop unsafe crew cutbacks that exist outside of USCG manning regulations
- Comprehensive health and benefit plans for mariners and their family members.
- Handle pension, benefits, vacation pay, sick pay, leave of absence and retirement issues.
- Preserve seniority and prevent changes of benefit programs resulting from corporate mergers.
- Restore the cooks replaced by microwave ovens on long haul tows and voyages and seek proper meal planning and proper nutrition to improve crew health.
- Provide for reasonable grocery budgets on every vessel.
- Provide sufficient engineroom manning; when only one engineer is on board, he is on call 24 hours per day and needs help.

- Correct sources of excessive vibration and noise and other conditions that deprive crew members of their sleep.
- Eliminate vessel undermanning and “call watches” that interrupt sleep.
- Ensure testing drinking water on a regular basis.
- Eliminate underpowered tows and the stress that results from handling them.
- Operating vessels with a safe horsepower to tow tonnage (or barge) ratio reduces stress on pilots and promotes safety.
- Recognize that masters and pilots suffer fatigue, stress, strain and a shortened lifespan and improve conditions.
- Door to door transportation and travel pay to and from the boat wherever it may be located.
- Safe, insured transportation to and from the job site when furnished by the employer.
- Tell the truth about the industry accident rate statistics.
- Company-funded industry training programs as new equipment and practices are introduced.
- Guarantee security of seniority in promotions, layoffs, rehiring and filling vacancies.
- Fixed and written grievance and arbitration procedures to ensure fairness.
- Reasonable published work rules agreeable to both labor and management.
- Stop practices identified as unfair labor practices by the National Labor Relations Board (NLRB).
- Day-for-day time off.

These are mostly “company” issues the Coast Guard shows little or no interest in. If you want improvements in any of these areas, you will have to step forward and promote some or all of the items to your fellow employees at the company you work for. Otherwise, you will have to settle for what is offered—as you do today.

To seek improvements, you will have to work with other employees in your company. GCMA cannot do this for you. You and your fellow employees must stand up for yourself, and there may be a price to pay for doing so.

The 1998 Pilots Agree movement failed because it was not organized properly. Its leaders, all experienced and respected river pilots, attempted to organize the entire industry at once. In analyzing its failures, the inland towing industry proved to be too large a target to take on all at once with individuals not experienced in labor organizing. At the time, some mariners were unwilling to take advice from those with more experience in the field of labor organizing. A “strike”, is usually used as a final resort in labor relations when nothing else works. However, in this case, it was used early in the campaign and without making provision for a strike fund in case the strike lasted through several paychecks. Following the failed work stoppage, management retaliated against many mariners with terminations, demotions, etc. Some of the practices resulted in unfair labor practices that were brought before the National Labor Relations Board⁽¹⁾ with over \$414,000 recovered for proven violations against individual mariners. Mariners widely criti-

cized the Coast Guard for not strictly enforcing manning statutes for licensed personnel and allowing vessels to operate 24-hour days with only one licensed person on board. Few companies made substantial changes once the pressure was removed.

Labor organizing is a specialized occupation where there is no substitute for experience—the more the better. “Chip” Barnes is trained and experienced in this field and is prepared to work with those mariners who seek to improve their position in the maritime industry. At GCMA we have always endorsed this movement and will continue to do everything possible to encourage those who set out on this path. These are issues you must work to obtain because nobody is going to hand them to you on a silver platter.

NEW GCMA REPORTS

These reports were published after the last news bulletin on November 27, 2002 to inform GCMA members. Please LIST the items you want on a piece of paper and mail it or fax it to GCMA.

R-276. Towing Vessel Regulatory Standards. *[Revision 4, Feb. 2002]*

R-338. Which Agency Regulates Uninspected Towing Vessels? *[Includes list of OSHA and USCG offices. Also see Report #R-347.]*

R-340. Oversize and Overloaded Tows Cause Safety Problems. *[GCMA submitted this report to the Eighth District Commander only to have it ignored.]*

R-341. Smoking and Your Health Afloat.

R-342. License Defense and Income Protection Insurance. *[Update: We have a local agent!]*

R-343. Forgotten Safety Issues on Small Passenger Vessels. *[Two accidents in New York have implications for crewboats and high speed craft.]*

R-344. Mariner Rights. *[Yeah, what rights!]*

R-345. The Effect of DUI/DWI on Your License or MMD. *[The straight poop from GCMA's Coast Guard liaison officer.]*

R-346. Work-Hour Abuse and Whistleblower Protection for Lower-Level Mariners. *[Covers a recent change in the law and an evaluation of your “rights”!]*

R-347. U.S. Department of Labor Directive CPL 2-1.20 (11/08/96). OSHA/USCG Authority Over Vessels. *[Who enforces what and where on uninspected towing vessels—USCG or OSHA? Also see R-338.]*

R-348. Illegal Seaman Employment Practices. *[Things headhunters aren't supposed to do but do anyway. You tell us!]*

R-349. Protecting Mariners' Hearing. *[Another example of where the Coast Guard knew exactly what was necessary to protect mariners' hearing but never did it.]*

R-350. Mariners Seek Help From Congress on Safety-Related Problems. *[As described in this bulletin.]*

R-351. How Safe Is The Towing Industry? *[The 1994 document that should have shaken the industry to its roots—but didn't!]*

R-353. Lower-Level Mariners Are a Majority of All Licensed Mariners. *[Our data.]*

R-354. Lifesaving Issues for Lower-Level Mariners. *[Sometimes we question whether the Coast Guard learned the lessons from the sinking of the Titanic in 1912...and how it could affect you!]*

R-355. Maritime Security Issues.

R-356. Detained on Board (Apostleship of the Sea). *[Treatment of foreign seamen in the U.S. after 9/11]*

R-357. The Prestige's Oozing Sparks Debate *[Insight Magazine probes possible hidden connections between the USCG and the ABS.]*

ARE YOU LICENSED FOR TOWING?

Theresa Griffin at **Lafourche Merchant Marine Training Services** points out that unless your license contains the word "Towing" that you may not be authorized to operate a towing vessel.

In the past, many mariners obtained 100, 200 or 500/1,600 ton master or mate licenses and were able to use them to operate towing vessels. However, new licensing regulations made important changes that you must take into consideration when renewing your license. Unless you can prove that you have service aboard towing vessels at the time you renew your license, the word "towing" (as in Master of Towing Vessels) will not appear on your new license. Without this magic word, the time will soon come when you cannot legally engage in towing.

Theresa already has had to work with mariners to "straighten out" a number of licenses and wants to get the word out to those who still face license renewal that there may be a problem. Go to the school and discuss the matter with her!


New regulations covering towing licenses went into effect on **MAY 21, 2001**—an important date to remember. These regulations will gradually creep into effect over a five-year period. The old regulations expanded from two pages to nine pages. The NVIC that describes these changes in detail is more than 90 pages long. Many companies don't have a clue and are happy to dump your licensing problem in your lap. It's simple: No job—no work! Your license is and always has been your problem.

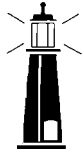
If you plan to apply for an ORIGINAL towing license, you may fit under the "old" (user-friendly) system if you can prove you have any experience on towing vessels **BEFORE** May 21, 2001. However, that window of opportunity will close on **May 21, 2003** for mariners seeking a Mate (Pilot) of Towing Vessels and on **May 21, 2004** for original Master of Towing Vessels licenses...and the Regional Exam Centers are even busier than usual.

The new towing vessel licensing system is an apprenticeship system and applies to all candidates that had no service on towing vessels before May 21, 2001.

The new towing licenses are issued by geographic regions based on your experience: Western Rivers; Inland Waters; Offshore.

As A GCMA member, your problems have always received personal attention from the staff at **Lafourche Merchant Marine Training Services**. Also, if you attend class at the school and are a GCMA member in good standing, you can receive a discount if you take a course. In many cases, the discount more than pays for your membership. Pass this information on to your friends. Call the school at 985/537-1222 for the straight poop.





MARINE EDUCATION TEXTBOOKS, INC.
 124 North Van Avenue
 Houma, LA 70363-5895
 Phone: (985) 879-3866
 24 Hr. Fax: (985) 879-3911
 E-Mail: namenet@triparish.net

INFORMATION CENTRAL

We Publish License Study Books

- Master, Mate & Operator (up to 1600 Tons)
- Able Seaman & Lifeboatman
- Workboat Engineer
- Tankerman
- Towing Vessel Officer's Guide
- QMED General, Oiler, Electricity, Boiler & Machine Shop
- Marine Safety Markings and Signs

GCMA Members are always welcome.
 Get a 20% discount
 Just Show us your membership card.

Printing of this newsletter donated by Marine Education Textbooks (MET). Discounts are available to card-carrying GCMA members in good standing at M.E.T.

Please send the following Reports to me at (please print legibly): List # of each report you want:

Name: _____ # _____ # _____

Mail to: _____ # _____ # _____

_____ # _____ # _____

_____ # _____ # _____

_____ # _____ # _____

_____ # _____ # _____