

# Gulf Coast Mariners Association



P. O. Box 3589  
Houma, LA 70361-3589  
Phone: (985) 851-2134  
Fax: (985) 879-3911  
www.gulfcoastmariners.org

**GCMA REPORT #R-415, Revision 2 (Series)  
DATE: November 25, 2006**

## **COAST GUARD MISMANAGEMENT OF LOWER-LEVEL MERCHANT MARINE PERSONNEL: TRAINING AND LICENSING PROBLEMS FOR TOWING VESSEL OFFICERS**

### **TABLE OF CONTENTS**

Western Rivers Towing Industry Downfall Began With "Pilots Agree" in 1998.....	1
GCMA Attacked the Same Problem With a Different Message.....	2
The Towing Industry Reaps What it Sows .....	2
How Serious is the Personnel Shortage .....	2
Companies and Crews Face New License Deadline .....	3
Measuring Skills .....	3
Manning Laws Require Licensed Officers .....	6
The Need for Effective Law Enforcement By the Coast Guard .....	6
For Our Mariners the REC Has Become the Largest Problem.....	7
What Our Mariners Report to GCMA About Their Towing Vessel Licensing Problems.....	8
Mariner Reactions to Licensing & Manning Problems.....	9
The Coast Guard Faces Many Challenges Beyond Towing Licensing Issues.....	10
Comments From an Upper-Level Merchant Marine Officer.....	11

## **WESTERN RIVERS TOWING INDUSTRY DOWNFALL BEGAN WITH "PILOTS AGREE" IN 1998**

The towing industry's downfall began when employers expressed their disapproval of the message the message they received "loud and clear" from their employees. They decided to attack the messenger.

River towboat pilots sent a clear message of warning in April 1998 – a message that they had serious problems with corporate mistreatment, intimidation, and simply having their services taken for granted. "Pilots Agree" was the organization that attempted to deliver the message sent by hundreds of pilots.

The message they presented was in terms that all their mariners could understand – money! However, for the mariners who attended the large public gatherings, the problems extended far beyond the dollars and cents it might take to remedy all the problems within the industry to their satisfaction.

Perhaps better pay might make it seem worthwhile to continue to put in the abusive work hours tied to the "two-watch system" that extends to an 84-hour workweek and more. Maybe more money would finance better health insurance to cover family members or disability insurance to cover mariners who work in a very dangerous industry<sup>(1)</sup> and things like that. Whether you agreed with it or not, Pilots Agree was a spontaneous, grass-roots movement that sought to right many wrongs that mariners suffered. The mariners found that industry leaders would not even discuss their grievances with their leadership. [<sup>(1)</sup>Refer to GCMA Report # R-351. Rev.1. *How Safe Is The Towing Industry?*]

Pilots Agree was not the only mariner movement on the rivers. It may have been controversial and attracted attention because it decided to accept help from a maritime labor union – a fact that turned loose the full energies and opened the purses of aggressively non-union employers who were determined to stamp out any spark of life in Pilots Agree at any cost. The companies poured money and "union-busting" tactics into the battle with their most valuable and experienced employees. In the end, management had the "power of the pay check" and other corporate resources and connections they could throw into the battle – including, most mariners believed, close connections with the highest levels of the Coast Guard at both national and district level. After the struggle that crushed Pilots Agree, many arrogant employers were even more determined to turn a deaf ear to their employees' complaints. Some companies further intimidated their employees by demanding that they push oversize and overloaded tows.<sup>(1)</sup> [<sup>(1)</sup>As described in GCMA Report #R-340, Rev.8. *Oversize and Overloaded Tows Cause Safety Problems.*].

It took almost six months for corporate management to stamp out – and financially ruin – hundreds of their own employees. What the hell, Pilots were a dime-a-dozen, and there were many more where they came from just waiting for a good job!

At the same time, the American Inland Mariners Association (AIM) had a committed membership of over 300 river pilots that attempted to work through the Coast Guard and its Towing Safety Advisory Committee (TSAC) for about five years. However, by the time of Pilots Agree, it was clear that the path leading through TSAC and the Coast Guard was a fruitless, frustrating path where no real progress was possible. The Coast Guard, like arrogant corporate management, was not accustomed to listening to mariners and did not intend to start! The Gulf Coast Mariners Association followed the path blazed by AIM and received the same stone wall treatment from the Coast Guard just about every single step of the way.

The leader of the Pilots Agree movement and his Board of Directors sought to meet and negotiate with representatives of the river towing companies they worked for. However, every company refused to meet with Pilots Agree to discuss anything. Officers and rank-and-file

members of Pilots Agree were threatened, intimidated, and many were summarily dismissed by their employers. With this refusal to meet, an industry-wide strike ensued.

During the work stoppage, the companies used every tool available to them against their striking employees and, as a result, broke the strike. All sorts of reprisals followed in which many mariners that participated in the work stoppage were blacklisted, fired, demoted, or otherwise retaliated against. Divisions arose between those who had the guts to strike and the strike-breakers who picked up the jobs of dismissed pilots – with varying degrees of discomfort.

Some mariners took advantage of the situation and advanced into the positions previously held by more experienced pilots while other mariners with many years of experience simply began an exodus from the industry. Others, who could have served for a longer period, opted to retire believing that conditions would never improve. Others moved to distance themselves from any connection with Pilots Agree with some blaming its leadership for the disaster.

The strike failed but, when it did, it left most of the problems unresolved and festering beneath the surface. It also left a legacy of bitterness and widespread apathy throughout the towing industry on the Western Rivers and along the Gulf Coast.

### **GCMA ATTACKED THE SAME PROBLEMS WITH A DIFFERENT MESSAGE**

If, as some say, the public's memory span is only a reported 18 months, then the Pilots Agree strike becomes ancient history. It certainly has become very convenient to forget it. The remaining legacy many mariners remember clearly and bitterly resent is the humiliating way they were treated and that most of their employers ignored their legitimate complaints.

The GCMA message has nothing to do with "money." It has very little to do with individual companies other than to recognize the most obnoxious and egregious of them and place their names on our "Brown List" as a warning to other mariners to seek employment elsewhere. GCMA's message is all about safety.

While our mariners face exactly the same problems that both AIM and Pilots Agree faced, GCMA drew a "line in the sand." As a mariners' Association, we are no longer willing to cover for any mariner who works illegal hours that violate the law for any amount of money without reporting it. No mariner should have to risk his or her licenses and livelihood performing an illegal act. GCMA also works to change the abusive hours, unsafe and unhealthy working conditions for unlicensed personnel such as deckhands, "deckineers," and unlicensed engineers.

In doing so, GCMA points out ineffective Coast Guard enforcement of the very laws and regulations designed to protect our mariners. After all, Congress gave the Secretary of Homeland Security the task of "superintendence of the merchant marine." This means more than hobnobbing with industry trade association and corporate moguls and turning the Coast Guard into industry's lapdog.

We point out the Coast Guard's failure to provide the safe workplace for our "lower-level" mariners promised for all American workers by Congress in the Occupational

Safety and Health Act of 1970. We go to great lengths to document the problems our mariners face in the workplace.

GCMA's message is also broader in its scope. While AIM and Pilots Agree dealt with problems on the Western Rivers and the Gulf Intracoastal Waterway, we deal with the same problems faced by **ALL** "lower-level" mariners who serve on vessels of less than 1,600 Gross Register Tons. We do not limit ourselves to tugs and towboats but also look to other types of vessels like small passenger vessels and offshore supply vessels. Although we are familiar with the problems of licensed officers, we are equally concerned about mariners who do not hold a license. While our area of operations is largely within the Eighth Coast Guard District, we do not ignore the problems reported by other "lower-level" mariners in other parts of the country.

### **THE TOWING INDUSTRY REAPS WHAT IT SOWS**

Let's move from the past to the present!

The Towing Safety Advisory Committee's (TSAC) Licensing Working Group met in Houston on July 14, 2005 to consider several topics. This was the same group (although not always the same people making up the group) that worked with USCG Headquarters personnel to create the Apprentice Mate/Steersman Program and add it to Coast Guard regulations in May 2001.

It appears that the towing industry thinks it is having a serious problem with the new licensing regulations. It finally awoke to the presence of the new towing-license rules that gradually eased into effect during the 4½ years since May 21, 2001. The rules became fully and irrevocably in place on May 21, 2006.

It is not remarkable that many towing companies ran out of personnel interested in earning licenses to run towing vessels or, in fact, even to work on tugboats and towboats. This situation did not occur overnight. The problem became most noticeable when towing companies decided to play hardball with their employees during and after the Pilots Agree strike and, even earlier, in the tugboat dispute in New York Harbor in the late 1980s. However, it is now clear that Pilots Agree was a watershed, a fact that may not have been evident in the chaos immediately after the strike.

### **HOW SERIOUS IS THE PERSONNEL SHORTAGE?**

Industry participants at the TSAC working group meeting in Houston in 1995 pronounced the situation as "critical." Of course, the towing industry was unwilling to admit that they made a mistake and poisoned the goose that laid their golden egg.

One thoroughly reliable participant in the working group reported that there were fifteen boats tied up in Pittsburgh without crews. Possibly the story of the tragic events the winter of 2005 when a towboat crew drowned at Montgomery Lock and Dam on the Ohio River dampened the enthusiasm of local recruiting in western Pennsylvania but it does not account for large number of reports of crew shortages we receive from our mariners throughout the system every day.

The Pilots Agree strike destroyed many of the existing

interpersonal relationships within companies and turned mariner against mariner. Towing companies in a successful but short-sighted "divide and conquer" strategy shifted crews from boat to boat. That upset and discouraged many pilots from devoting their own time and energy to training a new Apprentice Mate/Steersman assigned to piloting duties who they did not know and probably would never sail with again.

In the "steersman" program, industry sought to replace a strictly voluntary and informal apprenticeship system that trained most of their existing pilots with a new Apprentice Mate/Steersman program engineered by Coast Guard officers because the older system no longer produced enough new Pilots to fill their needs. The TSAC License Working Group and the Coast Guard prepared the new Apprentice Mate/Steersman program in meetings in the Washington area in 2001-2002. GCMA participated in these working group meetings at a cost in excess of \$6,000 (i.e., we were there and know what happened!). The new Apprentice Mate/Steersman program, although blessed by the Coast Guard, does not have the same support as the older, more informal program that existed for many years before the assault against the Pilots in 1998.

A week before the July 14, 2005 TSAC working group meeting in Houston, an excellent article by Jeff Yates appeared in The Waterways Journal. To this article, we added a few comments, emphasis by underlining, and mentioned several other GCMA reports available on our internet website.

### COMPANIES AND CREWS FACE NEW LICENSE DEADLINE

[Source: By Jeff L. Yates, The Waterways Journal, July 4, 2005]

Mariners taking exams for Coast Guard licenses today participate in a more equitable process than those of a few decades ago, according to William Kline, president of The River School, Memphis, Tenn.

Speaking at a Waterways Industries Association luncheon in Paducah June 22, Kline said that although daunting and complicated by new requirements relating to service record, safety, security, radar endorsements, firefighting, and first aid training, today's mariners actually face a more fairly administered test than those given when he first became involved in the process as Coast Guard examiner in 1971.

Until the current multiple-choice exams were implemented, mariners answered essay-type questions administered by examiners who had complete freedom in deciding a mariner's qualification, based upon his own interpretations of the applicant's essay response and/or his evaluation of the person's attitude or general character.

"The Coast Guard personnel had wide discretion in how they graded the exam, as to the kind of questions asked and how the exam was even made up," Kline said.

He said that when he first began as an examiner in Cleveland, Ohio, he was given a box with index cards from which he was told to pick cards with questions from each section of the exam and have the applicant respond to them with essay-type answers.

The process usually took a full week to complete, he

said. "If you had a question regarding a particular answer, you had the option to call the individual over to further explain his answer. If he could explain it well enough, you could say, OK."

It did not take long before it became obvious which questions were the most difficult to answer, and when a mariner walked through the door, he was given a quick once-over. Applicants judged to be pleasant, clean-cut individuals were given easier exam questions and "we were more reasonable on how we graded them. On the other hand, if an applicant was judged to be 'hippy scum' we had a whole different attitude," Kline remarked. "The examiners had that discretion and they could literally vote someone off the island, depending on their individual preference."

Kline said that was a system that could not last, and Guard eventually developed a multiple-choice exam that used a system of overlays for grading by individuals who don't necessarily have any knowledge about the subject. The net result is that the vast majority of Coast Guard employees working in the licensing program do not have a license "and even of those that do, we probably would be hard pressed to find even a handful that could operate a towboat," he remarked.

**[GCMA Comment: Starting in the early 1970s, the Coast Guard "dumbed down" the knowledge level of personnel working in the nation's licensing offices, hired civilian employees without any maritime background, and sharply reduced the number of licensing offices they now call Regional Exam Centers. Our mariners have had to adapt to inconveniences and pay hefty "user fees" for the privilege of receiving substandard service.]**

"Now here we are, 12 years down the road with the operator license (Operator of Uninspected Towing Vessels, or OUTV) in place since 1972 and an accident at Big Bayou Canot in 1993, and we've had an effort undertaken by the industry in partnership with the Coast Guard to develop a new licensing regime that took effect in May 2001." However, the Coast Guard allowed a three-year "grace period" where currently licensed mariners were "grandfathered" into the newer licenses.

"The Operator license went away in May 2001, although there are still people who hold that license, and they'll be with us until May 2006," he added. "That license has been replaced with the 'Master of Towing Vessels' which now requires a display of skill"

### MEASURING SKILLS

"Measurement of skills is being added to the licensing process, but the Coast Guard doesn't have the people who can do what you people do, and could not judge whether or not an individual possesses the skill" Kline lamented. "So, we're still going to have to rely on the industry to provide that evidence and that's the big change in the new licensing regime."

**[GCMA Comment: Well into the fourth year of the program, only a relatively small number of towing companies committed to training Apprentice Mates/Steersmen to take the written exam or to prepare**

**Designated Examiners to assess the skills demonstrations required to advance to Mate/Pilot as officer-in-charge of a navigation watch.]<sup>(1)</sup> [<sup>(1)</sup>Refer to GCMA Report #R-383, Rev. 3. Designated Examiner Qualifications: The Good, The Bad, and The Ugly.]**

"Although the exam still covers the same areas of knowledge in a multiple-choice format, the prerequisites now also include more accurate and diligent background checks and certification of service time with proper employer recommendations for first-time applications. However, passing the same four exams that used to be used for the Operator's license now only qualifies for a "learner's permit" (a Steersman's license), Kline explained.

"A steersman has no authority to operate a vessel without being under the direct supervision of somebody who holds a license, operator, master or the new pilot license (if he's on the back watch). "It doesn't matter who he's steering for, he's operating under somebody else's license."

**[GCMA Comment: Our mariners report that many employers place new Apprentice Mate/Steersmen in charge of a navigation watch without direct supervision by a licensed officer. This offense places both the licensed mariner and his apprentice at risk of Suspension and Revocation of their credentials. It is illegal and unacceptable.]**

Kline said, "It's incredible to us (at the River School) that every week we have people coming through the school who end up with a steersman's license, going, 'What's this? What do you mean; I can't run the boat by myself?'"

"We're thinking, we're 10 years into a process (from 1993 to 2003) to put this all in place, and we're into a grandfathering period and now we're even outside that and people still don't know the procedure has changed!" He said that's probably because, "We as an industry are not communicating, or it could mean they (license applicants) don't want to believe it.

**[GCMA Comment: The Coast Guard and industry management share the blame for failing to communicate as we point out in GCMA Report #R-382, Why Our Mariners Don't Get the Message.]**

"People still don't understand that the Steersman's license is a limited license....limited in the fact that you must steer under the supervision of another licensed individual," Kline explained. "That steersman, having spent the required 540 days as a deckhand and having met the academic requirements, now has to acquire and demonstrate the skills necessary to run the boat."

He said acquiring the skill means steering for somebody, but it's the Coast Guard's intention that this not be a passive operation.

"It's the Coast Guard's intent that you all have some sort of training program in place that addresses all the skill necessary to safely operate a towboat," he explained.

The Coast Guard has provided guidance for what should be included in the training program, he said, adding that there are basically about a dozen areas of importance. In the process of the onboard training program, individuals must

demonstrate their ability to perform skills in seven different categories and 35 different functions, he added.

This requirement has brought about the creation of another new term, the "Designated Examiner." This is a licensed individual who has recent experience, has been trained in conducting assessments and who is accepted by the Coast Guard.

**[GCMA Comment: GCMA Report #R-383, Revision #3, Designated Examiner Qualifications: The Good, The Bad, and The Ugly, outlines the features of the "Designated Examiner" process .]**

"So, if individuals apply to the Coast Guard and become designated examiners, they then can attest to and certify the skills of the people who are training to become pilots," Kline explained.

"Company training programs must have somebody who is a designated examiner. "Otherwise, who's going to do the required signoffs?" he asked. It all depends on how companies have approached the situation to this point, he said, whether they have these programs in place.

The Coast Guard maintains a master list of designated examiners, and as steersmen complete their route-specific Towing Officer Assessment Record (TOAR), the signatures of the person signing off on the requirements are compared against the master list for authenticity, he said.

"So, we've added another bureaucratic layer to the process."

**[GCMA Comment: These layers of bureaucracy increase in depth as the months pass and threaten to choke mariners that hope to make a career in the maritime industry.]**

"Once the steersman has met all the required skill training and has all the sign-offs, he can become a pilot of towing vessels," Kline said, adding, "Now, here's where it gets confusing."

#### **Blue-Water Terminology**

Kline said that because Coast Guard terminology is blue-water-oriented, they call that license a "Mate" license. Early on in the process, he said industry officials and training school representatives told (the Coast Guard) "Please don't do that to us. We have other people on towboats called mates. Please don't confuse us."

"However, the Coast Guard's response only exasperated the situation," he said. "You can call that "mate" a "pilot" but it will be up to the mariner to tell the Coast Guard what he/she wants on their license."

"Sometimes if the applicant does not indicate their preference to the, Coast Guard the certificate comes back as mate/pilot," he said.

"Further complicating matters," Kline said, "is the fact that Steersman is a Western Rivers term, but in the blue-water world, it's called an "Apprentice Mate."

"So it's easy to get confused when you attempt to sort your way through this maze of Coast Guard regulations surrounding the new licenses," he said.

"In brown-water terminology," Kline said "the license progression is steersman, pilot and master, the captain on the

boat." He said, "As of May 2006, every towboat must be operated by someone holding a "Master of Towing Vessel" license.

"There are all sorts of exceptions to that, involving people with tonnage licenses, such as 1,600-ton or unlimited-tonnage licenses," he added. "There are many possibilities here but 90 percent of the time, people operating towboats are going to have to hold a Master's license."

### **The Master's Responsibility**

Noting that "every towboat has to have a captain," Kline said, "I wonder what they're up to here." He said a small change in terminology could result in a big difference in legal responsibility. They took people who were operators and have now made them merchant mariner officers through the stroke of a pen. "An operator's license was a little bit of an odd duck in the big scheme of things," he said," explaining that the license was actually a compromise that served the industry pretty well for a long time.

"However, a master's license carries with it some notion in the admiralty court that the license holder is primarily responsible for the safety of the vessel and crew."

"That notion or blue-water terminology may have an unintended consequence," he said, "because the Coast Guard and the courts may look at the license holder and say, now you have that 100 percent, 24-hour-a-day responsibility while you are the captain." He said although that scenario has not occurred yet, "we'll find out when it hits the fan one of these days."

Kline wondered if there wouldn't become a shortage of captains after all the new regulations have become effective for a while. Although there is a structured system for advancement from steersman to pilot, to captain, obtainable through documented service time and qualification sign-offs. Kline said he has heard from many mariners who don't necessarily want the aggravation and extra responsibility of being the captain. "Maybe they're just going to be happy, just being the pilot.

**[GCMA Comment: Many Masters are satisfied with being the Pilot and NOT being in charge of the vessel, its crew and all its problems. With only two licensed officers on a towing vessel in 24-hour service, and a 12-hour work-hour limit, it is not worth the money to take on work that will only extend your workday.]**

"Is there anything that's going to make them go from being a pilot to being the master?" he asked. Responding to his own question, Kline said, "The Coast Guard assumes that everybody wants to, but we don't know if that's true. Maybe folks will be just as happy running on the back watch and not having to be the captain."

"This becomes an unintended consequence and implication for you folks trying to crew a boat. You're going to have folks who hold a pilot's license who cannot be the captain but that boat's got to have a captain before it goes anywhere.

**[GCMA Comment: Although persons holding either a Master or a Mate/Pilot license can stand navigation watches, each vessel must have one licensed Master in charge of the vessel at all times.]**

"Nobody ever sorted that one out to see how it was going to work," Kline said.

### **Harbor Pilots**

Harbor pilots are in a league of their own, according to Kline. He said the Coast Guard considers harbor work to be a different kind of service, compared to linehaul operations, so those operators need a different kind of license.

"To go from being a deckhand on a harbor boat to holding a license that allows you to run the boat, you have to have 540 days as a deckhand, 540 days as a steersman and pass the four knowledge exams. Then you still have to do the training program and get signed off by the Designated Examiner."

The unintended consequence of this is that previously a mariner was authorized to operate a harbor boat on a 100-ton master's license that only required 360 days service. Because there is generally no half-day's credit for time requirements on a harbor boat, "We've typically tripled the amount of time it takes to get a license to operate a harbor boat," he said. "The practical impact raises the question of who is going to run the harbor boats."

"We're going to be a while until we figure out how to get enough people into that system to get enough time to get the training, get the sign-offs to qualify for that license," he predicted.

The problems of the harbor boat license change are probably unintended, Kline said, but the implications are significant. "The harbor boats are the ones on the short end of the stick in this whole process."

The River School president said the twists and turns of the new license requirements and procedures are very confusing and "it's no wonder people don't have a sense of where they're going with this." He said even at the school and instructor level, "It's hard for us to keep track, let alone your folks."

From his perspective, Kline said "it's become obvious that the industry is not very good at giving mariners "a sense of career." It is difficult now for a river employee to predict where he or she will be in their career in five or 10 years," he remarked.

### **More Changes**

"Currently licensed pilothouse personnel will face another major change next year also. Any person renewing a license will be required to show evidence of training and participation in drills, although there is still no format developed for documentation."

"Starting some time next year<sup>(1)</sup> all renewals will be subject to enhanced background screening," he said. "It appears now that each person renewing a license will have to travel to the Coast Guard fore a digital electronic fingerprint and digital photo. This requirement has been in place for a few years for tankerman (credentials), and it began last month for original license applications." <sup>[<sup>(1)</sup>Refer to 71 FR 2154, Jan. 13, 2006. For details refer to <http://dms.dot.gov> and search for 17455.]</sup>

"This extra security check is going to cause serious repercussions within the industry," Kline warned. "You're going to have a number of people who have been running boats for you for 20 years who are now suddenly not able to because a minor infraction or run-in with the authorities from the mariner's youthful days has popped up."

“The Coast Guard can say, ‘45 years ago when this guy was 13 years old, he got into trouble with the juvenile authorities so we’re going to put his application in to the investigation shop.’ The guy doesn’t get his license renewed and he can’t run the boat for a period of time,” Kline warned. He said he has already seen this happen.

**[GCMA Comment: This rulemaking already has antagonized and driven a number of mariners from the industry in anger and frustration. We predict the same thing will happen with the new Transportation Worker Identification Credentials (TWIC) in 2007 and 2008.]**

**[GCMA Comment: Before 9/11, the Coast Guard failed to conduct adequate background checks through the FBI because they would have had to pay for those checks.]**

**[GCMA Comment: The Department of Homeland Security and the Coast Guard poorly coordinated this suddenly announced credential requirement in January 2006 with the broader TWIC program.]**

**[GCMA Comment: Cost: By this one requirement, the predicted expenses for an estimated 13,936 mariners was \$387 each; for another 6,988 mariners the expense was \$911 each; and for a final 2,329 mariners was \$1188 each. These are “out of pocket” expenses. These are great burdens mariners must bear just to maintain a Coast Guard credential.]**

**[GCMA Comment: Inconvenience: Thousands of mariners had to travel to only 17 widely separated RECs for fingerprinting. They probably will duplicate it for the TWIC process. This may be less costly but still inconvenient because TWIC will establish an estimated 130 local offices rather than just 17 regional offices.]**

**[GCMA Comment: The Coast Guard seriously misjudged our mariners’ patience that is already worn thin! The arrogant Jan. 13, 2006 Federal Register notice crammed this issue down our mariners’ throats.]**

“The unintended consequences of this stuff keep building more and more complexities for how you guys (towing companies) are going to have to deal with the system.”

“It’s not just the people we’re licensing up now. All those who renew the licenses in the future are also going to have to deal with it,” he warned.

“Our folks are not well equipped to understand how to get from point A to point B,” Kline said, “because they don’t understand the process now. The old way of training vessel crewmembers and helping them obtain licenses will no longer work, and individuals can no longer handle the process by themselves.” he said.

“You’re going to have to have somebody who’s champion for that person, to the information, work the system, make the advancement happen and fight the battles with the Coast Guard.”

Kline said, “The industry needs to push the Coast Guard to create an ombudsman position within its licensing structure, “whose job is to watch out for the little guy and figure out how to make it (license approval) happen, not to

throw barriers in the way.”

**[GCMA Comment: Previous Coast Guard Commandants and lack of Congressional oversight allowed the credentialing system to become tangled in its arcane bureaucracy and become hopelessly backlogged. Merchant marine personnel mismanagement caused the entire system to deteriorate so badly that a full-time Ombudsman with full authority to get things done may be necessary at each Regional Examination Center.]**

Kline said he has heard some industry executives predict that a shortage of pilothouse personnel resulting from the new licensing program will cause the Coast Guard to retrace their actions and reduce some of the procedural problems or requirements.

“That’s not going to happen,” he warned. “The Coast Guard’s not going to back up on it. They’ve already moved on. This licensing problem is something they solved three years ago.”

“I wish I could give you a rosy outlook here, but I don’t see it that way,” Kline concluded. “I see that were in for hard times.” [End of W.J. Article]

#### **MANNING LAWS REQUIRE LICENSED OFFICERS**

46 U.S. Code §8101(h)states: “A person may not employ an individual as, and an individual may not serve as, a Master, Mate, Radio Officer, or pilot of a vessel to which this part applies or which is subject to inspection under chapter 33 of this title if the individual is not licensed by the Secretary. A person (including an individual) violating this subsection is liable to the government for a civil penalty of not more than \$10,000. Each day of a continuing violation is a separate offense.” Since the practice of using mariners with revoked licenses is becoming commonplace, it is time ask: “How many \$10,000 civil penalties has the Coast Guard assessed and collected?”

We want to point out that towing vessels are now inspected vessels and have been since Sept. 9, 2004. However, this is nothing new as shown by a regulation comparable to the new statute at 46 CFR §15.401 dating back to January 4, 1989 appears in “Subpart C – Manning Requirements, All Vessels. All vessels includes towing vessels!

However, these laws are only effective if they are enforced. In our view, the Coast Guard is about as effective as the legendary “**Keystone Cops**” in apprehending violators of manning requirements. This gives companies a “free ride” while it diminishes the value of a license to mariners who maintain their licenses by obeying the law.

#### **THE NEED FOR EFFECTIVE LAW ENFORCEMENT BY THE COAST GUARD**

Our mariners, who demonstrated their skills through years of service, jumped through all the hoops and hurdles placed before them are profoundly discouraged by the ineffective enforcement of laws and regulations as are the “honest” boat owners that try to play on a level playing field.

Many instances are emerging of mariners operating under expired, forged, suspended, or revoked licenses that the “Keystone Cops” appear powerless to stop.

Mr. Kline stated in his article: “The unintended consequences of this stuff keep building more and more complexities for how you guys (towing companies) are going to have to deal with the system.” These complexities also affect the Coast Guard. The licensing system has become such a specialty that very few Coastguardsmen assigned to boarding parties have the expertise to evaluate a licensing violation.

**We suggest** that every boarding team and investigator ask to view each license on every towing vessel they board and fill out a form to provide this basic information:

- Number of licensed mariners on the boat at the time?
- Is each license an original license? Yes or No?
- Are there any changes or erasures evident? Yes or No?
- Print the name that appears on the license.
- Print the Serial # and Issue #
- Print the Port & Date of Issue
- Copy the wording on license & endorsements.
- Does the word “towing” appear on the license?. Yes or No? If not, does the mariner hold a completed TOAR?
- Ask the mariner if the address on license is current. If not, note the correct address and phone #. So Coast Guard records can be updated. Then, be sure they are!

The boarding team should turn the form over to the Marine Safety Unit’s Investigation Office at the end of the day to have an investigator determine its veracity. If only one licensed officer is aboard a towing vessel, it should trigger an examination of the vessel’s log to check for a 12-hour rule violation. [*Refer to 46 U.S. Code §8101(h) cited above.*]

<p><b>FOR OUR MARINERS THE REC HAS BECOME THE LARGEST PROBLEM</b></p>
---

The new towing vessel licensing regulations came into effect on May 21, 2001 – at the same time the Regional Exam Centers were experiencing the workload placed upon them to comply with STCW-95 that went into effect on February 1, 2002.

As Mr. Kline stated in his article: “The Coast Guard is not going to back up on it. They’ve already moved on. This licensing problem is something they solved three years ago.”

Although the Coast Guard thinks the “problem was solved” by the act of publishing the final rule in 2001, most REC’s put on the back burner training their own in-house personnel to deal with towing issues until their STCW work load went away. Consequently, some RECs continued to renew licenses without determining whether mariners who submitted their sea service letters submitted their time served and also identified it as time served aboard towing vessels – a fact that became vitally important to our mariners for the first time. It took weeks and months for many mariners to straighten out incorrectly issued licenses with the overburdened RECs.

A major distraction occurred on Sept. 11, 2001, only four months after the new rules went into effect, when the terrorist attacks focused Coast Guard attention on homeland

security issues and away from the new towing vessel licensing regulations. Towing vessel licensing became a long-term five-year project, and the RECs were very slow to focus on it. During the intervening period, the REC focused on other issues and delays extending up to four months or more for every licensing transaction at almost every REC discouraged many mariners from pursuing licensing issues.

**When One REC Improves, What About the Others?**

[*Source: Capt. Richard Eberhardt, Regional Examination Center Progress Seen. The Waterways Journal, June 27, 2004. Emphasis by underlining is ours.*]

Dramatically reducing the backlog of mariner license applications for renewal and upgrade requests earned the Regional Exam Center (REC) in New Orleans a Coast Guard Meritorious Team Commendation.

When evaluated as a function of time, previous delays of up to 18 weeks have been reduced to less than 18 days or have been eliminated outright,” wrote Captain F.M. Paskewich, captain of the port (COTP) in New Orleans, in issuing the commendation.

After taking over as COTP in August 2004, dealing with licensing delays was one of the major issues facing Capt. Paskewich and the REC’s new chief, Cmdr. DaWayne Penberthy.

Having mariners wait 18 weeks from the time license renewal paperwork was logged in at the REC until it first reached an evaluator’s desk, was unacceptable to Penberthy. The entire unit participated in a systematic analysis of the processes of the (REC),” Paskewich noted. Alternative processes and organizational refinements were developed, (the unit) leveraged previously untapped resources and built in a mechanism to recognize those employees who excel,” said the commendation.

**[GCMA Comment: That was 2004. Although you can blame Hurricane Katrina in New Orleans, the system is back to delays of up to 16 weeks.]**

After two months of analysis, changes were implemented. In the ensuing three months, productivity throughout the unit consistently improved over 50 percent,” Capt. Paskewich wrote. “Most impressive was the significant reduction or elimination of what had previously been accepted as an insurmountable backlog of applications waiting to be processed.”

**[GCMA Comment: Perhaps Captain Paskewich should run the national system and either boost the productivity of the entire workforce or be given the authority to fire every useless drone. Our mariners pay user fees that seem to perpetuate this substandard service.]**

He noted that “1,200 records languished in the backlog. Now, less than 60 requests wait to be processed—a reduction of approximately 95 percent.”

During the backlog reduction, Capt. Paskewich said the quality of work improved, and employees “reduced the need to rework completed or issued documents” while “changes ere implemented to expand the hours of availability to customers and improve access to appointments with evaluators.”

**[GCMA Comment: Coast Guard officers in charge of many Regional Exam Centers accepted substandard and inefficient practices for years and did little or nothing about it. This article indicates that good leadership within the Coast Guard can make a difference. The big question is will we ever see it in other RECs?]**

Some of the changes implemented included having receptionists check applications for required signatures, doing criminal background checks early in the process to eliminate applicants who are disqualified because of recent convictions,<sup>(1)</sup> and shifting tasks such as making copies from evaluators to support staff, said Richard Wells, assistant chief of the REC.

**[(1)GCMA Comment: One mariner we represent received clearance, went to school, took an exam, was cleared by an evaluator and later denied a license. The experience cost him thousands of dollars. He is now tangled in the “Appeal” process.]**

The New Orleans REC handles almost 12,000 mariner applications annually. Some of the backlog developed as a result of the new STCW certification requirements which do not always mimic Coast Guard regulations and, in effect, require a license to be evaluated twice.

Wells urged mariners to continue to send in renewal applications at least six months early, and if a medical condition – such as taking heart medication – has changed, 12 months before expiration, and to synchronized renewal dates between their license and Z-card, saving the seaman money by requiring only one “evaluation fee” to renew all documents.

Other tips on easing license renewals can be found on the Internet at [www.uscg.mil/stcw](http://www.uscg.mil/stcw).

#### **WHAT OUR MARINERS REPORT TO GCMA ABOUT THEIR TOWING LICENSING PROBLEMS**

- Although the “apprenticeship” program was in place for more than 4½ years, few companies are willing to place a “third man” in the pilothouse for training and to pay that person accordingly for obtaining an Apprentice Mate/Steersman ticket.
- Getting a license involves more than shuffling papers. Mariners, especially in the towing industry, must have a feel for boat handling – and not just one boat but many. They must be proficient under many varying conditions including wind, current, restricted visibility, ice, low water, high water, etc. One year of active observation, training, and practice in boat handling is a realistic figure not a boondoggle. [Ed. Note: This view was confirmed at a TSAC Licensing Working Group meeting in Houston July 14, 2005 by Mr. Roy Murphy who runs the mariner training course for Kirby Inland Marine – at that time, the only Coast Guard approved course for mariners serving on towing vessels.]
- Some companies assume that the “observation” phase of pilothouse training can follow after a full day’s work on deck and the engineroom outside of the pilothouse. This was never part of the Apprentice Mate/ Steersman program that can be entered only after completion of 18 months service on deck!
- Most “lower-level” mariners have trouble paying for the 10-days of classroom training they need to earn an Apprentice Mate/Steersman “learners permit” at a training school although “self-study” books are also available. This is true, especially if they must continue to work at deckhand wages. Formal training generally costs between \$100 and \$200 per day – with some exceptions in state-operated schools.
- Many mariners consider taking a course or studying on their own is a poor investment of time and money when towing companies show little interest in hiring them or even in supporting a Designated Examiner certified by the Coast Guard to complete the TOAR they must present to the Coast Guard after completing their year of observation and pilothouse training. This is one of the major complaints from our mariners.
- A Coast Guard representative is supposed to visit the presentation of the courses they approve to verify that each course conforms to its approval letter from the Coast Guard. Our mariners report that some 10-day Apprentice Mate/Steersman courses are completed in significantly less time than the required 10 days. Some RECs reportedly overlook obvious deficiencies of this nature.
- Many mariners do not want the extra duty and responsibility of training an apprentice mate/steersman on the job. However, they may go through the motions if ordered to do so. This apparently happened with the Pilot involved in the 1993 Bayou Canot accident that took 45 lives.
- Many mariners do not want to train other mariners because they believe they are training competitors to compete with them in the job market and take their jobs. In addition, not every licensed officer is a good teacher.
- Many companies do not have Designated Examiners to qualify new Apprentice Mate/ Steersmen. This means that the opportunity to advance to Mate/Pilot does not exist at that company. The alternative is to find a job with another company that has at least one designated examiner. At present, this rules out a vast majority (i.e., over 80%) of the towing companies. [Refer to GCMA Report #R-383, Rev.3 Designated Examiner Qualifications; The Good, The Bad, and The Ugly. for specific information.]
- Knowledge of the route you are following is especially important on rivers and in inland waters. However, in 1996 the Eighth District no longer allowed mariners to earn pilotage endorsements and prove their knowledge of the river for thousands of river-miles above Baton Rouge, LA, even on a voluntary basis. Our mariners advised the Vice Commandant on this matter. The Coast Guard had an opportunity to rectify their mistake, but never raised a finger to do so.



- Companies readily hire mariners with forged licenses and revoked licenses as the June 2005 sinking of the M/V POLARIS<sup>(1)</sup> that blocked the channel to New Iberia, LA, clearly demonstrated. [<sup>(1)</sup>Refer to GCMA Report #R-429. Rev.1. *GCMA Report to Congress: How Coast Guard Investigations Adversely Affect Lower Level Mariner, pgs 4-7.*]
- Companies continue to pre-screen mariners for drugs and notify them in advance of drug tests. Our mariners understand that this is NOT the way the DOT drug program is supposed to work. They resent having to work with drug abusers as part of their crew because of the dangers involved.
- Companies that overload their Masters with paperwork associated with the Responsible Carrier Program in addition to everything else should consider either training their Apprentice Mate/Steersmen to pick up part of this load or to reassign that part of the workload to office personnel. The same is true concerning vessel security.
- Some companies failed to warn their mariners completely or adequately of the new licensing requirements before they went into effect. Consequently, the deadlines for directly obtaining Master or Mate of Towing Vessel licenses under the “old” licensing system had to be pushed back and the regulations stretched in a number of cases.
- Management of many towing companies failed to show enough interest in the new licensing and training program even to learn about it or to give it a chance to work properly.
- Of all the towing companies, only AWO-member companies participated in the TSAC Licensing Working Group that helped the Coast Guard write the new licensing regulations. Non-AWO companies did not attend.
- The Coast Guard kept its head in the sand while ignoring the presence of hundreds of companies that do not belong to the AWO. GCMA reminded them of this problem on a number of occasions yet saw no sign of change. If the Apprentice Mate/Steersman program fails to reach these companies, we intend to see that Coast Guard officials at the highest levels are held accountable.
- The towing industry is incapable of policing itself in a competitive environment. Not only are safety and training relegated to a back seat, but also adherence to law and regulation often is overlooked.
- Competition that reduces vessel manning below tolerable limits makes it impossible for the few companies who try to play by the rules to operate on a level playing field. The same set of rules must apply to all companies and all mariners who work for them.
- The Coast Guard officers and administrators that create

extensive and complex programs such as the new towing-vessel licensing program that takes 100 pages to explain in NVIC 4-01 fail to understand that very few of the “lower-level” mariners they regulate have more than a high school education. Consequently, these mariners are unable to cope with a document of such length and complexity. Other programs, incomprehensible to our mariners without extensive explanations, are STCW, CTVEP, SOLAS, SIP, and ISM to name just a few.

The USCG should consult the Newman Report<sup>(1)</sup> they prepared in 1973 to refresh their memory in light of the reoccurrence of the same education problems they addressed 35 years ago. [<sup>(1)</sup>Refer to GCMA Report #R-428-A. *Maritime Education & Training for Lower-Level Mariners. The Newman Report.*]

### MARINER REACTIONS TO LICENSING & MANNING PROBLEMS

Our “lower-level” licensed mariners are reacting very strongly by reporting an increasing number of incidents and demanding answers.

- Starting with the public meetings held in the late 1990s, our mariners voiced criticism of licensed towing vessel officers assigned to their vessels that could not handle the tow properly or carry out their watchstanding duties without help. There is no “help” available to licensed officers on a two-watch vessel without infringing on another officer’s off-duty time. The situation has deteriorated to the point where some licensed officers are afraid to go to sleep at night for fear of what could happen to the boat (and them, personally) while asleep.
- Many mariners are unwilling to place their license and, therefore, their livelihood at risk by violating the 12-hour rules. Employers place considerable pressure on our mariners to break the law as our book Mariners Speak Out on Violation of the 12-Hour Workday<sup>(1)</sup> pointed out to the Coast Guard at the highest level in 2000. On the other hand, some mariners violate this law for their own reasons – at considerable risk to the public. [<sup>(1)</sup>Available on our internet website as GCMA Report #R-201.]
- Many mariners are increasingly intolerant of companies that ignore the use of drugs on their vessels. GCMA reports drug abuse when presented with credible reports to that effect.
- Many mariners, fed up with the treatment they experienced during and after the Pilots Agree movement in 1998 left the industry. More are following their lead because they do not see conditions improving.
- More mariners are becoming aware of the things going on around them. They are starting to understand that the lack of safeguards available on uninspected towing vessels made these vessels dangerous workplaces.<sup>(1)</sup> [<sup>(1)</sup>Refer to GCMA Reports #R-276. Rev. 9. *Towing Vessels Must Be Regulated Like Every Other Inspected*

Vessel and GCMA Report #R-276-A. Towing Vessel Inspection. Mariner Suggestions & Initiatives Submitted to the TSAC Towing Vessel Inspection & Licensing Work Groups.I.

- Many mariners do not intend to put in 84-hour workweeks under the two-watch system and then accept additional collateral duties and administrative burdens imposed by company management.
- Many mariners cite the burden of becoming the Vessel Security Officer as the straw that broke the camel's back. The Coast Guard imposed this burden without adequately considering its impact on the two-watch system.
- Licensed deck officers expect to work with knowledgeable, trained mariners manning their engine room. However, management leaves most of them high and dry with untrained deckneers or even worse. [Refer to GCMA Reports #R-401, Crew Endurance and the Towing Vessel Engineer – A Direct Appeal to Congress & GCMA Report #R-412, Towboat Engineer's Death Points to Need for Changes in the Law.]
- Licensed deck officers increasingly resent supervision by individuals with limited or no experience working on boats and are impervious to mariner issues. The same also refers to many Coast Guard officers that “don't have a clue” beyond hearsay about towing industry operations and working conditions. A derogatory term in common use for such management is “Yuppie Bean Counters.”
- “Lower-level” mariners resent being treated as commodities rather than as valuable persons who have acquired the experience necessary to perform dangerous and often complex maneuvers and assignments.
- Mariners see the Coast Guard as being a tool of management under the control of the industry trade associations. The situation in the towing industry has deteriorated to the extent that it is beyond the Coast Guard's control at their present level of commitment.

#### **THE COAST GUARD FACES MANY CHALLENGES BEYOND TOWING LICENSE ISSUES**

- Since the Bayou Canot accident, many high-profile towing accidents directly affected ordinary citizens in a number of states. If the Coast Guard reduces required sea service for new licensees as industry is trying to do, this would ensure that less experienced mariners would be licensed to perform towing evolutions. Less experience leads to more accidents.
- Homeland Security requires close adherence to laws and directives. While homeland security concerns forced towing companies to pay close attention to new security regulations, it is clear that few towing companies paid much attention to training new Apprentice Mate/Steersman candidates to advance to Mate/Pilot.

When it comes to our “lower-level” mariners, History shows that training always takes a back seat.

- The clear message from disasters like the Buzzards Bay oil spill is that the Coast Guard must “shape up” this backward industry with its primitive labor practices or answer to the public and eventually to Congress for its failings.
- The Coast Guard totally ignored the existence of towing vessels for over 30 years and turned their backs on the gathering storm after the Bayou Canot accident. Among other things, they never showed any concern about proper manning or training engineers on commercial towing vessels. This was a tremendous oversight. [Refer to GCMA Reports #R-401 & R-412.]
- Coast Guard NVIC 1-95, Voluntary Training Standards for Entry Level Personnel on Towing Industry Vessels, is a gutless consensus document that stands as a monument to the callous disregard for mariner safety concocted by the Coast Guard and towing industry management.. If the Coast Guard needed authority to protect undocumented mariners with basic entry-level training, they should have sought this authority from Congress 10 years ago! GCMA recommends exhaustive “basic training” and career orientation programs for every “green” deckhand.
- It will be hard to overlook the fact that working towboat Masters and Mate/Pilots insisted that their relief officers be properly trained and seasoned. The towing industry, by and large over the past 4½ years, avoided spending the money on training as it ran after reaping profits from the trade. Now industry representatives want to change the Apprentice Mate/ Steersman program they agreed upon yet ignored for 4½ years.
- The Apprentice Mate/Steersman regulations the Coast Guard and TSAC drafted included mariner participation. However, as was mentioned at the Houston TSAC Working Group Meeting on July 14, 2005, there was very little Coast Guard outreach to industry. The Coast Guard should answer for this failure.
- Our mariners were set adrift in the poorly functioning system of Regional Exam Centers and left to sink or swim – or seek employment in some other line of work. Many mariners chose to leave the industry since they were unable to wait up to 16 weeks for the REC to screw up their application.
- Schools (and GCMA) tried to serve as **Ombudsmen** to rescue the careers of many mariners who threatened to leave the system. Headquarters personnel admit that some RECs simply “guessed” at the new towing license requirements.
- Industry now expects the Coast Guard to reduce requirements and “give away the store” as far as licensing is concerned. Such pressure may be hard to resist because the Coast Guard long acted as the towing industry's lapdog and has been the recipient of its favors, flattery, and source of jobs.

- In the past 5½ years, each towing company followed its own path as far as training mariners was concerned. Although one towing company<sup>(1)</sup> led the way in establishing a comprehensive training program, the towing industry trade association never put together an industry-wide training program for new recruits in the industry or to generate new pilothouse personnel. Somehow, the “partnership” between AWO and the Coast Guard never focused on training new mariners. This was a significant oversight on by both parties. This failure to plan ahead will be hard to explain when towing vessels are tied to the dock without adequate crew. [<sup>(1)</sup>Kirby Inland Marine]
- By its aggressive opposition to labor unions, large segments of the towing industry, including owners of towing vessel working in the mineral and oil industry, divorced themselves from some of the best training facilities and programs in the country. However, they made no concerted attempt to hire sufficient trainers to assure a supply of trained and capable Mate/Pilots or establish a meaningful “career path” for mariners to follow.
- The Coast Guard claims to be short-handed at Headquarters and does not have the personnel to rework a problem they thought they solved in 2001.
- It is obvious that just as you cannot safely put untrained mariners on deck or in the engineroom without adequate training, neither can you shuffle them into the pilothouse without a thorough and complete knowledge of the deck and engineroom.

**COMMENTS FROM AN UPPER-LEVEL  
MERCHANT MARINE OFFICER**

*[Source: Richard M. Plant holds an Unlimited Chief Mate’s license and is in charge of Special Projects for the International Organization of Masters, Mates and Pilots. He is a firm supporter of improving mariner training and working conditions of our lower-level mariners. Through his work with “Pilots Agree” he is intimately familiar with the problems that Pilots on western rivers face. Richard Plant was one of the founders of the Gulf Coast Mariners Association. He remains a member of our Association and serves as a bridge between upper and lower-level mariners.]*

I have proof that there are more than adequate blue-water mariners being produced by the State and Federal Maritime Academies. The last two years alone these schools produced an average of 400 deck and 400 engineers with unlimited (upper-level) licenses. This does not include those mariners who might be graduating in August or December of the year but just those graduating in the Spring (April through June).

The Maritime Administration lists only 227 “blue-water” vessels as of Nov. 1, 2006. Add to this list the MARAD Ready Reserve Fleet and Military Sealift Command vessels and we have about 362 vessels. I make this statement since people in the towing and mineral and oil industry claim shortages in manpower. The blue water (i.e., deep-sea)

merchant marine produces more than an adequate number of mariners. Where blue water is lacking is in the jobs available to employ these graduates.

It is the “brown water” coastal towing and offshore supply vessels are the vessels that require licensed officers. More and more of these companies approach State and Federal Maritime Schools trying to recruit mariners for their industry. In most cases, they will acquire some mariners, but because of the working and living conditions in certain industries, especially companies with “brown water” operations, these mariners will NOT stay. These mariners were trained on the three-watch rotation, and it will take a lot for them to get use to the two-watch system.

Brown water companies now “reap what they sowed.” For years, inland river mariners have told the companies that improvements are necessary. Much of this came to a head in 1998 with Pilots Agree with the call for “Double or Nothing” – that is, double the wages or nothing. The Masters, Mates and Pilots convinced the leaders of Pilots Agree that safety will get the attention of the Coast Guard and the public not wages.

The problem of manpower still exists on inland rivers through ill treatment of their mariners. Many companies fail to support for their personnel. They provide few training and educational opportunities. They assign an inadequate number of crewmembers and restrict mariners to the vessel with no access to go ashore. They work licensed officers 84 hours in one week, provide no overtime pay, no weekend pay, no holiday pay, and work unlicensed crewmen up to 15 hours per day. In this jungle, companies fight over stealing another company’s mariners for a mere \$5 to \$12 per day increase in wages. These conditions have turned off many mariners and are unlikely to attract replacements.

Further, there is an industry-wide lack of benefits such as pensions, health and welfare, etc. These shortcomings caused mariners to seek employment elsewhere. The Offshore Marine Service Association (OMSA) reports that the offshore supply vessel Masters are receiving a \$50,000 wage increase. What do you think inland river mariners will do upon hearing this? If they would change companies for \$5 to \$12 per day (e.g., \$1,200 to \$2880/yr.) what will they do for \$50,000 more per year.

Brown water companies pushed the American Waterways Operators (AWO) to inspect towing vessels because of a Supreme Court decision acknowledging that the Occupational Safety and Health Administration (OSHA) has some rights to board inland vessels for areas not covered/inspected by the United States Coast Guard. I predicted at a TSAC meeting in Washington, DC before the Jan. 9, 2002 Supreme Court Decision<sup>(1)</sup> that if the decision was in favor of OSHA the towing companies would come crawling on all fours to the Coast Guard to make their vessels inspected vessels. That has happened and now the process is almost complete.<sup>(1)</sup> [<sup>(1)</sup>Refer to GCMA Report #R-300, Chao, Secretary of Labor vs. Mallard Bay Drilling, Inc.]

Then there is the American Waterways Operators (AWO) and their so-called “Responsible Carrier Program” (RCP). While this program has good aims, goals and aims at good objectives, it has absolutely no teeth. Companies like ARTCO, who repeatedly move excessive numbers of barges and possibly cause more accidents/incidents on the rivers than any other company,<sup>(1)</sup> go unchecked as RCP

members of AWO. For the RCP program to really work, there needs to be some action taken against a company who violates plain old common sense. Soon, with the final rulemaking on inspected towing vessels, the Coast Guard will have enforceable regulations in place. [<sup>(1)</sup>Refer to GCMA Report #R-340, Rev.8. *Oversize and Overloaded Tows Cause Safety Problems.*]

While we are talking about old we might as well mention the “old buddy system” established by and existing through a conspiracy among towing companies that allows “black-balling” of mariners and possibly fixing the wages and benefits that they receive. This is wrong. The “Plantation Mentality” of keeping the mariner under your foot to keep them employed has already turned off a great many mariners. Just ask your mariners how many of them would recommend that their sons or daughters follow in their footsteps and seek employment with towing companies. I dare say that you will find any. That alone says something is wrong with this industry.

The brown water towing companies must wake up and realize that their mariners have something to say and need a voice. In 2000 and 2001, blue water maritime interests held two “Manpower and Retention” conferences – one at the U.S. Merchant Marine Academy at Kings Point and another at the MM&P MITAGS training facility in Maryland.

I **strongly recommend** that brown water towing companies consider holding two similar conferences – one in St. Louis and one in New Orleans. Above all, invite the mariners who work in the towing industry to attend and discuss both their satisfaction and dissatisfaction with the industry. Don’t just have companies, industry, government agencies but also invite maritime labor organizations, training facilities, small mom-and-pop boat owners as well as State and Federal Maritime Schools. Make these conferences a truly industry-wide meeting so all ideas can be placed on the table with no repercussions for anyone who makes a statement. Only then, after listening to all sides of the story might the towing companies finally start to understand the mess they created and how they must change to attract people into this industry and retain experienced personnel.