



NMA REPORT #R-218

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

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

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STATUS REPORT – ADOPTING MEANINGFUL LOGBOOK STANDARDS

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OUR ASSOCIATION'S RESOLUTION ON TOWING VESSEL LOGBOOKS – FEB. 2000

WHEREAS Title 46, Code of Federal Regulations contains these provisions establishing manning standards which apply to uninspected towing vessels: §§15.701; 15.705; 15.710; 15.720; 15.730; 15.801; 15.805; 15.810; 15.820; 15.825; 15.840; 15.850; 15.855; 15.905; 15.910; 15.915...

WHEREAS these manning standards include provisions that limit hours of operation by any licensed towing vessel officer or operator to a maximum of 12 hours in any 24 hour period...

WHEREAS 33 CFR §164.80 (inter alia) requires inspection and testing of various items of towing vessel equipment and logging the results as follows: "To ensure compliance with this rule, the Coast Guard requires a record of tests even if nothing fails. In the interest of minimizing these reports, the Coast Guard has not dictated the format of the entry and will continue to allow companies to use their established procedures."⁽¹⁾

WHEREAS 46 CFR §27.355 requires instructions, drills, and safety orientations conducted on both new and existing towing vessel with the presumption that these events will be logged...

WHEREAS many of our members, as "employees at will," report that they have no choice but to disregard certain manning regulations in order to hold their jobs...

WHEREAS many of our members report operating in a fatigued condition...

WHEREAS Coast Guard boarding officers cannot adequately and fairly enforce statutory hours of work and rest and other manning regulations in 46 CFR Part 15 without viewing adequate logbook entries...

THEREFORE, BE IT RESOLVED THAT THE GULF COAST MARINERS ASSOCIATION petition the Coast Guard to initiate rulemaking action⁽²⁾ to require masters, mates, pilots, or operators of uninspected towing vessels to accurately and fully log the working hours of all crew members at the end of each watch in a suitable vessel logbook containing consecutively numbered pages and that such accumulated logbooks be kept onboard at all times to fully disclose compliance with all applicable work hour and manning regulations for the past 90 days.

⁽¹⁾ Refer to CGD 94-020, 61 FR 35070, July 3, 1996. Some companies use a rubber stamp with or without a signature to "certify" that all tests required by 33 CFR §164.80 were performed without specifying either the nature of the tests or their results.

⁽²⁾ Under the provisions of 33 CFR §1.05-20.

Our First Priority

The Members and Board of Directors of the Gulf Coast Mariners Association (GCMA), shortly after its founding in April 1999, assigned its **FIRST PRIORITY** to efforts to *establish effective logbook standards* to protect our limited-tonnage mariners from work-hour exploitation by employers in data we were collecting for NMA Report #R-201 titled Mariners Speak Out on Violation of the 12-Hour Work Day. On Feb. 21, 2000, our Board of Directors prepared, and our membership at an open meeting unanimously accepted, the resolution (above) that urged the Coast Guard to establish logbook standards for uninspected towing vessels for the reasons stated.

Next, we dispatched a sizeable delegation to the Towing Safety Advisory Committee (TSAC) meeting held at Coast Guard Headquarters in Washington, DC, on Mar. 16, 2000. At the end of that meeting, we were allotted a few minutes to formally present our resolution to the committee, but the subject was never placed on the agenda of a future TSAC meeting for further discussion.

Sensing that little would happen as a direct result of our presentation, the following week we presented a formal written request to Coast Guard Commandant Admiral James Loy to initiate rulemaking to establish logbook standards.

In the absence of any response, on Aug. 30, 2000 we wrote to Department of Transportation Secretary Slater citing and comparing longstanding regulations in the trucking industry at 49 CFR §395 dating back to December 1968 that require certain truck drivers to *maintain a record of their hours of operation*. We suggested that a clear parallel exists between the maritime and trucking industries, especially when our mariners engage in round-the-clock activities in areas where statutes and regulations govern their work hours.

During the six months after we filed our rulemaking initiative with the Commandant, the controversy over continued blatant abuses of the 12-hour rule within the two-watch system led us to ask Rear Admiral Robert North, then Assistant Commandant for Marine Safety and Environmental Protection,⁽¹⁾ to *expand our logbook request* then limited to uninspected towing vessels to include all vessels⁽²⁾ manned by "limited-tonnage"⁽³⁾ merchant mariners. [⁽¹⁾Our letter dated Oct. 6, 2000. ⁽²⁾Principally, about 1,200 offshore supply vessels and 6,500 small passenger vessels. NMA further delineates manning and watchstanding problems in NMA Report # R-279, Rev. 8. ⁽³⁾**Vocabulary: "Limited-tonnage"** is credentialing terminology for merchant mariners serving on vessels of less than 1,600 gross register tons.]

Although we received a letter from RADM Robert North in reply to our correspondence stating that he would consider our request, after two years passed without a decision from anyone within the Marine Safety Directorate, we subsequently reported this unacceptable inattention and received an apology from the Vice Commandant.

THE COAST GUARD LACKED STATUTORY AUTHORITY OVER LOGBOOKS

In a letter dated Dec. 2, 2002, Captain M.W. Brown, Chief, Operating and Environmental Standards (G-MSO) stated: "Research conducted by the Coast Guard Headquarters legal staff indicated that the Coast Guard lacks the requisite statutory authority to generate regulations requiring logbooks on vessels not already required to have logbooks by 46 U.S. Code §11301(a). For vessels required to have logbooks, the additional entry requirements requested by GCMA's petition are outside the scope of 46 U.S. Code §11301(b). Based on this and the general lack of statutory authority, the Coast Guard will not initiate a rulemaking project."

How About a Legislative Change Proposal?

We then pursued a different route and asked the Coast Guard to *initiate* a Legislative Change Proposal (LCP) to seek the requisite statutory authority from Congress. This consumed more time yet garnered no results although we were told in writing that we could pursue our request directly through Congress. Consequently, in light of the *Coast Guard's apparent lack of interest in improving the logbook as one of their key investigative tools and render it more useful in accident investigation*, we did as they suggested and sought direct Congressional support to make a meaningful change to both protect our mariners and improve the quality of "investigations" to support existing and future regulations. We believed this was especially important in light of Section 415 of the Coast Guard Authorization Act of 2004 that amended 46 U.S. Code §3301(15) to inspect towing vessels. In addition, we actively participated in the ongoing towing vessel inspection rulemaking process.⁽¹⁾ [⁽¹⁾Refer to NMA Report #R-276, Rev.10 & R-276-A.]

FATIGUE AND VESSEL MANNING ISSUES

One of the principal concerns for our limited-tonnage mariners is that the absence of a statutory requirement for consistent logbook standards facilitates the cover-up of mariner abuse. We first spoke out about mariner abuse in May 2000 in NMA Report #R-201 (200 p.) that was widely circulated among Coast Guard and labor union officials. Moving forward in the years that followed, our Association revealed additional abuses with documentation contained in the following reports available as downloads from our internet website or by e-mail upon request:

- R-370-A, Rev. 2. Report to Congress: Fifth Anniversary of the Webbers Falls I-40 Fatal Bridge Accident: Unresolved Issues Revisited. 12p.
- R-370-B, Rev.4. Violation of the 12-Hour Rules: The Tug Chinook Strikes & Damages Lake Washington Bridge. 14p.
- R-370-D, Rev. 7. Whistleblower Protection: The Seaman's Protection Act. 23 p.. [**Key words:** *Feemster v. Titan; Garrie v. James L. Gray; Meaige v. Hartley cases*]
- R-370-E. Crew Endurance: Work-Hour Laws and Regulations Need Review. 8p.
- R-370-F Crew Endurance Management Systems. 9p.
- R-370-G, Rev. 1. Crew Endurance: The Call Watch Cover-up. 14p.
- R-370-H. 12-Hour Rule Violations: Harbor Tugs and The "One-Watch" System. 4p.
- R-370-I. Safe Management of Crew Travel Time.
- R-370-K. The Verret Case. 12 p.
- R-370-L, Rev. 1. The National Transportation Safety Board Views on Fatigue and Hours of Service Regulations. 21p.
- R-370-M. The Miss Amanda Incident: Overworked, Undermanned and Violating the 12-Hour Rule. 2p.
- R-370-N. CG-CVC Policy Letter #12-05. Hours of Rest & Implementation of the 2010 Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers, 1978. 9p.
- R-412, Rev. 1 Report to Congress: Towboat Engineer's Death Points to Vessel Manning Issues. 21p.
- R-412-A. Rev. 1. Mar. 14, 2012. In Search of Justice for Chief Engineer Leon Manderson. 36p.

COAST GUARD INVESTIGATION ISSUES

Our Association asserted for many years that the Coast Guard investigation of vessel accidents and especially their lack of investigation of mariner personal injuries exceptionally abominably poor. To obtain adequate attention, we brought our allegations supported by fifteen volumes of material to the attention of the Department of Homeland Security, Office of the Inspector General (DHS OIG). In response, they looked into this matter in depth and completed two important reports on this matter in 2008 and again in 2013. These reports are contained in

THE NTSB WORK-HOURS INITIATIVE

We also contacted the National Transportation Safety Board (NTSB) in reference to fatigue and work-hour abuses in general and our logbook initiative in particular. The NTSB is an independent Federal agency and not part of the U.S. Department of Transportation. The NTSB furnished us with a copy of a Coast Guard letter dated Oct. 8, 1999 in reference to their fatigue recommendations. In the final paragraph of that letter, Vice Admiral T.W. Josiah, Coast Guard Chief of Staff, stated that the "...complexities of the marine transportation system preclude the Coast Guard from establishing scientifically based hours of service at this time."

Since the Coast Guard resisted taking a meaningful first step to require limited-tonnage mariner's to record their actual hours of service aboard commercial vessels, they fell even farther behind other modal administrations in implementing the NTSB's hours-of-service safety recommendations, specifically:

(NTSB M-99-1). "Establish within 2 years scientifically based hours-of-service regulations that set limits on hours of service, provide predictable work and rest schedules, and consider circadian rhythms and human sleep and rest requirements."

Today, the Coast Guard finds itself 45 years behind the trucking industry in requiring our mariners to log their hours of service. We believe NTSB Recommendation M-99-1 has merit and must no longer be ignored. Although our Association does not deal with remuneration (ōpayō) issues, we assert that requiring the timekeeping of **overtime records** beyond 40 hours per week in the maritime industry would encourage accurate recordkeeping and lessen the abuse of existing work-hour regulations as documented by our Association. Furthermore, the **use of time clocks**⁽¹⁾ to record hours of work on commercial vessels and requiring logbook entries work-hours in ink deserve careful consideration. [⁽¹⁾*We note that the National Highway Traffic Safety Administration evaluated sophisticated time and data recorders for installation in long-haul trucks while the Coast Guard hasn't even considered time clocks!*]

AMERICAN WATERWAYS OPERATORS' STANDARD LOGBOOK ENTRIES

The American Waterways Operators (AWO), the trade association for the tug and barge industry, presents a number of acceptable logbook recommendations in their Responsible Carrier Program (RCP) under its "Sample Policies and Procedures." We list a number of those recommendations below.

We note that the Coast Guard actively promotes the Responsible Carrier Program (RCP) and even has a safety ōpartnershipö agreement with them to encourage safety in the towing industry. Our Association commends and support these specific logbook recommendations to the Coast Guard and to Congress as we believe they would:

- Improve the investigation of accidents by Coast Guard Investigating Officers.
- Improve enforcement of reasonable work-hour statutes and regulations.
- Provide a record of the persons standing watch and the times at which the watch was relieved, and
- Serve as a repository of information required to be logged by existing and proposed laws and regulations.

[American Waterways Operators] A.1/A.2 VESSEL OPERATING PROCEDURES H. Vessel Log/Required Logbook Entries

A. General Guidance/Overview

- This procedure establishes guidelines for the maintenance of vessel logs on board Responsible Towing Company vessels.
- It is extremely important that entries regarding accidents be completed, regardless of how trivial an incident may seem at the time. The log must contain a true and accurate record of the event, and any questions concerning the information to be included in the log should be referred to the Operations Manager.

B. Procedures

1. Each *Responsible Towing Company* vessel must maintain an official log. The following guidelines for

maintaining the log must be adhered to:

- a) The log must be kept daily, accurately, and legibly;
 - b) The log must be retained aboard the vessel for a period of one year;
 - c) Log entries, properly dated, must be made as soon as possible after the occurrence for which the entry is made;
 - d) No errors or erasures should be made in the log. Any incorrect statements must be corrected by drawing a single line through the entry and initialing it; and,
 - e) The log must be returned to the *Responsible Towing Company* main office by Jan. 15th. of the following year.
2. The following information is required to be entered in the *Responsible Towing Company* logbook:
- a) Details of all required monthly fire, boat, man overboard, abandon ship, damage control and vessel response plan drills;
 - b) Details of steering gear, navigation equipment, and communications gear tests conducted prior to departure from port;
 - c) Results of weekly and monthly testing of emergency lighting and power systems;
 - d) Fuel and lube oil data, including the amount of fuel or lube oil transferred to or from the other vessel;
 - e) Offenses by and/or disciplinary actions against crewmembers, including a statement concerning the notification of such an entry to the crewmember. Any reply by the crewmember must be recorded in the log and a copy of the entries must be furnished to the crewmember, duly executed by the master and another member of the crew;
 - f) The nature of any illness suffered by a crewmember, including medical treatment administered and the name of the individual who administered it;
 - g) Any personal injuries reported, whether to a crewmember or another individual aboard the vessel. Where there are no injuries, make the notation, "No personal injuries reported today";
 - h) The name of every crewmember who ceases to be a member of the crew other than by death, with the place, time, manner, and cause of departure;
 - i) Report of any death and cause of death;
 - j) Report of any collision, stranding or grounding;
 - k) Search for contrabands or stowaways;
 - l) The number and description of any non-crew-members carried onboard the vessel their boarding and departure points, and the reason or authorization for their being aboard;
 - m) General condition of the vessel and its equipment, at least monthly;
 - n) The times and places of all arrivals and departures of the vessel including changes of river segments, locks, bridges, etc.;
 - o) Intermittent operations such as drops or additions or barges, standby time, hire of tug, and change of river segment, along with notations as to where, by whose orders, and for what purpose these operations were undertaken;
 - p) A complete list of vessel crewmembers, including their jobs, ratings, and/or licenses;
 - q) Crew change times, and a listing of persons relieved and coming on duty;
 - r) Brief description of equipment and supplies received and any damage to these items that may have occurred;
 - s) Report of any vessel damage;
 - t) Notation of any machinery or equipment not properly working, and all repairs undertaken;
 - u) Notation of any repair work undertaken by an outside contractor along with any tickets or invoices;
 - v) Any purchases of groceries or supplies made for the vessel including the name of the vendor;
 - w) Any rope, hawser or wires broken during the day's operations;
 - x) Weather conditions affecting navigation;
 - y) Navigation time, including geographic departure point and arrival point, and reason for trip (deliver cargo, receive cargo, etc.);
 - z) Details of all crew safety meetings;
 - aa) Times of any delays (groundings, Coast Guard boardings, traffic, lock closures, etc.);
3. In the event of abandoning ship, the log book should be taken from the vessel.

NMA Conclusions:

This list is not dramatically different from the list of requirements published in front of the Coast Guard's Official Logbook and reflects recommended practices in the towing industry. Unfortunately, of an approximately 900 to 1,100 towing companies, only an estimated 220 companies are members of the American Waterways Operators committed to these standards. Since these standards were not supported by statute or regulation, we urged Congress to consider making changes in logbook requirements which Congress did in Nov. 2010.

Smooth Log Versus Rough Log

The logbook we describe here is a log that is retained on board the vessel for a period of one year and then returned to company custody no later than Jan. 15th of the following year. We identify this logbook in common parlance as a “**Rough Log**” in contrast to a **Smooth Log** (i.e., a “Billing Log”) used to document invoices sent to the vessel’s charterer. However, both are unlike the “Official Logbook” required by 46 U.S. Code §11301 that is distributed free of charge by the Coast Guard, remains Coast Guard property, and is required to be surrendered to the Coast Guard after the conclusion of an international or intercoastal voyage.

Advantages of Standardized Entries

From our experience, of all the logbook entries, the most important items to be recorded in a neat and orderly fashion are the **actual hours worked** by all limited-tonnage officers and crewmembers on commercial vessels. We believe this is necessary to curtail widespread abuses of the 12-hour rules that our Association continues to document.

Adequate logbooks will help assure that vessels served by our mariners **maintain legitimate watchstanding schedules**. This, in turn, will require that **sufficient crewmembers adequately man the vessel** for the hours of service it is in operation. Current regulations for towing vessels at 33 CFR §§164.78(b) and 164.80 also require certain equipment checks be logged aboard towing vessels. However, aside from this list, mariners have no regulatory guidance of items that should be logged as is required in an **Official Logbook**.

Official Logbooks, published by the Coast Guard, are rarely used by limited-tonnage mariners and their entries are not routinely checked by Coast Guard inspectors and boarding parties. Some logbooks are so poorly maintained as to be without value to either the vessel owners for commercial purposes or to the Coast Guard for regulatory enforcement. Further, we determined that the Coast Guard only stores but does not review copies of Official Logbooks turned into them as required unless there is a major accident.

Clear Logbook Standards Should Facilitate Investigations of Accidents and Injuries

A standardized set of logbook requirements would **encourage** Coast Guard investigating officers to apprehend widespread abusers of our mariners and facilitate their investigative work.

We assert that true adherence to the existing work-hour statutes and regulations for officers would lead to greater mariner satisfaction and retention by giving mariners greater control over their working conditions. Mariner retention has become a serious national and international problem. However, we assert that it is long overdue for Congress to provide all “ratings” such as unlicensed engineers, deckhands, tankermen, and cooks with an enforceable workday of no more than 12-hours in length. We assert that the success of establishing meaningful logbook standards is important in protecting the health and welfare of all our “limited-tonnage” mariners.

CONGRESSIONAL CONCERN OVER “HOURS OF SERVICE”

Section 409 of the Coast Guard Authorization Act of 2004 (P.L. 108-293) amended 46 U.S. Code §8904 by adding one paragraph, (c), as follows:

Crew Endurance Management Demonstration Project

(c) The Secretary may prescribe by regulation requirements for maximum hours of service (including recording and recordkeeping of that service) of individuals engaged on a towing vessel that is at least 26 feet in length measured from end to end over the deck (excluding the sheer).

Congress also ordered a “Demonstration Project” of Crew Endurance Management Systems (CEMS) be conducted before prescribing any new regulations. The Department of Homeland Security delivered the Report on Demonstration Project : Implementing the Crew Endurance Management System (CEMS) on Towing Vessels to Congress on March 29, 2006.

Congress Outlined its Expectations

Congress provided the following wording in a “Joint Explanatory Statement of the Committee of Conference” regarding Section 409:

“Section 409 of the House bill grants the Secretary of the Department in which the Coast Guard is operating the authority to prescribe maximum hours of service for individuals engaged on a towing vessel that is required to have a licensed operator under section 8904 of title 46 United States Code. However, before prescribing these regulations, the Secretary is required to conduct and report to Congress on the results of a demonstration project involving the implementation of Crew Endurance Management Systems on these vessels.”

[The Senate amendment did not contain a comparable provision, but...].

öThe Conference substitute adopts the House provision.ö

öIn September 2001, a towing vessel struck a bridge at South Padre Island, TX. The bridge collapsed, and 5 people died when their cars and trucks went into the water. On May 26, 2002, a towing vessel struck the I-40 highway bridge over the Arkansas River at Webbers Falls, OK. The bridge collapsed, and 14 people died when their cars and trucks went into the Arkansas River.ö

öAs a result of these accidents, the Coast Guard and the American Waterways Operators established a joint working group to examine the statistics of bridge allisions and measures that could be taken to help prevent these types of casualties. The study used a database of 2,692 bridge allision cases between 1992 and 2001. One of the recommendations of the working group's May 2003 report is to örequire the implementation of Crew Endurance Management Systems (CEMS) throughout the towing industry as a means of improving decision making fitness.ö

öThe (Senate and House) Conferees expect that the Secretary will carefully evaluate the results of the demonstration project prior to determining the need to establish maximum hours of service regulations as permitted under subsection (a). Prior to promulgating any such regulations, the Conferees also expect that the Secretary will evaluate the costs and benefits of establishing hours of service requirements on towing vessels. This evaluation should include a review of Coast Guard casualty data to determine whether there is statistical evidence to support the need for new hours of service regulations.ö

NMA Position on CEMS

Our Association followed the progress of the Crew Endurance Management Systems (CEMS) project.

We support the scientific findings of the Coast Guard study. Training using the scientific findings will provide benefits to mariners who may be expected to perform additional duties if another member of the crew is incapacitated for any reason. However, ***we do not support CEMS as a substitute for full and safe manning of any vessel or for purposely "sailing short" in any case other than a bona fide emergency.*** We seek to have the safety and health aspects of the existing ötwo-watchö system on all vessels manned by our limited-tonnage mariners re-evaluated in terms of the scientific findings reported in the Coast Guard's Demonstration Project and other applicable literature provided to our Association by the Coast Guard during an earlier study by the National Offshore Safety Advisory Committee.⁽¹⁾ *[⁽¹⁾Refer to NMA File A-772.]*

OBSERVATIONS FROM AN ADMINISTRATIVE LAW HEARING

[Background: In regard to our concern for the treatment of our limited tonnage mariners under the Coast Guard's Administrative Law system, members of our Association have attended a number of hearings before Coast Guard Administrative Law Judges as observers. We are neither lawyers nor investigators. A review of a number of cases we attended appears in NMA Report #R-204, Rev. 4.

I wrote this letter to provide information I believed was meaningful and not in order to influence the Administrative Law Judge in his decision which, incidentally, I never learned. I sent copies to both the Coast Guard as well as the respondent's attorney. The letter was returned to us with a statement from Judge McKenna that it had not been read or considered.

Following the return of this letter, I prepared our Association's Legislative Proposal to the House Coast Guard and Maritime Subcommittee staff for consideration.]

February 16, 2007

ATTN: Judge Parlen McKenna
U.S. Coast Guard Administrative Law Judge
Coast Guard Island Building 54C
Alameda, CA 94501-5100

Subject: Amicus Curiae Submission
File #GCM-59; Correspondence. #ocma0214.2A

Your Honor:

I was in attendance in the courtroom at MSU Morgan City, LA, during the hearing U.S. Coast Guard v. Captain (Name Redacted) that you presided over on February 14, 2007. I was very favorably impressed by your persistence in ascertaining the truth in all matters brought before the court. I am Secretary of the Gulf Coast Mariners Association. Our Association speaks for the interests of credentialed limited-tonnage mariners serving on vessels

of less than 1,600 GRT.

At the end of the hearing, you characterized the issues as "Very serious" Goes to the structure of the Coast Guard's regulatory program. I agree.

Since much of the case revolved around "Logbooks" I would like to address this subject from several viewpoints. I will draw no conclusions that reference this particular case but directly but request that you consider this letter and its Enclosures. I expect no reply to this letter.

I believe that in order to adequately supervise the performance of the duties of certificated mariners at sea Congress mandated in 46 U.S. Code §11103(b) that "The Master of the vessel shall make or have made in the official logbook certain entries. The words "have made" appear to indicate that the actual entries may be made by a person other than the Master of the vessel.

The same statute enumerates twelve entries. 46 U.S. Code §11302 describes the manner of making entries. I believe this law is reasonable and its twelve enumerated article are reasonable requirements for most applicable vessels. I encouraged and applauded the work of Captain Richard Stewart, a distinguished faculty member and former Department Head at the U.S. Merchant Marine Academy and Chairman of the Merchant Marine Personnel Advisory Committee (MERPAC), who last revised and validated the Coast Guard's Official Logbook in 2003.

Unfortunately, Congress in the same law, limited the application of these requirements to vessels on international and intercoastal voyages and to vessels of over 100 tons. Our Association is actively trying to convince both the Coast Guard and Congress to set standards for maintaining logbooks on all commercial vessels and not just vessels over 100 GRT. Our efforts began in 2000 and are reflected in NMA Report #R-291, Revision 1⁽¹⁾ In the case before the court, since the vessel was less than 100 GRT and was not on an international or intercoastal voyage, it did not require an "Official Logbook." [⁽¹⁾ i.e., an earlier edition of this report.]

The American Waterways Operators, a trade association representing only one segment of the marine industry, does have logbook requirements listed (above). Our Association agrees with and fully supports these "standards." Unfortunately, these standards apply only to AWO member companies and are not enforceable unless they are part of something like an established company policy as could be construed from reading 46 CFR §5.27 "Misconduct." We opine that reasonable logbook entries should be required and subject to regulation. We also agree with the Coast Guard's Official Logbook and the instructions it provides.

The Coast Guard claims that Congress has not authorized it to enforce its "Official Logbook" standards vessels other than those specified in the statutes cited. While the logbook issue is very important to our mariners, it seems to be of no significance to the Coast Guard and is not yet on Congress's radar screen in spite of six years of effort on our part. This leaves you, as an Administrative Law Judge, to pick through a "Hard Log" (aka **Rough Log**) and a "Money Log" (aka Company **Billing Log**) to try to ascertain who was on duty and when. Apparently, neither logbook mentioned that any "accident" involving damage to the vessel or significant pollution occurred (in the case before you).

I am a maritime educator and author/editor of a number of textbooks written specifically for limited-tonnage mariners. I also edit a number of logbooks (specimen enclosed). I am not an attorney although our Association has a number of plaintiffs' attorneys as members. One area that few if any courses, including those approved by the National Maritime Center for limited-tonnage mariners, even cover are regulations in 46 CFR Parts 4 & 5 (Casualties and Investigations), Part 16 (Chemical Testing) and 49 CFR Part 40 (Drug & Alcohol Testing). These are issues that you, as an Administrative Law Judge, must deal with. They are issues that our Association instructs its mariners in through a number of our NMA reports all posted on our internet website. (Example: NMA Report R-315-series). There is absolutely no training given to any limited-tonnage mariner about the responsibility for maintaining an accurate logbook of any type, probably because there is a void in the regulations that cover it. Even 46 U.S. Code §11303 considers very minimal penalties of \$150/\$200 that relegate entries even in a Congressionally-mandated "Official Logbook" to insignificance. This is reflected in industry practice as testimony revealed.

As a reasonable consequence, most mariners and even company owners feel that accurate logbooks are an insignificant part of the job. As such, the testimony in this case accurately represented normal industry practice. In this case, only the "Billing Log" was important because that is how the company substantiates its invoices to the (charterer). In fact, the boat owner asserted that regaining control of stolen logbook pages was very important "not because they contained potentially fraudulent entries but because of their commercial value in obtaining reimbursement for services rendered. We often remind our mariners that the boat owner owns the logbook.

[NMA Comment: It would be helpful if this fact was backed by an appropriate law or regulation.]

The "Billing Log" is a specialized commercial logbook. The company must purchase this book commercially whereas the government is mandated to supply ships with "Official Logbooks." (Parenthetically, although the Coast Guard through Captain Richard Stewart has done an admirable job in editing their "Official Logbook," they have done an inadequate and pitiful job of making it available to the public "as I am prepared to report to Congress). I

have had "Official Logbooks" on order for over one year from MSU Morgan City. Apparently, they have been unable to obtain them through their ordinary supply channels. Yet, the Coast Guard refuses to allow commercial publication of the "Official Logbook." I am prepared to document these statements.

The "Rough Log" described in the courtroom and presented by the respondent's attorney comes closest to telling the real story of how the vessel operates on a daily basis except it lacks signatures to identify who is responsible for making the entries and contains no schedule of who was on watch at any given time. The "Rough Log", in effect, is often a "Diary" also lacks "structure" in that the Master is not reminded to make certain entries and is not told what type of entries to make except by reading some other specific written company policy not introduced into testimony. (The enclosed specimen) is an example of a structured logbook.

The "Billing Log" in this case apparently also has structure but it fills a specialized purpose. If the Coast Guard expects the officers to collect information on a voyage, they need to be specific as to what type of information to maintain. The Coast Guard has not done that. Nor have they seen fit to include maintaining accurate records as a part of the courses they approve at the National Maritime Center for limited-tonnage licensed officers. A part of this training should include the responsibility for truthful reporting. You pointed out on two occasions that 18 U.S. Code §1001 contained significant penalties for untruthful statements. Yet, the only time the average certificated mariner is ever directed to this statute is when he applies for or attempts to renew his license. I maintain this statute has a much broader applications and that the Coast Guard has placed much more emphasis on it since 9/11.

I believe that the Coast Guard's ability to investigate accidents and to uncover other types of "unsavory conduct" that you correctly alluded to at the conclusion of this hearing is impaired substantially if they do not have a reasonable expectation that licensed officers will maintain a detailed and accurate logbook. This was the thrust of (this) NMA Report. However, as far as regulation and guidance are concerned, since the Coast Guard asks for nothing in the way of an accurate record of a voyage, therefore that is exactly what they can expect to receive ó nothing.

Since amending the statute to give the Coast Guard additional authority in the matter of logbooks falls to Congress, I will further direct these comments in that direction. I will submit a Freedom of Information Act request to Jim Wilson to obtain copies of all subsequent decisions and orders in this case as they are issued.

Very truly yours,

s/Richard A. Block, Master #1014425, Issue #8, Secretary, Gulf Coast Mariners Association

Cc: Jim Wilson, Esq, (For the Coast Guard)

Michael G. Helm, Esq. (Attorney for the respondent.)

OUR ASSOCIATION SUBMITTED A LEGISLATIVE PROPOSAL TO CONGRESS

Our Association used an earlier edition of this report⁽¹⁾ to formulate a legislative proposal that was based upon the AWO document detailed above. Our major addition was to urge Congress to apply similar logbook requirements to many vessels in addition to the targeted towing vessels that are manned by limited-tonnage merchant mariners. [⁽¹⁾NMA Report #R-429-G, Rev. 2, Feb. 24, 2007.]

CONGRESS CHANGED THE LAW ON LOGBOOKS IN 2010

The Coast Guard Authorization Act of 2010 and Its Importance to our Mariners

Over the past eleven years the National Mariners Association submitted several dozen "reports" to Congress to keep them informed of problems that our limited-tonnage mariners face on a daily basis. Our mariners, who hold credentials and endorsements as both "officers" and "ratings" comprise more than one-half (about 126,000 of the approximately 210,000 merchant mariners) of all of this nation's merchant mariners ó and that does not count deckhands, cooks, and others that may not be required to hold Coast Guard credentials.

By "limited-tonnage" we generally speak of vessels of less than 1,600 gross register tons including the largest river towboats, all other towing vessels, all small passenger vessels, most workboats, and most of the traditional offshore supply vessels. We speak to those issues our mariners appear to be most concerned with. These *issues* and *viewpoints* appear in *NMA Report #R-350, Rev. 6.*

Upper-level mariners and seamen on "deep sea" merchant vessels are well represented by labor unions that deal with issues that are separate and distinct from those of our limited tonnage mariners. The Coast Guard Authorization Act of 2010 contained a number of changes that will affect our mariners ó Section 607 being one of the most important.

Section 607 – Logbooks

The Act made important changes in maintaining a logbook on *all inspected vessels including towing vessels.*

Section 607 of the Act added the following new requirement at 46 U.S. Code §11304:

46 U.S. Code §11304. Additional Logbook and Entry Requirements

- (a) A vessel of the United States that is subject to inspection under section 3301 of this title, except a vessel on a voyage from a port in the United States to a port in Canada, shall have an **Official Logbook**, which shall be kept available for review by the Secretary on request.
- (b) The log book required by subsection (a) shall include the following entries:
 - (1) **The time when each seaman and each officer assumed or relieved the watch.**

[NMA Comment: Mariners will sign in when you go on watch and sign off at watch change. Most officers are limited to 12 hours on watch.]

- (2) The **number of hours in service to the vessels** of each seaman and each officer.
- (3) An account of **each accident, illness, and injury** that occurs during each watch.

[NMA Comment: Widespread failures to report personal injuries is a serious shortcoming NMA pointed out to Congress. Refer to 46 CFR §4.05-6.]

[NMA Comment: These new requirements apply to every inspected vessel – including towing vessels – to each officer, and each crewmember. The number of hours “on watch” and the “number of hours in service to the vessel” are not necessarily the same. The latter term corresponds to the Coast Guard’s definition of “work” in the policy letter prepared at our insistence in Sept. 2000. Refer to NMA Report #R-370, Rev. 4.]

Other Existing Logbook Statutes

46 U.S. Code §11302. Manner of making entries

Each entry made in the official logbook ó

- (1) shall be made as soon as possible after the occurrence;
- (2) if not made on the day of the occurrence, shall be dated and state the date of the occurrence;
- (3) if the entry is about an occurrence happening before the vessel’s arrival at the final port of discharge, shall be made not later than 24 hours after the arrival;
- (4) shall be signed by the master; and
- (5) shall be signed by the chief mate or another seaman
(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 581.)

46 U.S. Code §11303. Penalties

- (a) A master failing to maintain an official logbook as required by this part is liable to the United States Government for a civil penalty of \$200.
- (b) A master failing to make an entry in the vessel's official logbook as required by this part is liable to the Government for a civil penalty of \$200.
- (c) A person is liable to the Government for a civil penalty of \$150 when the person makes, procures to be made, or assists in making, an entry in the vessel's official logbookó
 - (1) later than 24 hours after the vessel's arrival at the final port of discharge; and
 - (2) that is about an occurrence that happened before that arrival.
(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 582.)

STATUS: THE NEXT STEP IS UP TO THE COAST GUARD

It is clear that the Coast Guard now has the authority to determine how they will handle the new law ó 46 U.S. Code §11304 (above). Its status is discussed in this e-mail dated July 17, 2013:

Greetings Mr. Block,

Discussed the issue regarding logbooks with CG-CVC (Vessel Inspection Program Managers), their response is below.

The CG Authorization Act of 2010 required '**Official Logbooks**' for all inspected vessels. Previous to this, applicability was for vessels greater than 100 GT. Essentially, this new language would now include all 'small passenger vessels' (less than 100GT) as well. Currently, this requirement (for small passenger vessels) is not being

enforced by the CG as it has been determined that further clarification is needed and is therefore under further review. In the future, further guidance will be communicated for appropriate applicability and acceptable formats for a log book/log entries.

Relative to the marine casualty reporting NVIC - we are currently in the concurrence process with our Regulations and DHS components to promulgate a DRAFT NVIC that will be made available for public comment via the Federal Register. I don't have an ETA, but we are getting very close to releasing the DRAFT NVIC.

Regarding the revision of CG-2692 forms, this is a separate initiative that we are concurrently working on that will require us to use the OMB form(s) approval process. I have no ETA on when this project will be finalized.

Thanks.

LCDR Randy S. Waddington, Commandant (CG-INV-1) - Investigations & Analysis Marine Casualty Program Manager U.S. Coast Guard - 2100 2nd St, SW - Stop 7581 Washington, DC 20593-7581. (202) 372-1039 voice

[NMA Comment: We will revise this report when we receive further information from CG-INV-1.]

REMAINING IMPORTANT LOGBOOK ISSUES

Controversial Towing Vessel Manning Issues

Chapters 20 through 26 in Volume 3 of the Coast Guard's Marine Safety Manual (MSM) contains its current manning policies for merchant mariners.

Towing vessels are in the midst of an extended process of being changed from "uninspected" to "inspected" vessels as ordered by Congress in 2004. The Coast Guard separated "manning" issues from vessel inspection issues in the towing vessel inspection rulemaking process. To date, most of their efforts have been devoted to vessels rather than considering the people that run them.

The Coast Guard asked the Towing Safety Advisory Committee to make recommendations for vessel manning which they did in August 2013. Our Association finds maintaining the current status quo on the manning issues as towing vessels move up to "inspected vessel status" very controversial and will issue comments when appropriate.

There Are Many Different Types of Logbooks

Most workboats (including tugs, towboats, small passenger vessels, oilfield support vessels etc.) have at least two different types of logbooks - one that contains pages that can be torn out and sent to the company office for payroll and billing purposes (i.e., a "Billing Log" or "Smooth Log" of blank forms) and a logbook retained aboard the vessel as a permanent record of vessel activity (i.e., a "Rough Log" or "Boat Log"). Some companies require daily logs sent in by Fax or by computer that follow their own requirements. We expect new Coast Guard logbook policies to cover these logs as well.

[NMA Comment: In this report, our sole concern is to standardize procedures to insure that credentialed officers properly and accurately maintain the vessel's Rough Log to comply with existing Coast Guard regulations, policies and guidelines subject to periodic review by Coast Guard officials. The "Smooth Log" should fulfill company needs and should avoid duplicating entries in the Rough Log unless absolutely necessary.]

Avoiding Duplication

That said, a vessel operating company ("the company") is generally required to back up its invoicing with a record of the vessel's service for its paying customers. The company also must obtain accurate payroll information from the vessel regarding the number of days actually served aboard the vessel to go to the payroll department. This is rarely broken down into actual hours - just days or fractions of a day. Furthermore, the company must learn of the vessel's needs so they may be supported in terms of groceries, supplies, spare parts, outside repair services, etc. Much of this information can be gathered electronically by radio, telephone, fax, or the internet. In this report, we do not want to discourage the electronic collection of this type of information or discourage strictly editorial revisions.

Many companies are concerned about the appearances of the **Smooth Log** ("Billing Log") they send to their customers. Use of computers allows company offices to present a neat, businesslike document to their customer representing a professional corporate image and avoiding embarrassing misspellings or comments they would prefer to remain "in house." The result is likely to be a somewhat altered, artificial document designed to project a positive corporate image. Even if it contains a Captain's signature, that signature is likely to reflect the company policy of maintaining its corporate image. However, the vessel's Master should not be held responsible for any editorial revisions and/or resulting discrepancies between the version he submits or retains on the vessel and the version transmitted to the customer.

Our concern is that the **Rough Log** that remains on the vessel and is in a bound-book format with daily or at least numbered pages contains and contains a more complete and unvarnished signed account of matters of concern to Investigating Officers. Since the Master of the vessel may serve 12 hours standing watch, it is reasonable that entries in the **Rough Log** contain entries by his Mate/Pilot and, on occasion, as dictated to an unlicensed watchstander on duty. Each entry should be signed and initialed.

Coast Guard Regulations on Voyage Records

Coast Guard Investigators and Boarding Parties should have a reasonable expectation of finding voyage records when they board any commercial vessel. The pertinent regulation follows:

46 CFR §4.05-15 Voyage records, retention of.

- (a) The owner, agent, master, or person in charge of any vessel involved in a marine casualty shall retain such voyage records as are maintained by the vessel, such as both *rough and smooth deck and engine room logs*, bell books, navigation charts, navigation work books, compass deviation cards, gyro records, stowage plans, records of draft, aids to mariners, night order books, radiograms sent and received, radio logs, crew and passenger lists, articles of shipment, *official logs and other material which might be of assistance in investigating and determining the cause of the casualty*. The owner, agent, master, other officer or person responsible for the custody thereof, shall make these records available upon request, to a duly authorized investigating officer, administrative law judge, officer or employee of the Coast Guard.
- (b) The investigating officer may substitute photostatic copies of the voyage records referred to in paragraph (a) of this section when they have served their purpose and return the original records to the owner or owners thereof.

Enclosure 5 to COMDTINST 16.200.3A provides for a maximum penalty of \$1,000 for violation of 46 CFR §4.05-15(a) for "failure to retain voyage records of a vessel involved in a marine casualty." Our Association maintains that waiting for a casualty to occur is a "reactive" rather than a "pro-active" policy. We assert that part of every formal vessel inspection should include an examination of the rough logs and other paperwork cited in 46 CFR §4.05-15 to ascertain that it is present on the vessel and at least *appears to* be maintained with professional care to avoid "Horrible Examples" as described below.

There Are Consequences for Maintaining a Deficient "Logbook"

Discovered When Towboat "Polaris" Sinks, Blocks & Pollutes Channel to Port of Iberia

[Source: *Misle Activity #2383735 & 2606791, June 3, 2005. FOIA #05-1781. NMA File #M-477 (Consolidated).*]

The M/V Polaris was a decrepit 92.3 foot 1955 vintage towboat of 211 gross tons with an abominable safety record that brought it to the attention of our Board of Directors on at least three occasions. Reports of these conditions to the local Marine Safety Office brought few results until the boat abruptly sank in the canal blocking the Port of New Iberia for three days and releasing 3,000 gallons of diesel fuel. An early review of vessel logs in previous boardings could have averted the disaster briefly outlined below.

According to M/V Polaris logs for that date, the vessel arrived in the Port of Iberia at or about 12:30 and offloaded its barges. This was the last logbook entry anyone bothered to make for the day. *The M/V Polaris logs were handwritten on unlined computer paper.* They did not list such details as who was operating the vessel or any kinds of drills or required tests. The Coast Guard Investigating Officer reported: "The logs from the Polaris also show a repeated history of violation of law and regulation by use of unlicensed individuals as masters of the vessel. The logs were kept as "open logs" and were based on grade on the vessel. On these logs, ■ identifies himself as being on the wheel of the vessel. Mr. ■ does not possess a Coast Guard license.

"The evidence in this case reveals misconduct of the crew and the operator of the Polaris. Repeated vessel safety and integrity problems were addressed in a substandard manner, which led (to) the condition under which the vessel sank. The crew knowingly violated regulation in relation to operation without proper documentation. Civil penalties against the lessee of the Polaris í were considered but (he) passed away in an auto accident on Sept. 21, 2005. Penalty action against Mr. ■ was initiated for unlicensed operation."

Set a Goal to Reduce Unnecessary Paperwork

Since many limited-tonnage officers are already engulfed in a paperwork blizzard, our request to standardize required logbook entries does *not* seek to increase the paperwork burden but, rather, to *more closely delineate the equipment, drills, and voyage information* Coast Guard investigators should expect to find when they board a commercial inspected vessel.

Many Masters complain their employers seriously overwork them and deflect their attention from more important tasks that require active supervision by requiring them to do work that front-office clerical employees are

capable of performing. After all, an officer working under the two-watch system already stands watch for 12 out of 24 hours every day often steering or maneuvering his vessel under stressful conditions.

Coast Guard policy⁽¹⁾ defines **Work** as "any activity that is performed on behalf of a vessel, its crew, its cargo, or the vessel's owner or operator. This includes standing watches, performing maintenance on the vessel or its appliances, unloading cargo, or *performing administrative tasks*, whether underway or at the dock." ⁽¹⁾Refer to Policy Letter G-MOC 04-00 in NMA Report #R-370, Rev. 4.]

Coping With Heavy Administrative Burdens Under a "Two Watch" System

[Source: NMA received this letter from an East Coast tugboat Master in Dec. 2005. The letter outlines the **administrative tasks** his employer holds him responsible for in managing a 5-man tugboat. Accomplishing all these tasks is almost impossible. He alleges that attempting to do so and please his employer forced him to break the law and operate his vessel in a fatigued condition. Although this letter was not written in response to an accident, the danger that excessive paperwork poses on a small vessel with a limited number of officers actively engaged in day-to-day commerce is clear. Excerpt from NMA Report #R-413.]

Dear ■,

This is a list of the duties, drills, and meetings required by the Responsible Carrier Program (RCP) and by my employer as normal boat business.

We like many things about the American Waterways Operators' Responsible Carrier Program (RCP). RCP has helped promote safety. However, as you can see, this has become more a safety maintenance system than a physical inspection system in design.

As Captain, I do not appreciate the **shift of responsibility (SOR)** from management to crew**. I do not think RCP should be used as a substitute or a model for a physical inspection of towing vessels for the following reason. The RCP does not take into account the time needed to conduct drills, hold meetings, and do the required paper work. The crew off-watch must participate on its own time in this additional work.

As Captain, I am not left in a position to make the RCP a priority over my boat's performance. The real world comes first! If there is not enough time in a hitch to complete the REC requirements they simply remain unfinished.

I have been pressured to complete documents with a "satisfactory" report when weather or other factors; prevented us from actually conducting drills or holding meetings. It forced me to work over the 12-hour work rule many times.

I say this in confidence. All the enclosed documents would no doubt be considered sensitive proprietary materials to AWO and others including my employer. However, I need to show them to you in hopes they help you understand the paperwork required by the RCP and will bring to light some of the hidden problems it causes for working mariners.

Oh, yes not to mention five men, 24 hours per day, 365 day a year must operate and maintain a very active towing vessel. This includes engine and deck maintenance, shopping for food and boat supplies, carrying them back to the boat, traveling, and of course all the administrative work.

Thank You. [Name redacted].

Enclosures:

[*These records include maintaining logbooks in addition to a "Smooth Log" (Document #7) and a "Rough Log" discussed in the report. **SOR = An opinion that this reflects an unwarranted Shift of Responsibility from company administrators, port captains, and other supervisors ashore to licensed officers afloat.]

- Document # 1: Declaration of Security.
- *Document #2: Ballast Water Reporting Form. (This is a running log and daily reporting requirement.)
- Document #3: Voyage Plan. (Required before each sailing.)
- Document #4: Report due before each crew change. I consider this to be a shift in responsibility. (SOR)
- Document #5: Request for money for food rations before each crew change. (SOR)**
- Document #6: Monthly tow wire report. (SOR)**
- Document #7: Daily billing log. (Not an RCP item.)
- Document #8: Company accident report. (Completed as needed. Not an RCP item.)
- Document #9: Line inventory. (Due before each crew change. Not an RCP item.)
- Document #10: Release and indemnity agreement. Completed for each visitor,
- *Document #11: Radio Log. A running log record.
- Document #12: New crewmember orientation checklist.
- Document #13: Post orientation performance evaluation. (This report caused many problems.)
- Document #14: New crewmember drug and alcohol policy.

- Document #15: Repair request report. (SOR)**.
- Document #16: Towing Investigation Report. Each incident.
- Document #17: Reporting & Chemical Testing Requirement (Procedures).
- Document # 18: Parts Requisition. Weekly.
- Document #19: Supply List Inventory & Requisition. Monthly (SOR)**
- Document #20: Overall Checklist for an Uninspected Towing Vessel. Due at Crew change. 88 items. (SOR)**
- Document #21: Ice Report (Winter season only.)
- Document #22: Safety Meeting Report. Weekly.(SOR).**
- Document #23: Fire & Boat Drill and Safety Meeting ó Weekly. (SOR)**
- *Document #24-: A running trash log record book.
- Document #25: Local Notice to Mariners. This requires the time to down load the document. It takes additional time to correct and update the charts.
- *Document #26: U.S. Army Corps of Engineers. Vessel Operations Report is a running log and reporting requirement.

Also include time I spend for:

- Daily Navigation Equipment & Communications Check.
- Weekly test of the general alarm system.
- Time to prepare minutes for weekly safety meeting and fire drill and then execute my plans.
- Weekly abandon ship drill.
- Weekly steering failure or loss-of-power drill.
- Bi-weekly man-overboard drill.
- Weekly test of emergency lighting and power.

If You Ask Nothing, Expect Nothing

[Enclosure #1] is a page from the **Rough Log** of one of the largest offshore tugboats operating in the Gulf of Mexico. The vessel is described further in the enclosure.

Any Coast Guard officer investigating an accident might find only a minimal amount of information to support an accident, injury, or personnel investigation in reviewing such a logbook on scene. He might or might not have access to the vessel's **Smooth Log**. In any event, the information he may be seeking should probably be in the **Rough Log**.

A number of investigators express frustration in the lack of information, the *wide use of abbreviations that are non-standard and not catalogued, illegibility, lack of care and attention to detail, and lack of signatures identifying the person or persons making the entries*. Since the Coast Guard is tasked with investigating a variety of occurrences, they need to have greater access to usable information.

A Master has reason to fear for his job if he makes certain entries on a **Smooth Log** that he transmits within a day or so to the front office and is likely to be reviewed by his employer. Since the Master submits these logs to his employer, he will be held responsible for them.

At the same time, the Master also requisitions spare repair parts, services, supplies and groceries that he may note in the **Rough Log**. He may or may not receive what he asks for. At some future date he may need to refer to this information if an accident or injury results in spite of his best efforts to prevent it by asking for supplies or support from the company. The **Rough Log** may contain vital evidence that provides background material useful for investigating the occurrence. *However, the Coast Guard has established no standards for maintaining a record in the Rough Log*. On the other hand, the American Waterways Operators has such guidance in their Responsible Carrier Program for towing vessels but only applies to its member companies and not the entire towing industry. The Coast Guard has roughly comparable requirements but *only* for those vessels required to carry an Official Logbook. Until the law changed in 2010 by re-defining an Official Logbook, this left a huge coverage gap.

We assert that our mariners need the protection afforded by making certain entries in a **Rough Log** that reflect the true situation on their vessel and that are subject to reasonable Coast Guard scrutiny during unannounced boardings or regular inspections.

Title 46 U.S. Code §3315(a), "Disclosure of defects and protection of informants" states in part: "Each individual licensed under part E of this subtitle shall assist in the inspection or examination under this part of the vessel on which the individual is serving, and shall point out defects and imperfections known to the individual in matters subject to regulations and inspection. The individual shall also make known to officials designated to enforce this part, at the earliest opportunity, any marine casualty producing serious injury to the vessel, its equipment, or individuals on the vessel."

Section (b) protects the name of the individual from disclosure (i.e., Whistleblower Protection).⁽¹⁾ [⁽¹⁾Refer to NMA Report #R-370-D, Rev. 7.]

Enclosure #1 – Typical “Rough Log” Entries in a Diary-Type Logbook

This is a copy of the Master's Logbook for Wednesday, January 2, 2002 for a new 10,000 horsepower oceangoing tug currently operating from Port Fourchon, LA. This is a typical hard-bound logbook and is practically useless for purposes of investigation. The International Tonnage of this vessel is 1,108 tons, but her domestic gross register tonnage was purposely kept at only 299 tons to avoid vessel inspection requirements. The vessel is ABS certified and SOLAS certified. The vessel is 143.4 feet long with a beam of 50 feet and a depth of 20 feet. While the vessel is in domestic service, it does not need to carry an Official Logbook. Consequently, the information that appears above is all that was recorded for the day in question. Although the vessel was underway but no further information is available concerning the watches that were set or the hours worked. Comments concerning positions held were added to the copy of the page.

JANUARY 2 WEDNESDAY 2nd day - 363 days follow

0001: Stand by 21 South Timberline
 0500: Under way for Fourchon
 0700: Abeam Ball Pass Sea Buoy
 0745: All Secured Public dock, East Slip #1
 Turn to Ship's Work
~~Now Turn to CRT~~
 Now Stand Public dock
 Now Turn to Night Watch
 2400: Stand by same as before
 No illness, injuries or vessel accidents to report

Crew
 C. Durant CAPT J. Saunders A/B FOB 145,833
 A. Chermie M/A C. DeSilva M/B LOB 1,280
 C. Badden SR M/A D. Davis M/A P/B
 E. Jordan M/A

[ENCLOSURE # 1]