



NMA REPORT #R-214

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Asserting our right "...to petition the Government for redress of grievances."

Amendment 1, U.S. Constitution, Dec. 15, 1791

REPORT TO CONGRESS ON MERCHANT MARINER HEALTH & MEDICAL ISSUES

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Table of Contents

Our Request to Members of Congress	1
Viewpoint of "Limited Tonnage" Merchant Mariners <i>[List of Enclosures/Attachments]</i>	2
Statement by Captain Steven Oravets	3
Statement by Captain Richard A. Block	4
Medical Evaluation Issues – The Staten Island Ferry Accident	4
NTSB Doesn't Consider Economics – Just Safety	6
Mariner Medical Evaluations	7
Revise Mariner Medical Standards Before It's Too Late.....	9
Investing in Personnel.....	9
Where Does This Leave Our Mariners? (Editorial Opinion)	11

OUR REQUEST TO MEMBERS OF CONGRESS

On Oct. 15, 2010, Congress added Section 7715 to the United States Code appointing a Merchant Marine Medical Advisory Committee (MMMAC).

While we support the idea of MMMAC, our Association asserts that the scope and charter of this Federal Advisory Committee is **excessively narrow**. We request that the statute, specifically 46 U.S. Code §7715(a)(2), be reconsidered and broadened to allow this expert panel to deal with additional important public health, medical, and marine safety issues documented in (but not limited to) eight (8) individual reports our Association prepared.

We further request that the charter be amended to specify that one of the four mariner members of MMMAC be specified as a "**limited tonnage**" Deck Officer and a second mariner be a "**limited tonnage**" Engineer Officer to adequately reflect the prevalence of limited tonnage mariners in the U.S. Merchant Marine.

In September 2012, our Association reached a dead end when we asked the new MMMAC to examine eight important mariner medical, public health and related safety issues. After submitting a formal request to MMMAC we were told, in effect, that our request was beyond the statutory scope of the Advisory committee⁽¹⁾ with the possible exception of "Hearing Conservation."⁽²⁾ *[⁽¹⁾46 U. S. Code §7715(a)(2). ⁽²⁾Item #3 enumerated below.]*

We are concerned that the Coast Guard overlooked important issues our Association presented to their previously existing advisory committees. Consequently, we consolidated these issues and presented them to the MMMAC Docket.

Collectively, we assert that the Marine Safety Directorate must do much more to fulfill the task assigned by Congress in 46 U.S. Code §2103 to superintend the U.S. merchant marine. We included a basic list of unresolved issues that our Association described in detail in individual reports over the past dozen years. We present this list below in ***descending order of importance*** as seen from our mariners' viewpoint.

In most of these issues, the Coast Guard demonstrated its competence to provide for the health, safety, and welfare of its own seamen in the military service. Yet, the Coast Guard Marine Safety Directorate has been unwilling to show even a limited concern for the health, safety, or welfare of our limited-tonnage merchant

mariners. We assert that this neglect is a national scandal.

Specifically, we included reports in our docket submission to MMMAC and requested that they consider each of the following enumerated issues in its future Agenda.

- 1) The timely **reporting of workplace accidents and injuries** as required by regulations as cited above and in NMA Report #R-350-Y. [**Enclosure #1**]
- 2) For years, our Association brought serious **vessel under-manning** and **work-hour issues** on tugs, towboats, and offshore supply vessels to the attention of the Coast Guard Marine Safety Directorate. While there are minimal work-hour limitations for limited-tonnage deck officers, enforcement has remained very spotty. There are no work-hour limits for unlicensed personnel including engineers and tankermen as reported in NMA Report #R-370, Rev.4. Certainly, this should be an issue of great concern to the Merchant Marine Medical Advisory Committee. [**Enclosure #2**]
- 3) The Coast Guard has never provided and enforced **hearing conservation** regulations as previously reported in NMA Report #R-349, Rev. 1. [**Enclosure #3**]
- 4) Even though Congress ordered it in 2004, the Coast Guard has taken no meaningful steps to protect our limited tonnage mariners on hundreds of vessels against the dangers of **impure potable water** as previously reported in NMA Report #R-395, Rev. 4. [**Enclosure #4**]
- 5) The Coast Guard has not taken any meaningful steps to protect our mariners from the effects of **second-hand smoke** as previously reported in NMA Report #R-341, Rev. 4. [**Enclosure #5**]
- 6) The Coast Guard has not provided for safe and **sanitary food service** aboard workboats as previously reported in NMA Report #R-455, Rev. 4. [**Enclosure #6**]
- 7) The Coast Guard has never provided enforceable regulations that would protect our mariners from **asbestos** remaining aboard vessels as previously reported in NMA Report #R-445, Rev. 1. [**Enclosure #7**]
- 8) The Coast Guard has not taken steps to protect our mariners handling or transporting petroleum products against **Hydrogen Sulfide** gas (H₂S) as previously reported in NMA Report #R-378. [**Enclosure #8**]

Our limited tonnage mariners, as citizens and taxpayers, have serious problems dealing with the Coast Guard Marine Safety Directorate and its arrogance, expensive tastes, and poor planning. This is especially true with its medical evaluation program that has gone far over our heads.

We are outraged at the abuse our mariners suffered from the lack of supervisory attention by the Coast Guard and their failure to focus the attention of their advisory committees on these issues. Our Association certainly made our dissatisfaction known at the MERPAC meeting in Metairie in March 2010 followed by the TSAC meeting in the same location.

VIEWPOINT OF “LIMITED-TONNAGE” MERCHANT MARINERS

The National Mariners Association expresses the viewpoint of “**limited-tonnage**” merchant mariners who serve on tugboats, towboats, offshore support vessels, small passenger vessels, uninspected passenger vessels, and other workboats of less than 1,600 gross register tons. Speaking conservatively but based on Coast Guard statistics, our limited-tonnage mariners number approximately 126,000 out of the total number of 214,000 U.S. mariners who hold U.S. Coast Guard credentials and, therefore, comprise a vast *majority* of all credentialed mariners. We assert that our mariners’ backgrounds, careers, and needs merit consideration by the Federal authorities that control their livelihoods.

Members of our Association and predecessor associations attended various Coast Guard Advisory Committee meetings (especially NOSAC, MERPAC, and TSAC) for many years and prepared and distributed a number of reports on a variety of subjects of concern to our merchant mariners. Of that number, over two dozen reports were submitted to Congressional committees. We list these reports on our website, and electronic copies are available from our Association.

A previous edition of this report served as our introduction to the Merchant Marine Medical Advisory Committee

(MMMAC) and contains specific requests for consideration of mariner medical, public health, and safety issues.

In addition to merchant mariners who hold credentials and whose backgrounds are known to the Coast Guard, our Association also works on behalf of other mariners not required to hold credentials who are employed in entry-level positions such as deckhands, unlicensed engineers, cooks, utility and housekeeping staff on vessels as well as part-time and seasonal personnel that are just entering the maritime industry. In doing so, we assert that our Association was established in 1999 as a non-profit Association and *not* as a labor union.

Most of our limited-tonnage mariners are "*hawsepipers*" who started at the lowest entry-level positions in the industry and worked their way up. Most do not have a college-level education, as that has never been a job or regulatory requirement for limited-tonnage mariners. In fact, a large proportion never attended college and many never graduated from high school for a variety of economic, social, and personal reasons.

Until the Coast Guard's recent emphasis on medical issues, most mariners considered a career as a limited-tonnage merchant mariner a "lifetime" job that could extend to retirement age when Social Security benefits would kick in after a lifetime of work. New *medical evaluation requirements* put in place by a constantly shifting Coast Guard bureaucracy added formidable obstacles to this career path for thousands of our mariners and for many employers. Government personnel in the Coast Guard **Marine Safety Directorate** did this without a full knowledge of the industry or of the human beings whose plans and careers they discouraged, damaged, or destroyed.

Most of our "limited-tonnage" mariners work in domestic maritime service on near-coastal and inland waters including lakes, bays, and sounds as well as rivers. Relatively few are engaged on "international voyages" as we interpret that term to mean voyages between the United States and other sovereign countries. The Coast Guard interpretation to warp that meaning to include domestic coastwise voyages does not serve the interests of most of our limited-tonnage mariners in near coastal service in United States waters.

STATEMENT OF CAPTAIN STEVEN ORAVETS
Member, NMA Board of Directors

I have worked on uninspected towing vessels for over 30 years and recently renewed my 1,600 Ton Master's License at a cost of over \$10,000. At Age 60, I consider myself in reasonably good health for my age. Although I am a 1999 college graduate, I consider myself a "*hawsepiper*" because I came up through the ranks in the towing industry like the vast majority of all "limited-tonnage" credentialed mariners.

When I entered the industry as a deckhand, it was my understanding that I could advance in the towing industry as far as my knowledge and skills would allow me, and that as long as I did my job to the satisfaction of my employer and remained in satisfactory health and good physical condition that this would be a "lifetime" job that I would be able to hold as long as I was able to do the work.

As a Member in good standing of the Board of Directors of the National Mariners Association and as a "hawsepiper" I believe that my feelings are representative of a large majority of the approximately 126,000 "limited-tonnage" mariners (i.e., working on vessels <1,600 tons) that I represent.

For many years, especially after the availability of the U.S. Public Health Service Hospitals to merchant mariners was terminated in the early 1980s, each mariner was examined at his or her own expense by his or her personal physician when applying for an original license or license renewal. As a consumer of medical services, I have always relied on the Medical Profession to govern itself as a profession. I rely on the interaction between myself and the personal physician(s) of my choice to act in a professional manner and to advise me on personal health issues. I trust my physician to abide by the printed instructions on any reasonable physical examination form provided to him and to provide honest and complete answers to all questions thereon.

Our Association believes that the Coast Guard over-reacted to the Staten Island Ferry Accident by taking the "easy path" and turning upon our merchant mariners. However, those deemed responsible for the accident received judicially appropriate punishment for their actions. Subsequent actions taken by the Coast Guard were excessive and unwarranted and have **already discouraged and damaged the most experienced manpower resources of the industry**.

Consequently, speaking for myself and for the National Mariners Association, I oppose requiring our "limited-tonnage" merchant mariners to undergo the additional and needless expense of obtaining a physical exam through a "Designated Medical Examiner" rather than their own personal physician to obtain or renew their Coast Guard credential. The process has become too much of a burden on the mariner. Although I supported the doctor certification in 2008, the intention at that time was to ease the burden, not add to it, as the Coast Guard did. Their vision for certified doctors will be expensive and burdensome and does not merit the support of our limited-tonnage merchant mariners.

As a merchant mariner, I have had to work for a number of different employers. I wish to state that having to

endure the increased battery of physical examinations now required by many employers and goaded on by Coast Guard officials has been extremely frustrating. It has led me and many other mariners that I know of to turn away from the marine industry and to discourage younger mariners from entering it. This goes far beyond the large number of mariners who have been forced to surrender their credentials and those older but still quite serviceable mariners who find it simply too expensive to maintain them. As I intend to attend the Merchant Mariner Medical Advisory Committee meeting, I will be pleased to share my experiences with other attendees.

STATEMENT BY CAPTAIN RICHARD A. BLOCK
Member NMA Board of Directors & Secretary, National Mariners Association

I was originally examined and granted a Motorboat Operator license in New York in April 1955 that I used and gradually increased in size and tonnage to 1,600-tons. I taught for ten years in secondary schools in New York. I also taught safe boating courses for the Coast Guard Auxiliary, and in 1970-71 taught Ocean Operator license preparation courses for the State of Louisiana and later for the State of Alaska. I also wrote and edited license-study textbooks for the marine industry for over 40 years. My work included assisting limited-tonnage mariners to prepare applications that would be accepted by the Coast Guard licensing offices from 1970-2012.

In Louisiana in the early 1970s, teaching license preparation courses and filing mariner applications involved a struggle with Coast Guard officials who tried to administer a system that clearly conflicted with existing practices of the offshore oil industry. During that time, I worked with many very talented and practical mariners who learned their trade on the water. The Coast Guard tried to impose regulations that may have worked in other parts of the country but clearly did not work on the Gulf Coast.

The conflict became increasingly high profile until Senator Russell Long of Louisiana stepped up and told the Coast Guard to direct its attention to the legitimate complaints of the oil industry and its maritime trade association. The Coast Guard sent Captain C.T. "Terry" Newman, a senior Coast Guard officer, from Washington to review the situation. I met with Captain Newman at Coast Guard Headquarters before he came to Louisiana. He was very skeptical of the situation I described to him from my experience in teaching mariners in Louisiana. However, after he arrived to carry out his year-long evaluation, he saw the situation I had described to him and realized the extent of the problems the Coast Guard faced in simply enforcing existing licensing and Subchapter T inspection regulations adopted 12 years earlier. This was just the beginning of the Coast Guard's relationship with the offshore industry, the towing industry, and its limited-tonnage mariners.

Captain Newman submitted his report⁽¹⁾ to Coast Guard Headquarters in 1973. His report brought extensive changes to both the Coast Guard and the industry, but by 1980, as a result of the continuous rotations of Coast Guard personnel, the Newman Report was forgotten so that several years later the Coast Guard could not even find a copy of the report in their files. Consequently, new officers continue to make the same mistakes in dealing with our limited tonnage merchant mariners year after year. [⁽¹⁾The Newman Report is available as NMA Report #R-428-A.]

At the same time, but not part of the same project, Congress responded to a number of serious towing vessel accidents when it passed the Pilothouse Licensing Act.⁽¹⁾ This halfway measure required towing vessel deck officers to be licensed but did not require their vessels to be inspected. This legislation licensed approximately 15,000 limited-tonnage mariners (i.e., deck officers) but ignored engineers and deckhands – whose work-hours to this day remain outside existing regulations. The Act's shortcomings eventually led to a series of spectacular fatal accidents and oil spills. Congress moved to correct the Act's shortcomings in 2004 when it required the inspection of towing vessels although our mariners anxiously await implementation of new inspection regulations. [⁽¹⁾Refer to NMA Report #R-401-A.]

MEDICAL EVALUATION ISSUES – THE STATEN ISLAND FERRY ACCIDENT

[Source: *Master, Mate & Pilot*, Sept. - Oct. 2008, p.12. NMA File #Mnl59.5E. **Emphasis is ours.**]

New York City will pay \$8,750,000 to the family of John P. Healy, one of 11 people who died when the M/V Andrew J. Barberi allided with a maintenance pier in October 2003.

In their pleadings before the court, lawyers for the plaintiffs outlined findings of the National Transportation Safety Board (NTSB). The lawyers allege that:

- Assistant Captain Richard Smith, alone in the wheelhouse at the time of the crash, "had lapsed into a diminished state

of consciousness due to a combination of his own fatigue and taking medications that caused drowsiness and disorientation." (Smith pleaded guilty to eleven counts of manslaughter under the Seaman's Manslaughter Statute and one count of giving a false statement to a government officer. He has since served an 18-month sentence.)

- Smith's physician, William Tursi, had omitted medications he prescribed from the USCG license renewal form he filled out. He received probation, six months of home confinement and 300 hours of community service. His license to practice medicine was suspended.
- The Staten Island Ferry system did not enforce its own "two-pilot" rule, which requires that the Captain and Assistant Captain be present in the pilothouse while the vessel is underway.

The lawyers quote the NTSB report, which found that "the New York City Department of Transportation failed to implement and oversee safe and effective operating procedures for its ferries." The NTSB report concluded that Captain Michael Gansas not being present in the pilothouse was accepted procedure on the ferry. The investigators found that at no time during the voyage was Captain Gansas in the pilothouse.

City employee Patrick Ryan, a director of ferry operations who was in charge of the Staten Island Ferry from shore, pleaded guilty in 2005 to violating the federal maritime manslaughter statute for failing to enforce the rule that required the Captain and Assistant Captain to be together in the pilot house while the ferry was underway. Lawyers for the plaintiffs charged that Ryan admitted that he "knowingly and willfully" failed to enforce the "two-pilot" rule. They said his plea "established the willful misbehavior of an individual of a sufficiently high level to bind the shipowner with legal knowledge and privity of culpable conduct." Ryan served a year and a day at Allenwood Federal Correctional Complex.

The Port Captain for Staten Island Ferries, John Mauldin, reported to Ryan and was also his brother-in-law. His responsibilities included overseeing the daily operational functions of the ferry, such as scheduling, fueling and informing the crews of changes in Coast Guard regulations. Captain Gansas and Assistant Captain Smith both reported to Mauldin.

In 2005, Mauldin pleaded guilty to making a materially false statement to the Coast Guard when he claimed that the standard practice followed by the ferry's captains and assistant captains at the time of the allision was to be together in the operating pilothouse while the vessel was underway. The attorneys for the Healy family allege he subsequently admitted that this was not the procedure and that he knew that it was not followed.

An investigation conducted by the Global Maritime and Transportation School (GMATS) at the United States Merchant Marine Academy concluded that the ferry operation was characterized by cronyism and nepotism and that a change in management was necessary to change the culture. The City of New York responded by appointing a new chief operating officer and introducing new regulations mandating more staffing on the boats, background checks, a strict drug and alcohol policy, more stringent medical exams for employees and surveillance cameras on board, as well as the presence of two people in the wheelhouse.

At oral argument, Judge Robert D. Sack compared the failure of the ferry to require two pilots with passenger expectations when flying on board an airplane, saying, "You have a 777 flying. You expect both pilots to be in the cockpit when it lands. You don't expect one to be in the back cleaning dishes." The court found in March of this year that the City could not limit its responsibility. It also held that the City was negligent and that each victim was entitled to a trial on the issue of compensation for injuries and economic losses.



Left: Damage to the M/V Andrew J. Barberi after it allided with a maintenance pier in October 2003.

[NMA Comment: The new "Medical NVIC" (NVIC 04-08) is a revised version of an existing administrative tool spurred on by this accident. The acts described in the foregoing article were all illegal, criminal acts and the courts punished

their perpetrators. Now, every credentialed merchant mariner from charter-boat Captain to Unlimited

Master must endure an overly expensive and oppressive medical Inquisition for an original or renewed Merchant Marine Credential.]

Medical Evaluation and the 2003 Staten Island Ferry Accident

[NTSB “Recommendation” #M-05-05 to the Coast Guard.] “In formal consultation with experts in the field of occupational medicine, review your medical oversight process and take actions to address, at a minimum, the lack of tracking of performed examinations; the potential for inconsistent interpretations and evaluations between medical practitioners; deficiencies in the system of storing medical data; the absence of requirements for mariners or others to report changes in medical conditions between examinations; and the limited ability of the Coast Guard to review medical examinations made by personal health care providers.”]

Our Association noted that the problem lay not so much in the deficiencies the NTSB discovered but the dysfunctional implementation of the recommended cure by Coast Guard officials. Undoubtedly, mariners, medical professionals, and ferry management in New York City committed stupid and unpardonable crimes. **However, those responsible were apprehended, tried, convicted, sentenced, and served jail time for the eleven lives were lost in the accident.**

Mismanagement including sloppy medical record keeping in the Coast Guard’s merchant marine personnel program already was legendary. Yet, we assert that Coast Guard marine safety officials were misguided when they precipitously moved to unravel the fabric of the existing mariner workforce and add expensive and often unnecessary burdens to all 214,000 credentialed merchant mariners. One clearly size does not fit all!

[NTSB DOESN'T CONSIDER ECONOMICS – JUST SAFETY

[Source: By Capt. Allen Bernstein, WorkBoat Magazine, March 22, 2011. Emphasis is Ours!]

At the Passenger Vessel Association annual convention in St. Louis in February, I learned a thing or two about the National Transportation Safety Board (NTSB).

In her address to convention attendees, NTSB Chairman Deborah Hersman delivered a compelling speech about safety across all transportation modes, not just maritime.

Hersman made it crystal clear that the NTSB’s mission is **focused on safety and nothing but safety**. When the NTSB makes safety recommendations, it does so **without considering its possible cost**. The “balancing” of safety recommendations and economics is outside of the NTSB’s mission. Agencies such as the Coast Guard or the private sector perform any necessary cost-benefit analyses and then decide whether to implement NTSB safety recommendations. If the answer is yes, they must then determine how best to implement the NTSB’s suggestions – or at least not right away. The NTSB, she said, sometimes proposes safety equipment or measures that, at present, are not technologically or commercially available at an affordable cost. In these cases, the NTSB’s goal is that the recommendations will provide the impetus for future technological or commercial developments.

Hersman acknowledged that passenger vessel operators must take many things into account other than safety. After all, she said, “The safest passenger vessel is the one that never sails from the dock.”

Unlike the Coast Guard, the NTSB does not have a mandate to take factors other than safety into consideration. That’s why the **Coast Guard goes through a lengthy public process when it proposes a new safety rule**. It seeks comments not only on the substance of its proposed regulation(s), but also on its economic impact. By analyzing the potential economic impact of a proposed rulemaking, it doesn’t mean that the Coast Guard is downplaying safety. They are simply doing what the law calls for, and what the private sector expects.

Unfortunately, **many don’t realize that the NTSB does not “vet” its recommendations for their economic impact**. For example, a plaintiff’s attorney who should certainly know better may accuse a passenger vessel operator of being “against” safety for failing to implement an NTSB recommendation.

[NMA Comments. Our Association appreciates the significance of Capt. Allen Bernstein’s article. The Coast Guard’s Marine Safety Directorate has an opportunity to implement safety “recommendations” from the NTSB or from any other source – including from the MMMAC or from our Association.]

MARINER MEDICAL EVALUATIONS

At a Congressional Hearing in 2009, our Association presented written testimony⁽¹⁾ that the failures of the National Maritime Center's Medical Department to satisfactorily handle its huge backlog of original and renewal credential applications brought many mariners' careers to a standstill. Long and unpardonable delays cost a great many mariners considerable time, money, and often jobs. **These delays seriously damaged mariner morale and opened up unwelcome and unwarranted interference by unknown medical personnel who were rushed into place and who never met or attended to the medical needs of our mariners.** [⁽¹⁾NMA written testimony included Reports #R-429-D and #R-429-D, Rev. 1.]

Delays from Occupational Medical specialists whose prodding and probing medical technicalities often destroyed or disrupted many mariners' careers or cost them a great deal of money – often for unnecessary medical tests and treatments. This trend continues today. It turns out that the program was an expensive and poorly coordinated experiment using our mariners as guinea pigs. We assert that the Coast Guard was ill advised to continue its aggressive “sales campaign” by Dr. Arthur French (CAPT., USCG) advocating such an extreme program in light of the opposition recorded during open MERPAC and TSAC advisory committee meetings that it chose to ignore.

Occupational Medicine is a branch of medicine dealing with the prevention and treatment of job-related injuries and illnesses. It is a cross-disciplinary area concerned with **protecting the safety, health and welfare of people engaged in work or employment.** Our Association finds this very ironic in light of the Coast Guard's complete lack of concern about the accurate and timely reporting of injuries and illnesses as cited in NMA Report #R-350-Y. The goal of all occupational health and safety programs should be to foster a safe work environment that should start with the prompt and accurate reporting of injuries and illnesses aboard ship that has been neglected for years!

The National Maritime Center's centralization of the credentialing process was an experiment that uprooted many government employees, hired and contracted several hundred others, created many disruptive credentialing changes, built and leased a large office complex several hundred miles from Coast Guard Headquarters or from any major port and over 100 miles from any navigable waterway. In the middle of this turmoil, the Coast Guard introduced a poorly planned medical evaluation system and determined to cram it down the throats of our mariners and two advisory committees.

Following the 2009 Congressional hearing, the medical evaluation system apparently stabilized but continued to provide service that many of our mariners were keenly dissatisfied with claiming it was unnecessary, unwarranted, and intrusive. On Apr. 12, 2011, the Commanding Officer of the National Maritime Center issued the following letter **explaining** the shortcomings of the system in recent months.

The Coast Guard's Point of View – 2011

Actions to Improve Mariner Medical Evaluations Processing [Emphasis is ours.]

The Commanding Officer of the National Maritime Center (NMC) has made several changes within the Mariner Medical Evaluations Division in order to improve customer service, while ensuring marine and public safety remains the priority for Mariner credentialing at the NMC. The **turnover of government medical evaluations personnel**, coupled with a transition to a **new medical services contractor**, prompted the need for customer service improvements. That transition took place over the holidays and has been completed. Vacancies, and the contract transition, resulted in increases in the inventory and cycle time to process mariner medical fitness applications.

The following additional actions were taken to address mariner concerns with processing delays, specifically related to the medical portion of the application review, and to ensure mariner applications with issues are processed in a timely fashion:

Mariner Medical Point of Contact: The NMC has assigned a full-time, on-call government medical evaluator to receive calls from mariners and their physicians regarding their submitted applications. This new position handles calls relating to a mariner's submitted medical fitness application and will assist both the mariner and their physicians pertaining to the mariner's application and any additional documents sent to the mariner or requested by the Coast Guard.

Some cases will be transferred to the actual evaluators if they are available, or to a higher-level government reviewer to further assist with technical information needed to complete the mariner's medical evaluation. When calling the mariner help desk, the mariner will be transferred to the medical point of contact for assistance. For those mariners using third-party advocates, mariners must have a third-party release to ensure privacy concerns are met.

Increase in Government Medical Personnel: Over the past 24 months, the Coast Guard has **significantly**

increased the number of permanent government medical screeners, evaluators and reviewers. Some of the positions had been advertised for hire for as long as 18 months. Recently, qualified doctors and physician assistants were placed into the vacancies and are now onboard and contributing. At certain times, however, staff turnover occurs and the NMC makes every effort to quickly fill vacancies created when a government or contract employee decides to make a job change. The work for medical personnel in the Mariner Credentialing Program is primarily in the field of Occupational Health Medicine, which is an important discipline and often it is very difficult to find qualified personnel quickly. The NMC makes every effort to fill our vacancies as fast as possible within our established agency guidelines for hiring and contracting with the best-qualified personnel available.

New Medical Services Contract: In December of 2010, the Coast Guard awarded a new Medical Evaluations and Services contract to RGB Group Inc. of Miami, Florida. Many former employees were hired by RGB but during the transition month of January 2011 these employees took use or lose vacation time from their former company. These authorized absences were a function of the contract and needed to be completed as a part of the transition process. Adjustments to the review and processing of medical applications have been transitioned to the new contract provider and many revisions and improvements have been made to our internal guidance documents to improve the consistency of reviews.

Adjustments to Medical Screening Procedures: Within the past several weeks, the NMC has conducted processing reviews in the medical state of application processing *Ready to be Evaluated Medical*. These reviews have identified some measures for adjustment and alignment with the regulations and NVIC 04-08 and are already having positive impacts. Incomplete medical applications remain the single largest cause for delays. Mariners and their physicians can avoid these delays by correctly and completely providing information on medical conditions. The NMC call center can assist you with questions on medical application processing, as can the nearest Regional Exam Center. Updates will be made to the medical information on the NMC website to more clearly explain requirements and to improve our customer service in this area. Currently, however, the average net processing for mariners *without* medical issues or lower risk medical reviews remains at around 16 days. Interested parties can monitor the effect of these changes by visiting the NMC website and following the links to our monthly performance measures.

Our Association's Point of View

Our position is that Coast Guard Marine Safety Directorate officials should be held accountable for:

- The heavy burden placed on our mariners with excessive, expensive, and often unnecessary medical testing.
- For causing the near collapse of the entire credentialing system in 2009 by understaffing the medical evaluation section at the National Maritime Center. USCG CAPT. Captain (Doctor) Arthur French told MERPAC he would need a total staff of 7 whereas that number of staff later increased to include 35 medical professionals.
- Intimidating and frustrating our mariners who were forced to deal with an unresponsive bureaucracy by phone.
- Not considering or adequately providing for the availability of sufficient medical personnel before promoting and expanding this program.
- For leaving our mariner's in the middle between their personal physicians or specialists and inflexible and often poorly trained license evaluators. This confused our mariners in trying to reconcile their medical providers with inflexible evaluators who often knew little more than appeared on a checklist they were provided.
- For forcing mariners to pursue withheld credentials by a two-step process of drafting a "letter of reconsideration" followed by an increasingly lengthy formal appeals process to Coast Guard Headquarters to resolve medical issues.
- For not allowing mariners to speak with their medical evaluators. Having someone answer the phone in the Medical Evaluation Department was a welcome but was a long overdue improvement.
- Justifying the excessive cost and delays caused by this new medical evaluation program to businesses in the maritime industry.

Most seamen manning merchant vessels during World War II were civilians, many of whom had medical conditions resulting in "4F" draft classifications or age constraints that prevented their entry into the armed forces. Use of mariners with health and age issues was a good use of very limited manpower resources and continued until recently. We assert that today there is a well document shortage of merchant mariners not only in the United States but in the rest of the world as well. Nobody seriously tampered with medical examinations and evaluation policies until Coast Guard officials latched on to the NTSB recommendations and precipitously raced to put them into immediate effect. This program was badly flawed like many other tasks taken on by the Marine Safety Directorate in the first decade of this century as reported by former Coast Guard officials.⁽¹⁾ [⁽¹⁾Refer to NMA Report #R-401-E.]

The blow fell heavily upon our mariners...

- By prematurely upsetting careers of many of the older and most experienced mariners.
- By destroying mariners retirement plans short of their anticipated retirement date – the sudden onset of age discrimination upon older employees.
- By adding burdensome medical expenses to thousands of mariners to comply with extensive new “medical guidelines” in the new “Medical NVIC.”
- By using their advisory committee system to cram through an excessively complex medical evaluation program by a sales pitch by the Coast Guard’s Medical Director, CAPT. Arthur French, who had not a clue how to manage the program he initiated and soon “retired” from the service. Originally designed for an increased staff of seven (7) medical practitioners, the number was later increased to 35 after almost destroying the entire credentialing system at the National Maritime Center in 2008-2009.

In a time of tight federal budgets, we assert that it is time to end this unfortunate boondoggle that has afflicted our merchant mariners.

REVISE MARINER MEDICAL STANDARDS BEFORE IT’S TOO LATE

By Walter E. Blessey

*[Source: Walter E. Blessey is the Chairman and CEO of Blessey Marine Services Inc., a Harahan, La.-based inland tank barge operator. **Emphasis is ours!**]*

Over the past 33 years, our company has enjoyed a wonderful working relationship with the U.S. Coast Guard. As a partner with them in the Coast Guard’s Bridging Program, we have helped introduce and educate many newcomers in the Coast Guard to our industry through partnership programs both in the office and on the waterways.

We have seen firsthand the quality of Coast Guard personnel and the high level of reverence they have for our industry. At Blessey Marine, we have nothing but respect for the Coast Guard and will continue to lead the effort in the bridging partnership. We think that they are as good as it gets.

However, **we feel strongly that our industry needs to have a frank discussion with the Coast Guard regarding the medical standards now required of mariners to obtain and to retain their licenses.** Our company recently had four of our experienced wheelmen denied license renewals due to medical issues that could be considered by some to be little more than age related. Extrapolating this trend to our 500 or so licensed mariners and to the industry in general, **it is hard to believe that a personnel crisis doesn’t loom on the horizon.**

At a considerable cost to us, we are accelerating entrants into our steersman program. I hope that our entire industry is doing the same and that we can keep up with the fallouts. Due to the time required to bring new folks into the wheelhouse, my fear is that the industry can’t keep up with demand. Furthermore, we are losing our most experienced mariners to health issues and replacing them with less experienced ones.

It is our opinion that the medical standards being imposed have gone a little too far. We are unaware of any significant number of age-related or health-caused marine incidents that would justify the medical bar being raised so high on our mariners. **We feel that there will be more casualties as a result of inexperience rather than having slightly less rigid medical standards.** We have a 13-year tankerman who has no ostensible hearing problem but is struggling to have his license renewed for not meeting hearing standards. **We have to reach a balance where folks who have spent their careers in our industry can continue to make a good living and where serious health conditions are distinguished from minor medical issues.**

Our industry trade organizations have to take this issue head on, discuss it with the Coast Guard, and see if some of the standards can be loosened. The inaugural Merchant Mariner Medical Advisory Committee meetings were a perfect opportunity to begin an open and honest dialogue with the Coast Guard, and we are encouraged by these developments. The iceberg that will sink our ship is on the horizon. We all need to act now to avoid it.

INVESTING IN PERSONNEL

*[Source: By Leslie Breland, Letter to the Editor, The Waterways Journal, Mar. 28, 2011. **Emphasis is ours.**]*

As the wife of a towboat pilot, I am constantly amazed at the professionalism of the crews on board the average uninspected vessel. I am trained as a marine scientist and a marine science educator, and lived and worked on boats just enough to understand some of the stresses of living and working on a vessel.

The towboat industry has some of the most specialized, most versatile, and highly trained workers in the world.

The wheelhouse personnel are among the finest boat handlers anywhere because they are constantly running constrained by channel, constrained by current, and constrained by draft. They can safely put several million dollars worth of cargo and equipment gently against the concrete piers of a bustling city, or tie off on a tree in the backwaters of some small inlet. Further, they are not running at rowboat. They put more than 1,000 feet of tow into the confines of it lock, or slide it around the bend into the span of a bridge, with high water and a sideways current. In addition to their Coast Guard license, they have radar training, fire-fighting training, run an AIS, a sounding machine, fax traffic back to the office, communicate with other boats, dive in and get the rope out of the wheel, coordinate crew changes in the most remote areas, keep all the official records, and send in the grocery order.

The engineers have to work on every thing from small gasoline engines to EMDs, fix the hole in the hull, rewire the electronics room, and make sure the bilge is adequately pumped while keeping the generators operational. The tankermen can deck and check for H₂S. They know the requirements for handling toxic chemicals and handling delicate but valuable petroleum products. The deckhands have to cart 100 pounds of rigging up and down the tows, making the critical couplings while working in 105 degree heat of summer, the rain, snow, or ice, sometimes for hours at a time. They must communicate with the Captain accurately indicating how much space he has, whether the rake of the barge is coming up, and whether the cables are frayed or stressed. In their spare time, they chip paint, re-paint, clean bathrooms, clean the galley, make coffee, do safety checks, practice man-overboard drills, and do their computer-based learning exercises, often on their own phones or laptops because a computer is not available. If they have time, on their off watch, they try to call their teenager and see how they did on the math mid-term or phone their mother who just had surgery. If they're lucky- they may Skype the wife while she's throwing their four-year-old's birthday party.

The towboating industry has got to wake up. There is a reason they have difficulty recruiting and retaining the caliber of personnel required. The average worker in the United States works 40 hours a week for 50 weeks, which equals 2,000 hours of on-the-job time. **Yet the average towboat employee works 84 hours a week on a 28-days-on-and-14-days-off schedule (I dare most of you to try working 12 hours a day for 28 days straight).** This means they work 5,376 hours a year instead of 2,000. They are actually working 2 2/3 jobs. **They are also doing shift work, which medical studies indicate adds a tremendous stress to one's health.** Add to that, the fact that they are away from their homes, families, and support systems (friends, church, social groups) and that they spend three-fourths of their lives in an isolating and stressful environment. I can think of no other industry where the employees are regularly submitted to this kind of requirement. Indeed the medical community, which also necessitates shift work, gives workers four days off after three days of 12-hour shifts.

[NMA Comment: What have the “medical evaluators” and “occupational specialists” done to ameliorate working conditions for our mariners? We are acutely disappointed with them as we are with Coast Guard marine safety regulators. It is not just the “industry” that needs to wake up – it is government regulators!]

Nonetheless, many towboating companies have, in the last two years, frozen salaries, eliminated cooks, and reduced the deck crews. They have decreased health benefits, decreased opportunities for steersman training, and routinely asked people to ride over because they could not find relief personnel. They have increased safety meetings, online training and rhetoric, while reducing the deck budget. Further they still feel free to get the hand up, on his off watch, to make the locks because the deck is inadequately manned.

Even the office staff has taken its share of hits; the port captains day begins at 6 or 7 in the morning and ends around 10 or 11 at night, yet some companies are asking them to take two or three furlough days a month. Do you know any port captains who can realistically give up two more days? No, they are fielding emergency calls, coordinating boat and customer, and justifying expenses to the top brass, just like always, but not getting paid for it.

The industry needs to invest heavily in its personnel, not just its shareholders. First, towboats should be inspected just like any other U.S. vessel (especially in view of the fact that tremendous tonnages of chemicals and petroleum products are being routinely carried through major cities). **Second, they must make the move to three-shift crews, as has been suggested by the Coast Guard.** Not just the wheelhouse personnel either, but everyone. Finally, they should offer more time-for-time scheduling: 28-on-28-off or 14-on-14-off. This is an important industry; it moves tremendous amounts of goods around the country safely, and at tremendous savings in fuel. The industry should be growing and its people should be allowed to grow with it, both personally and professionally.

I love my towboater, and he loves what he does. He enjoys seeing the fall change of color on the Illinois, he enjoys the challenge of making the lock in high water. He cares for his crew; he knows his deckhands and their strengths and weaknesses. He knows his engineer's wife is scheduled for surgery and he's worried whether or not

he'll be able to arrange to have him off to be there. He knows the green hand is scared and nervous and covers it with bluster and bravado. He knows his tankerman has checked and double-checked his hoses. He knows his port captain isn't feeling well and his crankiness is half that and half the pressure he's under to keep boats moving, while cutting costs. His safety officer has to ensure that safety checks are being run every watch, but the company won't let him put the boat on the ways to fix the rudder properly.

These are exceptional men and women who work on these boats. They are a rare breed of multitasking, hardworking, thoughtful and often loyal sailors. The companies need to really value these personnel. They are not just human "resources": to be used up and thrown away. A good crew, rested and well-trained, is an incredible asset; and not just any warm body will do. The cost of everything has gone up, but the companies need to pass those costs on to the customer, so personnel can be compensated adequately in time and money. Trust me, the personnel are looking for the best working conditions they can find, not just the best money.

[NMA Comment: Towboating on the western rivers is only one of the jobs our limited-tonnage mariners perform. Each area is specialized and attracts its own workforce. From our vantage point, the Coast Guard's medical evaluators appear to have done little to understand and improve working conditions for our mariners but have increased tensions and stress within the industry.]

<p style="text-align: center;">WHERE DOES THIS LEAVE OUR MARINERS? (Editorial Opinion)</p>
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It is unfortunate that many of our mariners who are capable and basically healthy can no longer count on a "career" in the maritime industry as they grow older. While the "existing" system was "good enough" to catch most mariners whose health presented a real threat to marine transportation, employers always had a key in maintaining and evaluating the good health of their employees. Most employers protect their investments by identifying and acting upon serious medical problems with the potential to impact their businesses. It is just "good business" to do so.

When the Coast Guard stepped in and gratuitously introduced their "Body Mass" program⁽¹⁾ adapted for use from their military personnel for our mariners, this action generated a howl of protest from our mariners! If Coast Guard officials are unable to step forward on behalf of our mariners and even explore the eight areas enumerated above, our mariners are not interested in supporting their programs no matter how well intentioned they may be.
[(1)NMA Report #R-440-B.]

When I first applied for a Coast Guard license in 1955, I had to take the required physical exam at the U.S. Public Health Service Hospital in New York. Although the perfunctory exam only took five minutes, the bureaucracy of this "free" but required exam managed to consume an entire business day. In 1980, in an austerity move, the USPHS hospitals no longer served merchant mariners and **personal physicians** replaced USPHS doctors. Most mariners were relieved to pay the bill and bypass the bureaucracy – and still would be.

Today, every mariner from a 6-pack charter boat operator must foot a much larger bill for the much more extensive physical exam (e.g., 9 pages including sweeping instructions and draconian penalty citations) and then satisfy additional probing by "Occupational Specialists" they would never see and often could not even reach by phone. Our Association asserts that one size does not fit all – we draw the line at 1,600-tons because it is the traditional line separating "lower level" from "upper level" merchant mariners. For our mariners, the program does not fit all. We want no part of the plan to require our mariners to undergo examinations by a cadre of certificated maritime practitioners. If such a program is required for "upper level" mariners engaged on voyages to foreign countries to satisfy STCW requirements, so be it – but leave our limited tonnage mariners on domestic voyages out of it.

The Coast Guard previously enlisted two advisory committees, MERPAC and TSAC, to examine the medical evaluation problem. In sitting through a number of their advisory committee meetings and reading the minutes of others, I can appreciate that members of these committees provided "constructive thinking" to solve the problems the Coast Guard presented. Yet, our mariners, who were the guinea pigs in this huge experiment, never had a real voice.

The intrusive medical evaluation program has become so controversial that the Coast Guard was forced to commission a new Merchant Marine Medical Advisory Committee (MMMAC) to straighten out the mess their Marine Safety Directorate concocted. We believe this committee should back away from micromanaging the Coast Guard's medical evaluation program and look into the real medical and public health issues our mariners face. Is the only way to attract attention to the real mariner issues enumerated above for our mariners to "vote with their feet?"

The Coast Guard is a military service without deep roots in the U.S. Merchant Marine. Most Coast Guard officers are not merchant marine officers. Our country has one Federal and six state maritime academies that serve the U.S. merchant marine. This does not include the Coast Guard Academy that exists for a very different purpose.

Our limited-tonnage mariners want no part of STCW on inland and domestic coastwise waters or on the rivers. We want no part in making an “international voyage” for credentialing purposes a voyage that leads a mariner beyond the boundary line unless that voyage is, in reality, a voyage between two sovereign countries. We ask Congress to hold every future delegates sent by the United States to International Maritime Organization meetings accountable to our limited-tonnage mariners who represent a majority of all credentialed mariners in this country. We perceive the surging incursion of international regulation in domestic waters as a serious threat to our mariners and their livelihood that is perpetrated by a government agency that, unfortunately, has chosen to neglect our mariners. RB.