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Asserting our right "...to petition the Government for redress of grievances."

Amendment 1, U.S. Constitution, Dec. 15, 1791

Remarks of Captain Roland Rodney to the  
National Offshore Safety Advisory Committee  
Washington, D.C. April 3, 2003

Ladies and Gentlemen of NOSAC and Members of the Public:

As representatives of the offshore oil sector of the maritime industry, we would all do well to take the following words of Commandant Thomas H. Collins to heart: "Great Leaders are great communicators. They set the right priorities, challenge existing conditions, create a workplace environment that rewards teamwork, practice what they preach, push accountability and authority, **and put people first.**"

I represent the mariners that serve in this industry and believe we need to give more thought to "putting people first." Without a pool of trained and willing mariners, this industry will stagnate and die. Yet, we are facing a growing shortage of mariners who see a bright future in this industry. For too many years, neither the Coast Guard nor employers have put our people first. Our mariners are treated as barely tolerated step-children. We are threatened and intimidated by employers that refuse to let our mariners organize themselves and decide who will stand up and represent their interests in the workplace. Those mariners who serve on tugboats have been denied coverage by a comprehensive set of regulations to protect them in the workplace for the past 30 years!

We all need to understand the importance of requests made by the mariners in this industry to the Coast Guard seeking a requirement for formal logbook entries on both inspected and uninspected vessels that will reflect their actual hours on duty especially in cases where existing manning and procedures are unsafe for a vessel, its crew, the charterer, the owner and other vessels in navigation or to vessels secured to platforms, rigs or facilities loading or discharging bunkers or cargo.

Lower-level seamen told the Coast Guard they need enforceable logbook standards. Industry and the Coast Guard do not want an official record of his work hours, especially when they could show a violation of work-hour statutes, hours on watch, or might help explain the cause of an accident. Without these details, the Coast Guard cannot **and does not** effectively investigate many accidents or legitimate complaints and, according to a respected Coast Guard attorney, cannot even subpoena existing logbooks to look into civil violations. Unless the Coast Guard has the tools to properly investigate violations and understand the mariner and his vessel's typical

work routine and schedule, they are helpless to take action against the appropriate parties. Mariners lose!

Unfortunately, the Coast Guard informed us that they do not have the authority to require a standardized logbook other than the Official Logbook and it even took three years to obtain that answer. I encourage this committee to push the Coast Guard to ask Congress for the authority to inaugurate a reasonable logbook system similar to the recommendation by the American Waterways Operators contained in their Responsible Carrier Program and list all duty hours and hours on watch.

Mariners favor the "scientifically-based" work-hour regulations proposed by the National Transportation Safety Board in Recommendation M-99-1 **if it is reflected in the crew endurance training based on the scientific work done by the Coast Guard Research and Development Center** as described in previous NOSAC meetings. Their investigation brings to light health and safety situations that need urgent attention. We believe that these recommendations, if acceptable to the NTSB and then implemented, will prevent needless accidents, loss of life, and property. Please remember this very simple point: Mariners want to record their work hours so their lives can be protected. Unfortunately, we are not confident that this industry is really interested in making an adequate effort to implement such a safety procedure.

This committee certainly recalls the complaints by more than 50 mariners about the violations of the 12-hour work rule that were presented to the Coast Guard in 2002 and were never investigated or resolved in any way. After almost two years mariners learned that NOSAC was not equipped to investigate these complaints and they were never resolved. Only the Coast Guard is staffed to investigate complaints of this nature and to enforce the law. Unfortunately, they did not do so!

Looking at the big picture, we can see that properly manning vessels in the offshore industry plays a very important part in assembling a safe and systematic order to conduct business. All the violations of the 12-hour rule on OSVs can be put in one category. That category is undermanning.

Every licensed mariner has a personal and individual responsibility to obey the law as written and is also responsible for reporting suspected watchkeeping and work-hour violations **to his employer**. If the situation is not remedied,

he must **then** notify the Coast Guard at the earliest opportunity to protect his or her license. Well, gentlemen, mariners are complying with the law by reporting the violations.

We need to question in what manner, by whom, and in what time frame is an adequate response made to a reported violation? If a violation is reported to the Coast Guard, what will be an investigator's source of information so he is not biased as he proceeds with his investigation? What procedures are in place to deal with this situation? How many violations has the Coast Guard responded to and in what time frame? What were the results?

A number of questions start to emerge and must be considered to safely man oilfield vessels.

ÉWhat is the nature of the work a given vessel undertakes?

ÉWhat schedule does this vessel follow?

ÉHow long does this schedule continue?

ÉDo the same working conditions of the job persist or do they change?

ÉWhat are the geographic positions of structures and what distances do service carriers travel to maintain safe and dependable service, etc.

To follow this information, we now must put in place a record keeping system of work hours on the vessel so that the Master can monitor watchkeeping and work hours in a continuous manner. The Master must supervise his crew so that violations of safe work-hour standards can be eliminated in their entirety. The record keeping needs to be transparent so that Coast Guard investigators can focus upon violations when mariners make work-hour complaints to the Officer-in-Charge Marine Inspection. Of course, we must also consider a timely response time to legitimate complaints that will ensure a substantial decrease in the 12-hour rule violations.

The Master must be able to communicate freely with the owner, operator, or charterer to ensure realistic goals are set for the job and for the vessel. If management exerts pressure on the Master to exceed lawful work-hours, the Coast Guard must be ready to act when the Master or other mariner reports the situation.

We must stop burying our heads in the sand! Certain companies do exert pressure to exceed the law. In some cases this starts with an employee's application blank where a demoralizing and demeaning statement is made to the effect that he or she can be dismissed for any reason at all at any time. At its best, this statement cautions that any em-

ployment will be temporary and transitory in nature. That does not encourage a mariner to concentrate on building a career in the industry if it is only a temporary job he is taking. At its worst, such a statement intimidates mariners to the point where they are expected to see nothing, say nothing, and do nothing if they see laws and safety regulations stretched or broken by the boat company or by their business associates. This is discouraging and fosters an irresponsible attitude.

With any other conduct, the employee will be dismissed before or sometime after the incident. He will be a *õgone pecanõ* because of the signed *õat willõ* statement the employer maintains in his employment records. The mariner has no recourse.

This procedure is very confusing to lower-level mariners who work in this industry. The signed agreement on an employment application says that either the company or the employee has the right to disengage from the other at any time for any reason either party feels like it. Unfortunately, this is only a one-way street. This discourages a responsible attitude because reporting a violation means the employee will be dismissed eventually sometime after an incident takes place. In any event, he will be a *õgone pecanõ* because of the statement he signed on his employment application.

When an employee disengages himself at a time and place of his or her choosing for a reason of his or her choice, according to this signed agreement, companies can (**and have**) reported him to the Coast Guard for desertion. The employer can also report him to HireChek as a *õDo not Rehireõ*. This blackballs the mariner by discouraging employment by other companies in the industry without stating a reason. The employee often does not understand why he is terminated. Often, the employer cites a bogus reason to discourage unemployment claims. Thus, the industry is deprived of the mariner's training and background as a result. No wonder the turnover rate is as high as it is and mariners avoid the industry. The process is very confusing to many mariners but blackballed mariners clearly understand that they will be wasting their time by returning to the industry.

In conclusion, lower-level mariners whose complaints received no support from their employers, the Coast Guard, or from Federal advisory committees found it necessary to seek redress of their grievances from Congress.