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**AS THE WORLD TURNS**

*[Sometimes our mariners lose track of what takes place in the rest of the "world of work." Richard M. Plant and Captain Bob Flannigan of the International Organization of Masters, Mates and Pilots (IOMM&P) regularly correspond with their river mariner members. Edited extracts from Richard Plant's recent newsletter appear below.]*

The article below was recently published in the newspaper. We thought this might be of interest to our river mariners.

**AMERICANS WORKING MORE HOURS; HAVE HIGHEST PRODUCTIVITY**

"Americans are working more hours than workers elsewhere in the industrialized world and have the highest productivity rates, according to the International Labor Organization (ILO). The average U.S. worker put in 1,978 hours in 2000, nearly one week more on the job than they did a decade earlier.

"In contrast, hours of workers in Canada, France, Germany, Japan and the United Kingdom have declined. ILO economist Jeff Johnson, who spearheaded the study, said that the only two

countries where people worked more are South Korea and the Czech Republic."

River mariners work 28 days on and 14 days off. That's 28 days x 12 hours per day = 336 hours. With this rotation, you would work 8 months per year with 4 months off. Therefore, 8 months x 336 hours per month = **2,688** hours worked per year **MINIMUM**.

Now let's compare this number to the average U.S. worker of **1,978** hours. That's **2,688** minus **1,978** or **710** hours more than the average U.S. worker. In U.S. worker terms (40 hours per week) that means you worked **ONLY** an average of **710** divided by **40** or **17.75** weeks **MORE** than John Q. Public. Isn't it nice to know that maybe you even exceeded workers in South Korea or the Czech Republic? Do you feel like you are living in a third world country? You are working, and probably being paid, as if you did!

If you look at a 28 days-on and 28 days-off rotation then the numbers are as follows. You would work 6 months x 336 hours per = 2,016 hours. That's only 2,016 minus 1,978 = 38 hours, a little less than 1 week more per year than John Q. Public.

Now, this question arises: How many of you work the 28 days-on with 28 days-off **WITHOUT TRIPPING**? Any tripping adds to your workload and pushes the numbers even **HIGHER**. Also, how many of you work **NO MORE** than 12 hours per day? Very few we bet. Therefore, you know that you are overworked. Don't you think that goes along with being **UNDERPAID** based upon your standard of living and of those for the average U.S. citizen?

A **wage-fixing** conspiracy? An interesting article was printed in the Houston Chronicle on Nov. 9, 2001 titled; "**Offshore firms to settle wage suit for \$76 million.**"

"More than a dozen offshore drilling firms have agreed to pay about \$75 million to settle an anti-trust lawsuit that alleged fixing of offshore laborers' wages and benefits for three decades (that's 30 years). Up to 60,000 workers or their estates could be affected..."

"The class-action lawsuit filed in August 2000 alleged the companies; **conspired to avoid competition amongst them for drilling labor by illegally fixing the wages and benefits paid their drilling employees**." Each employee's amount will depend on the number who file claims to participate and the amount of time on the job."

Assume (which is false) that all men worked equal time over the 30 years. This would mean that each worker is eligible to receive \$1,250. This would simply be the average. Long-term workers will receive more money, short-term workers will receive less. **BUT AT LEAST THEY WILL BE RECEIVING SOMETHING!**

You can see from above what happens when **YOU STICK TOGETHER**.

How many of you have complained about the possibility that inland river towing companies, have been fixing wages on the rivers for years, if not decades?

**Homeland Security**. There (are many) meetings taking place on "Homeland Security" with very little discussion on Inland Rivers, where our biggest danger exists. The Coast Guard is primarily concerned with "Guarding our Coast." That's nice, but as we have all learned from September 11, the danger is from within. The bastards are already here...

We promise to raise the issue of inland river security in meetings at the national level. With the limited background checks, low wages, etc. anyone can obtain a deckhand's job without question. All they then need is a gun to kill the crew and take over the hazardous cargoes carried every day on our river system. There are too many cities too close to the rivers where damage and disaster can occur. You cannot move the cities and you cannot stop the movement of cargo

on the rivers, which is predicted to double, if not triple, in the next 20 years. Proper action to protect our inland river mariners is a must. After all, there are more river mariners than all other mariners combined! You deserve protection, safety and security - but are you getting it?

As maritime professionals...united we stand-divided we fall. We are falling further and further behind similar professionals like ship and airline pilots...especially in light of the September 11 disaster.

**SUPREME COURT DECISION MAY AFFECT TOWING VESSELS**

**By  
Richard A. Block  
Secretary, GCMA**

Rumors are flying that the [Occupational Safety and Health Administration \(OSHA\)](#) will regulate uninspected towing vessels because the Coast Guard failed to do its job of inspecting them for the past 30 years. It is an interesting rumor but is NOT TRUE. We can furnish our readers with the complete decision<sup>(1)</sup> to read and interpret for yourself. In the meantime, here are my two-cents worth on what the court decision says and does not say. [<sup>(1)</sup>*Request GCMA Report #R-300.*]

In the first place, Congress never gave the Coast Guard the authority to inspect "uninspected" vessels which includes not only 5,200+ towing vessels but uninspected drilling barges, uninspected fishing vessels, and uninspected passenger vessels such as charter boats. Before it can act, the Coast Guard must have the authority to act. Only Congress can give it that authority.

Of course, the Coast Guard can ask Congress for this authority. In 1972, they did ask but were turned down. Congress decided to license towing vessel "operators" (OUTV) at that time but decided not to inspect the vessels the operators worked on.

Following the tragic AMTRAK derailment at Bayou Canot in 1993, Coast Guard Commandant, Admiral Robert Kramek recommended<sup>(1)</sup> that "the Secretary advise Congress that inspecting towing vessels would not be the best use of Coast Guard resources in preventing marine casualties involving towing vessels." [<sup>(1)</sup>*Towing Vessel Inspection Study, Aug. 8, 1994, GCMA Document #A193-3.*]

The Coast Guard, citing statistics showing that 62% of accidents involving towing vessels involved "human factors," proceeded to correct the problem by requiring all towing vessel operators to go to radar school. This move was "politically correct" since the International Maritime Organization (IMO) was also leading a "human factors" crusade at the time. Following several other towing disasters (both involving equipment as well as human failures), the Coast Guard implemented sweeping new towing vessel officer licensing changes effective May 21, 2001.

In reviewing the opinion of the Supreme Court in CHAO, SECRETARY OF LABOR, v. MALLARD BAY DRILLING, INC., Decision #00-927, decided on January 9, 2002 and delivered by Justice Stevens, I found this statement significant: "The OSH Act imposes on covered employers a duty to provide working conditions that `are free from recognized hazards that are causing or are likely to cause death or serious bodily harm' to their employees, as well as an

obligation to comply with safety standards promulgated by the Secretary of Labor." GCMA fully supports this statement.

**GCMA Report #R-276.** In 2001 GCMA took the lead in introducing and widely circulating Report #R-276 asking the Coast Guard to establish comprehensive towing vessel inspection standards. At that time, there was no leadership within either the Coast Guard or Congress to disturb the existing "uninspected" status quo. I believe the Supreme Court decision may provide the necessary impetus to move forward to our mariner's workplace on towing vessels. The full Towing Safety Advisory Committee (TSAC) convened a working group under Mario Munoz of ACBL to discuss GCMA Report #R-276 and to present the matter to the full TSAC committee in San Francisco in March 2002.

The "offshore" connection. While working on revising Outer Continental Shelf regulations,<sup>(1)</sup> the Coast Guard is facing the challenge of coordinating OSHA workplace safety regulations with existing Coast Guard regulations. In the Outer Continental Shelf Lands Act, Congress gave the Coast Guard the authority to enforce matters of "workplace safety" since they are supposed to have the expertise in the marine field. However, even after being given the authority, the Coast Guard has done little to exercise that authority for over twenty years! GCMA asked: "What about workplace safety on towing vessels working on the outer continental shelf?"

Forgive our impatience, but our answer to this basic question has stalled in the regulatory process at Coast Guard Headquarters for over two years!

Who will regulate towing vessels? The Supreme Court decision touches on problems that go back to the introduction of the Occupational Safety and Health Act in 1970. The OSH Act's fundamental purpose is "...to assure so far as possible every working man and woman in the nation safe and healthful working conditions."<sup>(1)</sup> [<sup>(1)</sup>29 USC §651(b).]

In the opinion of the court "...another agency may "exercise" its authority within the meaning of the OSH Act 1) either by promulgating specific regulations or 2) by asserting regulatory authority over a certain category of vessels." However, in *Herman (Secretary of Labor) v Tidewater Pacific, Inc.* the Coast Guard refused to assert regulatory authority over uninspected towing vessels. This still leaves open the possibility that the Coast Guard could "promulgate specific regulations" should it choose to do so. As I see it, that's up to the Coast Guard.

What does the government need to regulate? GCMA Report #R-276 outlines in broad strokes the areas that new regulations would have to fill simply to close the gap to protect mariners on existing uninspected vessels only to the same degree that regulations now protect mariners on "inspected" vessels. Beyond that, additional workplace protections need to be in place to improve our "workplace" to reach the same standards enjoyed by non-maritime workers in the rest of the country. Remember, employees covered by OSHA have a 30-year head start simply because OSHA and the Coast Guard never got their act together! Such additional considerations include:

- . Confined space entry regulations<sup>(1)</sup> for mariners who must enter void areas to check for leaks, repair or pump barges. [<sup>(1)</sup>Based on OSHA regulations at 29 CFR 1910.146.]

- . Address noise exposure and hearing loss problems on towing vessels<sup>(1)</sup> Also address the effects of vibration problems on towing vessels where mariners are expected to sleep on board. [<sup>(1)</sup>Based on OSHA regulations at 29 CFR 1910.95.]

- . Provide out-of-water survival craft on all towing vessels on inland (LBS) and coastwise service. Require Coast Guard approved rescue boats meeting standards at 46 CFR 160.056 on vessels in river service.

Require suitable personal protective fire fighting gear<sup>(1)</sup> like that described in NVIC 6-01 for mariners who are expected to fight fires. [<sup>(1)</sup>Refer to OSHA regulations at 29 CFR 1910.155 and 29 CFR 1910.38 that also require employee emergency plans and fire prevention plans.]

Provide suitable firefighting equipment to extinguish fires on towing vessels. TSAC is currently looking into this problem.

Conduct regular inspections for safe drinking water. At present, mariners health is not protected.<sup>(1)</sup> [<sup>(1)</sup>Refer to Food and Drug Administration regulations at 42 CFR Part 72.]

Provide sanitary food service conditions.<sup>(1)</sup> This includes providing trained, healthy cooks and nutritious meals for towing vessel crews when vessel is or may be in service for over 12 hours in any 24-hour period and where food must be handled, stored and cooked on board. [<sup>(1)</sup>Consult OSHA regulations at 29 CFR 1910.141(g) and Food and Drug Administration Regulations at 42 CFR Part 1250.]

Inspect and approve the means used to gain safe access to and from towing vessels and barges.<sup>(1)</sup> [<sup>(1)</sup>Refer to 29 CFR 1910.37 and 1910.165(d) and 1910.25 and 1910.26.]

Inspect all tugs, towboats and barges for safe footing, guards for manhole covers, safety color code for marking physical hazards, and using non-skid paint on walking surfaces.<sup>(1)</sup> [<sup>(1)</sup>Refer to OSHA regulations at 29 CFR 1910.144.]

Require formal training of towing vessel engineers in main engines, pumps, hydraulic and pneumatic systems, generating equipment, electrical safety, proper use of hand and power tools etc including thorough training in pollution prevention while taking on bunkers.<sup>(1)</sup> [<sup>(1)</sup>Refer to OSHA regulations at 29 CFR 1910.169, .211, .212, .215, .241, .243, .244, .253, .254, .255, .302-.307, .331-.335, and .440 relative to recordkeeping.]

Provide rescue boat training for crew members using skiffs and outboard motors.

Provide adequate medical training, the availability of timely medical advice by radio to crew members serving on a towing vessel, and providing the vessel with a well maintained and well stocked inventory of items in a first aid kit.<sup>(1)</sup> [<sup>(1)</sup>Refer to OSHA regulations at 29 CFR 1910.151]

Require training in Lockout/Tagout procedures.<sup>(1)</sup> [<sup>(1)</sup>Refer to OSHA regulations at 29 CFR 1910.147.]

Provide mariners with protection against cold air and water while working on deck with USCG approved exposure suits that also protect against hypothermia if a person falls overboard.

We do not claim that the general OSHA regulations cited above are all well-suited to use aboard vessels, only that they provide a starting point.

The Gulf Coast Mariners Association is working to improve mariner health and welfare. We work with the Coast Guard as members of the public at Towing Safety Advisory Committee meetings and in working groups. However, GCMA and our sponsors also work very closely with the U.S. Department of Labor (the parent of OSHA) to administer a large training grant to prepare "lower-level" offshore mariners to meet STCW requirements. If OSHA becomes more deeply involved in the maritime industry in the role of protecting our mariners on uninspected towing vessels, we will offer them our support and expertise and work closely with them. We do not plan to sit back and wait another 30 years!

## STRIKING AN AID TO NAVIGATION

[Edited comments submitted by GCMA Member **Captain Dean Bruch**]

It is a fairy tale if the Coast Guard expects mariners to voluntarily report every time they strike an Aid to Navigation.

Mariners are afraid of the Coast Guard because they could be fired. Many owners are afraid since they could be subject to fines. If mariners do report hitting an aid to navigation, they have no assurance the Coast Guard will not challenge their license in possible suspension or revocation proceedings. In the case of deep draft foreign flag vessels this could subject them to heavy fines.

One of the advantages of a **VTS** system immediately picking up when an aid has been destroyed is they can immediately notify mariners of this discrepancy and allow them to exercise prudent seamanship in safely navigating their vessel past the site of the missing or damaged aid.

Several years ago I was involved in a collision case representing the offshore supply vessel GALVESTON sunk by a ship with loss of life. Since this wreck was a hazard to navigation the Coast Guard promptly put a wreck buoy in place. On four occasions the buoy was struck and sunk in "hit and run" incidents. Mr. Monty Ledet, Eighth District Chief of Waterway Safety, registered this complaint at a Port Safety Council Meeting. It was generally agreed that if the Coast Guard had not shut down the old **VTS** system, they would have been in a better position to determine who kept sinking the buoy. I believe he quoted a figure of \$60,000 apiece for the cost of each wreck buoy.

There are two things I believe the Coast Guard can do which would enhance safety on our waterways. **First**, act in the best interest of mariners and the public by putting discipline back into the agency by regulating all entities under their jurisdiction rather than just picking on the working mariners. **Second**, shut down, what I call their cover up department, and replace it with a common sense department.

## A SHOT ACROSS THE BOW IN THE PERIMAN CASE

[Captain Greg Periman's license was **returned** after facing unfair prosecution as described in May 2001 GCMA Newsletter. Unfortunately, certain Coast Guard officers failed to understand that the Drug Lab, the Medical Review Officer, and Greg's employer all paid dearly for depriving him of a living for several years. They paid in cold, hard cash. Unfortunately, Periman's attorney Laurence D. Mass, Esq., found it necessary to remind the Commandant to "**call off the dogs**" and not continue to slander his client. Edited portions of the letter appear below.]

Dear Admiral Loy,

I and other attorneys represented Greg Periman in recent civil litigation concerning issues that were also central to the Coast Guard's attempt to revoke Mr. Periman's license. The other attorneys also represented Mr. Periman in the Federal lawsuit brought against the Coast Guard related to that revocation. As you might recall, an Administrative Law Judge revoked Greg Periman's Merchant Marine license based upon what turned out to be a false-positive drug test conducted by **LabOne** and improper and incorrect advice provided to him by a **Medical Review**

Officer. Mr. Periman appealed that revocation. Through the Coast Guard's internal appeal procedures, it ordered that the matter be remanded to the Administrative Law Judge. After a Federal Court action was brought against the Coast Guard alleging its failure to comply with Federal Regulations, the Coast Guard rescinded the revocation and reinstated Mr. Periman's Merchant Marine license before remand so that he could again pilot barges on the Mississippi River and other waterways...

It has come to Mr. Periman's attention that Coast Guard personnel may well be characterizing the restoration of Mr. Periman's license as being based upon a legal technicality. That is not correct and very damaging to Mr. Periman's reputation and to his efforts to obtain gainful employment...

At the very least, Coast Guard personnel should refer to the laboratory result as a "false-positive chemical test," if they should make any reference whatsoever. They certainly should not state or imply that the drug test was correct and positive and that Mr. Periman had his license reinstated based upon a legal technicality. If Coast Guard personnel are impugning the integrity by which the Coast Guard has returned Mr. Periman's license in order to call into question his reputation and ability to be a pilot on the...waterways, it is doing a significant disservice to Mr. Periman and a significant disservice to the Coast Guard's own license hearing procedures. We would appreciate that you direct that any such misrepresentations cease.

We also request that you direct that Lawson & Lawson Towing Company, Mr. Periman's employer at the time of the invalid license revocation, be required to remove all references to this false-positive test from his employment files.

These requests are based solely upon the results of the Coast Guard's own procedures, the evidence adduced during the Coast Guard's appeal process, and the Coast Guard's actions as a result of Mr. Periman's appeals and the Federal Court lawsuit brought against it....S/Laurence D. Mass<sup>(1)</sup> [<sup>(1)</sup>Laurence D. Mass, Esq., 230 South Bemiston, Suite 1200, St. Louis, MO 63105. Phone: (314) 862-3333, Ext. 20. FAX: (314) 862-0605]  
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| <b>CONGRESS ASKS FOR REPORT<br/>ON COAST GUARD SMALL BOAT STATION SEARCH &amp; RESCUE PROGRAM</b> |
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The Department of Transportation Inspector General submitted a landmark report on its audit of the Coast Guard's small boat station search and rescue program on September 14, 2001, just three days after the terrorist acts on New York City and the Pentagon. The date is significant because the report obviously reflects the situation that existed before September 11th..

In reading the report, GCMA Directors who understand the frustrations of working on small commercial vessels under 1,600 gross tons and of being ignored by the Coast Guard for years, can sympathize with the way the Coast Guard has treated many of its own seamen. The report is significant and will not disappear in that it was done in response to congressional direction.

The report deals with the Coast Guard's 188 Search and Rescue (SAR) stations located along the 95,000 miles of U.S. coastline. These stations are authorized 4,049 personnel operating a fleet of 554 rescue boats 57 feet in length or less. During fiscal year 2000, they responded to 40,068 calls from help from recreational boaters and mariners in distress. These responses assisted 54,368 people and saved 3,365 lives. More than 90 percent of all offshore SAR missions occur between 0 and 10 nautical miles of the U.S. coast line.

The statistics are impressive and are meant to be. But the full story behind these statistics touches a very sore spot with us because the internal organizational problems Coastguardsmen

face are usually masked from public view...as are problems our mariners face. All the public sees are the spotless white boats appearing in public news releases. The report revealed certain significant points...ones that we will issue our (probably unwelcome) comments on:

"Staff shortages require boat crews at 90% of SAR stations to work an average of 84 hours per week."<sup>(1)</sup> Although that figure is the same figure worked by our "lower-level" mariners under the "two-watch" system, it is interesting to note that "...eighty-four (84) hour workweeks exceed Coast Guard's sixty-eight (68) hour workweek standard established in 1988."<sup>(2)</sup> The standard was established to limit the fatigue and stress among station personnel. The same Coast Guard officers that violate their own policies see nothing wrong with turning a blind eye to the violations of the 84-hour workweeks our mariners protest. [(1)Executive Summary, p.1 (2)Refer to Commandant Instruction M5312.11A, Staffing Standards Manual.]

To this point, GCMA has fighting the abuse of the two-watch system that leave 12-hour days as only a starting point. Does the Coast Guard ignore our mariners so they can rationalize their dirty little secrets? Guess what! This policy backfires on them as it has in the towing and offshore oil sectors of the marine industry! The "Coast Guard acknowledged that experience levels have declined throughout the service due to personnel leaving the Coast Guard for various reasons."<sup>(1)</sup> [(1)Report, p.3]

"There is no formal entry-level training for boatswain's mates, who are key SAR staff and comprise one of the largest of the Coast Guard's enlisted job specialties"<sup>(1)</sup>...accounting for 65% of the coxswains and boat crew members assigned to stations. The report points out that no formal school exists for active duty boatswain's mates. While formal schooling for these ratings scored a flat goose egg, Public Affairs Specialists receive 12 weeks of training. Perhaps that explains why the Coast Guard gets "good press." Just read the newspaper, watch TV, go to the movies. No good rescue at sea takes place without inevitable press coverage. Without press coverage, it is a non-event. Good old on-the-job training (OJT) is how it's done in the Coast Guard and just like it was done before 1998 in the oil patch...that's before STCW arrived. [(1)Executive Summary, p.ii]

"84% percent of the standard rescue boat fleet inspected by the Coast Guard in FY2000 were found 'Not Ready for Sea' for reasons that were often corrected within two days of the initial inspection." The Coast Guard Commandant wanted to quibble with the words and introduce a new term that would state the vessels were "Not Fully Mission Capable." The Inspector General balked at changing his report because..."The audit report uses data from inspections conducted by some of the Coast Guard's most experienced small boat personnel using the Coast Guard's own inspection standards."<sup>(1)</sup> Zappo! [(1)Report, p.29]

"The Coast Guard has not requested funding to either replace or extend the useful life of its 41-foot utility boat fleet, which is reaching the end of its service life."<sup>(1)</sup> 92% of their 41-foot utility boats have been in service for over 20 years. According to the Coast Guard, these vessels have an average of 3 years of engine life and 8 years of hull life remaining. Based on past procurement projects, designing, constructing and deploying a replacement has taken three years or more in the past...and they haven't even asked Congress for the money. [(1)Executive Summary, p.ii]

"Over the last 5 years, the ratio of trainer to trainee has declined from 5.5 to 1 to (only) 1.5 to 1 increasing the on-the-job training workload for experienced staff and diminishing the overall quality of on-the-job training." [(1)Executive Summary, p.ii]

It's not our job to beg for more money for the Coast Guard. They have over 40 well-paid Admirals to do that. But, over the years these high ranking officers clearly have betrayed their own people. "More than 70% of vacant positions at small boat stations are filled with Coast Guard boot camp graduates. Boot camp provides little training in seamanship and water survival



techniques and no training in small boat handling, SAR techniques, and piloting and navigation."(1) By ignoring these personnel, the Coast Guard "leadership" has also betrayed commercial mariners within range of these small boat stations.

**All of this happened long before September 11, 2001**

GCMA's MERPAC representative and Chief Engineer Glenn Pigott recently offered these thoughts in a letter to GCMA: "The Coast Guard is out there to guard our nation's security. At a time when our security is being threatened, take pressure off the service by restructuring it and removing once and for all heavy-handed oversight of merchant mariner licensing, supervision of new construction that can be effectively managed by classification societies, farm out vessel inspection by Coast Guard officers, and turn rulemaking functions over to civilians. Let the Corps of Engineers set the buoys and turn the boat stations over to responsible state authorities with the necessary funds to manage them. This is wartime, and civilians can handle all these peacetime functions."

**OFFSHORE INDUSTRY CHEATED EMPLOYEES OF \$75 MILLION  
(A Follow-up Report)**

The original report appeared in our Nov./Dec. 2001 newsletter on page 4. Since that time, GCMA members supplied us with a number of copies of letters on the Class Action Lawsuit titled Verdin, et al vs. R & B Falcon Drilling USA, Inc., et al.

At first, the lawsuit appeared to involve only rig workers. However, several workers were part of the marine crews working on vessels owned and operated by R & B Falcon and ENSCO, only two of the companies alleged to have engaged in a conspiracy to unlawfully control pay rates in the Gulf of Mexico. The ENSCO letter sent to its employees provides "proof of claim" forms for "ALL rig based employees of drilling companies engaged in water based drilling operations and marine crews of support vessels employed by one or more of the drilling companies at any time between January 1, 1973 and August 1, 2001." (*Emphasis is ours*). The complete list of companies appears in our Nov./Dec. 2001 Newsletter...another good reason to keep all our back issues!

In the lawsuit, the companies admit to no wrong doing and are as pure as the driven snow. But an odor is now starting to pervade the marine industry. Like ENRON that has been in the news lately, maybe the time for some of these boat companies has arrived to come clean!

The forms are not hard to fill out and mail in. Since we are not lawyers, we cannot give you legal advice. However, we can tell you to call: M.A. "Mickey" Mills, Esq., Court-Appointed Special Master and Settlement Administrator, 109 Post Oak Lane, Suite 300, Houston, TX 77027. Telephone: (713) 735-8514 or 1-800-686-7710. FAX (713) 785-2091. E-Mail [www.offshoreclass.com](http://www.offshoreclass.com)

**WE DON'T BUY THIS LINE ON THE 12-HOUR RULE**

[GCMA sent the following letter to LT Scott Calhoun (G-MSE-1) on December 26, 2001. On January 16, GCMA members Captain Bill Beacom and Richard Block discussed the matter at a

TSAC working group meeting at Coast Guard Headquarters. Information presented in the meeting did not change the views expressed in the letter. However, we are always willing to consider any scientific evidence the Coast Guard may present that validates the "two watch" system. To date, we only have promises.]

**Dear LT Calhoun,**

Our Association's concern for the continued exploitation of lower-level mariners and continued abuses of the "12-Hour Rules" (i.e., the two-watch system) presses us to offer these further comments on the Coast Guard's "Crew Endurance Management" project.

We have submitted to your agency, and specifically to RADM Pluta, to Commander Close, and to yourself, copies of our book titled Mariners Speak Out on Violation of the 12-Hour Work Day that contain well over 50 cases where mariners were forced to work more than the legal number of hours simply to hold their jobs and feed their families. Yet, your agency has not taken even the first step to investigate a single one of our allegations.

The Chairman of the National Transportation Safety Board has recommended and urged all modal agencies within the U.S. Department of Transportation to adopt scientifically based work-hour regulations. However, VADM Josiah, Coast Guard Chief of Staff, replied in effect that this could not be done. We disagree.

In regard to working hours, our protests to date have concerned cases where mariners illegally work in excess of 12 hours in a 24-hour period. However, we are also concerned with attempts to fragment and otherwise infringe upon our mariners' off-duty hours.

Specifically, we find it extremely difficult to correlate the U.S. Coast Guard Guide for the Management of Crew Endurance Risk Factors, Report #CG-D-13-01, Final Report, September 2001 that repeatedly calls for 7 to 8 hours of uninterrupted sleep with your statements and attempts to juggle the existing 6 & 6 watch schedules of river mariners to a 7 & 5/ 5 & 7 hour watch schedule.

The Coast Guard report cited above, starting on page 1-1, repeatedly and uncompromisingly states that anything less than 7 to 8 hours of uninterrupted sleep is insufficient sleep duration. The report also emphasizes the necessity for "uninterrupted sleep." Further, the report does not even consider the two-watch system as being a viable alternative to a three-watch system or any other system under consideration.

We do not believe that a 7 & 5 followed by a 5 & 7 hour watch schedule allows for a full 7 to 8 hours of uninterrupted sleep. In addition, the irregularity of the schedule itself tends to be disruptive.

Report #CG-D-13-01 was designed to remedy problems with the Coast Guard's own personnel. These problems came into plain view, especially to Congress as a result of the S/V MORNING DEW accident in 1997 where, among other things, one key Coast Guard watchstander on 24-hour duty was asleep at the time of the incident and another was insufficiently trained to act responsibly. Of course, the **\$19,000,000** settlement against the Coast Guard served to emphasize the point.

Since GCMA's visit to Capitol Hill last September both before and after the MERPAC/TSAC meeting, many Congressmen and Senators now know "up close and personal" about our mariners' problems with abuses of the 12-hour rule.

Well, LT Calhoun, lower-level mariners are human beings, too. They have to have their sleep and a little leeway when they can't get to sleep aboard ship for any number of

understandable reasons. They need to be well-rested when they join the vessel. They cannot afford to stand two consecutive watches during certain types of crew changes - which are only two of the problems faced by undermanned vessels.

The existing two-watch system, extended over a period of time, stretches "crew endurance." Eating, bathing, and simply relaxing slashes 7 to an easily predictable 6 hours and 5 to 4 hours that falls far short of the 7 to 8 hours Report #CG-D-13-01 calls for. And, the sleep deficit only builds up as time passes.

The two trade associations that you appear to cater to, namely the American Waterways Operators (AWO) and the Offshore Marine Services Association (OMSA) are the organizations whose members profit from the exploitation of lower-level mariners. AWO deals primarily with uninspected vessels while OMSA deals primarily (but not exclusively) with inspected vessels. As for the offshore oil industry, the manning levels have been reduced so low that personnel seldom if ever have the opportunity to gain adequate sleep. The Coast Guard and the vessel owners (and their trade association) are responsible for setting appropriate manning levels. Many OSVs do not even post meaningful watch schedules because undermanning makes their work schedules hopelessly irregular. Mariners do not even enter into the picture of setting manning levels. [*Refer to GCMA Report #R-279, Enclosed.*]

Even though you may have seen people happy or even delighted with 7 & 5 / 5 & 7 watches as opposed to 6 & 6 watches, I hope you realize that you were dealing with a captive audience working with full crews for reputable companies. In your letter, you stated that: "We are continuing to learn more about the industry and we feel this is an excellent opportunity." To the contrary, by ignoring the real mariners - as when you ignore us - you are simply allowing yourself to be flattered and coned by the experts. I suggest you read our book and our reports to learn about the lives of lower-level mariners and then act both appropriately and responsibly.

Very truly yours, s/Richard A. Block, Secretary/GCMA