



NMA REPORT #R-350-A

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[Formerly Gulf Coast Mariners Association, Founded in 1999.]

**TESTIMONY BEFORE HOUSE SUBCOMMITTEE ON COAST GUARD & MARITIME TRANSPORTATION
RE: Mississippi River Oil Spill, July 23, 2008**

Mr. Chairman, members of the House Coast Guard and Maritime Transportation Subcommittee, I appreciate the opportunity to speak today. I am Richard A. Block, Secretary of the National Mariners Association. I speak on behalf of approximately 126,000 lower-level mariners who work on tugs, towboats, offshore supply vessels and small passenger vessels of less than 1,600 gross register tons. Lower-level mariners comprise a clear majority of all American merchant mariners.

My prepared testimony consists of NMA Report #R-429-N titled **Report to the 110th Congress: Maritime Towing Accidents Involving Apprentice Mates/Steersmen** that we submitted by mail to every member of the parent Transportation and Infrastructure Committee as well as to the Senate Commerce, Science, and Transportation Committee on July 28, 2008. It is available to the public on our website at www.nationalmariners.org. Because our office in Terrebonne Parish, Louisiana was out of service from Hurricane Gustav for almost two weeks, I do not have printed copies of this 24-page report to distribute today. However, I notified the Subcommittee Staff Director that I welcome questions on this document.

On behalf of our mariners, I wish to commend the Subcommittee for its work in preparing Title XI of H.R.-2830. We believe that this proposed legislation provides the Coast Guard with extremely perceptive and meaningful direction to restore its troubled Marine Safety program that was revealed in the August 2, 2007 hearing before this subcommittee in which we were honored to participate as the Gulf Coast Mariners Association. We also commend the report of retired Vice-Commandant James Card who fathomed the depth of the program's problems.

I wish to further commend Chairman Cummings for conducting a series of public hearings that revealed a number of serious problems within the Coast Guard's Administrative Law system and also for addressing longstanding problems with the Coast Guard investigations process that first appeared in 1994, again in 1996, and attracted public attention in the COSCO BUSAN incident. Our entire nation will be well served by a re-directed and re-invigorated Marine Safety program as envisioned in H.R.-2830.

If you have any questions on this statement or on our report #R-429-N, I will be pleased to address them for you to the best of my ability.

NEW INSPECTION REGIME MIGHT HAVE PREVENTED SPILL

[Source: The Waterways Journal, Guest Editorial, Aug. 25, 2008, by Merritt Lane, III.]

The August 10 (New Orleans) *Times -Picayune* article "Tugs Operate under Radar on River" painted a misleading and very different picture of the tugboat, towboat and barge industry than the one I see as president and chief executive officer of New Orleans-based Canal Barge Company and Chairman of the Board of the American Waterways Operators (AWO), our industry's national trade association.

The industry in which I am proud to make my living is safe. Environmentally responsible phenomenally cost-efficient, and uncommonly progressive in partnering with government to make our nation's waterways as safe and as clean as possible. Last year a study conducted by the Texas Transportation Institute for the U.S. Department of Transportation found that inland waterways transportation is the safest, most environmentally-friendly and most economical form of freight transportation. Waterways transportation has the lowest personnel injury and fatality record, the lowest hazardous material spill record, and generates the least amount of emissions compared to rail or truck transportation.

Our industry has a long track record of both voluntary compliance with safe operating standards and partnership with government to promote ever-higher levels of safety and environmental protection. Fourteen years ago, AWO became the first transportation trade association to establish a code of safe practice and environmental stewardship

for member companies. Since 2000, the AWO Responsible Carrier Program has been a condition of membership in AWO and members must pass an independent safety audit every three years or forfeit their membership in the association.

We have also worked closely with Congress and the Coast Guard to make sure that all companies — not just those who choose to belong to AWO — live by the same high standards. Five years ago, the leadership of the tugboat, towboat, and barge industry took the unprecedented step of asking the commandant of the Coast Guard to request statutory authority from Congress to establish a new inspection regime for towing vessels. Over the past four years, we have worked closely with the Coast Guard under the leadership and oversight of House Transportation and Infrastructure Committee Chairman James Oberstar (D. Minn.) to implement this Congressional mandate so that accidents like the Mel Oliver spill never happen again.

With strong industry support, the Congressionally-authorized Towing Safety Advisory Committee (TSAC), a federal advisory group that includes representatives from the barge and towing industry, maritime labor, cargo shippers, ports and terminals, and the general public has recommended an innovative and effective regulatory approach to towing vessel inspection that would require all towing companies to implement a safety management system like the Responsible Carrier Program. Failing a safety audit would trigger immediate notification of the Coast Guard, which could force the company to correct the problem immediately or get its vessels off the water. To put teeth in the program — without creating unnecessary burdens for the vast majority of companies who work hard to do the right thing — TSAC has recommended a risk-based enforcement regime in which companies with questionable safety records or poor performance on safety audits would be subject to the lions share of Coast Guard enforcement resources.

Had this system been in place this year, the Coast Guard would have been notified when the company operating the Mel Oliver failed its industry safety audit in May which could have forced the company to tighten up its procedures for ensuring that only properly licensed personnel can crew its vessels.

The people of New Orleans have struggled mightily to rebuild our city and its economy following the devastation of Hurricane Katrina three years ago. We can't control Mother Nature, but we can prevent man-made disasters like oil spills that result from human error. The Coast Guard should move immediately to publish the TSAC-recommended towing vessel inspection rules and help make a safe industry even safer.