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## FORGOTTEN SAFETY ISSUES ON SMALL PASSENGER VESSELS AND PASSENGER CARRYING OSVs

## HISTORY

The term "small passenger vessel" generally includes any vessel of less than 100 gross tons that is certified to carry more than six passengers for hire. The first Federal requirements governing these vessels became effective June 1, 1958 as Subchapter T (46 CFR Parts 175-187).

As the regulations became outdated, the Coast Guard initiated a project to revise Subchapter T in 1982 and after many public meetings and hundreds of comments, finally hammered out an Interim Rule that became effective on March 11, 1996 and a Final Rule effective October 30, 1997. Coast Guard data indicates that the number of vessels less than 100 gross tons totaled 5,613. The Passenger Vessel Association (PVA), the trade association representing 350 boat owners, indicates that it carries more than 200,000,000 passengers each year. These figures alone help to put the size of this national problem into perspective.

On September 19, 1997 (62 FR 49308-48356) the Coast Guard adopted a Final Rule that allowed new and certain existing small passenger vessels such as crewboats and oilfield utility boats to be regulated under a new set of Offshore Supply Vessel regulations in 46 CFR Subchapter L (46 CFR Parts 125-134).

[GCMA Comment: In contrast to Subchapter T, working mariners had little opportunity to review 46 CFR Subchapter L before it went into effect. GCMA asked the Commandant (letter of 12/17/02) to reopen Docket #1999-5951, Offshore Supply Vessel Regulations, and consider GCMA comments submitted in August 1999 to change existing Subchapter L.]

## NTSB SOUNDS THE ALARM ON FIREFIGHTING WEAKNESSES

## M/V PORT IMPERIAL MANHATTAN FIRE

[Source: National Transportation Safety Board report NTSB/MAR-02/02 adopted June 11, 2002.]

**Port Imperial Manhattan.** On November 17, 2000, an engineroom fire occurred on the small passenger vessel PORT IMPERIAL MANHATTAN while it was underway on a Hudson River crossing between Manhattan and Weehawken, New Jersey with a crew of three and eight paying passengers. The fire was severe and the damage estimates amounted to \$1,200,000. As is customary, the NTSB report was very thorough and explored all aspects of the accident. Certain aspects of this event are of particular importance to working mariners as reflected in these NTSB Recommendations:

**NTSB Recommendation M-02-6.** "Require that all small passenger vessels in commuter and ferry service, regardless of their date of build, be fitted with remotely operated fire pumps."

The vessel had a fire main, which could be supplied with water from two fire pumps, both of which were located in the engineroom and neither of which was remotely operated. The fire pump was driven by the vessel's main engine. To engage the pump, a crewmember had to enter the engineroom. The secondary pump was an electrically driven pump that, in normal operations, functioned as a bilge pump for the vessel. The NTSB report mentions that: "The deckhands would have had to enter the engineroom in order to start the pump; however, they could not do so because the engineroom was on fire. The auxiliary fire pump served as a bilge pump during normal operations. However to align the valves and activate the pump so that it would provide water to the fire main, the deckhands would have had to enter the engineroom, which was not possible."

The NTSB had encountered a similar situation in the past in the fire on the M/V ARGO COMMODORE in San Francisco Bay on Dec. 3, 1994 (NTSB/MAR-95/03, p. 31, GCMA document M-076) and had proposed actions that GCMA interprets as being too narrow in that they did not prevent the "loopholes" (below) from watering down subsequent recommendations.

[GCMA Position: We respectfully request that the NTSB revisit recommendations M-95-38, M-95-39, and M-95-40 from the ARGO COMMODORE fire to recommend closing any existing loopholes.]

**Loopholes.** 46 CFR 181.300(e) requires that "new" small passenger vessels, that is, those built, converted, or issued an initial Certificate of Inspection on or after March 11, 1996, have a fire pump that is capable of both remote operation

from the operating station and local operation at the pump. 46 CFR 132.120(k) for Subchapter L vessels (effective in 1996) states: "A fire pump must be capable of both manual operation at the pump and, if a remote operating station is fitted, operation at that station." It is not clear whether the regulation requires that a remote operating station for the pump needs to be fitted in the pilothouse, but the situation on OSVs is comparable to that faced by crewmembers on the PORT IMPERIAL MANHATTAN.

**[GCMA Position: For safety of crew and passengers (if any) every Subchapter K, L, or T vessel less than 100 gross tons, regardless of age, should be fitted with a fire pump remotely operated from the vessel's pilothouse.]**

**[GCMA Position: Officers and unlicensed crewmembers serving on any small vessel (including uninspected towing vessels) must not be expected by his employer or ordered by an officer either to enter or to perform health-impacting functions in a smoke-filled or toxic atmosphere unless equipped with and trained to use a self-contained breathing apparatus. This should be required by regulations and included in company operation manuals and other instructions.]**

**NTSB Recommendation M-02-8.** "Require that all small passenger vessels in commuter and ferry service, regardless of their date of build, be fitted with a fixed fire suppression system in their engine room."

A comparison between the \$1,200,000 damage suffered by the M/V PORT IMPERIAL MANHATTAN and the \$80,000 damage suffered by the M/V SEASTREAK NEW YORK is largely attributable to the installation of a fixed fire detection and suppression system. Our concern over this matter is fueled both by the danger to passengers and crew of small passenger vessels but also for the crewmembers and industrial persons (aka "persons in addition to the crew") on offshore supply vessels. One of the NTSB statements in this report is as follows: "Because existing vessels are not required to have fire suppression systems in their engine rooms, the passengers on board these vessels are at increased risk."

A Coast Guard rulemaking initiative on fire suppression systems (Docket #USCG 2000-6931) appears to have reached the Final Rule stage for uninspected towing vessels as a result of the M/V SCANDIA / NORTH CAPE accident. GCMA has followed this matter through meetings of the Towing Safety Advisory Committee (TSAC). However, the project apparently split into two dockets according to the Semi-Annual Regulatory Agenda (67 FR 74856 item #1989, December 9, 2002) and as Docket #USCG 1998-4443, RIN 2115-AF-66, appears to have vanished from the regulatory radar screen. In short, we are concerned that this initiative, which has so much potential for protecting working mariners, has been sabotaged.

**[GCMA Position: Fire detection and suppression is costly to install but has the potential to save lives of crew and passengers on all small vessels, not only on commuter ferries. We recommend that the NTSB expand upon what they have observed on the two recent small passenger vessel fires and adopt it as one of your "MOST WANTED" transportation safety recommendations.]**

**NTSB Recommendation M-02-9.** "Establish firefighting training requirements for crewmembers on board small passenger vessels in commuter and ferry service." [Refer to GCMA Position below.]

### M/V SEASTREAK NEW YORK FIRE

*[Source: National Transportation Safety Board report NTSB/MAR-02/04, adopted Sept. 17, 2002.]*

Within weeks after the terrorist attack on the World Trade Center, on September 28, 2001, the starboard engine room on the high-speed catamaran passenger ferry SEASTREAK NEW YORK with six crewmembers and 198 passengers erupted in flames. Flames forced the deckhand who discovered the fire to flee the engine room. Access hatches, ventilation, and fuel for the main engines in the starboard engine room were secured. The fixed carbon dioxide fire suppression system was activated and the vessel proceeded to a nearby Coast Guard station using its port engines where it disembarked its passengers without further incident.

One of the conclusions that the NTSB reached was that "The actions of the crewmembers of the SEASTREAK NEW YORK in this fire show the Circle Navigation Company marine personnel lacked adequate firefighting training." NTSB Recommendation M-02-23 directed at Circle Navigation Company was to "Develop and implement a training program in marine firefighting for your crewmembers."

**[GCMA Position: Firefighting training should be a Coast Guard requirement for all licenses that authorize carrying passengers for hire.]**

GCMA believes that the potential for disaster on vessels of this size are immense. Here, for example, is a 133-foot long aluminum hull certificated to carry 394 passengers sitting more than 2,800 gallons of combustible diesel fuel powered by engines totaling 7,500 horsepower. The vessel has only one licensed officer on board who was never required to have attended an approved firefighting school because his license was "only" a 100-ton license. There is a loophole in existing regulations at 46 CFR 10.205(g)(2) that requires "Training of Crews in Firefighting" for all master or mate licenses for over 200 gross tons. In reading the report, the crew did a commendable job in controlling the fire and handling the passengers.

### NTSB SOUNDS THE ALARM ON LIFESAVING REGULATIONS

*[Source: Edited from National Association of Maritime Educators, Newsletter # 69, pgs. 15-17]*

On October 14, 1997 we wrote to Mr. James Hall, National Transportation Safety Board Chairman, concerning the September 30, 1997 Final Rule regulating thousands of small passenger vessels. In that letter we enclosed a copy of a page from the preamble<sup>(1)</sup> that stated: "Two comments asked why there were 55 outstanding NTSB requirements concerning the safety of small passenger vessels...The Coast Guard has resolved virtually all<sup>(2)</sup> of the previously outstanding NTSB recommendations concerning small passenger vessels." One of these comments was our

comment! [<sup>(1)</sup>62 FR 51328, Column 1, Item 7, Sept. 30, 1997. <sup>(2)</sup>Emphasis is ours.]

Our comment to Chairman Hall was: "Based on our previous correspondence and in reviewing the items on the NTSB "Most Wanted" list, I do not find this to be a true or accurate statement. I did not believe it when I heard it in a public meeting in Mobile, and I don't believe it now."

In a letter dated March 12, 1997 to Coast Guard Commandant Admiral Kramek, Mr. Hall stated in part: "The Safety Board is disappointed that the Coast Guard continues to disagree with several recommended actions for improving small passenger vessel safety. Specifically, CGD 85-080 does not contain requirements for the following:

Out-of-the-water Survival Craft for All Vessels. The Safety Board has placed this safety measure on its Most Wanted List. The Board believes that all vessels on all routes should be equipped with out-of-the-water survival craft to eliminate the risk of injury or death from hypothermia. Moreover, because the Coast Guard is closing a number of coastal search and rescue stations, the need for this safety measure will increase because victims of vessel accidents very likely will have to wait longer to be rescued."

In April 1912 the RMS TITANIC struck an iceberg in the North Atlantic and sank with a heavy loss of life. Before leaving on its first transatlantic crossing, TITANIC was hyped by the press as being "unsinkable." Although it was equipped with every amenity available at the time, TITANIC was not fitted with enough lifeboats to keep all of its passengers and crew out of the water. When hundreds of passengers entered the cold waters of the North Atlantic, most perished quickly.

We can understand why the National Transportation Safety Board is concerned that small passenger vessels (and tugs and OSVs), which may carry dozens or even hundreds of passengers and which also travel waters as cold as the North Atlantic was in April 1912 are not fitted with sufficient inflatable liferafts or even inflatable buoyant apparatus (IBA) to keep all passengers out of the water. What we do not understand is why the Coast Guard remains unconcerned at the potential for disaster that exists.

We also think the Coast Guard is guilty of hypocrisy as well. In a recent copy of the Eighth Coast Guard District's Local Notices to Mariners(1) we noted a significant difference between the new small passenger vessel regulations and the Coast Guard's statements about "ship abandonment and hypothermia." So, let's move out of the high-tech world of miraculous EPIRBs and instantaneous rescues into the real world of "ship abandonment and hypothermia." We believe that this is closer to what passengers and crewmembers might expect than what the preambles to the rulemaking suggest. [(1)LNM #50/97, Dec. 9, 1997, pgs. 1, 2.]

Ship Abandonment and hypothermia: If you are forced to abandon ship, your chances of rescue are increased if you have a pre-planned survival procedure and follow it. Records show that even the quickest ship sinkings usually require 15 to 30 minutes for the vessel to fully submerge. This affords valuable time for preparation. Here are some sound pointers for you to remember in a situation of this type:

1. Don as much warm clothing as possible, covering head, neck, hands, and feet.
2. If an immersion (exposure) suit is available, put it over

warm clothing.

[GCMA Comment: Why are there are no requirements for immersion suits to protect passengers or crewmembers from cold water in any small passenger vessel or towing vessel regulations.]

3. If the immersion suit does not have inherent flotation, put on a life jacket.

[GCMA Comment: History shows there was no shortage of life jackets on the RMS TITANIC. The NTSB has established that humans need more than life jackets to survive cold water.]

4. All persons who know that they are likely to be affected by seasickness should, before or immediately after boarding the survival craft, take the recommended dose of some recommended preventative tablets or medicine. The incapacitation caused by seasickness interferes with your survival chances; the vomiting removes precious body fluid while seasickness in general makes you more prone to hypothermia.

[GCMA Comment: Seasickness pills are not mentioned in small passenger vessel, towing vessel or OSV regulations. They are not required by 46 CFR 160.010-3 for inflatable buoyant apparatus. However, they are packed inside inflatable liferafts for those few vessels now required to carry such a survival craft. Most vessels are not!]

5. Avoid entering the water if possible. Board davit-launched survival craft on the embarkation deck. If davit-launched survival craft are not available, use ladders, or, if necessary, lower yourself by means of a rope or fire hose.

[GCMA Comment: The purpose of an inflatable liferaft and an inflatable buoyant apparatus (IBA) is to keep passengers and crew out of the water. Cold water kills just quickly today as it did in April 1912.]

6. Unless it is unavoidable, do not jump from higher than five (5) meters (16.4 feet) into the water. Try to minimize the shock of sudden cold immersion. Rather than jumping into the cold water, try to lower yourself gradually. A sudden plunge into the cold water can cause death or an uncontrollable rise in breathing rate may result in an intake of water into the lungs.<sup>(1)</sup> On occasions it may be necessary to jump into the water; if so, you should keep your elbows at your sides, cover your nose and mouth with one hand holding the wrist or elbow firmly with the other hand.

[GCMA Comment: In many regulatory projects, the Coast Guard states that one human life is valued at more than \$2,700,000. That sum would equip many vessels that venture into cold water with IBAs.]

[GCMA Comment: The Coast Guard is well aware that the threat of death from plunging into cold water is greatly reduced for passengers and crew if the Coast Guard requires boat owners to furnish "out-of-water" lifesaving devices such as inflatable liferafts of inflatable buoyant apparatus as recommended by the NTSB

following the M/V PILGRIM BELLE accident in 1985. The report of the M/V PORT IMPERIAL MANHATTAN accident (above) reveals that this vessel was not provided with "out-of-water" lifesaving devices nor was it required to carry them. Swimming in the Hudson River in mid-November was a choice averted by seconds with the timely arrival of rescue assets as problems arose in launching the vessel's life floats.]

7. Once in the water, orient yourself and try to locate the ship, lifeboats, life rafts, other survivors, or other floating objects. If you are unable to prepare yourself before entering the water, button up your clothing immediately. In cold water you may experience violent shivering and great pain. These are natural body reflexes that are not dangerous. You do, however, need to take action as quickly as possible before you lose full use of your hands. Button up clothing, turn on signal lights, locate whistle, etc.

**[GCMA Comment: Passengers and crewmembers should carefully consider whether the price of their ticket or accepting a job on a vessel without adequate lifesaving gear while operating in cold water (i.e., water less than 59°) is an acceptable risk.]**

**[GCMA Position: Unlike the Coast Guard, GCMA does not consider a "life float" as adequate lifesaving gear because it does not offer "out of water" protection as recommended by the NTSB.]**

8. While afloat in the water, do not attempt to swim unless it is to reach a nearby craft, a fellow survivor, or a floating object on which you can lean or climb on to. Unnecessary swimming will "pump" out any warm water between your body and the layers of clothing, thereby increasing the rate of the body-heat loss. In addition, unnecessary movements of your arms and legs send warm blood from the inner core to the outer layer of the body. This results in a very rapid heat loss. Hence, it is most important to remain as still as possible in the water, no matter how painful it may be. Remember, pain will not kill you, but heat loss will.
9. Try to conserve body heat. Float as still as possible with your legs together, elbows close to your side and arms folded across the front of your life jacket, minimizing the exposure of the body surface to the cold water. Try to keep your head and neck out of the water. Another technique is to huddle closely to one or more persons afloat, making as much body contact as possible. You must be wearing a life jacket to be able to hold these positions in the water.

**[GCMA Comment: This description is a reality in cold water and viewed in stark contrast to a dry place in an enclosed inflatable liferaft.]**

10. Try to board a lifeboat, raft, or other floating platform or object as soon as possible in order to shorten your immersion time. Remember, you lose body heat many times (approximately 25 times) faster in water than in air. Since the effectiveness of your insulation is seriously reduced by water soaking, you must try to shield

yourself from wind to avoid a wind chill effect (convective cooling).

**[GCMA Comment: If your vessel does not have enough inspected and serviced inflatable life rafts, inflatable buoyant apparatus (IBA) or other "floating platforms," you must stay in the water.]**

11. Do not use "drownproofing" in cold water. "Drownproofing" is a technique whereby you relax in the water and allow your head to submerge between breaths. It is an energy saving procedure to use in warm water when you are not wearing a life vest. However, the head and neck are high heat loss areas and must be kept above water. That is why it is more important to wear a life jacket in cold water. If you are not wearing a life jacket, tread water only as much as necessary to keep your head out of the water.
12. Keep a positive attitude about your survival and rescue. This will improve your chance of extending your survival time until rescue comes. Your will to live does make a difference.

In his letter to Admiral Kramek, Chairman Hall makes these additional points concerning shortcomings of the small passenger vessel regulatory project:

Comprehensive Verbal Safety Briefings: The Safety Board has placed this safety measure on its Most Wanted List because it believes that posting written safety instructions on a sign or printing them on the back of a ticket stub not only does not provide comprehensive emergency instructions to passengers, and also may result in safety instructions not being read. Further, a verbal briefing affords passengers the opportunity to ask questions should they not understand procedures.

**[GCMA Comment: NTSB Recommendation M-02-14 in the M/V PORT IMPERIAL MANHATTAN fire states: "Eliminate the waiver for verbal safety briefings and require that such briefings be given to passengers on all small passenger vessels.]**

Personal Floatation Devices (PFD) Lights Regardless of Route: The Safety Board believes that the benefits to search and rescue (SAR) efforts and to the survivability of people in the water significantly outweigh the small cost of PFD lights. Further, the value of this equipment is demonstrated by the Coast Guard requiring that its own SAR personnel have equipment with PFD lights.

**[GCMA Comment: Sadly, the Coast Guard takes better care of its own personnel than it requires employers to care for the merchant mariners it superintends. This is only one small example.]**

Deckhand Qualification Standards: The Safety Board believes that the sophisticated equipment, vessel size, routes, and passenger loads of today's small passenger vessels demand qualified and trained personnel. The lack of qualification standards for deckhands aboard small vessels results in passengers on such vessels being subject to greater risk than the cargo on a freighter or tanker.

**[GCMA Comment: The lack of qualification standards for deckhands, including the total lack of mechanical training for persons that are in charge of the vessel's power plant, is as evident on all vessels less than 200 gross tons and needs to be addressed. Refer to GCMA Investigative Report #R-279.]**

Construction, Licensing, and Manning Standards on Subchapter K Vessels: Passengers on Subchapter K vessels with overnight accommodations on extended routes are subject to the same risks as passengers on most Subchapter H passenger vessels. Therefore, the Safety Board believes that all passenger vessels regardless of gross tons should be held to the same high standards.

**[GCMA Comment: We continue to be appalled that the Coast Guard thumbs its nose at well-documented safety shortcomings exposed by the National Transportation Safety Board. We urge our mariners to continue to bring to our attention specific safety shortcomings in existing regulations.]**

### M/V FINEST GROUNDING

*[Source: National Transportation Safety Board report NTSB/MAR-02/03 adopted September 17, 2002.]*

About 1930 on January 4, 2001 the domestic high-speed ferry FINEST with 258 passengers, five crewmembers, and one company official on board, ran aground outside the channel to the Shrewsbury River, Sandy Hook Bay, New Jersey while en route from New York City to Highlands, New Jersey as a result of a navigation error. No one on board suffered injuries and the vessel sustained no damage.

Although it had nothing to do with the accident, this small passenger vessel was certificated to carry 389 passengers and a crew of six. The run was a regular commuter run in mid-winter with ice in the bay and temperatures below freezing.

The NTSB report (p.13, footnote 11) states: “In accordance with Title 46 CFR Part 117.200, vessels on a limited coastwise (voyage) without overnight accommodations are required to carry inflatable buoyant apparatus for 67% of the total persons that can be carried in accordance with the COI (Certificate of Inspection). The IBA on the vessel, therefore, was not sufficient for the entire crew or passengers actually on board the vessel if it had been necessary to use them. If the accident that had overtaken the M/V FINEST had been a fire rather than a grounding and that fire had been of the intensity and was mishandled as in the case of the M/V PORT IMPERIAL MANHATTAN fire, this shortcoming might have proven fatal.

**[GCMA Position: We believe that every crewmember and passenger (or equivalent person) on small passenger vessels, offshore supply vessels, and uninspected towing vessels should be furnished out-of-water lifesaving apparatus.]**

### UNDERMANNING ON "SUPER" CREWBOATS LESS THAN 100 GROSS TONS

*[Background: One method of exploiting lower-level mariners working in the offshore oil industry was revealed by Larry T. Rigdon, Senior Vice-President, Tidewater, Inc., in a letter addressed to Coast Guard Docket #USCG-1997-3198 on June 1, 1998. Mr. Rigdon complained of unsafe practices by his competition.*

*GCMA finds it very significant that copies of this letter also were e-mailed to and initialed by USCG Captain William C. Bennett at the National Maritime Center (NMC). Captain Bennet's branch at NMC controls the nation's merchant marine personnel. Senior officers in this branch apparently were unwilling to step in to protect "lower-level" mariners working on large, undermanned "super" crewboats or to protect the environment. They simply ignored the message.*

*"Super" crewboats are less than 100 gross tons. The Certificates of Inspection of these vessels do not require a trained Tankerman (PIC) to take charge of pumping the large quantities of fuel, liquid mud, liquid chemicals, and other pollutants at the dock or at offshore destinations. Since these vessels are less than 100 gross tons, boat owners are free to employ deckhands that do not possess a merchant mariners document (MMD). In contrast, on inland waterways, a trained and properly certificated Tankerman (PIC) must pump liquid cargo. "Super" crewboat Certificates of Inspection do not even require the vessels to carry an engineer.*

*Chances are, if you hold a license as Master or Mate, the Coast Guard will hold you responsible for an oil spill. Also, with a license, you may be the only person with enough knowledge of the engineroom to change the oil on 3, 4, or 5 main engines and several generators. This is another example the Coast Guard overlooks and thereby allows potentially unsafe conditions to exist. In Mr. Rigdon's e-mail that follows the emphasis by underlining is ours.]*

To Whom it may Concern:

The following pages contain a response to the USCG request for industry input concerning the establishment of alternate tonnage design criteria and/or thresholds. Tidewater, Inc. (Tidewater) would like to offer some general information about the negative impact that existing tonnage design criteria are having on one segment of the offshore petroleum industry, and we will provide a Tidewater response to the alternative tonnage questions provided by the USCG for industry consideration.

In general, it is agreed that any design criteria, which incorporate tonnage reduction techniques, can be manipulated to allow very high risk or unsafe vessel operations. Tidewater cannot emphasize enough our support for continuing action to stop tonnage manipulation resulting in the operation of vessels at high risk or in unsafe conditions. In order to help illustrate the significant risk associated with tonnage manipulation, Tidewater has provided examples of aggressive manipulation of the U.S. tonnage regulations in this document.

A primary example of the manipulation of tonnage reduction techniques is the current "super" crewboat, (actually a fast supply boat). The "super" crewboat class, is made up of vessels between 150 and 200 feet in length, are powered by up to 6,000 horsepower and are remarkably under 100 U.S. Gross Tons. These vessels can be and are typically operated by a four (4) person crew, composed of

one master with an under-100 GT USCG license and three (3) ordinary seamen. None of these individuals are required to have any engineering based training. The only requirement for the three ordinary seamen is the completion of basic safety training under STCW. [*Editorial note: STCW training is not required on vessels of less than 200 gross register tons in domestic service.*]

These new "super" crewboats are actually working as offshore supply vessels, not as crewboats. The "super" crewboats routinely operate at speeds in excess of 20 knots, around the clock, while carrying up to 400 tons of cargo consisting of general oilfield supplies and equipment, fuel, water, and containerized items, including dry cement and barite in portable tanks. In the same manner of operation as an OSV, this cargo is off-loaded at offshore rigs and platforms either through transfer by crane or by pumping the liquids or dry bulk cement and barite off the vessel utilizing the vessel crew. Unlike an OSV, none of the crewmembers of the "super" crewboat are required to be DDE licensed engineers or tankermen. We do not believe that this is what the rulemakers envisioned when the Subchapter T rules were first drafted. Manipulation of this type should be stopped.

It is Tidewater's opinion that operators are deploying "super" crewboats (really aluminum supply boats with passenger seats) as OSVs, to avoid the training impact of STCW, with fewer crewmembers with less training. Tidewater can evidence that recently delivered 165 foot "super" crewboats, built with three (3) main engines of 2,000 horsepower each are only required to have a crew of four (4) persons having the absolute minimum qualifications described above. This compares to the most recent new-build 200 foot plus offshore supply vessels with only two (2) main engines of 2,000 horsepower each which is required by its COI to have a highly qualified crew of nine (9) persons.<sup>(1)</sup> [<sup>(1)</sup>*GCMA Comment: Mr. Rigdon should also know that many 200 foot OSVs operate with far fewer than 9 persons! GCMA has documented a 220-foot OSV with a crew of five (5) persons. Refer to GCMA Report #R-328.*]

Having cited only a single (extreme) example of the potential hazards associated with tonnage reduction schemes, Tidewater recommends no further consideration be given to the future use of any (including the current U.S. Regulatory) tonnage reduction techniques. Instead, the USCG should focus all its attention on the use of "International" tonnage and the establishment of acceptable corresponding thresholds for all new construction...

**FATIGUE: HOW THE 12-HOUR RULE AFFECTS MARINERS ON VESSELS LESS THAN 100 TONS**

[*Source: Edited from a letter from "Captain Crip", Dec 18, 2002*]

**Background:** One of the GCMA's most important projects since its founding was to expose the abuses of the 12-hour rules that affect most lower mariners who work on vessels in 24-hour service.\* Our experience shows that the Coast Guard has been caught abusing its own search and rescue personnel at small boat stations. This may explain why many senior Coast Guard officers show little concern for the plight of the "lower-level" mariners their agency superintends. Captain Crip's letter (below) reflects on one aspect of this abuse and gives further insight into why

employers attempting to recruit "lower-level" mariners find the task increasingly difficult.\*\* [*\*Refer to the GCMA book titled Mariners Speak Out on Violations of the 12-Hour Work Day. \*\*Refer to GCMA Report #R-305, BETRAYED: A Call for Congressional Oversight of the United States Coast Guard.*]

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The men serving on vessels less than 100 gross tons don't have the protections that men serving on vessels greater than 100 gross tons have. I have been talking to quite a few vessel captains and the majority of them cannot get the proper rest they are required to get according to the current rules. Take aluminum crewboats for example. Compared to a steel OSV greater than 100 gross tons, a crewboat is a much lighter vessel and is thrown around by the sea conditions especially when running broadside to the sea.

Supply vessels greater than 100 gross tons are heavier and slower than aluminum crewboats. They take longer to get to their destination and with a more comfortable ride. When they reach their destination they usually tie up to the rig or platform they are servicing so that the captain or mate doesn't have to stay on the controls and remain quite as focused on the offloading of cargo. When the supply vessel reaches the dock it takes longer to offload and then load the cargo.

A crewboat is much lighter and faster and takes a sea rougher, especially in 6, 8, 10, or 12 foot seas and especially a "side sea" where the crewmember on his off-watch can't sleep because he is tossed around in his bunk. The captain must remain on the controls and stay focused on the job at hand. Then, when he gets back to shoreside dock, he has to load his boat and head right back offshore again. This is especially true when your vessel is contracted to companies like Kerr Mcgee, Chevron, Exxon, and BP who believe in squeezing the most out of the contracted boat crews for their money. When the captains change shifts, the off-going captain has to go through the same procedure as the one that just came on shift and is thrown around in his bunk for the next 12 hours.

This problem needs to be addressed through Congress and the Coast Guard. I think that after 36 hours or so after running in 6- or 8-foot seas that the Coast Guard should require the owners to shut the vessel down for 8 to 12 hours so the crew can catch up on some much needed rest. No one in the boat's crew can get the required rest in these conditions. They should be required to shut down at the dock or offshore on a mooring buoy.

Everybody knows that if the brain doesn't get its required sleep it shuts down and doesn't work at full capacity. Battling the sea in rough weather hour after hour leads to fatigue, accidents, added costs, and finally litigation. Even if the crew on these vessels of less than 100 gross tons had the protections of the larger over 100 gross ton vessels, they still couldn't get the required sleep cycle because every crewmember is still bouncing around in rough weather on his off-duty time as well. The option of working only eight hours is illusory. If we are lucky, we work only 12 hours, that is the eight hours of work plus the four hours extra we automatically "volunteer" for...really a "condition of employment"...when we chose to work for any offshore boat company. In reality, the fatigue is never-ending.