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

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

**REPORT TO THE 110th CONGRESS:
MARITIME TOWING ACCIDENTS INVOLVING APPRENTICE MATES/STEERSMEN**

Edited and compiled by Capt. Richard A. Block, Secretary, National Mariners Association

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EXECUTIVE SUMMARY

**The New Orleans Oil Spill Focuses on the
Immediate Significance of “Apprentice Mates/Steersmen”**

At approximately 2:45 AM on Wednesday July 23, 2008 the chemical tank ship TINTOMARA proceeding downstream at approximately 19 knots rammed a loaded tank barge being pushed by the towboat MEL OLIVER splitting the barge in half and spilling an estimated 419,000 gallons of #6 oil into the river. The size of the spill was

estimated to be *eight times as large as the November 2007 Cosco Busan accident in San Francisco, Bay.* The COSCO BUSAN accident was the subject of a Department of Homeland Security Inspector General's investigation and a Congressional inquiry and cast serious doubts on the Coast Guard's investigative skills. At 3:30 AM the Coast Guard closed the Mississippi River to all vessel traffic and later extended the closure from New Orleans to the Gulf of Mexico.

Before the end of the first day, the Coast Guard confirmed that the operator of the towing vessel MEL OLIVER owned by American Commercial Lines and operated by a local company DRD Towing at the time of the accident, was under the direction and control of a *Steersman* who was not properly licensed to operate the vessel.

While the investigation reportedly moves forward behind the scenes and out of public view,⁽¹⁾ the economic losses continue to grow exponentially as a result of the river closure.

The Coast Guard deserves praise for their hands-on work in coordinating the planning necessary to clean the river and reopen it for commercial traffic. We are certain that they will extol this "good image" in press releases.

Since the impact of this accident will affect thousands of our "lower-level" mariners who serve on towing vessels, there is another side of the story that needs to be told. Our Association asserts that the *shortcomings of the existing Apprentice Mate/Steersman licensing program* is part of a much more significant Coast Guard failure to carry out its mission of "Marine Safety." The Coast Guard has failed to adequately regulate the towing industry and this area deserves significantly greater scrutiny. [⁽¹⁾*We will not speculate on the New Orleans accident investigation in this report.*]

August 2, 2008 will be the anniversary of our testimony before the House Subcommittee on Coast Guard and Maritime Transportation when we presented *written* testimony in our Report #R350, Rev. 3. We appreciate the efforts of the Subcommittee in responding to our issues as they have done in a number of items contained in *H.R.-2830*.

Overarching Issues

ISSUE #1: An "Apprentice Mate/Steersman" License is only a "learner's permit although some mariners and some towing companies mistakenly (or willfully) treat it as a license to operate a towing vessel for profit without the supervision by a licensed officer required by the Coast Guard. Our report details this issue and cites three accidents.

ISSUE #2: NTSB as lead investigators. Ms. Higgins of the National Transportation Safety Board asked Congress to grant her agency the authority to assume the leadership investigatory role in *the most significant maritime accidents* where it can best exercise its expertise. The present Memorandum of Understanding between the Coast Guard and NTSB seriously limits the NTSB in investigating the types of accidents that our "lower-level" mariners are involved in. At the same time, the Department of Homeland Security Inspector General reported *extensive deficiencies in the quality of Coast Guard accident investigations*. Our Association endorses and supports the NTSB request to encourage improved investigations to better protect our mariners. We cite fourteen (14) reports from our "R-429-series" of research reports that deal with the quality of Coast Guard Investigations on our website.

ISSUE #3: Work Hours and Logbooks. H.R.-2830, passed the House by 395 to 7 but awaiting a Conference with the Senate, includes extremely important logbook proposals in Section 312. These proposals would require logging every licensed officer's hours of service and watch change information in an "Official Logbook." At present, there is no such requirement and Coast Guard investigators have no enforceable paper trail to follow in accident investigations. 46 U.S. Code §8104(h) limits towing vessel officers to a maximum of 12 hours on duty in any 24 hour period - a law that the Coast Guard never has enthusiastically enforced. Our Research Reports in the "R-370-series" of reports documents rampant work hour abuses as do reports #R-279 regarding work hours on offshore supply vessels and #R-412 covering marine engineer work hours. *H.R.-2830 represents years of legislative work that deserves to be passed in this session of Congress.*

Apprentice Mate/Steersman Terminology

The term "Apprentice Mate/Steersman" reflects U.S. Coast Guard licensing terminology that was introduced in May 2001 and reflects a major change in how officers on towing vessels are licensed. In effect, the Apprentice Mate/Steersman license is similar to a "*Learner's Permit*" that most states require before a new motorist obtains a license to operate a motor vehicle on the highway - although the term is not used anywhere in the regulations. The

term "Steersman" refers to a permit used on the Western Rivers while "Apprentice Mate" is an equivalent term that generally is applied to other inland, coastwise, and ocean routes.

The Apprentice Mate/Steersman "license" is **NOT** an officer's license. It is only a permit that allows a mariner to be trained to operate a towing vessel. To obtain this permit, a mariner must provide evidence to the Coast Guard in terms of "sea service" letters from former employers attesting to at least 1½ years of service on a vessel, at least one year of which must be aboard a "towing vessel." The Coast Guard normally accepts this sea service letter at face value without further in-depth investigation. Time is calculated on an 8-hour day for day basis with 360 days counted as a calendar year. If a candidate's workday is specifically stated in the letter as being 12 hours, then he receives 1½ times as much credit for time served.

The Apprentice Mate/Steersman candidate must also pass a written examination before receiving his learner's permit. This exam is administered either by the Coast Guard at a Regional Exam Center or by a school authorized to give a Coast-Guard approved training course and test the mariner's "book knowledge" on a number of nautical and regulatory subjects.

OUR ASSOCIATION EVALUATED THE APPRENTICE MATE/STEERSMAN SITUATION IN 2005

[Background: Our Association represents the interests of mariners who work on commercial vessels of less than 1,600 gross register tons including tugboats, towboats (collectively known as "towing vessels"), offshore supply vessels, and small passenger vessels. Using Coast Guard figures, we estimate the number of "lower-level" mariners at a minimum of 126,000. Our Association was formed as a voluntary, non-profit membership mariners' association called the Gulf Coast Mariners Association (GCMA) in 1999 and subsequently changed our name to National Mariners Association (NMA) on Jan. 1, 2008.

Our Association, as members of the public, participated in the "Licensing" working group of the Towing Safety Advisory Committee (TSAC), a Federal advisory committee established by Congress and administered by the Coast Guard that advised the Coast Guard on the towing vessel officer licensing rulemaking project during the Fall and Winter of 2000-2001. We maintained our interest in the subject thereafter. We reported our concerns about the Apprentice Mate/Steersman program to both Coast Guard Headquarters and to the Towing Safety Advisory Committee and publicized it to our mariners in an article in our Newsletter #34 Sept./Oct. 2005.]

As the Coast Guard prepared to update towing vessel licensing in the late 1990s following the Amtrak-Bayou Canot disaster, they held a number of public hearings. A major concern voiced by a number of mariners was that there were a number of pilots on the water that were unable to handle their tows. The Coast Guard correctly interpreted this as a call for more practical training – a call that eventually led to creation of the Apprentice Mate/Steersman program with its Towing Officer Assessment Record (TOAR).

The towing industry is slow to adopt changes. The Towing Safety Advisory Committee spearheaded many of these licensing changes. TSAC is very closely linked to the American Waterways Operators, an industry trade association that purports to represent 80% of tug and barge operators. GCMA representatives participated in many of the Washington meetings where the Apprentice Mate/Steersman concept was developed, finalized, and went into effect on May 21, 2001.

Although the regulations have been on the books since May 21, 2001 and training of the new candidates presumably has been ongoing, these words appeared in a Sept. 19, 2005 editorial in The Waterways Journal: "What is worrisome is that the agency published in its most recent Proceedings magazine a list of persons holding various mariner licenses. This list shows only 84 hold the new steersman license! What this means is that in the entire country, there are only 84 people training to become towboat pilots. This begs the question: How can the industry expect to replace people lost to even routine attrition during the next two years with hardly anyone in the training pipeline? ***Two years is the average amount of time it will take to train a steersman to become a pilot.*** The Coast Guard lists about 30,000 operators of uninspected towing vessels, some of who hold more than one type of operator's license. It is clear that there will need to be a lot more than 84 steersmen out there or there will be a lot of boats tied up for lack of crew. The Proceedings list revealed a problem only exacerbated by (hurricane) Katrina."

The figure of "84 steersmen" comes from a count made in December 2004. Many candidates for pilot licenses who could provide sea service letters showing service before May 21, 2001 were able to sit for their pilot licenses directly under the "old" licensing system whose window closed.

Our July 25, 2004 Letter to TSAC Licensing Working Group

*[Background: The Towing Safety Advisory Committee is a Federal advisory committee that advises the Coast Guard on issues involving the towing industry. Unfortunately, TSAC often serves as a “rubber stamp” for the American Waterways Operators, an industry trade association – whose significance is discussed in our Report #R-417, Rev. 1, titled Report to the 110th Congress: Request for Congressional Oversight on the Towing Safety Advisory Committee. On July 14, 2005 Captains David C. Whitehurst and Richard A. Block attended a licensing working group meeting at the offices of Buffalo Marine in Houston, TX. Following that meeting, we submitted the following letter for the working group’s consideration. **Unfortunately, yet quite predictably, both the Coast Guard and TSAC ignored these suggestions!**]*

[Editorial note: The text of this letter is from 2005 but “NMA Comments” are from 2008.]

We respectfully submit that each of the following points be considered in regard to towing vessel licensing by the Towing Safety Advisory Committee (TSAC), the Coast Guard and the towing industry in general.

Suggestions for TSAC Consideration

1. GCMA suggests that TSAC reaffirm that the purpose of the original rulemaking for Apprentice Mate/Steersman was to provide for systematic training through observation and hands-on training in the pilothouse by a licensed Master or Mate Pilot. It was **not** designed as off-duty, or after-hours training for deckhands after completing their required 18-month service on deck.
 2. GCMA suggests that TSAC reaffirm that, although not spelled out in the regulations, this pilothouse training requires carrying an extra manö (i.e., the Apprentice Mate/Steersman) in addition to the Master or Mate/Pilot on duty for training purposes. **This does involve training expense for the company.**
 3. GCMA suggests that TSAC reaffirm that pilothouse training is not mandatory for any towing company. However, the regulations and guidance in NVIC 4-01 expect the management of a towing company that trains one or more Apprentice Mate/Steersman to have a training program, to administer it properly, and use the services of a Designated Examiner certified by the National Maritime Center (NMC) to check out each Apprentice Mate/Steersman candidate using the appropriate TOAR.
 4. GCMA suggests that TSAC reaffirm that 18 months service on deck with 12 of those months served on towing vessels (as is presently required) is the minimum acceptable service time on deck as a prerequisite to enter the Apprentice Mate/Steersman program. The only way this service time can be shortened is if a candidate attends a Coast Guard-approved training course that trains a candidate in deck skills (counted towards the 6 months required) and/or in towing-related skills (as part of the 12-month towing vessel service requirement).
 5. GCMA suggests that TSAC reaffirm that pilothouse training and observation does **not** include filling the slot or carrying out the duties of any (missing) deckhand, engineer, or other crewmember.
 6. GCMA suggests that TSAC consider recommending that approved courses in engineer room safety and equipment operational subjects pertinent to towing vessels be credited for a portion of the required 18-month sea service required before a person can sit for the Apprentice Mate/Steersman test.
- [NMA Comment: In October 2006, our Association drafted Report #R-428, Rev.1. Report to Congress: The Forgotten Mariners. Maritime Education & Training for Entry-Level Deck & Engine Personnel. We presented this report to Members of Congress, to MERPAC, and later, to the National Transportation Safety Board to protest the lack of formal safety and vocational training provided for lower-level mariners.]**
7. GCMA suggests that TSAC consider recommending that existing Academy hands-on training programs could be re-evaluated to calculate any days of sea service that might be applicable toward 1) deck service (6 month limit) and/or 2) towing vessel service (12-month limit). Eight hours are creditable for one day of sea service or as determined by NMC policy.

8. GCMA suggests that TSAC express concern that, after 4½ years of the 5-year grace period has already passed; it appears that management of many towing companies did not fulfill their responsibilities in training Mates/Pilots using the Apprentice Mate/Steersman/Designated Examiner program.

[NMA Comment: In 2005 only one company, Kirby Inland Marine, had a Coast Guard-approved towing officer training program. Eventually, in late 2006 and 2007, TSAC assembled a generic industry model-training course.]

9. GCMA suggests that TSAC consider whether an industry-wide mandatory training program based on an attainable career path to generate Mates/Pilots is a viable alternative and seek help from the U.S. Department of Labor to fund such a program. (Previously suggested at the March 2004 TSAC meeting).

[NMA Comment: In Report # R-428-E (2007) our Association supported a proposed forgivable educational loan program to train our mariners including Apprentice Mates/Steersmen.]

10. GCMA suggests that TSAC reaffirm that one year of observation and training is a fair and reasonable period for an Apprentice Mate/Steersman to participate in pilothouse training, preparing his TOAR, and advancing to Mate/Pilot.

11. GCMA suggests that TSAC consider the following in light of the existing two-watch system, the 12-hour rules, as well as for increasing their future knowledge. Each Apprentice Mate/Steersman should be given complete instructions by appropriate company officials that are necessary to relieve the fully licensed watch standers of many paperwork burdens they are expected to complete after their watch ends. This would give the Master more time to rest as well as time to supervise the operation of the vessel that is entrusted to his care.

12. GCMA suggests that TSAC consider whether each Apprentice Mate/Steersman should receive formal training as a Vessel Security Officer so that he might fulfill that collateral duty to relieve the licensed officers.

13. GCMA suggests that TSAC consider whether each Apprentice Mate/Steersman be trained to conduct the fire and other required safety drills as well as safety meetings and eventually conduct those drills when he becomes proficient thereby relieving the Master of this collateral duty.

14. GCMA suggests that TSAC consider that, when a towing vessel is safely moored, that the Apprentice Mate/Steersman be trained (and allowed) to relieve the licensed watchstander, and maintain the radio and security watch from the pilothouse, according to company policies and the night orders left by the Master.

15. GCMA suggests that TSAC consider recommending that each Apprentice Mate/Steersmen be trained in as many different geographic areas and on as many vessels as possible to gain as broad experience as possible during his apprenticeship. *[Note: The Apprentice Mate/Steersman system tacitly replaced the older system where one licensed officer took an unlicensed mariner “under his wing” and trained him until he was a proficient Mate/Pilot. While the old system successfully trained many of today’s pilots, the same personnel conditions that supported the older system may no longer exist in many places following the Pilots Agree strike of 1998. See #30 below.]*

Comments for Coast Guard Consideration

16. The Coast Guard’s National Maritime Center approved hundreds of training courses that now serve as a basis for training merchant mariners. However, when the Coast Guard fails to budget the funds to monitor these training courses and, by default, trusts any for-profit system (even an educational system) to operate without adequate and knowledgeable supervision, the entire training system especially a complex one is likely to fall apart. **Captain Fink (NMC) described his budget shortfall at a TSAC meeting at Headquarters a year ago.**

17 The Coast Guard failed at Headquarters level to transmit in an effective and timely manner the importance of the new towing vessel licensing program, the TSAC License Working Group helped to put together in 2000-2001 to their own Regional Exam Centers. Nor did the Coast Guard undertake the task of outreaching to **EVERY** company in the towing industry to tell them about the new licensing program and Apprentice Mate/ Steersman program.

(GCMA is disgusted that, after all the TSAC License Working Group did that the Coast Guard failed to get the message out.)

18. In a letter to Captain R. L. Skewes (G-MSO) on Dec. 15, 1997, we pointed out that the Coast Guard was not getting its message out to "lower-level" mariners in general and made some suggestions. These suggestions now appear in GCMA Report #R-382 available on our web site and is "nothing new."

19. It is clear that many companies may not understand the need for Designated Examiners. Some companies signed up dozens of Designated Examiners while other companies only have one or two and the vast majority of companies have none! Yet, since 2001, the Coast Guard signed up 652 individuals and apparently never brought this discrepancy to the attention of anyone in authority or after 4½ years.

20. GCMA cannot fathom why the Coast Guard took no action to establish and contact a complete list of all the corporate players in the towing industry including the 900+ towing companies that own towing vessels but are not members of the AWO or OMSA trade associations. Although the Coast Guard cannot force management to attend meetings, unless they contact management of these companies with a stiff, no-nonsense letter about what is coming down the pike, implementation of the new licensing and inspection regulations will be as dismal a failure as the current Apprentice Mate/ Steersman or Designated Examiner program has been in producing enough Mates/Pilots for the industry. We called for this effort at two separate TSAC meetings.

21. GCMA suggested to Mr. Hardin, the Coast Guard representative at the TSAC License Working Group meeting in Houston on July 14, 2005 that the Coast Guard notify each towing company by certified mail, return receipt about important new programs such as the licensing program (and also the inspection program) so that these companies can be held responsible for complying with this information. The response we received was that the Coast Guard was "not funded" to do anything like that. We find this response unacceptable! We question whether the Coast Guard must get permission from Congress to buy postage stamps to save a program it has already invested considerable time and money on. (GCMA alone spent over \$6,000 to send representatives to attend the License Working Group meetings. This says nothing of the expense to every other Working Group member).

22. The seventeen Coast Guard Regional Exam Centers failed to handle their licensing load in a prompt and expeditious manner for the past five years. This discouraged many mariners from pursuing a career in the towing industry. In spite of industry complaints and in spite of the fees the Coast Guard charges mariners for almost every license transaction (with the most noticeable exception of time-consuming STCW transactions), the Coast Guard failed both the towing industry and its mariners. GCMA has records of the Coast Guard's failures to manage the licensing system going back almost 20 years.

23. Homeland Security Issues:

Neither the Coast Guard nor the towing industry treat unlicensed personnel on the western rivers or those who work on towing vessels under 100 GRT offshore as bona fide "mariners." Most, with the exception of tankermen, are not required or even permitted to obtain entry-level documents (MMDs). The Coast Guard has no record of who these individuals are nor does it know their background. Consequently, the Coast Guard has virtually no authority over them. Although such practices might have been acceptable before 9/11, this needs to change.

"Green deckhands," who may be acceptable to some employers, may no longer be suitable for the Coast Guard since they not be able to pass criminal record checks. GCMA hears reports of suspected illegal immigrants working on vessels in these categories. One of the complaints our experienced mariners often report but must to cope with on board the vessel is their deckhands' lack of training. Now they also learn that many deckhands also have drug abuse and violent criminal records.

Since the shortage of Mates/Pilots puts pressure on companies and mariners, both groups need to understand the enhanced implications of submitting a false report, including false sea service, to the Coast Guard. This might be avoided if regulations were put in place to ensure that vessel logs are signed by the steersman and entries are verified by the vessel's Master. [Refer to 18 USC §1001 and 46 USC 8104(c) that includes recordkeeping requirements for "hours of service." Also refer to our Report #R-429-G, Rev. 2, Report to Congress: Sharpening Accident Investigation Tools By Establishing Logbook Standards for Lower-Level Mariners.]

24. The Coast Guard must seek to simplify the licensing process for lower-level mariners. Without disrupting the TOARs established to assess skills, we suggest these general “book knowledge” test changes:

- **Establish one basic exam from 25 to 200 GRT.** Drawing on the similarities between the exams for Master 100-ton, Master 200-ton, and the exam for Apprentice Mate/Steersman (for any size towing vessel), these exams should be combined into a single basic exam that tests the book-knowledge of 1) Deck-General, 2) Deck-Safety, and 3) Rules of the Road questions that apply to all inspected vessels of the size range of 0 to 200 GRT. Most of this material would be generic to all commercial inspected vessels and would require the candidate to demonstrate familiarity with the CFR and other government publications as references.

- **To this basic exam add:**

- 1) A separate Western Rivers Navigation module to test candidates for western rivers routes on “Navigation” General topics.

- 2) A separate “towing module” for all towing candidates. This would differentiate a towing license from a non-towing license. The towing module represents the “book knowledge” required for all towing modes. Although normally taken at the Apprentice Mate/Steersman level, it also should be available for any individual moving into the towing sector. Existing towing questions in the USCG database should be sufficient to outline the subject area with ongoing advice from TSAC. These questions should cover all types of towing without distinction.

- **Addressing specialties that cause problems:**

- 1) A candidate who needs to use a Western Rivers license on the Gulf Intracoastal Waterway where there are limited expanses of “open water” could attend an approved training course in basic piloting including use of GPS to learn how to lay out a course from buoy to buoy and find his position in the limited expanses of protected open water in fog or if buoys are missing. Keep in mind that the greatest distance between buoys on the Gulf Intracoastal Waterway is no more than 5 miles. (Vessels in these waters should be equipped with GPS.) This approved training could lead to a limited endorsement for the “Gulf Intracoastal Waterway” instead of a more strenuous “inland waters” endorsement required in other parts of the country like Long Island Sound and Chesapeake Bay with broader expanses of open water.

- 2) Require each candidate for an Inland Waters, near-coastal, or oceans route to take an approved piloting course to demonstrate the proficiency currently required by the 200-ton course (i.e., which does not differ greatly from the 100-ton requirement.)

- **Tonnage considerations:**

- 1) The tonnage on any license up to 200 GRT issued still should depend upon the tonnage of the largest vessel served on for at least 30 days plus the usual margin that allows credit for service or observation on a larger vessel. Typical license tonnages in the past were 25, 50, 100, 150, and 200 tons.

- 2) On river and inland routes, any initial tonnage above 200 tons (i.e., 500 GRT and 1,600 GRT) could be issued according to proven sea service according to vessel tonnage accompanied by 30 days observation and training in the pilothouse on larger vessels as certified to by a Designated Examiner on a TOAR as satisfactory.

- 3) On near-coastal and oceans routes where most tugs previously were built less than 200 GRT, the licensing is controlled in part by STCW and the next tonnage step would continue to be 500/1,600 tons.

25. **Entry level training on towing vessels.** NVIC 1-95, based on the TSAC report of February 7, 1994, recommended Voluntary Training Standards for Entry-Level Personnel on Towing Industry Vessels.

The Coast Guard is responsible for superintending the U.S. Merchant Marine. In light of its poor workplace safety record⁽¹⁾ we suggest that the National Maritime Center approve formal deckhand training curricula and facilities and make attendance at such a program mandatory for all new entrants into the towing industry.

GCMA suggests the training be offered only in USCG “approved courses” for deckhand training since most mariners hired “off the street” need basic seamanship training once in their career. That one-time course should be taken before entrants are allowed to serve in the towing industry.

Although towing companies could offer these courses, the curriculum covered should be separate and distinct from any instruction in “company orientation” whose purpose is to cover company policy and employment practices.

[NMA Comments: Refer to our Report # R-428. Rev. 1. Report to Congress: The Forgotten Mariners. Maritime Education & Training for Entry-Level Deck & Engine Personnel.]

26. Our mariners should not have to pay exorbitant fees to obtain jobs on towing vessels in violation of 46 U.S.C §10505 or International Labor Organization Convention No. 9 (1920).

27. On a recent list furnished by the National Maritime Center under FOIA, the addresses and contact information of 57 Designated Examiners not affiliated with a towing company were redacted. The Coast Guard should consider obtaining Privacy Act releases from these individuals so that Apprentice Mates/Steersmen working for companies without any approved Designated Examiners might be better able to utilize their services. *[Refer to our Report #R-383, Rev.3, Designated Examiner Qualifications; The Good, The Bad, and The Ugly.]*

28. Many mariners prefer not to put their name on the dotted line on any paper including a TOAR that is sent to the Coast Guard. The reasons may include:

They have not been instructed in and may not understand complex Coast Guard methods and administrative procedures.

They may not trust the Coast Guard to protect their interests from past experience ranging from their treatment at the REC, to vessel boardings, to their Coast Guard's perceived lack of interest in improving conditions on towing vessels.

Consequently, most towing companies and many Apprentice Mates/Steersmen will never be able to count on 100% participation in any organized pilot training program.

29. Mariners cite problems where they left one or two blank spaces on their TOAR for what they believed were valid reasons. However, they reported the REC was not interested in listening to these reasons and rejected the TOAR "incomplete" and "not acceptable." That puts any mariner seeking to upgrade to Mate/Pilot between a rock and a hard place. It also pressures a Designated Examiner to "pencil in" his initials to keep the process moving forward for his employer (who controls his paycheck). There needs to be some uniform policy to resolve this type of problem.

30. In the past, some Captains were willing to volunteer their time to train a friend, family member, or a candidate that expressed interest in learning the trade. This was done at no personal gain other than, perhaps, some degree of satisfaction that comes from successfully training another mariner. Many of these trainer/trainee connections were broken when the company overrode this voluntary effort by arbitrarily assigning the Captain and his trainee to different vessels.

Comments for Towing Industry Consideration

31. It appears that many customers insist upon Masters and Mates holding the 500/1600-ton near-coastal and oceans licenses even though these licenses are in short supply. The 500/1600-ton near-coastal licenses are now equivalent to a third mate license in their cost (e.g., \$20,000) and degree of difficulty (e.g., 4-year academy) to obtain. This means these licenses will continue to remain in short supply. An attempt to force mariners to obtain a 500/1600 ton license just to please a customer may place unacceptable pressure on some licensed mariners as well as their employers.

We suggest that these customers may need assurance that the Master of Towing Vessel license is suitable for all vessels of the appropriate tonnage and that industry policy reserves assigning license holders of 500/1600-ton licenses to larger vessels beyond the 200-ton range and vessels in international service that carry larger ITC tonnages.

32. No mariner should be allowed to work for more than 12 hours in a 24-hour period. Until Congress changes the law and provides the adequate protection to unlicensed mariners that we advocated for years, we suggest that the American Waterways Operators eliminate its approval of a 15-hour workday for unlicensed personnel that appears in the Responsible Carrier Program. *[Refer to GCMA Report # R-375, Aug 17, 2003. Crew Endurance: The Call-Watch Cover-up.]*

33. Licensed mariners serving on towing vessels need a crew that is trained adequately to support them. This means that vessel deckhands and/or engineers need complete and adequate safety training as well as full training in maintenance and operation of their equipment. This is an area that has been seriously neglected by both industry and the Coast Guard. [*Refer to GCMA Report # R-401, Crew Endurance and the Towing Vessel Engineer – A Direct Appeal to Congress and GCMA Report #R-412, Towboat Engineer’s Death Points to Need for Changes in the Law.*]

34. We suggest that employers provide each Apprentice Mates/Steersmen with any specific training necessary to carry out the collateral non-navigating paperwork duties dumped on licensed officers by the companies. Some of these duties may be associated with the Responsible Carrier Program and various ISM requirements. This means Secretarial duties such as preparing reports, making required log entries, using the computer, conducting inventories etc. will not be required beyond the time allotted for watchstanding duties which fall within the definition of work in G-MOC Policy Letter #04-00, Rev. 1.

35. We suggest that each Apprentice Mate/Steersmen be trained fully in security duties so that he may fulfill the role of Vessel Security Officer. This is one of the collateral duties dumped on many licensed towing vessel officers by the Coast Guard and violates the 12-hour rules and the definition of work in G-MOC Policy Letter #04-00, Rev. 1.

36. Since there is a shortage of Mates/Pilots and Masters of Towing Vessels, we suggest the towing industry establish an industry-wide training program to train new mariners from scratch – possibly similar to the training program established by Kirby Inland Marine. Such a program should offer career training and a clear path for advancement within the industry. We suggest that few if any mariners can afford to pay for training that runs between \$100 to \$200 per day. Although some may be willing to do so, it is clear that there are not enough to fill in the gaps that currently exist.

37. For the past 4½ years, it appears that a vast majority of towing companies avoided training new personnel under the Apprentice Mate/Steersman program. Their clear preference was to train personnel under the old system rather than encourage use of the new system. This offered a quick fix rather than a long-term solution to the pilothouse personnel shortage. This procrastination explains why there is such a difficult transition from the old to the new system.

38. We suggest that towing companies recognize that training is a major cost of doing business on public waterways. We suggest that corporations in this industry invest in their workers not continue to abuse and mistreat them – or consider getting out of the towing business.

39. Although GCMA is not and never has been a union, we suggest to the towing industry that many of their workers want an opportunity to join a union of their choice in a smooth transition to take advantage of free union training facilities and other union benefits. Companies support these training facilities and have a voice in training their mariners.

40. Many mariners believe their employers do not have their best interests at heart – and often for good reason. Some companies see no need to cut any slack for an older mariner or a mariner with a history of medical problems that his doctor and the Coast Guard medical review board believes is still fit for duty. Mariners, like machinery, wear out over time. Older mariners may show this wear in the form of medical conditions that require Coast Guard waivers. Some company⁽¹⁾ personnel managers are careless in their exploitation of their older mariners by abusing their work hours, ignoring the severity of the working conditions, and failing to consider the effects of stress⁽²⁾ on their mariners. [⁽¹⁾*Example: Refer to GCMA Report # R-370, 12 Hour Rule Violation: The Verret Case. It happens that the company in this case was Delta Towing.* ⁽²⁾*Refer to GCMA Report # R-403, Stress and the Licensed Mariner.*]

41. Many mariners recognize that the towing industry is not a suitable job they will be able to hold until retirement age and, consequently, make other career choices. The towing industry as it now operates does not appeal to many academy graduates to make their career at sea.

42. Many mariners are not good teachers and are not interested in training others. Others, through past experiences in the industry, have no intention of training a potential Mate/Pilot to take their jobs. Some mariners see training a pilot as an additional duty, an extra assignment or a nuisance ó and an unpaid assignment at that.

43. Industry management needs to relieve the pressure and stress on all licensed towing vessel officers by calling on the Coast Guard to control the operation of oversize and overloaded tows by other companies that restrict their use of the waterways, cause excessive delays, and result in preventable accidents. [*Refer to GCMA Report #R-340, Oversize and Overloaded Tows.*]

The Delta Towing Question:

44. Our mariners oppose Delta Towing's request to change existing regulations for these reasons:

The equivalent authority for Masters/Mates of steam and motor vessels of not more than 100 GRT (with ómatesö expanded to 200-tons) to serve as operators of towing vessels was dropped in the new licensing regulations for many valid reasons and was discussed thoroughly by TSAC's licensing working group before the new rules took effect.

A recurring theme expressed by many towing vessel officers in public hearings and comment periods in the late 1990s was the inability of some licensed mates/pilots they worked with to safely handle a tow. The new licensing regulations require a candidate for Mate/Pilot license to prove to a qualified óDesignated Examinerö that he actually can handle the boat and its tow. This was a provision that our experienced mariners urged the Coast Guard to put in place. There was no lingering opposition from the companies represented on the TSAC working group on the Apprentice Mate/Steersman and Designated Examiner requirements.

We suggest that if Delta Towing wants to use these licensed crew boat masters and mates with 100/200-ton licenses, they must become fully qualified in all respects to operate towing vessels by serving a full 12 months as an Apprentice Mate/Steersman under the supervision of a fully licensed Master or Mate/Pilot of towing vessels.

Since Delta is a large company and has many towing vessels of all sizes that work both inland and offshore, assigning their existing crew boat Captains as a óthird manö in the pilothouse to learn about all aspects of towing and towing seems to be exactly what the new regulations envisioned.

GCMA respectfully suggests that Delta Towing train their licensed crew boat Captains for a year on a variety of towing vessels to give them maximum exposure. We suggest that Delta pay them for the licenses they already hold. We do not believe Delta can expect success if you work them for half-pay or have them ólearn on their time offö by expecting them to work on deck in addition to the required óobservationö and hands-on training in the pilothouse as suggested in the Houston TSAC Working Group meeting.

Delta appears to have a number of Designated Examiners that are approved to check out all their Apprentice Mate/Steersman candidates. Your connections with Edison Chouest Offshore indicate you have use of excellent training facilities ó perhaps better than most towing companies.

The record of Delta Towing speaks for itself in regard using one of our mariners as an example. GCMA Report #R-370, 12-Hour Rule Violations: The Verret Case. The report that shows that management sent a poorly qualified (but licensed) mate-trainee as the second licensed officer on an anchor-handling tug in the Gulf of Mexico. The strain of handling the vessel for 12 hours watches **plus** the additional duty of supervising the mate's training in anchor handling during off-duty hours caused Captain Verret to suffer a paralytic stroke and to become permanently disabled. The vessel should have carried two fully competent officers and placed the mate-trainee as a óthird manö in a training slot. This oversight cost Delta Towing well over one million dollars and should have taught them a valuable lesson on this subject.

Delta and its predecessor companies contributed to the existing pilot shortage by buying out a number of smaller companies and tying up their boats and releasing a number of licensed individuals. Many experienced mariners left the industry ó many as a result of this consolidation. Delta must now adjust to the resulting personnel shortage by training new personnel following the new set of rules put in place since the óconsolidationö took place. Licensed mariners are no longer a ódime a dozenö and may never be again.

Coast Guard Dusts Off Delta Towing's Proposal in 2007 Rulemaking Proposal

On Sept. 17, 2007, the Coast Guard re-introduced the Delta Towing proposal in Docket #USCG-2006-26202. In this Notice of Proposed Rulemaking, the Coast Guard would provide an alternative path to Mate (Pilot) of towing vessels for Masters of steam or motor vessels of not more than 200 gross register tons. This change in sea-time requirements prompted an outcry of safety complaints as noted by David Tyler in the August 2008 edition of Professional Mariner as follows:

Many towing Masters are concerned that 30 days is not enough time to learn what is needed to become a mate of a towing vessel. They fear that, particularly on vessels with only two licensed officers, safety could be in question if a mate with only 30 days of training is at the helm.

The mere thought of someone with so little practical experience earning an endorsement in so short a time, and then be in charge of a loaded tow, gives me great cause to be alarmed, wrote Capt. William E. Brucato of Reinauer Transportation Co. I defy anyone to find someone who can claim (and actually be) qualified to steer a tug or towboat after just 30 days of mostly classroom time. It does not even come close to reality.

The current Coast Guard training rules were finalized just three years ago. The idea of lowering the bar is not really acceptable, said Capt. Joel Milton, a member of the Master of Towing Vessels Association, of South Beach, Ore., which opposes the rule change. This is a safety issue to us, Milton said. I have to work with these people. It is dangerous enough already without adding that on top of it.

He is not against mariners making a lateral move into the towing industry. I just don't want to see (mariners) put into a situation they can't handle, way too soon, Milton said. He works towing oil barges with crews of a Captain, Mate, two deckhands, and an engineer. Every person counts, he said. You can't afford to have any one of them not be up to snuff.

For Milton, the absolute minimum time on a towing vessel should be six months (a calendar year, with time off). I'm attempting to be a little accommodating with the Coast Guard and the industry, he said. But he believes that safety should not be compromised in any effort to bring more people into the towing industry.

Our Association reflects these comments and continues its opposition to further reduce sea time requirements.

THREE PREVIOUS ACCIDENTS INVOLVING APPRENTICE MATES/STEERSMEN

The NED MERRICK Accident: Who Is Responsible When a Steersman in Training Gets in Trouble?

[Source: MISLE Activity 2033934; MISLE Case #158937, MSU Baton Rouge, LA. GCMA file #M-469. FOIA #04-1008, released May 16, 2006 GCMA Newsletter #41.]

The Towing Safety Advisory Committee as well as the Coast Guard investigators at this early accident apparently did not even consider this question during the preparation of the original licensing rulemaking package.

On Dec. 29, 2003 at approximately 20:20, the Uninspected Towing Vessel NED MERRICK was heading southbound on the Atchafalaya River in central Louisiana pushing ahead three loaded asphalt barges when it allided with the Melville, LA, railroad bridge's north pier.

The licensed crewmember stated that he set up incorrectly for the bridge and got too far into the bend, and was unable to bring the tow into the proper position. The licensed crewmember took over the helm but was unable to correct the tow's alignment. Barge CBC325 hit the Melville Railroad Bridge's north pier on its port side causing a 25-foot long inset. The impact parted the port wires and caused the CBC325 to swing starboard and back toward the tow. The lead end of barge CBC334 was now exposed and hit head on into the north pier causing the void space to be pushed in four (4) feet.

All three barges were 297.5-foot tank barges owned by Canal Barge Company, also the owner of the 3,200-horsepower towing vessel NED MERRICK. The estimated property damage to the company's equipment was \$210,000. Fortunately, the Union Pacific's Melville Railroad Bridge is a tough old bridge, withstood the hit, and remained operational. As the picture in the accident report clearly shows, barge CBC334 definitely came out second best.

The report stated that ■ was a steersman in training on the Atchafalaya River route to become a towing vessel pilot and that he was NOT yet a pilot. The steersman reportedly navigated the M/V NED MERRICK into the bend too far and was unable to correct his error before striking the bridge. The Master did not realize that the steersman had gotten too far up into the bend and missed the point he needed to swing the head of the tow around to correctly transit through the bridge. Apparently, at that point, the Master was powerless to stop the accident.

Although the report's Causal Analysis section uses the words "active human failures" or "execution errors" or "attention failures" or "inattention errors" the Coast Guard investigators apparently found insufficient cause to refer this case for enforcement action. Although this was a "serious" accident causing \$210,000 damage, the scope of investigation was only at the "data collection" level.

Unfortunately, this accident investigation could have but did not give us an insight into the question of who the Coast Guard considers responsible when a steersman in training gets in trouble? The Coast Guard did not take action on the steersman's "learner's permit" or the training officer's license. In fact, there was no mention that the investigators even verified the credentials of the individuals involved. "Data collection" only seems to involve collecting and reporting data that is convenient to collect.

Perhaps this is what the Coast Guard meant by not holding a Designated Examiner responsible if a steersman has an accident "but we really doubt it." According to the report, this steersman was "in training" but nothing was said about his being assessed by a qualified Designated Examiner at the time of the accident. Nothing in the report leads us to believe the investigators distinguished between the role of a "trainer" and a "Designated Examiner" in their investigation. Perhaps the investigators just didn't know who to point the finger at and did not want to become more deeply involved in a new and unfamiliar licensing and assessment process or in the politics or with the potential unpleasantness of dealing with the management of a towing company with pockets deep enough to hire the best maritime attorneys available. After all, the towing company had to cover all the costs of the accident, nobody was hurt, and nothing spilled. The company probably has its view of how to pin the tail on the donkey and assign responsibility for this accident, but the Coast Guard ducked out on giving their views in their official accident report. However, it took 2½ years before we realized the Coast Guard simply ducked the issue. In the Inspector General's report over 4 years later we learned of the Coast Guard's backlog of 4,240 cases at Headquarters, most of which it simply "dumped" without adequate investigation.⁽¹⁾ [⁽¹⁾ Refer to our Report #R-429-M, pgs 15, 16.]

[NMA Comment: Any person with a Master or Mate/Pilot license can train a Steersman. However, only a "Designated examiner" can sign off on the Steersman's Towing Officer Assessment Record (TOAR) that is part of the paperwork required by the Coast Guard for a Steersman to advance to Mate/Pilot.]

[NMA Comment: In light of the Inspector General's 2008 report on Coast Guard investigations (#OIG-08-51, pages 12-16 reprinted in our Report #R-429-M) and the fact that this accident involved a piloting error with a Steersman, we assert that this investigation should have been conducted at a level higher than "data collection."]

THE SAN TOMAS – TORM MARY ACCIDENT:

Apprentices Cannot Operate Towing Vessels Without Supervision

[Source: USCG Misle Activity #2160664; Misle Case #193340. FOIA #04-2285, release date Jan. 17, 2006. Our File #M-487 as reported in GCMA Newsletter #36, Jan./Feb. 2006.]

An "apprentice" is a person who is learning the trade "in this case how to pilot, steer, and maneuver a towing vessel and its tow. The towing industry now has apprentices and an apprenticeship program.

According to rules in effect for the past five years, apprenticeship in the pilothouse begins after serving a minimum of a year and a half on deck. To become an apprentice mate/steersman and obtain your "learner's permit" (not an officer's license) you must first pass a written Coast Guard examination on subjects that test your "book knowledge" before you step into the pilothouse to learn the practical steps of becoming a competent "watch officer."

Some boat companies and some mariners believe they can take short cuts. They do so at their own risk, however. This is a true story of what can happen to an apprentice "and it can happen in a heartbeat!"

The Anatomy of an \$8,000,000 Pollution "Accident"

The 800 horsepower towboat SAN TOMAS owned by Buffalo Marine Service of Houston, Texas, was called to bunker the 30,058-ton, 528-foot Danish tank ship TORM MARY. The tank ship lay at anchor in the peaceful waters of the Neches River in the vicinity of Beaumont, Texas on the morning of August 2, 2004 "in fact, the very early morning."

The small towboat pushing a 297.5-foot tank barge with a load of #6 fuel oil as cargo approached the TORM MARY. As the single-barge tow approached the tanker at an angle, it failed to make a turn, and collided with the anchored ship at approximately 0020. The collision punched a hole through the plating in the ship's #2 starboard fuel oil tank and on into the engine room ó fortunately well above the ship's waterline. 27,000 gallons of #6 fuel oil poured into the Neches River with additional quantities into the ship's engine room. Luckily, there was no fire for, had there been, twenty-six lives on both vessels would have been at serious risk.

The First Reports

The first report received at 0020 led the Port Arthur Marine Safety Office to believe that the TORM MARY had collided with a bunker barge ó contrary to what actually happened.

According to the reports about an hour and 20 minutes after the spill, the accident resulted in only a small oil spill estimated at only three barrels. But, when the Coast Guard patrol boat reached the scene they discovered a much larger spill and the Engineer on the tank ship frantically transferring oil from one tank to another.

The Master of the TORM MARY sounded her damaged fuel tank and reported a spill estimated to be 27,000 gallons. *A small spill suddenly loomed as a large spill.* In Coast Guard terminology, this was categorized as a "Significant Marine Casualty" and a "Serious Marine Incident." To give you an idea of how serious and significant it was to become, the cost of pollution cleanup was estimated at \$8,000,000 and the cost to repair the two-year old tank ship and the dented barge was estimated at \$498,927. The fuel from the tank not only poured overboard, it also entered the bilge of the tank ship's engine room.

The Investigation

The investigation disclosed these facts taken from various pages of the hundred-plus pages we obtained under the Freedom of information act at a cost of \$76.02.

There was nothing wrong with the tug's steering or propulsion ó just with the clumsy maneuver.

Weather conditions did not play a role in the accident.

There was no significant current in the river.

The initial three-barrel spill report was wrong. Several hours were wasted before the Coast Guard learned of the true extent of the accident based upon a later report from the tank ship. Responding to a 27,000 gallon spill must be much more comprehensive than for a three-barrel (126-gallon) spill. A rapid response is critical to effective any clean-up efforts.

Fenders in the form of old automobile tires protected much of the barge except for the port bow that punched through the half-inch shell plating on the tanker's single skin fuel tank. A properly placed fender might have prevented the incident, but no crewmember was put in place to hold the fender. The Coast Guard recommended: "Require all companies to have a deckhand with a fender onboard the barge as a standby for additional fendering." Would you volunteer to stand and hold the fender for this inexperienced barge jockey?

The person on watch claims his speed was no more than ½ knot ó a fact disputed by personnel on the tank ship as well as by the investigator.

Revelation: The Watch Officer was Not Properly Licensed!

The man alone in the pilothouse on August 2nd had a 100-ton Master's license that he had obtained the previous February ó six months earlier. However, he did not have a "towing endorsement" and, therefore was not properly licensed as a "Master of Towing Vessels". The vessel did have a licensed Master who was relieved twenty minutes earlier and was taking a shower at the conclusion of his watch. For him, this must have been a nasty shock. Yet, as Master, it was his obligation to check to see that each crewmember is properly documented. Did he do this?

The report further noted that, "No one was assigned as a forward lookout on the Buffalo 405 (barge) to help with the approach or aid with allision avoidance." One crewman commented: "I was in the galley finishing paperwork when the Captain call(ed) and said we was there. I got the radio and was starting to the head of the tow when we hit the ship." Just a little late!

The man in the pilothouse complained that the night was dark and the lights on the tank ship were very bright. However, Mr. ■■ did not request the lights on the TORM MARY (be) turned down or off so he could see the distance of the barge to the TORM MARY. His angle of approach was too great; he himself felt his approach was too shallow. Yet he did not back off to make another approach. He did not send a lookout to the bow to help with judging distance. Misjudging the distance lead to the late turn and then to the collision."

Since all of the oil spilled from the tank ship, the T/S TORM MARY accepted the responsibility for spill cleanup. Over 9,000 feet of boom was deployed and five skimmers worked to remove pooled oil. Four members of the Coast Guard's Gulf Strike Team were brought to assist with cost documentation, site safety, and shoreline cleanup assessment.

The work within the tank ship to transfer oil from tank to tank after the accident and the fact that the oil was several feet above the waterline prevented a potential spill of 27,000 barrels from going overboard. Only 27,000 gallons spilled.

Licensing Issues

Apparently Buffalo Marine provided the Coast Guard with a letter requesting the Houston Regional Exam Center to test the man involved in the accident for Master of Towing Vessels because he had 180 twelve-hour days training and duty in the wheelhouse under the supervision of a licensed operator. However, according to the logs the Coast Guard received, only 19 of those days actually could be documented with wheelhouse logs.

[NMA Comment: The Coast Guard has much greater interest in and ability to question, verify, and accept the "sea service" and Towing Officer Assessment Record (TOAR) an Apprentice Mate/Steersman offers as evidence of the skills required to advance to Mate/Pilot than it does over the "sea service" initially offered to obtain his "learner's permit."]

The letter also attested to a total of 409 days service as a Tankerman, Person-in-Charge (PIC), Barge, Dangerous Liquids (DL). While tankerman duties certainly are an important part of the work performed on this vessel's tow, operating a pump is not the same as piloting a tow. Only in a Hollywood film does the stewardess successfully fly and land a commercial airliner. In the same vein, having an apprentice mate/steersman perform deck work and try to learn to pilot the boat on his time off really misses the point of these new regulations that require pilothouse training. In any event, Buffalo Marine's letter to the REC did NOT succeed in obtaining this person a Master's or even a Pilot's license. The company certainly should have known about this and should have carefully examined the wording on his license.

On Feb. 17, 2004 the Coast Guard issued him a 100-ton Master license that contained NO authority to operate a towing vessel. Along with the license, he was given an approval letter to test for Apprentice Mate (Steersman) of towing vessels that stated: "You do not qualify for Master Towing under 46 CFR §10.464." **There is no indication in the report that he ever took the test for an Apprentice Mate/Steersman.**

In the Causal Analysis portion of the USCG report the words "Lack of Experience" stand out quite clearly. "Mr. ■■ was inexperienced and did not hold the proper license for the vessel he was operating at the time of the incident."

"Recommendations"

The Coast Guard investigator cited Buffalo Marine for violating 46 U.S. Code §8904(a) that states: "A towing vessel shall be operated by an individual licensed by the Secretary to operate that type of vessel in the particular geographic area under prescribed regulations." The watch officer was charged with violation of 46 CFR §5.33, Violation of Law and Regulation with a recommendation of six months suspension. **The recommended civil penalty for Buffalo Marine was the maximum penalty of \$27,500.** The tank ship TORM MARY, the innocent victim whose oil polluted the Neches River was charged with violating 33 U.S. Code §1321(b)(3), "Damage to the environment." The Coast Guard commented on this point regarding the tank ship: "Fuel tanks for deep draft vessels should be double walled to prevent the detrimental outcome of these sorts of accidents."

The official report gives us no idea whether the Coast Guard sent the licensed mariner before an Administrative Law Judge or offered him a "settlement agreement." The Company can always appeal a Civil Penalty, a fact that often causes the Coast Guard to cringe and reduce the penalty amount in the face of an assault by company attorneys. A working mariner is an easier target than an employer because most mariners do not protect themselves with license defense insurance and can't afford to fight back even if they do have a leg to stand on.

In 2001, the towing industry through its participation in TSAC worked with the Coast Guard to devise the Apprentice Mate/Steersman program that gradually went into effect between May 21, 2001 through May 21, 2006. However, in the last year of its phase-in period, it became clear that the industry had not trained enough new Pilots. Instead, they milked the "old system" with its direct route to Master and Mate/Pilot licenses that did not require any verifiable practical wheelhouse training. Now, the industry wants to reduce training time so that inadequately-trained personnel will continue to find their way into the pilothouse. We disagree!

Some companies place little value on training. They only want warm bodies to do the ðgruntö work. This \$8,000,000 ðaccidentö should focus the attention of both the Coast Guard and Congress on safety and serve as a good lesson for all of us.

This company knew or certainly should have known that the licensed officer they put in charge of this oil tow was not properly licensed. Imagine what excuses they had to present to the ship owner, their ðcustomer,ö and their insurance carrier. If they can't talk their way out of a \$27,500 fine, they might just have to pay it, too. But, compared to the \$8,000,000 cleanup, repairing the customer's ship, damage to three miles of the Neches River and its valuable wetlands, delaying at least 5 outbound and 3 inbound deep-draft vessels and 12 river tows, that \$27,500 is only chump change.

It is apparent that the ðhigh local media interestö in this incident as well as the company's previous high-profile oil spill accidents where several of their barges structurally failed in service was not enough to convince towing companies take training, manning, and licensing issues more seriously. In light of the high profile collision between the tow of the M/V MEL OLIVER and the tank ship TINTOMARA that spilled up to 419,000 gallons of #6 oil into the Mississippi River at New Orleans on July 23, 2008 within sniffing distance of Eighth District Coast Guard Headquarters, the TORM MARY incident was just a teaser.

This incident must concern working mariners as well as USCG regulators since Buffalo Marine is a member of the American Waterways Operators and has a representative sitting as a member of the Towing Safety Advisory Committee (TSAC). Buffalo Marine thereby agrees to follow the AWO Responsible Carrier Program which is held out as the Gold Standard for the towing industry. The actions presented in this USCG ðInformal Investigationö clearly are NOT the actions of a ðresponsible carrier.ö They bring discredit on many other companies who work in good faith to give the words ðresponsible carrierö a meaning of special trust that mariners and the general public can count on in a safety management system.

**THE ELIZABETH M – FOUR MARINERS DIE IN OHIO RIVER CATASTROPHE:
THE STEERSMAN'S ROLE IN THE ACCIDENT**

[Sources: Our File #M-523, FOIA 05-0644, Release dates Jan. 23, 2007 & July 16, 2008. Newspaper accounts as cited. Activity #s 2271812, 2534935, 2536262, 2544243, 2637947, 2637982, 2694203 and 2743052; Mistle Case #215829. GCMA Newsletter #27, Jan. 2005.]

There are two sides to every story. Our Report #R-340 reports a number of cases of overloaded tows. This report chronicles a long record of abuse and shows the lengths some companies will go to push more barges than a towboat can reasonably handle. This abuse falls primarily on our ðlower-levelö mariner with no voice or effective representation. The inland towing industry saw to that when they killed the ðPilots Agreeö movement on the Western Rivers and Intracoastal Waterway in 1999 and, with it, the chance that mariners had to join a well-established maritime union to represent their best interests with their employers and before the Coast Guard and Congress.

The other side of the story seeks to blame everything on ðhuman error.ö For example, the AWO bridge allision report released in May 2003 lays the blame for most of the 2,692 reported bridge allisions to human performance ó 78% to pilot error, and 12 % to other operational errors.

However, ðhuman errorö also extends to errors management makes. Management determines the size of the tow as well as when and where it will move. Management dispatches the tows. Management puts pressure unbelievable on many pilots to perform. Stress takes its toll on river Pilots as our Report #R-403, Stress and the Licensed Mariner, points out to our readers.

In reality, both ðhuman errorö and moving ðoversize and overloaded tows are two faces of the same coin.

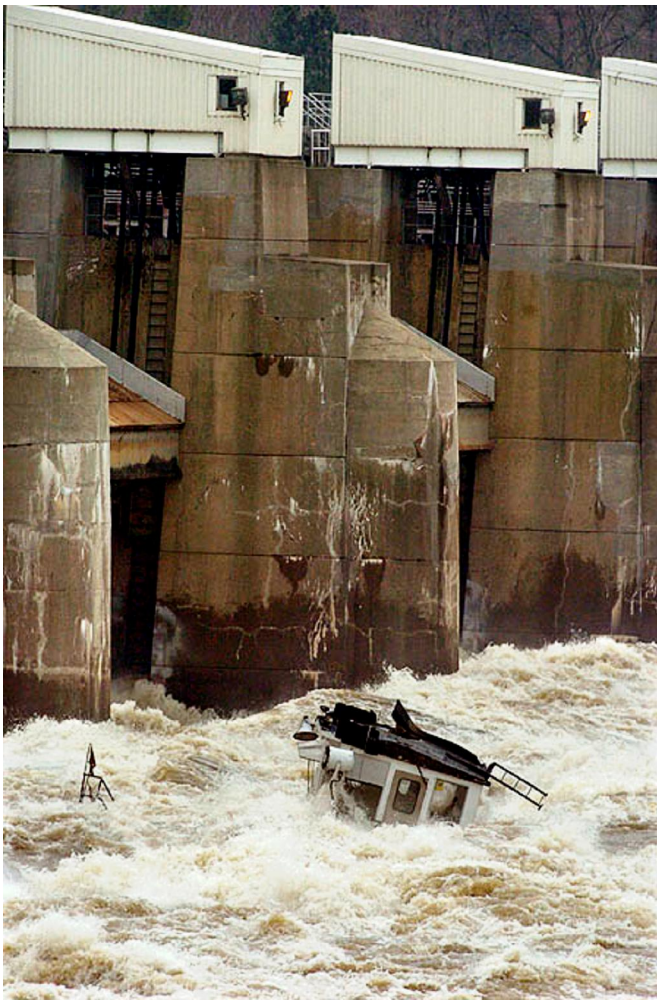
This accident report explores another aspect of towing ó the training of a Steersman aboard an overloaded towing vessel under extremely dangerous conditions. This unfortunate training session was not the sole cause of the accident, but it was definitely recognized as a factor. The fact that it took the Coast Guard 3½ years to compile and release this report and released it only one week before the M/V MEL OLIVER/TINTOMARA accident in New Orleans and that the most important segments of the report were performed at various times at ðData Collectionö and ðInformalö levels and that a ðFormalö report covering significant portions of the accident was just recently released 3½ years after the accident is important when viewed in the context of the Inspector General's 2008 report on Coast Guard Investigations.⁽¹⁾ We believe that the interests of our mariners are better protected when complex investigation are undertaken with the National Transportation Safety Board as the ðlead agency as

their reports are better organized, written in plain English, and examine all pertinent topics ó in this case, looking more deeply into the rather troubled ðApprentice Mate/Steersmanö program discussed above that neither the Coast Guard nor industry wants to look into. Nevertheless, we will draw upon information presented in their report. When we use this information, we will use a different typeface. [¹) Refer to our Report #R-429-M, pages 12-16.]

In the absence of official Coast Guard we originally depended upon copies of three local metropolitan-Pittsburgh newspaper articles and interviews with reporters reporting on the accident. The Coast Guard released dribs and drabs of information over the years since the accident and released what may not be its definitive formal report on July 16, 2008. The Coast Guard investigated the accident and determined the causes. It is their job, and we can only hope they did it accurately and without bias.

Three Dead, One Missing as Towboat Goes Over Dam, Sinks in Ohio River

[Story by Don Hopey, and photograph by Bob Donaldson of the Pittsburgh Post-Gazette. Don Hopey can be reached at dhopey@post-gazette.com or at 412-263-1983. Copyright ©1997-2004 PG Publishing Co., Inc. All Rights Reserved. Reprinted by permission.]



River water churns around the top of the pilothouse of the sunken Elizabeth M just below the Montgomery Locks and Dam in Industry, Beaver County.

Monday, Jan. 10, 2005. Screams for help echoed from the towboat ELIZABETH M as it sank into the swirling, frigid Ohio River after tumbling backward through the Montgomery Dam early yesterday morning.

The crew's cries could be heard over the rushing wall of noise from the river as it sluiced through the wide open dam gates, and over traffic noise on state Route 68 in Industry, Beaver County.

"I could hear them screaming all the way across the road at my house," said Stanley Bostwick, a member of the Vanport Volunteer Fire Department, who lives at least 200 yards from the dam. "When I got here the boat was still above water, but it was sinking fast."

Three crewmen of the Elizabeth M died and another is missing and presumed dead inside the boat in the worst commercial boating accident on the region's rivers in recent memory.

The towboat and the six fully-loaded coal barges it was pushing upriver had just passed through the Montgomery Locks at 2:20 a.m. when the river's muscular current, strengthened by days of heavy rain runoff, grabbed the two front barges and pushed them toward the dam.

The 2,200-horsepower towboat couldn't stop the barges. The pilot pulled his boat free of the barges and circled downriver to get a better pushing angle, but the barges had gained too much momentum and pushed the towboat backward over the dam.

[NMA Comment: The Coast Guard Accident Report (on p. 16) shows the horsepower of the vessel as 1066 horsepower, not 2200 horsepower as reported in the newspaper. Our Association has been in the lead in demanding that the Coast Guard require the *honest* reporting of vessel horsepower. Companies often lie about horsepower in order to charge higher rates for their towing vessels. This practice is dishonest, deceitful, and misleading. Refer to our Report #R-400, Oversize and Overloaded Tows: Towing Vessel Horsepower. 18p.]

The dead, according to Renea Esoldo, Beaver County deputy coroner, are Edward Crevda, 22, of West Brownsville; Scott Stewart, 36 of Wheeling, W.Va.; and Tom Fisher, 25, of Latrobe and formerly of New Cumberland. Esoldo said autopsies showed all three drowned.

Three crewmen survived, rescued from the river by the towboats LILLIAN G, SANDY DRAKE and ROCKET. The crew of the Rocket pulled in the two crewmen who had been yelling for help from the towboat; the other man was pulled from the water. One of the men dove into the 38-degree water to grab a ring buoy tossed from the Rocket and then was pulled aboard the rescue ship.

All seven are members of the crew of the Elizabeth M, owned by Campbell Transportation Co. of Dunlevy, near Charleroi in Washington County. The towboat was pushing the barges from a loading dock on the Kanawha River, near Charleston, W.Va., to a railroad loading terminal in Braddock.

"I've been around since 1971 and, with the loss of life, never seen anything like this," said Dave Sneberger, assistant operations manager for the 23 locks and dams in the Army Corps of Engineers' Pittsburgh District. "We've had deckhands fall in, but this has to be one of the worst."

By mid-morning, carloads of the curious were stopping and walking along the riverbank in Industry where one end of the 1,378-foot-long navigation dam is anchored.

The pilot house of the towboat poking through the surface of the churning, dirty foam below the dam and the jutting end of one of the 195-foot-long barges lodged in the current a quarter mile down the river looked like tombstones on a muddy, glistening field.

Occasionally, a red-and-white ring rescue buoy, still tethered to the back of the towboat, would bob to the surface in the turbulence downriver from the boat.

"What was so bad was that we could hear the guys on the boat screaming for help over all the river and dam noise but couldn't do anything," said Chuck Ward, assistant fire chief in Industry, one of the fire companies that responded. "The pilot tried to save the barges when they swung around in the current, but things just went from bad to worse."

Richard Bennett, of the Midland Volunteer Fire Department, said his department was called to the river shortly after the accident along with the Chester and Newell, W.Va., fire departments, but none got into the water.

"We were called out to set up emergency lights, but conditions were too bad," Bennett said yesterday morning from a hillside near the dam. "The current was too fast and too much mud had built up on the ramp."

Three of the barges sank and wedged on the front, or upriver, face of the dam. Two others are unaccounted for, but the Army Corps of Engineers, which operates the locks and dam, said they sank in the pool downriver from the dam. The barges against the dam will be salvaged after the river recedes.

John Anderson, the lock master at Montgomery, received a call from the dam at 2:30 a.m. and by the time he arrived a half hour later the towboat was already over the dam and sinking.

"There were two people standing in the boat and we couldn't find one. It was not a pleasant thing," said Anderson, who has worked on the dam for 15 years and been lock master since 1998.

"The lock crew told me that once the barges started turning in that direction the tow couldn't hold them," he said. "The whole thing didn't take more than five or six minutes to happen."

Don Grimm, president of Campbell Transportation, owner of the 54-year-old towboat, said he learned of the accident about 2:45 a.m. yesterday in a telephone call from the operator of another towboat in the area. But Grimm and other company officials were short on details yesterday because they had yet to speak directly to any of the

three surviving employees. He also declined to release their names. "I don't know how the accident happened," he said. "It's just a terrible thing."

Campbell Transportation and its sister company, C&C Marine Maintenance Inc., have about 350 employees. In addition to its Washington County headquarters, the company also has operations in Clairton, Georgetown, Beaver County, and Point Pleasant, W.Va.

Campbell Transportation operates 30 towboats and 420 barges along rivers from Huntington, W.Va., to Pittsburgh.

The seven-man crew of the Elizabeth M consisted of a pilot, captain, cook and four deckhands. The crew sleeps in shifts, either three or four at a time. The deckhands are required to be on the barges as they pass through locks to maintain control of the vessels. Each barge is 195 feet long, 35 feet wide and 12 feet deep, weighs 400 to 500 tons and can hold 1,000 tons of coal.

Anderson said that during high water flows the currents upriver from the locks are tricky and powerful, and push vessels away from the riverbank above the lock. That's especially true when the dam's 10 gates are fully raised to facilitate flows during high water, as they were at the time of the accident.

He said ***the current was probably running at between 13 and 15 miles per hour⁽¹⁾***, compared with normal, non-storm flow of three to four miles per hour. "You need to stay against the wall of the lock because the river has a lot of out-draft that will push you out, especially with the dam wide open," Anderson said. *[⁽¹⁾USCG Report, p. 77: "Post-casualty analysis also indicated the river velocity approximately 100 feet above the dam at 0230 on 09 JAN 05 was approximately 16.2 ft per second which equates to approximately 11.04 miles per hour. River velocity would have increased in the vicinity of the dam gates due to the river restrictions caused by the lock and dam structure. The current near the dam gates could have been as high as 13.2 MPH Post-casualty analysis also indicated the ELIZABETH M as a light boat, with the MDEs governors limiting engine speed to 1200 RPM, could not have produced enough propeller RPM to overcome the currents being experienced in the restricted area above the Montgomery Dam on 09 JAN 05. The analysis indicated the ELIZABETH M, as configured, had a maximum light boat velocity potential of approximately 11 MPH.]*

He speculated that the crewmembers were on the barges, re-tying them after going through the lock, when the current caught the tow and that's why the pilot tried to save the barges instead of letting them go over the dam when it became apparent the tow couldn't beat the current.

"I think he went around the barges for another push to save the men on the barges," he said. "You wouldn't normally risk your life to save coal barges."

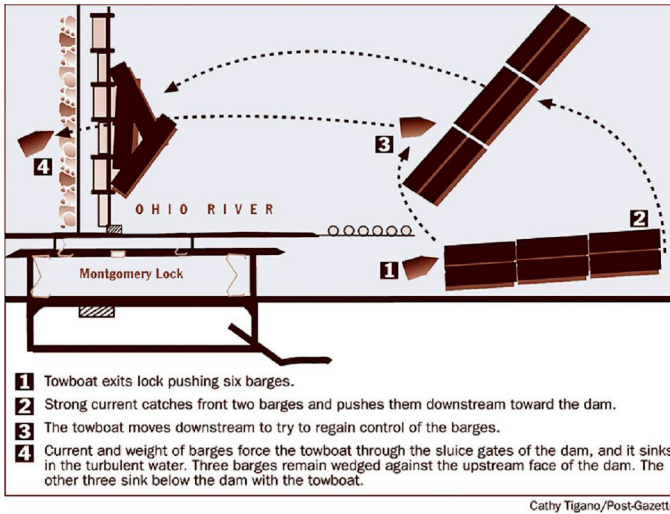
The accident did not damage the dam or the locks, which continued to operate after the accident although no tows locked through yesterday afternoon. The U.S. Coast Guard has restricted river traffic for five miles below the dam because of the danger from the sunken barges.

Richard Lockwood, chief of the Army Corps Pittsburgh District Operations and Readiness Division, said it's not uncommon in high water conditions for barges to be washed into and over navigational dams.

In addition to those lodged against the Montgomery Dam, the corps is dealing with barges that hit this week and are stuck on the lock and dam at Wheeling, W.Va., 84 miles down the Ohio River from Pittsburgh; and the lock and dam, at Reedsville, Ohio, 203 river miles from Pittsburgh. Lockwood said the corps typically does an after-incident review but doesn't foresee any change in the lock and dam operations during high flows. "The river is the river. It's constantly changing," Lockwood said. "We'll look at the standard operating procedure and may issue a notice, but it's up to the boat operators to decide what to do."

The Montgomery Lock and Dam was built in 1935 and underwent a major rehabilitation in 1988.

High Water Hinders Search for Missing Towboat Crewman



[By Mike Bucsko, Pittsburgh Post-Gazette. Staff writer Brian David contributed to this report. Accident diagram by Cathy Tigano. Mike Bucsko can be reached at mbucsko@post-gazette.com or 412-263-1732 Copyright ©1997-2004 PG Publishing Co., Inc. All Rights Reserved. Reprinted with permission.]

Tuesday, January 11, 2005. High water yesterday hampered the search for a missing towboat crewman and retrieval of the towboat lodged in an Ohio River dam in Beaver County.

Investigators from the U.S. Coast Guard began the preliminary steps yesterday to determine how the early Sunday morning accident occurred. Three members of the Elizabeth M crew lost their lives, three survived and one is missing.

The examination will likely take months and could result in sanctions against Campbell Transportation Co. Inc., owners of towboat and barges, and the towboat pilot and captain, said CDR. Wyman W. Briggs, commanding officer of the Coast Guard Marine Safety Office in Pittsburgh.

Sanctions could be imposed if investigators determine there was pilot error or the company was negligent in some manner. There is also an environmental problem that could result in sanctions⁽¹⁾ because the towboat has 7,500 gallons of diesel fuel and 500 gallons of lubricating oil aboard that may be leaking into the Ohio River, said Lt. Mike Anderson, chief of the Coast Guard's Pittsburgh port operations. [⁽¹⁾ *Campbell Towing was charged with "damage to the environment" under 33 U.S. Code §1321(b)(3) for an 8,500 gallon oil spill. The amount of the Civil Penalty was not shown, but a note on p. 8 of Mistle Activity #2534925 indicates "payment received."*]

As is routine in other fatal transportation accidents, those involved will be evaluated for drug and alcohol use as part of the investigation, Anderson said.

The bodies of three of the seven crewmembers aboard the ELIZABETH M were found Sunday, but high water has prevented rescue workers from reaching the stranded towboat which they suspect may hold the body of the missing crewman, Rick Conklin, 40, of Crucible, Greene County.

The Coast Guard brought in a helicopter from Detroit and employed another helicopter from Westmoreland Search and Rescue to scan the Ohio River for miles below the Montgomery Locks and Dam in Industry in a search for Conklin.

The victims whose bodies were found are Ed Crevda, 22, of West Brownsville; Tom Fisher, 25, of New Cumberland, W.Va.; and Scott Stewart, 36, of the Elm Grove neighborhood of Wheeling.

Harry Gallop, chief engineer for AM&O Towing in East Liverpool, Ohio, said the accident had hit the entire towing community like the loss of a family member. "From New Orleans to Pittsburgh and beyond, it's a tight-knit family," he said. "We all help each other. Losing someone like this, it's like losing a brother."

Campbell Transportation is based in Dunlevy, near Charleroi on the Monongahela River. A crew from a sister company, C&C Marine Maintenance Inc., performed what officials yesterday called a "heroic effort" in the rescue of Captain Toby Zappone and crewmember Jacob Wilds. They were clinging to a dangling ladder outside the pilothouse of the partially submerged towboat.

The accident occurred about 2:30 a.m. Sunday as the six coal-filled barges left the lock chamber. The current, swollen by days of heavy rain, pushed the two front barges back toward the dam. (Captain) Zappone apparently tried to move the towboat around the barges to find a better angle to push, but the barges and the deadly current sent the towboat over the dam, where it lodged.

Workers at the Montgomery Locks knew there was a problem when they heard the engine of the towboat revving as the vessel was pushed backward, Lockwood said. Corps employees rushed out onto the dam and tossed

out some life preservers. Two towboats, the LILLIAN G. and the SANDY DRAKE, were in the lock pool and their crews were able to begin a rescue effort. Meanwhile, the towboat ROCKET, owned by C&C Marine, was docked just downriver from the lock and its crew quickly moved to assist those stranded on the Elizabeth M.

Three of the barges lodged against the dam, while the three others followed the towboat over the dam. One was located just beneath the dam and the second about a mile downriver, while the third is submerged within two miles of the dam, Briggs said.

New Cumberland Man Survives Towboat Disaster

[By Fred Miller, Review Staff Writer, Reprinted with permission.]

EAST LIVERPOOL - A surviving crewmember of the towboat disaster at Industry, Pa., said the boat's captain was "crazy" for trying to save breakaway coal barges and blamed both the captain and the company for the deaths of crewmembers.

Jacob Wilds, 26, lost his best friend Tom Fisher - who he called a hero in the tragedy - when the MV ELIZABETH M went over Montgomery Dam at 2:30 a.m. Sunday. Two other crewmembers also drowned, and a fourth is believed still inside the sunken towboat.

"The captain was crazy. He went on the backside of the tow. He made a big mistake. He risked our lives about 10 times that night, and he killed my friend," said Wilds. Both Wilds and Fisher were living in Latrobe, Pa., but are from the New Cumberland area. Wilds is the son of Rev. Mark and Karen Wilds, formerly of the New Manchester, area. He spoke to The Review in this exclusive telephone interview Monday evening.

The coal-laden barges may have originally come from Charleston, W.Va., as reported, but Wilds said the six-barge tow was made up only hours before, a short distance downstream at C.C. Johnson's. Before the tow left there, making very slow progress against the fast-flowing river, crewmembers on other towboats including the ROCKET warned the ELIZABETH M's crew not to attempt the upriver trip, Wilds said. He also said another towboat was supposed to help push the six barges but never showed up.

Wilds said Monday evening he had not been asleep since being awakened from his bed by the alarm that called all hands to the emergency situation on the boat around 2 a.m. "The general alarm sounded and I woke up. My buddy Tom Fisher, my lead man, came to make sure I was awake. He said, 'We've got to get out on the tow. We went out and the barges had broken loose, the first two. I ran a lead line out there to the head (of the tow) to secure the first two barges, so we thought. The captain gave us the order. There were four of us out there,'" said Wilds.

The front two barges had broken loose apparently caught by the heavy current as the tow emerged from the lock. The crew fought for, it seemed to Wilds, for at least half an hour, not the five or six minutes estimated by others. At one point, crewmembers believed they had won the fight and were taking pictures with cameras and camera cell phones, he said. **For part of the struggle, the towboat was going in reverse, trying to pull the barges upstream, he confirmed.**

The towboat untied from the barges but never lost contact with them, he said. "We cut them loose but we stayed with them. The captain never let go. He kept trying to get them," Wilds said.

When barges hit the dam and began sinking, "we tied off from the boat to the barges that were sinking. We looked up and we were on the dam. We said, 'We need to cut loose, we need to cut loose, we need to cut loose! But it was too late.'" While the towboat was in the process of going over the dam, it was being knocked around by some of the runaway barges, he said.

Wilds said the towboat went over the dam stern first, over the "rollers" and then was tossed backwards, up the dam, whether because it was hit by a barge or by some fluke of water flow. Then it went down again over the rolling water below the dam and sank.

"We went forward then started backing up, away from the dam. It slammed us around like crash dummies. The back of the boat went over the waterfall but we didn't sink. It pushed us back up."

"We went down over the rollers of the dam and everyone else was sucked off. Me and Tom Fisher and that kid Ed Crevda watched everyone else go down. That was the last I saw of my buddy."

Wilds went under water when the boat sank. "I blacked out. I remember drowning," he said. He thought about his little girl Storm, 19 months old, and his fiance Cindy and other people he loved.

"I remember thinking I gave up. I gave my regards to God." Then he said, "I didn't want to drown anymore. It was a miracle and my head popped above the water. Whenever I opened my eyes I was 800, a thousand feet from the dam. I had my life vest on."

He saw something floating nearby in the water that he thought was a body but when he grabbed it he found it was a garbage bag. He yelled for help. "I grabbed onto it and I stayed afloat for another hour. They didn't see me for another hour."

Crewmen on one of the towboats below the dam found him and pulled him out of the water. He was taken to the Beaver Medical Center, where fellow survivor John Thomas was already being treated in the emergency department. The third survivor, Toby Zappone, was taken to Aliquippa Hospital.

"I saw John Thomas. He was underneath a heating blanket. I was the only one that walked away," said Wilds. He remembers telling himself while in the water "to live, you got to live. If you made it that far, you got to survive."

The Beaver County Coroner's office has said Scott Stewart, 36, of Wheeling, and Tom Fisher, 25, were pronounced dead at the scene. Edward Crevda, 22, of West Brownsville, Pa., was taken to Beaver Medical Center where he later died.

Wilds said the dam "sheared off the top of the pilot house" when it went the first time through the dam. "We never should have been pushing those barges," said Wilds, who was told it was too much of a tow for bigger boats in that kind of water. "The ROCKET, the boat that helped us build that tow, the deckhands told me it was a bad idea to go. "We got done building those barges around 10 or 10:15 (p.m.) everybody was telling us not to go. The RICHARD C. was supposed to be assisting us but it didn't. The office told us to go anyway," Wilds said.

Cindy, mother of his daughter, is very upset because Tom Fisher lived with them and was their friend and godfather to their child, Wilds said. "Tom is part of my family. He was my lead man, my boss, my friend," he said. Tom and Marissa Edwards are also friends who have helped Wilds and Cindy in the past two days, he said.

Tom was a hero because "he told me where to go, go to the yawl. We were all sitting there together when we went over. He said, 'Don't worry, Jake.'"

Wilds said Fisher ran up the stairs to the pilothouse and grabbed Toby Zappone, who had no lifejacket. "He held onto Toby. He saved his life. Tom Fisher saved my life."

The Coast Guard Examined the Role of the Steersman in the Accident

The Coast Guard report released on July 16, 2008, discussed the role of the Steersman in several places as it affected the accident. We believe these findings can be useful in developing a better understanding of the shortcomings of the Apprentice Mate/Steersman Program. [Note: We cite the page numbers from the Coast Guard report.]

Page 28: Campbell Transportation Company has written policy titled Pilot Trainee or Steersman Program. This policy describes the qualifications, responsibilities, necessary training, skill requirements, and other criteria for a Pilot Trainee or Steersman... Among other requirements, "the Steersman shall steer the vessel only under the direct supervision of the Captain of the vessel assigned..." and overseeing the training is the responsibility of the vessel Captain. Rick Conklin was referred to as a Striker-Pilot on board the ELIZABETH M in documentation and throughout the testimony provided during the U. S. Coast Guard hearing. Although there is no reference to a Striker-Pilot in this policy, Campbell Transportation Company considered this to be the guiding policy for Conklin's training. The company expected the vessel Master (Zappone) to follow this policy while Conklin was filling the Striker-Pilot position on board the ELIZABETH M. Zappone testified he was not aware of this policy.

Page 38: Scott Stewart, the ELIZABETH M Pilot, arrived in the pilothouse to relieve (Captain) Zappone. Zappone and Stewart completed a pre-relief brief discussing known river traffic and cautions about locking through Montgomery Locks in high water conditions. At the time of the watch relief the vessel was located near mile marker 35 on the Ohio River in the vicinity of Phyllis Island. It is unknown when the Striker-Pilot (Conklin) reported to the pilothouse.

Page 40: The ELIZABETH M was moored starboard side to the stern barge on the tow's port string for the lockage. While the ELIZABETH M was in the lock chamber, the dam gates were raised from 83 feet to 89 feet. An increase in the flow rate over the dam would have increased the outdraft current at the upper approach to the lock. Rick Conklin, the Striker-Pilot, was operating the ELIZABETH M as she departed the lock chamber. Once the ELIZABETH M and tow were cleared by the lock personnel to exit the lock, the deckhand released the line between the lock and the tow. A line was not maintained between the towboat/tow and the lock.

[NMA Comment: There is no mention that the lockmaster ever informed the ELIZABETH M that they were raising the dam gates and increasing the water flow through the dam. Our Association reported a comparable failure of lock and dam personnel to inform towboat personnel of changing water levels in our

Report #R-399., titled Danger on the Illinois Waterway: Towboat Pilot Loses License After He Accepts High Risk Assignment. The accident disabled an important highway drawbridge in Joliet, Illinois for 6 months.]

As the ELIZABETH M began maneuvering to face up to the tow on the fly, she pushed the tow approximately 200 feet out of the lock chamber before releasing the tow and prior to maneuvering around to the stem of the tow to face up. While the towboat was maneuvering around to the stem of the tow to face up, the tow was adrift with no positive control. As the ELIZABETH M completed facing up to the tow, the towboat and part of the tow were still within the main lock chamber. This is the approximate time and location where the effects of the outdraft would have been felt at the head of the tow. The tow was out of shape and being set towards the center of the river by the outdraft. Just after the tow was faced up, the lead deckhand noticed+...the head of the tow, it looked weird. It was headed out. The stem of the boat was riding against the land wall.+

Page 41: The tow of the ELIZABETH M allided with the upstream bull nose at the end of the middle lock wall. The allision caused all the wires at the coupling between the lead and center barges in both the port and starboard strings to separate with the exception of the wires on the port string between the port stern of the lead barge and the port bow of the center barge. After the allision the towboat and tow continued making headway, in an upstream direction, angling out towards the center of the river. This was the approximate time that one of the Locksman observed the ELIZABETH M was going "...out toward the center river a little quicker than what I seen other people do..." and "...accelerated..." Due to unavailability of a tow configuration, it is unknown which barge or barges were involved in the allision.

Page 43: 01/09/2005 2:05:30 to 01/09/2005 2:20:00 (Estimated): Following the initial allision, all deckhands and the Striker-Pilot (Conklin) onboard the ELIZABETH M began making attempts to secure the tow.

[NMA Comment: At this point, after the first allision when the tow was out of shape, it appears that the Steersman reverted to deckhand status and was replaced by the Pilot. After the second allision, the Pilot was replaced by the Master, Captain Zappone. After that, the situation went down hill as cited below.]

Page 43. Overconfidence Bias; The Striker-Pilot decided to continue shoving the tow out of the lock chamber, towards the open river, after the initial allision and before regaining full control of the barges at the head of the tow.

Overconfidence Bias; The Master decided to pursue the barges into the restricted zone above the dam. Bridge Operations - Shiphandling: 01/09/2005 2:18:15 AM,.

Framing Bias; The Master decided to swing the ELIZABETH M around to point the head of the towboat upstream before beginning to maneuver away from the tow just prior to the tow alliding with the dam, instead of backing the towboat away from the tow.. The time taken attempting to execute the maneuver reduced the amount of time available to maneuver the towboat away from the tow and reduced the distance between the towboat and the dam. Based on testimony from the Master, it appears he was predisposed to performing this maneuver because he considered the maneuver to be "...pretty normal..." and had performed the maneuver "...well into the hundreds of times. Maybe thousands."

Preconditions

Page 78.. LUCs in People - Person Mismatches . Mismatches between the person and software, guidance or procedures. Striker pilot operating ELIZABETH M and her tow contrary to company policy . see evidence # 2271812 037 N for details. Striker Pilot was operating under the supervision of the Pilot and not the Captain as required by company policy.

Page 79 LUCs in Supervision - Rules/Regulations not enforced. Striker pilot operating ELIZABETH M and her tow contrary to company policy. The Striker Pilot was operating under supervision of the Pilot and not the Captain as required by company policy.

Page. 79 Organization Factors. LUCs in Human Resources - Inadequate Training (of Line Managers) Campbell Transportation Company's written policy titled "Pilot Trainee or Steersman Program" was unclear regarding the responsibilities of, and for, the ELIZABETH M's Striker-Pilot Conklin) because he policy does not refer to, or define the term "Striker Pilot+. There is evidence that the policy was not followed by at least two Campbell Transportation Co. employees who operated the ELIZABETH M who allowed the Striker-Pilot to operate the ELIZABETH M on the after watch (Pilot's watch).

Page 80. LUCs in Oversight . Improper or absent safety programs. Campbell Transportation Company's policy titled "Pilot Trainee or Steersman Program" was unclear regarding the responsibilities of, and for, Striker-Pilots.

Page 82. Failures of defense against subsequent events in the incident. Defenses that were in place but failed due to inadequacy Inadequate training. Striker Pilot was operating under the supervision of the Pilot and not the Master as required by company policy.

Training Wheelhouse Personnel By Captain David C. Whitehurst

There are significant shortcomings with the validating of training records, as there are no regulatory requirements for the trainee to maintain a daily log of his hours of training experiences such as maneuvering through bridges, locks, and working the vessel while building tow in a very short time frame of twelve months. All is needed is a service letter from the company verifying that the trainee was employed with the company and served on their vessels for the twelve months in order to fulfill Coast Guards requirements. There are no records as to what tasks the trainee performed other than the Designated Examiner's signature.

There is a huge personnel shortage of licensed vessel officers in the towing industry. Towing company management pushes their employees through training programs from the deck to the wheelhouse. A newly hired crewmember, a "green deckhand," will board a towing vessel, make two or three trips working as a deckhand and then be advanced to a supervisory position of "deck-mate." The total time working as a deckhand is thirty to sixty days. However, to truly master the skills a deckhand needs to advance to safely supervise his deck-crew should be no less than one year. The vessel's Captain is in the best position to decide when the deckhand is ready for advancement rather than office management that bases their decision on evaluation forms filled out by other members of the crew since most seasoned Captains. If a Captain filled out the form truthfully the human resource would be likely to ask the Captain to be "more *understanding*" and be reminded of the personnel shortage and that the crewmember "will learn over time!" There is pitifully little training in the towing industry; and so much knowledge was lost because it never was passed on!

The National Maritime Center has issued Designated Examiner certifications to licensed Masters of Towing Vessels during the "first issue" of their towing license after less than five years' service. These "first issue" Designated Examiners feel obligated to their employer to sign-off on other employees since the employer paid for their training. In reality, a "first issue" license holder is still in training himself!

The National Maritime Center should ***NOT*** issue Designated Examiners certifications to any license holder that is not working on their fifth issue (i.e., before twenty-years of service). A Designated Examiner should be "third party." He should have no obligations or ties to the employer or mariner.

A Designated Examiners should examine the steersman daily logs and those logs should be submitted along with all other documents to the National Maritime Center as evidence that the candidate did indeed train during his year of apprenticeship and not merely serve as a deckhand with pilothouse training done "on the fly" if at all. A time frame of twelve months is the bare minimum for a steersman trainee to learn all that a mariner needs to understand about operating a towing vessel.

Back in the late 1960s, I steered for over four years. Even then my employer told me that I still did not know enough to stand a watch alone. Consequently, I quit and went to work for a company that had smaller boats and pushed smaller tows. It took me many years of working in the Intracoastal Waterway and making trips up the lower Mississippi and Illinois River to make my way to the larger vessels and tows. Today, all a person needs is a Mate/Pilot license and a towing company will hire you and put you on a 6,000 horsepower towboat with 25 to 30 barges and away you go.

The training is not as professional as it was back years ago. The Coast Guard has little first-hand knowledge of inland navigation, the handling characteristics of a flotilla of barges, the maneuvering the towing vessels officers perform on the rivers and canals. The Coast Guard approved radar course makes it mandatory that inland towing vessel operators must know plotting which is less than useless in making the many bridges and locks on our water ways. "Sea service" are handed out by many companies that do not honestly reflect a mariner's true service, and the Coast Guard is handing out steersman licenses to anyone who can produce a service letter. The Coast Guard needs to leave the licensing regulations to a board of commercial vessel masters, seasoned mariners that have many years navigating vessels and tows.

OUR RECOMMENDATIONS

1. The legislation ***proposed*** in Title XI, Marine Safety, in H.R.-2830 is both necessary and appropriate to improve the administration of "Marine Safety" under the Coast Guard and responds to many items in our written

testimony presented at the House Coast Guard and Maritime Subcommittee Hearing on Aug. 2, 2007 (i.e., our Report #R-350, Rev.3).

2. *“Investigations”* falls under the umbrella of *“Marine Safety.”* The Coast Guard is too deeply involved in the New Orleans oil spill to be the lead agency in its investigation. In light of ***fully documented and longstanding problems with Coast Guard investigations*** of commercial vessel casualties,⁽¹⁾ we urge Congress to consider not only granting the NTSB authority it requested to determine when it will be the lead agency in conducting marine casualty investigations but ***also*** moving all vessel casualty investigations and administrative prosecutions from the Coast Guard to the National Transportation Safety Board.⁽²⁾ [⁽¹⁾*Refer to these two government reports that explain long-term problems with Coast Guard investigations that remain largely unresolved. These are available on our website as our Report #R-429-A, Rev 1, and Report # R-429-B, Rev.1.* ⁽²⁾*Refer to H.R.-2830, Title X.]*
3. Revise the Charter of the Towing Safety Advisory Committee (TSAC) to allow experienced mariners to participate equally with management keeping in mind the issues we presented in our Report #R-417, Report to the 110th Congress: Request for Congressional Oversight on the Towing Safety Advisory Committee. (TSAC).
4. Strongly suggest that the Coast Guard have its TSAC and MERPAC advisory committees ***jointly*** resolve the Apprentice Mate/Steersman training problems (discussed above) as well as the industry’s mariner retention problems (that the Coast Guard and industry continually aggravate) and submit their report to Congress.