NMA REPORT #R-206-C

DATE: August 24, 2011

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Asserting our right "…to petition the Government for redress of grievances."
Amendment 1, U.S. Constitution, Dec. 15, 1791

IMPLEMENTATION OF THE AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION, AND WATCHKEEPING, 1978, AND CHANGES TO DOMESTIC ENDORSEMENTS

[NMA Comments are posted on STCW Docket #USCG-2004-17914]

Our Association speaks on behalf of "lower-level" limited tonnage mariners. We do ***not*** speak on behalf of "upper-level" mariners.

Our Association attended many Federal Advisory Committee meetings where STCW was on the agenda. From what we have experienced, we believe that the imposition of STCW requirements as pursued by the Coast Guard is to the ***distinct disadvantage*** of many of our "limited tonnage" mariners identified as hawsepipers.

Although we do not oppose STCW training and recognize the advantages of formal training in structured classes using modern instructional techniques, we believe the Coast Guard failed to consider the ***cost*** of the training they prescribed both in dollars and in the time involved.

We agree with the Coast Guard that mariners on true international voyages (i.e., voyages between two sovereign nations) must meet international STCW obligations – even if the regulations are hard to understand. However, we disagree with the notion that our own domestic commerce (i.e., commerce between states in the United States) should be burdened with STCW regulations that are so confusing, stilted, and difficult to understand.

Fortunately, on vessels of less than 200 GRT and on vessels operating on inland waters, the Great Lakes, and rivers, the Coast Guard agrees that our domestic credentialing programs are sufficient. However, this is not true on vessels between 200 and 1,600 GRT in domestic coastwise service. Nevertheless, the Coast Guard persists in cramming the STCW program down the throats of our mariners. This rulemaking continues their failure to consider our Association's objections.

The Fall 2008 issue of Proceedings of the Marine Safety and Security Council (p. 43) states: "The cost to advance one deckhand to mate through the apprentice mate system was costing …about $78,100."

The Coast Guard advanced their STCW proposals in 1995 with no clear idea of who would cover the training expenses. Up to that point, the Coast Guard was concerned only with "***testing***" license candidates but ***not*** in ***training*** them. They encouraged training institutions to submit courses to the Coast Guard for approval. The results have created a dramatic improvement in educational opportunities but at a tremendous cost.

Many vessel owners and operating companies have risen to the challenge to pay for the training. However, many have not done so and many small companies may not be able to do so.

The 111th. Congress, faced with many student loan defaults and the deteriorating economy chose not to fund the educational loan program put forward by Congressman Elijah E. Cummings.

Our Association, recognizing that many limited-tonnage "hawsepipers" in the domestic trades on coastwise routes are overwhelmed by these STCW requirements, proposed that the United States take advantage of Article XV of the STCW Convention (Denunciation) and immediately notify the International Maritime Organization that our domestic credentialing program is sufficient for mariners serving on vessels of 200 to 1600 GRT (500 to 300 tons IRT) in domestic coastwise waters.

NMA PUBLIC COMMENT #1

☐ **Date:** August 24, 2011
☐ **Location: Public Meeting,** Hilton Garden Inn Hotel, 821 Gravier Street, New Orleans, LA.
☐ **Occasion: Request for Comments**
☐ **Docket #: USCG-2004-17914**
☐ **Proposed Regulation: 46 CFR §11.910 & Table 11.910-2 "**Subjects for Deck Officer Endorsements**."**
☐ **Federal Register Cite: 76 FR 46023-46025**
☐ **Our File #:** GCM-287

☐ **Our Goal. Our Association asserts that the public has the right to free access the very latest version of every examination question and answer and that it is a well-established function of the Coast Guard to maintain the database up to date.**

On July 6, 2010 Captain David Stalfort, Commanding Officer of the National Maritime Center, issued a document titled Changes to Mariner Examination Questions Posting **[Enclosure #1]** that effectively removed all mariner internet access to every license exam question and answer.

Acting as Secretary of the National Mariners Association, I wrote to Capt. Stalfort on July 8, 2010 protesting the removal of this data **[Enclosure #2]** on behalf of 126,000 "limited tonnage" mariners.

To assert our claim, we produced a letter from the Coast Guard former Chief of Staff RADM A. Bruce Beran, **[Enclosure #3]** dated 18 July 1988 that granted my (personal) ***Freedom of Information Act Appeal #85-10*** to make the questions available to the public citing a comparable policy by the Federal Aviation Administration.

Subsequently, I received a carton of paper containing all existing databank questions. Later, I received mainframe computer tapes of these questions, as did many other maritime educators at a total cost of approximately $6,000 to the Coast Guard. These tapes were absolutely useless to most maritime educators as nobody had suitable computer equipment. ***The Coast Guard's goal, however, clearly was to make the questions public without favoritism and without reservation***

Acting as Newsletter Editor for the National Association of Maritime Educators (NAME) I obtained professional services to convert the useless computer tapes into usable disks. As Vice President of Marine Education Textbooks (MET), I offered paper copies from our Xerox 9500 printer as a ***non-profit public service*** for all maritime educators responsible for training our mariners.

As "Editor" at MET, I compiled the "genuine" Coast Guard questions along with questions of my own and text material to prepare license study textbooks for sale as a "value added" product to "limited-tonnage" merchant mariners. I have done so continuously for the past 41 years.

Shortly thereafter, the Government Printing Office reprinted all the questions and illustrations in a series of "Yellow Books" for sale to the public. These books were updated and corrected several times until about 2000 when the contents were placed on the internet for public access. Computerization was a step forward. It also was reinforced by "assessments" under STCW and with Towing Officer Assessment Records (TOAR) for officers of the nation's 6,100 towing vessels that emphasize practical application of many "knowledge" requirements.

The Coast Guard corrected, updated and maintained this database on line and open to the public until July 2010.

During this 10-year period, NAME – on its own initiative – generated approximately 1,500 proposed corrections – 750 of which resulted in changes. We encouraged individual maritime instructors to submit timely corrections and updates to the database. Mariners who took Coast Guard exams were (and still are) encouraged by the NMC to submit comments from the exam room. However, such "challenges" to exam questions that are given in the exam room are last ditch efforts to avoid costly retesting procedures. Consequently, we assert that the entire data base was continuously improved through input from the public.

☐ **Assertion of Unresponsiveness.** The action of eliminating public access to the exam question database clearly was an official act by Captain Stalfort as Commanding Officer of the National Maritime Center. Our letter protest was mailed well before Captain Stalfort was relieved by Captain Lloyd on or about July 22, 2010. However, neither Captain Stalfort nor his successor Captain Anthony Lloyd took the time to respond to our letter. We are offended by their cavalier treatment.

After waiting a suitable period, our Association filed a ***formal Appeal*** with the Director of Prevention Policy (CG-54) on November 23, 2010. **[Enclosure #4]** Learning from presentations at several public meetings that most appeals were answered promptly, we wrote (Certified Mail, Return Receipt) to Commandant Robert Papp on Feb 21, 2011 complaining of past instances where correspondence addressed to Captain Stalfort were never answered. ***The letter addressed to the Commandant was never answered***. **[Enclosure #5]**

On June 22, 2011, we wrote to DHS Secretary Janet Napolitano on the subject of ***Unresponsive Coast Guard Officials***. **[Enclosure #6]** Captain Lloyd responded but his letter offered no changes from Captain Stalfort's policies – a position we consider unacceptable.. **[Enclosure #7].**

Furthermore, we are dissatisfied with the treatment of our formal Appeal by the Director of Prevention Policy (CG-54).

☐ **We Assert Possible Ethical or Legal Misconduct.**

On or about July 29, 2011, we received a copy of an e-mail **[Enclosure #8]**(1) from an reliable source purportedly drafted by David C. Stalfort, now in a civilian capacity as "Director, Performance Management Programs, ABS Consulting" a private government contractor that regularly does business with the Coast Guard with a proposal to develop "6,000 questions (deck and engine and 1,000 illustrations)" for acceptance by the Coast Guard. "ABS Consulting would then contract directly with the appropriately qualified groups or individuals and provide ***compensation*** for their efforts, ***perhaps on a per-question fee basis***." *[(1)Enclosure 8 is a photocopy paste-up to preserve the anonymity of the source. We provide this information under 46 U.S. Code §2114 as amended.]]*

☐ **Recommendation #1.** The fact that a former Coast Guard officer, recently separated from the service, used the results of an official action for which he was responsible to enhance his post-military career with a civilian contractor is repugnant to us. We believe this conduct is ethically if not legally reprehensible. As such, it reflects the ***appearance of impropriety throughout the Coast Guard's chain of command***.

Our Association has no authority to "investigate" misconduct. However, we do have considerable experience with Coast Guard investigations(1) and their outcomes.(2) *[(1)Refer to NMA reprints of these reports:* ***NMA Report #R-429-M*** *(Reprint of Department of Homeland Security Report #OIG-08-51, (48p.); NMA Report #R-429, Rev. 1, NMA Report to Congress: Shortcomings in Marine Safety Investigations.. (51p.);* ***NMA Report # R-429-A, Rev 1****. Reprint of the 1994 Coast Guard R&D Report. (66 p.);* ***NMA Report #R-429-B, Rev. 1*** *- Report of the USCG Quality Action Team on Marine Safety Investigations 78p.* *(2)****NMA Report #R-204, Rev. 3*** *– The Coast Guard "Injustice" Handbook. ISBN-1-933186-21-6. (175 p.)* ***All reports are available free on our website****.]*

We urge an appropriate investigation by an agency not affiliated with the U.S. Coast Guard to look into what appears to be an outstanding issue of the Washington Beltway's well-known "Revolving Door" policy for former military officers. By our public appearance at this meeting we invite appropriate media attention.

In light of the Coast Guard lack of cooperation, we are prepared to furnish the media with full information and invite their participation.

☐ **The Quality of Merchant Mariner Exam Questions.**

Citing the introductory paragraph of **[Enclosure #8]** above "As you well know, the issue of the ***quality*** of merchant marine exam questions has been long standing among the maritime industry and we now have an opportunity to address the issue."

The ***quality*** of the existing examination questions has survived intense public scrutiny from 1988 to 2010 and corrections were made to the database.

The Coast Guard pays certain employees at the National Maritime Center (NMC) to maintain the quality of the database. As Commanding Officer, Captain Stalfort was in charge of those employees. During the period he was in charge of the NMC, the number of employees involved in credentialing nationwide almost doubled in size.

Our **goal** is clearly stated above. ***The quality of existing exam questions*** removed from the public realm by Captain Stalfort is ***not*** the issue. The fact that they were removed and are still withheld from the public is really the issue.

Nevertheless, our Association understands the need for new questions covering new areas within the topics and subtopics defined by 46 CFR §11.910-2. **[Enclosure #9]** As a schoolteacher by profession and textbook editor, I understand that creating appropriate multiple choice questions covering both existing and new topics in the regulations to the level required by the Coast Guard is a specialized job.

In the past, the Coast Guard used outside contractors to obtain that expertise. For example, most of the existing

MODU questions were compiled by Houston Marine Services under contract for $141,000. Nobody says that this expertise is cheap. However, the questions always were made accessible to the public starting with the Coast Guard's Chief of Staff letter in 1988.

We assert that the "Examination Topics" and subtopics listed in **[Enclosure #9]** represent the only regulatory guidance to merchant mariners preparing for a written Coast Guard examination ***on their own***. The actual questions and answers define the scope and the extent of current credentialing examinations that are given by the Coast Guard at maritime academies and at Regional Examination Centers (REC). We assert that the continued public availability of these questions in their most up-to-date form on the internet is absolutely essential for all mariners. The idea of preparing "Specimen Questions" involves extra work for the Coast Guard at taxpayer expense and is a duplication of effort that falls far short of our request.

☐ Recommendation

The public, including both mariners and maritime educators, requires access to the latest, updated questions to satisfactorily prepare for credentialing exams; and the questions themselves must meet Coast Guard standards. These standards involve having a publicly available source for each question. In respect to this rulemaking, we request that the text material backing exam question be ***Incorporated by Reference in 46 CFR Part 11*** a fact that we believe this rulemaking should address.

Very truly yours,

Richard A. Block, B.A., M.S. (Ed.)
Master #1186377, Issue #9
Secretary, National Mariners Association

NMA PUBLIC COMMENT #2

☐ **Date:** August 24, 2011
☐ **Location: Public Meeting,** Hilton Garden Inn Hotel, 821 Gravier Street, New Orleans, LA.
☐ **Occasion: Request for Comments**
☐ **Docket #: USCG-2004-17914**
☐ **Proposed Regulation: 46 CFR §10.103 – Definitions - Amended**
☐ **Federal Register Cite: 76 FR 45960, Column 3**
☐ **Our File #:** SNMA0824.2B

This proposed rulemaking proposes ***without explanation***, a changed version of the existing definition of "Western Rivers." The current regulation appears in **[Enclosure A].**

The proposed rulemaking would add the following phrase to the end of the existing definition: "Those waters specified in 33 CFR §89.25."

Those ***added*** rivers and waterways are those "Specified by the Secretary" and are listed in **[Enclosure B]**

There may be some valid reason why the Coast Guard proposes this change although the SNPRM does not give us any insight in what these reasons are.

Our Association objects to this change for the following reason:

Since these rivers and waterways previously were not part of the western rivers definition, the appropriate ***credential endorsement*** for mariners using these waterways was Great Lakes and Inland (with emphasis on Inland Waters).

An Inland Waters credential's endorsement requires a ***prerequisite of 30 days service*** on Inland waters while a Western Rivers endorsement requires a ***prerequisite of 90 days service***.

Considering past treatment of mariners at the National Maritime Center by some evaluators who clearly have a limited knowledge or appreciation of geography, we believe that any service on "waters specified by the Secretary" in 33 CFR §89.25 should be automatically Grandfathered into an ***additional*** Western Rivers endorsement if this regulatory change is made. Otherwise, it may disrupt or discourage a number of mariners.

Need for Adequate Notice. Our Association does not object to the 90 days of prerequisite service as being out of line for new licenses as long as ***adequate advance notice*** is given. We do not consider that this SNPRM, whose orientation is primarily focused on "international" waters, should be considered as adequate notice.

The Coast Guard (and many boat owners) often do not succeed in transmitting important messages out to our mariners for reasons cited in our Report #R-382 – Why Our Mariners Don't Get the Message. **[Enclosure C].**[(1)] ***For example,*** many local mariners still believe the dividing line between Western Rivers and Inland Waters lies at the Huey P. Long Bridge above New Orleans and not near the mouths of the river (over 100 miles away) at "the navigational demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the United States…." During license checks following the M/V Mel Oliver – Tintomara collision and oil spill at New Orleans, in 2007, a number of mariners were found to be operating without Western Rivers endorsements often because the definition had changed. They were not treated by the authorities. *[(1) NMA Report #R-382 is available free on our website.]*

Coast Guard Control over the Inland Navigation Rules. Recently, Congress surrendered control of the "Inland" Rules to the Coast Guard and changed the codification of these rules from the United States Code (USC) to the Code of Federal Regulations (e,g., 33 CFR §89.25). Our mariners recall that in 1980 it took an entire Federal Advisory Committee (e.g, the then "Rules of the Road Advisory Committee" (RORAC) now "NAVSAC") to untangle the inland rules and harmonize them with the "new" COLREGS.

We do not need to have ***sloppy rulemaking practices*** to create new credentialing difficulties for our working mariners. The maritime public deserves a solid explanation for every regulatory change and explicit grandfathering of all affected mariners well in advance of the date when such changes are contemplated.

Thousands of copies of the "Rules of the Road" books exist. They are ***required*** to be carried on all inspected

vessels. Most mariners have their own copies. The cost of replacement at about $15.00 apiece should not be forgotten and mariners serving on remote and lightly traveled waterways need some leeway from authorities who often engage in “nit-picking” their credentials.

Very truly yours,

Richard A. Block, B.A., M.S. (Ed.)
Master #1186377, Issue #9
Secretary, National Mariners Association

NMA PUBLIC COMMENT #3

☐ **Date:** August 24, 2011
£ **Location: Public Meeting,** Hilton Garden Inn Hotel, 821 Gravier Street, New Orleans, LA.
☐ **Occasion: Request for Comments**
☐ **Docket #: USCG-2004-17914**
☐ **Proposed Regulation: 46 CFR §11.910 Subjects for Deck Officer Endorsements**
Table 11-910-2 Examination Topics in Deck Officer Endorsements
☐ **Federal Register Cite:** 76 FR 46023-46025
☐ **Our File #:** SNMA0824.3C

This proposed rulemaking proposes ***without explanation***, various changes in the regulation (46 CFR §11.910), the list of exam topics, and the examination requirements for various credentials. This information is essential for license candidates who must prepare for various Coast Guard officer endorsements on all routes including not only international waters but also Near Coastal Waters, Inland Waters and Great Lakes, Western Rivers, Rivers other than Western Rivers.

The Coast Guard made a major regulatory change on March 16, 2009 (Docket #USCG-2006-24731) that changed this table[(1)] and again in this SNPRM without making any explanation of the nature of these changes and the reasons for making them. *[[(1)]At 74 FR 11258.]*

These changes brought about a number of changes that seriously impact many of out "limited-tonnage" licensed officers, especially "hawsepipers." Suddenly, candidates for 1600 tone licenses on near coastal waters faced an examination that approximated one for third or second mate – an exam comparable to one given after four years at a state or federal maritime academy. For example, Celestial Navigation examination topics and subtopics in the table normally required on Oceans routes were pushed down to near coastal 500/1600 ton examinations.

These changes were not adequately discussed in the regulatory preamble to Docket #USCG-2006-24731 in 2009 nor are they adequately discussed in a manner easily understood by our mariners in this SNPRM.

We notice that a the Director of Prevention Policy (CG-543) issued Policy Letter #11-07, 107 pages in length and directed toward "***Hawsepipers***" – including many serving on towing vessels – that may well be unintelligible to many in the audience to which it is directed. Our letter to CG-543 follows:

July 14, 2011

ATTN: Mr. Luke Harden (CG-5434)
U.S. Coast Guard Headquarters (Stop 7581)
2100 Second Street, SW
Washington, DC. 20593-7581

Via Fax to: **202-372-1908**

Subject: Towing Officers and CG-543 Policy Letter #11-07

Dear Luke,

I understand from page 7 of this new policy letter that you are the person "responsible for implementing this guidance." I can only hope you are not the person responsible for creating this policy.

Since 2000, the Towing Safety Advisory Committee (TSAC) worked on preparing and later refining the Towing Officer Assessment Records (TOAR) that first appeared in NVIC 04-01 on May 21, 2001. The latest "refinements," the finishing touches, were put on the Near Coastal/Oceans TOAR (and others) by Tom McWhorter's working group at the TSAC meeting in Memphis on June 16-17, 2011 and submitted as "Recommendations." I understand that ***the Coast Guard can do whatever it pleases with those recommendations.***

It appears that the Coast Guard has done just that in issuing Policy Letter #11-07.

My concern, both as a mariner and as a taxpayer, is that the Coast Guard in issuing Policy Letter #11-07 has thrown our ***credentialed mariners*** who serve primarily on ***towing vessels*** (but also on OSVs) that operate on ***near coastal waters in domestic trades*** "under the bus."

As you know, our Association's specific concern is for those "limited-tonnage" mariners serving on vessels between 200 and 1,600 GRT – the "Hawsepipers" this policy letter addresses.

Question #1: I would like to know ***why*** there was no mention of Policy Letter #11-07 at the last TSAC public meeting in Memphis on June 17, 2011? (As you know, the "working group meeting on June 16th was not announced to the public.) The policy letter was signed the day ***after*** the meeting closed, but the letter surely was not written over night. The timing appears to us to be disingenuous and makes it difficult to trust anyone in your office.

Question #2: Up to this time, a "***Designated Examiner***" for any uninspected towing endorsement appeared to be separate and distinct from an "***Assessor***" for STCW requirements on an inspected OSV. This policy letter appears to end any distinction between the two functions. Is it correct to say that a person who assesses candidates for STCW and a Designated Examiner who assesses candidates for ***Near Coastal and Oceans routes*** will now have to be fully qualified to assess both TOAR and STCW standards? Perhaps near coastal should be separated from oceans routes in the TOAR in light of the different "assessment" sheets.

Question #3. Since many of the Assessments deal with "terrestrial navigation" such as takes place in Long Island Sound, Buzzards Bay, and other ***inland waters*** will the functions of Designated Examiner and Assessor also be combined on inland routes?

Question #4. The distinction between the two terms (i.e., Designated Examiner and Assessor) was quite evident in a TSAC working group meeting where I recall the Assessors Manual for Conducting Mariner Assessments, now contained as Enclosure #3 of the new policy letter, was discussed as a possible TOAR requirement for Designated Examiners. However, the issue was never pursued, as it would open a whole new can of worms. Well, the can of worms is now open. Will its inclusion in this Policy Letter now make strict application of the assessor's manual a ***prerequisite for renewing a Designated Examiner's qualification letter*** as a part of all Near Coastal/Oceans assessments in the future?

Question #5. Will Designated Examiner/Assessors have to prove that they attended a one-week "train-the-trainer" course as well? I can recall attending a one-week course in 2001 provided by the SIU.

This policy letter will cause great anxiety for many "hawsepipers" who previously obtained or who plan to sit for 500/1600-ton licenses. Some mariners only will learn of this letter ***after*** they apply for license renewal or raise of grade – at a time when their "career" is most vulnerable. Many of these assessments will be "budget busters" because they only can be accomplished in a ***simulator*** because not all vessels – ***especially uninspected towing vessels*** have, or are even required by regulations to have, certain equipment and publications[(1)] needed to complete an assessment. *[(1) e.g., gyrocompass, repeater, azimuth circle, anemometer, charts covering a 1,000 mile route, chronometer, or even copies of regulations cited on the assessment sheets. Since towing vessel inspection regulations have not yet been promulgated, we have no idea if any of these items will be required on board.]*

Many towing vessels do not even carry sufficient crewmembers, or have officers available to do the assessments within the limitations of the two-watch system – i.e., without violating the 12-hour rule. Many vessels do not operate on assignments or routes where the tasks required to be assessed are ***ever*** performed.

In light of these discrepancies, and being acutely aware of the abuses of the Administrative Law system witnessed by a number of our mariners[(1)] as well as the ***criminal penalties*** for both a license candidate or his assessor for making a false application on a license application, I would be hesitant to recommend on-board assessments on most towing vessels although they are permitted by this policy letter. *[(1)NMA Report #R-204, Rev. 2.]*

Question #6. I seek your explanation of why the TOAR as developed by TSAC for ***Near Coastal Routes*** does not take the place of the STCW Assessment Records listed in Enclosure #2 of the policy letter and now must stand as a separate and ***additional*** hurdle for our mariners.

Question #7. The STCW Assessment Sheets appear to require that every item ever taught in piloting classes to pass a license exam now must be ***demonstrated*** regardless of whether they are ever used in actual practice. Explain how cramming a mariner's brain and expecting him/her to recall unused information is this expected to improve safety in any material way?

By this time, I am sure you understand that STCW is another area very similar to the towing vessel licensing regulatory project you led ten years ago where the Coast Guard did a very poor job of conveying the intent of the new regulatory project to the public and, specifically to our "limited tonnage" mariners. This is why I asked you last week if the people who created this policy letter understood the reading level of many of our mariners. One TSAC member at the last meeting told Captain Lloyd that he was talking down to mariners. This (107-page) policy letter talks down to our mariners.

Unlike the towing officer licensing project you led in 2000-2001, our mariners never had a voice in STCW's creation between 1993 and 1995. STCW was designed for "ships" and "blue water" and was pitched to the "upper-level" mariners who came to dominate MERPAC. We can understand the importance of STCW standards for ***that*** sector of the maritime industry. However, we can no longer tolerate a Federal advisory committee that ignores our mariners who are 60% of all American credentialed mariners.

Because the Coast Guard focused on "blue water" applications, our "limited-tonnage" mariners really never learned about STCW until the spring of 1999 and then only through our Association's work with the "deep sea" unions – and then only in reference to OSVs in the mineral and oil industry. All offshore tugs with very few exceptions were purpose-built to be less than 200 tons. On this basis, many of our mariners ignored the volumes of unintelligible paper in its unfamiliar and stilted IMO style issued from June 1995 forward – as they do today. STCW was something that affected "upper-level" mariners on ***true international voyages***.

Our mariners on domestic, coastwise voyages are caught up the moment they cross from inland to international waters. This is overkill. If employers of mariners on these voyages opt to hire only 1600-ton masters, that should be their choice and they should be prepared to pay to train those mariners if they cannot steal them from their competitors. According to Proceedings[(1),] the cost to raise a qualified deckhand with appropriate sea service to Mate can be as high as $78,100. This is an impossible sum of money for many of our "hawsepipers" to even comprehend! *[[(1)]Proceedings, Fall 2008, p. 43.]*

The Coast Guard created STCW as a paper palace from 1995 to the present, without adequately considering the cost to our mariners. Nevertheless, some employers decided to pick up the tab for certain of their employees or to support certain course providers for their own corporate reasons. But, this is far from all companies who employ our mariners. However, it is noteworthy that the 111th Congress decided to overlook proposed legislation and did not establish a student loan program. This leaves many mariners between a rock and a hard place as does this policy letter.

Our Association made its views known to both MERPAC and TSAC in the meetings held in New Orleans in March 2010 through one of our longest-serving Directors, Chief Engineer V. J. Gianelloni III.

We pointed out that our mariners serving on towing vessels are ***civilian transport workers*** and are increasingly uncomfortable with the current "military" management of many aspects of the "Marine Safety" program. Most towing vessel officers do not work on international voyages and resent the imposition of STCW requirements in domestic operations since they never were asked to participate in these sweeping international changes made in 1993-95. ***Article XV of STCW allows for Denunciation of the agreement after a 5 year period***. That time has passed. As stated previously, we believe a reservation in the treaty for all U.S. flag vessels of less than 1600 GRT in domestic coastwise service would be in order. We reiterated that position in the closing paragraph of NMA Report #R-417-B that we distributed at the last TSAC Meeting in Memphis.

We believe the Coast Guard unnecessarily harasses our mariners. We believe the burdens put in place by STCW on 200 – 1600 ton licensed mariners on domestic voyages are prohibitively expensive and discourage the very mariners (i.e., hawsepipers) who built the towing industry.

I also take this opportunity to mention that your office has not answered the "Appeal" I submitted at the end of last year on the National Maritime Center's removal of the Coast Guard Examination Question and Answer database from the internet. As the individual who initiated the release of this database to the public under FOIA 25 years ago, I expect a well reasoned, legally correct "final agency action" that I can move forward with.

We hereby request that ***this letter (above)*** be fully considered in light of this SNPRM and that our letter be answered in a timely manner. It is obvious that the Coast Guard and its MERPAC advisory committee has ignored protests from our Association and limited tonnage mariners in general for years.

Very truly yours,

Richard A. Block, B.A., M.S. (Ed.)
Master #1186377, Issue #9
Secretary, National Mariners Association