



NMA REPORT #R-247, Revision 1

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

VIOLATION OF LAWS AND REGULATIONS

Here are only a few of the basic laws and regulations that are frequently abused or violated to the detriment of working mariners:

Excerpts from Title 46, U.S. Code, §8104 Watches:

46 USC §8104(a). An owner, charterer, managing operator, master, individual in charge, or other person having authority may permit an officer to take charge of the deck watch on a vessel when leaving or immediately after leaving port only if the officer has been off duty for at least 6 hours within the 12 hours immediately before the time of leaving. [GCMA Comment: *Driving for hours to reach the boat and then going on duty immediately upon arrival violates the spirit if not the letter of this law.*]

46 USC §8104(b). On an oceangoing or coastwise vessel of not more than 100 gross tons...a licensed individual may not be required to work more than 9 of 24 hours when in port, including the date of arrival, or more than 12 of 24 hours at sea, except in an emergency when life or property are endangered. [GCMA Comment: *Often officers and crew members must maintain the boat in port and then set out for sea after putting in a full day's work!*]

46 USC §8104(g). On a towing vessel, an offshore supply vessel, or a barge to which this section applies, that is engaged on a voyage of less than 600 miles,⁽¹⁾ the licensed individuals and crewmembers (except the coal passers, firemen, oilers, and water tenders) may be divided, when at sea, into at least 2 watches.⁽²⁾ [GCMA Comment: ⁽¹⁾*Most voyages from a shore base to a rig and return are less than 600 miles. Most of the abuses of the 12-hour rule result from the reduced level of manning this law allows.* ⁽²⁾*"...at least two watches" means the same as serving 12 hours in a 24-hour period.*]

46 CFR §8104(h). On a vessel to which section 8904 of this title applies, an individual licensed to operate a towing vessel may not work for more than 12 hours in a consecutive 24-hour period except in an emergency. [GCMA Comment: *Section 8904 specifically applies to "towing vessels." However, similar 12-hour laws also govern offshore supply vessels including crewboats, utility boats, etc.*]

46 USC §8301(b). **Minimum number of licensed individuals.** An offshore supply vessel on a voyage of less than 600 miles shall have a licensed mate. However, if the vessel

is on a voyage of at least 600 miles, the vessel shall have two licensed mates. An offshore supply vessel of more than 200 gross tons...may not be operated without a licensed engineer.

Excerpt from 46 CFR 15.705(d). Watches.

Subject to exceptions, 46 USC 8104(h) permits a licensed individual operating an uninspected towing vessel...to work not more than 12 hours in a consecutive 24-hour period except in an emergency. The Coast Guard interprets this, in conjunction with other provisions of the law, to permit licensed individuals serving as operators of uninspected towing vessels...to be divided into two watches regardless of the length of the voyage. [GCMA Comment: *An operator of an "uninspected" towing vessel does not work under the same regulations as a Master of an "inspected" offshore supply vessel in 46 USC 8301(b). The master of an OSV must be provided with an extra mate when his voyage exceeds 600 miles. On the other hand, an uninspected towing vessel can be sent anywhere in the world with only two licensed officers. Imagine what can happen when one of the two officers is sorely lacking in experience?*]

Excerpt from Title 46, Code of Federal Regulations, Section 15.710-Working hours:

In addition to prescribing watch requirements, 46 USC 8104 sets limitations on the working hours of licensed individuals and crew members, prescribes certain rest periods, and prohibits unnecessary work on Sundays and certain holidays when the vessel is in a safe harbor. **It is the responsibility of the master or person in charge to ensure that these limitations are met.** However, under 46 USC 8104(f), the master or other licensed individual can require any part of the crew to work when, in his or her judgment, they are needed for:

- (a) Maneuvering, shifting berth, mooring, unmooring;
- (b) Performing work necessary for the safety of the vessel, or the vessel's passengers, crew, or cargo;
- (c) Saving of life on board another vessel in jeopardy; or,
- (d) Performing fire, lifeboat, or other drills in port or at sea.

[GCMA Comment: *The master (or operator of an uninspected towing vessel) is responsible for obeying federal laws and regulations. Recommended civil penalties for failure to comply with the requirements for working hours are listed on page 12 of COMDTINST 16200.3A and are between \$2,000 and \$5,000 with a maximum penalty of \$10,000 allowed. Maneuvering, shifting berth, mooring and unmooring are regular and recurring duties. These duties are especially*

when trips are frequent and of short duration. Call-outs to perform these duties prevent officers and crew from obtaining adequate rest.]

Excerpt from Title 46, Code of Federal Regulations, Section 15.1111. **Work hours and rest periods.**

(a) After January 31, 1997, each person assigned duty as officer in charge of a navigational⁽¹⁾ or engineering watch,⁽²⁾ or duty as a rating forming part of a navigational or engineering watch, on board any vessel that operates beyond the Boundary Line⁽³⁾ shall receive a minimum of 10 hours of rest in any 24-hour period.

(b) The hours of rest required under paragraph (a) of this section may be divided into no more than two periods, of which one must be at least 6 hours in length.

(c) The requirements of paragraphs (a) and (b) of this section need not be maintained in the case of an emergency or drill or in other overriding operational conditions.

(d) The minimum period of 10 hours of rest required under paragraph (a) of this section may be reduced to not less than 6 consecutive hours as long as

(1) No reduction extends beyond 2 days; and

(2) Not less than 70 hours of rest are provided each 7-day period.

(e) The minimum period of rest required under paragraph (a) of this section may not be devoted to watchkeeping or other duties.

(f) Watchkeeping personnel remain subject to the work-hour limits in 46 U.S.C. 8104⁽⁴⁾ and to the conditions when crew members may be required to work.⁽⁵⁾

(g) The Master shall post watch schedules where they are easily accessible.⁽⁶⁾ They must cover each affected member of the crew and must take into account the rest requirements of this section as well as port rotations and changes in the vessel's itinerary.

[CGMA Comment: ⁽¹⁾*i.e., a deck officer.* ⁽²⁾*i.e., the vessel engineer.* ⁽³⁾*The Boundary Line in the Gulf of Mexico lies approximately 12 miles offshore.* ⁽⁴⁾*i.e., the 12-hour rule.* ⁽⁵⁾*Refer to 46 CFR 8104(a).* ⁽⁶⁾*Posting watch schedules is now a requirement.]*