



Gulf Coast Mariners Association

GCMA REPORT #R-428-D
DATE: February 13, 2007

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REPORT TO THE 110th CONGRESS: SUBSTANDARD COAST GUARD MERCHANT MARINER PERSONNEL SERVICES

EXECUTIVE SUMMARY

Why Lower-Level Mariners Deserve Increased Congressional Attention

Although the number of licensed lower-level mariners is relatively small, these licensed officers supported by unlicensed deck and engine crewmembers man over 5,200 towing vessels that supply our nation supplied with all types of bulk commodities and maritime services. Without this workforce segment over 30,000 strong, the nation's economy would be severely handicapped. Lower-level mariners also man approximately 1,500 oilfield vessels, 6,000 small passenger vessels, and up to 20,000 charter boats.

Many of our licensed and unlicensed lower-level merchant mariners risk their lives and health daily by working excessively long hours in hazardous occupations to move bulk products wherever they are needed in industries that generally operate quietly and out of the public spotlight generating few headlines. Consider some of the tasks our lower-level mariners perform:

- Our lower-level merchant mariners move many raw petroleum products out of coastal and offshore oil fields to the refineries by barge, and distribute refined petroleum products including gasoline, diesel fuel, jet fuel for airlines, military jet fuel, lube oils, home heating oil, LPG, and related chemicals by inspected tank barges.
- Our lower-level merchant mariners haul raw and refined chemicals to and from chemical plants by barge. After refining and blending these chemicals are used in manufacturing products ranging from plastic bags to gasoline additives.
- Our lower-level merchant mariners provide the nation with a viable solution for easing highway gridlock by moving increasing amounts of containerized cargo to and from our major deepwater ports by short-sea shipping.
- Our lower-level merchant mariners haul coal by barge to feed the nation's coal-fired electricity generating plants and to export sites.
- Our lower-level merchant mariners haul raw materials iron ore, limestone, coal and scrap iron by barge to steel mills and deliver finished steel products like steel pipe, steel plate, and fabricated structural parts by barge. When iron, steel, and other scrap is recycled, they haul it to the mills that return it to commerce.
- Our lower-level merchant mariners continuously haul the rock salt by barge from caverns in south Louisiana for use on roads to melt ice and keep roads passable in the winter months in the northern states.
- Our lower-level merchant mariners haul barge loads of fertilizers including barge loads of dangerous fertilizers like anhydrous ammonia and ammonium nitrate to supply farmers to raise all manner of crops.
- Our lower-level merchant mariners haul thousands of barge loads of farm products for export such as corn, wheat, soybeans, milo, rice, and sugar.
- Our lower-level merchant mariners haul barge loads of raw wood products from logs to wood chips for processing into wood products like plywood and paper.

- Our lower-level merchant mariners move barge loads of heavy military combat, transport, and construction equipment to support military maneuvers and overseas commitments to save wear and tear on the equipment and highways.
- Our lower-level merchant mariners haul potable water for ships, communities, and drill-water, mud, chemicals and supplies for oilfield facilities.
- Our lower-level merchant mariners haul oversize machinery and large fabricated industrial items by barge where the highway system will not accommodate these large objects.
- Our lower-level merchant mariners move the fuel, the external fuel tanks, and even the NASA space shuttle by barge.
- Our lower-level merchant mariners maneuver and control barges used in all phases of marine construction and maintenance to construct bridges, pipelines, and the general infrastructure.
- Our lower-level licensed merchant mariners moved hundreds of thousands of people following the 9/11 attack on New York in addition to moving millions of people annually by water on over 6,000 inspected small passenger vessels and 20,000 charter boats with licensed operators.
- Our lower-level merchant mariners are called upon to use their experience and skills to restore the on-shore and offshore infrastructure after natural disasters like hurricanes.
- Our lower-level merchant mariners move bulk construction materials including rock, sand, gravel, cement, and asphalt to support construction throughout the United States. They also serve on all types of industrial vessels including research vessels, crane barges, construction barges, dredges and dredge tenders.
- Our lower-level merchant mariners also operate almost every offshore supply vessel, utility boat, crew boat, tugboat, and seismic vessel that services and supports the offshore oil industry in the Gulf of Mexico, Alaska, as well as overseas.

While many of the bulk products hauled by barge on our nation's waterways also are transported over land by truck and railroad, our land-based transportation system cannot accommodate the huge quantities moved by barge over long distances economically, efficiently, without disrupting the economy and degrading the environment. If the traffic on the inland river system were diverted to another mode, it would take an additional 6.3 million additional railcar trips or 25.2 million truck trips.⁽¹⁾ These figures show the significant role of barges in moving bulk commodities:⁽²⁾

1 Barge transports 1,500 tons, or 52,500 bushels, or 453,600 gallons.

1 Large Semi-trailer transports 26 tons, 910 bushels, or 7,865 gallons

1 Railroad Freight Car transports 100 tons, 3,500 bushels, or 30,240 gallons.

1 100-Rail Freight Car Train Unit transports 10,000 tons, 350,000 bushels, or 3,024,000 gallons.

1 Gallon of fuel allows 1 ton of cargo to be shipped 514 miles by barge, 202 miles by rail and 59 miles by truck.⁽³⁾

⁽¹⁾Casavant, K, USDA 2000. *Inland Waterborne Transportation – An Industry Under Siege*, p.2. ⁽²⁾Iowa Dept. of Transportation. ⁽³⁾Casavant, K. *Op. Cit.*, p.16]

Our mariners' skill and dedication let our country harness water transportation as its most economical mode of bulk cargo transportation. **We ask Congress to understand and help our mariners!**

Misguided, Misdirected, and Substandard Services

The Coast Guard provides seriously misguided, often misdirected, and deplorably substandard service to our mariners in terms of licensing, certification and training. Especially notable is the almost complete absence of organized vocational and safety training for lower-level engineers. The cases we cite below and the GCMA reports we cite at the end of this report⁽¹⁾ demonstrate repeated bureaucratic inattention to and abuse of our mariners. [⁽¹⁾Specifically GCMA Reports #R-401 & R-428]

It is worth noting that the Coast Guard apparently does not punish their civilian and military personnel who abuse merchant mariners. Coast Guard officials seem to overlook and accept such abuse and are seldom willing to admit abuse when it occurs.

The body of our report presents clear evidence that mariners cannot obtain or renew their licenses and merchant mariner documents (aka credentials) in a timely manner but, rather, face losing employment or taking advantage of employment openings and opportunities for weeks, months, and in some cases years *without due process*. This is nothing new, has gone on unchecked for years, and must be stopped.

Very few civilian or military personnel the Coast Guard employs in its credentialing process have a commercial maritime background or ever passed through their own licensing system. The lack of hands-on commercial experience becomes even more pronounced when applied within the appeal process.

Historical Background

When the Coast Guard took over maritime regulation from the former Bureau of Marine Inspection and Navigation (BMIN), most management personnel within the BMIN passed through the licensing system and, in most cases, had sailed in the merchant marine as Master or Chief Engineer.

In 1948, the Coast Guard started the 219 Program based on PL 80-219 that allowed licensed mariners with four years sea service to obtain a Coast Guard commission. These individuals passed through the licensing system, were professional mariners, and gradually replaced those that entered the Coast Guard by way of the BMIN. Other measures to retain merchant mariner expertise attempted after the 219 Program to revive the program only experienced limited success.

Lack of Commercial Maritime Experience

Today's Coast Guard contains very few individuals that passed through their commercial licensing program or accrued any commercial maritime experience at sea – especially at the lower-level reflected by the majority of all U.S. Merchant mariners.⁽¹⁾ Rather, many gained their expertise through Coast Guard vessel operation that is totally different from commercial vessel operations. More recently, their experience has come by means of studying the requirements of the international Standards of Training, Certification, and Watchkeeping (STCW) and other conventions. ⁽¹⁾*Refer to GCMA Report #R-353, Rev.2. Lower-Level Mariners Are a Majority of U.S. Merchant Mariners*.

Many STCW Requirements Are at Odds With Domestic Reality

Standards of Training, Certification, and Watchkeeping (1995). Much of the Coast Guard's knowledge of STCW imposed on lower-level merchant mariners is not based upon their personal experience but, rather, through the dictates of an international convention. The STCW Convention, itself, is alien to the experience, unfathomable, and irrelevant to most lower-level mariners until they receive extensive and expensive training. The paper burdens it imposed on limited Coast Guard resources were extensive and unfairly degraded the administration of credentialing services to at least three-quarters of all credentialed mariners since 1995.

The Coast Guard imported STCW doctrine lock, stock, and barrel from international meetings held between 1993 and 1995 in which our lower-level mariners had absolutely no representation. Most lower-level mariners never even found out the terms of the international agreement the Coast Guard accepted without ever going through a formal Senate treaty ratification process (as GCMA pointed out in 1999) until April 1999. By then, our mariners only had until February 2001 to set aside and pay for at least a minimum of one week for required STCW training. Coast Guard officials never asked Congress to provide our mariners with any financial arrangements such as grants or support to obtain the required training.

An Unresponsive Appeals Process

In the appeal process, our mariners must submit formal written appeals to adverse Coast Guard decisions. Many mariners have had to call upon our Association to draft their appeals. The responses to these appeals seldom are based on any personal knowledge of commercial maritime practices by Coast Guard authorities, but rather, by what the book says with little well-grounded professional reference. The book includes the Marine Safety Manual, and guidance documents such as Navigation and Vessel Inspection Circulars (NVIC), and countless obscure headquarters policies from staff offices, district, and local policies.

New Medical Provisions Deter Personnel From Careers Afloat

After the 2003 deaths of 11 passengers on the Staten Island ferry, the Coast Guard felt compelled to design

and implement comprehensive medical standards to ensure that no licensed officer would ever lose consciousness on watch ever again. This reaction to the accident took place and disregarded the fact that the pilot on watch, his doctor, and ferry authority personnel were convicted of crimes and imprisoned.

Our mariners observed and reported over the years, that high-level Coast Guard officials in Headquarters overlooked fatigue, abusive work hours, and the similar accidents that resulted. Two of the most outstanding accidents occurred at the Interstate Highway Bridge at Webbers Falls, Oklahoma⁽¹⁾ and the ramming of the Lake Washington causeway.⁽²⁾ [⁽¹⁾ *GCMA Report #R-370-A (Draft) Report to Congress: Violation of the 12-Hour Rules: Webbers Falls Accident Revisited.* ⁽²⁾ *GCMA Report #R-370-B, Rev.4, Violation of the 12-Hour Rules: The Tug Chinook Strikes & Damages The Lake Washington Bridge.*]

Through these new extreme and costly medical standards, by continuing to ignore important mariner health and wellness issues, and without any mandate from Congress, the Coast Guard may succeed in turning the maritime industry into an industry peopled by individuals under the age of 40. If such an industry survives where authorities denigrate, challenge, and discourage experience based on years of industry service, the Coast Guard may create a shadow of its own military organization. However, success is unlikely because it rarely provided for training, retirement, or disability benefits the armed forces use to attract personnel and take for granted exists for lower-level mariners. For example, the extensive list of Coast Guard approved courses facilitates training by outside private and public entities without ever considering the cost of that training and a mariner's limited ability to pay.

User Fees

When Congress authorized collection of "user fees," 46 U.S. Code §2110(B)(5) stipulated that "Persons paying this fee can expect no increase in the quantity, quality, or variety of services the person receives from the Coast Guard as a result of that payment."

Unfortunately, most lower-level mariners can point to a severe deterioration of services the Coast Guard provides when dealing with 17 Regional Examination Centers (REC). It is obvious that these government offices waste time and effort in processing mariner applications by repeatedly calling for complete applications for every transaction when this information was previously accepted and verified. The mishandling and loss of documents submitted by merchant mariners is widespread and inexcusable as cited below.

Unfortunately, each mariner's experience at the RECs has become increasingly typical of other areas where our working mariners come into contact with other Coast Guard functions such as accident and other investigations.⁽¹⁾ Although there are other areas that cry for attention and reform, our petition singles this out as one area that calls for immediate replacement of Coast Guard military authority by civilian control. [⁽¹⁾ *Refer to GCMA Report # R-429, GCMA Report to Congress: How Coast Guard Investigations Adversely Affect Lower Level Mariners.*]

[GCMA Comment: Most Coast Guard civilian and military employees that manage merchant marine personnel at Regional Examination Centers have little or no first-hand knowledge, experience, or appreciation of the working conditions, frustrations, and pressures our mariners face on a daily basis.]

[GCMA Comment: Selection of employees with no maritime background, lack of effective supervision and accountability, and ineffective communications with the mariners they regulate is coupled with frequent policy changes. The Coast Guard tacitly accepts bureaucratic abuses and explains how these RECs performed their jobs so poorly for so long.]

Use of Contract Personnel

From time to time, the Coast Guard did hire personnel with commercial maritime experience. This was only lip service as they mandate that their personnel operate within the very complex and micromanaged policies promulgated by the National Maritime Center (NMC). Unfortunately, these experienced personnel then were strait-jacketed into becoming "expert" within the Coast Guard "system" and were not allowed to assist mariners in any but the most rudimentary courtesies.

The Coast Guard attempted to contract or hire some commercially qualified merchant mariners to serve in their Regional Examination Centers that met with only limited success. These mariners find that they must adapt to the rigid and complex Coast Guard system that limited them in applying their maritime expertise and common sense to support evaluations of the qualifications of various candidates. These contract personnel must forgo their knowledge and become conversant with endless Coast Guard guidelines, policy letters, and specifically, the Coast Guard way of handling applicants. Any employee or contractor who failed to comply fully with the Coast Guard method of evaluating applicants faces dismissal. Consequently, many experienced mariners accustomed to daily work with merchant mariners never were included in the process.

Under the existing system, experienced personnel at the field REC may be able to reduce some abuses. However, this would do little to improve the professional treatment of mariners as long as the RECs are saddled with the oppressive policy mandates published by the National Maritime Center.

Why Our Association Had To Act

The Coast Guard licensing management system must be altered drastically from the top down. Within the current Coast Guard structure, any attempt to add expertise at the bottom levels of the system is doomed to failure and not worthy of further consideration.

The Gulf Coast Mariners Association acts on behalf of those American merchant mariners who serve on commercial vessels of less than 1,600 gross register tons (GRT). Our selection of the 1,600 GRT thresholds corresponds with the Coast Guard's licensing term "lower-level" in common use today.

The U.S. Merchant Marine traces its history to before the U.S. Constitution was drafted in 1787 and always played a significant role in our nation's history. The U.S. Coast Guard also traces its history back to the time of Alexander Hamilton and Congress's authorization of the nation's first revenue cutters.

All this History notwithstanding, in recent years a huge gap has grown between the "upper level" merchant marine officered increasingly by graduates of various maritime academies and fully qualified under the Standards of Training, Certification and Watchkeeping and the "lower-level" merchant marine.

Most merchant marine officers on vessels of less than 1,600 tons do not have academic degrees. Most are hard-working, practical people with plenty of savvy and considerable practical experience afloat. Unfortunately, they are not always well-informed about the services they perform for reasons we have explained to the Coast Guard.⁽¹⁾ As American citizens and taxpayers, who also pay high "user fees" for the low quality of services provided them, expect their public servants they rely upon to be helpful and attentive to their legitimate needs. Unfortunately, as this report will reveal, the services provided fall well short of that goal. [⁽¹⁾Refer to GCMA Report # R-382. *Why Our Mariners Don't Get The Message.*]

Lower-Level Mariners Inadequately Represented on Federal Advisory Committees

TSAC. In 1980, Congress established the Towing Safety Advisory Committee (TSAC) to advise the Coast Guard on matters affecting the shallow-draft maritime industry. Although lower-level mariners and maritime labor are represented on this advisory committee, **GCMA petitioned the 109th Congress⁽¹⁾** to reapportion membership on this committee so that working mariners could take a more active role in resolving important towing issues including licensing of towing vessel personnel that affect their careers. [⁽¹⁾GCMA Report #R-417, *Request for Congressional Oversight on the Towing Safety Advisory Committee.* (TSAC)]

By September 2006, it became evident that the American Waterways Operators, a towing industry trade association and Washington lobbying group, hijacked and turned TSAC into a management tool for the specific purpose of influencing the towing vessel inspection issue to their partisan advantage.

NOSAC. In 2000, GCMA brought serious problems of work-hour abuse to the attention of Rear Admiral Paul Pluta who diverted them to the National Offshore Safety Advisory Committee (NOSAC) to avoid embarrassing the Coast Guard and silence our mariners.

Although a licensed mariner represented mariner interests on the NOSAC committee, the overwhelming majority of committee members represented management issues, and prevented any meaningful action from taking place. We outlined the problems in writing in GCMA Report #R-201⁽¹⁾ that remains posted on our internet website. They remain unresolved and outstanding today. We invite the attention of Members of Congress to this longstanding report. [⁽¹⁾GCMA Report #R-201, May 2000, *Mariners Speak Out on Violation of*

the 12-Hour Work Day.]

MERPAC. Although lower-level working mariners are represented on the Merchant Marine Personnel Advisory Committee, most work undertaken by this committee in the past few years deals with matters of primary interest and concern to upper-level mariners even though lower-level mariners are clearly a majority of all merchant mariners with many basic problems that cry for attention they never receive.

One item of immediate concern to all mariners is the matter of the Medical NVIC mentioned above. Although the issue was assigned to MERPAC for discussion, the Coast Guard railroaded this issue down mariners' throats. From the debates held at MERPAC meetings and from discussions with many of our mariners, this Association **does not support** any further encroachment of Coast Guard authority over our mariners by taking control of their medical records.

[GCMA Comment: We urge Congress to review the extensive comments GCMA and the maritime labor unions made on Docket #USCG-2006-25080.]

[GCMA Request: We ask that Congress to withhold funding to implement the National Maritime Center's plans to expand control of individual mariner health records.]

One area of particular concern to our mariners as discussed by MERPAC involves basic safety training and vocational training for entry-level deck and engine room personnel that falls very low on the Coast Guard's priority list. Consequently, we brought this issue directly to the attention of the 109th Congress in GCMA Report #R-428.⁽¹⁾ [⁽¹⁾*GCMA Report #R-428, Rev.1, Report to Congress: The Forgotten Mariners. Maritime Education & Training for Entry-Level Deck & Engine Personnel.*]

Lower-Level Mariners Denied Access to Labor Union Membership

GCMA speaks only for lower-level mariners. Established maritime labor unions do adequately represent upper-level mariners on vessels over 1,600 GRT. Although we do not presume to speak for hundreds of small employers in the towing industry, we would be remiss in pointing out that the Coast Guard overlooked them because they incorrectly believed the American Waterways Operators represented their interests. While AWO is nearby and convenient to Headquarters, mariners who work for many small towing companies assert that hundreds of small company interests are not represented.

In the late 1990s, four major maritime unions made a concerted effort to bridge the gap between the upper and lower levels of the U.S. merchant marine by generously offering to help improve the lot of our lower-level mariners.

Each of the four participating maritime unions operates first-rate maritime training facilities. Unfortunately, in three instances management, using coercive union-busting tactics, fought and defeated this movement as an unwelcome effort to unionize their workers.

An important fact that management overlooked was that these labor unions were fully capable of providing lower-level merchant mariners with the type of training their industry desperately needs. With some exceptions, the towing, and offshore oil sectors of the maritime industry consistently downplayed the necessity of entry-level mariner training and was slow to furnish any vocational and safety training without strings attached.

On June 30, 2003, the union coalition working along the Gulf Coast had no choice but to throw in the towel and left GCMA, an completely independent non-profit Association (but not a labor union), to speak for the safety, health, and welfare of our lower-level mariners.

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[Editorial Note #1: Readers may access other "GCMA Reports" on our website shown on this letterhead.]

[Editorial Note #2: Although masculine pronouns are used exclusively in this and other GCMA reports for brevity, the text is not intended to be gender exclusive and is not intended to affront or discriminate against any reader.]

THE EXISTING LOWER-LEVEL MARINER PERSONNEL SHORTAGE

The Coast Guard stands aloof from involvement in labor disputesö ó as it should. However, the situation the Coast Guard presides over today in respect to our lower-level mariners is no longer something they can as easily overlook as a labor disputeö but the stark reality of nothing less than a maritime personnel disaster.

High-ranking Coast Guard commissioned officers stood by and allowed this situation to develop over the past 35 years because their lack of experience with lower-level merchant mariners either left them oblivious to the situation

or simply solicited the big players in industry management and failed to keep Congressional oversight committees adequately informed of the problems as they developed. These öproblemsö are well documented in various GCMA Reports displayed on our internet website.

Counting Merchant Mariners

In 46 U.S. Code §2103, Congress delegated ögeneral superintendence over the merchant marine of the United States and of merchant marine personnel to the Secretary.ö In speaking of this delegation of authority over merchant marine personnel, it is ironic to note that for the past 35 years, the Coast Guard never even had an accurate count of how many merchant mariners actually existed.

The National Association of Maritime Educators (NAME) noticed this shortcoming and actively sought that information as early as 1992. At the time of the 9/11 attacks the Coast Guard still had no definitive count of licensed or documented merchant mariners to say nothing of knowing who these mariners were, where they lived, or even how to contact them. Finally, in the Spring 2005 issue of Proceedings, an official Coast Guard publication, the Coast Guard reported a total mariner population of 204,835. The following year the figure increased to 208,003 including 39,560 öentry-level mariners.ö

We will not contest the latest figures as of December 31, 2005. However, we point out that figure is **only the number of merchant mariners the Coast Guard knows about**. This is a good sign the Coast Guard is finally making an effort to keep count of the merchant mariners it is supposed to superintend.

Unfortunately, the Coast Guard Numbers are Wrong!

Using the earlier 204,835 figure, GCMA estimated from the details in the count published in Proceedings that at least 126,000 of those mariners clearly fit into the category of ölower-levelö mariners. Nevertheless, this is a very conservative estimate based upon the Coast Guard's own numbers and breakdown of credentialed mariners in its database at the National Maritime Center (NMC). We understand how hard the NMC worked to arrive at these figures, and appreciate the efforts of Mr. William Chubb in particular. We find the published figures credible ó but only as far as they go.

THE COAST GUARD "FORGOT" TO COUNT MANY "LOWER-LEVEL" MARINERS?

When Congress in 1972 decided not to inspect towing vessels,⁽¹⁾ the Coast Guard concentrated on other tasks and placed all towing vessels along with other üninspected vesselsö on its back burner. After all, if Congress isn't overly concerned and does not provide money and resources, the Coast Guard really has little choice but to withdraw and concentrate on those missions that Congress considers important and is prepared to fund. [⁽¹⁾For this history refer to GCMA Report #R-401, Rev.1, Crew Endurance and the Towing Vessel Engineer – A Direct Appeal to Congress.]

The first group of uninspected vessels to attract national attention were the nation's commercial fishing vessels during the 1980s. An abominable industry safety record crowned by the sinking of the three infamous A-boats was hard to ignore.

The Coast Guard, without the authority to inspect fishing vessels, introduced ineffective voluntary steps that industry ignored. Finally, Mrs. Peggy Barry, the wife of a U.S. Ambassador and a grieving mother of a son lost at sea, appeared before the House Merchant Marine and Fisheries Committee. Congress then focused more Coast Guard resources on uninspected commercial fishing vessels.

Towing vessels were the second group of uninspected vessels to attract Congressional attention. The human toll of the bridge collisions at Bayou Canot, the Queen Isabella Causeway, and Webbers Falls coupled with the pollution at San Juan, Moonstone Beach, and Buzzards Bay focused Congress on the uninspected and neglected status of towing vessels after almost a decade of voluntary Coast Guard methods of dealing with the issues failed.

Although it focused on disasters and vessels, Congress never really focused on the lower-level mariners or those individuals who make up the vast majority of American merchant mariners. We believe that when Congress finally focuses on our lower-level mariners, that senior Coast Guard officers will find they have some explaining to do. We believe they will be hard pressed to rationalize how their agency totally neglected to count and overlooked the needs of thousands of lower-level merchant mariners for the past 35 years.

Our Forgotten Mariners suddenly turned out to be an embarrassing security issue that attracted the attention of Congress. Congress expects the Coast Guard to advise them about the problems it faces in implementing legislation including implementation the Transport Workers Identity Credential or TWIC. The Coast Guard now must explain how so many of their officers ignored so many uncredentialed mariners for so long.

TWIC WILL EMBARRASS HOMELAND SECURITY

The Coast Guard, with its workforce of organized and uniformed government employees (many hyped by their own self-importance), wants to show Congressional oversight committees that it is on top of everything it should be. After 9/11 Coast Guard ranks swelled as it focused on its dormant security mission and its budget soared.

Homeland Security, Port Protection, and the Deepwater Program are the big money issues that consume most of the Coast Guard's attention today. Coast Guard officials waste little time and never have displayed much interest in managing the lower-level merchant marine personnel under their superintendence. Inattention and the introduction of new ill-advised policies are driving the older and more experienced mariners out of the industry every day. Many boat owners, faced with the shortage of personnel will try to replace them with cheap foreign labor initiating a potential homeland security nightmare.

Two Different Coast Guards

The Coast Guard's gutsy and well publicized Search-and-Rescue response to Hurricanes Katrina and Rita earned the nation's gratitude and respect. We have no desire to diminish our respect for these commendable acts. Now, after the smoke cleared and the waters receded, the taxpayers expect to see the Coast Guard continue other missions their tax dollars support. Continued management of merchant marine personnel may detract from this agency's other important goals.

The Coast Guard published statistics show 39,560 merchant mariners with entry-level ratings. Entry-level means that a mariner has a Merchant Mariner Document (z-card) with only an ordinary seaman/wiper rating. However, what this figure does **NOT** cover is the fact that z-cards are not issued to most mariners who serve on vessels of less than 100 gross register tons and there are thousands of these vessels. Nor are z-cards issued to most mariners, except tankermen, who serve on any vessels in inland service including the western rivers.

Thousands of lower-level merchant mariners work on America's inland rivers, lakes including the Great Lakes, bays, and sounds do not appear in the Coast Guard statistics. Many are part-time, casual, or seasonal workers and yet, no matter what ever else you may call them, they are merchant mariners. These merchant mariners are not and never have been part of the Coast Guard's count. However, we count them as our nation's merchant mariners! Many of our lower-level mariners work on vessels considered large⁽¹⁾ in the early days of our republic. They are significant in their importance and contribution to our economy today. ⁽¹⁾*Example: USS Constitution, 204 feet. x 43.5 feet is comparable in size to an offshore supply vessel.*

The Coast Guard knows very little if anything about these individuals. If Congress considers the current gaps of Coast Guard superintendence such as over all unlicensed seamen working on commercial vessels of less than 100 tons and on just about every vessels on inland waters, this could double the number of lower-level mariners the Coast Guard should be responsible for and isn't.

At this point, we also need to stress that a vessel of less than 100 tons may no longer be a small vessel. Naval architects in the past three decades were motivated to skirt domestic tonnage regulations and expand the domestic regulatory limit of 100 tons to include 185-foot offshore supply vessels and 240-foot small passenger vessels into vessels that only require 100-ton licenses. Enterprising license mills with limited Coast Guard supervision⁽¹⁾ can train a candidate with very limited experience to pass their exams in less than two weeks. ⁽¹⁾*For lack of adequate funding for at least a year there was no effective oversight over USCG-approved courses.*

If the Coast Guard's Homeland Security mission is to protect our nation's ports and facilities on the waterfront, the Coast Guard will have to learn much more about our forgotten mariners who work in safety sensitive positions. The Coast Guard's new partnership with the Transportation Security Administration (TSA) shows that both agencies still have a lot to learn about our mariners and the jobs they perform.

This does not stop them from falsely claiming they understand our mariners in order to impress Congressional watchdogs.

When the TWIC proposals were being introduced at various advisory committee meetings attended by GCMA, the Commanding Officer of the National Maritime Center somberly stated that every mariner with a merchant mariner credential (i.e., at least the 208,003 on Dec. 31, 2005) must obtain a TWIC.

While those words may have put the threat into words, the perceived horror felt by many employers was that all of their mariners working on commercial vessels henceforth would have to negotiate the regulatory maze of the Transportation Workers Identity Credential in addition to the obstacle course certificated⁽¹⁾ mariners already had to endure at the broken Regional Exam Centers (REC). [⁽¹⁾*Vocabulary: "Certificated" = a mariner holding a license, z-card, or a Certificate of Registry.*]

After 9/11, the Coast Guard became ruthless in pushing its criminal checks of existing merchant mariners at these RECs (i.e., the same 208,003 certificated individuals). As a result, Coast Guard REC employees and investigators hounded credentialed mariners and made life miserable for many of them by opening old wounds that many mariners thought time had healed. Flippant clerks at Coast Guard RECs became confessors for hundreds of mariners forced to re-live portions of their past lives that they might rather forget. Each credentialed mariner with a rap sheet was treated like a criminal until he was able to offer proof to the contrary.

Will Every Mariner Have to Get a TWIC?

This is a good question, but there is no answer, yet. If the Coast Guard has its way, every credentialed mariner will need a TWIC at a cost of \$139 with a small discount if you can prove you have already been sufficiently identified at one of their RECs.

Will every credentialed mariner have to have his fingerprints taken at a Regional Exam Center no matter the cost or inconvenience? Yes. This has already cost much in time and aggravation. The Coast Guard bureaucrats demonstrated how little they care little about cost, travel expenses, and time if you read a recent rulemaking carefully.⁽¹⁾ [⁽¹⁾71 FR 2559, Jan. 17, 2006, Docket #USCG-2005-22541.]

The Coast Guard neglected to consider thousands of completely forgotten mariners who do not have a Coast Guard credential. We understand that obtaining a TWIC may be necessary from a security standpoint. Doing so involves tapping an extensive group of forgotten mariners that the Coast Guard chose to ignore for years. If reports we keep receiving from our mariners are correct, a number of illegal aliens may already be working as merchant mariners. The Coast Guard doesn't know how many illegal aliens are serving as lower-level merchant mariners and really doesn't seem to care. We (and they) can only speculate who these aliens are and whether they will pose any security problems.

The forgotten mariners are our mariners, who ever they are and wherever in America or its territories they may be. They are lower-level mariners because they work on vessels of less than 1,600 GRT. Unfortunately, nobody in

Washington represents these mariners' views or cares to acknowledge their significance.

THE COAST GUARD'S MEDICAL MICROMANAGEMENT

In Spring 2006, the National Maritime Center decided it would become the custodian of every mariner's medical and health record citing the Oct. 15, 2003 Staten Island Ferry accident and the subsequent NTSB report as adequate justification. We believe they were mistaken.

[GCMA Comment: The ferry accident involved criminal action whose perpetrators were sent to prison. To so dramatically alter medical standards administratively without Congressional action is a travesty that will directly and adversely affect the entire merchant marine.]

In a draft NVIC,⁽¹⁾ the National Maritime Center identified 202 potentially disqualifying medical conditions that could prevent a mariner from obtaining or retaining a maritime credential. This, more than any other single action, forced many of our mariners to question whether planning to follow a career path in the maritime industry until retirement age was realistic. In spite of Coast Guard assurances that they were doing nothing more than formalizing existing practices, the potential impact upon our mariners morale was devastating. [⁽¹⁾*NVIC = Navigation and Vessel Inspection Circular. A NVIC is a "guidance" document and is not a regulation. The draft NVIC is available on our website as GCMA Report #R-435-A.*]

The plan is for two Coast Guard doctors, who our mariners will never meet, along with a small but growing cadre of medical bureaucrats to assemble in the new National Maritime Center facility in the mountains of eastern West Virginia. Establishing a new medical advisory committee is part of the plan to micro-manage the career of every single credentialed mariner based upon control of their medical records.

The system the Coast Guard proposes will ensure that very few individuals will continue to operate within it and will opt out. The Coast Guard invents these standards as they proceed. While they claim that these medical policies already exist is hard to believe. Our mariners report instances of medical standards never published before being applied today to individual mariners as the NVIC remains in draft form.

Based on their past experience, our mariners do not trust any Coast Guard employee to control their future by pontificating over their health records. Most mariners understand that to date, the Coast Guard demonstrated absolutely no prior concern whatever in improving their health and welfare — only in gaining control over their health records. GCMA cites as examples:

- The Coast Guard never approached Congress about setting a fair limit to unlicensed mariner's work-hours.
- The Coast Guard does not adequately check on the work-hour abuses of lower-level licensed officers. [*Refer to*

GCMA Reports #R-370 (series).]

- The Coast Guard did not protect mariners from tainted potable water supplies until our Association petitioned Congress. [*Refer to GCMA Report #R-395, Rev.2, Safe Potable Water and Food Service for Commercial Vessels of Less than 1,600 Gross Register Tons: An Appeal to Congress.*]
- The Coast Guard failed to protect mariners' hearing by promulgating adequate, enforceable regulations although both the International Maritime Organization (IMO) and OSHA both took the lead in that direction. [*Refer to GCMA Report # R-349. Protecting Mariners' Hearing.*]
- The Coast Guard failed to protect mariner health against the dangers of tobacco smoke although the U.S. Surgeon General clearly led the way. [*Refer to GCMA Reports # R-341, Rev.3, Smoking and Merchant Mariner Health & Welfare Issues: A Petition to Congress and GCMA Report #R-341-A, The Health Consequences of Involuntary Exposure to Tobacco Smoke. Executive Summary of 2006 Surgeon General's Report.*]
- The Coast Guard failed to protect mariner health against exposure to asbestos because it failed to issue enforceable regulations to do so but, instead, issued an unenforceable NVIC.
- The Coast Guard failed to carry out a Congressional mandate to protect mariners working on the Outer Continental Shelf with OSHA-equivalent workplace protections because it failed to give sufficient priority to updating 33 CFR Subchapter N for over 20 years. The final rule has not been promulgated because the Coast Guard failed to give this rulemaking sufficient priority.

[GCMA Comment: We urge Congress to investigate the Coast Guard's failure to take basic steps to protect our mariners' health and welfare and to refuse to fund their plans for future medical meddling.]

Our mariners are unfavorably impressed with having a medical "confessor" to tell them which medical tests to take, the nature of the reports their doctors must submit, and when and how often they must do so

Based on the National Maritime Center's plan, some mariners will have to undergo and report a full physical exam every year ó at their own expense merely to satisfy the Coast Guard requirements to retain their licenses.

It is an open question as to how many of our lower-level mariners will be able to continue in this line of work until retirement age considering the past abuses they have had to endure ó as cited above.

With the exception of maritime labor unions who primarily represent "upper-level" mariners, the maritime industry has made virtually no provision for "lower-level" mariner retirement at any age or at an early age because of disability.

By contrast, pick up any maritime union's newspaper

and look at the list of pensioners that are leaving active employment at sea. "Union busting" as actively practiced by management in the towing industry and later in the offshore oil industry sectors in the past two decades deprived our mariners of a meaningful retirement and left them to fend for themselves.

The National Maritime Center assures mariners that the new "Medical" NVIC will not cause many more mariners will be rejected for medical reasons. However, the number of mariners that must obtain medical waivers and undergo medical tests ó both heavy out-of-pocket expenses ó is expected to increase. In a recent edition of the Waterways Journal the mere mention a possible 2% loss of mariners was characterized as "devastating" to the industry. However, there are even larger issues.

[GCMA Comment: Individual employer hiring practices can more effectively regulate the hiring of physically fit mariners by matching them with the jobs they must perform than an unproven, ineptly managed, centralized Coast Guard medical management scheme.]

The Coast Guard claim that that these standards are nothing new is ridiculous. If so, why have many of them never been published? Under whose authority were they developed?

It is as if the Coast Guard operates in a vacuum with no oversight or care about the impact of their actions. This results to a major extent because of their lack of understanding of the commercial maritime trades ó most painfully, the practices of our lower-level mariners. The enforcement of these medical standards will have a crippling effect on the availability of merchant mariners.

CAVALIER TREATMENT BY COAST GUARD RECS

The typical treatment our "lower-level" mariners receive from the Coast Guard is **appalling**. Many experienced mariners simply accept the fact that the system always treated them as second-class citizens and that this is representative of a low standard of government service. It is a low standard of service and has existed for years and, unless there is effective oversight from Congress, it is likely to continue to discourage mariners from seeking a career on the water.

Our mariners find that they are at the bottom of the heap and are constantly dumped on not only by the Coast Guard clerical staff at the Regional Exam Centers but also by employers who develop their own "partnerships" with the Coast Guard.

THE INCARCERATION FACTOR IN MARINER EMPLOYMENT

GCMA encourage our mariners to do their best, give a day's work for a day's pay, and live within the law. However, we do not deceive ourselves that every lower-level mariner is a "choir boy." We make allowances if our mariners do not live

up to unrealistically high standards set by either the Coast Guard or industry policy makers. Furthermore, we do not delude ourselves the tasks that many of our mariners perform are particularly desirable or rewarding ó although both the Coast Guard and management often do.

Last year we fielded a vocal complaint from a very unhappy river pilot who indicated that the entire crew on his towboat consisted of ex-convicts that the state of Alabama subsidized. He opted to leave the vessel because his crew was incompetent, lazy, and threatened him with physical harm. Under such conditions, he was wise to leave. A senior licensed Master working for the same company was brutally assaulted by one of his subordinates and was hospitalized with career-ending injuries.

GCMA checked the internet to verify the pilot's observation and then questioned one of the longest serving employees of the National Maritime Center who apparently knew nothing about any program to subsidize released ex-convict employment on towing vessels. If anyone at the NMC should have known, this person certainly should have.

Then, after the Coast Guard announced the TWIC program in late Spring 2006, we began to receive an increasing number of calls from our mariners to the effect that "if the Coast Guard makes my crewmembers get a TWIC, I will lose half of my crew because of their past criminal records." Certainly, the Coast Guard already knows about all the misdeeds of credentialed mariners, but they know absolutely nothing about the vast number of mariners who have no credentials. The Coast Guard has nothing they can take away from the "forgotten mariners" under existing administrative procedures such as suspension and revocation (S&R). This is a dangerous omission.

On January 20, 2004 in his State of the Union Address, President Bush spoke these words: "Tonight I ask you to consider another group of Americans who need help. This year, some 600,000 inmates will be released from prison back into society. We know from long experience that if they can't find work, or a home, or help, they are much more likely to commit crime and return to prison. So tonight, I propose a four-year, \$300,000,000 prisoner re-entry initiative to expand job training and placement services. America is the land of second chance, and when the gates of prison open, the path ahead should lead to a better life."

George Bush ought to know about "second chances."

The fact is that many ex-convicts seek work on commercial vessels, most as "lower-level" mariners. The U.S. Department of Labor through its Work Opportunity Credit Program provides businesses with a tax incentive to hire individuals from groups that have a particularly high unemployment rate or other special employment needs. These groups include ex-felons, veterans, high risk youth that live in certain disadvantaged communities, food-stamp recipients, or recipients of assistance under Temporary Assistance for Needy Families (TANF). Employers, who hire "lower-level" mariners from these groups wonder if their government, that provides opportunity with one hand ó even to the point of bonding their conduct for up to a year to help them secure meaningful employment, will take it away with the other hand and, in doing so, put employers out of business.

If senior Coast Guard officials in charge of Merchant Marine personnel at the National Maritime Center are unaware of the "Work Opportunity Credit" program and continue to offer cavalier treatment to ALL lower-level mariners and treat them like the scum of the earth, they may well run large segments of the marine industry out of business.

The Coast Guard RECs already screw so many of our mariners that it is in large measure to blame for the growing personnel shortage that ties a number of boats to the dock and causes others to run short-handed. Can it get worse? Of course it can unless the Coast Guard changes its attitude toward our lower-level mariners. A significant part of this report deals with the cavalier treatment dished out at the nation's 17 Regional Exam Centers and the National Maritime Center.

POOR MERCHANT MARINE PERSONNEL MANAGEMENT: A COAST GUARD TRADEMARK

Following the PELICAN disaster in 1951 with the loss of 45 lives, the Coast Guard began nationwide inspection of small passenger vessels and licensing their operators starting in 1958. Twelve years later, the Coast Guard licensing program still had made little impact on licensing crewboat operators in the Gulf of Mexico. When push came to shove; the Coast Guard pushed, and industry shoved back ó and an industry deprived of its most experienced personnel could strike back at the Coast Guard again!

At industry's request, Senator Russell Long stepped in. The Coast Guard was forced to re-examine its licensing program and undertook a more reasonable approach to understanding and working with our lower-level mariners.

During the 1970s, as a result of the Newman Report,⁽¹⁾ the Coast Guard on the Gulf Coast had to adjust its nationwide licensing program to consider our "lower-level" mariners' educational attainment level and the nature of the jobs they performed. If left unchecked, the Coast Guard might have shut down the offshore oil industry or arrested most of its key personnel for unlicensed operation during the 1970s. During the same years, the fuel shortages caused by events in the Middle East emphasized how important the production of offshore oil was to our economy. Consequently, the Coast Guard grudgingly cut the marine industry some slack ó at least for a while. [⁽¹⁾Refer to GCMA Report # R-428-A. *Maritime Education & Training for Lower-Level Mariners. The Newman Report.*]

During the years between 1972 and 1980, many lower-level mariners obtained vocational training and earned credentials that allowed them to continue working in the industry. After Congress forced the Coast Guard to stop and examine the credentialing problem carefully, the next five years 1980-1985, brought most of the offshore oil industry's vessels under inspection. Problem solved ó at least the Coast Guard thought so.

They were mistaken when they thought that their administrative process of "licensing" mariners somehow solved the maritime industry work force's educational attainment problems. For example, by 1980, the clueless Commander of the Eighth District stated as much in a letter.

Ignorance is bliss! With its hands full inspecting vessels, the Coast Guard turned its attention away from the lower-level mariners who manned the industry's vessels. Coast Guard personnel at the National Maritime Center seem to either expect or believe that all lower-level mariners they process can read and function at the same academic level. While academy graduates read, write, and comprehend at the college level, the same is not true of lower-level mariners. The proof is contained in the Newman Report. Although Coast Guard officers conducted the study, the Agency dismissed it as soon as it could and resumed its old ways of dealing with mariners. Today, our mariners discredit this treatment by walking away from jobs in the marine industry.

Unfortunately, most Coast Guard officers appear more attuned to solving marine engineering problems than to solving or even recognizing social problems. They try to find a technical fix for everything. However, by the early 1990s it was clear that the huge toll of accidents and injuries in the maritime industry were a result of a host of nebulous human factors rather than mechanical problems.

The Coast Guard was poorly equipped and ill-prepared to handle the types of personnel problems posed by our merchant mariners. As a quasi-military organization with virtually unlimited authority over several hundred thousand civilian merchant mariners, they constantly ignore our mariners' increasing resentment of their authoritarian treatment.

Since the Coast Guard has its own officer corps and enlisted personnel that man its floating assets, they are always ready to extrapolate their knowledge to the civilian maritime industry. They do not do it particularly well. Rather than provide their junior officers with an opportunity to go on the water aboard commercial vessels to obtain an adequate orientation, they immediately put them to work regulating an industry in which they have little or no first-hand experience.

We find that most of Coast Guard officers have precious little first-hand knowledge of our lower-level working mariners and the problems they face on the job every day. They live in ivory towers of their own construction. The Coast Guard's failure to adequately orient their own personnel is at the base of many of their problems in understanding our mariners.

Rehabilitation of Mariners

As a government agency, the Coast Guard expends minimal time and effort on merchant mariners who experience drug, alcohol, or other social problems. They wash their hands of the matter and place the entire burden on mariners to find outside support and rehabilitate themselves. If a mariner succeeds in rehabilitation, he must then prove to the Coast Guard's satisfaction that he is cured.

The mechanics of negotiating the system is daunting. Many mariners, who have gained irreplaceable employment skills but have problems that could be solved with a little bit of care and guidance, choose to never re-enter the industry because they are unwilling or unable to overcome the bureaucratic obstacles placed before them to regain their lost credentials.

On the other hand, unions like the Seafarers International Union, conduct rehabilitation programs that attempt to salvage

members who fall victim to various addictions. We note that employers in the offshore oil industry and towing industry denied most of our lower-level mariners the opportunity to join a labor union with its attendant benefits and training.

COAST GUARD OVERSIGHT OF MERCHANT MARINER TRAINING

The Coast Guard also oversees mariner training although this was a job they suddenly acquired in 1995. Until that time, the Coast Guard was only responsible for examining merchant marine personnel not for training them.

The Coast Guard reorganized and established the National Maritime Center after they, without warning and any serious consultation dumped the entire marine industry into the unfathomable Standards of Training, Certification and Watchkeeping scheme devised by the International Maritime Organization. The Coast Guard simply left our lower-level mariners to sink or swim. They also failed to provide the NMC with the talent and resources it needed to do the job.

The National Maritime Center developed its own bureaucracy that cranked out paper as if there was no tomorrow. Although the National Maritime Center made all sorts of regulations governing mariner training, they never lifted a finger or provided a dollar to make that training available. Instead, they opened the door to a whole new cottage industry that would offer educational and training services to mariners at a highly inflated price.

GCMA was born in the midst of this educational crisis the Coast Guard inflicted on the industry. The Coast Guard turned a licensing program that everybody understood into one that became unfathomable for most of our lower-level mariners. If it had not been for a \$4,000,000 grant from the U.S. Department of Labor secured by the concerted action of four maritime labor unions and upon copious state training funds, it is doubtful whether many of the oilfield vessels would be sailing today.

BASIC SAFETY TRAINING MUST BECOME AN ENTRY LEVEL REQUIREMENT FOR ALL MARINERS

Working on the water contains many hazards not found in land-based jobs. Working with machinery in enclosed spaces and working or entering confined spaces contain other hazards.

Few if any Coast Guard or OSHA regulations currently require basic safety training to protect entry-level personnel serving on the types of commercial vessels listed below. In fact, entry-level personnel ratings of ordinary seaman, wiper and food handler only appear on Z-cards issued to mariners working on certain vessels of over 100 gross register tons. Nevertheless, between 1980 and 2004, Congress found good reason to call for Coast Guard inspection of every offshore supply vessel and towing vessel. There were and still are serious safety concerns that must be addressed.

In a 1996 memorandum of understanding between the U.S. Coast Guard and the U.S. Department of Labor, the Coast Guard accepted responsibility for carrying out the provisions of the Occupational Safety and Health Act as they apply to inspected vessels whereas the Department of Labor remained responsible for OSH-type regulations on uninspected vessels. However, the Coast Guard has done very little to ensure that our lower-level mariners receive the same protection as comparable blue-collar industrial workers do in shore-based jobs. New regulations⁽¹⁾ covering vessels operating on the outer continental shelf were delayed for at least a quarter century and still have not emerged from the rulemaking process. [⁽¹⁾33 CFR Subchapter N].

[GCMA Comment: We ask Congress to consider extending the protection of applicable OSHA industrial workplace protections to cover work performed by merchant mariners and replace" guidance" by Navigation & Vessel Inspection Circulars (NVIC) in these areas with enforceable regulations.]

We ask: Who is responsible for training newly hired personnel on any of the following vessels to ensure that they can work safely in the marine environment on these specific vessels?

- Deckhands, deckineers, and unlicensed engineers on small passenger vessels (SPV) of less than 100 Gross Register Tons (GRT).
- Deckhands, deckineers, and unlicensed engineers offshore supply vessels (OSV) up to 100 GRT.
- Deckhands, deckineers, unlicensed engineers, and cooks on offshore supply vessels (OSV) between 100 and 200 GRT. Yes, cooks need training in food preparation and sanitation to protect the health of those they feed.
- Deckhands, deckineers, unlicensed engineers on uninspected inland and offshore towing vessels up to 100 GRT.
- Deckhands, deckineers, unlicensed engineers, and cooks on inland and river towing vessels up to 1,600 GRT.
- All crewmembers on uninspected fishing industry vessels (FIV) to 200 GRT. In 1989, Congress expressed safety concerns on fishing vessels that fell short of legislation requiring vessel inspection and licensing.
- There are other entry-level jobs on other uninspected commercial vessels such as vessels on dredging and construction work that need basic safety training as well as some form of protection and guidance on how to advance in their careers in the marine industry:

The Coast Guard clearly expanded its role and grown its fat bureaucracy into areas outlined by Congress. However, like a cancer, shapeless, insensitive bureaucracy also crept into areas where it was never invited. This bureaucracy

metastasizes to an extent that threatens to kill the nation's maritime industry. It is clear that Congress needs to perform some drastic surgery or the patient will die.

First, we ask Congress to remove from the Coast Guard's the licensing, documenting, and control of training merchant marine personnel before it further destroys the morale of our lower-level mariners.

Second, we ask Congress to carefully scrutinize the National Maritime Center and its plans to reduce the number of mariners that can obtain and maintain merchant mariner licenses and documents.

Third, we ask Congress to close or reconstitute seventeen Regional Examination Centers that ran roughshod over our mariners for the past three decades. Terminate or reassign to other federal jobs civilian employees that have no background of serving in the merchant marine and reassign military personnel to other duties.

Fourth, we ask Congress to demand accountability from any offices or employees that are not eliminated. Personnel servicing merchant marine personnel transactions must assist rather than discourage mariners to attain the credentials they need in return for the user fees they pay for this service.

Fifth, we ask Congress to reduce paperwork to the bare essentials and no longer mariners and government employees to struggle through a full "application" for each and every renewal or upgrade transaction.

SPECIFIC PROBLEMS TAKEN FROM GCMA CASE FILES

Many of our nation's "lower-level" mariners recognize the Gulf Coast Mariners Association as a "safe harbor" where help may be available to deal with an increasingly remote and insensitive Coast Guard bureaucracy at various Regional Exam Centers and at the National Maritime Center.

Regional Examination Centers (REC) are the Coast Guard's window to all merchant marine personnel. Mariners opinions of this agency, and to a larger extent of the United States Government is formed by the treatment they receive from REC staff members. For many years, the service and treatment rendered by REC employees has been absolutely deplorable.

A recent article in the Waterways Journal stated "currently the **error rate** in applications filed with the Coast Guard Regional Exam Centers (REC) is between 50% and 80%." ⁽¹⁾ With some RECs taking as long as 16 weeks to process an application, the results have been a major disaster for many of our mariners - a disaster shared by their employers who have trouble finding employees to remain in business. [⁽¹⁾Waterways Journal, Oct. 2, 2006, p. 7]

The variety of problems our mariners face is exceptionally large because the application process has become exceedingly complex and cumbersome. While some problems undoubtedly result from errors on the part of our mariners, the existing system has been unforgiving and dismissive of our mariners' best efforts to cope with it and to comply with their confusing directives.

GCMA does not run a licensing service or collect fees for any assistance offered. We do not seek to solve individual mariner certification problems. In recent years, an entire cottage industry sprang up to assist increasingly distraught mariners unable to cope with the system. Nevertheless, the problems tend to find us because mariners understand that we are genuinely concerned about the way our government treats them.

Each case we present below deals with a real person or persons. Remarkably, most of the 30+ cases came to our attention **in only a six-month period** between July 1 and December 31, 2006. In reading these cases, assume the year 2006 unless another we specify another year.

Most of our mariners fear **retribution by Coast Guard officials at local RECs** and throughout the appeal process. Unfortunately, we do not believe this fear is unfounded. Specifically, in one case, Mariner #27 who dared to protest a decision by REC Boston, was told: "I must remind you that during these interactions, in accordance with 46 CFR Part 5.57, you are acting under authority of license, certificate or document. As a result, I have directed the Senior Investigating Officer to open a Personnel Investigation under 46 CFR Part 5.27 for possible misconduct. If it is determined that you violated this: statute, subsequent actions may include possible Suspension or Revocation of your Merchant Marine License in accordance with 46 U.S. Code §7703. You are advised that this letter will become a part of your merchant marine record and will be considered during future renewal transactions of your license."

The situation became intolerable when, according to this Coast Guard officer, a mariner has no right to disagree over the telephone with the decision of REC personnel 500 miles away and then is blackmailed with a direct threat to his license and livelihood.

[GCMA Comment: We ask that Congress review both the statute and regulation cited with an eye to removing any penalty for voicing disagreement with a Coast Guard decision. We will not countenance any threats of violence on the part of mariners.]

Realizing that the Coast Guard wields considerable authority, we respected our mariners' privacy and redacted their names unless given specific permission to use them.

We brought some of these cases to the attention of our mariners in our GCMA newsletter posted on our website. We will mail a copy of this report to each mariner that called on us for assistance as well as to each member of Congress on a Coast Guard oversight committee.

We believe that the cases cited support the conclusion that the Coast Guard has been overburdened with other "homeland security" duties and lost control of merchant marine personnel whose careers and livelihoods now suffer.

They Coast Guard in the NMC and the seventeen RECs have been so obsessed with "enforcement" that they completely forget they are supposed to service a merchant marine public in excess of 208,000. While it is clear that some of the cases simply demonstrate bureaucratic bungling.

However, if you examine it more closely, it becomes apparent that each case has some arguable issues that sometimes are difficult to resolve or may go against the Coast Guard's preconceived ideas of the way they manage the personnel system. In fact, these cases demonstrate a systemic inability to understand and reasonably regulate maritime personnel. The public must look beyond the things the Coast Guard does well in regulating the maritime industry and their vital role in homeland security, drug interdiction, and search and rescue. It is time to fix those things they do poorly at and handle licensing and training very poorly. Although the Coast Guard focused its attention on restoring "credentialing" service after Hurricane Katrina, the system can never recover from years of mismanagement by erecting a new building, pulling in a new staff, wiring it for the latest computers and continuing with business as usual while leaving its moribund policies in tact. The Coast Guard Merchant Vessel Personnel branch (G-MVP) had all this when they moved to Arlington from Oklahoma City and morphed into the new National Maritime Center. GCMA Report #R-401-B, How the Bureaucracy Wrecked the USCG Merchant Mariner Licensing and Documentation Computer System gives a detailed report on what happened during the 1990s. History is prologue!

CASE #1 ASININE TOWING LICENSE REGULATIONS

Overview

The estimated 32,000 mariners who work on towing vessels are the most vulnerable and at-risk lower level mariners with one of the highest fatality rates in the nation.⁽¹⁾ [⁽¹⁾ Refer to GCMA Report #R-351, Rev. 1 How Safe is the Towing Industry.]

Towing vessel license regulations⁽¹⁾ that resulted from a series of public hearings in the late 1990s elicited 787 written and verbal comments from the public. These new regulations went into effect on May 21, 2001. [⁽¹⁾ Docket #USCG-1999-6224, 64 FR 63228 as amended.]

During the life of the project, the rulemaking process passed through the hands of three separate project officers, a Towing Safety Advisory Committee "Work Group" that met on at least six occasions, and then dragged on through a five-year phase-in period.

The Coast Guard's overburdened licensing system, with its acute lack of first-hand knowledge of the mariners it tasked to regulate, failed to adequately address the rulemaking's shortcomings. Today, this failure threatens to derail the careers of many of the towing industry's older and more experienced mariners and burdens many other mariners with unexpected expenses while threatening the continued stability of the pool of available mariners willing to serve on towing vessels.

Mariner #8

Unnecessary Obstacles in His Career Path

The case of Mariner #8, a licensed 100-ton Master with a towing endorsement, is only one of many examples that

came to our attention. Our attempts to bring this matter to the attention of the Coast Guard's National Maritime Center, the Towing Safety Advisory Committee (TSAC), the American Waterways Operators (AWO), and the Offshore Marine Service Association (OMSA) did **not** lead the National Maritime Center or Coast Guard employees at Headquarters (G-PSO) to take the first meaningful step to resolve this problem.

Industry-wide Scope of the Problem

Apparently, Mariner #8 simply despaired of solving his personal licensing problem. Consequently, as a strictly personal issue it now must take a back seat. We informed Mariner #8 that he shared this problem with many other mariners ó for whatever consolation that may have offered him.

Consequently, we cannot allow the fact that he never wasted a hard-earned \$140 öuser feeö to submit a formal application for the license upgrade from 100 to 200 tons stand in our way of presenting his problem to a wider audience. Other mariners did put up \$140 in cold hard cash and received the same answer.

We assembled this and other cases and followed the advice of Captain Fink, the Commanding Officer of the National Maritime Center, ö to petition the Coast Guard for such action.ö However, since GCMA experienced a depressing number of other mariner öpetitionsö steered into left field by Coast Guard officials in the past seven years, the Coast Guard also can consider this Report to Congress as a petition to address this and other lower-level personnel issues.

Statement of the Problem

Mariner #8 is an experienced tugboat captain who worked for years in the Gulf of Mexico with a **100-ton Master's License and a valid towing endorsement**. His license is typical of thousands of similar licenses issued from about 1987 to 2001. An informal guess by an official at REC New Orleans indicated that as many as 50% of all ötowingö licenses issued by his office during this period may have been ö100-tonö licenses.

The 100-ton licenses were popular because they required one less year of sea service than a comparable Operator of Uninspected Towing Vessel (OUTV) license and allowed the applicant to take the standard ö100-tonö course offered at most license prep schools during this period. These courses were offered as öCoast Guard Approvedö courses since about 1995 although other courses and home-study is currently available with exams given at Coast Guard Regional Exam Centers.

There is certainly no shortage of towing vessels of less than 100 gross register tons for these licensed Masters and Mates to operate. Most mariners paid their own way through school to obtain both 100-ton and/or towing licenses.

Why Mariner #8 Presented This Problem to GCMA

When the mariner approached the Gulf Coast Mariners Association and asked us to help him, we contacted the school he had attended. We also contacted Mr. Richard Wells who runs REC New Orleans and verified some of the östrangeö information Mariner #8 had received. We then

contacted the Commanding Officer of the National Maritime Center (NMC) because we identified the problem as one of önational significance.ö

A Problem of National Significance: Our Letter to the NMC of July 25, 2006

Dear Captain Fink,

öThis letter concerns Captain ■ (i.e., Mariner #8)(address + contact phone #) I believe it also may affect other mariners in similar circumstances based on information received from (his school) that was traced to information they received from REC New Orleans as well as REC Oakland, CA.

öYou and I both attended the TSAC working group meetings that hammered out understandings on the towing vessel licenses in the winter of 2000-2001. Of course, those meetings were only öadvisoryö in nature. However, those meetings perpetuated basic differences between the 100-ton Master's license that allowed a ötowing endorsementö restricted to 100-ton towing vessels and the OUTV license that became Master of Towing Vessels license and has no tonnage limitation for most towing vessels under 200 GRT in near coastal domestic service.

öThe problem that arises today when a 100-ton Master, with his towing endorsement (and now holding that additional full year of experience that originally separated the two licenses) tries to move to a Master of Towing Vessels license. The road-block that the local Regional Exam Centers appear to place in the path of upgrading appear to be unjustified. I believe this problem may arise from misinterpreting the regulations.

Mariner #8's Problem in Perspective.

öCaptain ■ works for Crosby Towing Co., a large local towing company operating both inland and in the Gulf. Captain ■ wants to continue to work for the same company on domestic voyages (only) in the Gulf of Mexico. He is on the third issue of a 100-ton near-coastal Master's license. He seeks a Master of Towing Vessel license. He does not want a 500-ton Master license, but wants to retain his 100-ton master rating so he can run inspected small passenger vessels, crewboats, utility boats, and other OSVs of that tonnage. However, he was told that to upgrade his license he must test for a ösuperior route.ö This, for a near-coastal license, is interpreted (by the REC and apparently supported by the NMC) to mean öoceans.ö We suggest that both the Regional Exam Center and the National Maritime Center re-evaluate this issue because it affects a sizeable number of licensed mariners and it will cost them a great deal of money for a relatively small raise in grade. This is what it would cost him in tuition and time off work spent in school ó most likely öout of pocketö (to obtain a 500-ton license):

- Celestial Navigation Course. School Tuition \$1,000 + 12 days @ \$400 per day = **\$5,800**.
- Master, 500-ton Upgrade Course. Tuition \$1,000 + 30 days @ \$400 per day = **\$13,000**. In addition, there would also be the following separate courses to meet Coast Guard requirements.
- Advanced Firefighting: Tuition \$750.00 + 5 days at school @ \$400 per day = **\$2,750**.

- Able Seaman: Tuition \$450 + 6 days @ \$400 per day = **\$2,850.**
 - Proficiency in Survival Craft \$800 + 4 days @ \$400 per day = **\$2,400.**
 - Basic Safety Training (STCW) \$1,000 + 5 days @ \$400 per day = **\$3,000**
 - Bridge Resource Management (BRM) \$300 + 3 days @ \$400 per day = **\$1,500.**
 - Flashing Light (signaling) \$150 + 1 day @ \$400 per day = **\$550.**
- Grand Total: \$31,850.**

Although this figure is just an estimate based upon the time an average mariner would have to take off work to complete the courses, the classroom time does not include the time off work on the weekends that classes typically are not in session. It does **not** include room, board, or travel if the mariner does not live close to the school.

This difference is even more shocking when you consider that Captain █ probably spent less than \$1,000 to obtain his present 100-ton license a decade ago. Unless he upgrades his license, no matter how much additional experience he gains, he will never be able to operate a tugboat between 100 and 200 GRT offshore until he completes this additional training. He will be faced with making this sizeable investment or his employer will have to do so as a direct result of a small misstep he made in his career path in sitting for a 100-ton license rather than an OUTV license about a decade ago.

In Captain █'s case, the route he seeks is NOT a superior route; it is the same near coastal route he already has on his license. After three issues, he can find his way around in the Gulf of Mexico or on other domestic coastwise routes.

It gets better: To go for an oceans license, he was told he must take and pass Celestial Navigation at the Unlimited Masters level all of this to operate in the Gulf of Mexico and coastwise. This geographic area is well covered both by Loran C and GPS which are much more accurate and user-friendly than is Celestial.

Celestial courses take a minimum of three weeks, involve intensive training that is not always easy to grasp. The course is costly, and the school made it clear that it is NOT trying to sell him this course. They informed GCMA that this REC policy is apparently verified by personnel at least two RECs is based upon 46 CFR Table 10.464-1.

If this is the way the RECs interpret 46 CFR Table 10.464-1 (and I disagree with the interpretation by plain reading) I believe it will discourage any mariner who has a 100-ton license with a towing endorsement from ever advancing beyond the 100-ton stage and running larger towing vessels in the towing industry.

It also questions why Captain █ would need a TOAR (to upgrade his license) since he was continuously employed in the towing industry for a number of years and is NOT returning from suspension or revocation. As a former vessel owner, I can see why it might be a good idea to let him serve as mate for 30 days on a larger vessel to become familiar with the vessel characteristics. However, to require a separate license transaction⁽¹⁾ requiring 30 days service that will take a minimum of 16 weeks (112 days) at a lower wage

when the industry is so short of licensed personnel doesn't really make much sense. [⁽¹⁾A typical license transaction at the time the letter was written took 16 weeks.]

I would appreciate any guidance you could give Captain █ in the matter discussed above.

The difference between the 100-ton And Towing Officer License Exam.

Several years ago, I reviewed the written towing test that formerly was given at the OUTV stage and is now given at the Apprentice Mate/Steersman stage. I am also very familiar with the 100-ton test, having reviewed it and provided a number of questions to NMC in 1997 in line with the newly revised T-boat regulations. I even received a nice letter (of appreciation) from Admiral Card at the time.

The basic difference as I recall was in the plotting problem where a candidate for Master of over 100 GRT and for towing licenses work a plotting problem with a number of steps where an error on one step can throw off subsequent steps. The 100-ton test, on the other hand, has individual problems where one answer does not depend on the preceding answer and each problem is graded separately. If this (minor) difference still exists, I believe the towing officer should be prepared for the more difficult test.

If there are other differences that can be identified, and are meaningful, they too should be tested. Throw in the usual upgrade re-test on the rules of the road if you want. Require that extra year of service the people who took the 100-ton test skipped out on in the 1990s (but accept the time served on towing vessels as counting for that experience as long as they can show it). Then let the candidate upgrade without all the flack these guys now are running into from the RECs gratuitously inventing things they really know nothing about.

The Coast Guard Creates Problems Where Problems Should Not Exist

In the 1980s, the 100-ton test was considered a pretty-solid test. In 1987-1989 CDR (later RADM) George Naccara modified the scope to allow mariners to break in on small towing vessels of less than 100-tons if they took a towing endorsement 10-question test. It let them get into the industry with less time and receive instruction in all the basics including Subchapter T regulations that, of course, do not apply to towing vessels. It was a good idea then, and just as good an idea now is limited to the smaller vessels. However, the 100-ton license gave the students an insight into Coast Guard inspection and all that that entails. That was Lagniappe is a little something extra for those who work on tugs and towboats (today)!

For the offshore towing industry, the important tonnage figure was always 200 tons. It was NEVER 100 tons and this was to escape the (licensing) requirements of the Officers Competency Certificates Convention of 1936 (and Act of 1938). Suddenly, 100-tons has become a difficult roadblock for reasons of licensing. We recognized and dealt with it in TSAC in the winter of 2000. However, it (the tonnage issue) affects offshore as well as inland towing vessels. It is artificial (i.e., unnecessary for the most part) and mariners need to overcome it easily by administrative

means or the existing personnel crisis will become intolerable for the towing industry. I don't think I am asking the Coast Guard to give anything meaningful away.

I recently heard of a towing vessel operator who is building six towing vessels under 100 tons for obvious licensing reasons. This really should not be a necessary consideration. It should not be a matter that concerns a naval architect until the vessel reaches 200 tons and that only for near-coastal routes.

Now, Congress has decreed that towing vessels will be inspected. GCMA has been insisting (continuously since 2000 in GCMA Report #R-276 and later in GCMA Report #R-276-A) that inspection be done the same way with towing vessels as it is done with small passenger vessels and OSVs. When that happens, GCMA will push for all towing vessel licensed officers to be tested on the new towing regulations the same way tankermen were tested in 1980 in a thorough open book inspection rules test at renewal time involving a forced reading of the regulations preferably ASAP or at least before renewal. You can't play the game unless you know the rules.

"As I seem to be more involved in hearing this litany of complaints, the more I believe that the answer lies in centralizing control and giving unified answers and treatment to all our mariners. I believe that unifying inspection regulations requiring essentially the same treatment for small passenger vessels, OSVs, and towing vessels can lead to simplifying and unifying training requirements for (all) lower-level (deck) licenses.

s/Richard A. Block, Secretary, GCMA

Reply from Captain Fink dated August 9th.

Dear Mr. Block,

This is in your reply to your letter dated July 25, 2006, concerning Captain ■ and his application for renewal of his license.

If Captain ■ is not satisfied with the decision of the Regional Examination Center, he must appeal that decision. The appeal should begin at the office where the decision was made; i.e., REC New Orleans. If the issue is not resolved to his satisfaction, he may appeal to the cognizant District Commander and ultimately to the Commandant.

[GCMA Comment: Unfortunately, Mariner #8 never submitted a formal application. He received the "advice" cited above from his school that GCMA later verified as correct.]

[GCMA Comment: Like many other mariners, Mariner #8 is not interested in investing over \$31,850 to upgrade his license to operate a slightly larger towing vessel for a small increase in salary.]

[GCMA Comment: The prospect of taking a Celestial Navigation course and taking all the extra schooling required for a 500-ton license is very daunting to many mariners with less than a high school education.]

If you or Captain ■ believe that the regulations should

be amended, you may petition the Coast Guard for such action. See Title 33, Code of Federal Regulations, section 1.05-20 for further information.

Sincerely, E.J. Fink

Petition vs "Appeal"

Since Mariner #8 never filed a formal application, GCMA had nothing to appeal on his behalf. Why would any mariner submit an application and spend up to \$140 when they already know the answer. As far as the Coast Guard is concerned, unless there is a formal application there is no problem for them to consider! After running into this brick wall, we decided to publicize the problem and inform Congress of the Coast Guard's intransigence on this asinine regulation.

[GCMA Comment: Although the Coast Guard does not ask questions about the Appeal process on licensing exams, we believe every "lower-level" mariner needs to be familiar with the appeal process. Consequently, we prepared and published GCMA Report #R-436, The Coast Guard Appeal Process for our mariners' information.]

TSAC Cold Shoulders This Problem

The Towing Safety Advisory Committee should have an advisory interest in this matter since the Coast Guard called upon a TSAC Work Group to advise it on establishing the new towing vessel licensing regulations in that went into effect in May 2001.

GCMA traveled to Washington and participated in most of the half-dozen work-group meetings held during the winter of 2000-2001. Attendance at these meetings cost the Association considerable time and approximately \$6,000 in expenses. However, the process gave us an insight into what really was going on behind the scenes in the nation's capital.

Since the same Licensing Work Group still exists (with some new faces), and since GCMA believed something was seriously wrong with the regulations, we submitted a letter to Mrs. Jennifer Carpenter, Chairperson of the Work Group, on Sept. 12, 2006. The letter:

- Restated the problem described above.
- Indicated the problem affected many licensed tugboat Captains.
- Many mariners, perhaps far more than the Work Group realized in 2000, chose to sit for the 100-ton license exam rather than the OUTV exam.
- This was a domestic issue only involving towing vessels of between 100 GRT and 200 GRT.
- The roadblock that the National Maritime Center placed in the path of upgrading can be insurmountable from a financial and educational standpoint.
- This problem may have arisen from work that our TSAC license work group may have failed to do or that the

Coast Guard misinterpreted the regulations.

- At least one REC required completion of a Towing Officers Assessment Record (TOAR) for a 100-ton Master⁽¹⁾ with a towing endorsement to increase his tonnage ó never part of the work group understanding in 2000-2001. [⁽¹⁾Discussed later as Mariner #27.]
- Forcing Mariner #8 to upgrade to a 500 ton license on an öceansö rather than his existing önear coastalö route is unrealistic. His existing license allows him to run small passenger vessels, crewboats, utility boats, and other OSVs of that tonnage including some 185-foot supply vessels and a number of 165ø and 145ø offshore supply vessels that only require his 100-ton license.
- There appears to be no reasonable method provided in the regulations for Mariner #8 or any other mariner in a similar position to extend his towing endorsement from 100-tons to 200-tons without taking a full 500-ton test complete with Celestial Navigation, STCW, and all the other bells and whistles.
- The New Orleans REC sought guidance from öWashingtonö on this matter and reportedly has received none. This speaks volumes about the quality of Coast Guard leadership.
- The öappealö process adds no value and simply wastes time and effort. It is a put-off and a fraud.
- The number of persons holding 100-ton Master licenses might approach 50% of towing vessel licensed officers processed through REC New Orleans and have a significant effect on the availability of towing vessel officers in domestic near coastal waters. REC New Orleans is the largest in the country.
- If asked, TSAC might want to provide advice on this issue directly to the Coast Guard.

[GCMA Comment: Unfortunately, although alerted in advance, TSAC never discussed this matter in its semi-annual meeting in St. Louis in September 2006.]

TSAC Leaves the Ball in Our Court

Our letter to Mrs. Carpenter recited issues outlined above. Copies of the letter were sent to Mr. Richard Wells, REC New Orleans, and to the Offshore Marine Service Association, that represents a number of offshore towing companies. We assume that Mrs. Carpenter notified the members of the TSAC License Work Group of the issue. Unfortunately, issues important to our mariners were so badly trampled at this TSAC meeting that any protest would have been insignificant. In addition, we received no response from either Mr. Wells or OMSA.

Since this is a ömarinerö issue, GCMA is prepared to go it alone if necessary when we believe we are doing our best to help our lower-level mariners. By now, we know that we

cannot look forward to any support from trade associations like AWO and OMSA who have proven time and again to have little genuine concern for any mariner issues that do not have the potential to save or generate money for their member companies!

Unfortunately, the Towing Safety Advisory Committee did not schedule us any time to present the issue in a public forum at their semi-annual meeting in St. Louis on September 20-21. However, I did have the opportunity to meet with former Commanders. Luke Harden and Dave Dolloff ó both now civilian Coast Guard employees ó who are öveteransö of the towing license rulemaking project.

The discussion revolved around the personal issue of Captain ■ and even involved a long-distance call to the school Mariner #8 attended. However, although well intentioned, it solved nothing yet let both men better informed of some of the problems currently facing this particular aspect of the towing license program.

[GCMA Comment: On Dec. 24, 2006, GCMA petitioned the Coast Guard (G-LRA) to “grandfather” this class of license holders into Master (or Mate) of Towing Vessel licenses based upon their cumulative sea service on towing vessels.]

Mariner #4

Overwhelmed by Complex Towing Regulations

Mariner #4, age 39, is a local boatman who worked on oyster and trawl boats all his life. With the decline of the fishing industry, he went to work for a local towing company as a deckhand in 2000. He sought to improve his position and attended class at the local community college where he earned a 100-ton Masterø license in 2001. At the time he earned this license, it allowed him to operate a towing vessel up to 100 tons.

While he was attending classes in 2001, he was told that there were ösome new regulationsö in the pipeline, and he understood that he would have to obtain a towing endorsement by the time he got his first renewal. In the meantime, between 2001 and 2006, he continued to work on towing vessels.

In order to obtain his ötowing endorsementö he went back to school and completed the Apprentice Mate/Steersman course which provides the equivalent of the knowledge requirements for the former Operator of Uninspected Towing Vessel License ó the equivalent of the license he used to operate tugs with for the past 5 years.

Unfortunately, an Apprentice Mate/Steersman is not allowed to operate a towing vessel without supervision for a 360 day period during which time he must complete a Towing Officer Assessment Record (TOAR) before a Designated Examiner. The company he works for owns one towing vessel that is marginally over 100 gross register tons.

As presented to GCMA, this was a case where Mariner #4 never fully understood the complexities of new licensing regulations that were about to go into effect in 2001. He obtained all of the öknowledgeö requirements and, in addition, had five years of experience doing towing jobs including rig tending, inland rig moving, and pushing barges.

If Mariner #4 is required to serve an additional 240 12-

hour days (i.e., one more year) as an apprentice mate/steersman he would suffer a significant loss of pay and also seriously inconvenience the small company he works for because of the local shortage of personnel in the industry.

In light of these issues, GCMA requested that Mariner #4 be issued a Master of Towing Vessels license for inland waters based on his previous license and service under that license to keep his job and secure his income.

The National Maritime Center told us to request (Mariner #4) submit the information in your letter via an application for the license he desires to any Regional Examination Center (REC). After the REC review, if (Mariner #4) is not satisfied with the results, he may appeal that decision.

The fact is that (Mariner #4) just received the second issue of his license from the new Coast Guard new National Maritime Center facility in West Virginia, and was very unhappy to learn that his new license would be useless to him. GCMA's letter of October 2nd that Mariner #4) certified by his signature as being true and correct to the best of my knowledge and belief said it all.

We cannot understand what "magic" regurgitating all the information contained in a whole new application blank could possibly add to the process, and how does sending it to any REC (e.g., at random) could help this mariner achieve the license endorsement he needs to continue to feed his family today. Perhaps, the problem was that he did not express himself properly in his first application. We don't know because we never saw his first application. Many mariners, apparently between 50% and 80%, have a problem successfully completing the application the Coast Guard currently uses. GCMA purposely pinpointed the problem in our letter and asked the National Maritime Center to solve it. Was this the best advice their Chief of Policy and Oversight Division could offer Mariner #4?

[GCMA Comment: We expect Coast Guard officials to solve the problems placed before them and not to shuffle them off to others. These are the officials that must be purged from the credentialing system – the sooner the better.]

<p style="text-align:center">CASE #2 REC PERSONNEL ARE SELDOM AVAILABLE TO ASSIST MARINERS</p>

Mariner #15

REC Misplaces Mariner Application Documents

The primary reasons that mariners call us is that cannot reach the Coast Guard personnel who staff the seventeen Coast Guard Regional Exam Centers by telephone. Almost as often, mariners cannot get the REC to return their call. Some RECs, as you will see, never even reply to formal correspondence.

Many applicants find that they cannot speak with a person who has the knowledge or will take the time to answer their questions. Without timely answers and good advice how to proceed, the application, renewal, or upgrade

process comes to a halt. It is at this point that a mariner feels abandoned and seeks any outside help available.

Mariner #15 attended school in April 2005 to obtain a 100-ton Master's near coastal license and an unlimited radar endorsement to operate a crewboat. He passed the school's examinations for both areas and obtained his course completion certificates **before Hurricane Katrina**. However, the storm interrupted the process causing his family serious storm damage.

The mariner made formal application for his license on March 14, 2006 in Metairie, LA, where he was fingerprinted and where he delivered his application package in person. The whole application should have been checked at that location before they mailed it to the REC in Memphis.

[GCMA Comment: There is far too much paper shuffling by too many individuals engaged in processing of applications. The procedure has become too complex for many individuals – especially our mariners – to comprehend.]

During the process of transferring the paperwork, someone involved in the process reportedly lost the Course Completion Certificate from the school signifying that Mariner #15 completed the Master's course. However, they did not lose his radar observer certificate.

[GCMA Comment: Because of the huge volume of unnecessary paperwork the application process generates, it is common for RECs to misplace or lose mariners' paperwork. The REC always places the burden on the mariner to replace lost paperwork. In many cases, replacing lost paperwork may be expensive, difficult, time consuming, if not impossible. In the meantime, the application cannot move forward.]

Mariner #15 received a letter on July 25th signed by a Mr. David Chapman in the Metairie REC informing him that he needed to attend school since he did not provide a course completion certificate.

The mariner obtained a replacement certificate and mailed it by Certified Mail to the attention of Mr. David Chapman at the Metairie REC. The letter apparently was signed for on August 4th at the Metairie REC. However, on August 15th the mariner's wife received the package back, unopened with the markings "RETURN TO SENDER UNKNOWN".

[GCMA Comment: The impression many mariners receive from the REC is that the right hand has no idea what the left hand is doing.]

The mariner's wife then called Mr. Chapman at the Metairie office. She reported making **37 telephone calls** just to try to reach him.

When the mariner's wife finally made contact, she reported that Mr. Chapman was pleasant enough but did not have any idea of what was going on. Thereupon, she then mailed the course completion certificate to the REC in Memphis and obtained a return receipt that it had been delivered to the REC

in Memphis at 12:59 PM on August 21st. However, when she called Memphis, they told her they never received it.

While this case involved the post-Hurricane Katrina recovery, the impression that Mariner #15's wife had of her encounter was one of absolute incompetence at all levels.

We brought this matter to the attention of the National Maritime Center in a letter dated August 24th but never received a reply. However, our follow-up later indicated that the matter was finally resolved.

[GCMA Comment: It is common for mariners to ask their wives at home to contact the REC while they are at work. This is an experience that many wives will never forget.]

CASE #3 THE HIGH COST OF ADMINISTRATIVE ERRORS

Mariner #5

Captain Gilford (Gil) D. Freeman of Newport News, Virginia joins us in saying that it is high time to remove the Coast Guard from the administrative task of issuing merchant mariner licenses and documents. A former military man and graduate of the Army Transportation School at Fort Eustis, Virginia, Mr. Freeman points out that since the U.S. Air Force doesn't issue commercial pilots licenses to aviators, then why should a branch of the military issue merchant mariner credentials. He points out from his hard experience over the past nine months that the Coast Guard REC doesn't do its job very well at all. Here is his story.

[GCMA Comment: Mariners are transportation workers. We ask that Congress separate the superintendence over merchant marine personnel from the Coast Guard and return it to civilian control under an agency of the U.S. Department of Transportation.]

Captain Freeman works for the State of Virginia running the Jamestown to Scotland Ferry across the James River.

In December 2005 he began the renewal process by obtaining his physical exam and submitted his paperwork to REC Miami. In response to a January 2005 rulemaking "effective immediately," Captain Freeman went to REC Baltimore and had his fingerprints taken electronically. REC Miami then sent him a note that he needed a hearing test to renew his license even though he held a medical waiver for his hearing issued in 2004 when he renewed his z-card. He scheduled the test and sent in its result to REC Miami on May 16th.

Captain Freeman's license expired on June 7th. When he heard nothing from REC Miami, he called them at least six times and left messages with a Miss Coleman, a civilian employee. When he finally spoke with her on June 6th, she said in effect: "I have your file on my desk now, but I won't be able to get to it until the week of June 12th". However, as Captain Freeman quickly discovered "NO LICENSE, NO WORK". He had to go on leave without pay once he used all his vacation time.

[GCMA Comment: Comments like this by REC

employees are inexcusable and reinforce our request to privatize services with adequate accountability.]

Captain Freeman called her again on June 28th after the license still did not arrive and was told his license had been approved June 26th and sent to the printer.

GCMA Comment: In processing applications, too many cooks spoil the broth.]

After leaving messages again, he spoke to a LTJG Gare (at REC Miami on extension 112) on July 10th and was told that his license had been approved but that no further information was available on his computer. He called again on August 1st and was told the same thing and that the person would check and call back but never did.

Captain Freeman called back and was told, "Due to a problem with the system, the Coast Guard needed a new background check and if there was no problem, then they could issue it the license."

The Last Straw

Since June 7th, Captain Freeman's meter was ticking. Like most mariners, he is not a rich man. He is only a few years from retirement. Without a license, he was out of work. Not only was he not receiving a paycheck, he had to pick up insurance payments of \$1,000 per month for himself and his wife. Short of cash, he had to rearrange his finances and finally had to take out a loan to tide him over.

Captain Freeman was so fed up with the federal bureaucracy; he called Secretary of Homeland Security Michael Chertoff. Receiving no satisfaction at that level, he called the Inspector General for the Department of Homeland Security, Mr. Richard Skinner on August 5th at 202-254-4043. Things then started to move off top dead center. A Mr. Michael Knorr a DHS investigations branch specialist (202-493-6600) put him in touch with a Mr. Barry Walker at the National Maritime Center who appeared to be on the "medical side of licensing." He reviewed his computer and indicated that he should not have had to take another hearing test because he already received a waiver for hearing on his z-card in 2004. If that was true, there was no reason to have held up his application originally submitted in February. On August 8th he was told by the National Maritime Center that everything had been approved by REC but he still had to be "vetted" again and assumed to be another FBI check. His license was issued on August 14th and he finally received it on August 24th and returned to work on the evening of August 28th.

\$18,000 Poorer

Captain Freeman has his license, but he is \$18,000 poorer. This is not the first nor probably will it be the last story like this that we will hear. In fact, we have heard over 30 stories from other mariners who reached the "end of the rope" in the second half of 2006. Fortunately, some have had "happy" endings and but, aside from the ending, these mariners were unable to make "the credentialing system" work for them.

[GCMA Comment: Based upon our experience, the new “centralized” licensing system needs nothing less than a federal Ombudsman empowered to make the system work. Any mariner should be able to contact the Ombudsman when “the system” will not function for him. Otherwise, we will continue to lose our best talent to frustration with the bureaucracy.]

\$18,000 is a very high price for any mariner to pay for the privilege of holding a license, for the privilege of being able to earn your living working on the nation’s waterways. \$18,000 is an excessively high price to pay for to support a system that was broken long before Hurricane Katrina provided it with more excuses to cover its poor performance.

Placing the New Orleans REC in harms way is a story motivated by city politics rather than by improving service to merchant mariners.

Mariner #32

Another \$18,000 Administrative Blunder

Mariner #32 is a deckhand who works on a fleet boat on the Lower Mississippi River in the Baton Rouge area. He sought to improve his status, attended classes, and completed an Apprentice Mate/Steersman course that, when issued by the Coast Guard, would qualify him to begin one year’s training in the pilothouse.

The school he attended helped to prepare his application that he submitted to the Coast Guard. As part of the application process, Mariner #32 went to the REC in New Orleans to turn in his complete application, give them his fingerprints, and take the oath and sign the paper attesting to the oath as necessary to complete the application.

The mariner’s application was transferred to REC Toledo as part of shifting the Regional Exam Center’s New Orleans work load as part of recovering from Hurricane Katrina. However, the mariner’s application was mishandled and gathered dust in the Coast Guard’s New Orleans and Toledo RECs for six to seven months.

The school that Mariner #32 attended attempted to follow up the application on the mariner’s behalf. Since the telephone at the both RECs was virtually inaccessible, mariners and those acting on their behalf had no alternative but to try to obtain information on the status of their applications under the Freedom of Information Act.

The Toledo REC issued a form letter dated May 30th that told mariners seeking information on their pending license applications that they would be at the end of a long queue of FOIA requests and that there were costs ranging from \$16.00 per hour for a contractor clerk to \$55.99 per hour for a Commander to search for the information. The letter was confusing and legalistic and stated in part, “Please let us know if you still want the records or information requested in the enclosed summary of Pending File Review Requests. If we do not hear from you within 30 days from the date of this letter, we will conclude you no longer desire the information and will close these requests in our FOIA records.”

[GCMA Comment: Our Association is familiar with the Freedom of Information Act and has used it on many occasions. The tone of REC Toledo’s letter served to discourage individual mariners from seeking reasonable access to information on the status of their pending license applications.]

The mariner finally contacted the office and was told that he had to be approved for Western Rivers although he had trained for both western rivers and inland waters in the course he completed. Furthermore, his application originally was accepted and processed by REC New Orleans, but an evaluator in Toledo stopped its approval.

When Mariner #32’s Steersman’s ticket finally is issued, he then he will have to receive practical shipboard training on western rivers and/or inland waters depending upon the completed Towing Officer Assessment Record that he will turn in to the Coast Guard at that time. Consequently, the application was held up by REC Toledo for a considerable period for the wrong reason. Finally, although they apparently received word of their error, Mariner #32’s harassment did not end there.

The rest of the story reveals some of REC Toledo’s office practices as related to this mariner. Mariner #32 finally made contact with a Ms. Deborah Scott at REC Toledo who reportedly told him in effect that it was “hard to find his file and that they did not know where it was at” and that she could not find the oath and could he go to REC New Orleans and take the oath again. As the mariner planned to travel to New Orleans to comply with her wishes, he received another phone call saying that they located the missing paper and promised to mail his steersman’s permit soon thereafter.

How much did **administrative delay** caused solely by inept Coast Guard employees cost Mariner #32 and his family? He revealed that it set him back at least six months and cost him the difference between a deckhand’s pay and a steersman’s pay of \$150 per day. On a 14 & 7 day schedule, this delay cost him as much as **\$18,000**.

Is it any wonder why there is a shortage of personnel willing to move up to the pilothouse for training. The Coast Guard must change its attitude and help rather than hinder mariners and their employers.

**CASE #4
REC NEW YORK’S THROWAWAY MARINER**

Mariner #10

There was a day, not too far in the past, when mariners were a dime a dozen. Some mariners were used and discarded like paper cups when no longer needed. Other mariners, who needed “correction” when they failed to meet a variety of life’s problems in a socially acceptable manner were discarded like used toilet paper.

Management is finally coming to the realization that that day is over. There is no longer a plentiful supply of new candidates willing to accept a job at sea or on inland waters. Those mariners with experience at sea are at a premium.

However, the Coast Guard's ponderous bureaucracy has been slow to recognize the need to "recycle" mariners either effectively or efficiently. Unless the Coast Guard can adjust its system of handling merchant mariners, the domestic maritime industry will wither and die. There are limits to how much our experienced merchant mariners will continue to put up with.

A Case at Point

On June 5, 2006, we received a call from Able Seaman ■ who had been working on the west coast for the Military Sealift Command on a job that requires considerable experience. Unfortunately, his merchant mariner's document (z-card) was suspended for one year on a drug charge in July 2005 after which he entered a rehabilitation program. At the time of his first of many calls, he had almost finished "rehab," paid \$60 in advance for each of the many random drug tests required by the program and was interested in job prospects when he regained his Z-card. We discussed the rehab program at some length to the point that it was clear he would never make that mistake again.

American mariners form a small community with a great deal of interaction between members. At the time we discussed ■'s progress through the Administrative Clemency process (as described in GCMA Report #R-377) we discovered that his case was being handled by LT Parham, formerly of MSO Morgan City but now stationed at the Marine Safety Office in Alameda, CA. ■ commented upon how helpful and understanding LT Parham had been which squared with our experience with him when he was in Morgan City.

GCMA does not operate a drug rehabilitation program, job placement, or counseling service. However, after talking with ■ for about 30 minutes, we gave him several phone numbers that might be helpful in his search for a job.

We next heard from ■ on September 27, 2006. He had completed his Administrative Clemency program. Unfortunately, the people who run the program at Coast Guard Headquarters cannot return your Merchant Mariner Document or license as the case may be. They can only give you the clearance necessary to make formal application to one of the Coast Guard's Regional Exam Centers to return the MMD.

■ was no longer in California, but had returned to his parents' home in Florida. He called the REC in Miami and found that the office was backlogged for at least three to four months. Consequently, ■ made application to REC New York on a choice he would regret.

When he first called REC New York, they assured him that they could send him his document within two to three weeks — much better than the three to four months in Miami. He spoke with us again on August 16, 2006 when we mailed him some information on request. In our conversation, we also learned that he was a Coast Guard veteran who had served in 1982 and 1983 on the Coast Guard Cutter GALLATIN but was released on a hardship discharge to care for his father who had been seriously injured in an automobile accident.

■ received his Administrative Clemency clearance letter. After being out of work for 18 months and only holding down a part-time job in a gym, he was anxious to go

back to work at sea. However, the REC in New York asked him for copies of all the papers that he previously submitted to obtain Administrative Clemency clearance. To speed up the process, he bought a fax machine and faxed the documents to the REC immediately.

In the meantime, ■ flew from Florida to New York, rented a car, and showed up at the REC one morning at 6:30 AM believing that the early bird catches the worm. The trip (that cost him \$1,000) was fruitless because the REC told him it would take two to three weeks for his application to pass through a "National Security Check," and they were powerless to prevent the delay. Even though he had to make the trip to have the Coast Guard take his fingerprints, so much for trying to complete the licensing process "in person" at the REC. It used to be possible in the past, but not so today! However, at the end of the fourth week (after being "promised" clearance in two to three weeks) it was clear that something was wrong.

When he called us on September 27, 2006, ■ was at the end of his rope. He asked what he could do to check on his security clearance. We gave him the phone number of the Merchant Mariner Security Services at the National Maritime Center (202) 493-6807 where he spoke to a LT Bird. However, as a result he learned that he had obtained his security clearance several days earlier. However, this boost to his morale would quickly turn into disappointment.

■ then called the REC in New York. Although we live in the age of "electronics" that function at the speed of light, human beings who operate at a much slower pace control the Coast Guard's licensing bureaucracy. Apparently, a Mr. Keith Skuches at REC New York who he spoke to was very rude to him. He then asked to speak with a supervisor who told him his security check had not yet been approved by the National Maritime Center in Arlington. The supervisor asked: "How many times did you call today?" and proceeded to tell him that there were other mariners waiting in the office to be taken care of. He was told bluntly: "Stop calling us, we will call you!" When would they call? When his life would no longer be on "hold"? He was left hanging.

In the afternoon of September 29th, ■ called REC New York and spoke with a Chief Sullivan who barked, "Didn't I tell you not to call this office again?" He answered, "No Sir, just not to call it three times a day." Then he was told, "I sent it out to you today."

Although ■ was delighted to hear the news, he had another immediate worry that he tried in vain to clarify by calling the REC the first thing the following morning. However, he was bluntly told by a Ms. Baggett who picked up the phone, "Didn't we tell you never to call this office again?" — followed by a hang-up.

The message the mariner wanted to convey was to request that his merchant mariner document NOT be sent by overnight mail for a specific reason. Although Mariner #10 and his father have the same first and last names, his father has no middle initial. Consequently, the mariner is not identified with a "Jr." at the end of his name. At present, his father is not in Florida but is at an upstate New York address and has the mail from his post office box forwarded to that address automatically. Mariner #10 called the post office

where his father's box is located about 15 miles away and was told that no overnight letter had arrived. The following day, he again called the Post Office with the same result and then traveled there to check in person. When he arrived, he found that his MMD indeed had arrived and that the Post Office clerk was ready to re-mail it to his father's winter address in upstate New York.

[GCMA Comment: Although the REC was prepared to use expensive overnight mail services, their clerical personnel would not listen to a simple request that would ensure proper delivery of those services.]

After opening the package, he realized that his z-card was not accompanied by his STCW documentation. He called REC New York to ask about it only to be encountered by his nemesis, the same Ms. Baggett, who hung up on him again. He placed the call again and spoke with a Ms. Blackman who he characterized as being very helpful, saw to it that the document was sent out by DHL (and not by U.S. Mail this time), and then looked up the tracking number for him. He called to tell us of this last twist and commended Ms. Blackman for her outstanding help and courtesy.

Much of the aggravation and the potential for further delay could have been avoided if the personnel at the Regional Examination Center in New York had exhibited a more helpful attitude. After all, every single one of our mariners pays a user fee for the service he or she receives from the REC. When this service is sub-standard, it is our duty as taxpayers to report this service and ask the Coast Guard to remedy it. Perhaps REC New York will get the message!

Mariner #11

**Able Seaman Application Delayed 30-Weeks
at REC New York**

On August 8th we heard from another Able Seaman who lived in Mississippi who wrote GCMA as follows:

I have sent off to the Coast Guard for my upgrade to Able Seaman / Special. This has been going on 30 weeks now. They still have not even sent it to an officer to review it yet! I do not know who to contact. I call the Coast Guard and to complain. They tell me there is nothing they can do? By the way this was in Tennessee. I live in Mississippi where the Hurricane has hit.

Not only I am making 120 dollars a day when my company has told me that I should be making 225 dollars a day but I cannot because the Coast Guard will not even look at my documents to upgrade my license. Plus after the Hurricane it is very difficult with all the damages to my home and now no work for my wife and family. Honestly, I don't know whom else to write to about this. No one from the government seems to care or think it is even there problem. Please write back or call me.

We contacted the National Maritime Center who found the application at REC New York. They reported that (Mariner #11's) file was in backlog at REC New Orleans and transferred to New York for processing since REC New Orleans was in the process of standing down operations in Memphis. There were

several problems with his application, which have now been resolved. REC New York has advised that they will issue his credentials today. (Mariner #11) was informed of this yesterday by REC New York.

GCMA Overview

Original screening at the Memphis REC should have disclosed these problems not merely transferred them to another REC to add to the end of their own workload. Not only did Mariner #11 not know who to turn to, but most of the other mariners we interviewed in the course of preparing this paper didn't either. The crux of the problem is that when clerical employees at the REC fail to offer meaningful information, advice or direction there is no alternative path for a mariner to follow.

However, when a government program does not function properly, it is only reasonable to call upon the person in charge of that program to straighten it out.

Even **before** REC New Orleans went under water in Hurricane Katrina, our mariners were warned to turn in their applications early because they could expect delays of up to 16 weeks (i.e., 4 months) to process their credentials.

It is clear that Mariner #11's 30-week delay is well beyond reason. The cost of substandard service to this mariner at \$105 per day for 30 weeks assuming a 14 & 7 work schedule amounted to \$14,707.35 loss for the mariner. We do not believe that any of our mariners should be saddled with a user's fee for such sorry service. The answer is to insist on better quality service than these federal employees are motivated or accustomed to provide to our mariners.

The Coast Guard placed the Regional Exam Centers under the control of the individual Marine Safety Offices in the cities where they are located but gave centralized control of the licensing program they administer to the National Maritime Center (NMC) in Arlington, VA. Consequently, the NMC controlled the program but not most of the government employees in the 17 different RECs that come face to face with our mariners. However, we were told in early 2006 that eventually control of both the program and the people that administered it locally would come under control of the NMC.

GCMA, in its attempt to assist mariners with its licensing problems, could not afford the time to play telephone tag with each of the different RECs. Consequently, we reported problems and inconsistencies directly and in writing to the Commanding Officer of the National Maritime Center, Captain Ernest Fink.

In over 36 years dealing with lower-level mariner licensing, I have rarely found an officer who goes out of his way to be as accommodating as Captain Fink. His work to improve service and re-establish a new National Maritime Center is commendable. Although I am sure he sees many of the problems our mariners face, it appears that many of them remain beyond his control. He has gone out of his way to respond to our correspondence and try to make the existing system work.

[GCMA Comment: Although we ask that control of merchant mariner personnel be placed under civilian control at the Department of Transportation, GCMA

recommends offering this post to Captain Ernest Fink upon retirement from the Coast Guard.]

Civilian Control

In petitioning Congress to remove control of our mariners professional and vocational certification and training from the Coast Guard and returning it to the U.S. Department of Transportation note the following brief quote from the U.S. Government Manual:

“The (Maritime) Administration operates the U.S. Merchant Marine Academy, Kings Point, NY, where young people are trained to become merchant marine officers, and conducts training in shipboard firefighting at Earle, NJ, and Toledo, OH. It also administers a Federal assistance program for the maritime academies operated by California, Maine, Massachusetts, Michigan, New York, and Texas.”

We mention this only to point to an agency that works with young entry level personnel, supervises training, and administers federal funds in support of maritime training. We believe that a basic statutory change is necessary that encourages a career path in the merchant marine for entry-level persons of all ages including those that may be unable educationally or financially to pursue a four-year program.

The Case for Ombudsmen: The Lesson and the Challenge

Maybe the government may eventually be able to unravel its convoluted credentialing program. However, before it does, there must be a sea-change in the treatment of our mariners. Mariners are working people who do not always have unlimited patience with their tormentors. They are not office workers and many do not handle paperwork assignments or letter writing well. Most mariners live from paycheck to paycheck. Even if they are in a basically sound financial condition, they cannot afford to wait weeks or even months for administrative decisions. Delays that REC employees usually shrug off or relegate to the bottom of the pile of papers on their desk can visit financial disaster to a mariner and his family.

This report tells true stories of everyday problems our mariners face with every single application, renewal or upgrade.

[GCMA Comment: Every remaining Regional Exam Center needs to have an Ombudsman, a federal representative empowered to speak on behalf of each individual mariner when necessary to ensure he receives the service his user fee pays for promptly and accurately and obtains clear and common-sense answers to administrative problems.]

An **Ombudsman** must have a thorough knowledge and understanding of the licensing system and should have an active maritime background. He should be able to step in with the authority to resolve minor details. He should be able to give reasonable explanations to mariners who have problems with following complex written instructions since the Waterways Journal recently reported that a majority of all applications are returned to applicants for corrections. He should be able to explain complex licensing, security,

identification, and related administrative issues to mariners as well as to corporate personnel managers.

The Coast Guard should have recognized this problem years ago. However, back when mariners were a dime a dozen, it didn't matter how many people you chased off. Chase off a few more today and an **Ombudsman** will have to become fluent in a number of foreign languages as well as an expert in immigration law. Both the industry and the Coast Guard mistreated lower-level merchant mariners so long that these abuses have come home to roost.

CASE #5 ABYSMAL SERVICE FROM REC NEW YORK

United Mariner January 2005 REC “Satisfaction” Survey Results

In January 2005 Captain Joe Dady of GCMA affiliate “United Mariner” in New York conducted a survey of “lower-level” mariners to determine their level of satisfaction with the service they received from the REC that handled their credentialing. We asked our mariners to complete the form we printed in our newsletter or respond to the United Mariner website in New York.

Although we understood the Coast Guard had a long range plan to “fix” longstanding problems at the RECs, mariners had seen similar claims unfulfilled.

Results of the Questionnaire

Mariner's response to the survey was only fair. Out of about one hundred responses, results were as follows. It seems that few “satisfied customers” participated:

- 60% of responders to our survey used REC New York. 15% Boston; 15 % Baltimore; 5% Memphis and 5% used Miami.
- About 60% had license-renewal complaints with about 5% STCW-related. About 15% concerned MMD renewals with another 5% concerned with upgrades and testing. Another 15% were concerned with original licenses or MMDs.
- About 70% of those cases took 5 or 6 months to process; About 15% took 8 months; Less than 5% took 11+ months. Applicants below the six-month threshold did not seem to respond to our survey. The 8 and 11 month cases had medical review problems which included a request for additional testing from the medical review board.
- When asked if their evaluator was courteous and helpful through the process 100% said **NO!** When asked if all information was submitted as required about 85% said yes. When asked if a file had been lost or misplaced 60% of the survey answered **YES**.
- When asked if notification of a problem or request for additional information was received by mail or phone 90% said **NO**.
- When asked if there was mail or phone communication from the REC that applicants did not receive about 20% said **YES**; 30% said **NO**; 50% did not know.
- When asked if their delay was caused by a medical review about 25% said **YES**; 35% said **NO**; and 40% did not know.

- When asked if employment and income was lost during the delay over 60% said YES.
- When asked if a job was lost or opportunity for advancement was missed less than 15% said YES.
- When asked if the applicant found the new application to be user friendly 100% said NO.
- When asked in their opinion if the renewal process was handled in a satisfactory and timely manner 100% of the survey said NO.
- When asked if applicants used a License Consultant 100% said NO.
- When asked if REC user fees were worthy of the service received 100% said NO.
- When asked if the applicant would use a computer based renewal system if available 100% said YES.

Captain Dady Commented on His Two Year Effort

After two years of following the REC story, here is my personal outlook on the quagmire and how we reached this point:

The Coast Guard gave out MMDs with minimum background checks to U.S. citizens and foreign nationals for many years.

After 9/11, Headquarters realized it had a real security problem with MMD identity issues. Had the Coast Guard and the American taxpayer not been ripped off by the computer contractors hired to develop their computer systems during the 1990s, the RECs would have been able to deal with the work load created by the new background checks.⁽¹⁾ [⁽¹⁾Refer to GCMA Report #R-401-B. *How Bureaucracy Wrecked the Coast Guard Merchant Marine Licensing and Documentation Computer System.*]

Next, STCW was added to the RECs workload. Headquarters never made sufficient improvements and chugged along with its antiquated renewal process ignoring disgruntled lower-level mariners at the bottom of the Coast Guard's budgetary food chain.

President Bush placed the responsibility of homeland security on the Coast Guard and dumped a pile of money in their lap. Headquarters failed to make timely improvements to the over-burdened RECs. I have this cartoon image of an Admiral sitting on a pile of money holding an REC's computer in one hand a new machine gun in the other. What to do? What to buy?

Recently added to the Coast Guard's responsibilities is the new statute to inspect all 5,200 towing vessels. This was long overdue following the AMTRAK Sunset Limited disaster, the Rhode Island oil spill, the Queen Isabella Causeway collapse, the I-40 bridge allision in Oklahoma, the Buzzards Bay oil spill, the Staten Island Ferry crash plus a cumulation of hundreds of other reported uninspected towing vessel collisions, capsizings, sinkings, explosions, fires, and oil spills.

The Staten Island Ferry accident led to a National Transportation Safety Board Investigation. NTSB's report recommended a more thorough "Medical Review" of licensed merchant mariners by Coast Guard's Medical Review Board. Although those responsible were punished in criminal proceedings, Headquarters bit off more than it could chew by

expanding the medical review capabilities and resources to deal with the NTSB recommendations. Existing Physical Evaluation Guidelines for Merchant Mariners Documents and Licenses are tough enough already. Still, Headquarters continued to ignore the mariners' plea for improvements at their 17 Regional Exam Centers.

Mariner #9

The Coast Guard Discriminates Against its Own

On September 30th, GCMA wrote to the Commanding Officer of the National Maritime Center to report an apparent dereliction of duty by the staff at the Regional Examination Center in New York. This was not the first mariner complaint that GCMA fielded concerning this particular Regional Exam Center and its staff. The message was ignored!

GCMA wrote on behalf of Mariner #9 who holds a 1,600 ton Master, Near Coastal license that he earned in 1997. This mariner is a **20-year Coast Guard veteran** who retired a decade ago after capping a distinguished career afloat.

After earning his 1,600-ton Master's license, he served aboard towing vessels in the Gulf of Mexico and on the Atlantic seaboard and as mate on a coastal tanker.

Mariner #9 was concerned that he would be unable to take advantage of a rare job opening in his area that he believed he was well qualified for because of licensing problems he encountered at REC New York.

Much of his service on towing vessels took place before the new towing regulations were put in place on May 21, 2001. However, during the period between 2000 and 2005 as these new rules were being phased in, he renewed his license twice in New York in 2001 and again in 2006. Unfortunately, at the time of these license renewals, the REC New York never informed the mariner that he could endorse his previous towing service on his license when he renewed it. Since he was never told about the new regulation, he never had an opportunity to "grandfather" a towing endorsement on to his license so that he could continue to engage in commercial towing. No word of this license change ever filtered down to him through his previous employer, the U.S. Army Corps of Engineers, who employs a number of licensed mariners on their towing vessels and who maintains an observer on the Towing Safety Advisory Committee.

In a detailed letter to Coast Guard Headquarters (G-MSO) in the late 1990's reprinted in GCMA Report #R-382⁽¹⁾, we explained in detail why much important information generated by the Coast Guard rarely makes it down to the level of the licensed mariner. In the years since the new regulations went into effect, GCMA encountered dozens of cases where mariners who should have known about the changes that affected them had no knowledge of the nature of these changes.

We discovered that the Coast Guard has no method or plan to contact the holders of credentials or even to contact small towing companies to keep them posted on regulatory changes affecting merchant marine personnel. GCMA learned at the September TSAC meeting in St. Louis that because of the "Privacy Act" the Maritime Administration must beg individual mariners for their contact information to prepare to call-up

merchant marine personnel in a national emergency. This lack of coordination between federal agencies could have a significant impact in the event of national mobilization or a terrorist attack. [⁽¹⁾GCMA Report #R-382. Dec. 8, 2003. Why Our Mariners Don't Get The Message.]

Our letter to the Commanding Officer of the National Maritime Center expressed our view that the documents Mariner #9 produced should have been sufficient to "Grandfather" him into a Master of Towing Vessels license "prima facie" based upon the time he documented he served on towing vessels and that other time in his military records might also apply. We asked him to list this time to the best of his knowledge and belief and submitted it to the National Maritime Center.

Mariner #9 spoke with a Ms. Rhonda Booker who signed his 1,600-ton Master's license at REC New York. In fact, he corresponded with her by fax a copy of which we submitted to the National Maritime Center. In their subsequent conversation, Ms. Booker reportedly stated in effect that "only the major towing companies were told about it." (It being the sweeping regulatory change in 2001 that changed the nature of the licensing regulations). This statement mirrored GCMA's experience on the Gulf Coast where a large number of mariners renewed their licenses only to find out later that they had to return them to the REC to be endorsed for "towing." We suggested that Mariner #9 be accorded similar treatment by REC New York.

Mariner #9 relocated his family to Wilmington, NC, where he sought work on harbor tugs. However, his employer told him that his 1,600-ton Master's license was "no good" because it was not endorsed for towing. At age 52, he accepted a job as a deckhand at \$10.82 per hour because he decided that he wanted to work on towing vessels. He liked the work on harbor tugs, describes himself as a "hands-on" guy, is computer literate, and wants to advance to the position of a ship-docking pilot. However, the absence of a towing endorsement hinders his progress and prevents him from earning considerably more than a deckhand by taking a licensed position he believes he is well qualified. At this point, time was of the essence in his effort to take advantage of a job opening.

It turned out to be very unfortunate that his license files happened to be located at REC New York. He reported tremendous frustration in dealing with that office when he attempted to resolve the problem of "Grandfathering" his license. The nature of his problems were as follows:

Mariner #9 called REC New York and was told his case was in the hands of an evaluator named Mr. Skuches. He called Mr. Skuches and confirmed his conversation in a letter he sent by Fax to REC New York on September 1, 2006. After sending the fax explaining his situation he reported making attempts for three weeks to get in touch with Mr. Skuches. A Chief Sullivan in the REC confirmed receiving his fax.

Unable to reach Mr. Skuches, after waiting two weeks, the mariner then spoke to the officer in charge of the REC, a LT Mutto. LT Mutto flatly refused to discuss the matter and referred him back to Mr. Skuches who he identified as his "towing expert."

[GCMA Comment: Any commissioned officer placed in charge of an REC should be an expert in towing vessel licensing. This is necessary in a major port like New York because of the nature of the commerce in the port itself. If not proficient in licensing regulations, the Sector Commander should select a more knowledgeable officer who could do a better job of dealing with our merchant mariners.]

The Coast Guard rotates personnel in various management positions quite often with seldom more than two (2) years in a billet. They often task individuals within the organization to develop expertise in specific areas. This is usually within their areas of interest. The RECs "Towing Expert" probably refers to someone so tasked. The phrase Towing Expert does not imply or require that the designee ever sailed on a towboat or holds (or ever held) a towing license.

Coast Guard rotates management at regular intervals. To become expert in the USCG licensing and documenting system takes many years of experience. This time is generally not available to the managers assigned. Is the treatment this mariner received from the New York REC due to administrative incompetence, slovenliness, or both? Of course, the cause is irrelevant to the mariner. The Coast Guard is extremely reluctant even to acknowledge any complaint that names a specific individual because a negative incident will reflect upon the officer's fitness reports and probably be damaging to his or her career. This is one of the primary reasons the Coast Guard is willing to turn a blind eye to the bureaucratic abuse heaped on mariners by REC employees.

Major abuse often seems to occur in the difficult cases "the cases that are not cut and dried." In other words, the Coast Guard doesn't know what to do and will do almost anything (including taking no action at all) to sidestep complex problems that require hard decisions. The Coast Guard has found a way to make the mariner pay for their own inability to respond fairly, reasonably, and with common sense to difficult and challenging personnel issues.

LT Mutto reportedly also said the REC was experiencing problems with their fax machine and told Mariner #9 to send his supporting papers "overnight" which he did by Fedex at a cost of \$58.00. Fedex confirmed that the REC received the package in New York on September 18th. Both the mariner and his wife were involved in calling the REC in order to try to take advantage of a rare job opening that was immediately available.

Mariner #9 called again for Mr. Skuches on September 19 and received an answering service message that said he had been out of the office for the past week. The message had not been changed, so he called again and asked if he was in the office. He was told that Mr. Skuches "could not be found in the office." This was the straw that broke the camel's back. After two months, he was justifiably frustrated that he still did not have an answer to his basic questions that he explained very clearly in writing to REC personnel.

Mariner Seeks Congressional Help

On September 19th, after several months of frustration

and failure to obtain satisfactory answers from REC New York, the Master contacted the office of a well-known North Carolina Congressman who had previously served in the Coast Guard. However, since he lived outside that District, he was referred to Congressman Mike McIntyre, who then initiated a routine Congressional liaison inquiry.

Mariner #9 wrote to Mr. Skuches at REC New York that "The changes in my STCW document have me very confused. I have been under the impression since my first renewal at your office in 2001 that the phrase "may not operate towing vessels after" (the August 2009) the date of the radar expiration meant that my qualifications were intact, based on documented experience, and, that I could operate towing vessels as long as my radar certification was current, which was the case when I got my original 1,600 ton Masters license. In other words, I had no reason to look for policy changes, was never apprised of any changes, and honestly thought the endorsements on the STCW document were valid for towing." GCMA pointed out to the National Maritime Center that we believe he deserved an explanation "one that he never received."

As a former Coastguardsman, Mariner #9 did not expect and certainly did not receive any preferential treatment in the licensing process. The 1,600-ton license he earned was through his own efforts. However, what stands out most remarkably is that in spite of his professional qualifications and past service to his country that he received such poor quality service that never even was investigated by the Sector Commander in charge of the REC or by the National Maritime Center.

[GCMA Comment: Most employers seek former Navy and Coast Guard enlisted personnel with sea duty because of the training and experience they bring with them.]

[GCMA Comment: We ask Congress to investigate why the Coast Guard unfairly discounts a large percentage of military sea service time when these service personnel seek merchant mariner credentials after leaving the service. The U.S. government goes to great expense to train these individuals to high standards – often spending more money to attain higher standards than many boat companies have been willing to invest in their employees. These policies must be examined in light of current merchant mariner crew shortages.]

Discouraging Reply from The National Maritime Center

GCMA received a prompt reply from Captain Fink at the National Maritime Center stating that "If (Mariner #9) does not agree with a decision made at a Regional Examination Center (REC) he may appeal that decision. The first step is to try to resolve the issue at the office where the decision was made. If it is not resolved to his satisfaction, he may then appeal to the cognizant District Commander, and ultimately to the Commandant. By copy of this letter, I am forwarding your letter to REC New York."

We pointed out to Mariner #9 that the problem in his case did not result from a "decision" on the part of the Regional Exam Center but, rather, that the REC refused to

address his questions or make any decision. However, by forwarding the mariner's file to REC New York, the National Maritime Center gave them the opportunity to solve the problem. Nevertheless, the New York REC did absolutely nothing although they were thoroughly apprised of the problem by our letter to the National Maritime Center. In late November, a GCMA Director visited REC New York and was told by Mr. Skuches that he had been "too busy" to deal with the issue. At year's end, the matter remained stalled at top dead center.

Nothing appears to move REC New York to even consider the matter. The REC had a choice of answering the letters the National Maritime Center forwarded to them or honoring the mariner's reasonable request but apparently chose to "circle the wagons" and defend their indefensible conduct.

GCMA pointed out to Mariner #9 that the formal "appeal" process in 46 CFR §1.03 was available to him but that we were willing to assist him with an appeal. However, he declined the offer fearing retribution at the hands of the REC that had the potential to destroy his retirement career.

Captain Fink previously told attendees at one of the Federal advisory committee meetings that the Coast Guard plans to revise the **appeal process** so that all personnel matters are appealed directly to the National Maritime Center. By the lack of attention REC New York gave this mariner, even after the Commanding Officer of the National Maritime Center provided them with all the paperwork, indicates that REC New York believes that the Coast Guard will shield their personnel from all criticism. In fact, Mariner #9 did contact his Congressman and REC New York knew it!

It is revealing that the Coast Guard continues to invent ingenious new ways to review the **appeal process** and extend the process further insulating the system from the mariners it regulates. Many maritime professionals see this as an admission that the appeal process does not work and must reinforce its "denials" by trying to wear out the appellant. They know that most lower-level mariners dread writing formal letters.

Forwarding an appeal directly to the National Maritime Center (NMC) has little hope of providing fairer treatment to the mariner. The NMC is entirely too remote from the mariner and from maritime commerce in general to be able to provide any really fair treatment. Its physical removal to Martinsburg, WV will make it even more remote to mariners and maritime activities.

It is far easier to say "no" to someone either on the phone or in writing if you have never met them and particularly if they are hundreds of miles away. After the NMC finishes denying an appeal, a new "technical amendment"⁽¹⁾ now directs the appeal to the "Director of Inspection and Compliance (G-PC), presumably a headquarters staff officer in Washington who will then delivers a few choice phrases of "final agency action" on the appeal. Directing the appeal to these levels almost certainly ensures that the review will never pass through any reviewing officer who ever sailed on a towing vessel. [⁽¹⁾Refer to 71 FR 48482, Aug. 21, 2006.]

[GCMA Comment: GCMA recommends that the First District Commander investigate the reasons why REC

New York failed to respond to the mariner's (and our Association's) written correspondence in a timely manner and take appropriate action.]

In stark contrast to REC New York, a deckineer who worked on a tug with Mariner #9 sought complete information about becoming an Apprentice Mate and called REC Charleston and left a message. The deckineer received a return call the same day after closing hours and received answers to all of his questions over the telephone. It appears that someone in REC Charleston gave a damn in contrast to REC New York where the staff apparently does not respond to phone calls and faxes.

[GCMA Comment: It is deplorable that Coast Guard officers in charge of the REC allow former Coast Guard and Navy enlisted personnel to be treated in such a shabby manner by their civilian REC Staff. These seamen are in great demand by many employers to serve throughout the maritime industry.]

This case demonstrates the Coast Guard's inability to respond to difficult questions because of their personnel's temperament or their lack of professional knowledge or factors that often appear to be interchangeable.

Coast Guard licensing personnel in the field are so inadequately prepared for the positions that they hold and are so poorly backed by their own administrative support structure that they often are deathly afraid of making a decision for fear of making the wrong one. This comes across to our mariners as administrative abuse. The cause of the abuse makes no difference. However, no one in the Coast Guard seems willing to take any steps to stop it, discipline the perpetrators, or take any effective form of corrective action including finding a way to resolve the mariner's problem.

**CASE #6
HOW TO HARASS LICENSED MARINERS
RIGHT OUT OF THE MARINE INDUSTRY**

Mariner #1

**Senior Coast Guard Personnel Powerless
To Resolve Minor Problem for OSV Master**

Mariner #1, the Master of a 207-foot dynamically positioned Offshore Supply Vessel accompanied by his Chief Engineer visited the GCMA office in late July with a problem he needed to resolve. The interview, extended over several hours led GCMA to address the following letter to Captain Fink, the Commanding Officer of the National Maritime Center in Arlington, VA.

GCMA's First Letter

Dear Captain Fink,

I am writing this letter on behalf of (Mariner #1) (who is Master of) a 207 foot offshore supply vessel for (company's name).

(Mariner #1) had a merchant mariner document that

expired on June 21, 2006. Unfortunately, the MMD did not have the same renewal date as the license and STCW on November 5, 2008 or a fact that only became known to him only a week ago.

(Mariner #1) recently completed his paperwork, enclosed the payment, pictures, etc. and sent it to REC Oakland, CA by certified mail on July 26, 2006.

(His employer) will not allow (Mariner #1) to work on the boat until he has his z-card.

Section 702 of the Coast Guard and Maritime Transportation Act of 2006 gives the Coast Guard the authority to extend the duration of merchant mariners' documents of a resident of Louisiana whose records (at REC New Orleans) were presumed damaged or lost as a result of Hurricane Katrina. (Mariner #1) was working during both Hurricanes Katrina and Rita and the hurricanes damaged his residence in Golden Meadow. In fact, he could not get off the boat a week after the second hurricane.

On behalf of (Mariner #1), we ask that you verify receipt of his application at REC Oakland and **extend the authority of his merchant mariners document** until such time as the system requires to process it properly. Please contact the mariner directly (with the contact information we provided).
s/Secretary, GCMA

Employer's Letter to New Orleans REC

July 24, 2006

(Mariner #1) has been working onboard the vessel XXX for the last six weeks due to a personnel shortage.

Please take this under consideration when renewing his Merchant Mariner Document which expired on 06/21/06.

Thank You, s/Vessel Coordinator

GCMA's First Follow-up

Mariner #1 e-mailed GCMA 11 days later as follows:

I am writing this letter in reference to the letter you sent Capt. Fink last week. I did not hear from him or receive any information. Checking to see if he might have sent you a response.

I spoke with REC New Orleans, and spoke with Chief Warrant Officer XXX (tel #XXX). She spoke with someone in a higher position and they both said they do not see any reason that I should not be able to sail under my license since it is current until 2008 while my MMD is being renewed. I spoke to (my employer) and had him call REC New Orleans and speak with Chief Warrant Officer XXX. She told him the same thing.

He (had doubts about) what they were saying at REC New Orleans and called the USCG Marine Inspection Division. Their response was that if they came aboard the vessel and found my MMD was in the process of being renewed, that they were going to tie up the vessel and pull the Certificate of Inspection.

At this point, who do you believe. This is very confusing and frustrating. Any help in this matter is greatly appreciated. Regards, (Mariner #1)

[GCMA Comment: When dealing with the Coast Guard, mariners cannot trust anything unless it appears in

writing. Wary employers apparently view it the same way. Coast Guard officials rarely give our mariners any leeway even when dictated by common sense!]

[GCMA Comment: One Coast Guard office often does not know what another office is doing. This pitiful lack of coordination and the anxiety it brought both the mariner and his employer took place entirely within Sector New Orleans. Consolidation of Coast Guard offices into "sectors" was supposed to provide better coordination of Coast Guard activities. It obviously has not done so.]

GCMA Took Additional Steps To Try and Resolve the Problem

Since this matter created a vexing employment problem for Mariner #1, we addressed a fax to the Officer-in-Charge Marine Inspection in Morgan City, LA on August 7th, 2006 as follows:

Dear (Sir):

(Mariner #1), an employee of XXX, spoke with me on July 27th regarding a problem he his having with his Merchant Mariner Document described in [Enclosure A]. We faxed a letter to Captain Fink, but the fax did not go through so we mailed it the next day.

[Enclosure B] is the new law that allows extending the authority of a MMD. I understand from (your) Industry Day (meeting in Morgan City) that the Coast Guard has not yet made up its mind how to handle this issue. We were hopeful that Captain Fink could resolve the issue.

[Enclosure C] is an e-mail I received from (Mariner #1) that shows the REC and your Inspection Department have two conflicting ideas on how this should be handled. Would you be good enough to resolve this issue for (Mariner #1) and contact him at Cell # or Home #?

[GCMA Comment: The Coast Guard pays its high-ranking commissioned officers to make tough decisions. We believed that this decision was a minor decision that could be made at the local level and whose outcome would affect only one mariner. Apparently, we were wrong! We were dismayed that officers with the rank of Captain (pay grade O-8) have so little discretion in matters like this.]

Reply from MSU Morgan City August 11th.

øAs we agreed from the phone conversation we just completed:

ø1. It is illegal at this time for a mariner to operate under an expired MMD. We both expect, based on the Maritime Transportation Act of 2006, at any time the CG may publish a notice in the Federal Register that could grant (Mariner #1) some relief.

ø2. That you will contact (Mariner #1) concerning his MMD and you do not expect (the OCMI) to contact him as you requested in your letter; and

ø3. That this fax is the only response you expect from our unit. s/Assistant Chief Investigations.ö

Congress Tried to Help Our Mariners.

Coast Guard Questions Whether They Need Help

[Source: July 13th e-mail from Offshore Marine Service Association to Secretary GCMA and Chairman of TSAC.]

øCongress has passed (the Coast Guard and Maritime Transportation Act of 2006). Section 702 of the Act gives the Coast Guard the authority to grant extensions to licenses and documents for mariners living in Louisiana, Mississippi, and Alabama or mariners whose files were in REC New Orleans until April of 2007.

øWe are getting some push back from the Coast Guard in granting these extensions. They have asked that we demonstrate the ðneed.ö

øDo you believe there are a significant number of mariners who would benefit by an extension of their license or document?

øGive me a call on my cell.ö,

s/Kenneth B. Parris, Vice President
Offshore Marine Service Association

[GCMA Comment: Of course our mariners needed help. The President signed the Act on July 12, 2006. Mariner #1 fully met the qualifications to extend his credentials. In spite of the fact that Congress wanted to help our mariners, it was August 16th before the Coast Guard published permission for the affected mariners to extend their licenses and documents. Even to ask if there was a "need" to do so underscores the Coast Guard's "disconnect" from the needs of our working mariners on both a local and national level.]

Final Action

After receiving news that the Coast Guard allowed affected mariners to extend their license and/or MMD, we wrote to the following letter Mariner #1 and to a number of other mariners as follows:

Subject: Temporary License and Merchant Mariner Document (MMD) Extensions

This notice applies to your MMD (or license).

We received the attached information from Captain Ernest Fink, Commanding Officer of the National Maritime Center, Arlington, Virginia, that describes temporary authority the Coast Guard received from Congress to extend the expiration dates on certain mariner licenses and merchant mariner documents (MMD or Z-Cards).

Congressional staff members consulted with GCMA and other concerned Associations on this matter in October 2005 shortly after Hurricane Katrina. Congress added this provision as Section 702 of the Coast Guard and Maritime Transportation Act of 2006 back in January of this year. However, it took until about two weeks ago for the bill (HR-889) to make its way through both the House and Senate Committees, go through a conference committee to iron out the differences, be passed by both Houses of Congress and then be signed by the President.

Please read this notice carefully and carry a copy of it with you with your expired license and/or z-card.

[GCMA Comment: It is unfortunate that the Coast

Guard could not translate the best intentions and actions of Congress into immediate action to help our mariners.]

**GCMA Overview
Action By Congress Helped Many Other Mariners**

**Mariner #24
Helped by Act of Congress**

Mariner #24 contacted us on August 14th stating that he held a 100-ton Master of Towing Vessels license that he was attempting to renew. He was extremely anxious because his license was due to expire at the end of this month and he needed it to continue to hold his job.

The mariner's records previously were maintained at REC New Orleans. During Hurricane Katrina, the mariner's trailer was severely damaged by three trees that fell on it requiring him to move out for over three months. The last thing he needed was a hassle in renewing his license.

Mariner #24 learned of and complied with the January 2006 requirements and immediately went to the new REC in Metairie to have his fingerprints taken. His license renewal application paperwork was forwarded to the New Orleans-North REC in Memphis where he was told he would have a six week wait because of their backlog of applications.

In trying to follow-up his paperwork, he learned that his complete renewal application was sent to "Ohio." He then spoke with a Lieutenant in Toledo who confirmed that that his paperwork had been sent there, that he had it, but that it would take another six weeks before he could clear his backlog and process the application.

Although we informed Mariner #24 that Congress gave the Coast Guard authority to extend licenses for certain residents of Louisiana, Alabama, and Mississippi impacted by Hurricane Katrina, since the Coast Guard had not yet published the extension in the Federal Register, we notified the National Maritime Center to see if they could help before his license expired and he would be unable to work.

The National Maritime Center checked with Toledo and advised us to tell Mariner #24 to call REC Toledo to "resolve several application issues."

[GCMA Comment: Since Mariner #24 processed his application through both the new Metairie REC and the New Orleans-North REC, there should not have been any undetected "application issues" remaining by the time his paperwork reached Toledo.]

**Mariner #28
Assisted by Act of Congress**

Mariner #28 has a 1,600-ton Master's license and works for a local Louisiana towing company. He submitted renewal papers to REC Memphis on July 21st along with stress tests and other information while requesting a medical waiver. By mid-November he had heard nothing from the Coast Guard and became concerned that his license would expire leaving him unable to work.

The mariner learned that his application was transferred to the new centralized unit of the National Maritime Center in Martinsburg, West Virginia when he called the New

Orleans-North Regional Exam Center in Memphis on November 14th. That knowledge did not alleviate his concern because he immediately called GCMA to assist him.

Delaying the renewal of a license beyond its expiration date means that a mariner cannot use that license to put food on his family's table. For a Louisiana mariner to submit a complex license renewal application including medical waiver documentation to a distant REC in Tennessee can be disconcerting. When he discovered the REC had shuffled his application to Martinsburg, WV, that fact did little to relieve his anxiety as the license's expiration date drew near.

As early as October 2005, GCMA learned that Congress, following the devastation of the Gulf Coast by Hurricanes Katrina and Rita and specifically the loss of REC New Orleans to flood waters, planned to extend the term of expiring licenses to help our mariners with an orderly transition. Unfortunately, it took until July Congress to pass and the President to sign the legislation. On August 16th, the Coast Guard finally announced the program in the Federal Register.⁽¹⁾ [⁽¹⁾ 71 FR 47238]

On November 17th, GCMA was informed that Mariner #28 was eligible to continue using his license until April 1, 2007. The fax from the NMC said in part: "The attached notice of extension of validity will allow him to continue working, provided he's not sailing internationally and must have a current STCW."

The larger questions of whether Mariner #28's medical waiver has been approved and the fact that the "fine print" in his extension limits him from engaging in "international voyages" (e.g., trips to Mexico, the Bahamas or the Caribbean) were simply put on hold until the National Maritime Center finally gets around to processing his paperwork.

However, if we paper over these lingering problems, it appears that GCMA made a difference to this mariner. Mariner #28 wrote us and stated: "Thanks sincerely from myself as well as my family for the assistance in the renewal process (bureaucratic B.S.) of my license. Your letter and quick attention was amazing. Thanks again and God bless you."

**Mariner #16
Also Helped by HR-889**

Mariner #16's license **expired** on July 19th although he applied for renewal at New Orleans-North REC in Memphis in a timely manner on or about March 3rd. The school he attended helped him to prepare his renewal application paperwork that, our experience tells us, gave him assurance that his paperwork was prepared accurately.

When Mariner #16 contacted GCMA on July 27th after his license expired he informed us that the Coast Guard told him that he needed to take a stress test about 6 weeks ago. He complied in a timely manner and took the stress test only to find it was the wrong type of stress test.

[GCMA Comment: This is not the only mariner that reported a similar problem.]

GCMA noted that there are several types of stress tests including a "regular" stress test and a "nuclear" stress test. There is a significant difference in the costs of these tests

roughly \$250 for a "regular" stress test to \$1,600 for a nuclear stress test. His doctor faxed the results of the stress test to Mr. Eric Reinker at the Coast Guard REC in Memphis, TN.

The school, in following up the applicant's paperwork, contacted Mr. Reinker who had been transferred to the new Coast Guard facility in Martinsburg, West Virginia. He reportedly told the school that he was taking the mariner's file with him when he transferred. However, the school also mentioned that a "Stephanie" in New Orleans might know something about the file. GCMA left a message for "Stephanie" at REC New Orleans who never had the courtesy to return the call.

Mariner #16 is the Master of a 185-foot offshore supply vessel. He has held a 500-ton Master's license since 1975 and reported that his company was in a real bind for Captains because of the repair work currently in progress in the Gulf of Mexico as a result of the 2005 hurricanes. He was prepared to return to work on August 2nd but could not do so because his license was still in limbo.

Our letter of July 27th to the National Maritime Center remained unanswered until we were notified of the Congressionally mandated license extension (HR-889) published in the August 16th Federal Register.

The two-week delay at \$500 per day **cost the mariner \$7,000**. Although this temporary extension "covered-up" the problem, it also caused the mariner to have to pay for a second stress test. These are added expenses that mariners are simply expected to absorb whether medically necessary or not just to satisfy Coast Guard physical requirements.

If the Coast Guard plans to become the custodian of every mariner's medical records, they must be responsible for specifying exactly which type of stress test to take. Many older and more experienced lower-level mariners may find it has become too expensive to continue to hold a license, a fact that will contribute to the personnel shortage within the industry.

[GCMA Comment: The Offshore Marine Service Association reported that it now urges its member companies to work closely with the Regional Exam Centers to try to head off major license problems such as the problem mentioned above.]

<p style="text-align:center">CASE #7 WHERE YEARS OF EXPERIENCE COUNT FOR NOTHING</p>

Mariner #2

On July 13th we received a call from Mariner #2, a licensed Master of Towing Vessels who had attempted without success to renew his license through REC Memphis "incredibly for over 11 months."

Initial Action by GCMA

GCMA does not have the staff or any special access to a Regional Exam Center to offer a license renewal service for its members. After hearing the story of this mariner's run-

around as well as previous discussions at MERPAC of the plans to "improve" the medical waiver system described by the Coast Guard's resident medical expert, Captain French, GCMA decided to bring the matter to the direct attention of Captain Ernest Fink, Commanding Officer, of the National Maritime Center in Arlington, VA on July 13th in the following letter:

"Dear Captain Fink,

I received a call from (Mariner #2) whose license expired on July 3, 2006. The mariner reported to me that he applied for **renewal 11 months early** in August 2005. Because his renewal for his **eleventh issue**⁽¹⁾ was mishandled in 2001 at REC New Orleans, he applied for his **twelfth issue** directly to REC Memphis. Consequently, his application was **NOT** affected by the floodwaters of Hurricane Katrina although he reported he rode out the storm at work in the Mobile area. *[⁽¹⁾The maximum term of a license "issue" is 5 years. Mariner #2 is very experienced in his profession and has renewed or upgraded his license 12 times.]*

Mariner #2 claims that REC Memphis sat on his application for seven months and **then** requested a report from an ophthalmologist. Later, and separately they then requested a report from his Audiologist. If his evaluation (by the REC) had been completed thoroughly, he should only have received one request and his application would not have been held up as long.⁽¹⁾ *[⁽¹⁾Its delay seriously interfered with his employment.]*

He recently contacted a Mr. Eric Renker at REC Memphis who reportedly told him his application finally had been forwarded to Washington for medical review. We assume that that review is being performed in your office by (Doctor French who) conducted the MERPAC briefing on the medical waiver process.

Mariner #2 previously reported substandard service in a letter written to the Commandant that was published in the Waterways Journal on July 30, 2001. He actively uses his license and needs it without further delay. We would appreciate any assistance you could give him to expedite delivery of his license as he has had several immediate job opportunities and there is a personnel shortage in the inland towing industry.

You can contact him at (his cell phone #) for any further information or confirmation you may need from him.

Very truly yours, s/Secretary, GCMA

The Conditional Medical Waiver Issue

On July 15th, GCMA received a copy of (Mariner #2's) "Conditional Medical Waiver" worded as follows:

"This is to acknowledge that I, (Mariner #2), have been informed by the U.S. Coast Guard Regional Examination Center, New Orleans, LA of the following: The license is based on your physical condition at the time of issuance. To ensure that you continue to be physically competent to perform the duties required of a license holder, you must, **every two years** during the life of this license, provide a report of physical examination that has been completed within one month of the anniversary date of the license. A graded exercise stress test and audiology review (is) required every

two years. The report must also be provided within one month of the anniversary date of the license.⁽¹⁾ Failure to provide the report of a physical examination as specified will result in violation of the conditions for issuance of the license and will serve as grounds for action under 46 CFR Part 5.ö [⁽¹⁾**Example:** *One of our GCMA Directors, who makes frequent trips abroad, pointed to his dilemma of scheduling an annual physical exam or obtaining an “extension” of its one-month window to satisfy Coast Guard requirement when he commits to a voyage of indeterminate length. Without the physical exam, his license becomes “invalid.”*]

[GCMA Comment: The reference to 46 CFR Part 5 is to enforcement by the Coast Guard in initiating Suspension and Revocation Proceedings against his license.]

Mariner #2 penciled note to GCMA: öNow (July 17th), the CG (Memphis) is requiring a company to certify that I am familiar with the company’s safety and emergency plans.

[GCMA Comment: This appears to be a clumsy attempt to micromanage a licensed mariner’s conduct on the job – and a nuisance for a trip pilot.]

GCMA Overview

It is worth noting that, no matter how far in advance a mariner submits his application, the Coast Guard will almost invariably make sure that he is without a viable license for at least weeks if not months when his old license expires.

The Regional Exam Centers and the National Maritime Center makes up their rules as they go along. Apparently, the government can change the requirements for a license at any time it wants to. According to their rationale, making the license holder sign a Conditional Medical Waiver means that the Coast Guard can institute Suspension and Revocation proceedings if the license holder does not fully comply with the terms and conditions of the acknowledgement.

It is amusing that the additional demand that from the REC presumes that any and all employers would certify the license holder is familiar with the company’s safety and emergency plans. What about plans that are not formalized or in writing ö especially in many smaller towing companies?

Also, I would be willing to bet that a 35-year old renewing with similar ailments would not be required to perform the biennial physicals and tests. This looks very much like age discrimination although the Coast Guard could easily rationalize a facile argument to the contrary. The Coast Guard apparently believes that any applicant on his 11th issue is so old that he may fail and physically crumble before our very eyes at any time now. His appearance at the GCMA office certainly did NOT confirm such a bias!

It appears that many Coast Guard officials interpret their duty is to protect U.S. waters from licensed American mariners who may become more hearing impaired or cannot pass a stress test as they grow older. They seem to have no duty to or appreciation of the experienced mariner who is on the eleventh (or even seventh or eighth) issue of license. They want to eliminate older personnel from the maritime work force as if

they were part of a military organization with military type duties. They seem to want to turn the maritime into the military where everyone is under age 40 and retirement is at age 50. This is a dangerous and costly precedent!

Through their arbitrary system of adding requirements whenever they feel like it, unelected Coast Guard officials have imposed a significant change upon the maritime industry without any form of due process or direction from the Congress. These abuses are all rationalized and, in the Coast Guard’s view, legal.

Since the individuals making and enforcing these regulations are not from the marine industry, they acknowledge no duty to protect or nurture the personnel they regulate. Situations like this occur because the government’s interpretation of history and the reading of the regulations is done from an enforcement perspective by finding every possible excuse NOT to issue a license and NOT to find a way to facilitate the needs of the mariner AND, for that matter, the entire industry. If Coast Guard officials are allowed to continue to take this position, there is little or no hope for those mariners who seek to build a career in the industry.

The most important fact in this case is that the Coast Guard bureaucrats went out of their way to prevent this older mariner from renewing his license.

Shouldn’t age discrimination apply to actions taken by Coast Guard licensing officials? Under existing law, that can’t happen because you must have the United States government’s permission to sue it.

Nothing New: Mariner #2 Previously Reported Substandard License Renewal Service

[Source: Mariner #2 cited a letter he sent to the Editor of the Waterways Journal and published in the July 30, 2001 issue with this “Editor’s Note: Following is a copy of a letter sent to the Commandant of the U.S. Coast Guard.]

öWe now have user fees to alleviate the burdens of the Coast Guard. In obtaining the **eleventh renewal** of my license, it is obvious to me that the renewal services have deteriorated.ö

[GCMA Comment: After renewing his license eleven times, we believe this mariner was in an excellent position to evaluate the quality of the services he received. GCMA supports this opinion.]

öThe Coast Guard is requesting mariners to initiate the renewal process within two to three months of the expiration date. I renewed early in 1996 and LOST six months of work. My renewed license was dated before the date of the old license.ö

[GCMA Comment: The Coast Guard recently took steps to rectify this condition and permit a delayed issue. However, a mariner must specifically request this service and then trust that the REC will not forget and leave him without his license and hopelessly tangled in its red tape.]

öThis time: On April 16 (2001), I was told there was a

backlog of about four weeks for renewals. My renewal application was received by the Regional Exam Center in New Orleans three weeks before the expiration date. A total of NINE weeks later, I received the renewed license. One week was simply void because I was requested to submit the same information that I had (already) submitted with the application. It took five days of many attempts to contact the writer, who then agreed there was already enough information supplied. Once, among my many inquiries of the status of the renewal, I was told, "I am busy and must attend two retirement ceremonies within 30 minutes. Call back next week and talk to ___."

[GCMA Comment: Our mariners have no sympathy for military change-of-command and retirement ceremonies that needlessly intrude upon the business day, involve civilian employees, and disrupt the orderly flow of business in offices that are chronically under-staffed and behind in their work. We insist that this military demand upon REC working hours be broken.]

[GCMA Comment: Mariner user fees are supposed to pay for service from government employees. As taxpayers, we expect that service to be delivered every single business day except Federal holidays.]

"During the period of six weeks after expiration, I repeatedly asked to deaf ears, for an extension, or permit, in order to work. I had to refuse seven jobs as trip pilot from four companies."

[GCMA Comments: Delays at the REC in 2001 cost this Captain six weeks pay as a trip pilot. Using today's wage scale, this would amount to \$21,000 out of our mariner's pocket in lost work and lost employment opportunities. Trip pilots like Mariner #2 often work as independent contractors for many different employers.]

"A grace period is not unusual with some financial contracts. If the Coast Guard cannot process renewals in a timely manner, a grace period of at least the length of time of their backlog should be allowed."

[GCMA Comment: This is a reasonable request that deserves implementation considering the severe financial impact excessive delays have had on our mariners. GCMA supports this suggestion and asks Congress to authorize such an administrative grace period affecting domestic use of credentials.]

"The Coast Guard's procrastination in this matter was very expensive for me. I sincerely pray that the publication of this will enable some not to endure this ordeal." (Mariner #2), Baton Rouge, LA

Final Disposition

GCMA received the following e-mail from Capt. Ernest Fink, Commanding Officer of the National Maritime Center, on July 27th, two weeks after our original FAX. (Mariner

#2) medical waiver was approved on July 14 approximately two weeks after we received the information requested. Thanks for bringing this to my attention.

[GCMA Comments: Delays at the REC in 2006 as we reported in this article cost Mariner #2 two weeks pay as a trip pilot or about \$7000 using today's wage scale. Mariners have a right to be angry and seek redress for their financial losses.]

[GCMA Comment. It is absolutely amazing what these government employees can and will say to mariners. They have no fear. They have become monolithic bureaucrats, unresponsive to the public they serve and with no shame. Worst of all, nobody in authority in the Coast Guard seems to care!]

CASE #8 POOR CUSTOMER SERVICE IS REC TRADEMARK

There is nothing new about the abysmal service our merchant mariners receive at the hands of the Coast Guard's Regional Examination Centers (REC) throughout the country. Substandard service occurs not just at one isolated REC but from the reports we receive from the field, it is standard practice at just about all of the seventeen RECs.

In this paper, we present some of the reports we received from working mariners who literally reached the end of their rope. Most reached an impasse with their REC and did not know where to turn next.

It is clear that this has become a nationwide problem the Coast Guard pushed aside and neglected to attend to in any meaningful or lasting way for many years. The National Association of Maritime Educators reported on this scene for 13 years from 1987 to 2000 and has extensive background files. The situation our mariners face today has deteriorated over the years and, for the most part, is hidden from public view.

The Coast Guard saw no pressing need to act because their credentials only affect merchant mariners who, unless they belong to labor unions, possess very little political "clout." The issues become very personal, convoluted, complex, and difficult to explain when a mariner out of pure frustration dares to approach his Congressman. The Congressman, when hit with a blizzard of details, quickly shuffles the matter off to a Congressional Liaison Officer where the Coast Guard effectively "circles its wagons" to nullify the individual mariner's efforts.

However, these problems are starting to attract attention because of they are affecting a sizeable number of mariners who are simply retiring or withdrawing from the industry rather than put up with all the misguided static from Coast Guard officials. These mariners, in turn, tell their families and friends about the treatment they received at the hands of REC desk jockeys who have little knowledge and interest in the mariners they deal with. These mariners work for companies that find it increasingly difficult to hire replacement mariners and are starting to become concerned about the shortage of workers at all levels.

While the Coast Guard attempts to gloss over their past mistakes and present rosy promises for the future, many mariners are packing up and leaving the industry simply because they can no longer deal with the Coast Guard.

Our next example deals with the problems one lower-level mariner faced while attempting to renew his license at the Los Angeles/Long Beach REC. Forty years ago, this mariner was one of my deckhands on passenger ferries in New York. He went on to earn a 100-ton Master's license that he maintained over the years. Over the years, he went to law school, became a successful attorney, and now holds a respected position with the United States Navy. This is a story of his recent license renewal in southern California.

----- **Mariner #35**

Renewing His License Took 7 Months

Mariner #35, an old hand at Coast Guard licensing, held his license since 1972 and worked on the water all his life. He is well acquainted with the poor service previously offered at the Coast Guard licensing offices and, later, at their Regional Exam Centers, because he has experienced just about every error it is possible to make from losing his entire file, misspelling his name, giving him the wrong license exam, to issuing his license with the wrong information on it. Once, upon renewing his merchant mariner's document, the REC issued his new MMD with someone else's picture on it. On his way to his present 1,600-ton Master's license endorsed for oceans, inland waters, and western rivers as well as third-mate, he thought he had seen it all until his latest license renewal experience.

A 1,600 ton Master must keep up with a number of credentials including a license with its endorsements, a merchant mariner document, a separate STCW documentation, a radar endorsement. Soon all of this personal history and information will be entwined in a new TWIC card the Coast Guard hopes to seamlessly coordinate with the new Transportation Security Administration.

Each of these credentials contains duplicate and overlapping information based upon different laws and regulations. Trying to get all this paperwork coordinated so it all expires on the same date always has been a problem that typically involves multiple transactions at a Coast Guard REC. Unfortunately, the REC has become a place where all of this paperwork turned loose on its own and passed through many hands is subject to loss, misinterpretation and mistakes. The idea of separating a mariner from his paperwork aggravates many of these problems although it reduces a three-dimensional problem (the physical presence of the mariner) to a two-dimensional "paperwork" problem. Old "hands" like mariner #35 are well acquainted with the other alternative of sitting and waiting around for hours or being told to "come back tomorrow" for a signature or other minor clerical function that cannot be concluded before the end of the REC's business day.

Mariner #35 had a radar certificate that expired early in 2006. That expiration date meant that he had to go to school and take care of that transaction first - even though his license did not expire until almost a year later. Consequently, he took steps to renew his license and z-card at the same time - a task that eventually took seven months to complete. The mariner

filed his license renewal application with REC New Orleans that then sent it off to REC Memphis for processing because of their post-Katrina overload.

Memphis received his completed application on June 8th. Nevertheless, by Thanksgiving, Mariner #35 became concerned because he heard nothing about his renewal and his license's expiration date was fast approaching. Consequently, he called REC Memphis to determine its status. He left a number of messages, but nobody would return his call. Finally, after a considerable delay, an REC employee (name redacted) called him back from the REC and wanted him to furnish a new copy of his driver's license because his old driver's license had expired while this application gathered dust at Memphis. Without questioning why she wanted to see his latest driver's license, he promptly accommodated her request by fax.

Mariner #35 learned about another delay in a subsequent phone call to REC Memphis when they wanted a letter certifying that he had participated in emergency drills. He pointed out that the letter was already in his file and clearly provided the requested information if they would re-read the letter carefully. After politely making that point, the REC finally accepted his application with this stipulation: mail REC Memphis his old merchant mariner document (MMD) before they would issue him a new card or even his license! He verified that this was the only matter that held up the release of all his credentials.

Mariner #35 was hesitant to mail his valid MMD because he needed it in case the Coast Guard boarded his vessel. Traditionally, mariners are told to never let their MMD out of their hands - a fact stressed especially after the terrorist attacks of 9/11. He pointed out to REC Memphis that REC New Orleans had different rules that were more lenient in that they would allow him to hand in his old card when he picked up his new credentials. REC Memphis said that they could possibly mail his paperwork back to New Orleans but that was not their usual procedure. Consequently, in order not to upset them, Mariner #35 decided to mail his MMD, which was still valid, to REC Memphis as they requested.

On Monday December 11th, Mariner #35 express mailed his MMD to Memphis and included a prepaid express mail return envelope that cost him a total of \$30.00. He tracked the envelope that the REC received on December 13th - where it sat for almost one month!

In early January 2007, mariner #35 called REC Memphis and reminded them he needed his credentials and that he even had paid \$15.00 to provide a prepaid envelope. Apparently, they could not find the envelope. Finally, the REC found the envelope (or bought a new one) and delivered the credentials that arrived safely on January 10, 2007 - after twenty-eight weeks. This was considerably longer, in fact more than 12 weeks longer, than the 16 weeks that even the most overloaded REC publicly admitted to taking to process mariner credentials. This was not a particularly complicated transaction.

Mariners, whose jobs are already stressful enough without this added aggravation, faced such inexcusably poor service for many years. Mariner #35 mentioned that the REC sent him a questionnaire asking him to comment about

the quality of the service. Like many (if not most) mariners we spoke with, he was very hesitant to criticize the Coast Guard for fear of their vindictiveness, possible retaliation, and fear for his career. Although GCMA cannot support such allegations with concrete evidence, we take this opportunity to express how widespread and significant this sentiment is among our mariners.

Mariner #30: A Simple License Renewal?

[Source: Mariner #30 letter of June 16th to REC Los Angeles/Long Beach.]

Dear Ms. Brimmer,

I have received your letter of June 8, a copy of which is enclosed, and am confused about three things:

1. Your letter asks for an NDR consent and says page two of my application is missing. Since I returned everything that was sent to me by the Coast Guard in the first place, I have no idea what an NDR is. If it was omitted, whoever sent me the application package omitted it. In any case please send me one now or tell me what it is and where I can get it and I will.

[GCMA Comment: Although an abbreviation like NDR may be in common use at an REC, its meaning may not be immediately apparent to a mariner who undergoes a constantly changing license renewal process every 5 years. Making such an assumption is an error that the REC needs to correct.]

2. What is the address to which I am to report in order to show the identification requested and get fingerprinted? Your letterhead says Long Beach but your answering machine says you've moved to Los Angeles, please tell me where to go.

[GCMA Comment: This mariner had to travel more than 100 miles to reach the REC. Over the years, Coast Guard RECs frequently change locations and phone numbers with little or no public notice. This fact contributes to the aura of instability dogging the entire credentialing process.]

3. I was told initially that I would be sent a renewal test and that after I had taken the test at home and mailed it back and passed it that I would then have to come up and get fingerprinted etc. Your letter says come first, take the test later so which is it? It makes more sense to take the test now since if for some reason I don't pass it, I won't have wasted my time traveling to Los Angeles and getting fingerprinted; don't you agree? Please advise.

REC Telephone Tag

[Mariner#30 gave up in disgust and called upon U.S. Senator Diane Feinstein. The Senator insisted that all complaints be submitted to her in writing. His letter follows:]

Dear Senator Feinstein,

I am requesting your assistance in reaching the United States Coast Guard who will not return my telephone calls. It is a simple matter really. I sent my application for renewal of my Merchant Marine Officer's license to the Regional

Examination Center for my area (San Diego) in early April and never heard back from them.

After a while, I started calling to find out the status (of my application) but the only number listed 562-495-1480 is one of those taped answering machines that provides no opportunity to talk to a live person. Pretty shoddy for an organization serving thousands of mariners don't you think?

But, it gets worse. If you do leave a message as I have done very politely at least a dozen times, your call is never returned! Still worse, half the time you call you can't even leave a message because you get a recorded announcement that says, mailbox full.

I know this office moved from Long Beach to Los Angeles recently but that does not justify this poor level of service. A simple, owe have your application and are working on it, would be fine. Or a live person to take down your question and get back to you in a few days would be OK too. Or at the very least an opportunity to leave a message that would eventually be returned. But this office does nothing. You might as well be trying to call the Pope; but I'd bet even the Vatican would answer its messages.

GCMA Overview

We marvel that the Coast Guard's credentialing system even works at all. During the 1990s, one major complaint was that every REC created their own home-made application forms by copy machine. Some forms were poorly worded and misleading while others were third and fourth generation copies and barely legible.

In 2006 at least one REC hands out a 42-page book of forms and leaves it up to our mariners to sort their way through the forms and select the correct ones. Since it is so difficult to reach a live person at most RECs to answer even the simplest question, it is no wonder that 50% to 80% of the forms are filled out incorrectly and must be returned to the mariner.⁽¹⁾ This constant reshuffling of paper leads to significant delays and even more problems. ^[⁽¹⁾*Waterways Journal*, Oct. 2, 2006, p. 7]

The "Gotcha" Factor

Asking a mariner to fill out the same information on his application time after time is much more than a waste of time. It is reasonable to assume that some mariners have a problem remembering different entries they made on previous applications whether five years or five weeks apart. Today, as a result of tightened homeland security concerns, mariners express considerable anxiety that Coast Guard investigators will charge them with submitting false information on their license applications. Some of these concerns are justified.

Instead of continuing to generate complete new applications for each and every upgrade and renewal, the basic information from a mariner's application should reside on a mainframe Coast Guard's computer. The mariner should only be required to re-check, verify, and update that information before each new transaction. That should save the considerable time it takes for government workers to wade through reams of handwritten paper applications at the REC where they frequently misplace or lose important

documents. It should also make it possible to reduce the exorbitant user fees for the substandard service that most mariners experience.

Mariner #12

**First Given the Wrong Information
Then Issued the Wrong License**

Mariner #12, an experienced, licensed 100-ton Master on his third issue, reported that he was given misleading information about how to upgrade his license to Master of Towing Vessels in 2001 by REC New Orleans.

He reported that the REC encouraged him to sit for a license upgrade exam on a day he visited the REC even though the REC personnel knew he was not prepared to take the test. He then failed one section of the exam and was given conflicting information about when he was required to complete re-testing that section.

Now realizing that he needed to go to school to pass the test, he enrolled in class on his time off. However, when he returned to the REC, he was not allowed to retest because the REC personnel then told him he should have retested within 7 days and NOT the 90 days he said they originally told him. Consequently, he gave up the effort to upgrade his license in 2001.

In 2006, he returned to school to upgrade his 100-ton Master's license to Master of Towing Vessels. His specific reason for doing so was to be authorized to operate vessels larger than 100 tons for his employer on inland waters (only).

Although Mariner #12 never worked offshore, REC San Francisco renewed his license leaving its original 100-ton restriction remaining. However, the REC added "Mate of not more than 100 GRT on near coastal waters" waters where he never worked and does not care or plan to work. This endorsement was issued by REC San Francisco where his paperwork was shuffled as a result of Hurricane Katrina.

GCMA brought the matter to the attention of the National Maritime Center on September 28th. We were instructed to file an appeal with REC New Orleans that we did on behalf of the mariner on October 10th even though REC San Francisco made the mistake.

On December 6th we were told that it had taken REC New Orleans a "long time" to secure the mariner's records from REC San Francisco but that the mariner should expect an answer in "a week to 10 days." As of year's end, he still had received no answer.

Mariner #12 reported that "upgrading his license had **cost him at least \$5,346 in tuition, time-off from work, and miscellaneous expenses.** However, his license was NOT upgraded in spite of his best efforts. He was left hanging for months on end while the Coast Guard fumbled with his application paperwork. Consequently "and with good reason" Mariner #12 is disgusted with the treatment he received from the REC in 2001 and sees that same treatment continuing unbroken today. He believes that he was thwarted in his opportunity to advance to operate larger vessels in a company he has worked at for many years. He expressed to GCMA that he was denied the opportunity to earn increased wages by faceless Coast Guard employees who couldn't care less about him, his family, or the company he works for and do not appear

to be accountable to anyone.

Mariner #3

His License Was Mailed to the Wrong Address

In mid-July, GCMA was asked to inquire into a tangled web of events where a licensed Master was returning to the system after his license was suspended.

The mariner submitted his completed application package to REC New Orleans in August 2005 before Hurricane Katrina. All his paperwork, including approvals from Headquarters that allowed him to reapply for his suspended license, was lost in the flood that engulfed REC New Orleans.

It took nine months for the mariner to accumulate the replacement documents after the hurricane. The mariner re-submitted his application and was told that his paperwork had been approved by the REC in Memphis on June 6th and would be sent to New Orleans for issuance.

Apparently, the New Orleans REC had not been provided with the necessary forms to issue the license and, consequently, the REC mailed the mariner's application package back to Memphis. In the middle of June, the mariner confirmed his application package was back in Memphis for "editing" whatever that nebulous term meant.

Following this discovery, the "evaluator," who was supposed to do the "editing," was transferred to the new National Maritime Center facility in West Virginia along with a number of boxes of files. The evaluator apparently never cleared his desk nor kept promises he made to his mariner clients before his transfer.

Only when Mariner #3 sought to speak to the evaluator in person was he told of his transfer. However, a different REC employee discovered his file still in Memphis and shipped it back to New Orleans for "reissue" on August 7th. Unfortunately, the REC did not re-open in New Orleans until August 9th.

On August 24th, the mariner called GCMA and stated that he had not yet received his license. He suggested, with sufficient evidence to back it, that he thought his license was missing or even stolen. GCMA immediately notified the National Maritime Center.

On August 25th we received an e-mail from the National Maritime Center as follows: "Appears you were correct. (Mariner #3's) credential went to the wrong address. (The) New Orleans office will reprint the credential and send it to the correct address (our computer has been updated) and we will follow-up on the miss-mailed credential."

Two months without pay and without a license, that is your key to employment, waiting for the Coast Guard to overcome its own internal problems cost the mariner an estimated **\$18,000 in lost wages.** The entire process of reinstating Mariner #3, who successfully completed rehabilitation, took a full year. Comparable problems have discouraged other mariners from attempting to negotiate the rehabilitation path while attempting to reinstate their credentials. This will result in a further loss of experience to the marine industry.

Mariner #6

139-Day Application Delay Jeopardizes Steersman Training Slot

Mariner #6 works for a major river towing company, attended school, and passed his Apprentice Mate/Steersman examination. The company he works for, Blessey Marine Services, is recognized as an well-run company with well maintained equipment. The company reportedly only had a limited number of training slots available for steersmen to work their way up to a Pilot's license..

Not all towing companies provide training slots, and one of the weaknesses of the Coast Guard licensing program for towing officers is that there is no Coast Guard requirement to do so. For this company, pilothouse training is a prerequisite to the required completion of a Towing Officer Assessment Record before one of the company's Designated Examiners.

The mariner's father, who works for the same company as a Master, called and asked that GCMA look into the delay in his son's application approval because his son's opportunity for training would not remain open much longer.

GCMA was concerned for several other reasons:

- First, the file was floating around for 139 days, and something seemed to be seriously out of order.
- If the file was in New Orleans as he was told, he should have received his license or at least heard from REC New Orleans by that time.
- The REC in New Orleans was scheduled to shut down for an entire week in early August that would further delay the receipt of the steersman's learner's permit beyond that date.
- The severe shortage of personnel in the field was a leading subject discussed in great detail at the Industry Day meeting sponsored by MSO Morgan City. At that meeting, we learned that there were only slightly more than 300 apprentice mates or steersmen in the pipeline to fill in for much larger losses of personnel throughout the entire towing industry.
- The time Mariner #6 currently worked on the towboat cannot count toward the 360 8-hour days he must have to qualify for his pilot's license. His clock starts ticking on the date his steersman's learner's permit is issued. This 139-day delay will have a sizeable impact on his future earnings.
- The phone access to the new REC in New Orleans admittedly was not sufficient to handle the workload and other technical problems accessing the phone lines were reported at the Industry Day meeting.
- Checking upon the status of license transactions did not have a very high priority at any of the Regional Exam Centers ó a problem that mariners have had to face not only in New Orleans but throughout the country.

[GCMA Comment: GCMA lacks the time or personnel resources to play "telephone tag" with REC personnel. Consequently, we deal with these Coast Guard offices on behalf of our mariners only in writing so that we may maintain adequate records.]

On July 31st, we received an e-mail response from the National Maritime Center that the applicant's steersman's

learner's permit should have been issued last Thursday.

[GCMA Comment: We don't know whether our letter helped the mariner, but we believe it was sufficient to move a complacent bureaucracy off top dead center.]

Mariner #13

Another Steersman's Application Delayed

On August 16th we received a complaint from Mariner #13 who held a merchant mariner's document for the preceding 10 years and who made an initial application for a steersman ticket to REC Houston in February 2006.

The mariner reported speaking with a Chief Berry in REC Houston several weeks earlier who told him his document would be mailed today.

Two weeks later, he called again and was told that Homeland Security was holding up his paperwork. He was not satisfied with that answer, tried to press the issue, but could find out nothing further and could not track down the problem that was holding up his application. He reported having trouble reaching REC Houston by telephone in that he kept getting a recorded message ó a common complaint from other RECs as well.

We contacted the National Maritime Center on the mariner's behalf pointing out that the mariner could not advance in the towing industry until his application for steersman was approved. To date, the delay had cost him six months of time creditable to his goal of becoming a licensed mate.

The reply we received from the National Maritime Center was confusing. It stated that Mariner #13's request for a background check was only recently received and processed by NMC. REC Houston is being advised of the results of the background check. (Mariner #13) should hear something from REC Houston soon.

The only clue to the reason for the delay in his background check Mariner#13 had was that the original printed guidance he received from the Coast Guard (that we viewed) required him to report all convictions for the last 10 years and that they now apparently wanted to check for the past 17 years.

With our experience in dealing with the Coast Guard, we believe that if the Coast Guard had carried out its FBI background checks during the 1990s it would already have the information it needed in its files. However, when affirming the validity of imposing user fees in the mid-1990s, the Court told the Coast Guard that they would have to pay \$17 for each FBI background check out of their own budget. Coast Guard merchant marine personnel managers during the 1990s were too cheap to do so since security was not treated as an important issue before 9/11. Much of the recent wing flapping by Coast Guard authorities only emphasizes the cost borne by our mariners as a result of preventable security lapses by the agency before 9/11.

Mariner #14

License Delayed After Evaluator Resigns

There are a number of ways that the Coast Guard's incredibly poor credentialing system hurts our mariners. In the early 1990s schools and employers were encouraged to

assist mariners in preparing their license applications. Then, suddenly, the Coast Guard insisted that only their own REC personnel, who were now designated as "evaluators," had the training and qualifications to evaluate and approve all license applications. Thereupon, many sources of private assistance that had helped mariners with their paperwork withdrew and acceded to the Coast Guard's wishes.

In 2006, the Coast Guard appears to have reversed course and again asks schools, employers, and trade associations to help them with the paperwork problems of their own making.

In the meantime, the new plans for the National Maritime Center in Martinsburg, WV, call for centralizing all of the Coast Guard's evaluators in one location "remote from the individuals they must evaluate." "Check lists," no matter how cleverly designed, can never replace an understanding of what the job actually entails. Unfortunately, the Coast Guard military and civilian staff at the REC and NMC levels has very little "feel" for any of the "lower-level" mariners or the jobs they perform.

Mariner #14's problem revolves around the person the Coast Guard assigned to evaluate his application. Mariner #14 attended school where he passed his examination for the Apprentice Mate/Steersman's learner's permit.

In this case, the school he attended helped him to prepare his paperwork. He reported that he mailed his paperwork to REC New Orleans-North in Memphis, TN, by certified mail and that the return receipt shows the paperwork was received on March 13, 2006. A check accompanied his paperwork. He reported that his bank statement shows that the check was deposited.

When he called, the receptionist at REC New Orleans-North in Memphis told him that his paperwork had been sent to Louisiana. He called the new REC in Metairie, LA, who told him the paperwork was in Memphis. In another call to Memphis, he was told that his paperwork wasn't there but that it was in a box to that was prepared for shipping to the new Martinsburg, WV location.

Mariner #14 was unable to get a straight story on who had his paperwork to say nothing of when that paperwork finally would be approved "although he was told that it had passed through an evaluator."

In frustration, the mariner turned to GCMA for assistance. We, in turn, faxed the National Maritime Center to find out why the mariner was being given the runaround. We received this response: "My staff checked with the REC and was advised that the delay to (his) application was due to the resignation of the evaluator who was processing his application. His application was transferred to (a new evaluator) and his credentials should be printed soon. Please express our apologies to (Mariner #14) and let me know if he does not receive his credentials soon."

[GCMA Comment: Mariners report that it is extremely difficult to check on the status of their application by telephoning any of the Coast Guard's Regional Exam Centers. Many are told that their applications would be processed sooner if they did not call and that their call interrupts more important work. Much of the mariners

apprehension and dissatisfaction is caused by the RECs' extensive backlogs and their carelessness in handling documents and files.]

Mariner #19

His Medical Paperwork Was Lost in the Shuffle

Mariner #19 is a licensed mariner applying for the seventh issue of his license. He applied in person to the Coast Guard's REC in Houston on May 2nd four months before his license expiration date of August 6th. He was told that he would be required to take a stress test but found that he could not obtain a stress test compatible with his work schedule earlier than June 1st.

The results of the stress test were mailed to the REC on June 26th. The mariner checked with the REC on July 17th and learned that the results of the stress test were mailed to the National Maritime Center (NMC) on July 10th. On August 7th, the day after his license expired, the mariner called the National Maritime Center (NMC) and learned that they lost a fax from his heart clinic stating that he did not need to take a PFT test. It was that missing fax that was holding up his license.

Mariner #19 asked GCMA to look into this issue on August 30th "three weeks after his license expired." Apparently, our inquiry provided enough momentum to move the matter off top dead center. Later that day, the NMC informed us: "We just received (Mariner #19's) medical information. As soon as it is reviewed, REC Houston and (Mariner #19) will be notified."

[GCMA Comment: We understood from the briefing at the April MERPAC meeting that direct contact between the mariner's physician and the NMC professionals was supposed to avoid many problems by having "medical professionals" deal with each other and bypass the mariner. This did not work for Mariner #19 and will not work for other mariners interested in preserving their careers.]

[GCMA Comment: It is clear that the Coast Guard's entire approach to treating our lower-level mariners must change. Perhaps the people who administer the system need to be tarred, feathered, and run out of town.]

Mariner #17

REC Hurricane Disaster Still Affects Our Mariners

Mariner #17 is on the fourth issue of his license and operates a towing vessel. Because of the problems and delays with the Regional Exam Center in the New Orleans area, he was advised to send his renewal application to REC Portland, Oregon which he did in March 2006 which should have allowed sufficient time to process his renewal before his license expired on September 11th.

In mid-June he became concerned and telephoned the REC in Portland three days in a row and left call-back messages with for a lady who eventually returned his call. She told him that her office **never received the application package** and had no record of it. Unfortunately, he did not send the package by Certified Mail and could produce no "paper trail."

[GCMA Comment: Through our experience, even a Certified Mail Receipt is no guarantee that the REC will not lose a mariner's paperwork. If they do lose your paperwork, you are expected to prepare your paperwork from scratch. There is NO accountability in dealing with these offices.]

Mariner #17 stated that he had previously submitted an application to raise his license to Master 1,600 GRT before Hurricane Katrina to REC New Orleans and that his application had been approved to sit for the upgrade examination. However, he reported that he could not get off the boat and, consequently, never took the test. He stated that it was his intention to upgrade his license but that his immediate problem was that his current license would expire in five weeks.

In a reply dated August 15th, the Chief of the Licensing Evaluation Branch of the National Maritime Center advised the mariner to submit a complete new application. He also stated that "Congress authorized one-year extensions for mariners affected by Hurricane Katrina" and that a notice will be printed in the Federal Register on August 16. GCMA passed along the pertinent information to the mariner and hope that he will be able to accumulate all his lost sea service time, re-take his physical exam and drug test that were "lost in the mail." We asked that REC Portland look again through its paperwork for Mariner #17's application but never received confirmation that any such undertaking had occurred.

Mariner #18

Expired Z-Card Keeps Mariner on the Beach

Mariner #18, a merchant seaman, is an employee of a local towing and offshore supply vessel operator who is in the oilfield fabrication and construction business. The mariner's Merchant Mariner Document expired and he was unable to return to work without it.

Three weeks before his z-card expired, the company personnel manager typed his application for him to the best of his knowledge and ability.

The mariner, a Florida resident, then traveled to REC Miami and gave them his fingerprints, paid his user fee and left the required photographs and "to the best of his knowledge and belief" completed his application at that time. However, he was told that it would take up to sixteen weeks to process and issue the z-card "a fact that kept him out of work."

GCMA also spoke at length with the company personnel manager who verified that the mariner was an employee in good standing and was needed to serve aboard the supply boat. Our efforts were seconded by the Captain on the vessel where he worked, Captain [redacted], one of GCMA's founding members also vouched for his ability as a seaman.

Several months later, we received a post card from Mariner #17 that said: "Thanks Captain for trying to help me out. **I had to contact my Congressman again.** I've been in touch with (my personnel manager) but still waiting for Miami. Wanted to let you know as a fellow mariner, I really appreciated your letter. I don't know what they did to it. See you at the next dock. s/Dave the wave."

Sixteen weeks out of work means sixteen weeks without

a paycheck that can mean a potential loss of as much as a \$22,400 loss.

If the Regional Exam Center accepted his application and the user fee to process his application, they should have checked it thoroughly before accepting it and insisted that the mariner complete it to the Coast Guard's satisfaction.

If the Coast Guard did its job properly, there should be no reason for him to ever have to contact his Congressman and dump him in the middle of a purely administrative matter.

Mariner #20

Lost his Z-Card in Hurricane Katrina

Mariner #20 is a licensed Master working on a ship-docking tug for a major towing company in Norfolk, Virginia.

He contacted GCMA on July 25th after his company pulled him off his tug because he did not have his Merchant Mariner Document (Z-card).

Mariner #20 reported to us that he drove to REC Baltimore on May 10th for the purpose of replacing his z-card, completed the necessary paperwork at that time, paid his \$5.00 user fee by money order because they would not accept his personal check. (Even the Post Office accepts personal checks!) He brought color pictures with him. He even had a photocopy of his unexpired z-card with him at the time. He verified the information that appeared on the Coast Guard's computer while was in the REC.

When we learned that Mariner #20 was far from home and out of work, GCMA contacted the National Maritime Center on his behalf. We pointed out that the 10 weeks it took to issue a duplicate z-card was entirely too long to complete only the "issuance" phase of merchant mariner documentation since all the information reportedly was complete, ready, verified and paid for. For an answer, we were told that REC Baltimore no longer issued z-cards on site "a change we were not aware of."

The next day, the mariner called us to tell us that he received the Z-card. We do not believe our letter assisted him but still maintain that 10 weeks is much too long for such a transaction that produces economic hardship on our mariners. Our seamen can recall the time when replacing a lost MMD was a service available in most RECs "over the counter" and without delay.

<p>CASE #9 EVALUATING CRIMINAL CONVICTIONS</p>

GCMA Overview

In recent years, and especially since the EXXON VALDEZ disaster, the Coast Guard has punished mariners for crimes involving DWI or DUI. However, the Coast Guard does not apprehend all of the violators of violating alcohol or drug laws. State and local law enforcement officials accomplish much of the apprehension. These officials also punish the offenders.

The most notorious of the existing regulations is 46 CFR §10.201 that allows Coast Guard officials in an REC to assign "assessment periods" ranging from 1 to 20 years during which time the REC can withhold renewal of a

mariner's license in addition to any punishment meted out by state and local officials.

[GCMA Comment: We ask that Congress review this regulation that confers absolute power over a merchant mariner's career to low-level officials at a REC.]

[GCMA Comment: We believe the power to deprive a mariner of the ability to make a living in his chosen profession based upon previous misdeeds should reside in no less than an impartial Administrative Law Judge. The ALJ should be required to fully evaluate punishments imposed by other jurisdictions before applying any penalty as severe as depriving a mariner of an entire year's income. The existing regulation permits as much as a 20-year "assessment period." The unintended effect of this rule is to drive experienced mariners from the marine industry mariners who already "paid their debt to society."]

Congress acted to tie a mariner's license to his driving record after alcohol played some part in the infamous EXXON VALDEZ accident in 1989. However, we have seen petty bureaucrats at the Regional Exam Centers ruthlessly wield this authority to deny renewal of mariner credentials.

Using this regulation to withhold a license or MMD can end an experienced mariner's career.

The key word in evaluating this regulation in the case of Mariner #29, however, is NOT "arrest" but, rather, "conviction." A law dictionary states, "One is convicted upon a valid plea of guilty and judgment of conviction entered thereupon. However, that minor point hardly slows REC personnel to stop to think twice about the effect on a mariner's career unless it is pointed out to them.

**Mariner #29
Arrest or Conviction?**

Mariner #29 with 15 years experience as a Master of towing vessels on top of 15 years as a tankerman was arrested by a local Sheriff and charged with Driving While Intoxicated (DWI).

Mariner #29 decided to contest the charge and hired a lawyer to represent him in court when his case comes up for trial on February 13, 2007. In the meantime, he submitted an application to renew his license in November 2006.

REC Houston reviewed Mariner #29's license renewal application, checked the National Drivers Registry and noted that he had been arrested for DWI and did not report it on his application. As a result, the REC refused to process his application.

In our letter written on his behalf to the National Maritime Center, we mentioned the following points:

- In reviewing the most recent license renewal application blank, we note that in Section III, Narcotics, DWI/DUI and Conviction Record, that the word conviction appears four times and the word "arrest" appears not at all. Consequently, the mariner believed he was justified in not reporting an "arrest" on his license renewal unless or until it becomes a "conviction."

- Depriving the mariner of his license for 79 days before his case goes to trial (and possibly longer if the court continues the case) will rob him of a **projected gross income of \$31,600** and may adversely affect his ability to fight charges he does not believe are justified.

As a result of our letter, the National Maritime Center (NMC) contacted REC Houston. We were told in an e-mail that "The REC Chief has decided to rescind the letter to (Mariner #29) and provide him an opportunity to disclose additional information concerning his criminal record. A final decision will be made following receipt of this information."

[GCMA Comment: Our Association does not condone DWI/DUI and expresses no opinion on the merits of Mariner #29's plea. However, we do not believe a mariner is guilty until he admits it or it is proven in court. If the Coast Guard seeks information on "arrests" for any legitimate purpose, they should seek approval for this "Collection of Information" through their normal administrative channels.]

**CASE #10
EX POST FACTO POLICY MAKING**

**Mariner #27
The Coast Guard Invents New Regulations**

Although the U.S. Constitution protects American citizens from ex post facto laws, it is evident that it does not protect our mariners from the Coast Guard's ex post facto policy making.

Mariner #27 wrote to the Commandant of the Coast Guard on October 24, 2006 as follows (with slight editing) after his license upgrade case had been pending for over a year.

Dear Admiral Allen,

I write to you today because of the wrongful denial of my "upgrade" and the abuses of your staff. This started 11 months ago when I applied for several upgrades I am entitled to.

In November 2005, I applied to upgrade my Inland Master license from less than 100 ton, to less than 500 tons, my inland towing Master from less than 100 tons to less than 500 tons, and my near coastal license from OUPV to Mate of less than 100 tons. I received an approval letter that totally ignored my towing upgrade, (that was) the main reason for me to apply.

This was appealed in January 2006. This first appeal was ignored as "invalid" for over 3 months even though I have an interagency e-mail treating it as an appeal shortly after it was penned. A "denial letter" arrived which did not reflect any statutes.

This "denial" was appealed in April 2006. This was also "rubber stamped" (and) denied contrary to statutes and again appealed.

The next "denial," also inconsistent with any statutes,

was penned by Captain M.E. Landry of Boston, on June 9 2006. Contrary to the law this was never mailed even though it was supposed to have been appealed in 30 days. This (denial) was obtained by a "Freedom of Information Act" requested by the Gulf Coast Mariners Association in August 2006 and forwarded to me. This was appealed on September 2006 to the National Maritime Center.

In August along with the June 9 "denial," I received a letter written on May 25 by Commander Miller, also of Boston. Commander Miller's letter made some serious false allegations about me, wrongfully threatened to suspend my license and was "forwarded out" as though I had been convicted of something. Commander Miller's letter appears to violate my civil rights and, I am sure, has kept me from obtaining work.

On October 17, 2006, Donald Kerlin (at the National Maritime Center) sent me a letter, which again denied my appeal. This letter (announcing) "final agency action" also in no way reflected the statutes.

I spoke with Donald Kerlin) on October 19. Mr. Kerlin clearly demonstrated his ignorance of these matters. As such, I left a message for Captain Fink.

Captain Fink returned my call on Oct. 20 2006. Captain Fink and an unnamed cohort proceeded to tell me that their actions are justified by 46 CFR §10.209, 46 CFR §10.210 and 46 CFR §10.464.

Immediately after I hung-up the telephone, I sought out these statutes and conferred with my advisors. These (regulations) DO NOT in anyway justify not issuing the upgrade I am entitled to, In fact 46 CFR §10.210 figure 10.210 is part of NVIC 4-01 and totally proves I am entitled to this upgrade.

I completed the tests requested, although not all were reflected in the CFRs. I was issued a new license, without my towing upgrade, in April 2006.

The main obstacle appears to be the Towing Officer Assessment Record (TOAR). I am not required to do one for this upgrade and have clearly proven this.

Many mariners such as I wrongfully have been told to complete a TOAR. **Most of the other guys and I do not have access to (a Designated Examiner) to complete a TOAR, which your staff wrongfully pushes at us.**

I now know that at least 40 lower-level mariners, some say over 100, are having similar problems with your agency. Many of us have been so wronged that this will continue to haunt your agency for years.

I am currently unemployed because of this. I will remain unemployed and or underemployed until this is resolved, as will many of us. Sincerely, (Mariner #27)

GCMA Overview

This is a perfect example of how a government agency can twist and turn the regulations and go out of its way to be unresponsive to the needs of the mariner. The case in point concerns a response to a request for upgrade that was ignored. It does not appear that the original request was denied. If there is no formal denial, there is nothing to appeal.

Why have they done this to the mariner? First, it is

because they can. They proved they have the power to use the process to be unresponsive to his needs as an individual as well as to the needs of all our lower-level mariners!

It is curious that they continued to deny the appeal, even though there was no denial to formally appeal. The denial was for the lack of an affirmation. Is there no one in the Coast Guard with any common sense? Their only intent is to insure that everyone that gets a towing license has a TOAR, regardless of what the regulations say.

The TOAR system is a direct transplant from the military system of training. It works fine in the military, but not at all in the commercial maritime industry.

This requirement for a TOAR has become what in government circles is described as a **sacred cow.** A "sacred cow" is an written or unwritten rule that must be followed at all costs at all times and can only be overturned by a Coast Guard official with serious potential harm to his/her career.

They never examined the fact that the TOAR is not technically required for all towing licenses. It is not relevant to the continued standing of the TOAR. However, under no circumstances will anyone in the Coast Guard including, it appears the Commandant, violate this **sacred cow.** Right, wrong, or ugly, that is a fact.

One might say, "If only I could get them to set aside their prejudice and examine the facts of the situation, I am sure they will agree with me." **This will never happen!**

That is, of course, not to say that the TOAR reasonably indicates minimal required knowledge of the mariner or that of course many of us professionals know that it does not.

It may be easier to discredit the entire TOAR system of training than to get the Coast Guard to accept that not everyone has to have a fully executed TOAR to be qualified. In fact, most of the smaller towing companies never had a voice in creating the TOAR because of the Coast Guard's over-reliance on advice from the Towing Safety Advisory Committee (TSAC) and their failure to seek a broader consensus within the industry itself.

In fact, the TOAR system does not work as many experts within industry have long predicted. We believe that is leading the towing industry to severe licensed personnel shortages because it does not work now and will not work. Now, why don't we ask: "Okay, Coast Guard, you caused this mess, what are you going to do to fix it. We all told you this was going to happen."

The Coast Guard does not even have a statistical base showing how many licensed personnel are needed in the various trades or the extent of the shortfall and whether or not the shortfall is growing. But, they will continue to demand that we use this failed experiment or just because they can!

<p style="text-align: center;">CASE #11 REC MISLEADS MARINER</p>

Mariner #21

Mariner #21 applied for a Master, 100 Ton license on or about June 9, 2005 at REC New Orleans.

Over a year later, on October 19, 2006, we wrote to Mr. Richard Wells at the new REC in Metairie, LA in an attempt

to follow up an application initially lost in Hurricane Katrina.

Mariner #21 grew up in south Louisiana and worked on the water for many years. However, Mariner #21 had a criminal rap sheet.

Before Hurricane Katrina, Mariner #21 mailed his license application directly to REC New Orleans and made an appointment to speak with Mr. Tom Purvis, the Legal Instruments Examiner at REC New Orleans. He visited Mr. Purvis in person and received a deficiency statement that he was expected to clear before his license application could be approved.

On August 26, 2005, the Friday before Hurricane Katrina, Mariner #21 brought all of the documents he was required to bring with him to the REC to prove that he had cleared his deficiencies pointed out earlier. They made copies of each document and (fortunately) Mariner #21 kept all the originals. As a result, the REC issued the mariner a letter approving him to sit for a 100-Ton Master license examination with no further appointment necessary.

Mariner #21 was told that he could enroll in school and did so on October 25, 2005 at a cost of \$300 for Radar Observer, \$20 for FCC paperwork, Coast Guard application preparation paperwork \$20, First Aid & CPR \$70, Plotting Tools \$52, Master/Mate course \$995. There was also \$100 fee for the Coast Guard Application and a \$45 license issuance fee for a **total \$1,602**.

It is notable that the applicant endeavored to advance in the maritime industry in spite of only having an eighth grade education as well as suffering from a learning disability. His desire to go to school and to improve himself in the job market in the only type of job he ever worked in while still under the active supervision of a state parole officer deserves full consideration.

During his conversations with Mr. Purvis, he furnished these documents:

- Master prison record showing all incarceration time.
- File of character letters from personal and friends, employers and captains he worked with.
- An autobiographical letter.
- All his accumulated sea time.
- A complete physical exam dated May 24, 2005.
- Four random drug screens by his employers and by port officials while working as an unlicensed engineer, deckhand, and wheelman aboard crewboats, utility boats, and inland tugs.

Since Mariner #21 presented all this information to Mr. Purvis, who was a knowledgeable Coast Guard representative, he believed that he was in compliance with all regulations and that it was worthwhile spending \$1,602 to apply for a license to improve his position at that time.

All of the foregoing took place before Hurricane Katrina. During the hurricane, his paperwork at the REC went underwater and presumably was totally destroyed. However, he retained the original documents including the signed approval for him to sit for a 100-ton Master license exam.

Since the mariner was approved to go to school, and the school was open within a month after the hurricane, he attended class, fully paid his tuition and the required Coast

Guard user fees. He followed this by re-applying that followed these steps:

- The school sent his complete file of course completion certificates directly to the Coast Guard representatives at the REC temporarily established in Memphis. These officials could not understand why they were receiving these certificates that pertained to records lost in the hurricane.
- Then, Mariner #21 re-submitted a complete application package to the Coast Guard including course completion certificates along with the letter that approved him to go to school. The whole package was signed for at REC New Orleans North, Memphis, TN by a N. Cockran on December 29, 2005.
- **The whole package was misplaced at the REC and had to be re-submitted a third time.** The school was told it could re-submit the contents by FAX to expedite the process and did so.
- Mariner #21's fiancée continued to call the school after the one month processing period. She was instructed to call a Miss Gean Lofton at 1-901-544-3144 ext. 2124 at the Regional Exam Center in Memphis. Originally, they were told they might have to visit the REC either in Houston or Memphis to have the paperwork redone. Fortunately, REC New Orleans North accepted the fax.
- On March 28, 2006 Mariner #21 received a letter from the REC stating that he needed to furnish four additional items. It stated that his application had been reviewed but apparently this review at that point still had not raised any red flags about his background. Of these items, the Certified Birth Certificate, sea time, and social security card already had been reviewed and approved by Mr. Purvis before the hurricane and sent twice again after the hurricane and included his First Aid and CPR certificate. All that was in question was the \$45 License Issuance Fee. He went to the REC that was re-established in Metairie, LA with all of the items requested. Prior to going to Metairie, Mariner #21's fiancée called the Memphis REC and was told that he needed to be fingerprinted. When they traveled to the REC, they were told his fingerprints were already on file and that he should be receiving his license within a couple of weeks. This did not turn out to be correct again.
- They waited and waited for many weeks and continued to call the Memphis REC. Each time Miss Lofton told them the application was still in security and to call back. On each call, Mariner #21's fiancée asked, "Who is in Security?" or "How long will the process take?" The answer was given repeatedly as "several weeks." She also repeatedly called the school the mariner attended as well and was given Mr. Wells' number at REC New Orleans.
- Mr. Wells told Mariner #21's fiancée that the paperwork was being held in security and that she should call him

back in two to three more weeks. This was on or about September 12, 2006.

- On Oct. 3, 2006, Mr. Wells told them that "Security" recommended the request for a license be denied. This was the **very first time they were ever told about the regulation (46 CFR §10.201)** that calls for an assessment period where a Regional Exam Center can review certain crimes and delay a license application. Mr. Wells reportedly said that he did not have a "date" but that the denial had occurred at the end of September 2006. The assessment period apparently would be based upon a wait of at least 5 years from his incarceration release date (March 1, 2004) "but the wait could be as long as 10 years. The Gulf Coast Mariners Association has serious concerns about the effect of these indeterminate dates upon the lives of many active mariners like Mariner #21.

Our Association is also concerned that the New Orleans Regional Exam Center did not notify Mariner #21 of the regulation concerning the lengthy and indeterminate "assessment period" that applied to criminal records **before** allowing him to spend a large sum of money to attend school. At several points in the process, there was ample opportunity to do so as his application was "reviewed" to death by Coast Guard officials.

46 CFR §10.201(h) confers entirely too much authority on lower-level government clerical employees to influence major career decisions for our mariners and does not make it clear that they have the commensurate responsibility to notify them of extensive delays that this regulation introduces into the credential application process. In this case, failing to mention a 5 to 10 year assessment period is more than a small oversight. This inattention to important details gave the applicant apparently unfounded hope that he could progress and improve in his career following incarceration. The rejection of his application after all this time brought all these hopes to a depressing standstill leaving the mariner wondering where and how to proceed with hope for self-improvement.

The Louisiana Department of Labor often refers candidates with criminal records to offshore boat companies for employment. Many of these companies, like Danos & Curole, Abdon Callais, Edison Chouest, G&G Boats, Gilbeau Marine, and Crosby Towing hire ex-offenders. A number of companies go so far as to offer to pay for ex-offenders to complete their applications for licensing and certification required by the Coast Guard. In addition, the Federal government offers a tax-incentive program to employers who hire ex-offenders.⁽¹⁾ Many of these are with the same companies the Coast Guard certifies to operate in Gulf Waters. It is clear that many employers are not aware that this policy is in effect. One of the requirements most offshore companies have is a Coast Guard required z-card. However, there are no such requirements for vessels under 100 GRT or for vessels that operate solely on inland waters. This is a glaring gap that the current regulations do not seem to consider. ⁽¹⁾*We cite Internal Revenue Service*

Publication 945, Rev. Jan 2004, Form 5884, Revised 2005, and Instruction and form 8850, Rev. Jan 2006. This is passed along to the State of Louisiana as a state program using Federal funds.]

We asked that the Coast Guard favorably reconsider Mariner #21's application in light of:

- The letter from the mariner's Parole Officer with a statement that he is "very unlikely to re-offend again." In connection with this letter, we asked that Mr. Wells personally contact the Parole Officer to verify this information and the officer's personal assessment of the information.
- The failure of the Regional Exam Center to notify Mariner #21 in a timely manner that this regulation (46 CFR §10.201) would deny him the license he sought for up to **5 to 10 years** before he applied for that license. This should have been part of the Coast Guard license application process and should have been carried out when his application was first processed at REC New Orleans before Hurricane Katrina.
- Not handling his application appropriately at REC New Orleans North since the REC lost his entire application package after Hurricane Katrina and caused him additional frustration and anxiety by having to submit a complete application three times!
- Mariner #21, being aware of the enhanced security regulations following 9/11, submitted a full and truthful application that included a master prison record covering his previous incarceration certified by the Louisiana Department of Corrections.
- Mariner #21 obtained an FCC radiotelephone license without a problem and is authorized to use a radiotelephone on the vessels he planned to operate.

We requested that Mr. Wells contact the mariner's parole officer who works for the Louisiana Department of Corrections, Probation and Parole Division, Lafourche District. Since his release in March 1, 2004, the mariner was employed exclusively and continuously by small boat companies and can secure documentation that he has not been a source of problems to his employers.

In this regard, Mariner #21 currently works as an unlicensed wheelman on utility boats and crewboats. Understanding that he has completed his schooling, the company promised him a promotion to Captain as soon as his license application is approved. Consequently, this "denial" of his application has come as a crushing blow.

Several weeks later we wrote to Mr. Wells that the mariner's employer would not put him back to work on the boat in his previous unlicensed position. Consequently, he was unemployed for 7 weeks and is still unemployed. At his previous rate of pay of \$240/day (x 49 days) **his potential losses at this time amount to \$11,760.**

In addition to the cost of the delay, Mariner #21 never

received any sort of a letter that denied his eligibility for this license from the Coast Guard at REC Memphis (or even from their Investigations Office detailing the reasons for his purported ineligibility. He had been given reason to expect such a letter for over a month. Without that letter, there is nothing to appeal.

While GCMA never received a direct response to our letters to REC New Orleans, our correspondence was enough to trigger a blunt denial letter from a LT C. A. Keogh, Investigation Officer, U.S. Coast Guard, Sector Lower Mississippi River in Memphis. This cleared the way for us to address an appeal to the Eighth District Commander on November 30th, which, at year's end, had not been answered.

Ruling Formally Appealed

Our appeal through LT Keogh to the Eighth District Commander reiterated the foregoing as well as these points:

- Our frustration with trying to work through REC New Orleans.
- Disagreed with LT Keogh's assessment that Mariner #21's conviction history negatively impacted (his) qualifications in the areas of character and habits of life. We maintained that LT Keogh never had the opportunity to meet the mariner (as we had) and, consequently, forms his evaluation limited by the criminal conviction record before him.
- We carefully read the transcript of the jury trial that took place in Terrebonne Parish almost 25 years ago that led to the mariner's incarceration and came away with serious doubts as to the verdict rendered at that time.
- We pointed out that regardless of past crimes and infractions for which the mariner was punished fully by the State of Louisiana and is currently under the supervision of a qualified Parole Officer for the next three years. This state supervision is likely to be more effective, informative, and reasonable than the Coast Guard's unsupervised assessment period of 10 years called for by LT Keogh's letter.
- We asked the Coast Guard to refrain from asserting its "Guidelines for Evaluating Applicants for Licenses í Who Have Criminal Convictions" in 46 CFR Table 10.201 because the main thrust of these guidelines is to protect the public from recidivist criminal conduct. We maintained that the Louisiana Department of Public Safety and Corrections had this matter well in hand under authority granted them by the State of Louisiana.
- We suggest that to reduce the potential threat of recidivism that the Coast Guard issue a license to Mariner #21 conditioned upon continued satisfactory performance as certified by his state parole officer on an annual or semi-annual basis.
- We maintained that imposition of a 10-year waiting period will negatively impact the mariners successful

rehabilitation. It may also drive him from the industry which would be a loss to both him and a loss of years of his experience in boat handling the industry. Mariner #21 is a Louisiana native of native-American background who has been around the water all his life. With him, working on boats is a way of life.

- Without the possibility of earning a license or Merchant Mariner Document, Mariner #21 will be condemned to low-pay work as a deckhand on vessels under 100 gross register tons if he is to remain in the industry. Since he went to school and overcame a poor educational foundation to pass his 100-ton license examination, he is ready to assume the job as a licensed Captain on a vessel of up to 100 tons.
- If Mariner #21 is able to obtain work afloat without a license or without hope of receiving a license, there is a stark difference in pay between a deckhand working for a small company (\$100/day) and the Master of a crewboat or towboat (\$350/day) over the next 10-year period. I estimate that difference to be as **\$60,000 per year or \$600,300 over the proposed 10-year "assessment period"** based on a typical 14/7 schedule. [$250 \times 360 \times 10 \times 0.667 = \$600,300$]. In addition, the industry currently faces a severe shortage of licensed individuals and even a shortage of individuals who have enough experience to sit for a license. Beaching this mariner will only contribute to the shortage.

CASE #12 SIGNIFICANT WEAKNESSES DOOM THE DESIGNATED EXAMINER PROGRAM

The National Maritime Center has the sole authority to decide which applicants for Designated Examiners are acceptable and which ones will be denied approval letters to assess towing vessel personnel on a Towing Officers Assessment Record (TOAR).

The TOAR and the Designated Examiners that serve as assessors are both creatures of the new towing vessel licensing regulations that went into effect on May 21, 2001.

Current policy calls for the National Maritime Center to issue a successful Designated Examiner candidate an approval letter specifically stating those towing tasks from the TOAR that he is authorized to assess. GCMA found out the hard way that this "approval letter" can be much more involved than a simple "yes" or "no" approval.

GCMA Report #R-383, Rev.3, Designated Examiner Qualifications; The Good, The Bad, and The Ugly explains who is qualified and how to obtain an "approval letter."

GCMA is also aware that a number of individuals were denied approval because they had reportable accidents or "letters of warning" in their records. In several cases, we obtained copies of the accident reports for mariners under the Freedom of Information Act. Interestingly, it was the first time that several mariners even had seen these accident investigation reports. We had occasion to review several accident reports

and, as a result, several individuals involved appealed the decisions by the NMC to deny them approval letters.

Designated Examiner Approval Letter

Each individual who applies to become a Designated Examiner receives a letter confirming or denying his or her acceptance. However, Enclosure (1) to that letter lists only those specific skills that each Designated Examiner is allowed to assess and specifies the applicable routes such as oceans, near coastal, Great Lakes and Inland, or western rivers. If a given task or skill is NOT marked on Enclosure (1), you cannot assess it!

We found it misleading that the very first sentence in the personalized form letter that informs a mariner that he is a Designated Examiner may not be strictly true and may contain certain restrictions he must somehow deduce from reading Enclosure (1).

Mariner #25

A Paperwork Nightmare

In one case GCMA worked on, a Designated Examiner candidate (DE) submitted a letter to the National Maritime Center that their evaluator did not believe adequately described the duties the Master performed on towing vessels that would allow him to make every assessment for a near-coastal apprentice mate.

Instead of asking the mariner to submit a more complete letter, the National Maritime Center sent him a personalized form letter (i.e., a designation letter) and included in Enclosure (1) a restriction with only the common elements marked with an X. From this enclosure, the new Designated Examiner was supposed to know that he could only grade these few items out of a much longer list.

Unfortunately, the new Designated Examiner (DE) never picked up that important point from his correspondence and the results triggered a nightmare of red tape for the apprentice mate (Mariner #25) that he spent months fully assessing on the job.

Mariner #25's employer, a small towing company in south Louisiana, assigned the DE to assess his apprentice mate (Mariner #25) who had worked for him as a deckhand for several years. This was a close and longstanding relationship involving a great deal of mutual respect developed over the years of working together.

Mariner #25, who went to school and passed his apprentice mate exam, had accumulated seven years service on towing vessels and, after a year of instruction in the pilothouse, was fully prepared to take over the watch as a licensed mate.

Unfortunately, when Mariner #25 submitted his TOAR and mate upgrade application to the REC at Portland, Oregon, they held up the approval for over five months.

Part of the problem was that, because Hurricane Katrina flooded REC New Orleans, the application was submitted to REC Portland. After the mariner reached the end of his patience and became completely disgusted with the treatment he received from REC Portland, he asked GCMA to look into the matter.

Soon after entering the case, we found that the DE,

only was approved by the National Maritime Center to make a partial assessment. The employer, the DE, the Mariner #25 and GCMA were all baffled as we tried to put the pieces together between the DE and Mariner #25 who, at the time, were both working in New York on a very complex and demanding dredging contract.

In a number of long-distance calls with both men, it was obvious that the job they were actually performing was extremely demanding and grueling work. One simple phone call from the National Maritime Center could have cleared up any misgivings that they had over the qualifications of the Designated Examiner. However, the National Maritime Center demanded that the proof be submitted in writing. It was up to the DE to provide a better letter than the one the National Maritime Center had already accepted. This new letter was expected to more completely explain the Designated Examiner's previous service on towing vessels and, if accepted by the authorities at the NMC, would then grant him the authority to fully assess his apprentice mate.

After we determined that this was the nature of the problem, the DE called and asked his employer's Human Resources Director in Louisiana to prepare a new sea service letter for him to satisfy the National Maritime Center. The Human Resources Director was baffled as to why this was necessary as his previous letter clearly stated that the DE was in command of several of the company's tugboats. Wasn't being in command enough? Didn't it mean that you performed every task that was assigned to the vessel? In any event, the company went out of its way to fully cooperate.

Coast Guard Delays Cost Mariner \$18,000

The cost of this simple upgrade to the apprentice mate was roughly \$6,000 for tuition and unpaid time off work to pass the written test to become an apprentice mate. What really hurt was the fact that he suffered at least an additional \$12,000 in lost wages between his pay as a deckhand and the pay he would have earned as a licensed mate while the Coast Guard screwed around for months with him and his paperwork.

Mariner #25 was not sufficiently conversant with the Coast Guard's Byzantine licensing system to deal with it effectively. He did not know how to handle the situation while his paperwork sat idle in Portland, Oregon and REC clerical employees made light of the situation. The officials at the National Maritime Center were content to sit back and let both the candidate and his Designated Examiner sweat it out. GCMA, who attempted to intervene on behalf of both mariners, was told it had to have their written permission to act in their behalf. This is a common stalling tactic that could not have been designed better to discourage outside support for mariners. It was clear that GCMA was involved since we obviously had worked with the DE, Mariner #25, and the employer to gather information and try to resolve the problem.

Being victimized by a mistake like this to the tune of \$18,000 is enough to discourage most mariners. The fact that Mariner #25 had called REC Portland on numerous occasions and that the REC considered him a pest and was prepared to counter his complaints with phone records

showing they always returned phone calls. This failed to impress us with their sincerity and concern for our mariner's dilemma. The simple, unvarnished fact is that REC Portland failed to resolve the problem by providing straight answers and a meaningful solution that Mariner #25 was able to comprehend.

Mariner #25 as well as the DE, with his many years of documented service on towing vessels, was totally confused by the process. Here were two men trying to do a very tough, demanding job, that were held at the mercy of unyielding martinets under absolutely no pressure to provide meaningful and helpful service to either mariner.

In working on behalf of both the Designated Examiner and the Apprentice Mate, GCMA contacted the employer on several occasions and participated in several dozen telephone calls.

At last report, Mariner #25 was heading to a new assignment on a towing vessel in the Caribbean as a deckhand. However, before leaving, he informed us that the Coast Guard in Portland told him they would mail his Mate's license to him in a few days. We never did hear from the National Maritime Center as to whether they amended the Designated Examiner's letter to allow him to make all the assessments for other near coastal apprentice mates in the future.

[GCMA Comment: After reviewing all the paperwork in question, we fault an administrative error on the part of the National Maritime Center for sowing the seeds of confusion. In addition, the REC Portland was less than helpful to the apprentice mate.]

GCMA Appeals Coast Guard Restricted Access to Designated Examiner Contact List

On December 10, 2006 GCMA formally appealed the Coast Guard's decision to withhold a copy of an up-to-date, complete list showing every person currently approved as Designated Examiners for towing vessel assessments and contact information previously requested in our letter of October 5, 2006.

Our association, which represents the lower-level mariners who man the nation's towing vessels previously requested and obtained copies of this list from the National Maritime Center in December 2003 and again in December 2005. In fact, we summarized this list and used it to prepare the original GCMA Report #R-383 which is currently in its third revision. We submitted this report as part of our appeal.

GCMA planned to post this contact list on the internet so that our mariners might utilize the information without incurring FOIA copy costs as the document is over 200 pages long.

Our original intent with GCMA Report #R-383 was to encourage the qualification of Designated Examiners to support the Coast Guard's program of practical training for the new Apprentice Mate/Steersmen on their way to earning their Mate of Towing Vessels license. However, our enthusiasm for this program has cooled considerably since its inception as we observed and recorded a number of inherent faults and bureaucratic inertia in the administration

of this program.

The lists previously furnished to our Association by the National Maritime Center had one glaring shortcoming that we mentioned at several TSAC meetings. While mariners with the requisite towing experience are free to attend Apprentice Mate/Steersman learner's permits classes, they must find a Designated Examiner to sign off their Towing Officer Assessment Record (TOAR).

If the Coast Guard policy at the national level is to withhold the names and contact information on that list, how can a mariner who may spend between \$418 and \$736 (local figures from a state operated school) reasonably expect to obtain his learner's permit find a Designated Examiner if the company he works for does not have one? This left some of our mariners in desperate straits a fact that we informed the National Maritime Center about on several occasions to no avail.

[GCMA Comment: We assert, based upon the experiences of a number of mariners who contacted us, that public dissemination of this basic Designated Examiner contact information is vital to the successful operation of this Coast Guard program.]

Much of the Designated Examiner program is based on work done by a Licensing Work Group acting as a part of the Towing Safety Advisory Committee in the winter of 2000-2001. GCMA attended most of the working group meetings in the Washington DC area and vividly recalls much that took place at those meetings and afterwards.

Looking back at the composition of the working group and of TSAC itself, it is clear that most of the decision-makers were members of the American Waterways Operators (AWO). Only the larger and more financially secure companies could afford to send delegates repeatedly to the Washington area to look out for their interests. As it is, however, AWO only represents about 223 companies out of an estimated 900 to 1100 towing companies according to data presented in previous Coast Guard rulemaking projects.

GCMA is not aware of even a single mailing where Headquarters or National Maritime Center personnel ever identified or reached out to the smaller and inadequately represented towing companies to inform them of the Designated Examiner program. By failing to do so, the Designated Examiner program discriminates against non-AWO companies and the thousands of mariners who work for them! We were even told by one Coast Guard official at a working group meeting in Houston that postage for such a mailing wasn't in the budget. While that is likely, we believe postage should have been included in the budget and spent to inform all towing companies of their de facto training obligations.

GCMA spent over \$6,000 to attend these working group meetings and represent the interests of our mariners. In our wildest dreams, GCMA could never imagine that the list of Designated Examiners would become anything other than a public document. However, this list has moved from an item previously accessible by a FOIA request to become a closely guarded secret. The decision that we appealed

caused this 268-page document to become so closely guarded today that the Coast Guard feels it necessary to shield it from public view by the Privacy Act.

In order to prepare its database of Designated Examiners, the Coast Guard requires our mariners to provide extensive personal and professional information. However, in reviewing 46 CFR §10.107 as well as the National Maritime Center's Paperwork Reduction Act submittal for OMB Control #1625-0040 by LT. Michael R. Washburn (NMC), I do not see any current approval number from the Office of Management and Budget that would allow the Coast Guard to even collect this personal information. Yet, the Coast Guard database now includes information from at least 671 mariners (2005 data) and probably more than that by now.

We noted in the last Designated Examiner list we received in July 2005 that 56 Designated Examiners were identified by name only and without address or contact phone numbers. For all practical purposes, these individuals unless an Apprentice Mate/Steersman happens to know one personally or are not available to perform assessments. As a taxpayer, I ask for a good reason why the Coast Guard goes through the trouble, expense, and use of its scarce resources to screen these 56 candidates for Designated Examiner only to issue them a vanity approval letter they probably will never be called upon to use because no other mariner needing TOAR assessments knows how to reach them?

Even the Coast Guard in its ivory tower should be aware of the severe shortage of licensed towing vessel officers reported from around the country. Our Association expresses its displeasure with the way that the Designated Examiner program currently is administered. Actions like this turn our Association against continuing to support the Designated Examiner program in its present form.

Other Critical Shortcomings in the Designated Examiner Program

There are other critical shortcomings that the TSAC working group may have recognized but never resolved to our satisfaction. These problems still exist or specifically:

- The Coast Guard never made a clear distinction between a trainer and a Designated Examiner on towing vessels.
- From the beginning, many companies continued to use their Apprentice Mates/Steersmen as deckhands and provided pilothouse training on a voluntary basis only after their deckhand duties are finished. This means that some mariners receive little if any training in the pilothouse especially in the maneuvers performed while they were busy decking. Meanwhile the clock ticks toward the one-year date when an Apprentice Mate/Steersman can apply for his Mate's license and be encouraged by his employer to do so. Nevertheless, when that Mate finally receives his license, he is responsible for maintaining the back watch without any further training or assistance from the Master of the vessel who will be on his time off duty.
- Reports we receive from the field are not encouraging. Our Association believes that the Coast Guard should have

required pilothouse training for every Apprentice Mate/Steersman on a full-time basis. However, in order to do so, this would require an Apprentice Mate/Steersman carried as an extra man meaning that the company would have to hire another deckhand. Since the Coast Guard hesitated to make this into a formal requirement, they substantially weakened the program.

- No provision ever was made to compensate mariners either for training as an extra duty or for their work and expertise as Designated Examiners. Being either a trainer or a Designated Examiner certainly is an extra duty. For many mariners, who simply are ordered to train an Apprentice Mate/Steersman as a condition of their employment, this can be extremely stressful.
- The entire Coast Guard Apprentice Mate/Steersman program replaced the traditional way of creating new Pilots. Many older, experienced mariners prefer the traditional approach without all the paperwork and bureaucracy. Many experienced mariners openly resent the present system and refuse to be a part of training their own replacements.
- The TSAC working group assumed that compensation for training another mariner or being a designated examiner would take care of itself. While some companies stepped up and did the right thing financially, other companies continue to shortchange their trainers and Designated Examiners.
- The Coast Guard at all levels did a deplorably poor job of introducing the new licensing regulations from April 2001 through May 2006.
- NVIC 4-01 needs to be revised or scrapped. As part of the TSAC Licensing Work Group, GCMA made a number of specific recommendations (in GCMA Report #R-276-A) that the Coast Guard has to date totally ignored.
- There is no provision that allows a Designated Examiner to train Apprentice Mates/Steersmen who work for other employers since hundreds of companies do not have a qualified Designated Examiner. Clearly, there are insurance issues involved here that probably impact mom-and-pop operators as well as smaller (non-AWO) companies much more than larger companies.
- The personal liability involved in being a designated examiner was never completely resolved in the TSAC Working Group meetings.

The only way around the Designated Examiner/TOAR matter is via a Coast Guard approved course. Yet, after five years, only one such course surfaced. However, at the last TSAC meeting in September, we noted that another large towing company offered a second approved course for their own employees. Nevertheless, we had serious

questions about the amount of credit issued for course attendance we posed to RADM Craig Bone in a letter dated October 20, 2006 that remain unanswered at year's end.

By restricting the use of the Designated Examiner list, the Coast Guard places many Apprentice Mates and Steersmen, (and boat owners) in the difficult position of having to change their employment in order to advance to the pilothouse. In addition, many mariners had to wait for many months for the system to issue his Mate's license in spite of their knowledge and experience.

Although the Designated Examiner program cleared a number of administrative hurdles, through its inherent bureaucracy it discourages many mariners from advancing or even remaining in the towing industry.

In our appeal of the Coast Guard's FOIA decision, GCMA asked the Coast Guard to take immediate steps to turn the Designated Examiner Contact List into a **public document** available on the internet. If the Privacy Act does not allow this, we suggest that the Coast Guard immediately terminate the Designated Examiner program as a "failed experiment."

**CASE #13
COAST GUARD OFFICIALS SELDOM SUSTAIN
"DRAMATIC IMPROVEMENTS" AT RECS**

Mariners used to receive acceptable service from Regional Exam Centers before the arrival of STCW in 1995. Since then, the Coast Guard's credentialing system steadily fell behind in dealing with the extra burdens that the influx of the inscrutable new STCW regulations dumped on the domestic licensing system. For years, the Coast Guard continued to try to undertake their credentialing workload with too few employees and, consequently, drove the system into the ground.

Coast Guard officers at the local REC level on occasion were able to accomplish remarkable feats of clearing out months of backlogged applications. However, in spite of these "dramatic improvements," the backlogs always managed to return.

In the late 1990s when RADM Pluta took charge of the Eighth District, he quickly assigned extra Coast Guard employees to clean out backlogged applications at the New Orleans REC. These delays, if allowed to continue, might have reflected poorly on his new command. However, the backlog gradually began to return when the pressure to perform was removed.

In 2005, the backlog at the New Orleans REC grew to scandalous proportions. Captain Paskewich, the new Captain of the Port gained front-page attention in the Waterways Journal's June 27, 2005 issue in the following article by Capt. Richard Eberhardt. [*Editorial Note: Emphasis is ours!*]:

Regional Examination Center Progress Seen

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.

[GCMA Comment: While Captain Paskewich recognized his problem, for many years the Coast Guard at Headquarters level treated shortcomings in merchant marine licensing and management as a very low priority.]

Having mariners wait 18 weeks from the time their license renewal paperwork was logged in at the REC until it first reached an evaluator, 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 a mechanism to recognize those employees who excel," said the commendation.

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."

He noted that "1,200 records languished in the backlog. Now less than 60 requests wait to be processed ó a reduction of approximately 95%."

[GCMA Comment: Good leadership obviously made a difference. Was this "dramatic improvement" a flash in the pan or a solid achievement? We will never know because Hurricane Katrina submerged the REC that made a "political" move from a downtown highrise office building to a storefront in a suburban shopping mall.]

[GCMA Comment: Merchant mariners require effective leadership coupled with considerably more flexibility than the Coast Guard exhibits today. Why must our mariners' careers and their employers' business operations continue to be thwarted by a plethora of petty administrative problems that tie the system in knots?]

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 were implemented to expand the hours of availability to customers and improve access to appointments with evaluators."

Some of the changes implemented including 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, and shifting tasks such as making copies from evaluators to support staff, said Richard Wells, assistant chief of the REC.

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 that do not always mimic Coast Guard regulations and, in effect, require a license to be evaluated twice.

[GCMA Comment: Domestic mariners' user fees help defray the cost of STCW evaluations that the Coast Guard never charged for and that slow the process for everyone. The "user fee" schedule unfairly defrays the costs of the REC's extra STCW workload to mariners with licenses valid for service in domestic waters.]

Wells urged mariners to continue to send in renewal applications at least six months early, and if a medical condition ó such as taking heart medication ó has changed, 12 months before expiration, and to synchronize renewal dates between their license and z-card, saving the seaman money by requiring only one öevaluation feeö to renew all documentsf

**LOWER-LEVEL MARINERS ASK FOR
A NEW DEAL**

There are two sides to every story. We direct this report to Members of Congress who serve on committees that oversee the activity and policies of the U.S. Coast Guard. Members of Congress already understand that the Coast Guard has a distinct advantage to explain its case by its constant presence in the nation's capital and its access to Congress and the media.

We believe that there are other groups who understand and may share our litany of complaints. For example, the major maritime unions represent most öupper-levelö mariners, understand our complaints, and share many of the same problems. Although we do not claim to represent ömanagement,ö we note that certain Coast Guard policies, regulations, and guidance documents now discourage individuals seeking a career afloat and contribute to a growing shortage of mariners. For example, hundreds of smaller employers, who were unable to stay abreast of (or even understand) Byzantine Coast Guard merchant marine personnel policies, now face a serious shortage of personnel. Federal employees at the seventeen Regional Exam Centers vigorously enforce ill-advised policies adopted by the National Maritime Center. These employees often lack öthe common touchö needed to understand and deal with our mariners ó especially with those who do not precisely fit their mold.

Nor is this limited to clerical employees. Even high-ranking officers are unwilling to risk censure by taking small steps to assist individual mariners in stressful situations. In the presence of agency öSacred Cows,ö REC employees are afraid to exercise any initiative or allow any flexibility to rigid doctrine

expounded in the Standards of Training, Certification and Watchkeeping (STCW), the Marine Safety Manual, Navigation and Vessel Inspection Circulars, headquarters policies, and in turgid regulations unchanged in some cases for more than fifty years. Clinging to these policies while at the same time abandoning common-sense solutions to personnel management problems, contributes to the aura of bungling incompetence that plagues the local RECs.

In conclusion, over the years and on many occasions, Coast Guard officials have had ample opportunity to öclean up their actö at the nation's Regional Examination Centers. They could have selected federal civilian employees with background and experience in the active merchant marine at all levels and who understood the problems of our merchant mariners because they had lived and worked with them. Instead, they largely failed to do so and, in turn, attempted to impose a military type system with many of its trappings on our maritime transport workers ó one of only a few such systems in the world.

Clearly stated, our mariners have had enough. This report reflects a need for major changes outlined herein. We propose that the management of all merchant marine personnel, their certification, and their training be placed in the hands of a responsible civilian branch or agency within the U.S. Department of Transportation that is dedicated to serve the existing constituency ó not some ideal future constituency it would ölike to seeö through rose colored glasses. To avoid duplicating past failures, that branch or agency must be adequately funded with a clear goal to set attainable career paths within the financial and educational capabilities of those individuals (i.e., öhawsepipersö) most likely to apply for jobs öon the water.ö

Reconstituted and adequately funded federal advisory committees should be established within the agency to provide equal representation to government, labor (i.e., both öupper- and lower-levelö mariners) and management.

**GCMA REPORTS PREVIOUSLY SENT TO
CONGRESS**

Since its establishment, our Association has tried to work with Coast Guard officials within the framework of the Federal Advisory Committee system. Our Directors serve on three committees. Although the maritime industry is structured to give equal voice to Government, Industry, and Labor, it is clear that this spirit of equality does not extend to lower-level mariners. Where we have been unsuccessful in dealing with the Coast Guard on major issues impacting our mariners, we have brought these matters to the attention of the Congressional oversight committees and subcommittees with the following reports in the 108th and 109th Congress. This report, in many ways our most important because it directly impacts our mariners' careers and the future of the industry they serve, is **our first report to the 110th Congress.**

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- GCMA Report #R-341. Rev.3. Smoking and Merchant Mariner Health & Welfare Issues: A Petition to Congress.

- GCMA Report #R-350. Mariners Seek Help From Congress on Safety-Related Problems.
- GCMA Report #R-354, Rev.1. A Direct Appeal to Congress on Lifesaving Issues Affecting Lower-Level Mariners.
- GCMA Report #R-395, Rev.2. Safe Potable Water and Food Service for Commercial Vessels of Less than 1600 Gross Register Tons: An Appeal to Congress.
- GCMA Report #R-401, Rev. 1. Crew Endurance and the Towing Vessel Engineer ó A Direct Appeal to Congress.
- GCMA Report #R-411. Rev. 4. Congressional Oversight is Necessary to Prevent Continuing Overhead Clearance Accidents.
- GCMA Report #R-413. Rev. 1. A Direct Appeal to Congress to Reform the Two-Watch System.
- GCMA Report #R-417. Request for Congressional Oversight on the Towing Safety Advisory Committee.(TSAC)
- GCMA Report #R-428. Rev.1. Report to Congress: The Forgotten Mariners. Maritime Education & Training for Entry-Level Deck & Engine Personnel.
- GCMA Report #R-429. GCMA Report to Congress: How Coast Guard Investigations Adversely Affect Lower Level Mariners.

**ADDENDUM A: "UNITED MARINER"
REPORTS FROM NEW YORK**

[Source: "United Mariner" is our affiliate in New York. Captain Joseph Dady, a GCMA Director, has assisted mariners in the New York area with REC issues for a number of years. We add his report with our comments to GCMA Report #R-428-D on matters that mariners brought to his attention.]

This is our record of some of the suffering mariners reported to me at the "United Mariner" website. It reflects the deterioration of credentialing services at many of the Coast Guard's 17 Regional Examination Centers. I would like to point out that many credentialing problems go unreported because the Coast Guard makes it so difficult to reach the RECs and to check on the status of the licenses and merchant mariner documents they process for renewal or upgrade. The fear of reprisal by the authorities is reflected in some of the statements. In fact, we received a great many verbal complaints from mariners who would not give us a written statement for exactly this reason.

United Mariner made inquiries and did as much as possible to help each of these mariners. Here are their stories edited and summarized from their letters and e-mails. I asked that GCMA to publish this report in Newsletter #46 and include it in an Addendum to GCMA Report #R-428-D. We expect to see further Addenda as this story unfolds.

Mariner #40

Crew Dispatcher's Letter on Behalf of Mariner #40

My name is ■ and I am the Crew Dispatcher for XYZ Corporation. We are a tug and barge line operating on the Great Lakes, St. Lawrence Seaway, Illinois, Lower

Mississippi, and Ohio Rivers, and a small operation in the Gulf of Mexico, transporting black oil and cement.

In the past few years I have suffered more headaches dealing with the Regional Exam Centers in Toledo, OH and Memphis, TN. The problems range from delays and lost files to a magical changing of the rules and regulations overnight, or from one evaluator to another. Although I personally did not suffer any financial loss because of these problems, it makes my job ten-times more difficult trying to satisfy the RECs and, at the same time, to crew my vessels.

One **example** I can point out just came up today with an Able Seaman/Wheelsman aboard the S/S ----, a bulk cement carrier that we manage.

(Mariner #40) submitted his merchant mariner document (MMD) for renewal and upgrade from Able Seaman (special) to Able Seaman (unlimited) toward the end of January this year. His application package was perfect, and he did everything they asked him to do. The "fit-out" date for his vessel came and went on April 15th, and although he had fulfilled all of his obligations to the REC to upgrade his MMD and they had no problem with his file, they still had not issued his MMD three months later.

I received a call from Mariner #40 this morning. The REC finally notified him that his card was printed and was ready. He was told to come in person to the REC and pick it up. Upon arriving and being presented with his MMD, he noticed that, after all this time, they had not given him the unlimited rating he applied and had been approved for. Thankfully, after a quite a bit of searching, he found an evaluator willing to reprint his MMD the same day and not "next week sometime."

Not only was this man **out of work for almost 45 days**, but if he had walked out of the REC without checking his document, he would have been cheated out of the rating he deserved and applied for in the first place.

This is just one recent example. We have had many problems with these RECs. If this is of any interest to you please do not hesitate to contact me. I would love to provide whatever help I can.

Regards, XYZ Crew Dispatcher

Ancient Mariner Comment: It appears that the Coast Guard believes (without actually admitting anything) that this type of abuse will be eliminated when they centralize the licensing and documentation system.. But, if you look closely, you can see that this was the simplest of transaction. No special or professional knowledge was required. Unfortunately, as it now stands, Mariner #40 had no recourse but to accept this abuse including delays and loss of pay from the Coast Guard.

Does anyone really believe that centralizing this credentialing activity in West Virginia will deter these abuses? Mariners certainly do not!

Many mariners have good reason to believe based on past performance that incompetent actions in local RECs will be converted into incompetent actions in the NMC in West Virginia. The Coast Guard must establish reasonable means to insure that this does not happen. However, when it does occur, they must discipline those responsible and mitigate their slovenliness. Good luck.

Mariner #41

Hello Mr. Dady,

My name is ■ and I work for ABC.

I just read the e-mail about the Manhattan Regional Exam Center and have a question you may be able to help me with.

On April 26 2004, I took all the proper paperwork to the REC to apply for an Able Seaman endorsement. Today is July 1 and still I have heard or seen nothing. I have called and wrote e-mails to just about everyone at the REC including the Commanding Officer Gerecke. Not a single person could tell me anything about my endorsement.

Last month, I was at work and a certified letter from the Coast Guard did come to my house, but no one was there to sign for it. Consequently, it was returned to the Coast Guard. Once again, I called but nobody knew anything about the letter.

I have pretty much given up. Do you know anyone that can help find out what is happening? My MMD expires on July 31, 2006. It has taken them 15 months! To this point I have had no explanation, so I am starting to get worried. I have two kids and cannot afford to be out of work because of these incompetent morons at the Regional Exam Center.

Sincerely,
Mariner #41

Ancient Mariner Comment: Monolithic bureaucrats cannot respond otherwise. Although I can see several legitimate reasons for part off the disconnect between the mariner and the REC, the Unit Commander over the REC needs to correct the problem of why Mariner #41 could not determine the status of his case and why the REC responded so slowly.

I can only suggest that since the Department of Homeland Security does not appear to hold the Coast Guard accountable, the matter cannot be remedied while they control the process. Remove credentialing entirely from their sphere of influence and assign it to another agency in another department with a different outlook on the need to facilitate the process.

Mariner #42

United Mariner Assists Mariner #42

On July 23, 2004, Mariner #42 went to the New York Regional Exam Center where Miss Murray assisted him. At one point Miss Murray told him, "This person will finger print you while I copy these documents." Those documents were his driver's license, social security card, and birth certificate. Miss Murray assured him that all his paperwork was in order, and that he would hear from the Coast Guard within six to eight weeks.

Seven weeks later, during the week of September 6, he called the Coast Guard and was told his paperwork was fine and was being processed.

On September 20 2004, (nine weeks later), he called the Coast Guard and spoke to Miss Murray. Miss Murray said copies of his identification were missing. At Miss Murray's request United Mariner immediately faxed copies of Mariner #42's driver's license, social security card, and birth certificate. Mariner #42 was told he would hear from the REC NY within two weeks.

This is where we stand, still waiting. My question is, why wasn't Mariner #42 notified that this documentation was missing? I can understand the Coast Guard losing his paperwork as this is a common occurrence. However, when were they planning to do anything to correct the problem?

Ancient Mariner Comment: Mariner abuses will continue as long as mariners alone must pay the only penalties resulting from the abuse including the inability to advance in grade or keep their documents current. Employers are also impacted when this takes place and had better speak out about it before it decimates the industry's pool of lower-level mariners. Centralizing the credentialing process in West Virginia with a whole new cast of Coast Guard characters using arcane check-off lists completed by inexperienced clerical personnel in the setting of an expensive new federal facility will only further exacerbate the merchant marine's personnel problem.

Mariner #43

Telephone Tag is the Game this REC Plays

My name is ■■ and I hold a 100 ton Master Near Coastal Steam or Motor Vessel license. I use my license to run charter boats and a research vessel.

When I started the license renewal process, I was surprised to find out that I no longer could take my renewal papers to the Battery and walk out the same day with my license as I had done in the past. I was told by the REC in New York it would take six to eight weeks to process my renewal. My license expired at the end of April 2004. I was not too concerned at the time because I was not planning on using it until July 2004, because I was going to be busy with my full-time job and on vacation.

I submitted my renewal seven weeks ago and recently became alarmed when I was talking with other captains and learned that it had taken them 12-14 weeks for their renewal.

It took me five days of telephone calls to talk to reach a person on the line. The telephone number they listed for New York REC either rings endlessly or is busy. I called New York Activities and Operations and they gave me five different numbers to try. All turned out to be dead ends! I then called the Baltimore REC and they gave me another dead end number. I immediately called Baltimore back and explained my situation. Fortunately, the person answering the telephone took my information and sent an e-mail to New York REC asking them to contact me. Finally, New York REC contacted me and provided me with another, different telephone number. After several attempts, I was able to talk to someone at New York REC.

REC New York told me that they had not looked at my renewal and it would be several more weeks before they would. If I do not have my license by July 1, 2004, then I will more than likely lose my part-time job and the income I derive from it. In addition, the people you talk to are neither friendly nor helpful. They are probably overwhelmed with telephone calls and paperwork. ó but that should not be my problem.

I will keep you posted on my license renewal and would be interested in any additional information you might have.

Thank you.

Ancient Mariner Comment. Wow ó What a revelation!

The inability to reach a live person, in today's communication intensive world is curious and easily remedied if the Coast Guard really tried to fix it. It's as if the Coast Guard does not understand that concerned mariners are trying to reach them by phone to take care of important business that affects their lives and careers!

Mariner #44

Misses Promotion and Pay Raise

Dear Capt. Dady,

I waited in excess of three months for an evaluator to clear me to take my Second Mate/1600-ton Masters license. In my repeated calls to find what the delay was, I was given the run around. Finally, when I was fed up with the process, I asked to speak to the Supervisor who had no knowledge of my file or status.

Another month passed until I finally received approval to sit for the exam. When I called after my tour of duty, the REC clerk that handled my file said that she called me and left a message, but I do not believe she ever did so.

A total of five to six months elapsed from the time that I submitted my application to the time that I received my upgrade. During that time I missed a possible promotion and raise in pay.

Kindest regards,
Captain ■

Ancient Mariner Comment: Not being able to perform a reasonable evaluation in a timely manner and not answering the telephone ó how much more basic can these problems get? Why must the mariners always pay for the Coast Guard's mistakes in the form of lost employment, lost pay raises or loss of advancement? Why should they even have to pay öuser feesö for such atrocious service?

Mariner #45

Coast Guard "Nonsense" Also Affects Employers,

Dear Captain Dady,

My name is Jay, and I am a dispatcher and vessel personnel manager with a tug company here in New York Harbor. I visited your website, and I liked what I saw. I also can relate to everything since I do hold a license myself, and must begin the renewal process this summer.

In my short time with this company, I have had to send three experienced wheelhouse men home because of license problems. **One man was home for 6 weeks**, while another I had to send back luckily got everything taken care of just days before his license expired. The third man has gotten the run around with his STCW, and I had to send him home yesterday due to license problems. In this case, he did everything he was supposed to do, but I truly believe the REC lost his paperwork.

The whole license process is in shambles. You go to Boston and they tell you one thing. Then you call Baltimore and they tell you something completely different, and so on through out the country. It seems that each REC interprets the regulations and NVICs in its own way, and are there is no effective uniform standards applied nationally.

As mariners, we do what we have to do to keep our

documentation current since our livelihood depends on it. The Coast Guard put many good men out of work because of this flawed process.

Not only do these problems affect the individual mariner, they impact the company he works for. We have to scramble to cover a position. If we are unable to do so, we have to tie up a boat!

If you have any information that I can pass on to my company, and specifically to my crews, it would be greatly appreciated. It would be great to see guys from (ILA Local) 333, local 25, and the non-union mariners unify to put an end to this Coast Guard nonsense.

Ancient Mariner Comments: Real problems demand real solutions. The Coast Guard continues to demonstrate that they do not know how to fix the problem. Many of us know that these amateurs do not even know how to identify the problem.

Mariner #46

REC Refuses to Correct Previous Licensing Errors

Mariner #46 applied for license renewal in July. On November 12, 2004, he received notice from REC New York's Lieutenant Commander Gerecke would not accept his random drug-testing document and the sea service letter from his company and they required him to take a stress test. His license expired in February.

On a previous issue of his license in REC Miami, they mistakenly removed Mariner #46's towing endorsement from his license. He showed this mistake to REC New York and provided them with copies of his past license history. Nevertheless, REC New York refused to correct the mistake and degraded the mariner's license.

Mariner #46 is an owner operator. The delay with his license and the mistake REC Miami made left him without his coastwise towing endorsement. This continues to cost him thousands of dollars annually in lost coastal towing contracts.

Ancient Mariners Comments: Sympathy seems to be all I can offer to Mariner #46. The Coast Guard's unwillingness to solve abuses of mariners has become epidemic and shows signs of intensifying.

Mariner #47

"Medical Malpractice" at the REC

I just read your article in Workboat magazine. I am glad someone has the intelligence and ambition to do something about this disgrace. **I was out of work for four months!** My dependent mother was in hospital with brain damage. My otherwise good credit record was damaged. In addition, my company's insurer decided it was an excellent time to refuse payment to my doctors.

I had a double whammy. I just had a heart attack in May 2003, and my renewal was due in July 2003. I will never buy the ösecurityö scenario they played for me. I have been in the wheelhouse for over 28 years. These people must have reams of documentation on me. I know of at least one Captain who is still sailing, despite his five drunken driving convictions and loss of driver's license. Another working Captain was convicted of smuggling drugs. How many

more are out there? The company's disability insurer refuses to pay because a doctor gave me a "fit for duty" slip.

The Coast Guard's Medical Review Board in Washington DC, blames the delay on the Baltimore REC. It seems that the Baltimore REC license examiner, Chief John K. Cassidy, has taken it upon himself to make medical evaluations (please read the Letter to the Editor, in the same issue as your letter, by Captain Ronald Roman). I was a participant at the mentioned seminar.

I personally remember Chief Cassidy stating that he knew about "these medical conditions" because his brother is a doctor; but he did not bother to explain whether his own stated medical proficiency was gained through osmosis or by heredity! However, he continued to state that he had been an avid jogger, and had no sympathy for diabetics, or, anyone with a weight problem, since all they had to do was exercise. I want to know how in the hell can the Coast Guard permit this ass to arbitrarily delay a license renewal because of his personal bias. Why even have a review board of competent doctors, if one must first deal with Chief Cassidy's vast medical experience? Rest assured that Chief Cassidy is not concerned that a mariner has dedicated his life to learning his chosen craft and in most cases is now too old to think of a career change. Never mind that the mariner's credit record is ruined. Do not consider that the mariner's life and that of his dependents is at risk. In my case, I was even unable to renew lifesaving prescriptions.

Perhaps I should apologize to Cassidy that I did enough jogging in both the U.S. Marine Corps and the U.S. Army. The Medical Review Board approved my waiver on the very same day that the records were received from Baltimore. I guess that those ill-trained doctors do just not appreciate Chief Cassidy's medical expertise!

You can count on whatever support that I can offer. Please explain further and I will get several other guys to sign up. I know of at least six other guys who fit your criteria.

Thanks for your efforts,

Mariner #47

Ancient Mariners Comments: I think the Coast Guard wants all mariners to be under 40 and in perfect health. These views do not reflect the real world we face every day. Many of us also believe the Coast Guard changed their standards to require this and all without any authorization from Congress.

Mariner #48

Here is my story. I work as an engineer with Express Marine, Inc. I submitted all of the correct paperwork to renew my Unlimited Able Seaman document to the Coast Guard REC in Baltimore in December 2002.

I did not receive my document until June 2003, less than 5 days before it was set to expire. I am currently trying to obtain a Designated Duty Engineer 4,000 horsepower license. The Coast Guard Regional Exam Center in Charleston has had my license application since June 10, 2004. I was informed last week that my application had not been reviewed yet and would not be reviewed until the middle of October.

My biggest problem this treatment by both of these RECs is that the Coast Guard cashed my check within a

week of receiving it. I see where their priorities lie. While they diddle around, **I lost one job promotion** last month without this license and will probably lose another one sometime in the next two months.

I hope this helps to document the problems with the current system.

Thank you for your time,
Mariner #48

Mariner #49

Mariner #49 started his license renewal in January and was out of work for several months. He used money set aside in his daughter's college fund to get by on. His file was misplaced but finally was located in the mailroom after being there for ten days. Consequently, he **lost several weeks' pay.**

Mariner #50

REC New York delayed his renewal for reasons they never made known to him. The REC apparently lost his file. REC gave no notice after rejecting the paperwork he reconstructed to the best of his ability.

Mariner #50 could not reach anyone by phone and his letters went un-answered. **After losing months of employment,** he finally received his license.

Mariner #51

Mariner #51 may still be out of work due to months of delay at REC. He contacted United Mariner to ask us if there was anything that we could do to stop the abuses at REC New York.

Mariner #52

Mariner #52 started renewing his license in March. He was told that his package would be reviewed and should be ready in about three or four weeks. As his license's expiration date approached, he contacted REC New York only to be told it would be another two months and that he should take a vacation. He lost wages because of the REC failure to process his license in a timely manner.

Mariner #53

Mariner #53 lost his job at K-Sea Marine because his MMD expired although he started his renewal months in advance.

Mariner #54

Mariner #54 lost several months of employment because REC New York's delay and their loss of all his license history of over thirty years of service as a merchant mariner.

Mariner #55

Mariner #55 contacted us on behalf of a group of employees at the Staten Island Ferry. They reported that they had problems with REC New York but did not want us to make their names public as some are in processing renewals and upgrades. They do not wish to have their files misplaced or lost which seems to be a common response to inquiries into delays at the Regional Exam Center. They firmly believe that if you inquire about the status of your application, your file will be misplaced or lost. Although the complaint is common, it is not necessarily the view of United Mariner.

Mariner #56

I am currently experiencing difficulties renewing my license. Mariners from Puerto Rico have experienced problems ever since various licensing scandals occurred at the Marine Safety Office in San Juan involving Coast Guard license evaluators and fraudulent signatures on documents.

While Miami MSO is our licensing office; however, it seems that every time I call the MSO office, the evaluators appeared to be annoyed with my questions. One evaluator even asked me not to call their office anymore.

I am seeking advice on how to deal with disrespectful treatment and discrimination from the MSO Miami license evaluators.

In addition, and independent from the way I feel about MSO Miami, I need my license back in order to earn a living.

Please let me know of any other complaints regarding the Miami MSO so I can include them in my report to the current officer in charge of the REC.

Thanks,
Mariner #56

Mariner #57

Mariner #57 lost months of work because of delays at REC New York. He was reluctant to make a written statement for fear of reprisal by the Coast Guard. His story was the same and involved lost files, delays, lack of communication and lost wages without any accountability from REC New York.

Ancient Mariners Comments on Mariners #48 - #57

My heart goes out to every mariner each time he or she must deal with an REC. The Coast Guard believes that centralizing all licensing activity in West Virginia will cure these abuses. There is no doubt that centralization will only make it worse.

- Failure to answer the phone.
- Extraordinary time delays.
- Unfair and abusive treatment.

Under continued Coast Guard control, all these abuses will continue. It does not seem possible for the Coast Guard to remedy these problems because of their "enforcement only" posture against merchant mariners.

American Merchant Mariners' Declaration of Independence

A Petition to Members of the 110th Congress: We Seek to End the Coast Guard's Mismanagement of Lower-Level Merchant Mariners Professional and Vocational Certification and Training

- **Whereas** Coast Guard meddling over the past half-century virtually disabled, disrupted, and destroyed our lower-level merchant mariner's licensing and documentation system.
- **Whereas** Coast Guard mismanagement of merchant mariners contributed to a shortfall of qualified mariners.
- **Whereas** this shortfall can only become more severe unless Congress makes dramatic changes to the management of the merchant marine personnel certification and training system.
- **Whereas** the principal culprit has become the Coast Guard preoccupation and direction as a **law-enforcement agency** as opposed to being a **facilitator of commerce**.
- **Whereas** after September 11, 2001, the Coast Guard's took to heart their involvement with enforcing federal law in concert with other agencies brought together into the Department of Homeland Security in 2003.
- **Whereas**, in their zeal to enforce their new mission on our merchant mariners through the credentialing process the Coast Guard administers comprising the new National Maritime Center and 17 Regional Examination Centers has spiraled out of control.
- **Whereas** the administrators became so enamored with insuring with absolute certainty that each and every mariner is physically, professionally, and from a security perspective qualified in every respect to hold a merchant mariner's credential that they instituted restrictive rules and internal policies that seek to micromanage every eventuality.
- **Whereas** this relatively minor and insignificant branch of the Coast Guard wields vast power over at least 208,000 credentialed merchant mariners (and far more without any credentials) and received only limited direction from Congress in the past dozen years.
- **Whereas** our civilian merchant mariners, with and without credentials, will have an economic impact on our nation's waterborne commerce far more than their numbers indicate ó specifically in the movement of bulk products like heating oil, coal, building materials, export grain, fertilizers, rock salt, oilfield supply vessels, ship docking tugs, dredge operations, short-sea movement of containers, marine construction projects, and small passenger vessel and ferry operations.
- **Whereas** the continued and increasing shortfall of qualified merchant mariners will have a crippling economic impact on the nation's waterborne commerce.
- **Whereas** at the current rate our merchant marine personnel are leaving the industry, even the most optimistic employers and mariner organizations expect even greater shortfalls of properly qualified personnel to fill existing mariner billets each year.
- **Whereas** the Coast Guard makes it more difficult to recruit or retain certificated merchant mariners each year, vessel owners from small businesses to large corporations have great difficulty finding properly documented personnel to command and crew their vessels at any price.

- **Whereas** overly stringent medical qualifications and uncompromising security issues are the current *cause du jour* by which the Coast Guard plans to limit and restrict credential issuance.
- **Whereas** thousands of unregulated inland and other merchant mariners soon will be required to hold Transportation Worker Identification Credentials (TWIC). This overkill that unnecessarily stresses our limited-tonnage mariners and their employers and will do little to increase the safety of American ports and duplicate requirements between the Transportation Security Administration (TSA) and the Coast Guard. The TSA will be forced to learn lessons about our mariners that the Coast Guard ignored during their half-century superintendence.
- **Whereas** the continued Superintendence of the Coast Guard over civilian merchant mariners has become our primary concern.
- **Whereas** the Coast Guard repeatedly and totally ignored our mariners' documented complaints about undermanning, exhaustive work hours, mandated extra duties resulting from security and "safety management" duties and the exploding cost of training.
- **Whereas** qualified merchant mariners are leaving the industry at an alarming rate to seek jobs offering better and safer employment in areas where government regulators are not free to impose their judgment on the intimate details of mariners' lives.
- **Whereas** the Coast Guard appears to have no idea or little interest in ascertaining the number of maritime jobs available to U.S. citizens or how many of the various types of mariners are available to fill those jobs.
- **Whereas** the Coast Guard has not accurately documented the number of merchant mariners nor the current attrition rates of personnel within the industry from all sources.
- **Whereas**, in order to facilitate commerce, it is essential to issue adequate credentials in all forms and in adequate numbers to fulfill known the maritime industry requirements for full-time, part-time, and seasonal employees that have received adequate and effective safety, vocational, and academic training as necessary to satisfy the needs of the various elements of the maritime industry. Such clearly is not the case under the present Coast Guard administration.
- **Whereas** continued Coast Guard regulation of civilian merchant marine personnel as described by example throughout this report will lead to dramatic and immediate shortfalls in the availability of qualified American merchant mariners this year and will continue to increase into the future.
- **Whereas** lack of sufficient trained mariners will further stress our existing and rapidly aging workforce.
- **Whereas** this workforce is already at the point of collapse documented by our reports of long-term abuse and harassment.
- **Whereas** the Coast Guard in complying with the current wording of 46 U.S. Code §2103 that mandates the enforcement of Title 46 law upon mariners, will continue to enforce all elements of the law with great vigor but continuing to discount the valuable services our mariners render to the maritime public.
- **Whereas** this predominant enforcement posture will continue to rapidly decimate an already inadequate supply of trained mariners to meet the needs of industry. The only question that remains is, when will this shortfall occur?

For the foregoing reasons, supported by the body of this report and other reports cited herein, we respectfully urge Members of the 110th Congress, and especially Members on various oversight committees, to reconsider whether a military organization should or ever can be a reasonable regulator of commercial activity. After all, our Air Force does not issue licenses to airline or general aviation pilots.

Now, in light of an undeniable thinning of the ranks of American merchant mariners and the reluctance of sufficient entry-level personnel to embark on a career afloat, we ask you to question whether the Coast Guard should continue in its role of primary regulator of merchant mariner credentialing. Our Association, in its attempts to work within the system in the past, does not believe the Coast Guard can "change their stripes" and perform such a major shift in policy.

Therefore, we respectfully petition the 110th Congress to:

- **Reword the Superintendence statute (46 U.S. Code §2103) to mandate the facilitation of commerce.**
- **Introduce and empower federal Ombudsmen to protect the interests of all merchant mariners.**
- **Redress substantive abuses to our mariners inflicted by Coast Guard excesses.**
- **Remove the training and credentialing function for merchant mariners from Coast Guard Superintendence immediately and grant this authority to a non-military agency within the Department of Transportation staffed by merchant marine-trained and licensed officers that effectively represent both upper-level and lower-level mariners.**

On behalf of the GCMA Board of Directors: _____ *Secretary, GCMA*

INSTRUCTIONS: Signatures on this petition are solicited by the Gulf Coast Mariners Association. Please return all signed copies of this petition to GCMA, P.O. Box 3589, Houma, LA 70361 (or electronically to www.gulfcoastmariners.org). We will collect and forward these petitions to Congress.