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PROBLEMS FACING LOWER-LEVEL MARINERS

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INTRODUCTION

The Gulf Coast Mariners Association (GCMA) represents approximately 1,300 "lower-level" mariners that serve on a variety of commercial vessels under 1,600 gross tons on the western rivers, inland waters, and in ocean and coastwise service.

Our mariners are concerned with a variety of issues that affect their service on all types of vessels manned by "lower-level" licensed and documented merchant mariners. Principal among these vessels types are uninspected towing vessels, offshore supply vessels (including crew boats, utility boats, and lift boats), seismic vessels, commercial and charter fishing vessels, small passenger vessels and uninspected passenger vessels.

In this report, our Association will describe and convey our concerns on Coast Guard rulemaking projects and on specific problems areas that directly affect our mariners. We have approached elected and appointed public officials and now reach out to each member of the Merchant Marine Personnel Advisory Committee (MERPAC) attending the semi-annual MERPAC meeting in Seattle on September 20 & 21, 2000.

Copies of this report will be distributed to the Gulf Coast Mariners Association and other concerned mariners. For their information, MERPAC is a Federal Advisory Committee established pursuant to the Federal Advisory Committee Act, 5 USC App. 2. The nineteen (19) members of MERPAC are appointed by the Secretary of Transportation as follows:

- Nine (9) active U.S. merchant mariners, including—three (3) deck officers, two (2) of whom shall be licensed for oceans any gross tons, one (1) of whom shall be licensed for inland or river route with a limited or unlimited tonnage, two (2) of whom must have masters or operators of uninspected towing vessels (OUTV) licenses, and one (1) of whom must have significant tanker experience; and, to the extent practicable, one of these deck officers should represent the point of view of labor and another should represent a management perspective;
- Three (3) engineering officers, two (2) of whom shall be licensed as chief engineer any horsepower, one (1) of whom shall be licensed as either a limited chief engineer or a designated duty engineer; and, to the extent practicable, one of these engineers should represent a labor point of view and another should represent a management perspective;
- Two (2) unlicensed seamen, including one (1) able bodied seaman, and one (1) qualified member of the engine department; and
- One (1) pilot.

- Six (6) maritime educators, including—three (3) from maritime academies, two of whom should be associated with state maritime academies; and three (3) from other maritime training institutions, one (1) of whom should be associated with the small vessel industry.
- Two (2) individuals from shipping companies employed in ship operation management.
- Two (2) from the general public.

MERPAC shall act solely in an advisory capacity. MERPAC will advise, consult with, and make recommendations reflecting its independent judgment to the Secretary of Transportation via the Commandant, on matters concerning personnel in the U.S. Merchant Marine, including but not limited to training, qualifications, certification, documentation and fitness standards.

TOPIC #1: SOME RECENT HISTORY

When MERPAC was first formed in 1993, there were no committee positions allocated to either "lower-level" mariners or to the maritime educators that were responsible for training them. This oversight was immediately brought to the attention of the Commandant and the Secretary of Transportation but was not rectified until the committee charter was changed two years later. It was not changed even when pointed out that 69% of all deck licenses and 18% of engineer licenses based on published Coast Guard statistics were issued to "lower-level" mariners.

Many important undertakings occurred between 1993 and 1995 that affected "lower-level" mariners. For example, it was during this period that the Seafarers Training, Certification and Watchkeeping Code commonly known as the "STCW-95" amendments were decided upon in London. "STCW-95" was dumped on unsuspecting "lower-level" mariners in July 1995 without any warning. "Lower-level" mariners were never consulted although some management and training representatives did attend the IMO meetings in London and preliminary meetings in Washington.

The Coast Guard, in its role representing all American mariners became a party to an agreement that will profoundly affect "lower-level" mariners although they have little first-hand knowledge of the people they represent. Whereas a majority of the "lower-level" mariners we encounter have an educational attainment level of high school or below, most of the documents, concepts and terminology used in STCW and contained in Coast Guard and IMO documents is written at the college level and in terms that are new and often alien to our working mariners. We ask: who are they trying to impress?

"Lower-level" mariners are fortunate that five major maritime unions have come to our rescue. Although the Gulf Coast Mariners Association is not and never will become a labor union, the unions have helped us to unite "lower-level" mariners and to demand a place at the table to represent the common interests of our people. The unions also approached the U.S. Department of Labor to secure training funds to help over 2,000 "lower-level" non-union mariners attain their educational goals and hold their jobs in the maritime industry where STCW certification will soon be required. All of this they have done without asking anything in return except for our hard work and an open mind. They have offered to provide the instructors and the training facilities from their established maritime training schools. However, at the date of this writing, this training program is just starting and the February 1, 2000 deadline is looming ahead.

Unfortunately, many "lower-level" mariners are overwhelmed by the bureaucratic details of both STCW and new towing vessel officer licensing regulations and, coupled with existing problems that neither the Coast Guard nor management have addressed over the years, may simply opt out of the industry. The rest of this letter will detail some of these existing problems.

TOPIC #2 MARINER FATIGUE AND VIOLATION OF THE 12-HOUR RULE:

Directors from our Association attended the National Offshore Safety Advisory Committee (NOSAC) meeting at the Department of Transportation Headquarters building in Washington on April 20, 2000. At that meeting, speaking as members of the public, we alleged rampant violations of the 12-hour work day in the offshore oil industry.

Expressing their concern about our allegations, NOSAC formally went on record as supporting the enforcement of existing work-hour statutes. In addition, in respect for the principle of "Honoring the Mariner," they assigned our complaints to their Prevention Through People Subcommittee for further study.

Pursuant to the NOSAC meeting, our Association began to collect written statements from our members to substantiate our allegations. As GCMA compiled our "12-Hour Rule Book," we also fielded many letters involving violations that took place on uninspected towing vessels on rivers, in inland waters, and offshore operated by our members. Although each letter is signed by it author, our Board of Directors unanimously decided to redact these names to protect our members from inevitable and illegal job actions and "blacklisting" within the industry. Augmenting the "12-Hour Rule Book" remains an ongoing project for GCMA. We recently furnished both NOSAC and TSAC members with copies of this book for their consideration.

At the close of the March 20, 2000 TSAC meeting, Mr. Richard Plant, Director of Special Projects for the International Organization of Masters, Mates and Pilots (IOMMP) reported upon the Maritime Human Factors Conference 2000 held at the Maritime Institute of Technology and Graduate Studies (MITAGS). He presented an article titled Fatigue is a Killer⁽¹⁾ that is closely allied to the abuse of working hours of "lower-level" mariners. [*Reprinted in Appendix 1 of our "12-Hour Rule Book"*]

RADM Robert North attended both the TSAC and the NOSAC meetings. At both meetings, he stated that he would clarify the 12-hour rule. In a letter dated May 2, 2000 GCMA further requested and Admiral North agreed not only to review the 12-hour rule as it affects uninspected towing vessels but also as it affects inspected offshore supply vessels (OSV) manned by "lower-level" mariners. Further, in a letter to our Association dated July 28, 2000, RADM North stated:

"On behalf of Admiral Loy, thank you for the copies of the Gulf Coast Mariners Association report entitled Mariners Speak Out on Violations of the 12-Hour Workday, sent to several offices within Coast Guard Headquarters. I have forwarded this report to my staff for consideration as part of their work on developing a document that will provide clarification of the existing statutes that make up the watchstanding and work requirements aboard U.S. vessels, including the 12-hour rule." "As I have indicated previously, I will publish a document that clarifies the Coast Guard position with regard to work hour limitations for mariners. This document will summarize the requirements of the law, our regulations, and the responsibilities of various parties to ensure compliance with the law."

ACTION REQUESTED OF MERPAC: GCMA looks forward to the "Presentation by the Coast Guard of its policy on the clarification of the 12-hour work rule" and will evaluate it carefully. We believe a vigorous enforcement of existing statutes and regulations will end the egregious abuse of "lower-level" mariners. In addition, we request that MERPAC further examine this topic in a "Prevention Through People" (PTP) subcommittee that parallels any work that NOSAC's PTP subcommittee at the time of this writing may undertake on behalf of all "lower-level" mariners.

TOPIC #3 VESSEL LOGBOOKS

At the previous TSAC meeting held in Washington, DC, on March 20, 2000, Captain Bill Munson, a Director of the Gulf Coast Mariners Association presented a Resolution on Towing Vessel Logbooks in which the Association petition(ed) the Coast Guard to initiate rulemaking action to require Masters, Mates, Pilots, or Operators of uninspected towing vessels to accurately and fully log their working hours and the hours worked by all crew members at the end of each watch in a suitable vessel logbook containing consecutively numbered pages. GCMA asked that the accumulated logbooks remain onboard at all times to fully disclose compliance with all work hour and manning regulations for the past 90 days. *P¹This resolution appears in Appendix 1 of our "12-Hour Rule Book "J*

A formal request to initiate rulemaking was perfected in GCMA's letter of March 28, 2000 to Admiral James M. Loy, Commandant, in accordance with 33 CFR 1.05-20(a). In this letter we noted, among other things, that working hours of both licensed and unlicensed mariners, even on uninspected towing vessels are regulated by international conventions, federal statutes and Coast Guard regulations.

Our members working on uninspected towing vessels report many instances where they have been required to break the law by working more than 12 hours in a 24-hour period. Our members also report many instances of having to take charge of a navigational watch at crew change without adequate rest.

GCMA noted that truck drivers regulated by the U.S. Department of Transportation, parent agency of the U.S. Coast Guard, have been required to log their working hours for many years.⁽¹⁾ Consequently, we seek nothing less than comparable regulations to protect our working mariners serving on towing vessels and other vessels under 1,600 gross tons.

At the date of this writing, we have not received a reply to our correspondence from the Commandant. Consequently, we are unsure whether the Coast Guard intends to address this matter. *[Refer to 49 CFR Part 395.]*

We have determined that a similar problem of failing to record working hours and to properly establish watches exists on many offshore supply vessels. 46 USC §8104(g) requires dividing the crew of a towing vessel or an OSV into watches. This is the duty of the vessel's master. He can only do this if the vessel is adequately manned. Unfortunately, an informal management policy of having the master handle the OSV around the docks and as far as the sea buoy and around rigs or platforms, and also assigning the mate to duty on deck (i.e., outside the pilothouse) violates the "two-watch system," the hours of rest specified in 46 CFR 15.111, and may inordinately fatigue both the master and his mate. Consequently, the requirement to record the duty hours of all mariners on offshore supply vessels is as reasonable enforcement tool to protect working mariners on an OSV as it is on a towing vessel.

ACTION REQUESTED OF MERPAC: We ask that MERPAC urge the Coast Guard take the action requested in our petition and that MERPAC be tasked to study this subject since it impacts many "lower-level" mariners.

TOPIC #4 SAFETY ISSUES ON UNINSPECTED TOWING VESSELS

Why are towing vessels not inspected or effectively examined? The fact that more than 5,200 commercial towing vessels manned by approximately 15,000 "lower-level" licensed mariners continue to exist as "uninspected" vessels and, therefore, are not regularly inspected or even checked by the Coast Guard has a long, complicated history that extends back to the time of World War •⁽¹⁾ [*Uninspected Towing Vessels. An Anal¹ysis is of the Historical and Contemporary Issue of their Regulation. Transportation Institute. 1980. GCMA document #R-231.*]

In 1972, long after World War II ended, the Coast Guard was strongly in favor of both inspecting towing vessels as well as licensing the personnel who operated them. However, at that time, only the licensing proposal won Congressional support and became the law of the land.

In the years since 1972, uninspected support vessels of comparable size and tonnage working in oilfield service came under the aegis of Coast Guard inspection laws and regulations. Crewboats and utility boats were first inspected as small passenger vessels. Then supply boats were inspected under existing cargo vessel regulations. After their atrocious safety record became public, lift boats finally came under Coast Guard regulation in the mid-1980s. Now, all these vessels may be regulated as "offshore supply vessels" or OSVs under umbrella regulations developed jointly by industry and the Coast Guard at 46 CFR Subchapter L.

In recent years, in spite of hundreds of accidents involving towing vessels, including some that were alarming in their effect on the public and the environment, towing vessels have led a charmed life and their owners have deftly avoided Coast Guard regulatory oversight.

While Coast Guard inspection is always inconvenient and costly for those impacted, we are firmly convinced that a formal inspection serves as a basic safety mechanism to protect the mariners that serve on "inspected" vessels. This is borne out by a graph in the Coast Guard's Business Plan for Marine Safety, Security, and Environmental Protection for 1995 showing towing vessel fatalities well over twice as high as fatalities on uninspected vessels for a 10 year period.⁽¹⁾ [-Refer to COMDTINST 16000.26A, February 6, 199.5 p. MSS-3, GCMA Document #A407B.]

As regards basic safety issues, lower-level mariners that serve on many of the nation's 5,200+ uninspected towing vessels have been ignored as forgotten step-children. Meanwhile, great efforts have been devoted to choreographing a "partnership" between the towing industry's trade association and the Coast Guard. While the results may have satisfied members of the trade association, few benefits extend to mariners serving on non-member towing vessels as far as attention to basic safety, health, and welfare concerns. Yet, we believe all mariners serving on uninspected towing vessels deserve to work on safe boats, not just those working for selected employers.

Unfortunately, there are huge gaps between the laws that protect mariners on inspected vessels and those that apply to uninspected vessels. Our Association believes that this artificial division must be eliminated to put all "lower-level" mariners on an equal footing.

In a report titled Towing Vessel Industry Personnel Exposure Data dated May 12, 1994⁽¹⁾ the estimated average annual fatality rate for the towing industry was 72 per 100,000 workers. This was well above the national industry average of 9 per 100,000 workers. "It was recommended, due to the political "bomb shell" nature of these figures, that these estimates be kept internal to the office until they could be better validated." To the Coast Guard's credit, these figures were soon made public. Nevertheless, this information was never widely publicized to mariners and has been "papered over" in succeeding years. Most towing vessel personnel have no idea how dangerous their job really is compared to the jobs of other workers. [^{1D}-Document A-193 (5).]

On August 8, 1994, less than a year after the Bayou Canot accident took the lives of 45 passengers and crew of AMTRAK's Sunset Limited, Coast Guard Commandant Robert E. Kramek requested that the Secretary of Transportation forward a Towing Vessel Inspection Study to the Chairman of the House Subcommittee on Coast Guard and Navigation. The Coast Guard recommendations at that time included:⁽²⁾ [Document #A-193(3).]

- The Secretary advised Congress that Coast Guard inspections of towing vessels would not be the best use of resources in preventing marine casualties involving towing vessels. [*Comment: While this decision may have been in the best interests of the Coast Guard, it was not in the best interest of the **approximately 15,000 mariners** who work on board the nation's uninspected towing vessels. The Federal Register at 61 FR 31332 (June 19, 1996) cites 12,971 marine casualties over a 12-year period (1980-1991) with about 60% attributable to human error. We maintain that the other 40% of the casualties not attributable to human error deserve consideration.*]
- The Coast Guard, in conjunction with TSAC, develop a system to classify UTVs by risk categories, and determine the appropriate level of examinations⁽¹⁾ to ensure the safe operation of those vessels in high risk operations such as pushing high passenger capacity barges or hazardous material barges. If it is determined that supporting legislation is needed to conduct Coast Guard inspections on any current UTVs, request such supporting legislation from Congress.⁽²⁾ [*Comments: "Towing vessel licensing exams have not changed for years. There are no plans to change the license exam even with the advent of new mariner licensing regulations. We are not aware that any such request has been made to Congress."*]
- The Coast Guard, in conjunction with TSAC, develop recommended minimum shoreside management standards for the safe operation of towing vessels, which could be adopted on a voluntary basis industry-wide.⁽¹⁾ These standards would be based, both in approach and content, upon quality systems described in the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code) developed by the International Maritime Organization. Any successful company programs currently in use could also be used in the program's development. [*Comment: -A voluntar^y industry program called the Responsible Carrier Program (RCP) was instituted by the American Waterways Operators (AWO) several years ago. It is obvious that a great deal of thought and effort went into developing this program. While conscientious companies do look out for the safety of their mariners, the Responsible Carrier Program does not ensure the safety of all mariners working on all towing vessels. A comparable voluntary safety program was outlined by the Coast Guard with the commercial fishing industry in the mid-1980s. However, Congress insisted that the Coast Guard develop comparable federal regulations following the sinking of the fishing vessels AMERICUS and ALTAIR. Comprehensive fishing vessel regulations now exist in 46 CFR Part 28. Since the AWO does not represent a majority of the nation's over 1,100 towing vessel operators, these non-member owners need not follow the dictates of the Responsible Carrier Program.*]
- That Congress authorize the Coast Guard to implement a civil penalty regime regarding UTVs so that companies not properly maintaining their vessels or training their crews can be subject to monetary penalties.
- The Coast Guard, in conjunction with TSAC, develop and subsequently conduct an in-the-field uninspected towing vessel enhanced boarding pro ram⁽¹⁾ to measure vessel safety. Such a program will also test the ability of the Coast Guard to determine crew competence in operating certain equipment, crew adherence to deckhand safety guidelines, and might also determine if an effective targeting regime can be devised to detect substandard UTVs. [*Comment: The "enhanced boarding program" describes what is now called the Cooperative Towing Vessel Examination Program (CTVEP). Although this program (as referred to later in this paper) looks very impressive on paper, the Coast Guard has not adequately protected our working mariners by its failure to adequately secure funding for this program. This inadequacy is discussed later in this report.*]

There are tremendous differences between inspected vessels and uninspected towing vessels that can adversely affect crew safety, health and welfare on towing vessels. Thankfully, and to the credit of many conscientious and safety-minded employers, each one of these deficiencies does not exist on every uninspected towing vessel in the industry. However, on vessels where a number of deficiencies do exist, our mariners must work under substandard and even dangerous conditions. We believe that a comprehensive set of federal regulations to establish minimum standards for all 5,200+ towing vessels comparable to regulations for other classes of vessels is necessary. Specifically:

1. There are many laws and regulations on the books that towing vessel personnel are expected to abide by. However, little attention is given to informing mariners of these regulations in license preparation courses and exams. In actual practice, lack of knowledge of these regulations often impacts individual mariners after an accident. For reasons of job security, towing vessel personnel need a comprehensive set of regulations written in "plain English" they can refer to at one place in the Code of Federal Regulations. Thereafter, copies of these regulations need to be required aboard each towing vessel for study and reference.
2. Unlike inspected vessels, many uninspected towing vessels were planned and built without the professional knowledge and assistance of a naval architect. The seaworthiness of a number of these uninspected vessels may be in question.
3. Unlike inspected vessels, uninspected towing vessels may be built without plans, plan review, or quality control during construction. Serious defects may appear when these vessels are placed in service.
4. Unlike inspected vessels, uninspected towing vessels have no regulations requiring stability tests and do not have to meet rigorous stability requirements. Some towing vessel owners have added raised pilothouses and made other major structural conversions without a review of the vessel's basic stability by a naval architect. Consequently, the Coast Guard does not issue a stability book, stability letter, or other stability advice to towing vessel officers.
5. Unlike inspected vessels, uninspected towing vessels may be operated on any route without adequate professional consideration of the vessel's seaworthiness for that route.
6. Unlike inspected vessels, uninspected towing vessels are not issued Certificates of Inspection (i.e., Safe Manning Documents) that clearly spell out the size of the crew they must carry, or their qualifications, or the hours they are allowed to work. The manning regulations that govern uninspected towing vessels found in 46 CFR Part 15 are difficult to read and comprehend. These regulations differ from regulations governing comparably-sized commercial vessels. Furthermore, they are frequently violated.
7. Hours of work for crew members on uninspected towing vessels are governed by archaic terms such as coal passers, fireman, and watertender etc. that vanished with steam vessels fifty years ago. Manning regulations for these vessels need to be brought up to date by making substantial changes. If these changes require Congressional approval, we insist that the Coast Guard bring these matters before Congress!
8. Uninspected towing vessels have no regulations governing the size and specifications of the accommodation spaces that are provided for the crew to live in. Issues of ergonomics, safety, fire protection, ventilation, sanitary construction and sanitary inspections need to be formally addressed in federal regulations as they are for other comparably-sized commercial vessels.
9. Masters of uninspected towing vessels should be required to make periodic sanitary inspections of the vessel following approved guidelines and log the results. The Coast Guard, in conjunction with U.S. Public Health Service, should develop appropriate guidelines.
10. Unlike inspected vessels, uninspected towing vessels are not required to carry survival craft, only life jackets and ring life buoys.
11. Towing vessels often engage in international voyages and openly display the laxity of current U.S. regulations that govern uninspected vessels to foreign port state officials. We point out that it is ironic failure to effectively regulate our towing vessels occurs in the Caribbean region where the Coast Guard has gone to great lengths to establish the Code of Safety for Caribbean Cargo Ships⁽¹⁾ (CCSS Code) and exert maritime leadership in the area. [*GCMA Document #A-510*]
12. Fire drills were not required to be held aboard uninspected towing vessels until January 19, 2000. Unlike inspected vessels, uninspected towing vessels do not require "man overboard" drills or "abandon ship" drills and instruction. In fact, in the absence of a safe manning document on uninspected towing vessels, there is no assurance that a small towing vessel manned with only two crew members (i.e., a Captain and a deckhand) will be able to physically recover the deckhand if he falls overboard. This is a serious safety issue especially for fleet boats that are obliged to operate with only two-men working in swiftly flowing river waters. Slips, trips, and falls overboard are a major component of the high fatality rate in the towing industry.^{~(1)} [*Refer to AWO/USCG Joint Quality Action Team Report on Deck Crew Safety in the Inland Towing Industry, 1996. GCMA Document #A-424.*]
13. Unlike an inspected vessel, on an uninspected towing vessel the quality of repairs made after an accident or fire are not subject to review or approval by a Coast Guard inspector before the vessel is placed back in service. Unless the repairs are properly made, the crew may be at risk.
14. Unlike an inspected vessel, a damaged uninspected towing vessel does not require Coast Guard permission to proceed to another port for repairs (CG-948) after an accident. Unsafe vessel movements could result in damage to the environment, channel blockage, or development of other unsafe conditions.
15. On an uninspected towing vessel, a crane may be installed without calculating the effects of its use on vessel stability.
16. Uninspected towing vessels do not have to be drydocked at regular intervals. Except in extraordinary cases, major repairs necessary for the safety of the vessel and its crew do not have to be performed by the vessel's owner when a towing vessel is drydocked.

17. Tests and inspections of towing vessels under provisions of NFPA 306 during repairs including welding, burning or other hot work often can be easily avoided. Dangers exist when such repairs are made under unsafe conditions.
18. An "examination" performed by a Coast Guard Boarding Party, if and when such an examination is made, is not nearly as thorough as an inspection performed by a Coast Guard Inspector on an "inspected" vessel where the Coast Guard has access to the vessel's full inspection record. The immediate impact of such a boarding and subsequent examination falls directly upon the licensed mariner on duty rather than on the vessel's owner. The regulatory and statutory references used by the Coast Guard for these examinations are not required to be kept on board and available for reference by vessel personnel. This always places a mariner at a disadvantage when facing the Coast Guard boarding party.
19. The "benefits" of the Coast Guard's "Streamlined Inspection Program" (SIP), namely the familiarity of vessel officers and crew with Coast Guard safety regulations, does not exist on towing vessels because such vessels are not included in this program.
20. Examinations by Coast Guard Boarding Teams are often cursory in nature and may not involve comprehensive reviews of all of the following areas: Vessel structure; watertight integrity; pressure vessels and appurtenances; piping; main and auxiliary machinery; steering apparatus; electrical installations; lifesaving equipment; work vests; fire detection and extinguishing equipment; pollution prevention equipment; sanitary condition of the accommodation spaces; fire hazards; FCC certificates; and lights and shapes required by the rules of the road. Unsafe conditions may still exist on the vessel after such an examination even though the boarding team gives the vessel a "clean bill of health" because there are no regulations that require towing vessels to follow the same safe installation practices followed on workboats of comparable size and power used, for example, in the offshore oil industry.⁽¹⁾ [*Refer to 46 CFR Subchapter L*]
21. Unlike inspected vessels, there is no assurance on a uninspected towing vessel that there are two adequate, workable, and unlocked means of escape from all compartments normally occupied by or worked in by vessel personnel simply because there are no governing regulations.
22. Unlike inspected vessels, on an uninspected towing vessel there is no assurance that all enclosed spaces in the vessel are adequately vented or ventilated or that openings can be closed and ventilation stopped in case of fire in any space.
23. Unlike inspected vessels, on uninspected towing vessels there is no assurance that guards have been installed in dangerous places, especially around machinery-driven auxiliary equipment as well as rails and storm rails placed in and on deckhouses. On some vessels, unsafe methods of boarding barges or other towed vessels exist and lead to serious injuries.
24. Unlike inspected vessels, on uninspected towing vessels, the use of safety glazing materials in pilothouse windows that will not break into dangerous fragments if fractured as well as untinted glass that does not distort the color of lights on other vessels and aids to navigation needs to be provided. [*Refer to ANSI Z 26.1-1977 wI 1980 supplement.*]
25. All "vital systems" necessary to an existing uninspected towing vessel's survivability need to be evaluated for their suitability based upon a thorough knowledge of previous vessel accidents.
26. On existing uninspected vessels, the presence of an adequate collision bulkhead as well as the integrity of other watertight bulkheads (if any) needs to be examined. Penetrations of these bulkheads need to be examined to determine whether they defeat the integrity of the bulkheads.
27. On uninspected towing vessels, all electrical equipment and installations must be suitable for conditions the vessel encounters, provide service under normal and emergency conditions, protect crew members from hazards including electrical shock and fire, and prevent ignition of flammable vapors. On existing vessels, the cable and wire must be suitable and capable of carrying the current that passes through it. Battery banks can give off explosive and toxic gases that could harm the crew. All circuits should be clearly marked and identified and not overloaded by appliances. Each of the vessel's radios should be on a separate circuit. Meaningful electrical inspections by knowledgeable persons would provide this assurance of safety for all crewmembers. Without such inspections, hazards may exist as witnessed by the large number of towing vessel fires.
28. On uninspected vessels, there should be adequate battery-powered emergency lighting that automatically activates in case of power loss so as to direct crewmembers to an outside exit, even in the event of a vessel capsize or sinking.
29. Each uninspected towing vessel should have an adequate anchor and ground tackle that can be handled by the crew and is capable of holding the boat in place in the waters it navigates under all foreseeable circumstances. An adequate anchor should be viewed as a crew protection measure.
30. An uninspected towing vessel should have an internal communications system so that the person on watch can contact any other crewmember at any time for any reason without waking other crew members. [*Note: Required after Oct. 8, 2001 on existing uninspected towing vessels.*]
31. Uninspected towing vessels should have a public address system to contact crew members working on barges or on deck for instructions and safety warnings. In lieu of such a system, each crew member should have at least a working handheld radio.
32. Uninspected towing vessels need machinery alarms in the pilothouse to signal loss of propulsion power, loss of steering control, fire in the engineroom or machinery spaces, high bilge level, low lube oil pressure or abnormally high temperature for main engine(s) and generator(s), and loss of air pressure.
33. Like inspected vessels, uninspected towing vessels' bilge systems should be piped to all compartments and have bilge strainers that are easily accessible for cleaning in each compartment. The bilge pump should be used only to pump the bilges and should be rigged with a shore connection.
34. Uninspected towing vessels should have smoke detectors⁽¹⁾ in all crew quarters to alert crew members to fire from smoking, electric heaters, short circuits and other causes. [*Refer to UL Standard 117, single station smoke detector. This comment recognizes that fire detectors will be required under new 46 CFR 27.210 and 46 CFR 27.310. We make this comment in response to NTSBIMAR-96/01 Conclusion # 6: "Because heat rather than smoke detectors were used..., the crew was not provided with sufficient early warning of the fire, which led to the death of the Master and allowed the fire to go out of*

control." Also, the resulting NTSB recommendation #M-96-5: "Install smoke detectors in accommodation spaces on all your vessels, regardless of whether heat detectors are installed."

35. Like inspected vessels, each uninspected towing vessel should have a Coast Guard approved survival craft for all crew members. In addition and respecting the views of the National Transportation Safety Board as expressed for comparably sized commercial vessels, this survival craft should be able to support all members of the crew out of the water (to avoid hypothermia, shark attack, snake bite, etc.) until help arrives.
36. As on inspected vessels, inflatable liferafts and inflatable buoyant apparatus, when such equipment is (voluntarily) supplied, should be required to be unpacked and checked by an approved service facility once a year to prove that it is in good working order. Defective equipment should be removed from service.
37. A uninspected towing vessel logbook and the availability of that logbook for examination by Coast Guard boarding teams should be required. Such a logbook was requested by the Gulf Coast Mariners Association in a formal petition to the Coast Guard (mentioned above). A comprehensive list of all items required to be logged should also be provided including onboard drills.⁽ⁱ⁾ The use of an official logbook on towing vessels over 100 gross tons on intercoastal and foreign voyages should be specified by regulation. The responsibility for turning this logbook in to the Coast Guard at the end of the voyage should be transferred from the Master to his employer who is better staffed and equipped to comply with this requirement. [Refer to NTSB recommendation M-98-112.]
38. There should be a requirement for the officer of the watch to listen to Coast Guard Broadcast Notices to Mariners on a regular basis in order to avoid hazards reported by these broadcasts.
39. Instructions and regulations governing the proper use of an autopilot should be provided on uninspected towing vessels as is required on inspected vessels.
40. Fire axes should be available and placed for rapid availability for fire fighting purposes as well as to sever towing hawsers and other towing connections in an emergency.
41. Towing vessels in offshore service should carry line-throwing equipment.
42. Drinking and wash-water from tanks on towing vessels should be tested on a regular basis.
43. As on inspected vessels, paint lockers made of steel or other non-combustible material should be required on uninspected towing vessels for storage of paint, grease, gasoline for outboards and pump engines etc. [Refer to Fire Aboard the Tug Scandia (etc.), NTSB/MAR-98/03, pgs. 37-38 (analysis).]
44. Uninspected towing vessels should have fire pumps and fire main systems to protect the vessel, its tow, and the crew comparable to those on inspected commercial vessels. At present, fire pumps, fire mains, fire hoses, and fire nozzles are neither required nor installed on many uninspected towing vessels. When fire pumps are installed, they should be operable from outside the engine room. [Refer to NTSB Recommendation #M98-111. Also, NTSB/MAR-95/03 (Argo Commodore), p.39, Conclusion #8: "Smoke in the engine room would have prevented the master from using the vessel's fire pump and its fire hydrant, both of which could only be operated from inside the engine room."]
45. Require approved fixed firefighting systems in the engine rooms of existing uninspected towing vessels. [NTSB recommendation M-98-110.]
46. Require self-contained breathing apparatus (SCBA) and fire-suits aboard towing vessels that (operate beyond the boundary line)⁽¹⁾ as well as training in their use. [Refer to NTSB recommendation M-98-109. ^{LU}NTSB recommends this for all uninspected towing vessels.]
47. Unlike inspected vessels, uninspected fishing vessels, and recreational vessels, there are no requirements for towing vessels to carry pyrotechnic distress signals including smoke signals, red flares, and rocket propelled parachute flares.
48. Although steering systems are of vital importance to all uninspected towing vessels and, because the flanking systems installed on many towing vessels may be of greater complexity than those of other comparably sized vessels, there are still no regulations that specifically govern the installation and maintenance of these systems on uninspected towing vessels.
49. Unlike inspected vessels, uninspected towing vessels are not required to carry first aid kits suitably stocked with provisions commensurate with possible needs for the vessel's intended voyage.
50. Unlike inspected vessels, uninspected towing vessels are not required to mark or stencil escape hatches, emergency exits, fuel shutoff stations, watertight doors, and emergency lighting (if installed). This marking may be important to new crewmembers on the vessel in an emergency. In addition, the name of the vessel on should be marked on each of the vessel's life jackets to assist in Coast Guard search, rescue and recovery operations.

ACTION REQUESTED OF MERPAC: We request that the committee study the foregoing list (which does not purport to be all-inclusive) with an eye toward recommending to the Coast Guard that mariners serving on uninspected towing vessels be given the same degree of regulatory protection as mariners serving on inspected commercial vessels.

TOPIC #5 RECRUITMENT AND RETENTION

The minutes of the Towing Safety Advisory Committee of March 2000 recite: "RADM North next spoke on the subject of the licensing of officers and manning of towing vessels. On seeing the growth of the maritime industry, he realizes that recruitment, retention, and training have become deep concerns, not only in the U.S., but also worldwide."

We believe that many "lower-level" mariners quit the industry as a result of many actions taken by the Coast Guard as well as by job-related factors. While some of these actions may appear to be incredibly minor in nature, their cost to the industry and its "career" employees is great. In fact, it has reached the point where these mariners simply cannot be replaced. One of the

problems appears to be an attempt on the part of Coast Guard Headquarters personnel to over-regulate merchant mariners and treat them as if they were eighteen-year-old recruits in boot camp.

Fallout from every major towing accident or disaster filters down from Congress, past the teflon Coast Guard, past teflon management and down to the working mariner at the bottom in the form of new restrictions and regulations. The Coast Guard is either gutless or powerless to point out to Congress that these burdens are crushing and discouraging many mariners. In a free country, many mariners simply opt out of an impossible situation to take jobs elsewhere. This attempt to create a "perfect" and "politically correct" work force from existing mariners who know how to do their jobs using the skills they have already mastered is leading to a recruitment and retention disaster that has reached the point of no return.

Generally speaking, the "lower-level" mariner work force consists of individuals with an educational background of high school or less but possessing excellent boat handling skills that are honed daily. These are skills that most Coast Guard officers simply do not possess. While most of these mariners are law-abiding, family men, most were not hired because they claimed to be "choir boys." Few college graduates are interested in working 84-hour weeks (and often longer) under the dangerous working conditions that have been documented by the U.S. Department of Labor's Bureau of Labor Statistics.

We wish to present the following points that affect recruiting and retention as seen from the perspective of our mariners:

ACTION REQUESTED OF MERPAC: Acknowledging the importance placed on this issue by RADM North, review the following list with an eye toward understanding the reasons for high turnover rates as seen from the perspective of working mariners. This list does not purport to be all-inclusive.

1. Many mariners think twice about working for or recommending that friends or family members work for companies found guilty by the National Labor Relations Board of unfair labor practices during the Pilots Agree work stoppage of 1998. These company names are well known among working mariners and their misdeeds have been well publicized among industry personnel. It has been documented⁽¹⁾ that over \$414,210 has been returned to 39 individual mariners by order of the NLRB. Past illusions of company loyalties were shattered by companies that used illegal tactics on its mariners. [*NAME Newsletter #86, December 1999, pgs. 3-7*]
2. The Bayou Canot accident cost 47 lives and its regulatory impact affected all towboaters. However, towing vessel personnel feel they were unfairly singled out for blame in this accident and feel they have been paying the price ever since. Many believe the real truth about this accident never was reported and that many significant facts were covered up. [*NAME Newsletter #38, Nov. 1993, pgs. 24-26*]
3. The NTSB determined that one of the causes of the Bayou Canot accident was "...the Coast Guard's failure to establish higher standards for inland towing vessel operator licensing." However, the problems with Coast Guard "licensing", as documented back to at least 1987, were long-standing, deep-seated and pervasive in the Coast Guard's Merchant Vessel Personnel Division. Although the problems were well-publicized, the Coast Guard bureaucracy stonewalled them for many years. These problems were not the fault of licensed mariners who paid for their own training that fulfilled published Coast Guard licensing requirements as interpreted by maritime educators at numerous license prep schools. Over the past 6 years, since the NTSB published the Bayou Canot accident report, the Coast Guard has neither approved nor taken any action to devise a "model course" to train operators of uninspected towing vessels or Masters of 500/1600 ton vessels as they did previously for 100 and 200-ton masters licenses. Furthermore, the National Maritime Center lacks the in-house talent with sufficient first hand knowledge of the towing industry to do so.
4. The mandatory radar operator training regulations following the Bayou Canot accident were hasty, ill-advised, and offended many experienced mariners. Attending a radar observer and/or a refresher course has hit many mariners hard in the pocket book because employers have never been required to pay for such training.
5. In spite of the effort expended, almost 900 written and verbal comments showed that the complete rewrite of the towing vessel licensing regulations never had the wholehearted support of working mariners. The Interim Rule for mariner licensing, as written, is not easily understood by most working mariners and requires the guidance from an additional lengthy NVIC to interpret that rulemaking and the licensing changes it introduces.
6. Unless it is properly planned and implemented at the Regional Exam Centers (RECs), license renewal under the Interim Towing Vessel Licensing Regulations on/after November 20, 2000 may discourage many mariners from ever renewing their towing licenses. The RECs are not viewed as "people friendly" places where information is readily available or even accessible by telephone.
7. Few mariners realistically consider that either the towing industry or the offshore oil industry now offer them a full lifetime career. An increasing number of hurdles have been erected to discourage older mariners from attempting to renew their licenses every five years. In fact, the procedures, bureaucracy, and high costs have become so overwhelming that most mariners must actively prepare for license renewal up to a year in advance. Even suggestions to renew licenses based on their five-year expiration dates have been ignored and have further raised costs for mariners whose license term is substantially less than 5 years. Among renewal problems are the user fees attached to each portion of the renewal application, and out-of-pocket costs of obtaining medical tests such as stress tests etc. to waiver a variety of infirmities for older mariners. Other problems include frequent and erratic changes in renewal policies and the lack of cooperation between government officials in the RECs and working mariners in implementing these frequent changes.
8. Renewal by mail has become a paperwork shuffle that involves numerous re-submittals and months of waiting for many applicants. It features frequently-lost or misplaced paperwork. One REC reported a re-submittal rate of 80% for application paperwork showing an almost complete breakdown of a system that was supposed to have shown great promise at one time. Another area is the aggravation caused by interaction with the National Drivers Registry (NDR) that often uncovers cases

that have already been settled in state courts. It also causes delays in processing applications throughout the system. These NDR procedures are considered by many mariners to be nothing short of harassment and double jeopardy.

9. Mariners are not consulted before the Coast Guard implements many new programs. They feel that they are taken for granted by their government and by the management of an industry that purports to speak in their behalf. The introduction of the new STCW Code in July 1995 that will affect most mariners serving on offshore supply vessels and towing vessels on foreign voyages was done without any input whatsoever from "lower-level" working mariners. Mariners do not appreciate having new programs, however laudatory their purpose or international their scope, crammed down their throats. The Coast Guard needs to take this into consideration when it deals almost exclusively with employers and disregards the mariners who actually do the work.
10. Coast Guard prosecutions for alcohol and dangerous drugs show signs of decimating the work force. The current system is so insensitive to the needs of mariners that it is incapable of distinguishing between major and minor offenses. Dealing with the bureaucratic details of expunging relatively minor convictions is viewed by many "convicted" mariners as overwhelming. Mariners who are persuaded or otherwise elect to follow the path of "rehabilitation" find they must remain out of work for over a year, face thousands of dollars of rehab costs, and then face almost insurmountable hostility and paperwork burdens before being allowed to sail again—if that ever occurs. A few cases in which overzealous Coast Guard prosecution has been misdirected have damaged mariner morale, trampled on mariners' civil rights, and revealed the excesses in the Coast Guard's "justice" system. Low-ranking and poorly trained investigating officers appear to have too much authority and too little supervision in the performance of their duties. The regulations on Suspension and Revocation (S&R) have been manipulated to stack the deck against a mariner's chances of mounting a successful defense of any charges. [*Refer to GCMA Document A-634, U.S. Coast Guard Marine Casualty Investigation and Reporting: Analysis and Recommendations for Improvement, Report CG-D-13-95.*]
11. Recent changes in the suspension and revocation (S&R) procedures were not done to help working mariners. They were done for the benefit of the Coast Guard, pure and simple. At the very least, the existing Coast Guard administrative law system should provide legal counsel to indigent mariners. Experience shows that few attorneys are willing to defend indigent mariners at administrative hearings for reasonable fees. Most lower-level mariners consider that license insurance that provides for legal representation is far too expensive for them to afford. Most innocent mariners do not stand a chance of properly defending themselves against a Coast Guard prosecutor who has legal experience in a hearing before an administrative law judge (ALJ). The fact that the ALJ is on the Coast Guard's "payroll" only encourages a belief that the system has been stacked against them.
12. The Coast Guard marine casualty investigation and reporting program, as shown in internal Coast Guard reports,⁽⁹⁾ is in disarray. The statistics based on Coast Guard sources, especially those involving the offshore oil industry, cannot be believed. Many accidents simply are never reported to the Coast Guard. Instead of addressing and fixing the problem, the Coast Guard is undertaking a new program of trying to involve mariners in reporting "near misses" (i.e., the IMISS program) to another government agency (i.e., MARAD). It is hard to see where mariners will be willing to participate in such a program except in response to frustration and anger. [*US. Coast Guard Marine Casualty Investigation and Reporting: Analysis and Recommendations for Improvement, 1994. GCMA Document #A-634-A.*]
13. Mariners do not feel that they are being "honored" for their service. Mariners who maintain their own evidence of service such as their own diaries and company pay stubs to authenticate their own service believe that these documents should be given equal weight in establishing their sea service, replacing, where necessary, company sea service letters. This is especially true in light of mariners' inability to require current employers or previous employers to provide them with sea service letters as requested. This is a long-standing mariner complaint the Coast Guard has stonewalled for years and continues to ignore.
14. The Coast Guard appears to hold corporate officials in higher esteem than working mariners; yet, they do not hold them to the same standards as mariners. Mariners can lose their licenses, and with it their means of making a living, for minor infractions whereas company officials do not face comparable standards. In most cases, fines and civil penalties levied on corporations are paid with corporate rather than personal funds. Mariners believe that the Coast Guard is quite willing to prosecute individual mariners where it can win its case easily. However, the Coast Guard is much less willing to go after companies that have greater financial resources and political clout, hence, a greater ability to defend themselves effectively. This breeds fear rather than respect for the Coast Guard among working mariners and, as such, is intolerable.
15. Mariners on the Western Rivers saw how First Class Pilot license holders were mistreated by the Coast Guard when they arbitrarily changed the licensing rules in 1996. Few licensed mariners on the rivers now have any desire whatsoever to devote their time and effort to developing or participating in any license scheme devised by the Coast Guard. The Coast Guard clearly has not respected the time and effort that hundreds of First Class Pilots spent in learning their routes on the western rivers and then proving their knowledge to the Coast Guard at their own expense. The recent collision and sinking of the \$55,000,000 Casino Boat MISS BELTERRA above Caruthersville, MO, clearly shows the importance of a thorough knowledge of river pilotage. It is clear that this, and other Coast Guard ill-advised policies, puts the lives of thousands of casino boat passengers in jeopardy on the rivers.

Mariners on Oceans and Near Coastal routes have watched the authority of their United States Coast Guard licenses vanish as international STCW-95 certificates have supplanted them. After February 1, 2002 USCG licenses formerly valid on near coastal and ocean routes will only be valid on internal waters unless accompanied by STCW-95 certificates. This represents either a huge loss in authority or a significant additional expense for mariners in both time and money.

16. Operating towing vessels, especially line haul vessels, is a very stressful occupation. The average life span of a working mariner on a line haul towboat is only 57 years, 2 months—almost 8 years short of retirement. Many licensed mariners are becoming aware that the odds against ever reaching a healthful retirement are against them.

17. Why must pilots deal with overloaded barges and overloaded towing vessels? Such situations make operating these vessels both stressful and dangerous. Some companies threaten their personnel with loss of employment if they refuse to handle extra barges in situations where they have misgivings about overloading. Towboatmen's licenses and reputations as well as public and private property is put at risk by certain employers who consider only their bottom line.
18. According to the Cooperative Towing Vessel Examination Program (CTVEP), the Coast Guard enforces many laws and regulations most mariners are not aware of. How could the Coast Guard have granted so many licenses for so many years to so many supposedly qualified mariners who never were thoroughly taught and tested on the rules and regulations (other than the rules of the road) they were expected to abide by? An examination of the existing questions in the National Maritime Center's deck examination database clearly shows this to be the case.
19. Many Coast Guard officers, including flag officers, appear to sell themselves to the highest corporate bidder when they leave Coast Guard employ and enter the maritime industry. Most mariners view this "revolving door" policy as an ethically-bankrupt conflict of interest and want the laws governing this conflict changed.
20. Why don't Coast Guard regulations require uninspected towing vessels to carry any lifesaving equipment other than life jackets? If an uninspected towing vessel sinks or burns, especially in ocean or coastwise service, does the Coast Guard really expect mariners to jump directly into the sea and wait for rescue? Mariners do not understand why federal regulations do not require every commercial vessel that travels offshore to carry an inflatable liferaft or inflatable buoyant apparatus (IBA) that is inspected by an approved inspection facility on an annual basis.
21. In light of the high fatality rate on towing vessels working on rivers, why are employers not required to provide the deck crew with Coast Guard approved buoyant anti-exposure suits during the cold winter months for work on deck? The same conditions are faced by deck crews in northern coastal waters in winter. The Gulf Coast Mariners Association (GCMA) brought this matter to the attention of TSAC at the March 2000 TSAC meeting and now believes that federal regulations are necessary to protect its working mariners. The Coast Guard needs to act on these recommendations.
22. Why are towing vessels not required to be fitted with fire pumps and fire hoses in addition to fire extinguishers? Is the basic safety of mariners working on towing vessels and, ultimately, are their lives worth less than the lives of mariners working on inspected vessels? Why can't all commercial mariners be protected by the same regulatory safeguards?
23. If the Coast Guard will not regularly inspect towing vessels, why doesn't the Department of Labor's Occupational Safety and Health Administration (OSHA) inspect them for violation of common workplace safety regulations? This is especially true for towing vessels that work on the outer continental shelf (OCS). Mariners have asked this question for a number of years; they deserve a real answer! The Memoranda of Understanding (MOU) between the Coast Guard and OSHA⁽ⁱ⁾ need to be reviewed to adequately protect "lower-level" mariners serving on uninspected vessels. [*Refer to MOUs that reflect agreement between the USCG and OSHA dated March 3, 1983 that fails to cover uninspected towing vessels and the earlier MOU of February 14, 1980.*]
24. The persons who act as "engineer" on towing vessels need to be adequately trained in their duties and responsibilities. Many of the comments that appear in the paper titled Lack of Training for Licensed Offshore Supply Vessel Engineers⁽ⁱ⁾ also apply equally well to personnel serving as engineers on uninspected towing vessels. The Coast Guard's Report to Congress Concerning the Need for Engineers on Uninspected Towing Vessels, May 1973, needs to be reviewed and reevaluated.⁽²⁾ [*Refer to the "12-Hour Rule Book," Appendix 2. Refer to GCMA Document #A-172.*]
25. Why is there so much less concern for fatigue on uninspected towing vessels than for fatigue in other modes of transportation? Why doesn't the Coast Guard at least require by regulation that towing vessel operators or masters accurately record working hours for all crew members in the vessel logbook so that boarding officers can vigorously and effectively enforce the 12-Hour Rule?⁽¹⁾ [*"46 USC §8104(h) & 46 CFR 15.705(d)*]
26. Why doesn't the Coast Guard enforce the law⁽ⁱ⁾ that says an officer must have been off duty for at least 6 hours within the 12 hours immediately before taking over a navigation watch. Driving or traveling to work over long distances in a car or crew van is not the same as being "off-duty." [*Refer to 46 USC §8104(a)*]
27. Why are many entry-level employees allowed to enter the maritime industry with little or no formal safety training. Company orientation programs, where such programs exist, often are substituted for basic safety training. Rather than being useful crew members, these "green" crew members are a constant source of worry to licensed vessel officers who have little or no time available during the on-duty hours of their work day to train them.
28. Although many companies "talk" safety, they are not committed to pursuing an active safety program. Some companies adopt the Responsible Carrier Program (RCP), not for safety reasons, but rather to avoid federal regulation of safety aboard their vessels. "Auditing" 10% of the vessel's in a company's fleet each year is less onerous than inspecting 100% of the same fleet annually. RCP is not only "politically correct" but can also be used as a useful sales tool by participating companies.
29. Boat owners pay little or no attention to insuring that towing and oilfield vessels have clean drinking and wash water. Water in all fresh water tanks needs to be replenished from watering places tested by public health authorities. Testing of on-board tanks needs to be done on a regular basis and the reports prominently posted on the vessel. Bottled water must be provided in sufficient quantity for drinking and meal preparation where questionable water supplies are available.
30. The mariners who are told that their boat will be repaired after the "next trip", whose pay has been "frozen", who have their health benefits cut, who are told to cut costs by consuming less food and fewer supplies, who must work with fewer or untrained crew members, who must do without a full-time cook, are notably unsympathetic when they read about high rates of executive pay, golden parachutes and other pay incentives they believe unfairly benefit their bosses at the expense of their health, safety, comfort, and sacrifices of living away from home and family.
31. Fleet boats handling barges should carry a minimum of two deckhands during each 12-hour shift so they have a reasonable chance to retrieve a man overboard and to safely handle heavy gear including pumps, hoses, ratchets, wires etc. Each deckhand should be provided with full personal protective gear and have a handheld radio for safe and effective

- communications. Vessels working a schedule that calls for operation or standby service in excess of 12 hours must be manned on a 24-hour basis.
32. Office personnel and Coast Guard personnel whose policies govern the lives of working mariners should be required to ride on the boats before being given a voice in vessel operations of any kind.
 33. Old barges that are unsafe, that leak, or have contaminated bilges should either be repaired or retired from service. Towing vessel crews should never be required to go into confined spaces on barges unless they are provided with adequate and calibrated oxygen indicators or explosive vapor detectors.

TOPIC #6
STATEMENT OF PRINCIPLES
THE GCMA CAMPAIGN FOR CORPORATE ACCOUNTABILITY

The GCMA Campaign for Corporate Accountability takes as its Statement of Principles, the following:

The GCMA believes that offshore and vessel operating companies should strive to be "good corporate citizens." Companies must behave as responsible members of a broader community that not only take into account customers and shareholders but also show significant concern for their workers, neighbors, the environment, and the government. Companies should be held accountable for their practices, actions, and the effects of those.

As good citizens, companies must treat their workers with dignity and respect. They should provide workers with:

- A working environment that does not inhibit workers from joining a union or any other organization.
- A living wage.
- Benefits to take care of them when they are sick and when they retire.
- Paid training in accordance with all Government regulations.
- A healthy workplace that provides all necessary safeguards, equipment and training.
- Sufficient manning and adequate rest to ensure workers can perform their jobs safely.
- The ability to refuse to perform procedures that violate the law or endanger the lives of their fellow crew members, and
- The right to advocate for all these things and other workplace issues without fear of retribution.

Furthermore:

- Offshore and vessel operating companies must consider in their business practices the effects on communities that are directly impacted,
- Offshore and vessel operating companies must respect the environment and develop sustainable policies to ensure a viable and clean offshore industry.
- Offshore and vessel operating companies must respect all laws and regulations that apply to their business, and
- Offshore and vessel operating companies must strive to provide the best service to their customers based on the principles outlined above.

TOPIC #7
WHAT HAPPENED TO THE
COAST GUARD'S COOPERATIVE
TOWING VESSEL EXAMINATION PROGRAM?

The National Association of Maritime Educators (NAME) joined us in our concern that a number of Coast Guard Marine Safety Offices were not actively participating in the Cooperative Towing Vessel Examination Program (CTVEP) because they were given no funding or resources to do so. While this program as a public relations exercise looked good on paper, unless it is available and used in all parts of the country to improve (or remove) substandard vessels and to protect the health, safety and welfare of working mariners it can hardly be credited with being a valid and meaningful nationwide program. In some areas, CTVEP appears to be taken seriously. In others, it is another toothless paper tiger. NAME polled all of the nation's Marine Safety Offices with a letter (reprinted below) and received the results in **FIGURE 1** (found at the end of this report). It is noteworthy that many Marine Safety Offices never even bothered to respond to a written request for information—as shown by the abbreviation "N/R" in the following table.

May 24, 2000

Commanding Officer
U.S. Coast Guard Marine Safety Office [Insert address]

SUBJECT: Cooperative Towing Vessel Examination Program (CTVEP)

Dear Sir or Madam,

Although almost 5,200 towing vessels in the United States operate for the most part as uninspected towing vessels, the Coast Guard began to encourage development of a voluntary Cooperative Towing Vessel Examination Program (CTVEP) in 1996 and 1997 in lieu of recommending a formal "inspection" program to Congress in 1994.

As we understand, subject to your correction, the CTVEP is developed by each Coast Guard District. Individual marine safety offices award decals to vessels that meet the program requirements. Coast Guard units generally do not board vessels displaying the decal except after accidents or when laws obviously are being broken. Our information is based upon a bound, well-developed program for the Eighth District from our files.

We also understand that certain Marine Safety Offices do not participate in such a program because of lack of resources. We are preparing an article on the effectiveness of CTVEP and respectfully request your participation by answering a few questions and FAXing back a reply on or before our editorial deadline of June 10, 2000... Specifically:

1. Does your Marine Safety Office participate in an active CTVEP? Yes: _____ No: _____ (please check)
2. If your MSO participates in the program, how many uninspected towing vessels has it examined in the past year? This is a monthly average of _____ vessels.
3. Please explain how this program is funded in your unit? _____
4. What is your MSO FAX #? _____
5. Contact person for CTVEP information at your MSO: _____

We welcome any additional information and thank you for your participation.

COOPERATIVE TOWING VESSEL EXAMINATION PROGRAM PARTICIPATION

Results: Out of 5,216 total towing vessels accounted for in the USA; only 657 were examined under this program in the past year. This represents only 12.6% of the nation's towing vessels.

(See **Figure 1** for details)

TOPIC #8 THE GCMA PILOT SAFETY AUDIT

(See **Figure 2** for complete details)

TOPIC #9 SEAFARER FATIGUE PROJECT

This project affects all "lower-level" mariners who work a two-watch system.

In the Coast Guard Authorization Act of 1993, Congress reaffirmed the two-watch system (i.e., the 12-hour day, 84-hour week) on all towing vessels. The two-watch system also applies to many offshore supply vessels in domestic waters on voyages of less than 600 miles. However, such a system can require far more than 12 hours on duty for a vessel's master if his second-in-command is not equally qualified in all respects to operate the vessel and handle it around the dock, en route, and at the destination. Holding the master responsible after assigning him an unqualified or incompetent mariner as second in command is patently unfair.

The Gulf Coast Mariners Association encourages the Coast Guard to actively continue its ongoing studies of fatigue on towing vessels by "lower-level" mariners on a priority basis, and then to expand the study to include "lower-level" mariners working in the offshore industry. The GCMA will review the results of the study carefully.

Background information. An article titled Seafarer Fatigue: Wake Up to the Dangers discussed a worldwide survey of mariners on the subject of fatigue that was taken by the International Transport Workers Federation (ITF). An article in Professional Mariner magazine⁽¹⁾ discussed the same topic but in less detail. [*Sept/Oct 1998, p.6/*

Fatigue has been the subject of many articles. Alertness Assurance: The Key to Reducing Fatigue and Human Error in the Marine Industry was the subject of the main speaker⁽¹⁾ at the Eighth Coast Guard District Industry Day on May 15, 1996 in New Orleans. This meeting was attended by approximately 500 individuals who primarily represented marine industry management. Consequently, it would be foolish to say that "fatigue" is not a hot topic in a sector of the maritime industry where the "two-watch" system prevails. [⁽¹⁾The speaker was Mr. William Sirois, Circadian Technologies, Inc. 125 Cambridge Park Dr., Cambridge, MA 02140. (617) 492-5060.]

Using the ITF questionnaire format as a model, the National Association of Maritime Educators (NAME) prepared a mailing to approximately 1,000 "lower-level" mariners working in the towing and offshore oil industry in the Gulf of Mexico area. On the returns, personal identification was optional. The GCMA reported the results of this survey to the International Transport Workers Federation.

(See **Figure 3** for details of this survey.)

TOPIC #10 REVIEW OF MARINER CONCERNS WITH OSV REGULATIONS IN SUBCHAPTER L

The Gulf Coast Mariners Association (GCMA) attended a public meeting in New Orleans in September 1999 to present its comments on proposed changes to existing Offshore Supply Vessel regulations. These regulations have a potential for impacting many "lower-level" mariners who work in the offshore oil industry.

Since the original rulemaking project extended over many years and few working mariners directly contributed to final product, the GCMA found it necessary to review these regulations and commented specifically on those areas that directly affected mariners. GCMA also noted that existing license exams contained few if any questions directly related to the new "Subchapter L" regulations. Nor was there a law or Coast Guard regulation (other than an occasional local MSO requirement) that even required a copy of these regulations or other vessel inspection regulations to be carried aboard offshore supply vessels or tugs. The foregoing explains why many working mariners are not familiar with the requirements of these regulations. This is an abbreviated list of GCMA comments.

The results of our review of Subchapter L were presented to the Coast Guard docket. A synopsis follows:

ACTION REQUESTED OF MERPAC: GCMA asks that MERPAC note that significant differences exist between our Association of working mariners and the National Offshore Safety Advisory Committee. These differences appear primarily as regards issues of safety that affect "lower-level" mariners who work on OSVs. We believe these differences are a result of the composition of the advisory committee that, until recently, did not have any working mariner representation. This gave unquestioned latitude to management with little if no effective representation to labor. Suggestions made by NOSAC subcommittees, especially in regard to OSV rulemaking, went unchallenged. GCMA believes that many changes in existing regulations need to be considered and evaluated with workers points of view considered.

LIFESAVING

SURVIVAL CRAFT.

- GCMA objects to USCG approval, acceptance, and continued use of life floats and buoyant apparatus as "survival craft."
- GCMA joins the NTSB in demand for out-of-water survival equipment as one of NTSB's "most wanted" transportation safety improvements.
- Definition: a survival craft is "a craft capable of sustaining the lives of persons in distress." GCMA does not believe that life floats and buoyant apparatus fit the definition. Mariners must remain in the water, risk drowning, hypothermia, sharks, jellyfish etc. No equipment on these craft is available to help the crew survive.
- GCMA rejects NOSAC's attempt to remove waterlight from a life float with a capacity of less than 24 persons. T-Boat regulations call for each life float to have a waterlight. Why is this not true on OSVs?
- SOLAS does not list either life floats or buoyant apparatus as "survival craft."

LIFT TO LAUNCH A SURVIVAL CRAFT. [46 CFR 133.130(a) (8) (ii) & 46 CFR 133.150(c)]:

- Lifting a survival craft that weighs up to 408 lbs. up 1 foot to launch is too much for the small crew on many OSVs.
- Some crewboats are certified as **OSVs**. T-Boat regulations require a lifting device if the survival craft weighs over 200# or must be lifted vertically more than 1 foot.
- Existing OSV regulations discriminate by requiring the crew to lift twice as much weight. • GCMA believes the rule must be rewritten.

INFLATABLE LIFERAFT STOWAGE. [46 CFR 133.105(b)(1)]:

- Liferrafts must be stowed for easy side-to-side transfer at a single open deck level.
- "Easy" depends on weight of the liferaft, the number of crew available and uninjured, sea conditions, deck inclination, not lifting the liferaft over bulwarks and obstacles. Some of these factors cannot be predicted in advance.
- Liferaft coverage on each side of the vessel improves the chances of survival, provides equipment in case of damage, loss, failure to function properly, or if one liferaft is off vessel being serviced.

SERVICING LIFESAVING EQUIPMENT. [46 CFR 131.555].

- Servicing may take days or weeks.
- Vessel may be left without adequate replacement equipment.
- The Master must know if his vessel can sail legally without this equipment or if temporary replacements are needed.

HOMEMADE DAVITS. [46 CFR 131.550 & 46 CFR 133.160(a)].

- Some OCMI-accepted homemade davits cannot be turned and held outboard against an adverse list of 20° by a single person or the small crew on an OSV.
- There should be uniform published standards and testing.

OSV RESCUE BOATS. [46 CFR 133.135(c)]:

- We note the exception to requiring a rescue boat on some OSVs working on the U.S. continental shelf. This does not reassure working mariners that their interests are being protected.
- Determination by a local OCMI who may not have inspected the vessel in question or know the conditions it operates under is not something that mariners can have confidence in.
- Mariners on these vessels should report any personnel recovery equipment installed in lieu of a rescue boat that does not perform as expected.

PROTECTING INFLATABLE RESCUE BOATS. [46 CFR 133.140]:

- Regulations do not have any requirement to cover or protect the fabric of an inflated rescue boat from the sun or salt water.
- The regulations should require an easily-removed cover.

Z-CARDS FOR LIFESAVING PROFICIENCY. [46 CFR 131.410]:

- Z-cards are only issued on the basis of service on vessels over 100 GT.
- Z-cards should be required for all OSV crew since some small OSVs carry inflatable liferafts they must know how to use.

STCW RESCUE BOAT PROFICIENCY. [46 CFR 131.420(e)]:

- "Each motorized survival craft must have...a person capable of operating the engine and carrying out minor adjustments."
- It should be specified on the vessel's Certificate of Inspection how many persons on a given OSV must meet the "Specification of the minimum standard of competence in survival craft and rescue boats other than fast rescue boats" in STCW Table A-VI/2-1?

FIREFIGHTING

FIRE PUMPS. [46 CFR 130.430]:

- Why must someone go into the engineroom and line up the valves before most fire pumps can be started?
- Review the NTSB's ARGO COMMODORE accident report to see why this provision is critical to crew safety.
- An engineering solution should be provided.

INADEQUATE FIRE PUMP. [46 CFR 132.100(b)]:

- Small OSVs need an engine-driven fire pump for adequate fire protection.
- Hand-operated fire pumps are inefficient and hard to operate by one person. With a hand-operated pump, the firefighter must keep one hose or end of pump in the water for suction and work the pump just to spray a small stream of water.
- All references to any hand-operated fire pump should be eliminated and installation of an engine-driven fire pump should be required.

SCBA & FIREFIGHTING. [46 CFR 131.535(c)(5)]:

- No SCBA, as mentioned in the regulatory scenario for a fire drill, is required on each OSV.
- Without adequate equipment, some crew members may feel obliged to take unwarranted chances to save the vessel and their job and thereby endanger their lives and/or sacrifice their health—far beyond the costs of the equipment that was not provided.
- The employer's policies should state the extent of firefighting exposure and risk they expect the crew to take to save the OSV.

OPERATIONS

USING MARITIME SERVICES PROVIDED. [46 CFR 131.910]:

- The phrase "Acquaint himself..." is vague.
- U.S. government offers extensive navigation and meteorological services that are often underutilized by mariners.
- No requirement exists for employers to subscribe to or furnish copies of the Local Notice to Mariners while operating in U.S. waters or the Notices to Mariners in foreign waters.
- No requirement exists for a Master to listen to Broadcast Notices to Mariners when on duty.
- No mention is made of any need to listen to USCG, USN, or NOAA weather reports before leaving port or when within broadcast range.
- These are important omissions since they are important services offered to mariners at considerable taxpayer expense.
- Mariners should be required to use these services to help assure safe navigation.

STABILITY LETTER. [46 CFR 131.9301]:

- Having the stability letter "readily available" makes it much less visible and much less significant than if it was required to be posted in the pilothouse under glass with all pages visible (as required on T-Boats).
- Several years ago Coast Guard personnel from MSO Morgan City had to instruct Masters how to read and understand an OSV stability letter.
- There should be a requirement that the stability letter be posted.

ANCHORING. [46 CFR 130.250]:

- What standards or guidelines does an OCMI use to specify anchors, chains, and equipment to weigh anchor for OSVs under 100 GT.
- A recognized minimum set of standards should be incorporated by reference or included in the regulations or there should be reference to meaningful guidance in a NVIC.

RADAR OBSERVER. [46 CFR 130.310]:

- OSV regulations for vessels under 100 GT do require a radar installation, proper radar maintenance, or a radar observer endorsement.
- GCMA recommends all of the above.

OFFICIAL LOGBOOKS. [46 CFR 131.610(d)]:

- The Master is required to file "Official Logbooks" with the OCMI. However, this should be an obligation of the employer who is better equipped for this clerical and administrative task.
- "After a specified time has elapsed" is vague and unenforceable and should be changed to "30 days."
- The USCG does not keep adequate records of Official Logbooks and cannot compare voyages undertaken with those completed.

CONSTRUCTION

DEAD END PASSAGEWAYS. [46 CFR 127.240(j)]:

- Allowing a dead-end passageway on an OSV as long as 40 ft. without a second means of escape is excessive. This allows the crew to become more easily trapped in case of sinking or capsizing. Example: Sinking of the OSV LAVERNE HEBERT in 1975. [Refer to NTSB-MAR-84-06. PB84- 916406. GCMA Document M-019]
- In contrast, T-Boat regulations only allow 20 ft. dead end passageways.
- The Coast Guard should consider rewriting this regulation for new OSVs.

TINTED GLASS. [46 CFR 127.430(b)]:

- Does "light transmission of 70%" mean that tinted glass is allowed in a pilothouse?
- USCG MSO Mobile stated that this adversely affects picking out objects at night.
- If true, this regulation should be changed.

NOSAC SUBCOMMITTEE REPORT.

These comments respond and take exception to a published report prepared by a subcommittee of the National Offshore Safety Advisory Committee (NOSAC). GCMA believes our comments offer a necessary balance to many of the NOSAC subcommittee recommendations because they represent mariner views on important regulatory proposals. These comments show that mariners can respond to many regulatory issues in a valid and constructive manner when given appropriate notice and access.

MANNING. NOSAC considered whether "larger" OSVs need larger crews to operate safely. NOSAC cited technological advances in vessel automation and new requirements for crew training, in accordance with the ISM Code and STCW, saying that more sophisticated vessels manned by better trained crews will enable larger vessels to operate with same size crew as existing vessels. GCMA disagrees.

- The NOSAC Subcommittee ignored common practice and regulatory policy that generally requires a larger vessel to use a larger crew to adequately man and maintain them.
- Adequate crew size is important on "large" OSVs that operate under a "two-watch" system.
- The "two-watch system" is an euphemism. It conceals a demanding work week at least 84 hours long that often requires officers and crew to work beyond the statutory limit of 12 hours per day. The Coast Guard has known about this for many years but has done little to enforce the work-hour standards specified in laws and regulations.
- Larger OSVs have more and heavier deck equipment, lines, cables, chain, and hoses as well as larger steel surface areas that rust.
- Chipping and painting require more, not less, maintenance and physical labor. In contrast to OSVs, the deep sea merchant marine uses a "three-watch system."

FATIGUE. The NOSAC subcommittee believed that improvements in the technology used in the wheelhouse, engine room and cargo control station will reduce the physical demands on crew members. GCMA disagrees.

- Need for additional personnel exists on new "larger" OSVs between 3,000 and 6,000 Gross Tons (ITC).
- The Coast Guard should review current manning levels and work-hours on all OSVs using existing vessel log books and random interviews of selected personnel off the job.
- For safety reasons, OSVs (especially large ones) should operate under a three-watch system for voyages of any length, duration and service.
- Employers should adhere to more rigorous work-hour standards as specified in long-standing but overlooked U.S. regulations, new STCW requirements and ILO standards.
- NTSB asks that the DOT "...require the modal administrations (including USCG) to modify the appropriate CFR to establish 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 requirements. Seek Congressional authority, if necessary, for the(m)...to establish these regulations."
- In the engineroom, there will be a greater variety of fluids to store, change, pump and eventually to dispose of.
- Based on the past history of OSV manning, employers do not always provide adequate engineroom personnel to properly maintain equipment. The USCG Functional Job Analysis (1982) showed that the OSV engineer was clearly overworked. However, USCG took no remedial action on this report such as beefing up engineroom manning requirements. Industry exerted little impetus to improve the situation.
- Owners have spent little time and effort in formal engineer training and concentrated on OJT. Who does NOSAC think can repair "sophisticated" equipment at sea when its use becomes critical to the vessel's mission whether this equipment is electronic, hydraulic, or pneumatic or a combination of these without formal training?
- Crews working under a two-watch system are forced to work outside the lawful work-hour limits. Not only will the physical demands upon mariners increase with OSVs' increased transfer capabilities but also that increased demands will encroach upon their limited off-duty time. Time demands, already high under the two-watch system will increase not decrease.
- Handling liquid mud or barite involves more than pushing buttons or levers at a control station. Hoses must be unracked, unrolled, dragged or carried; connections must be made in any type of weather and at any hour of day or night. Hoses must be tended or monitored and corrections or minor repairs made as required. Hoses must be plugged or capped, disconnected, emptied, re-rolled, tied and racked. Clogs must be freed; spills must be cleaned. Mud, cement, and chemicals vented or spilled from the rigs must be cleaned.
- Increased transfer capacities mean heavier and more unwieldy hoses and more intense physical activity involving the need for greater manpower.
- Larger cargo capacity may require more time to pump the cargo tanks. A greater variety of cargo requires more crew members to attend to pumping or unloading different cargo items. Trying to pump and monitor two or more items at once leads to spills.
- Failure to establish realistic work hours and rest periods in port coupled with frequent vessel moves in port leaves a fatigued watch tasked with the job of taking the vessel back out to sea in violation of 46 CFR 15.1111(g).
- A poll of mariners working in this industry showed that 63.7% were not aware of any duty rosters posted on their vessels.
- NOSAC believes longer trips to distant rigs may afford longer uninterrupted rest periods. However, heavy weather may interfere with "uninterrupted" rest periods provided to an exhausted crew.
- GCMA suggests that formal instruction on fatigue be provided every working mariner covering the same material as the report Alertness Assurance: The Key to Reducing Fatigue and Human Error in the Marine Industry presented at the 8CGD Industry Day in 1996, where attendance (mostly management rather than working mariners, approached 500. Management is well-acquainted with the topic but working mariners are not!
- It is not how near the shore base that a vessel operates that is important, rather that small OSV crews are overworked and mandated rest periods are broken by constant call-outs to move OSVs between docks, to load different cargoes, and to change positions alongside the dock at crowded shore bases.
- While 46 USC 8104(f)(1)(2) allows call-outs to maneuver, shift berths, moor and unmoor the vessel or perform work necessary for the safety of the vessel, repeated interruptions of rest periods comes at a cost to a mariner's health and welfare that is not compensated for on many vessels because of undermanning.
- Frequent turn-arounds and constant cargo handling increases the exposure to spills and cargo accidents, especially when the crews are fatigued.

POLLUTION. The NOSAC subcommittee stated that large OSVs, of up to 6,000 Tons (ITC), do not pose a significant threat to the environment. GCMA disagrees.

- The NOSAC paper discounts a "worst case scenario" where a "large" OSV loses all the oil it carries. In light of the ENSCO KODIAK II sinking and other disasters, mariners understand that a worst case scenario is possible.
- NOSAC says No. 2 Fuel Oil is a minimal environmental threat because it dissipates by evaporation and natural dispersion. Research has established that the spill of diesel fuel (No. 2 Fuel Oil) offshore, even in quantities approaching the maximum capacity of an OSV, would dissipate/evaporate, without significant impact, before a significant spill response could be organized, much less effected. The SCANDIA-NORTH CAPE pollution incident off Rhode Island in Jan. 1996 debunks the claim that this type of oil is not a hazard to the environment.
- NOSAC states that a total capacity of 494,000 gallons of oil can be carried in a typical "large" 5,200 GT (ITC) supply boat. This represents almost 60% of the NORTH CAPE spill of 828,000 gallons. Such a spill could devastate the coastal marshes of southeast Louisiana, as they did the shoreline of Rhode Island, if blown ashore in a southerly gale. In the SCANDIA accident, both the employer and the Master were cited and penalized. However, thousands of innocent people lost their livelihood and suffered from pollution.
- OSV crews must supply whatever amount of fuel a rig calls for-large or small. In doing so, they must connect, disconnect, or reconnect hoses when told to do so. During fueling operations, hoses stretched from vessel to platform are subject to parting, or pinching from vessel movement or sea conditions. Rigs often "top off" rather wait to fill nearly-empty fuel tanks since the next transfer may be delayed from sea conditions, equipment breakdown or other unpredictable causes. Each transfer carries its own risks regardless of the quantity transferred.
- Other types of "spills" are harmful to marine life. Blowing out cement and mud hoses, cleaning hardened cement dust with hydrochloric acid, and random bilge discharges.
- NOSAC states that a large OSV's extra fuel capacity (consumed by the vessel) is exempt from OPA-90 consideration and is not an issue because OSVs have been exempted from regulations that apply to tank vessels. **But**, any fuel oil not already consumed can still pollute. This is a practical concern not a legal consideration.
- NOSAC states that OSVs generally carry less than 60% of the vessel's fuel capacity. **But**, this may not be true on all voyages. On overseas deployments, fuel carried aboard OSVs has often been sold or transferred at a profit. Some OSVs even fill prohibited spaces with fuel to sell at a profit.
- NOSAC believes USCG inspections or ABS surveys could identify an OSV primarily designed to operate as a tankship and apply tank vessel regulations to that vessel. **But**, has this ever happened and how often? Even after plan review, internal piping changes or tank usage may not be readily detected.
- NOSAC says the USCG has authority to implement additional regulatory requirements to address demonstrated environmental concerns, if necessary. **But**, we doubt USCG has necessary resources to enforce additional to address every environmental concern.

STRUCTURAL FIRE PROTECTION. If, as the NOSAC subcommittee suggests, "large" OSVs meet Subchapter I structural fire protection standards, we ask why don't all OSVs meet these standards for protection of crew and offshore workers?

- Which specific structural fire protection standards would apply to these OSVs over 3,000 tons ITC?
- DOT, in previous rulemakings, has valued each human life at \$2,600,000. This is reasonable for the rulemaking purposes we are engaged in.
- Mariners, who crew OSVs, believe their lives are of equal value to the lives of "offshore workers," "persons in addition to the crew", "passengers" etc.
- Smoke detectors in accommodation spaces should also have an audible alarm in the space that is protected by the smoke detector. We cite the fire aboard the F/V ALASKA SPIRIT (previously known as the OSV GULF FLEET #10, at Seward, Alaska, May 25, 1995.¹⁾ This NTSB report should be required reading for mariners and regulators. [NTSB/MAR-96/01. PB96-916401. GCMA Document #M-079]

PERSONNEL SAFETY AND FUEL TRANSFER. NOSAC recommends that the transfer of fuel and/or drilling fluids be prohibited when more than 36 offshore workers are aboard the vessel. This appears makes sense from a safety point of view.

- **However**, if this becomes a regulation, it would be hard to enforce. If the intent is to physically remove all offshore workers from the OSV while fueling is taking place, where would these workers go? What provisions would be required to receive them? Would they be sent to sit on hot steel grating for hours in summer or freeze in winter? If off-duty and asleep in their quarters, would they be awakened?
- As an employee-at-will, a Master might be pressured by his employer, the charterer, toolpusher (etc) to conduct fueling with the offshore workers on board. The Master would be held responsible for violating such a regulation if an accident took place. GCMA does not believe a master should be placed in such a situation.
- The choice of a number like "36 offshore workers" fails to recognize that a situation that may be dangerous for 36 offshore workers also may be equally dangerous for even one offshore worker. Is there some magic number that will allow us to cremate 36 but not 37 persons if a fuel spill catches fire? DOT counts every human life as valuable and has placed a figure of \$2,600,000 on each life.

STANDARD OF CARE FOR OFFSHORE WORKERS ON OSVs. NOSAC recommends providing accommodations for offshore workers assigned to the vessel for more than 24 hours.

- This proposal is unreasonable because basic accommodations including bunks, linen, blankets, and facilities are necessary to insure any offshore workers are adequately rested after their tour of duty.
- Offshore workers should not have to catnap on bare deckplates, invade the crew's quarters to lay down, or to raid the vessel's refrigerator. Such actions irritate and antagonize the vessel's crew.
- Inadequate provision for food, rest and relaxation leads to industrial accidents.
- Avoid confrontation in confined spaces with adequate planning during a vessel's design and construction stage and in vessel operations.
- GCMA believes that "24 hours" should be changed to "immediately upon assignment to the vessel."
- GCMA believes that supervised patrols should be initiated when "offshore workers" are carried just as when "passengers" are carried on passenger ships.

RESCUE BOAT.

- What guidelines will be used to select a "suitable substitute" for a rigid inflatable rescue boat.
- We support the comments of Beverly Fife independently submitted to the docket.

LICENSING. NOSAC wants to retain the existing regulatory license structure for Masters and Mates believing it is essential to the operation of older OSVs. This is reasonable and provides some stability for the existing licensing program.

- 500 GT (ITC) and 3,000 GT (ITC) as equivalents for 200 GT and 1,600 GT licenses is already specified in STCW.
- NOSAC favors developing restricted OSV Licenses. GCMA disagrees.
- The USCG took preliminary steps towards restricted OSV licenses. GCMA disagrees.
- **However**, GCMA believes that since specifications for the "new" OSV licenses⁽¹⁾ have not been developed and promulgated as changes to existing license tables⁽²⁾, the Coast Guard should stop work on this project. [⁽¹⁾46 CFR 10.491, 10.493, 10.495, 10.497, 10.551, 10.553, & 10.555. 046 CFR Table 10.910-2 (deck) and 10.950 (engine)]
- Since inspected U.S.-flag vessels **greater than** 1,600/3,000 tons always required upper-level licensed mariners, large OSVs purposely-built above previously established tonnage limits (i.e., between 3,000 and 6,000 tons-ITC) should be manned by individuals holding "**upper-level**" deck and engine licenses of appropriate tonnage or horsepower.
- In light of the availability of training funds OSV owners can arrange and pay for mariner training that meets most existing requirements.
- GCMA encourages employers to provide the necessary incentives and work to help existing employees obtain existing upper-level licenses to work on any vessel of comparable tonnage anywhere in the world without an OSV restriction.
- The vessel owner is responsible for adequately training each employee to operate any new, novel, or special purpose equipment installed on his vessel that might not be tested on a USCG license exam.
- Subchapter T worked well for years and, unlike Subchapter L, is well covered by USCG exam questions. USCG never set aside funds to develop Subchapter L exam questions. We believe they should do so.
- Because of the large size of OSVs between 3,000 and 6,000 tons (ITC), "unlimited" able seamen trained in all types of survival craft (including those used on MODUs) should be used on these vessels. GCMA opposes using inexperienced deckhands to serve on vessels of this size and type because of inherent dangers involved in the offshore oil industry.

CREWBOATS. We can understand why it would be necessary to inspect crewboats greater than 100 GRT under Subchapter L as their tonnage exceeds Subchapter T limits. USCG should explain the technical issues of why crewboats are not now included under Subchapter L.

TOPIC #11 USE OF LIFE FLOATS AND BUOYANT APPARATUS ON OSVs

The Gulf Coast Mariners Association cites these problems with life floats and buoyant apparatus:

1. Life floats are designed to hang onto not to climb on or into.
2. To use a life float, you must first enter the water. Your body remains immersed in the water. Body heat loss of a person immersed in the water is up to 25 times as great as for a person in air of the same temperature. Survival time is reduced correspondingly.
3. Survivors are supposed to hang onto 3/8" polypro "lifelines" attached to straps sewn around the body of the float. These "lifelines" are of very small diameter and do not even have loops to hold onto. Your hold onto these lifelines depends on your grip, which in turn, depends on your time in the water, the water temperature, your physical condition, and the onset of hypothermia.
4. In calm weather, one or two people may possibly be able to balance themselves on the float's body with their feet inside the shark net. However, the "capacity" of the life float is much greater than 1 or 2 persons: it ranges from 6 to 25 persons allowing barely enough space to hang onto around the float's periphery.
5. In heavy weather a life float weighing between 70 and 235 lbs. will batter survivors in the water making it difficult if not impossible to survive for any length of time.
6. Water temperatures in the Gulf of Mexico during the coldest winter months are regularly reported as 60°F. On the western rivers it is considerably less. Remember that you begin to lose body heat the moment you get into the water.
7. Although it is painted a bright international orange, has reflective tape on it, and is "Coast Guard Approved" the life float is not a state-of-the-art piece of survival equipment. While it may give the illusion of safety, there are other survival craft such

as "inflatable life rafts" and "inflatable buoyant apparatus" that offer passengers and crew a much greater chance of survival. Thousands of people lost their lives from World War II to the present time trying to survive using life floats.

The problem with buoyant apparatus is the same as with life floats. This gear is better suited to swimming in a lake or bay than it is for lifesaving purposes. Do not confuse "buoyant apparatus" with "inflatable buoyant apparatus" which does give survivors a reasonable chance to get out of the water.

Advantages: "Life floats" and "Buoyant Apparatus" are cheap!

**RESOLUTION ON LIFESAVING EQUIPMENT
FOR OFFSHORE SUPPLY VESSELS (OSV)
AND UNINSPECTED TOWING VESSELS.**

[This resolution was adopted at the Gulf Coast Mariners Association Board of Directors meeting on August 11, 1999 and presented to the membership on August 16, 1999 where it was accepted unanimously.]

WHEREAS our Association's membership is composed of licensed and documented mariners who work in the marine transportation sector of the offshore oil industry operating every type of OSV and towing vessel...

WHEREAS our Association's overriding concern is for the safety and protection of all "crew members", "persons in addition to the crew", "passengers", "oilfield workers" or other individuals aboard oilfield and uninspected towing vessels...

WHEREAS these vessels operate not only in the Gulf of Mexico but also in other areas of the world, in fair weather and foul, in all seasons of the year, and under all sea and weather conditions ranging from benign to dangerous, on waters from inland to oceans, and in areas near rescue and remote there from...

WHEREAS the National Transportation Safety Board in Safety Recommendations M-86-61 and M94-26 recommended as early as 1986 that the U.S. Coast Guard require out-of-the-water survival craft for all passengers and crew on board small passenger vessels to prevent immersion in the water for all passengers and crew...

WHEREAS "life floats" and "buoyant apparatus" ⁽¹⁾ fail to meet the National Transportation Safety Board's criteria of lifesaving equipment that prevents immersion in the water and virtually assures that survivors will be immersed in the water until the time of their rescue or death from hypothermia or other causes...

WHEREAS the Coast Guard has repeatedly failed to take action acceptable to the National Transportation Safety Board or to our Association in this regard...

WHEREAS members of our Association assert that all "crew members", "persons in addition to the crew", "passengers", "oilfield workers" and other individuals aboard oilfield vessels and uninspected towing vessels deserve the same degree of safety, care and consideration as crew members and paying passengers on small passenger vessels...

WHEREAS statistical research presented by the Coast Guard for regulatory purposes shows that American society is willing to pay \$2,600,000 to save even just one life⁽²⁾...

WHEREAS 46 CFR 160.027 describes Coast Guard approved life floats for merchant vessels; 46 CFR 199.30 classifies "life floats" and "buoyant apparatus" as survival craft and continues to allow their use on U.S. flag vessels; 46 CFR 131.870 continues to allow their use on oilfield vessels; and Coast Guard regulations fail to require an uninspected towing vessel to carry any lifesaving equipment capable of preventing immersion in the water...

THEREFORE BE IT RESOLVED THAT THE GULF COAST MARINERS ASSOCIATION petition the United States Congress to require suitable lifesaving equipment by statute for all oilfield and uninspected towing vessels that prevents immersion in the water of all persons on board the vessel that satisfies the National Transportation Safety Board's safety recommendations.

⁽¹⁾Our complaint does not extend to new "inflatable" buoyant apparatus.

⁽²⁾CGD 94-041, 59 FR 53756, Oct. 26, 1994 et alterim.

ACTION REQUESTED OF MERPAC: None. On February 16, 2000 RADM North responded (in part) as follows: "...rather than pursue mariner safety from a singular approach, the Coast Guard views mariner safety from a systems approach. The vessel itself is the best survival platform and we continue to strive to reduce the likelihood of a mariner finding himself in the water." Although GCMA may agree with this particular statement, the Coast Guard has taken a different route from us and will not support our efforts. GCMA will present this matter directly to Congress.

COMMERCIAL TOWING VESSEL EXAMINATION PROGRAM PARTICIPATION			
Marine Safety Office	Towing Vessels Examined in Past Year	Towing Vessels Examined per Month	How Funded (See footnotes)
Alameda, CA	0	0	(21)
Anchorage, AK	NIR	NIB	
Baltimore, MD	NIR	NIR	
Boston, MA	NIB	NIB	
Buffalo, NY	2		
Burr Ridge, IL	avg. 33	ukn.	(1)(2)
Charleston, SC	9	<1	(3)
Cleveland, OH	NIB	NIR	
Corpus Christi, TX	18	1.5	(4)
Detroit, MI	12	1	(5)
Duluth, MN	NIR	NIR	
East Providence, RI	NIR	NIB	
Guam	NIB	NIB	
Galena Park, TX	NIR	NIB	
Honolulu, HI	NIR	NIB	
Huntington, WV	30	0	(6)
Jacksonville, FL	45	3	(7)
Juneau, AK	0	0	(21)
Long Beach, CA	0	0	(21)
Louisville, KY	52	4.3	(8)
Memphis, TN	43	<4	(9)
Miami, FL	NIB	NIB	
Milwaukee, WI	2	0	(22)
Mobile, AL	52	4	(10)
Morgan City, LA	0	0	(21)
New Orleans, LA	NIR	NIB	
New York, NY	40	3	(11)
Norfolk, VA	NIB	NIR	
Old San Juan, PR	NIR	NIR	
Paducah, KY	108	9	(12)
Philadelphia, PA	NIR	NIR	
Pittsburgh, PA	52	4.3	(13)
Port Arthur, TX	54	4.5	(14)
Portland, ME	NIR	NIB	
Portland, OR	NIB	NIB	
San Diego, CA	NIR	NIB	
St. Louis, MO	63	7	(15)
Sault Ste. Marie, MI	4	0	(16)
Savannah, GA	9	<1	(17)
Seattle, WA	0	0	(21)
Sturgeon Bay, WI	NIB	NIB	
Tampa, FL	29	0	(18)
Toledo, OH	0	0	(19)(21)
Valdez, AK	NIR	NIR	
Wilmington, NC	0	0	(20)(21)

Footnotes

(Explains how program is funded—and other comments submitted' by MSO.)

- (1) Too many to determine, since we also board vessels from other Districts.
- (2) Funding through our District or Headquarters
- (3) No special funding. Exams conducted by reserve office during regular active duty days.
- (4) We have to basically call up the companies to see if they have vessels available. We don't get any money (i.e., funding). We are short on personnel, and we ask them to participate. However, once we do an examination, they feel us out and understand we aren't out to be a "water stickler," then they are more receptive.
- (5) No additional funding was provided for this program.
- (6) Phase 1, 19 vessels enrolled; 19 examined. Phase 2 • 60 vessels enrolled; 11 examined by CO personnel.
- (7) MSO Inspection Dept. Funds, 07 decals and forms.
- (8) Program receives no funding, time and resources for this program come from other OCMI program areas.
- (9) This program receives no funding. Time and resources to administer this program come from other OCMI program areas.
- (10) It is not funded.
- (11) Funded by port safety resources.
- (12) Unit is provided annual funding, general unit operation from D8.
- (13) This program receives no funding.
- (14) The CTVEP receives no funding. Must draw funds from various sources when available.
- (15) There is no funding.
- (16) Out of dept funding.
- (17) No funding is provided. We have a very small fleet of towing vessels in our area of operation on a regular basis, of those that are most participate in the program.
- (18) Exams conducted on an as requested basis. No funding is provided.
- (19) We do not currently have an active CTVEP as we have no commercial towing companies home ported here, other than a few harbor-assist tugs.
- (20) MSO Wilmington used to have active CTVEP several years ago inspecting up to 20 tugs/year. Other demands/priorities within marine safety have reduced our ability to maintain active program.
- (21) this MSO does not participate in the Commercial Towing Vessel Examination Program.
- (22) Funded through unit funds.

Total towing vessels accounted for in USA: 657
(Out of 5,216 towing vessels reported.)

Figure 1

PILOTS SAFETY AUDIT

PORT CAPTAIN

WORKING PILOT

(Circle answer)

Please circle "Y" for Yes and "N" for No.

- | | | |
|------------|------------|--|
| Y = 98.41% | N = 1.9% | 1. Is safety an important aspect of job performance? |
| Y = 45.1% | N = 54.9% | 2. Does safety always come first with your employer? |
| Y = 98.1% | N = 1.9% | 3. Do the size and experience of your crew affect safety? |
| Y = 35.2% | N = 60.8°A | 4. Can you influence the size of your crew regarding safety? |
| Y = 74.5% | N = 25.5% | 5. Do normal situations sometimes force you to work your crew beyond safe limits? |
| | | 6. The average time from your home to catch a boat is... |
| | | 0-4 hrs. 4-8 hrs. 8-12 hrs. more than 12 hrs. |
| | | 33.4% 29.4% 31.4% 5.8% |
| Y = 11.7% | N = 86.3% | 7. After traveling more than 6 hrs., are you allowed to rest before standing watch without asking the other pilot to work over? |
| Y = 31.3% | N = 68.7% | 8. Are you always able to stop and then maneuver your s/b tow, anytime and anywhere on the rivers you run? |
| Y = 39.1% | N = 52.9% | 9. If you consider your tow unsafe, do you always have the authority to turn down additional barges without fear of losing your job? |
| Y = 11.7% | N = 84.3% | 10. Would you change any of your answers if this audit required your signature and was freely distributed to your employer? |

ANALYSIS

The Gulf Coast Mariners Association mailed approximately 1,600 letters to mariners identified as towing vessel operators in the five Gulf Coast states of Florida, Alabama, Mississippi, Louisiana, and Texas. The letters contained 10 questions and did not ask the respondent to identify either him or the company he worked for.

The results of the audit were compiled by the GCMA's consultant, Captain Bill Beacom of NAV-CON Services, Sioux City, Iowa as follows:

The positive point is that nearly everyone (98.1%) agrees that safety is important. Almost everyone (98.1%) recognizes that crew experience and size is a big factor in achieving safety.

Now, the down side. Well over half (54.9%) of the respondents say safety does not always come first with their employer. This is a significant statement by key employees in an industry with a poor accident record and yet constantly preaches safety. By almost two to one (60.8%), Captains have no influence over a safe crew size. By more than three to one (74.5%) Captains say they are forced to work their crew beyond safe limits. Almost ninety percent (86.3%) say they get no sleep even though they have traveled over six hours to catch their boat and thereby violate the statutory requirements of 46 USC 8104(a).

More than twice as many (68.7%) say they cannot stop and maneuver their tows than say they are able to do so.

Only about forty percent (39.1%) say that they are able to turn down barges if they consider the tow unsafe.

Only one-eighth (11.7%) say they would change their answers to these questions if this audit had to be signed and the results given to their employers. Consequently, these are not tightly held secrets the boss doesn't know about!

Figure 2

SEAFARER FATIGUE QUESTIONNAIRE TABULATION

1. Do you have any knowledge of international regulations to control seafarer's working hours?35.7% yes 64.2% no
2. Do you have any knowledge of national regulations to control your working hours?.....45.7% yes 54.2% no
3. Does your employer have any policies or guidelines to control your working hours?43.4% yes 56.5% no
4. Have you received any training in recognizing fatigue or in dealing with the problem?.....21.4% yes 78.5% no
5. Are details of duty rosters posted on board your ship?.....36.2% yes 63.7% no
6. What are your present average daily working hours?
 0% Less than 8 hours 49.2% 12-15 hours 33.3% 8-12 hours 17.4% More than 15
7. How many hours, on average, do you work each week?
 1% Less than 40 hours 26.0% 60-80 hours 5.7% 40-60 hours 66.6% More than 80 hours
8. Do you regularly have the opportunity to gain 10 hours' rest in every 24 hours?44.1% yes 55.8% no
9. Do you regularly have the opportunity to gain at least six (6) hours uninterrupted rest?70.0% yes 30.0% no
10. Do you consider your working hours ever present a danger to your personal health and safety?45.7% yes 54.2% no
11. Do you consider your working hours ever present a danger to the safe operation on board your ship? 44.2% yes 55.7% no
12. In the past five (5) to ten years, have your working hours:
 44.2% Increased? 45.7% Remained the same? 10.0% Decreased?
13. What period of time do you find most difficult in terms of feeling the effects of fatigue?
 47.1% Midnight to 04:00?
 4.2% Noon to 16:00?
 47.1% 04:00 to 08:00?
 0% 16:00 to 20:00?
 2.8% 08:00 to Noon?
 5.7% 20:00 to Midnight?

} Percentages exceed 100% because some respondents selected more than one answer.
14. Typically, what is your longest period of continuous watchkeeping?
 7% 1-6 hours? 17.1% 12-24 hours? 64.7% 6-12 hours? 5.8% More than 24 hours?
15. How long is your usual stay on board between leave?
 78.5% 1-10 weeks?
 1.4% 26-52 weeks?
 20.0% 10-26 weeks?
 0% More than 52 weeks?
 0% Other: _____ weeks?
16. Do you believe the effects of fatigue increase the longer you are at sea?.....77.1% yes 22.8% no
17. Have you ever been involved in a fatigue-related incident or accident?5.8% yes 94.1% no
18. On a scale of I to 5 (1 = very; 5 = not at all) do you experience the following symptoms of fatigue?

1	2	3	4	5	
10.9%	9.0%	14.5%	21.8%	43.6%	Confusion?
33.8%	13.6%	23.7%	13.6%	15.3%	Tension?
26.8%	14.3%	17.9%	12.5%	28.6%	Loss of Concentration?
12.5%	8.3%	29.1%	8.3%	41.6%	Lethargy?
44.8%	6.8%	13.8%	1.8%	32.7%	Increased use of caffeine?
3.6%	12.7%	5.4%	23.6%	54.5%	Depression?
42.1%	10.9%	21.8%	7.8%	17.2%	Poor quality sleep?

14. On a scale of I to 5 (1 = very; 5 = not at all) how useful would the following measures be in reducing fatigue?

1	2	3	4	5	
45.7%	6.7%	10.2%	10.2%	27.1%	Tougher laws?
31.4%	5.9%	13.7%	11.8%	37.3%	Overtime?
72.3%	3.1%	9.2%	6.1%	9.2%	Extra manning?
35.7%	10.7%	14.3%	14.3%	25.0%	Better conditions?
16.9%	11.3%	2.6%	7.5%	41.5%	More leave?
26.1%	13.0%	4.3%	13.0%	43.4%	Less paperwork?

15. Have you previously answered a similar questionnaire?4.2% yes 95.7% no

Figure 3