



Gulf Coast Mariners Association

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GULF COAST MARINERS ASSOCIATION LEGISLATIVE AND REGULATORY AGENDA – 2007

GCMA Legislative Priorities

ITEM #1. Amend 46 U.S. Code §8104 to limit the hours of work for all licensed and unlicensed mariners serving on any U.S.-flag commercial vessel to 12 hours in any 24-hour period. Address other specific problems with this statute that primarily affect lower-level merchant mariners.

46 U.S. Code §8104(a).

- Allows the person in charge of an engineering watch to assume the watch without adequate rest when first boarding a vessel. The Coast Guard has no appreciation that basic engineering skills are necessary for lower-level mariners serving on vessels of less than 200 gross register tons simply because the statutes do not require these mariners to hold a license. From a practical standpoint, the Coast Guard has kept its head in the sand for the last 35 years.

46 U.S. Code §8104(b).

- Many vessels are purpose-built to fall under the 100 GRT thresholds for the specific purpose of skirting tougher manning regulations for larger vessels. This is especially true for small passenger vessels and offshore supply vessels. These vessels need to be furnished with adequate crews commensurate with their size and the service they are in. *[Examples: 180-foot crewboats (OSV) of 6,000 horsepower less than 100 GRT. 185-foot offshore supply boats in 24-hour service with only four-man crews. 200-foot passenger ferries under 100 GRT carrying over 500 passengers.]*
- The 100-GRT threshold for towing vessels is meaningless except for requiring that experienced Able Seamen be required on larger offshore tugs. However, Able Seaman manning on towing vessels over 100 GRT was widely ignored in the Gulf of Mexico for years. The Coast Guard has made the 100-GRT threshold a severe roadblock for mariners who try to upgrade their towing vessel licenses to work on larger vessels.

46 U.S. Code §8104(c).

- Employers often interpret "Permitted to work more than 15 hours" to allow a 105-hour workweek (i.e., sweatshop conditions). The work day for all mariners should be limited to 12 hours.
- This statute needs to provide for the 7 to 8 hours of uninterrupted sleep required to keep the human body healthy. Refer to GCMA Report #R-375, Crew Endurance: The "Call-Watch" Cover-Up and the Coast Guard's Crew Endurance Management study.

46 U.S. Code §8104(d).

- It is discriminatory in that it does not set reasonable work-hour limits for licensed or unlicensed mariners working on inland waters including rivers to prevent exploitation of this work force.
- The wording, "At Sea" omits necessary protection for persons working in the engine room of vessels in inland and river service.
- Exceptions appear to be carefully crafted to leave out large segments of the industry to the clear disadvantage of lower-level working mariners.
- Fails to consider the exploited mariners who serve on some very large vessels purpose-built to fall under the 100 gross ton statutory benchmark. *[Example: 180-foot, 99 GRT crewboats working as offshore supply vessels]*

The 100 gross ton benchmark for towing vessels in ocean or coastwise service is less meaningful than the 200-ton benchmark except for the training an "able seaman" receives on offshore tugs >100 gross tons. However, such basic

training should be required of every deckhand that enters merchant marine service.

- Coal passers, firemen and water tenders are archaic terms that no longer apply to most mariners working on vessels under 1,600 gross tons. They have not applied for most of the past half-century. Why hasn't the Coast Guard ever brought Congress up to date or changed its own personnel regulations?
- Not required to work more than 8 hours in one day is overlooked by employers who establish conditions of employment. A much more reasonable consideration used in deep-sea shipping would be to require a three-watch system both in port and underway. After all, an eight-hour day is a recognized labor standard ashore. So is overtime pay for hours beyond 8 hours.

46 U.S. Code §8104(e).

- Exceptions in §8104(d) carry into this section and discriminate against using engineers to perform deck work (in addition to engineroom duties) and deckhands from performing engineering work on vessels over 100 gross tons on inland waters including rivers.
- In GCMA Reports #R-401 and #R-428, we maintain that there has been grossly inadequate safety training throughout the industry to allow untrained deckhands to perform any unsupervised duties in the engineroom.
- Subsection (3) is reasonable and welcome, but is widely ignored when vessels not on a three-watch system make a quick turn-around in port, take on cargo and supplies, and return to sea as illustrated in GCMA Report #R-279, Revision 6, Report to Congress on the Need to Review and Set Safe Manning Standards for Offshore Supply and Towing Vessels.

46 U.S. Code §8104(f).

- This section, although necessary, provides no compensatory time arrangements for mariners whose sleep was interrupted and leaves them prone to accidents. This interruption can become intolerable after several days on a vessel that maintains a two-watch system as is common on vessels that employ lower-level mariners.

46 U.S. Code §8104(g).

- The 600-mile figure cited in this statute conveniently excludes most voyages conducted by offshore supply vessels in domestic service and condemns their licensed officers and crewmembers to a two-watch system⁽¹⁾ leads to severe under-manning and overworks mariners. Every vessel in continuous (24-hour) operation should require a three-watch system for the safety, health and welfare of every single mariner on board. ⁽¹⁾*Refer to GCMA Report #R-413.*
- The Coast Guard interprets this and other laws (in 46 CFR §15.705(d)) to allow the wheelhouse watch on towing vessels to be divided into two watches regardless of the length of the voyage. This discriminates against officers on towing vessels as compared with officers of other vessels of comparable size and horsepower. This statute, perhaps more than any other, has made life afloat intolerable for many mariners working in the offshore oil industry in the Gulf of Mexico and for towing vessel officers throughout the United States.

46 U.S. Code §8104(h).

- A 12-hour work limitation is not unreasonable as long as it is part of a three-watch system. It allows a deck or engineering officer to catch up on his paperwork. It allows a Master to be called if one of his subordinates becomes ill or requires relief for any reason. It at least permits the possibility of 7 to 8 hours of restful uninterrupted sleep during off-duty hours without disruption of circadian rhythm.
- Amending the statute to make the hours of service law clear will go a long way towards improving safety aboard vessels and holding companies that violate the law responsible for resulting damages resulting from accidents or personal injuries.

46 U.S. Code §8104(i) & (j).

- We recommend consider raising the penalty from \$10,000 to \$50,000 for violation by any party (e.g., employer or employee) of the revised work-hour laws. The meaning of the word "emergency" should be suitably defined by statute as it has in Coast Guard Policy Letter #4-00, Change 1 to read: An emergency is an unforeseen development that imposes an immediate hazard to the safety of the vessel, the passengers, the crew, the cargo, property, or the marine environment, requiring urgent action to remove or mitigate the hazard.

Discussion: GCMA filed one petition for rulemaking to the Coast Guard. The petition was placed in Docket USCG-2002-12579 (www.dms.dot.gov) where our supporting papers still may be viewed. The Coast Guard claimed to lack the authority to accede to our request. We offer the following GCMA Research Reports available on our website to support our request:

- GCMA Report #R-201. May 2000. Mariners Speak Out on Violation of the 12-Hour Work Day. (The full report also

appears in Docket #12579)

- GCMA Report #R-370-D. (Series) June 28, 2006. Work-Hour Abuse, Whistleblower Protection and Deadhead Transportation. [Note: GCMA initiated a petition to the Coast Guard contained in Docket USCG-2002-13594 to properly enforce 46 U.S. Code §8104(a). Our petition is titled: Travel Time to Work to Count as On-Duty Time. The Coast Guard assigned this issue to the Towing Safety Advisory Committee to deliberate, but it became “lost” in their agenda. We believe TSAC wanted to kill this regulatory proposal even though it attempts to cure a statutory violation that finally gained public attention in the Webbers Falls accident that resulted in 14 fatalities. This regulatory proposal was also known as “Deadhead Transportation” because we cited an existing and parallel DOT regulation used by the Federal Railroad Administration.]
- GCMA Report #R-370-A (Series) Oct. 11, 2006. Report to Congress: Violation of the 12-Hour Rules: Webbers Falls Accident Revisited.
- GCMA Report #R-370-G. (Series) Nov. 21, 2006. Crew Endurance: The Call Watch Cover-up
- GCMA Report #R-322, Jun. 30, 2002. Mariner Fatigue is an Accident Waiting to Happen.
- GCMA Report #R-413. Rev. 1, Feb. 11, 2006. A Direct Appeal to Congress to Reform the Two-Watch System.
- GCMA Report #R-370-B (Series). Rev.4, June 1, 2006. Violation of the 12-Hour Rules: The Tug Chinook Strikes & Damages The Lake Washington Bridge.
- GCMA Report #R-279. Rev.5. Dec. 19, 2002. Review and Set Safe Manning Standards for Offshore Supply Vessels and Uninspected Towing Vessels.
- GCMA Report #R-401, Rev. 1., Mar. 8, 2005. Crew Endurance and the Towing Vessel Engineer ó A Direct Appeal to Congress.
- GCMA Report #R-370. (Series) Jun. 16, 2003. 12 Hour Rule Violation: The Verret Case.
- GCMA Report #R-370-C (Series) Rev. 2. June 5, 2006. 12 Hour Rule Violations: The Winkler Case.
- GCMA Report #R-403. Sept. 19, 2004. Stress and the Licensed Mariner.
- GCMA Report #R-370-E. (Series) July 6, 2006. Crew Endurance: Work-Hour Laws and Regulations Need Review.
- GCMA Report #R-370-F (Series) July 6, 2006. Crew Endurance Management Systems.
- GCMA Report #R-370-H, (Series) Mar. 14, 2006. 12--Hour Rule Violations: Harbor Tugs And The One-Watch System
- GCMA Report #R-239. Abuse of the 12-Hour Manning Rule as it Applies to Offshore Supply Vessels.

ITEM #2. Amend 46 U.S. Code §11301(a) by adding a new subsection (3) to include every inspected U.S.-flag commercial vessel not on an international voyage.

Amend §11301(b) to include additional entries to apply to new subsection §11301(a)(3):

- (13)the time when each seaman and officer assumed or relieved the watch.
- (14)the number of hours in service to the vessel of each seaman and officer.
- (15)an account of each accident, illness, or injury that occurred during the watch.
- (16)all entries required by specific Federal regulations.
- (17)additional entries that may be required by the vessel operating company.
- (18)all engineroom watch entries where no engineer maintains and signs a separate engineroom logbook.

Amend 46 U.S. Code §11302 by placing sections (1) through (5) in a new subsection (a) and add the following as a new subsection (b):

(b)On a vessel where section 11301(a)(3) applies, each entry made in the Official Logbook –

- (1)shall be made by the watch officer (or his designee) who shall affix his signature immediately after being relieved;
- (2)shall show the sequence of events, and time of each event;
- (3)shall be signed by the watch officer;
- (4)shall be signed by the Master of the vessel at the end of each 24-hour period and by witnesses in cases of accident or injury.

Amend 46 U.S. Code §11303(a) from \$200 to \$5,000.

Amend 46 U.S. Code §11303(b) from \$200 to \$500.

Amend 46 U.S. Code §11303(c) by adding a new subsection (3) citing 18 U.S. Code §1001 relative to false statements.

Discussion: GCMA filed a petition for rulemaking with the Coast Guard at Docket #USCG-2002-12581 with our supporting papers where it may still be viewed. The Coast Guard finally claimed to lack the authority to accede to our request. Our request is presented in detail in:

- GCMA Report #R-429-G, Rev. 2, Feb. 24, 2007. (Series). Report To Congress: Sharpening Accident Investigation Tools By Establishing Logbook Standards for Lower-Level Mariners. [Note: This report replaces GCMA Report #R-291, Rev. 1, that appeared in Docket USCG-2002-12581.]

Discussion: 46 U.S. Code §11301(b) requires these logbook entries in an "Official Logbook." [Note: GCMA recommends limited additions(above) to the Official Logbook to accommodate vessels manned primarily by lower-level mariners.]

(b) The master of the vessel shall make or have made in the **official logbook** the following **entries**:

- (1) each legal conviction of a seaman of the vessel and the punishment inflicted.
- (2) each offense committed by a seaman of the vessel for which it is intended to prosecute or to enforce under a forfeiture, together with statements about reading the entry and the reply made to the charge as required by section 11502 of this title.
- (3) each offense for which punishment is inflicted on board and the punishment inflicted.
- (4) a statement of the conduct, character, and qualifications of each seaman of the vessel or a statement that the master declines to give an opinion about that conduct, character, and qualifications.
- (5) each illness of or injury to a seaman of the vessel, the nature of the illness or injury, and the medical treatment.
- (6) each death on board, with the cause of death, and if a seaman, the information required by section 10702 of this title.
- (7) each birth on board, with the sex of the infant and name of the parents.
- (8) each marriage on board, with the names and ages of the parties.
- (9) the name of each seaman who ceases to be a crewmember (except by death), with the place, time, manner, and the cause why the seaman ceased to be a crewmember.
- (10) the wages due to a seaman who dies during the voyage and the gross amount of all deductions to be made from the wages.
- (11) the sale of the property of a seaman who dies during the voyage, including a statement of each article sold and the amount received for the property.
- (12) when a marine casualty occurs, a statement about the casualty and the circumstances under which it occurred, made immediately after the casualty when practicable to do so.

Discussion: GCMA requests **additional entries** in 46 U.S. Code §11302(b) for the protection of "lower-level" mariners in (13) through (16) above. We also ask that Congress specify to the Coast Guard the **minimum standards**⁽¹⁾ such as those below expected of all vessel watch officers to properly maintain the vessel's "Official Logbook" as an official record of vessel activity including appropriate criminal and/or civil penalties for any person falsifying an official record or causing such record to be falsified. We cite the following standards as appropriate to the towing trade.⁽²⁾ [⁽¹⁾GCMA Report #R-429-G. ⁽²⁾Certain towing entries might replace appropriate trade-related entries for passenger and cargo vessels.]

Discussion: Further, GCMA also can attest to the inadequate distribution practices for Official Logbooks, Oil Record Books, and Certificate of Discharge for Merchant Seamen (CG-718A) by the Coast Guard if necessary. We suggest that the burden of printing and distribution of Official Logbook be privatized at no further expense to the government.

**[American Waterways Operators]
A.1/A.2 VESSEL OPERATING PROCEDURES
h. Vessel Log/Required Logbook Entries**

- = Duplicates an entry already required by statute in an "official logbook." In 46 U.S. Code §11301 or §11302.
■ ■ = Trade related entries.

A. GENERAL GUIDANCE/OVERVIEW

- This procedure establishes guidelines for the maintenance of vessel logs on board Responsible Towing Company vessels.
- It is extremely important that entries regarding accidents be completed, regardless of how trivial an incident may seem at the time. The log must contain a true and accurate record of the event, and any questions concerning the information to be included in the log should be referred to the Operations Manager.

B. PROCEDURES

1. Each *Responsible Towing Company* vessel must maintain an official log. The following guidelines for maintaining the log must be adhered to:
 - a) The log must be kept daily, accurately, and legibly;
 - b) The log must be retained aboard the vessel for a period of one year;
 - c) ■ Log entries, properly dated, must be made as soon as possible after the occurrence for which the entry is made;
 - d) No errors or erasures should be made in the log. Any incorrect statements must be corrected by drawing a single line through the entry and initialing it; and,
 - e) The log must be returned to the *Responsible Towing Company* main office by January 15th of the following year.
2. The following information is required to be entered in the *Responsible Towing Company* logbook:
 - a) Details of all required monthly fire, boat, man overboard, abandon ship, damage control and vessel response plan drills;
 - b) Details of steering gear, navigation equipment, and communications gear tests conducted prior to departure from port;
 - c) Results of weekly and monthly testing of emergency lighting and power systems;
 - d) Fuel and lube oil data, including the amount of fuel or lube oil transferred to or from the other vessel;
 - e) ■ Offenses by and/or disciplinary actions against crewmembers, including a statement concerning the notification of such an entry to the crewmember. Any reply by the crewmember must be recorded in the log and a copy of the entries must be furnished to the crewmember, duly executed by the master and another member of the crew;

- f) The nature of any illness suffered by a crewmember, including medical treatment administered and the name of the individual who administered it;
 - g) Any personal injuries reported, whether to a crewmember or another individual aboard the vessel. Where there are no injuries, make the notation, "No personal injuries reported today";
 - h) ■ The name of every crewmember who ceases to be a member of the crew other than by death, with the place, time, manner, and cause of departure;
 - i) ■ Report of any death and cause of death;
 - j) Report of any collision, stranding or grounding;
 - k) Search for contrabands or stowaways;
 - l) The number and description of any non-crew-members carried onboard the vessel their boarding and departure points, and the reason or authorization for their being aboard;
 - m) General condition of the vessel and its equipment, at least monthly;
 - n) The times and places of all arrivals and departures of the vessel including changes of river segments, locks, bridges, etc.;
 - o) ■■ Intermittent operations such as drops or additions or barges, standby time, hire of tug, and change of river segment, along with notations as to where, by whose orders, and for what purpose these operations were undertaken;
 - p) A complete list of vessel crewmembers, including their jobs, ratings, and/or licenses;
 - q) Crew change times, and a listing of persons relieved and coming on duty;
 - r) Brief description of equipment and supplies received and any damage to these items that may have occurred;
 - s) Report of any vessel damage;
 - t) Notation of any machinery or equipment not properly working, and all repairs undertaken;
 - u) Notation of any repair work undertaken by an outside contractor along with any tickets or invoices;
 - v) Any purchases of groceries or supplies made for the vessel including the name of the vendor;
 - w) Any rope, hawser or wires broken during the day's operations;
 - x) Weather conditions affecting navigation;
 - y) Navigation time, including geographic departure point and arrival point, and reason for trip (deliver cargo, receive cargo, etc.);
 - z) Details of all crew safety meetings;
 - aa) Times of any delays (groundings, Coast Guard boardings, traffic, lock closures, etc.);
3. In the event of abandoning ship, the log book should be taken from the vessel.

ITEM #3. Require the Coast Guard to adequately protect mariners and offshore workers by enforcing the Congressional Intent of Occupational Safety and Health Act of 1970. Remove the data collection responsibility for health and safety issues from the Coast Guard and place it with the Department of Labor (e.g., replace forms CG-2692 with OSHA 300 series). Impose steep penalties for failing to report and track every "accident, injury, illness, and death" to a seaman, passenger, or other person on a vessel. Permanently separate personal injury and illness reporting from vessel and equipment casualties.

Discussion: GCMA submitted a report titled Investigations: Personal Injury Reporting, Recordkeeping, Health and Safety Issues to the Department of Homeland Security, Office of the Inspector General on March 11, 2007 connecting and citing the GCMA reports listed below, inter alia, to support our request.

GCMA also petitioned the Coast Guard on the issue of protecting mariner hearing. The petition was assigned to Docket #USCG-2003-15771 where it was never acted upon.

GCMA also petitioned the Coast Guard on allowing injured mariners to report their own injuries to the Coast Guard. This petition was assigned to Docket USCG-2002-12580 where Coast Guard program administrators stalled, lied, and took no effective action.

On this matter, we ask that existing 46 U.S. Code §10603 be extended to cover all mariners and expanded to require formal notification to the Coast Guard.

The following reports speak to various aspects of this issue:

- GCMA Report #R-347, Nov. 8, 1996. OSHA/USCG Authority Over Vessels. [OSHA Directive CPL 2-1.20. Delineates authority between USCG & OSHA]
- GCMA Report #R-353, Rev.2, July 3, 2006. Lower-Level Mariners Are a Majority of U.S. Merchant Mariners.
- GCMA Report #R- R-351, Rev. 1, Oct. 24, 2006. How Safe Is The Towing Industry?
- GCMA Report #R-292, Rev. 1, July 16, 2006. Enforcement of Existing Accident and Injury Reporting Requirements.
- GCMA Report #R-349, Jan. 20, 2003. Protecting MarinersøHearing. (8 pgs).
- GCMA Report #R-341, Rev.3. Jun. 30, 2006, Smoking and Merchant Mariner Health & Welfare Issues: A Petition to Congress.
- GCMA Report #R-341-A, Jun. 29, 2006. The Health Consequences of Involuntary Exposure to Tobacco Smoke. Executive Summary of 2006 Surgeon Generalø Report.
- GCMA Report #R-333, Rev. 1, Jun. 21, 2006. Donø Count On Corporate Compassion or Coast Guard Concern ó True Stories of Our Lost, Injured, and Cheated Mariners.
- GCMA Report #R-370 (Series) Jun. 16, 2003. 12 Hour Rule Violation: The Verret Case. (12 pgs).

- GCMA Report #R-299, Rev.1, April 30, 2002. M/V SEABULK GEORGIA Accident. (10 pgs.)
- GCMA Report #R-311, Rev.2, May 26, 2003. The Loss of the OSV CHERAMIE BOTRUC 26 With Two Fatalities. (13 pgs.)
- GCMA Report #R-412, April 25, 2005. Towboat Engineer's Death Points to Need for Changes in the Law.
- GCMA Report #R-426, Jan. 10, 2006. OSHA Still Regulates Dry Cargo Barge Safety.

ITEM #4. Remove Coast Guard authority over all Merchant Marine personnel and turn it over to a suitable civilian agency within the U.S. Department of Transportation. Conduct a Congressional hearing on Licensing, Certification, and Training to determine future direction. Undertake a student grant program to finance required mariner education and training.

Discussion: GCMA previously submitted three reports to Congress on these issues:

- GCMA Report #R-428-D, Feb. 13, 2007. Report to the 110th Congress: Substandard Coast Guard Merchant Marine Personnel Services.
- GCMA Report #R-428, Rev. 1, Oct. 23, 2006. Report to Congress: The Forgotten Mariners. Maritime Education & Training for Entry-Level Deck & Engine Personnel.
- GCMA Report #R-401, Rev. 1, Mar. 8, 2005. Crew Endurance and the Towing Vessel Engineer ó A Direct Appeal to Congress
- GCMA Report #R-238. Lack of Training for Licensed Offshore Supply Vessel (OSV) Engineers.
- GCMA Report #R-428-E, Mar. 15, 2007. GCMA Supports Proposed Forgivable Education Loan Program.
- GCM-184. Basic Stability Training for Towing Vessels

ITEM #5: Mariner Safety Issues.

Discussion: GCMA brought these issues to the attention of Congress in two reports after the Coast Guard failed to take appropriate action on them.

- GCMA Report #R-354, Rev.1. Nov. 19, 2006. A Direct Appeal to Congress on Lifesaving Issues Affecting Lower-Level Mariners.
- R-411, Rev. 4, May 30, 2006. Congressional Oversight is Necessary to Prevent Continuing Overhead Clearance Accidents.
- GCMA Report #R-293, Rev. 2, June 2002. Towboats and Bridges, A Dangerous Mix.

ITEM #6: Request for Congressional Oversight of the Towing Safety Advisory Committee.

Discussion: GCMA previously asked Congress to review the allocation of committee seats and fund travel and per diem for members to attend committee meetings.

- GCMA Report #R-417, Aug. 1, 2005. Report to the 110th Congress: Request for Congressional Oversight on the Towing Safety Advisory Committee.(TSAC)

ITEM #7: Support the Coast Guard's 2007 Legislative Change Proposal to rescind 46 U.S. Code §8905(b), the "Long Loophole" to require licensed officers to operate towing vessels in the offshore mineral and oil industry.

Discussion: This LCP was initiated by MSO Morgan City with the active support of GCMA, NOSAC, TSAC, and MERPAC.

ITEM #8: Further amend 46 U.S. Code §2114(b)(3)(4) to award costs and reasonable attorney's fees to the prevailing party if the court finds that a complaint filed under this section is frivolous or has been brought in bad faith.

Discussion: An increase from \$1,000 provided by Congress in 2002 would provide an injured plaintiff greater access to an attorney. In light of the Coast Guard's inattention to mariner injuries, we believe such an increase is warranted. We cite GCMA Report #R-333, Rev.3, Jun. 21, 2006. Don't Count On Corporate Compassion or Coast Guard Concern ó True Stories of Our Lost, Injured, and Cheated Mariners as examples that merit attention.

COAST GUARD RULEMAKING

GCMA Directors actively participated as members appointed by the Secretaries of Transportation and Homeland Security

in three Federal advisory committees for the past seven (7) years.

GCMA unsuccessfully petitioned the Coast Guard on many issues cited in GCMA Reports (above) and moved many of those issues neglected by the Coast Guard on to Congress. GCMA unsuccessfully requested several Legislative Change Proposals along with petitions.

We regret that each of our petitions or LCP either was rejected, directed to a "Docket" where it languished because Coast Guard officials declined to select it for "action," was misdirected or simply ignored. This explains the large number of requests we are left to make directly to Congress.

Of all our requests, only the following issues described in GCMA Reports remain active. We summarize the status of each issue below.

- GCMA Report #R-275. Rev.3, Aug. 24, 2004. Navigation Bridge Visibility. [**Status:** GCMA Director Captain David C. Whitehurst made a power-point presentation before TSAC. GCMA presented its report to TSAC and updated it with revisions. Although TSAC took no action, it appears that industry has taken the liability issues seriously and has altered a number of towing vessels to provide improved visibility. However, little Coast Guard enforcement interest appears evident. GCMA asserts that pilothouse visibility regulations should be promulgated for towing vessels as they are for other major classes of inspected vessels.]
- GCMA Report #R-276. Rev. 9. June 1, 2005. Towing Vessels Must Be Regulated Like Every Other Inspected Vessel. [**Status:** The Coast Guard is actively working on preparing towing vessel regulations. We expect that our contributions will be actively considered for inclusion in the new regulations.]
- GCMA Report # R-276-A. Nov. 9, 2006. Towing Vessel Inspection. Mariner Suggestions & Initiatives Submitted to the TSAC Towing Vessel Inspection & Licensing Work Groups. [**Status:** The Coast Guard is actively working on preparing towing vessel regulations. We expect that our contributions will be actively considered for inclusion in the new regulations.]
- GCMA Report #R-340, Rev.8. Apr. 22, 2004. Oversize and Overloaded Tows Cause Safety Problems. [**Status:** GCMA Director Captain Larry P. Gwin brought this major report to the attention of TSAC in a personal presentation at Coast Guard Headquarters. The report, updated and revised eight times, has been widely distributed to the media as well as to the Eighth District Commander. Unfortunately, the Coast Guard does not appear to share the concerns of our mariners in delineating reasonable tow size.]
- GCMA Report #R-395, Rev.2. Nov. 22, 2006. Safe Potable Water and Food Service for Commercial Vessels of Less than 1600 Gross Register Tons: An Appeal To Congress. [**Status:** Legislative approval on Sept. 9, 2004. We are still awaiting a Coast Guard Notice of Proposed Rulemaking. This Congressional mandate was not listed in Dec. 11, 2006 issue of the Semi-Annual Regulatory Agenda and we received no reply to our inquiries to the Coast Guard (G-MSE).]
- GCMA Report #R-400. Aug. 12, 2004. Oversize and Overloaded Tows: Towing Vessel Horsepower. [**Status:** GCMA presented this issue to TSAC twice and reached agreement. We realistically expect certifiable vessel brake horsepower to be reported on Certificates of Inspection for towing vessels.]
- GCMA Report #R-415-A. Nov. 27, 2006. Objectionable Employment Practices: Headhunting. [**Status:** Unless the Coast Guard makes meaningful efforts to protect our mariners by enforcing 46 U.S. Code §10505(a)(1)(c) and §10505(b), we will have no choice but to bring this issue before Congress.]
- GCMA Report #R-425. Jan. 20, 2006. Bilge Water Processing Equipment: Comments to the Docket [**Status:** GCMA submitted formal comments to the Docket.]
- GCMA Report #R-429-H. Mar. 5, 2007. GCMA-Requested Local Marine Investigation of BJ Services Company. [**Status:** Complete report moved from MSU Morgan City to the attention of the Eighth District Commander for further investigation and final resolution.]
- GCMA Report #R-433. Sept. 17, 2006. Towing Vessel Fatalities. GCMA Coverage of Two Accidents on TSAC Sept. 2006 Agenda. [**Status:** These two accidents were on the TSAC agenda. GCMA submitted its report to TSAC at its St. Louis meeting in October 2006. However, the issue was never discussed at the meeting.]

COMMENTS ON POSSIBLE COAST GUARD REORGANIZATION

The Gulf Coast Mariners Association has documented the principal issues affecting lower-level mariners since 1999 and has made this documentation available to the public on our internet website.

The Coast Guard continues to carry on a number of "traditional" functions in regard to the merchant marine as it has since

the end of World War II. We understand that the United States is only one of four remaining maritime nations whose Coast Guard still controls the merchant marine. In light of the terrorist attacks of September 11, 2001 we believe that some of these "traditional functions" may divert time, effort, attention, manpower, and resources away from the primary mission of Homeland Security and other operational missions like drug smuggling, immigrant interdiction, search and rescue and "Deepwater."

In February 2007, the Gulf Coast Mariners Association took the unusual step of asking Congress to remove 208,000 merchant marine "transport workers" from under the superintendence of the U.S. Coast Guard and return them to civilian control under U.S. Department of Transportation.

In December 2005, Congress requested the Department of Homeland Security Inspector General to look into the Coast Guard "investigations" function. During 2006, our Association also examined this area including marine casualties, personal injuries, and Suspension and Revocation proceedings under 46 CFR Parts 4 & 5. As a result, we suggest the "investigative" function the Coast Guard currently exercises over the U.S. Merchant Marine (of which our lower-level mariners are in a clear majority) might also improve in quality and its ability to protect the health and safety interests of our mariners if removed from Coast Guard management and control.

Aside from tying down Coast Guard resources in administering the personnel needs of a force of 208,000 civilian mariners (plus thousands of other "forgotten" lower-level mariners) we suggest that **other areas** might also be "re-assigned" to other agencies.

The Coast Guard has done a commendable job handling merchant vessel inspections. However, in light of changed priorities, the time might be ripe to train a significant number of experienced but inactive or retired merchant marine officers (including experienced lower-level licensed or formerly licensed mariners) to continue with the existing inspection program that is mandated to expand into the inspection of over 5,200 towing vessels. In any event, additional inspectors will be necessary as those currently on the job cannot handle the additional workload.

We believe there are some individuals with years of experience working on or around towing vessels that could be trained as Federal inspectors to carry on the inspection program built by the Coast Guard over the years without interruption and gradually move most of the career military officers to other Homeland Security duties. Those Coast Guard officers, warrant officers, and enlisted personnel who have built a career in inspection could be given a Federal career choice that would not penalize them.