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

REPORT TO THE INTERNATIONAL TRANSPORT WORKERS FEDERATION DELEGATION TO THE MARTIME GULF PROJECT ON U.S. COAST GUARD INTERACTION WITH LOWER-LEVEL MERCHANT MARINERS

[Prepared by the Gulf Coast Mariners Association. On Jan. 1, 2008 GCMA became the National Mariners Association]

U.S. COAST GUARD INTERACTION WITH LOWER LEVEL MARINERS

LIST OF TOPICS

TOPIC #1: GCMA's Spectrum of Interest:

Through its publication Transport International, ITF expresses its interest and concern with the workings of internal transport in a number of countries and is not exclusively tuned to mariners who serve on vessels in international waters.

The GCMA also has a broad spectrum of interest within the realm of American maritime transportation. We are not concerned exclusively with the offshore oil industry that only represents one sector of the maritime industry in the United States. Our broader interest concerns the welfare of all "lower-level" mariners.

The term "lower-level" was coined by the former U.S. Coast Guard Merchant Vessel Personnel Division (G-MVP) and refers to mariners who work on vessels of less than 1,600 gross register tons (GRT) in either a licensed or an unlicensed capacity.(1) Most mariners dislike the term "lower-level" because it mirrors the low esteem that many employers and Coast Guard officials have long displayed for mariners in general and for the jobs they perform. The Coast Guard, along with many boat owners, look down on "lower-level" mariners because they lack political cohesion as a group and have proven to be easily manipulated and dominated in the past. Furthermore, employers openly campaign against mariner organizations to encourage this divisiveness and discourage the prospect of mariners organizing to improve their status and working conditions in either voluntary associations like GCMA or labor unions. The Coast Guard, by its unwillingness to either recognize or take seriously the problems presented by mariner organizations such as GCMA while accepting the emoluments of industry, serves as a tool of the boat companies by default.

It is particularly unfortunate that lower-level mariners have had little success in demanding basic enforcement of existing maritime statutes and regulations designed to protect them in the work place.(2) This is especially true in regard to enforcing the 12-hour rules designed to protect mariners. *[(1)Nothing in this report should be construed, as dealing with "upper-level" mariners and vessels over 1,600 gross tons. (2)It is significant that everything contained in this report has been previously reported to the Coast Guard.]*

GCMA's geographic area of concern is concentrated within the same boundaries as the current Eighth Coast Guard District. This is a huge area that covers portions of 22 of our 50-states. In June 1996 the boundaries of the Eighth District were expanded to include the boundaries of the old Second District in St. Louis that encompasses all of the "western rivers" system and its population of additional thousands of lower-level mariners. **[ENCLOSURE #1].** Certainly, if there is any District where the voice of lower-level mariners should be heard "loud and clear" it should be the Eighth District. Unfortunately, this is not the case!

The Headquarters of the Eighth Coast Guard District (8CGD) is in New Orleans, Louisiana. The Eighth District is commanded by a Coast Guard officer holding the rank of Rear Admiral. This District Commander's job has recently served as a stepping stone to high level positions at Coast Guard Headquarters.

GCMA members include many "lower-level" mariners who work on the "western rivers" (i.e., the 6,000-mile Mississippi River system), inland waters (including the 1,050 mile Gulf Intracoastal Waterway (GIWW)), near-coastal waters of the Gulf of Mexico, and upon oceans. A number of our mariners use their near-coastal and ocean licenses to operate offshore supply vessels (OSV) and uninspected towing vessels on international voyages.

TOPIC #2: **Evaluating the Role of the U.S. Coast Guard:**

Some portions of this report may appear to be at odds with statements made by the International Commission on Shipping (ICOMS) in its recently published report titled Ships, Slaves and Competition. However, it is my intent to cover an area that, for the most part, lies beyond the ICOMS report.

The ICOMS report states that the U.S. Coast Guard has earned an excellent reputation in its dealings with the International Maritime Organization (IMO). As a loyal American, I do not want this report detract from any of the solid

accomplishments cited by ICOMS. I can take pride in the Coast Guard's meaningful accomplishments in areas outside those that deal with lower-level mariners. However, small boats, "lower-level" mariners, and maritime education and training reflect my area of expertise as evidenced in my resume included as a part of this report. **[ENCLOSURE** #2]. I am not favorably impressed with much of what I have seen in these areas over the past thirty years.

Lower-level mariners recognize that the Coast Guard performs a number of missions quite commendably. Of these, search and rescue is probably the most respected because of the dedication and personal commitment made by the Coast Guardsmen performing these services. However, there is no need to expand upon these accomplishments as the Coast Guard has proven to be extremely adept in handling the media and taking every opportunity to blow its own horn.

While most lower-level mariners have a history of cooperating with Coast Guard officials, even former Coast Guard officers realize that the Coast Guard is no longer viewed as "the mariner's friend!" As a lower-level mariner, it is difficult for me to respect or admire those who look down their noses on lower-level mariners, whether overtly or covertly, or to identify with employers who treat lower-level mariners as nothing more than "boat trash."

TOPIC #3: Licensing in General:

Licensing has always been a Coast Guard step-childð unwanted and poorly cared for. This is one of the most distressing areas as it is one place where the Coast Guard deals directly with lower-level mariners.

Most lower-level mariners' first official encounter with Coast Guard employees occurs at a Regional Examination Center (REC). During the past 30 years, the Coast Guard cut its staffing and "dumbed down" the quality of the personnel that deal with licensing and certification(1) to a cadre of approximately 146 persons that service the entire nation. The number of licensing offices was cut from over 40 to approximately 16 during the early 1980s in a move to "improve efficiency." This proved to be a sad joke to many mariners who often had to travel hundreds of miles to reach the nearest REC. */ [1] Certification = the equivalent of licensing for ratings. J*

Each REC is attached to a Marine Safety Office (MSO) that carries out many diverse duties in its geographic area. Some MSOs view their other duties as more important than those performed by their REC. Consequently, other programs are likely to attract more talented personnel. **[ENCLOSURE** #3A][(1)]. A disturbing number of government employees in "licensing" are civilian clerks with little or no knowledge of life at sea or of the maritime industry they are supposed to serve. *[Executive Summary and excerpts from the Coast Guard Report Licensing 2000 and Beyond, November 1993.1*

Many knowledgeable Coast Guard engineer and deck officers, petty officers, and warrant officers who previously graded license exams were removed during the early 1980s when multiple choice exams replaced essay tests. Today, few REC employees have the knowledge to answer even the most basic license exam questions they hand out and are reduced to grading exams with answer keys they can only hope are correct (and often are not!). It is these people who interact with mariners and provide lasting impressions of how this ponderous government bureaucracy functions. Unfortunately, some RECs inefficiently perform the increasingly complex functions that a vast and growing number of laws, regulations and internal policies require of them. Speak to any mariner, and he or she is likely to tell you a horror story based on personal experience at any REC. In fact, this is often the first topic of conversation sharing common experiences that binds new crew members together.

Part of the problem is that the Coast Guard must carry out the will of Congress. This can be particularly burdensome when the Coast Guard discovers it has been left with the unenviable task of building an administrative mountain out of a Congressional molehill. The administrative burdens created by the Coast Guard to deal with the Congressional mandates discourage and turn away many mariners at the door of the REC.

Unfortunately, the Coast Guard RECs and licensing offices were not always served by honest and capable employees. During the 1980s and early 1990s, entire license exams frequently were compromised by REC employees and by some license prep schools. Entire exams were taken by former REC employees who set themselves up in the "license prep" school business after leaving the Coast Guard's employ. The oft expressed desire of some of these "cram" school operators was to "serve their customers" better ï which meant pushing mariners to pass their exams as quickly and painlessly as possible. For many years, this was seen as serving both the mariner and his employer by keeping the cost of a license or merchant mariner document low enough so that mariners could foot the bill without tapping their employers to contribute anything the legitimate costs of training. Whether a mariner learned anything of

value in school or could really perform with the knowledge he was examined on appeared to be of no real importance when compared to simply having the license or endorsement that virtually guaranteed employment. Anything not learned in school could be learned through "on-the-job" training (OJT), which on occasion is no better than the blind leading the blind. It can certainly be the school of hard knocks for the unwary mariner.

During the 1990s the situation became so bad that the National Association of Maritime Educators (NAME) contacted the Inspector General and reported some of the more egregious acts sparking an internal investigation. **[ENCLOSURE #3B].**

A separate NAME inquiry on the sad state of computerization in the Coast Guard's newly formed National Maritime Center led to the release of another report detailing gross mismanagement at the national level. **[ENCLOSURE #3C].**

Perhaps the most recent scandal and the most public in the realm of Coast Guard licensing occurred when the Coast Guard lost control of over 500 license blanks and a machine that can be used to make merchant mariner documents. This proved that the Coast Guard was not immune to the problems that plague the rest of the world with the forging of maritime documents. To knowledgeable American merchant mariners, this revelation came as no surprise. [ENCLOSURE #3D]. It has been apparent for a number of years that the Coast Guard does not keep track of its licensed and certificated mariners on a comprehensive national basis. This was first revealed in NAME Newsletter #31, December 1992. **[ENCLOSURE #3E].** Recent attempts over the past year to obtain basic information on licensing statistics under the Freedom of Information Act have not received the courtesy of a response. GCMA is planning to bring this matter to the direct attention of the Commandant of the Coast Guard ï again!

The Coast Guard's continued use of a "hot list" prepared by hand in an attempt to contact specific mariners if they happen to pass through a REC continues to demonstrate the futility of the Coast Guard's current merchant mariner personnel data management system.

TOPIC #4: Lower-Level Licensing in the Eighth District:

Back in 1970, no licenses whatsoever were required to operate uninspected towing vessels. Small passenger vessels, such as oilfield crewboats and utility boats carrying "passengers for hire" did require a licensed operator when carrying over six passengers. The licensing regulations for small passenger vessels (including oilfield crewboats) had been in effect for 13 years (i.e., since 1957) and the Coast Guard was finally starting to put pressure on mariners and their employers in the Eighth District to comply with the same licensing regulations in force throughout the rest of the country. Most "supply boats" (now known as OSVs) were purpose-built to admeasure under 200 gross tons (calculated by generous domestic tonnage laws) so that they would not fall under the Officers Competency Certificates Convention of 1936 and, therefore did not require licensed officers. Those vessels over 200 gross tons, however, did require 300 ton master and mate licenses or, optionally, the old 1,000 ton master, freight and towing licenses. No engineer licenses were required on supply boats at the time.

In 1973, the Offshore Marine Service Association (OMSA) turned considerable Congressional pressure on the Coast Guard to relax its licensing requirements. The reasoning behind this was that many of the industry's senior personnel could not meet basic educational standards of reading, writing and arithmetic-part of which stemmed from discrimination against native Americans and blacks in the local educational systems and part of which was based on the fact that children often worked with their parents in fishing and other pursuits. Of immediate and pressing importance was an Arab oil embargo that was touted as a serious national threat that required extraordinary measures.

As a direct result of Congressional pressure, the Coast Guard sent a senior Coast Guard Captain, CAPT C.T. Newman, and a small "offshore operations liaison staff' to New Orleans to perform a one-year study to determine whether the industry's complaints were legitimate and, if so, how could mariners working in the mineral and oil (M&O) industry best be accommodated.

As a result, the Newman Report **[ENCLOSURE** #4] advocated simplified examinations for candidates sitting for licenses that allowed them to work in the mineral and oil industry. During this period, as a maritime educator, I worked with Coast Guard officers and enlisted personnel to develop several comprehensive license exams that were representative of the factual knowledge mariners needed to have to function in the offshore oil industry. This was called the "SCALP" program and involved both oral and written testing.

In 1972, in a completely separate legislative action propelled by a serious allision,[(1)] Congress required the Coast

Guard to license operators of uninspected towing vessels. Unfortunately, Congress did not pass companion legislation requiring the Coast Guard to inspect towing vesselsð that remains a serious shortcoming to this date. In a major concession designed so that it would not place the towing industry at a disadvantage, the Coast Guard "grandfathered" all individuals who claimed they were engaged in the towing industry. This meant that each potential licensee had to sign a statement that he was currently employed in the towing industry, fill out a license application and all associated forms, and then complete a 20-question rules-of-the-road exam that applied to the waters the mariner worked in. Although the exams were quickly compromised, nobody showed concern as hundreds of new licenses were issued. After the "grace period" ended in about a year, a more detailed and difficult exam was instituted although that, too, was quickly compromised. *[(1) In 1967, a tug captain pushing a barge across Lake Pontchartrain near New Orleans fell asleep en route and knocked down a section of the causeway killing a number of people whose vehicles plunged into the lake.]*

By 1980, the Eighth District signaled that it would no longer recognize that local mariners with educational problems still deserved special consideration with their licensing. However, there was a new problem with new offshore supply vessels as well as older vessels that were being built or converted to the carriage of liquid mud. These vessels were re-admeasured and increasingly surpassed the 200 gross ton threshold that would now require them to comply with the international Officers Competency Certificates Convention of 1936. At this point, industry and the Coast Guard worked out a licensing scheme that was sanctioned by Congress as Public Law 96-378. This allowed a mariner who claimed employment in the offshore oil industry to certify as to the position he held in the industry, apply for a license for that position as Master, Mate, Engineer, or Able Seaman, and receive a temporary license in that grade without taking any license exam. The temporary license would be renewed after three years upon submission of a complete license renewal application and letters verifying sea service during the intervening period. Consequently, the entire mineral and oil industry locked in its existing personnel complete with any licenses they chose to claim without undergoing any serious requirement for training or testing their personnel. In return, however, the industry agreed to bring its existing vessels and all newly constructed vessels under Coast Guard vessel inspection laws.

Notably, however, the new vessel inspection regulations did not include Coast Guard inspections of any towing vessels. Furthermore, since 1973, Captains on towing vessels used exclusively in the mineral and oil industry were exempted from holding any Coast Guard license by a special provision of the law as long as they worked exclusively in the mineral and oil industry.(1) *[(1)46 USC 8905(b) known as the "Long Loophole" after U.S. Senator Russell Long, D. LA.]*

In 1985, after a disastrous series of accidents at sea, industry lift boats were also brought under Coast Guard inspection and their officers licensed.

During the early 1980s, the Coast Guard moved away from essay-type questions on its license examinations to multiple choice questions for all licenses, both upper- and lower-level. These questions were maintained in card files and later in a computer database in at the Coast Guard Institute in Oklahoma City. However, many exams given to lower-level mariners were quickly compromised yet remained in use for months and even years. Consequently, during this period who you knew was as important as what you knew when it came to passing the Coast Guard's lower-level "professional" exams. This was the heyday of the license "cram" school. During this period, a number of Coast Guard employees, both military and civilian, defected and took license exam information with them that was made available to the highest bidder.

TOPIC #5: NAME —A Licensing Watchdog:

In 1987, retired Coast Guard LCDR Walt Martin established the National Association of Maritime Educators (NAME), which did its utmost to keep abreast of the chaos that the Coast Guard called a licensing system. In order to keep interested parties informed and to share information, the NAME Newsletter was established. This was always a non-profit publication with an unpaid circulation that reached almost 500 before going onto the internet at www.marineeducationtextbooks.com.

Since many mariners reported failing exams on the basis of incorrect or misleading questions, I had previously requested the release of all licensing questions under the Freedom of Information Act (FOIA). After this request languished for almost seven years, the Coast Guard finally complied with my request to the Secretary of Transportation and released approximately 22,000 questions to the public. Updated versions of all current exam questions are available on the internet. Over the years, NAME followed up by recommending corrections to over 1,500 questions in the Coast Guard's database. NAME still actively participates in updating and purging the Coast

Guard's exam question database.

In 1989, major changes took place in the Coast Guard's licensing system that were supposed to keep the system in line with treaty obligations under STCW-78. Unfortunately, the Coast Guard, with its preoccupation with deep-sea shipping and upper-level mariners failed to keep the maritime educators who trained lower-level mariners appropriately informed of events that took place at the International Maritime Organization between 1993 and 1995.

TOPIC #6: Coast Guard Leaves Lower-Level Mariners Unprepared for STCW-95:

Nothing whatsoever prepared lower-level mariners for the sweeping licensing changes that took place as a result of STCW-95. Even NAME had little warning of the changes that suddenly appeared out of the blue in July 1995. Since no well-funded national organization represented the interests of lower-level mariners during this period, everything including the reasoning behind STCW-95 flew completely over the heads of lower-level mariners. We were completely blind-sided by events that took place in London!

The only "local" people who had an inkling of what had happened was Robert Alario, President of the Offshore Marine Services Association, and Brant Houston of Houston Marine Training Services. Each of these parties used the information they gained from the Coast Guard and from attending the IMO sessions in London to their own business advantage.

The majority of lower-level mariners were incredulous as to how the Coast Guard could have been party to a document such as STCW-95 without even the courtesy of informing the vast majority of American mariners.(1) However, considering the supreme arrogance of CAPT John McGowan, former Chief of the Coast Guard's Merchant Vessel Personnel Division and his disdain of lower-level mariners during this period, this blunder is easier to understand. **[ENCLOSURE #6].** The result was a tremendous reservoir of resentment between lower-level mariners and the Coast Guard that was viewed as a totally incompetent government bureaucracy. *[u[In NAME Newsletter #31 [ENCLOSURE #3EJ we determined that 69% of all deck licenses and 18% of all engineer licenses in the United States are held by lower-level mariners. NAME openly protested that lower-level mariners have never been treated commensurately with their numbers.]*

In a 1998 conference of maritime educators sponsored by the Coast Guard's new National Maritime Center (NMC) and held in New Orleans, it became evident that the cost of the newly-required STCW courses, estimated to be between $5,000 and $30,000 per mariner, could no longer be borne by individual mariners. However, it was obvious from comments made at the conference that boat companies had no intention of volunteering to pay the cost of training their employees. Sad to say, over the years, few boat companies accepted the fact that "training" should be part of their cost of doing business. Nor had the Coast Guard taken any steps or shown any leadership whatsoever to assist lower-level mariners to prepare for the February 1, 2002 STCW-95 deadline or deal with its financial aspects. Any "assistance" the Coast Guard's National Maritime Center offered consisted of little more than attempting to explain and interpret the meaning of the new treaty agreements the Coast Guard had obligated us to. Very simply, how to pay for this expensive program apparently received scant consideration before the Coast Guard signed onto STCW-95. This further demonstrates the large gap that has always existed between Coast Guard officers and the multitude of lower-level mariners who constitute a clear majority of all licensed mariners.

It soon became obvious that a large infusion of cash would be required. The answer turned out to be a major infusion of state-sponsored "corporate welfare" that would virtually guarantee that the required training would not affect large the boat owners' bottom line.

TOPIC #7: Lower-Level Mariners Need Transparency and Fair Dealing:

One of the major points made by the recent ICOMS report is the need for transparency in dealings throughout the marine industry and on a worldwide basis.

As a corollary, GCMA believes that the Coast Guard needs to demonstrate much greater transparency and much less bias in its dealings with lower-level mariners. Such transparency is in very short supply as shown by the way that the Coast Guard has repeatedly ignored complaints raised by GCMA and earlier voluntary mariner organizations.

Lower-level mariners deserve to be accorded separate treatment as a labor force that has its own set of issues and concerns rather than merely as an adjunct to (or in deference to) the companies that employ them. Mariners view the vessels they work on in quite a different way than do their boat owners. A boat is a "home away from home" for a

mariner. In this day and age, a tour of duty on a towing vessel or an OSV should be more rewarding socially that enduring a jail term of comparable length. While GCMA recognizes that there are many cases when isolation at sea is necessary - the most obvious being for the duration of a long voyage. Nevertheless, there is an overriding need for our mariners to have the means to stay in touch with their family members on a regular basis to preserve the family as a functioning unit, to preserve family values, to settle important family business, as well to provide a source of reciprocal moral support while on the job. While assisting the employer to turn his vessel into a profitable enterprise is an important consideration, maintaining home and family ties is a primary and compelling consideration for most mariners.

Many employers on rivers, inland waters and offshore actively work to deny their mariners the right to organize. In doing so, some companies refuse to allow crew members to get off the boat, speak to or socialize with crew members on other vessels, contact family members during off-duty hours, allow family members to visit after hours or on weekends and deny mariners other forms of social contacts with others. Some employers even require vessels to put to sea or tie to offshore moorings solely for the purpose of denying the crew the right to reasonable social contacts that could lead to them joining voluntary associations such as GCMA. It is for this and other reasons that the turnover rates for crewmen on offshore supply vessels are reported by industry to the Coast Guard to be as high as 90% per year.

To their discredit, the Coast Guard simply accepts these facts and continues its willingness to bend laws and regulations to assist the offending employers replace their disenchanted personnel. This represents an almost complete lack of social conscience and indifference on the part of the Coast Guard to the plight of lower-level mariners.

In the United States, simply denying mariners the right to organize leaves them in a very difficult position as "employees-at-will." An employee-at-will can be fired for any reason whatsoever, whether it is fair, unfair, or even morally reprehensible. Such tenuous employment discourages mariners from pursuing a lifetime career with a single employer since the ability to both fire and to blacklist employees is freely applied against lower-level mariners, even for frivolous, mean-spirited or ego-sensitive purposes on the part of management. Actively and aggressively denying lower-level mariners the right to organize coupled with holding thinly-veiled threats of terminating employment over their heads effectively prevents non-unionized lower-level mariners from reporting dangerous and illegal acts to the authorities.

Even when GCMA has reported illegal acts to Eighth Coast Guard District units on behalf of our members, the response often is lackluster and the results obscure.

Lower-level merchant mariners face serious challenges in reporting illegal conditions to authorities including the Coast Guard. This is the result of three cases decided a number of years ago by Courts of Appeals. [ENCLOSURE #7]. Consequently, although many American workers are protected by a number of whistleblower laws, it is significant that American merchant mariners have no such federal protection. Although, Congressman Leonard Boswell (D-Iowa) proposed a whistleblower bill on several occasions in the U.S. House of Representatives, he was unable to muster sufficient support from other legislators. While we have heard rumors that the Coast Guard may support such a bill, they apparently are not willing to take a leadership role on this issue to promote maritime safety.

We encourage help from the ITF in making the point with any representatives of the Coast Guard you encounter at the IMO and other international forums that maritime labor (especially our lower-level mariners) need to be considered separate and apart from the companies they happen to work for. Such tripartite arrangements are recognized in many other countries but not in the United States as far as its thousands of lower-level mariners are concerned.

TOPIC #8: Coast Guard's Disrespect For First Class Pilots on Western Rivers.

Since 1972 it has been possible for an individual licensed as an "Operator of Uninspected Towing Vessels" (OUTV) to operate the largest and highest horsepower towboats pushing the largest tows on the Mississippi River system. Considering the fact that a mariner could obtain an OUTV license in 1972 by passing a 20-question rules of the road exam or thereafter by attending school for less than 5 days, these requirements demonstrate only minimal professional career preparation.

Many mariners sought to prove they possessed a higher degree of professionalism to prospective employers, and to boost their own professional esteem, by taking Coast Guard pilotage exams for specific sections of the river and adding them as "endorsements" to their licenses. As a result, many of the more desirable employers to work for sought mariners with these pilotage endorsements as preferred employees. Some mariners accumulated up to two

thousand river miles of pilotage on their licenses based on examinations they took on their own time and at considerable personal expense at various Coast Guard Regional Examination Centers. Although this procedure was strictly voluntary, several hundred of the most professional river mariners accumulated pilotage by 1996.

At about this time, mid-level Coast Guard officers on the Eighth District staff of RADM Robert C. North decided that they would change regulations and eliminate issuance of future pilotage endorsements on the Mississippi River above Baton Rouge, LA (Mile 235 AHP). Baton Rouge is the head of navigation for oceangoing ships and the end of the dredged 45' channel that reaches to the Gulf of Mexico. Without adequately consulting the licensed mariners involved, the rules governing pilotage were changed. Although no pilotage was removed from any license, it was no longer possible to increase pilotage on approximately 5,000 river miles of the Mississippi River.

This move was a direct slap in the face to an extremely competent and well-respected group of professional mariners that took justifiable pride in their accomplishments. For its part, the Coast Guard may have saved some time and effort on the part of REC employees in administering the a number of labor-intensive pilotage exams to western river mariners. However, these Coast Guard officers seriously damaged the morale of the entire western rivers infrastructure. All river mariners could plainly see that the accomplishments of the older, seasoned river pilots were flushed down the drain.

The message was also clear to other mariners who held only the OUTV licenses. These mariners realized that attempting to prove their professionalism to the Coast Guard was little more than a waste of time. If the accomplishments of the older and most respected mariners could simply erased with absolutely no recourse, the licensing system offered them very little that was worth striving for.

While most companies had nothing to lose when pilotage was eliminated, they had nothing to gain by standing up to the Coast Guard on behalf of a relatively small group of marinersð and did nothing. Of all the companies, only Mr. Deane On of Consolidation Coal stood up for its company's first-class pilots. One group of mariners, the American Inland Mariners Association (AIM) under the leadership of Captain John R. Sutton, protested to the Coast Guard and suggested remedies but to no avail. **[ENCLOSURE #8A].**

When approached at a TSAC meeting at Coast Guard Headquarters in Washington on March 16, 2000, RADM North, former Eighth District Commander admitted in a public comment before the committee that withdrawing pilotage was a serious blunder but blamed this action on his staff officers. Vice Admiral Card also admitted that the policy was misguided. **[ENCLOSURE #8B].** However, the error was never rectified. It is also noted that the two staff officers responsible, CAPT James Calhoun and CDR Guy Tetreau, took positions within the marine industry within one year after pilotage was abolished. This ill-advised action taken against lower-level mariners was just one of many aggravating factors that led to the 1998 "Pilots Agree" strike.

TOPIC #9: The "Pilots Agree" Strike of 1998:

Many mariners who are now members of GCMA are also veterans of the "Pilots Agree" strike of 1998.

"Pilots Agree" was a grass-roots organization of river towboat pilots founded by Captain Dickey Mathes. In its prime, Pilots Agree claimed a membership of up to 1,400 licensed mariners. The organization reflected a spontaneous uprising by river pilots against what they considered to be intolerable working conditions imposed by their employers. A tremendous outpouring of enthusiasm heralded the start of the movement as well as an uplifting sense of unity in the initial public meetings in Kenner, LA, and Memphis, TN.

The river companies soon proved to be outspoken in their opposition to any type of mariner organization whatsoever. Although the leadership of Pilots Agree questioned at the outset whether they were a union or not, their prevailing legal counsel told than that they were. Within a few months, Pilots Agree voluntarily affiliated with the International Organization of Masters, Mates and Pilots (IOMM&P) and became a part of the organized labor movement. Shortly thereafter, the IOMM&P provided organizational assistance and financial backing for Pilots Agree.

When the boat owners flatly refused to bargain with Pilots Agree, that action precipitated a strike in which over half of the Pilots Agree membership actively participated. Pilots Agree called the strike apparently without formal authorization of the IOMM&P. Nevertheless, IOMM&P continued to back Pilots Agree and encouraged the support of other labor unions to back the strikers.

In the meantime, as mariners tied up their towboats, companies attempted to conduct business by using port captains and other personnel to break the strike. There were several notable examples of costly failures and damaged equipment. In addition, many companies chose to keep their vessels operating by openly violating the Coast Guard's 12-hour rules with apparent impunity. Although the Coast Guard was notified and occasionally investigated, companies were never assessed civil penalties for these violations. Meanwhile, boat companies put pressure on nonstrikers to continue to work threatening many mariners with loss of jobs and enticing other mariners to quickly advance up the promotion ladder by filling in positions vacated by strikers. Since most mariners live from paycheck to paycheck, the sudden and unanticipated loss of income was devastating since there were no provisions for a strike fund.

As time passed, economic pressures brought many mariners to their knees. The strike dragged on for several months as corporate officials took out their vengeance on recalcitrant mariners. Mariners who continued on strike were replaced and many were blacklisted. The result was an internal division between groups of mariners as the strike failed. Eventually Pilots Agree separated from IOMM&P with Pilots Agree disappearing into oblivion leaving IOMM&P to pay the bills and pick up the pieces.

IOMM&P assumed many financial obligations and did its best to live up to all of them, eventually recovering well over $400,000 for mariners who had lost the most through employers' unfair labor practices. **[ENCLOSURE #9].** Throughout the strike, the Coast Guard claimed that they would remain "neutral." However, most mariners believe that this professed neutrality served as a shield to allow the boat owners to go about business as usual without interruption or interference. The failure to assess civil penalties against the boat companies for violating Coast Guard regulations during the strike speaks for itself and is something Coast Guard officials cannot hide. One company, reportedly was "forgiven" almost $1,000,000 in civil penalties because it failed to lawfully moor its undermanned vessels after 12 hours of service. Rather, it continued to move cargo during this time or illegally "pushed the bank" with unqualified personnel standing watch at the controls.

After the strike, Richard Plant of the IOMM&P pointed out at a public meeting that the work force of river pilots was aging and that too few young pilot candidates were encouraged to enter the business. One lasting effect of the Pilots Agree strike is that fewer river mariners are now willing to recommend "life on the river" to friends and family. This is one factor leading to growing crew shortages and high turnover rates on the rivers. It also became evident that a number of river mariners left the river in disgust to take other employment. Others closely scrutinized names and statistics furnished by the American Inland Mariners Association (AIM) that showed an average river pilot's reduced lifespan of slightly more 57 years compared to an average white male's 72-year lifespan.

TOPIC #10: Coast Guard Failure to Establish Horsepower Limits For Tows:

Towing vessels are generally considered to be powerful vessels for their size. However, when loaded down with barges under difficult river or weather conditions, handling these vessels can prove to be a real challenge. The question then becomes one of recognizing when a given vessel is overloaded.

The difference between safely loading a towing vessel and overloading it may boil down to a matter of greed on the part of the vessel owner and the competent exercise of skills on the part of the vessel's master and his pilot. Many factors need to be considered, but it is ultimately up to the master and the pilot to decide what they can manage safely under the conditions they are facing. This decision should not be impaired by threats of sanctions or termination by the employer. The decision should be one based on the master's or pilot's comfort level in matching his tow with the voyage ahead.

While greed versus professional pride (and ego) in the matter of loading or overloading tows, the Coast Guard has a legitimate role to protect the interests of all waterway users in defining safe navigation. However, many licensed masters and pilots have insisted for years that the Coast Guard step in and regulate the waterways for the benefit of all users to:

- Regulate the horsepower to tonnage ratio of tows traversing certain areas of certain rivers.
- Regulate the physical size of tows that take up more than their fair share of the channel.
- Require that towing vessels to maintain adequate visibility from the pilothouse.
- Make voluntary advisories issued for certain river conditions into enforceable regulatory mandates to see that they are followed in order to protect all river traffic.
- Require that towing vessels have the ability to stop and maneuver their tows under all foreseeable river conditions. [ENCLOSURE #10].[1] *[[1] American Admiralty Bureau's Interim Recommendations for Tow Powering and Configuration for Western Rivers Push Tows.]*

TOPIC #11: Coast Guard Won't Protect River Deck Crews from Hypothermia:

The GCMA received a number of complaints from mariners that deck crews working on towing vessels on the western rivers are not properly protected against hypothermia while working on deck during the cold winter months. In icy weather, there is always a strong possibility of falling overboard into "cold water"ï defined by the Coast Guard as water less than 59 degrees fahrenheit.

Winter winds combined with frozen precipitation, ice, coal, grains and chemicals spilled on narrow barge catwalks (and other factors) cause mariners to lose their footing and make deck work hazardous. Under these conditions, a fall overboard becomes a distinct possibility.

The waters of the western rivers, fed from mountain streams, are cold for much of the year presenting a hypothermia hazard for a man overboard. While the western rivers are part of the Eighth Coast Guard District, similar conditions exist elsewhere in the country and make protecting crews from hypothermia an area that should be of legitimate concern to the Coast Guard on a national basis - especially considering the fact that they already recognize the high fatality rate from falls overboard from commercial tows.

Since the Coast Guard empowered a Quality Action Team to look into safety on river tows, and since they overlooked protecting mariners with thermal and flotation protective gear (i.e., exposure suits), GCMA thought that it was a very important and desirable step to promote adequate "mariners protection.

Consequently, GCMA brought the matter of providing deck crew members with Coast Guard-approved exposure suits to the attention of the Towing Safety Advisory Committee, a federal advisory committee, and formally placed the matter on the committee's agenda. TSAC committee members and Coast Guard officers listened politely to GCMA's presentation and then simply let the matter drop into oblivion without taking any meaningful action whatsoever. Apparently, investing several hundred dollars per crew member in heavy duty protective flotation clothing did not appeal to towing companies. It is interesting as well that Coast Guard officials saw no further need to investigate the matter. From GCMA's perspective, the Coast Guard apparently was unwilling to advocate requiring such protection by regulation. This meant that GCMA's suggestion was destined to go nowhere with the Coast Guard bureaucracy.

It is ironic that the Coast Guard furnishes exactly the same gear cold weather gear that GCMA brought to the committee meeting to their own military personnel during the winter months. Yet the Coast Guard was unwilling to give equal consideration to the needs of lower-level mariners. Deck crews on towing vessels suffer some of the highest death rates of any group of mariners in the marine industry as well as some of the highest employee turnover rates. In spite of their apparent disdain to provide adequate cold water protection to our lower-level mariners, it is notable that the U.S. Department of Transportation, parent agency of the Coast Guard, makes no distinction between the value of lives of civilian and military personnel, assigning a value of $2,700,000 to each life lost. **[ENCLOSURE #11/12].**

TOPIC #12: Coast Guard Requires Lower-Level Mariners to Risk Their Lives With Outdated Lifesaving Equipment:

The National Transportation Safety Board (NTSB) declared that providing "out-of-water" survival craft on commercial vessels is one of its "most wanted" transportation reforms. The NTSB urged the Coast Guard for many years to provide inflatable life rafts that crew and passengers abandoning ship for any reason will not have to jump into the water where effects of hypothermia act quickly to take lives. The Coast Guard rejected the NTSB proposals. It is interesting that this refusal affects small passenger vessels and offshore supply vessels that are manned exclusively by lower-level mariners. In this regard, the trade associations have "partnered" with the Coast Guard to put the lives of lower-level mariners at risk.

Although the regulations on small passenger vessels were rewritten in the mid-1990s, the new regulations still allow dangerous life floats, as do the regulations that govern offshore supply vessels. Remarkably, there are no regulations whatsoever that requires any type of survival craft (even life floats or buoyant apparatus) on the nation's fleet of 5,200 commercial uninspected towing vessels.

The GCMA and NAME have long protested the use of life floats and buoyant apparatus on all vessels manned by lower-level mariners. **[ENCLOSURE #11/12].** These devices require that a person jump into the water and remain in water until rescued.

GCMA's experience in presenting this matter to RADM Robert C. North, Assistant Commandant for Marine Safety and Environmental Protection has been counterproductive. The only possible reason for the Coast Guard's continual efforts in rebuffing us is that they have sold out the interests of lower-level mariners to those of the boat owners ï and specifically the Passenger Vessel Association. Use of this outdated lifesaving equipment is no longer permitted on large U.S.-flag vessels or on SOLAS vessels.

TOPIC #13: Coast Guard Generates Flawed Marine Injury Statistics:

GCMA pointed out in public news releases and in its own Newsletter **[ENCLOSURE #13A]** distributed to over 9,000 mariners that one offshore employer (ENSCO) operating in the Eighth Coast Guard District failed to submit 44 Coast Guard-required accident reports(1) of employee injuries over a period of approximately seven years. The Coast Guard's reaction to these findings was and still appears to be of one unconcern and unwillingness to investigate and prosecute the offending company. This matter is of special concern to GCMA members who realize that they can expect no backing or even interest on the part of the Coast Guard if they are injured and file a claim if the Coast Guard has no record of the accident that caused the injury in their file.

GCMA wants to point out that one company's failure to file 44 reports is a significant portion of (the only) 144 injuries reported for the entire OSV sector of the marine industry during the same time frame. To allow this failure to report accidents to stand unchallenged would only encourage a trade associations such as OMSA to introduce even more outlandish allegations than this: "Five injuries in seven years represent the Coast Guard's entire justification for imposing these rules (i.e., new workplace safety proposals for the outer continental shelf) on vessels." **[ENCLOSURE #13B].**

Leaving ENSCO's misdeeds unchallenged also begs the question of how many other companies failed to report serious accidents that resulted in personnel injuries that required treatment beyond first aid. *[(1) On form CG-2692 required by 46 CFR Part 4.]*

TOPIC #14: Eighth District Legal Office Not Concerned Over Possible ILO Treaty Violations or in Assisting Lower-Level Mariners.

The GCMA reported to the Eighth District Legal Officer that we believed that ILO treaty obligations and their corresponding U.S. statutes were being violated by private employment agencies who charged lower-level mariners to get them jobs at sea. The return correspondence **[ENCLOSURES #14A & 14B]** expressed the fact that the Coast Guard was not aware of any wrongdoing that had taken place and indicated no interest in following up GCMA allegations. GCMA is currently polling its membership to obtain evidence of these violations.

In a separate matter, the Eighth District Legal Office refused to provide a ruling on whether an inspected vessel was operating illegally outside a "3 miles from land" clause in a vessel's Certificate of Inspection. They refused to provide a ruling because the matter involved a private lawsuit filed by a GCMA mariner that did not directly involve the Coast Guard. [ENCLOSURE #14C]. In this case, a lower-level mariner was injured when his employer ordered his small crewboat to operate in unprotected waters in heavy weather many miles from the nearest land. The mariner sought disability payments from his employer for permanent back injuries and needed a Coast Guard ruling on the restrictive clause in the vessel's Certificate of Inspectionð which the Coast Guard refused to provide. This denial, in response to a GCMA written request, was provided verballyð with no written record. The verbal response from a LT Borland in the Eighth District Legal Office included a statement that the Coast Guard legal staff worked only for the Coast Guard on their own legal matters and not to assist individual mariners to perfect court cases.

TOPIC #15: Post-Retirement Employment of Former Coast Guard Officers:

We have long noted that powerful corporations in the marine industry hire many of the Coast Guard's senior officers immediately upon their retirement so as to take full advantage of their existing "contacts" in the Coast Guard and in other government agencies. The National Association of Maritime Educators (NAME), whose Newsletter I edit, has found that this "revolving door" practice is not illegal. **[ENCLOSURE #15A].** However, we continue to believe this practice smacks of impropriety. It is on this basis that GCMA also presents this complaint on behalf of its members.

While trying to hire government employees may be a legitimate business move, it turns the closing years of an officer's career into a job search in which the integrity of his/her job performance with the Coast Guard is in question. Hiring a recently-retired, high-ranking or midlevel Coast Guard officer places his knowledge of laws, regulations, and existing internal policies on the line and available to the highest bidder. Unfortunately, we believe

that allowing business to freely recruit active Coast Guard officers while they are still on active duty works against the better interests of lower-level mariners as it only reinforces anti-mariner bias.

Few of the senior or mid-level Coast Guard officers available for post-retirement employment have first hand, practical experience in their military careers working as lower-level mariners. Unlike Coast Guard enlisted personnel, most retired officers employed in the maritime industry cannot identify with the everyday problems lower-level mariners face because they have never stood in their shoes. Many Coast Guard officers are graduates of the U.S. Coast Guard Academy and have already obtained a tuition-free college education and even post-graduate degrees at taxpayer expense. Their educational achievements already place them far above most lower-level mariners who, at best, may have a high school education. The situation is particularly noticeable along the U.S. Gulf Coast where the educational achievement level is far lower than in many other areas of the country. This is clearly indicated in the Newman Report undertaken by the Coast Guard in 1973. [ENCLOSURE #4].

Many lower-level mariners throughout the Eighth District traditionally have been viewed with disdain by their employers. These retired Coast Guard officers easily adapt to the prevailing culture that demonstrates little interest in ameliorating the social conditions of our abused mariners.

We believe that what is needed is a reform in government ethics regulations that would impose a one-year moratorium after completion of active duty service before a retired senior or mid-level Coast Guard officer can accept employment in a field directly related to his or her previous military assignment.

We believe that the maritime industry has indoctrinated many senior Coast Guard officers with its "business as usual" outlook so that any proposed changes made by maritime labor either will be dead on arrival or simply will never be presented for consideration. For example, for the past 30 years the U.S. fleet of approximately 5,200 towing vessels has remained in an "uninspected" status. This means that approximately 32,000 lower-level mariners who work on these "uninspected" vessels are denied the same degree of protection provided by Coast Guard regulations for mariners who work on "inspected" vessels such as offshore supply vessels (OSV) and small passenger vessels. GCMA believes that the Coast Guard should have taken necessary steps years ago to introduce a set of regulations that will effectively govern uninspected towing vessels and provide a set of reasonable standards comparable to those on inspected vessels whereby mariners who work on these vessels can be protected.

GCMA presented a proposal to inspect towing vessels at the March 2001 meeting of the Towing Safety Advisory Committee (TSAC), a federal advisory committee appointed by the U.S. Secretary of Transportation **[ENCLOSURE** #15B]. Unfortunately, there are few signs that the Coast Guard officer in charge of TSAC has taken this proposal seriously or has even considered introducing it for further study. GCMA will, however, continue to pursue this matter to secure equal treatment for towing vessel personnel.

A number of former Coast Guard, U.S. Navy and U.S. Army Transportation Corps enlisted and warrant officer personnel have decided to continue their maritime careers serving as merchant mariners. GCMA has no complaint regarding these personnel and encourage other "real" mariners to seek work in the industry after retirement. On the other hand, some private employers have raided the military ranks seeking to recruit trained mariners to work for their boat companies. GCMA believes that these companies should invest their own profits to train their own personnel rather than to continue to draw personnel who have been trained with taxpayers funds. GCMA was approached by an officer from the U.S. Army Transportation Corps who complained that these tactics were draining his limited supply of trained personnel.

TOPIC #16: Coast Guard Won't Regulate Workplace Safety on 5,200 Uninspected Towing Vessels?

It is also unfortunate for working mariners yet fortuitous for owners of uninspected towing vessels that the power to enforce workplace safety measures over these vessels has remained in dispute between two departments of the United States Government for over 30 years, namely the U.S. Coast Guard, which is part of the Department of Transportation and Occupational Safety and Health Administration (OSHA), an agency of the U.S. Department of Labor. **[ENCLOSURE #16].** Neither agency can seem to determine who is in charge of introducing and enforcing work place safety regulations on these 5,200 vessels. Regardless, lower-level mariners need to be afforded reasonable workplace protection but have been spurned by both the Coast Guard and OSHA. Furthermore, mariners who are required to perform unsafe tasks are routinely sent on a wild goose chase when they report alleged violations to either agency. **[ENCLOSURE #16B].** In addition, violations reported on "inspected" vessels are treated differently than violations on "uninspected" vessels. This ridiculous abdication of authority has been evident for many years and cries out for

immediate resolution within the Executive Branch of the United States government before it results in human tragedy.

Although the Coast Guard often blames Congress for not giving them broad authority to regulate uninspected towing vessels, we believe the Coast Guard has been lulled into complacency on this issue by the powerful industry trade associations it caters to. In particular, mariners blame the Coast Guard for not standing up and protecting their interests and allowing business interests to exploit them. However, GCMA believes that if the Coast Guard would bring this matter forcefully to the attention of Congress, they would take some action to resolve the problem. However, with the recent exception of the maritime unions, nobody has demonstrated any genuine concern in looking out for interests of lower-level mariners. It is most notable that the Coast Guard has taken no action on this matter for the past 30 years.

Unfortunately, no union currently represents the interests of a majority of lower-level mariners in either the river industry, the towing industry, or the offshore oil industry. Without the protection offered by a union contract, these lower-level mariners are left to the mercies of individual employers as "employees-at-will." One of the goals of GCMA is to focus attention on the problems that result from continuing acceptance of an "employee-at-will" status that faces.

TOPIC #17: The Role of Trade Associations in Repressing Lower-Level Mariners:

"The powerful typically use their power in selfish ways to suppress the greater good."

The interests of large, well-organized, and well-funded trade associations often overshadow and overpower the interests of lower-level mariners. The trade associations with the most political clout and influence with the Coast Guard over the lives of lower-level mariners are the American Waterways Operators (AWO) with a large portion of its membership in the towing industry, and the Offshore Marine Service Association (OMSA) that dominates the workboat sector of the offshore oil industry.

Very close "partnering" exists between the Coast Guard and these two trade associations at both the district and national levels. For example, the American Waterways Operators has a formal partnership with the U.S. Coast Guard [ENCLOSURE #17A] blessed by the former Clinton Administration.

The AWO has authored the Responsible Carrier Program (RCP) that seeks to bring "quality" to all aspects of its members' marine towing operations. The plan provides for "audits" of the uninspected towing vessels that belong to its member companies in a very comprehensive manner. In this respect, it parallels the Coast Guard's own inspection programs in place for "inspected" vessels such as small passenger vessels (T-boats) and offshore supply vessels. However, there are very important differences:

- Only a small portion of a member company's fleet is subject to a third-party "audit" each year whereas the Coast Guard inspects every inspected vessel once a year and schedules additional drydock inspections.
- The AWO program only applies to AWO members. Many of the smaller companies(1) are not AWO members and are not subject to the responsible carrier program. In other words, these vessels are never audited to meet the standards set by AWO. *[AWO boat-operating members number about 150 out of an estimated 1,100 companies.]*

What is notable is that the Coast Guard has embraced the Responsible Carrier Program in spite of these obvious shortcomings. **[ENCLOSURE** #15B]. Yet, these shortcomings are considerable as regards the continued acceptance by the Coast Guard of the fact that many mariners are allowed to work on vessels with questionable safety and without a set of enforceable standards. Yet, the RCP is a step forward in that the major players in the towing industry finally recognized, following a series of widely-publicized accidents and pollution incidents, that their vessels need to live up to some recognized standards. But, the fact that the Coast Guard has given its official stamp of approval to a plan that is so far beneath its own level of required annual inspections that apply to other types of vessels of comparable size indicates to lower-level mariners on serving towing vessels that their safety and well being was sold out. Still, without a Congressional mandate to inspect towing vessels, this may have been the best deal possible ï but most mariners doubt it.

As for the towing companies that do not participate in the Responsible Carrier Program, the Coast Guard has drawn up its own "Cooperative Towing Vessel Examination Program" (CTVEP) that offers "dockside exams" coupled with a veiled threat to board and "examine" towing vessels that do not participate. However, this program is nothing more than a paper tiger. In the Gulf Coast area, the program has not been funded and many Coast Guard Marine Safety Offices do not participate. **[ENCLOSURE #17B].**

OMSA prefers to deal with the Coast Guard in a less open manner behind the scenes manner. OMSA President Bob Alario publicly claims an especially close relationship with the current Coast Guard Commandant Admiral

James Loy. Both trade associations, and especially OMSA, are virulently anti-union and have shown in the Pilots Agree strike and since the formation of GCMA that they are opposed to mariners establishing any voluntary associations or organizing for any purpose.

Senior Coast Guard officers are frequently invited as honored guests at the district and national level to address OMSA Meetings, to take positions of honor at the head table, and to explain a variety of topics that affect the industry. Such flattery and public exchanges of positions and opinions without a corresponding balance of lower-level mariner participation appears to shape Coast Guard policy at both the Eighth District and national levels. Consequently, the Coast Guard works very closely with both trade associations. It is apparent, if unspoken, that the Coast Guard assumes the companies these trade associations represent will keep their mariners both "informed" of matters that directly concern them and "in line." This reduces the need for direct contact between the Coast Guard and individual working mariners except for licensing, occasional suspension and revocation proceedings, and during random vessel boardings. Such an arrangement simplifies the job for the Coast Guard since they only rarely confront or even deal with individual mariners - a job they leave to employers.

Boat companies and shipyards in the Eighth District that regularly do business with the Coast Guard support a "charity" known as 'The Coast Guard Foundation." Once a year, a black-tie dinner is held in the Eighth District to support this organization. A major shipyard contractor that builds vessels for the Coast Guard and the U.S. Navy is one of the most prominent organizers and participants in this event. GCMA has requested information under the Freedom of Information Act to clarify the role of this "foundation" to our members.

TOPIC #18: Lower-level Mariners Lack Knowledge of Coast Guard Regulations:

With the exception of the "Rules of the Road" that are drummed into the heads of every deck license holder, the Coast Guard neither requires nor seems to encourage mariners to learn or even understand many of the basic regulations that govern the industry.

However, by not keeping posted on regulations and regulatory changes, mariners become dependent upon their employers to keep them informed. This is one way that employers can hold their employees captiveð by denying them information they need to do their job in an informed manner or parceling out only small portions of this information. For example, while every vessel over 26 feet in length is required to carry a copy of the rules of the road, not even inspected vessels are required by Coast Guard regulation to carry copies of the inspection regulations the vessel is expected to abide by. There is no regulation that requires that these regulations be carried, and there are reports that at least one major company intends to remove every copy of inspection regulations from its vessels.

However, if a vessel is inspected under the Streamlined Inspection Program, it is necessary for crew members to know their inspection regulations so that they can keep the vessel up to inspection standards. The good results of this program are that a knowledgeable crew can always work constructively to keep its vessel up to Coast Guard inspection standards throughout the year. The value to the Coast Guard is that it avoids a lot of unwelcome bilge crawling for its inspectors and reduces much of the actual inspecting inspectors must do to little more than a paperwork shuffle over a cup of coffee.

TOPIC #19: Employers Don't Share USCG Information With Employees:

Unfortunately, many boat companies do not show concern in passing along information the Coast Guard gives them at various meetings their company officials attend. Several years ago, I discussed this problem in a letter with Coast Guard staff officers in Washington and received a reply, which was notably devoid of meaningful suggestions to improve the situation. **[ENCLOSURE #19].**

TOPIC #20: Civil Penalties:

From the mariners' perspective, it appears that civil penalties flow much more often from mariners rather than from corporate entities. Since corporate officers or boat owners do not need Coast Guard licenses to operate, the Coast Guard can take action against individual mariners' licenses much more easily than they can take action against a large corporation that employs the mariner. Since the Coast Guard does not provide lawyers or ombudsmen to mariners in administrative hearings, they can damage mariners' lives and livelihood more easily than they can prosecute corporate officers or shoreside staff who can hire lawyers for to protect their interests.

The fact that the Coast Guard's investigative process suffers from so many inadequacies as detailed in the report titled U.S. Coast Guard Marine Casualty Investigation and Reporting: Analysis and Recommendations for Improvement

[ENCLOSURE #20]**(1)** is an absolute disgrace. Misplaced investigative zeal can also weigh heavily on lower-level mariners trapped by this system. *["GCMA believes this report should be required reading for every licensed mariner.]*

TOPIC #21: Limited Mariner Input on Regulatory Matters:

Although Coast Guard Regulations are created and amended in a very public manner, lower-level mariners rarely provide input on important regulatory topics. For example Title 46 Code of Federal Regulations, Subchapter L, that regulates offshore supply vessels was a closely managed show between the Coast Guard and the Offshore Marine Service Association that took place over a 10-year period. This dialogue was between two groups, the Coast Guard as government regulators and OMSA and its members representing purely business interests. Labor was not represented during the rulemaking process. Working mariners were not directly involved in making these new rules although they could have participated if they had a clue as to how to do so. Unfortunately, the average mariner knows next to nothing about this procedural arena and, without adequate representation by a mariner association or trade union, has difficulty in presenting valid comments based on personal experience that will ever affect the substance of a proposed regulation.

It is not that mariners are not interested in commenting upon proposed regulations that may affect the jobs they perform, but rather that they are seldom presented the opportunity to do so. The Coast Guard rulemaking proposals appear in the Federal Register, a publication that mariners do not have ready access to. Comments on proposals are generally solicited in writing although, on occasion, public hearings may be held. On one occasion, proposed rulemaking on towing vessel licensing, one mariner organization, the American Inland Mariners Association (AIM) fully publicized the rulemaking proposal to its members, organized and conducted two informational public meetings, urged its members to attend Coast Guard hearings and solicited over 800 comments - mostly from working mariners. Consequently, when properly motivated and led, mariners have proven that they will speak and write intelligently about important issues. Of course, reading and responding to this many comments is rather unusual for the Coast Guard and slowed the progress of the rulemaking package. The President of AIM, Captain John R. Sutton who led the movement to inform mariners, is now a respected member of GCMA.

In August 1999, the Coast Guard asked for comments from the public to improve Subchapter L regulations. **[ENCLOSURE #21].** GCMA responded on behalf of its members, reviewed the existing rulemaking in detail, and submitted detailed comments from the perspective of working lower-level mariners. GCMA presented a number of general comments at a well-attended public hearing in the basement of Eighth District Headquarters in New Orleans. Although our comments remain in the docket, no action has been taken on them in almost two years. When the Coast Guard reviews these comments, we have reservations that our comments will be given a fair opportunity to prevail because they are opposed by OMSA and especially if there changes bring any cost to industry.

TOPIC #22: **Mariner Participation in Eighth District "Industry Day":**

Each year the Eighth Coast Guard District conducts a pricey public meeting called Industry Day. **[ENCLOSURE** #22]. During the Industry Day meeting members of the marine industry are invited to meet with the Coast Guard in a formal session lasting from early morning to closing in the afternoon to "discuss" a variety of topics. Very few mariners receive invitations (although they are welcome to attend) and working mariners seldom attend.

In brief, the meetings are designed to attract business executives rather than working mariners. The price to attend has escalated over the years so that it now exceeds $100.00 for the all-day session. Very few mariners who are off duty at that time would consider spending that amount of money and devoting their hard-earned off-duty time to sit and listen to Coast Guard officials discuss matters that do not directly impact on the work they do. This emphasizes the fact that the Coast Guard rarely sponsors events that attract licensed personnel.**(1)** We believe the reason for this is because corporate employers tightly hold the reins of power to hire, fire, and coerce their employees. The Coast Guard does not want to find itself in a position of giving advice to mariners that could possibly conflict with the message that individual companies generate. *[One exception is Pilots Day previously sponsored by MSO Memphis.]*

TOPIC #23: Workplace Safety on the Outer Continental Shelf (OCS):

More than twenty years after legislation mandating it was passed, the Coast Guard still has not created a comprehensive set of regulations governing workplace safety on the outer continental shelf (OCS) that complies with the Outer Continental Shelf Lands Act, Although the Coast Guard has proposed a rule. It appears that this rule will be unacceptable to the offshore industry because it costs money. The workboat sector of the industry appears unwilling to spend any money whatsoever to improve workplace safety on the OCS.

It is important to GCMA that proposed workplace safety regulations on the outer continental shelf must apply to both uninspected towing vessels as well as to OSVs working on the OCS. [ENCLOSURE #23]. However, when asked clarify this matter, the Coast Guard project officer told GCMA that we will have to wait until the "Final Rule" is published at some undetermined future date to learn whether uninspected towing vessels will be included. By then, it will be too late to challenge an adverse decision and hundreds of our mariners will remain unprotected. If any class of vessel needs to be held to improved workplace safety standards, it is the towing sector of the industry. We believe the Coast Guard should direct its attorneys to answer GCMA's direct inquiry in an expeditious and forthright manner.

TOPIC #24: Scientifically-Based Hours of Work:

It seems that the Coast Guard has no intention of following former National Transportation Safety Board (NTSB) Chairman Jim Hall's recommendation to establish scientifically-based hours of work regulations in the maritime industry in lieu of the existing two-watch system. The existing two-watch system is flagrantly violated on a daily basis and, even if scrupulously followed, results in an 84-hour work week. There are no checks and balances that require posted watchstanding schedules, provision of properly trained and competent personnel, and protection from unrestricted callouts for line-handling at all hours of the day or night. Comments by the current Coast Guard Chief of Staff, Vice Admiral Josiah, a former Eighth District Commander, indicates that he believes that such changes will be virtually impossible to make. [ENCLOSURE #24A].

Unfortunately, the NTSB is an independent agency and can only make recommendations. It has no enforcement powers. The Coast Guard can adopt their recommendations when it wishes and even promote recommendations with great enthusiasm as if they represented decrees from Olympus. On the other hand, they can and frequently do ignore recommendations that do not fit their agenda as if they were never made. In 1995, the NTSB published an "Appendix" in a Marine Accident Report that listed 55 NTSB safety recommendations that the Coast Guard had ignoredð some for almost 20 years! [ENCLOSURE #24B]. GCMA is well aware of this type of arrogance on the part of the Coast Guard. It is particularly galling when directed toward the nation's premier professional transportation accident investigators. We believe it must be recognized and publicly exposed. Particularly noteworthy are the number of small vessels that this report cites. However, this is not an up-to-date list; since 1995, a number of these 55 NTSB recommendations have been resolved.

We choose to compare lower-level mariners' 84-hour work week to the 60-hour week of over the-road truckers that are regulated by the same U.S. Government Agency, the U.S. Department of Transportation.

TOPIC #25: Access to Ranking Coast Guard Officials:

Members of industry trade associations have immediate access to important Coast Guard district offices where mariners generally do not. In contrast, when GCMA asked for a meeting with the District Commander, RADM Pluta, to discuss a number of items of importance to our mariners it took months to set up the appointment. A preliminary meeting was set with two district staff officers (Captain Desmond and Captain Marsh) who indicated that the Coast Guard was virtually powerless to honor any of our requests since it was both undermanned and overworked. It is notable that both of these officers would leave the Coast Guard and accept employment with private industry within the year. Upon our insistence, a meeting was eventually scheduled with RADM Pluta.

At that meeting, GCMA was set up with indirect access to RADM Pluta through a "liaison officer" as an intermediary. While this at least gave us the status of having a formal point of contact within District Headquarters, this contact was rendered ineffective when important letters directed to the attention of RADM Pluta through the liaison officer (specifically letters dealing with complaints of vessel undermanning) did not reach RADM Pluta in a timely manner, and to the best of our knowledge have yet to be delivered to him.

TOPIC #26: Participation in Federal Advisory Committee Meetings:

While industry trade associations have travel budgets and Washington area offices that facilitate dealing with the Coast Guard and other government agencies, until GCMA was founded in April 1999 with support from our sponsor, five maritime unions, travel to Washington or any other distant city would have been an out-of-pocket expense for any individual mariner who decided to attend. Participation in meetings of various Federal Advisory Committees such as the Towing Safety Advisory Committee (TSAC), the National Offshore Safety Advisory Committee (NOSAC), and the Merchant Marine Personnel Advisory Committee (MERPAC) would be out of the questionï leaving the interests of lower-level mariners without representation.

Advisory committee meetings are held on a regular basis and conduct ongoing business from session to session. While most committee members appointed by the Secretary of Transportation can be reimbursed for travel and per diem, concerned members of the public must pay to attend out-of-pocket.

TOPIC #27: Participation in the National Offshore Safety Advisory Committee (NOSAC):

NOSAC is one of the most meaningful advisory committees that discuss matters of concern for lower-level mariners who work in the offshore oil industry. Members of this committee are not eligible for reimbursement for transportation, meals and lodging and although this committee is conducted at very little direct cost to the Coast Guard, it is a very influential committee. Although GCMA members applied to the Secretary of Transportation for membership on this committee, to date the only mariner appointed is a Port Captain that represents a boat company. His views can hardly be interpreted as representative of GCMA mariners. [ENCLOSURE #27].

It is unfortunate that the large number of industry appointments to the National Offshore Safety Advisory Committee (NOSAC) is not balanced in any manner by even a single labour representative. This is an entire area of the marine industry where labour has no representation at all and where it is needed most if for no other reason than to protect the interests of lower-level mariners. As a "discretionary" advisory committee (i.e., established by the Secretary of Transportation rather than by Congress) NOSAC has succeeded in keeping labour from being recognized and from being represented on this important committee that reviews significant issues on the outer continental shelf.

GCMA believes that the committee charter establishing NOSAC needs to be reviewed and revised so that representatives from labour may be accorded adequate representation on this committee. Although this committee operates at no cost to the government, we believe it has been operated as an exclusive club and its continued existence on this basis needs to be questioned.

In a meeting of NOSAC in Washington on April 20, 2000, GCMA proposed that the committee consider the possibility of establishing a working tripartite arrangement where government, industry, and labor would cooperate to improve working conditions on the outer continental shelf along the lines of the book titled Guidelines for the Safe Management and Operation of Offshore Support Vessels published by UKOOA/Chamber of Shipping and recommended to us by our ITF mentors.

A number of the practices followed in the North Sea appear to have considerable merit in comparison to current practices followed in the Gulf of Mexico. After mentioning specific practices briefly in the public portion of the session, I walked to the blackboard in the front of the room to print the title of the book so that the Committee and the audience could see and record it. I heard several openly derisive comments from Robert Alario, President of OMSA, denigrating the use of North Sea procedures in the Gulf of Mexico and suggesting, based on his experience, that the committee really did not want the oil industry in the Gulf of Mexico run in the same manner as in the North Sea.

We believe that many experienced lower-level mariners will find that some of the procedures the book suggests are much more planned, predictable, orderly and safe than those currently practiced in the Gulf of Mexico.

TOPIC #28: Violation of the 12-Hour Work Regulations:

Although America has had wage and hour regulations in force since the early days of the last century, the concept of "overtime pay" has eluded most lower-level mariners. Consequently, many employers basking in the knowledge that the Coast Guard has no intention, interest, or possibly even capability to enforce its 12-hour work regulations, see no reason why it should limit the hours it expects its employees to spend at work on a daily basis.

The GCMA has asked the Coast Guard to take the most basic step to require all lower-level mariners to record their working hours and other details of their daily activities in a vessel logbook. **[ENCLOSURE** #28A]. The fact that this basic step has never been required speaks volumes on the lack of concern the Coast Guard has shown for lower-level merchant mariners and its willingness to allow boat companies to run roughshod over its employees and work them into the ground. GCMA is still awaiting word more than 18 months after our formal request to the Commandant to see whether the Coast Guard intends to act on our formal request to require the maintenance of accurate logbooks on vessels manned by all lower-level mariners. This is indeed aÅsad and disgraceful situation the Coast Guard has allowed to exist over a number of years that plainly deserves immediate resolution.

Even after meeting in person with RADM Paul J. Pluta while he was Eighth District Commander, the GCMA

has not convinced him that a serious and ongoing problem exists whereby many employers knowingly violate the statutory 12-hour work rules. Evidence of this lies in the fact that RADM Pluta never recanted his letter of May 15, 2000 **[ENCLOSURE** #28B] denying that a problem with violations of the 12-hour rule existed in the Eighth District while under his command. Yet the problem is as obvious today as it was then that serious work hour violations do exist. Although RADM Pluta has a copy of our report Mariners Speak Out on Violations of the 12-Hour Work Day **[ENCLOSURE** #28C], we have no evidence that he has read it in its entirety, investigated its claims, or that he believes the problems it presents actually exist or are even significant. This is unfortunate because RADM Pluta has been promoted to the position of Assistant Commandant for Marine Safety and Environmental Protection at Coast Guard Headquarters.

After the GCMA publicly complained about the widespread work hour violations to a Louisiana state Senate committee and furnished copies of our report to RADM Pluta, it was months before he agreed to meet with us and even then did not discuss this important topic in detail. It is plainly evident that the higher echelons in the Coast Guard are unwilling to take a stand to protect lower-level mariners from their pampered and influential clique of boat owners.

TOPIC #29: Reputation of the Eighth Coast Guard District:

Over the years, the Eighth District has not had a particularly good reputation with lower-level mariners, or in fact, within the ranks of many newly-retired Coast Guard officers. There are many opportunities for personal advancement dangled in front of enterprising officers that we believe are not always left sitting on the table. [ENCLOSURE #29A]. Corruption within the licensing system has existed for many years both at the expense of the system and individual mariners. [ENCLOSURE #29B]. The system has allowed longstanding problems to exist for years without making significant corrections.

Mariners have seldom been able to count on senior Coast Guard officers to take their side against employers. As an "employee-at-will," employers can (and often do) terminate a lower-level mariner's employment when he insists on operating his vessel safely and in accordance with his own best judgment as a licensed mariner. In such cases, GCMA believes that a mariner prerogative to operate safely deserves support from the Coast Guard.

One example I was involved in 1982 where an oilfield utility boat captain was fired for refusing to run his 120' vessel in the fog in an area he was unfamiliar with. At the time, I was shocked that the Eighth District Commander copped out by stating that he never becomes involved in "labor disputes." This obviously was more than a labor dispute since it involved pitted a master's judgment concerning the safe navigation of his OSV under very difficult conditions against the demands of a shore-based dispatcherð as the record clearly indicates. GCMA believes in cases like this that the Coast Guard has a clear duty to respect and support the position of a licensed officer in light of the responsibilities the Coast Guard clearly understands that licensed maritime officers operate under. [ENCLOSURE #29C].

TOPIC #30: Industry Aversion to Training Its Own Personnel:

With the possible exception of Tidewater Marine, many boat companies in the offshore towing and offshore oil sectors of the maritime industry have never devoted significant portions of their budgets to training their mariners. Until 1998, most companies would not hire a mariner without a license or with any intent of training mariners for advancement. By 1998, the cost of obtaining a basic lower-level license was between $500 and $1,000 USD ï a figure that most potential licensees could manage on their own. As training costs crept upward and a personnel shortage developed, some companies became more willing to "advance" some mariners the necessary training funds in return for pledges of remaining with the company until the loan was repaid or for some fixed period of time.

To encourage employee retention and at the request of OMSA, the Coast Guard even restricted the use of certain licenses issued to marginally trained employees to boats owned by the sponsoring company for up to a year. This turned that mariner into little more than an indentured servant and left him as pawn in the hands of his employer.

In 1996, the MSO New Orleans introduced policies known as 1-A-96, 1-B-96, and 1-C-96 [ENCLOSURE #30A] that allowed certain qualifying boat companies to issue temporary seamen's documents instead of the Coast Guard and reduced the amount of sea service time for eligibility for certain licenses and documents. This was done at the urging of the Offshore Marine Service Association (OMSA) and with the full cooperation of several Eighth District units (as "corporate welfare") to improve the chances of recruiting, retaining new mariners, and to effective prevent new employees from moving from one company to another. Individual boat companies would train these mariners for their new positionsï an area in which many of these companies had very little experience or

background. These new local policies were later adopted by the entire Eighth Coast Guard District and applied to inspected vessels. This is just one of many examples where the industry was able to mold a compliant Coast Guard's licensing policies to fit its immediate needs.

However, within a year and after closely reviewing the District plan, Coast Guard Headquarters withdrew permission for the Eighth District to continue to allow private employers to issue temporary merchant mariner documents although it appears that certain companies still issue such documents to their employees beyond the deadline. **[ENCLOSURE #30B].**(1) *[Refer to the dates on this enclosure.]*

This leads to a conclusion that the Eighth District readily bows to the decisions placed before it in a desire to please industry, which is its "customer." In a much smaller sense, mariners who approach a Coast Guard Regional Exam Center with a license transaction are also viewed as customers - with notably less leeway than their corporate customers who can exercise considerable political clout.

Although Coast Guard Headquarters shut down the provision that corporations be allowed to issue temporary merchant mariner documents (called "Z-Cards") for these favored employees in lieu of the Coast Guard, the policy of issuing temporary Z-cards good for up to 270 days continues today under District Policy #06-2001 **[ENCLOSURE #30C].**

With an industry turnover rate reported by OMSA to approach 90% per year, the 270-day merchant mariner documents simply make it easier for employers to shuffle through an endless procession of new employees without ever being called upon to "straighten up their act" and undertake meaningful reforms that would enhance retention, and train new employees for long-term careers in the industry. GCMA believes that necessary reforms would require a positive attempt to reverse the anti-labor posture embraced by OMSA that currently poisons relationships throughout the industry.

GCMA believes that the offshore oil industry needs to give greater consideration to providing long-term employment to workers and should pay greater attention to treating its existing work force as permanent employees. Permanent employees expect to work predictable work schedules, stand standardized and predictable watches, serve on vessels that are properly inspected (including currently "uninspected" towing vessels) adequately fed and fully crewed. Permanent employees expect to be trained for advancement within the company and to advance in a predictable pattern within a reasonable time frame.

Consequently, when the Coast Guard proposed the revised "giveaway" of temporary merchant mariner documents valid for 270 days in early 2001, GCMA submitted a paper opposing the new plan and offered long-term a number of long-term suggestions that were not adopted in the Coast Guard's preoccupation with fulfilling the short-term needs of its corporate clients. **[ENCLOSURE #30D].**

TOPIC #31: Labor Relations for Employees of the Eighth District.

The Coast Guard has a large number of civilian employees throughout the country, including many in the Eighth District. A few years ago, as Editor of the NAME Newsletter, I heard that civilian employees at the Regional Exam Center had joined a union. I inquired by letter as to which union represented these employees but was never given the courtesy of a reply.

Several years ago, in response to intolerable working conditions, a number of licensed Pilots employed by the Coast Guard to operate the vessel traffic light signals and monitor river traffic near Algiers Point sought representation by a recognized maritime labor union. Captain Ray Bollinger, a licensed mariner and a member of both NAME and GCMA, presented three proposals to affiliate with recognized maritime unions but learned that they could not represent his work group because the Service Employees International Union (SEIU) already represented Coast Guard employees. Understandably, the maritime unions are not allowed to "raid" or infringe upon the SEIU.

Subsequently, Captain Bollinger and his group joined the SEIU and continued to experience harassment from his immediate superior, a LT (j.g.) Ken Mills. The situation became intolerable for Captain Bollinger when he expressed his frustration to me as an officer of the GCMA. In turn, I brought the problem forcefully to the attention of the Coast Guard's GCMA Liaison Officer, LCDR Danny LeBlanc, who brought the matter through Coast Guard channels to the attention of LT Mills' superior, CAPT Stephen Rochon, Commanding Officer of the New Orleans Marine Safety Office. Eventually, CAPT Rochon and Captain Bollinger had a lengthy meeting and resolved many of the labor problems.

The nature of the Coast Guard's problems with its own work force were described by Mr. Kenny Schneider of SEIU Local 100 in a letter to GCMA dated December 12, 2000. **[ENCLOSURE #31].** It is obvious from this letter and from Captain Bollinger, who I have known for over 20 years, that some Coast Guard junior officers do not have a clue as to how they should treat civilian employees who belong to recognized labor unions. However, the lack of respect for their own civilian employees does not differ markedly from the way certain Coast Guard officers treat local merchant mariners and is not to be tolerated.

TOPIC #32. Disgraceful Quality of Coast Guard "Justice" Rendered to Lower-Level Mariners:

Coast Guard officers are assigned to various positions throughout the service including "Investigations" offices in each of over 40 Marine Safety Offices throughout the country. Coast Guard investigators examine every type of marine casualty imaginable. Unfortunately for all, the quality of these investigations has been deteriorating for a number of years, as captured by a report commissioned by the Coast Guard itself. **[ENCLOSURE** #20].

In many cases, investigating officers bring charges against merchant mariners. Hearings are held before an Administrative Law Judge who can take "remedial" action against a mariner often by suspending or revoking his license or merchant mariner document. Such an action effectively prevents a merchant mariner from sailing and can severely disrupt his life and livelihood until resolved.

The Coast Guard's legal system became overloaded with "drug" cases in recent years until the system took steps to sidestep the burden by allowing accused drug users to "voluntarily" surrender their licenses and undergo "rehabilitation" by replacing a judicial process with one that was purely administrative. However, a number of mariners have resisted 'voluntarily" surrendering their licenses and undergoing a lengthy and expensive rehabilitation process if they are not guilty. Yet the Coast Guard has made it prohibitively expensive and virtually impossible for the average mariners to prevail in cases where there is a miscarriage of justice. Although the case load for Administrative Law Judges was dramatically reduced by these new administrative procedures, the system itself has come under increasing criticism. This criticism is detailed in two cases handled by two different GCMA attorneys and summarized in a recent GCMA Newsletter distributed to over 9,000 licensed lower-level mariners. **[ENCLOSURE** #32].

Based on these cases and others brought to our attention, GCMA protests the fact that the Coast Guard exercises has arbitrarily exercised almost absolute power over lower-level mariners with a tainted and flawed legal system that increasingly attacks and destroys mariners with a vengeance with the full power and prestige the Coast Guard can muster. GCMA believes that the Coast Guard must, and encourages them to carefully and immediately investigate every reported abuse of the existing drug-testing system to restore its reputation and good name.

TOPIC #33: Coast Guard Defends Industry's Undermanning Offshore Supply Vessels (OSV):

GCMA has confronted the Coast Guard for its policies that allow the undermanning of offshore supply vessels in 24 hour service for voyages of less than 600 miles in the Gulf of Mexico. **[ENCLOSURE #33A].** Many vessels are dispatched with too few crewmen to fully man the vessel's deck and engine department for 24-hour operation. Minimum manning requirements often make no provision, in light of the industry's high turnover rate, for carrying individuals who are not adequately trained and fully competent in the minimal crew level assigned to a vessel.

Although Coast Guard officers who are responsible for assigning the vessel's manning level claim to only be following Coast Guard manning policies published in Marine Safety Manual, Volume 3, most have had no experience in working on offshore supply vessels except in an inspection capacity dockside or on "sea trials." Yet, their "expert" opinions coupled with inadequate manning scales established in the Coast Guard policy manual have been developed outside the scrutiny of public rulemaking processes. These internal policies regulate the lives of every lower-level mariner that serves on an offshore supply vessel.

In 1982, the Coast Guard assigned two Coast Guard officers to ride OSVs and prepare a detailed report called a Functional Job Analysis (FJA). **[ENCLOSURE** #33B]. This report was well-done but was allowed to gather dust shortly after it was completed and was never followed up by Coast Guard officials.

GCMA only recently reintroduced the report to the current crop of Coast Guard officers in the Eighth District. For the past twenty years, the Coast Guard tried to maintain a purportedly "level playing field" that was as acceptable as possible to the boat owners.[(1)] The boat owners placed their emphasis on constantly cutting the size of boat crews, working their compliant mariners an unacceptable number of hours, and chiseling the vessel's minimum

manning by substituting untrained or semi-trained personnel in some of the slots. *[(1)Mariners have never had any voice in vessel manning.]*

During this period, boat companies removed cooks from many vessels to trim payrolls without regard for the mariners' general health and proper nutrition. In addition, deck crews were left responsible for maintaining and operating engine rooms on many OSVs' and towing vessels' without any formal mechanical, electrical or safety training or a any requirement to hold any documentation proving competency to perform or proficiency in these duties. The implications of the May 28, 1993 allision of the M/V CHRIS with New Orleans' Judge Seeber Bridge that killed one and seriously injured two people while the Captain ducked into the engine room to check on his newly-hired deckhand, who was tasked with changing a pair of fuel filters, apparently did not provide a memorable wake-up call to officers responsible for marine safety in the Eighth District.

TOPIC #34: OMSA Appeals to the Young and the Restless:
In public meetings and documents sponsored by OMSA **[ENCLOSURE #30A],** the trade association appealed to potential mariners by stating that the industry could offer its new hires the opportunity for more rapid advancement in this segment of the maritime industry than in any other sector. However, industry can only deliver on promises of rapid advancement if it can successfully bypass existing Coast Guard regulations that mandate certain fixed periods of time between raises in grade.

By working through the Eighth District and pressuring employees at National Maritime Center and the Regional Exam Center in New Orleans, the offshore oil industry was allowed to offer special deals to certain employers and their employees that delivered upon the promises of rapid advancement. GCMA favors equal treatment of all mariners rather than special treatment for some mariners for purposes designed principally to serve the short-term goals of their employers.

Enclosures
[Note: Copies of enclosures included on report sent to ITF only.]

1. U.S. Coast Guard Districts (map). **[Page 1]**
2. Editor's Resume. **[Page 3]**
3A. Exerpts from USCG Report, Licensing 2000 and Beyond (1993). **[Page 7]**
3B. Inspector General's Audit Report: Merchant Mariner Licensing and Documentation Program. **[Page 13]**
3C. How Bureaucracy Wrecked the USCG Merchant Mariner Licensing and Documentation Computer System. **[Page 51]**
3D. Coast Guard Licensing Fiasco. (Hundreds of Missing Licenses). **[57]**
3E. Vital (Licensing) Statistics. **[Page 59]**
4. The Newman Report (BOUND SEPARATELY)
6. NAME Letter to Commandant J. William Kime, April 11, 1994 detailing serious problems within the USCG Marine Personnel Division (G-MVP). **[Page 67]**
7. Discussion of the need for a Whistleblower's Bill-by Lee J. Bloomfield, Esq. **[Page 71]**
8A. Towboat Pilotage Edict Insults the Most Experienced Mariners. **[Page 77]** American Inland Mariners Formally Appeals (Eighth District) Towboat Pilotage Decision.
8B. Coast Guard is willing to do "The Right Thing" for Western Rivers Pilots. **[Page 85]**
9. Unfair Labor Practices in the River Industry are Documented. **[Page 87]**
10. Deck, J. Interim Recommendations for Tow Powering and Configuration for Western Rivers Push Tows. (BOUND SEPARATELY)
11/12. GCMA Resolution on Lifesaving Equipment. **[Page 91]**
Dangers Afloat: Safety Rules Are Tightened for Passenger Vessels.
Inadequate Lifesaving Regulations Fail to Protect Towing Vessel Crews and Other Lower-Level Mariners.
Gulf Coast Mariners Association Resolution on Survival Craft for Uninspected Towing Vessels. Cold Weather Protection for River Towboat Crews.
13A. GCMA Files Suit Against Ensco for Failure to Report Accidents. **[Page 103]**
13B. Letter to Coast Guard Questioning Accident Statistics. May 19, 2000. **[Page 1051**
14A. Letter to Eighth District Legal Office RE: Possible violations of ILO Convention #9. Oct. 6, 2000. **[Page 107]**
14B. Reply by Eighth District Legal Office, Nov. 7, 2000. **[Page 109]**
14C. Letter to Eighth District Legal Office RE: Vessel Operating Outside Limits of its Certificate of Inspection. **[Page 111]**