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Safe Potable Water & Food Service for Commerical Vessels of less than 1600 Gross Register Tons: AN APPEAL TO CONGRESS

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OUR INITIAL REQUEST FOR CONGRESSIONAL ACTION

The Gulf Coast Mariners Association represents “lower-

level” mariners serving on tugs, towboats, offshore supply vessels and small passenger vessels. We ask Congress to provide both the authority and direction to the Coast Guard (or other Federal agency) to:

#1 Ensure that the potable water systems on ALL VESSELS UNDER 1,600 GRT are properly constructed and regularly tested to ensure clean and sanitary fresh water for drinking, cooking, laundry and bathing purposes.

#2: Require and regulate provision of safe, sanitary and healthy food services aboard any commercial vessel in 24-hour service and on any vessel where food for crew, passengers or other persons is stored, cooked, or served.

THE EXISTING STATUTE

46 U.S. Code §10303(a) states: “A seaman shall be served at least 3 meals a day that total at least 3,100 calories, including adequate water and adequate protein, vitamins and minerals in accordance with the United States Recommended Daily Allowance.”

PROVIDING CLEAN POTABLE WATER

The Gulf Coast Mariners Association has taken steps to present the problem that fresh water for drinking and bathing carried and stored aboard many tugs, towboats, offshore supply vessels, small passenger vessels including ferries and other commercial vessels of similar size is of poor quality and may be unsafe and unsanitary. This report summarizes our presentation to various government agencies and how we have been “stonewalled”.

WHOSE PROBLEM IS IT?

We believe that an employer (e.g., boat owner or operating company) must provide adequate quantities of clean and safe potable water. This is done routinely by many well managed companies but is clearly a problem with many others. Nevertheless, this problem clearly has an “engineering” solution. The difficulty arises in the fact that there is an absence of meaningful Federal regulations, an absence of state control over “private” water systems. No government agency we contacted appears to be willing to step up to the plate to protect the health and safety of our mariners. The problem also exists for other workers who may be aboard a vessel as passengers or “persons in addition to the crew.”

This report shows that our attempts to solve this problem were frustrated by two federal agencies, the Coast Guard and the Department of Health and Human Services that have both shown little regard for our mariners. Consequently, we asked that Congress clarify the issue and direct an appropriate Executive Branch agency to provide regulatory coverage to protect the health and welfare of our mariners by whatever means is necessary.

**WORMS FOUND IN A
TOWING VESSEL'S DRINKING WATER**

Example: M/V DAN MACMILLAN, steel, 10,500 hp linehaul towboat, 27 years old, owned by the American River Transportation Company of Decatur, Illinois, operating on the Lower Mississippi River, Oct. 12, 2001.

“At around 0805 Deckhand Red Gonzales informed me he was washing his hand in the sink in the deck locker when (a) small parasite worm came out on his hand. He went and got a jar for a sample and put the parasite in the jar.

I immediately call(ed) (the) operations (office) for Port Captain Raymond Hopkins who transferred me to Port Engineer Neil Pratt who I informed what he had found. I contacted Helena Marine Service for bottled water as per Neil Pratt.

s/Captain Larry Gwin

“Around 8 a.m. on Friday Oct. 12, 2001, I was informed that there was something in our water supply. It looks like two worms. I then checked our water system and changed two filters. Everything looks good even the old filter. Neil Pratt was informed.”

s/David Perry, Chief Engineer

“He called me back later that morning and said he would have a crew at Wepfer Marine on standby for our arrival and they would inspect and clean the water tanks.

“Upon arrival at Memphis, I pushed the tow...into the lake ...with the help of harbor boats. Tied off, secure. Proceeded light boat to Wepfer dock where I contacted the fleet dispatcher. He said there was a bucket of swimming pool cleaner, and we were supposed to pour it in the water tank and put the crew in the tank to clean it.

“I objected because we did not have the proper gear or personal protective equipment. This made Mr. Pratt very mad. He said (that) this is what you put in your backyard (swimming) pool. I told him I did not care (and) that I was not putting my crew in the confined space anyway.

“Finally they got the Wepfer shipyard manager...to come down and proceeded to clean the tanks with the help of my crew.

Supposedly, (the shipyard manager) took water samples but we never heard the results. Later we went to the shipyard and after the boat was raised on drydock, you could see water spraying out of cracks (and) splits in the hull. If water leaks out, common sense will tell you that it will leak back in (from the river) when the water in the tank reaches a low level.

s/Captain Larry Gwin

**DRINKING WATER ON OLD
OFFSHORE SUPPLY VESSELS**

The M/V STINGRAY is a 25-year old, Coast Guard-inspected steel oilfield “liftboat” owned by Global Marine Industries that carries a crew of three mariners and 16 “persons in addition to the crew.” These “persons” are oilfield workers who perform work from the liftboat while it

is jacked up out of the water at an offshore job site. They live on the “liftboat” while they work on nearby oilfield installations. “Live” includes working, eating, sleeping, bathing, washing clothes and watching TV when there is a signal available.

One of our mariners commented on the situation as follows (edited):

“During the month of June 2003, I was transferred to the liftboat STINGRAY ... I have dealt with some bad experiences about this vessel as well.

“In January 2004 we were working on a job for Apache at Eugene Island (block) 188P. We arrived on location on a Friday...without a cook on board. The cook did not arrive until Saturday afternoon in time to prepare the 5:00 PM meal...several other Captains on (company redacted) boats had run this cook off their boats for being filthy as well as for being caught cooking with so-called potable water that the boats carry in their rusty and contaminated steel tanks. This water is dirty, nasty stuff that is often pumped to us from offshore supply boats!

One of the construction crewmembers came to me and said...I believe that cook is using sink water to cook with. So I began to watch the cook closely and caught him cooking some grits with the “sink” water. Members of the 12-man construction crew and I began to have a serious diarrhea problem and severe stomach aches and cramps. So I went in and confronted the cook about the situation...

Same Company – Different Liftboat

During my stay on the Liftboat POMPANO (June 2001 to June 2003) there were times when we would run out of bottled water that our employer allowed us to order on the weekly grocery list. I recall one time when our Captain called our General Manager and told him we only had 4 cases of bottled water left on the boat. At this time we were offshore on an (oilfield) diving job with a full diving crew.

The Captain told us the General Manager said we would have to use the potable water in the boat’s tanks for drinking and the cook would have to use it to cook with as well.

I approached the Diving Superintendent and explained the situation to him. He became very upset and telephoned his immediate superior who, in turn called our General Manager. The General Manager called the Diving Superintendent with an apology and sent the bottled water out on the next crewboat.

The Diving Superintendent uncovered the fact that our Captain had ordered the bottled water on his grocery list from the beginning but that the General Manager had arbitrarily cancelled the water from the grocery list.

- Mark A. Blackman, Feb. 5, 2004

**OUR INITIAL REQUEST FOR
COAST GUARD RULEMAKING**

On December 27, 2002 the Gulf Coast Mariners Association petitioned the Executive Secretary of the Marine Safety Council at USCG Headquarters for regulations to ensure safe potable water on inspected and uninspected vessels of less than 1,600 gross register tons. Our petition was assigned Docket Management System Docket #USCG-2003-14325 and can be found on the

internet at <http://dms.dot.gov> using this number. Our request stated our case as follows:

The Gulf Coast Mariners Association represents hundreds of mariners that serve on inspected and uninspected commercial vessels of less than 1,600 gross register tons in the Gulf of Mexico and on the rivers and inland waters of the Eighth Coast Guard District.

Many of our mariners express concern about the poor quality of the drinking water found on the vessels they work on. We believe that this request could affect as many as 50,000 licensed, unlicensed, documented, and undocumented mariners working on these American-flag vessels of limited tonnage.

While some employers provide bottled water for drinking purposes, others do not because of the cost and inconvenience. It is on vessels owned or operated by the latter group where we have the most concerns and receive the most complaints. Especially noteworthy are complaints from mariners serving on uninspected towing vessels.

Our mariners tell us that few if any employers regularly test the potable water in the tanks on their vessels for waterborne diseases to certify that it is safe for human consumption. Since many of our mariners do not belong to a union and cannot engage in collective bargaining, they have no protection other than that gained through appropriate regulations and regulatory enforcement.

In reviewing Coast Guard regulations governing all classes of vessels that our mariners serve on, there appear to be no Coast Guard regulations that govern the materials of construction, installation and maintenance of a vessel's potable water system. Nor do there appear to be any Coast Guard regulations that would require periodic testing of vessel systems for waterborne contamination and diseases. A review of Coast Guard Navigation and Vessel Inspection Circulars shows there is no active guidance published on this matter whatsoever. Nor is there any mention of potable water systems in Marine Safety Manual, Volume II, Materiel Inspection. Nor is there any mention in any Coast Guard vessel inspection regulations (including regulations governing uninspected towing vessels) that would even direct readers to regulations enforced by any other government agency – such as those of the Department of Health and Human Services (DHHS). **There is a complete void.**

46 U.S. Code §2103 states that “The Secretary has general superintendence over the merchant marine of the United States...inssofar as those vessels and personnel are not subject, under other law, to the supervision of another official of the United States Government. In the interests of marine safety and seamen's welfare, the Secretary shall enforce this subtitle...the Secretary may prescribe regulations to carry out the provisions of this subtitle.”

The Gulf Coast Mariners Association is actively concerned with the matter of seamen's welfare. Since humans cannot live without water, we are concerned that our potable water be clean, pure, and free of disease causing organisms.

The health problem: Workboats such as tugs, towboats, ferries, and offshore supply vessels take on water from a number of different sources including hoses on docks, water barges, and from other vessels etc. Many of the tanks used to store potable water are steel tanks with or

without appropriate coatings that are of undetermined age and may be in poor condition.

Rust is often a serious and visible problem as are deteriorating coatings and the lack of basic filtration of solids. Rust also causes the tops and sides of potable water tanks to deteriorate and allow contaminants to enter the damaged tanks. Water treatment almost exclusively consists of pouring undetermined and unregulated quantities of Clorox bleach into the storage tanks at undetermined periods.

Almost all of the 5,200 towing vessels currently are “uninspected” vessels and are not subject to even the most rudimentary Coast Guard examination either at time of construction or on any regular basis thereafter. Some potable water tanks may be constructed on a common bulkhead with fuel or ballast tanks or with an adjacent polluted bilge. Few hose spigots are equipped with vacuum breakers that could prevent contaminated water from flowing back to potable water tanks. Some vessels do not have dedicated water hoses that are used for no other purpose than to handle drinking water. Tanks and associated plumbing often leak while homemade repairs may compromise the integrity of the system.

<p style="text-align: center;">MARINER FIGHTS BACK AND WINS CONTAMINATED POTABLE WATER LAWSUIT</p>

[Source: Jeff Bloomfield, Esq. and Brian S. Katz, Esq. Bloomfield & Katz, 2226 Broadway, Suite 1, P.O. Box 2903, Paducah, KY 42002-2903. Richard L. Taylor v. Teco Barge Line. United States District Court, Western District of Kentucky, Paducah, KY, 5:04cv33-R. As reported in GCMA Newsletter #42, Aug./Sep. 2006.]

Taylor was a second mate for Teco Barge Line, Inc. working on the board its vessel, the M/V ANN PETERS.

Beginning in November 2000 and continuing through early May 2003, Taylor was repeatedly exposed to Bitumastic 300 M, a hazardous coal tar based product that was used to line the potable water tanks of the vessel. As a result of these exposures, Taylor developed chronic contact dermatitis, and he now suffers from chronic rashes on his body which will continue for 30 to 40 years. He has to undergo regular phototherapy to help alleviate the condition. He also has suffered an increased risk of cancer as a result of this exposure.

Taylor sued the company, alleging negligence under the Jones Act in that it knew or should have known of the presence of Bitumastic 300M on its vessel, and also that it should have known of the dangers of the product. He also alleged that the company failed to provide a safe place in which to work, and that it failed to provide adequate confined space entry equipment or procedures. He also alleged that the presence of the product rendered the vessel unseaworthy.

The company denied that the plaintiff was exposed to the extent that he claimed, or that his injuries were caused by his exposure. It claimed that any damages that he suffered were a result of hypersensitivity. It also claimed that Taylor was negligent.

A jury awarded the plaintiff \$1,000,000.00. There had been no settlement offers from the company.

[GCMA Comment: GCMA petitioned the Coast Guard on the matter of ensuring clean water for drinking and bathing. When the Coast Guard dropped the ball, GCMA went to Congress. Section 416 of the Coast Guard and Maritime Transportation Act of 2004 ensured that each inspected vessel has an adequate supply of potable water for drinking and washing by passengers and crew. View the docket at <http://dms.dot.gov> and “search” for 20052 for full information. GCMA will add this article to the docket.]

[GCMA Comment: Mariners who experience contaminated water on their vessels should fill out the report form displayed on the GCMA website and forward the report to our office.]

The Coast Guard Clearly Understands The Health Problems

In October 1999, the Commandant promulgated COMDTINST M6240.5 titled “Water Supply and Wastewater Disposal Manual” to “provide standards and public health information for Coast Guard personnel responsible for producing, storing, monitoring, and using potable water and wastewater systems at afloat and ashore units” and states that “this Manual applies to all active and reserve afloat and ashore commands.” The Table of Contents reveals the extent of the Agency’s knowledge of the subject. This book is also evidence that the Coast Guard has an active concern for its own regular and reserve personnel.

[GCMA Comment: As working mariners, we are at a loss to understand why the Coast Guard does not show equal concern for the mariners it superintends and for other taxpaying members of the public that ride on the same vessels.]

We note recent declarations that ferries transport over 20,000,000 passengers each year. We have no figures on crews transported by boat to inland and offshore oil rigs and platforms.

In addition, there are several publications by the International Organization on Standardization (ISO) that may be pertinent. They are:

- ISO 14726-2:2002 Ships and Marine Technology- Potable Water Supply on Ships and Marine Structures; Part 1- Planning and Design.
- ISO 15748-2:2002 Ships and Marine Technology – Potable Water Supply on Ships and Marine Structures; Part 2-Method of Calculation.

Regulations of Other Agencies

The Department of Health and Human Services, Food and Drug Administration, has regulations in 21 FR Parts 1240 and 1250 dealing with the source and use of potable water and sanitation facilities on vessels. Although we are familiar with DHHS inspectors visiting new vessels under construction in shipyards as a part of the vessel inspection process, we sought additional information on how many vessel re-inspections by trained HHS public health personnel have been made. We are not familiar with whether visits to new or existing uninspected towing vessels are required since these vessels never have been part of the

Coast Guard’s inspection process. Consequently, we have reason to believe that there are many vessels our mariners serve on that have never had their potable water systems inspected or the quality of the water tested.

We note in reviewing Marine Safety Manual, Volume X, Interagency Agreements and Acronyms, COMDTINST M16000.15, that there are no interagency agreements between the Coast Guard and the Food and Drug Administration regarding the inspection and maintenance of potable water systems on vessels served by our mariners. We also note that, while DHHS has a high profile on the cruise ship industry, few of our mariners witness regular sanitation inspections and even fewer have had any government oversight on their potable water systems.

We respectfully requested that the Coast Guard work with DHHS to craft an appropriate agreement between the two agencies to ensure that the potable water systems on all vessels served by our mariners were satisfactorily protected. Thereafter, we requested that the Coast Guard (or DHHS) introduce an appropriate set of regulations to protect our mariners from waterborne diseases comparable to existing COMDTINST M6240.5 promulgated by the Commandant for Coast Guard personnel. We specifically requested that this include periodic mandatory testing of potable water in vessel storage tanks. We note that the Environmental Protection Administration recommends that using laboratories certified by individual states to perform tests on drinking water taken from the potable water systems of our vessels.

THE COAST GUARD DENIED OUR REQUEST AND PASSED THE BUCK TO DHHS

The Coast Guard formally responded to our request for rulemaking by a denial dated March 17, 2003 that provided the following pertinent information:

This letter responds to your December 27, 2002 petition for rulemaking to ensure safe potable water on inspected and uninspected vessels of less than 1,600 gross registered tons. The Coast Guard is denying this Gulf Coast Mariners Association’s petition for rulemaking.

As authority for such a rulemaking, your petition cites 46 U.S. Code. §2103, indicating “The Secretary has general superintendence over the merchant marine of the United States...in so far as those vessels and personnel are not subject, under other law, to the supervision of another official of the United States Government.” In this case the U.S. Department of Health and Human Services (HHS) already maintains regulations for safe potable water for land and air conveyances and vessels.

In 21 CFR §1250.20, HHS establishes the applicability of their regulations over all conveyances, including vessels, engaged in interstate traffic. 21 CFR §1250.21 provides that the Commissioner of Food and Drugs may inspect such conveyance to determine compliance with regulatory requirements. 21 CFR §1250 Subpart E provides specific requirements for vessels, including the inspection of vessels, and the stowage and treatment of potable water.

Coast Guard plan approval includes a review of the configuration of potable water systems. The Coast Guard Marine Safety Center examines potable water systems for

compliance to 21 CFR Part 1250 and applicable 46 CFR regulations.

[GCMA Comment: While this may be true for inspected vessels, many of the nation’s 5,200 uninspected towing vessels served exclusively by “lower-level” mariners have been built over the years without going through any USCG “plan approval” process.]

Although the Coast Guard is not the approving authority, the Marine Safety Center advises submitters of noted problems and requires submitters to obtain approval from either the local FDA or Public Health Service office responsible for potable water systems on vessels and provide documentation of approval to the OCMI. The improper configurations you point out regarding potable tanks sharing common bulkheads with unsuitable tanks should be brought to the attention of the HHS for their action.

In order to help address your concerns, we contacted the U.S. Food and Drug Administration's (FDA) Office of Compliance in the Center for Food Safety and Applied Nutrition regarding potable water system on vessels. They have advised us that you may contact Mr. Dean C. Davidson of that office with issues relating to vessels. The FDA definition of vessels in 21 CFR §1250.3(m) appears to be sufficiently broad to cover all the vessels identified in your letter. That definition is: Any passenger-carrying, cargo, or towing vessel exclusive of (1) Fishing boats including those used for shell-fishing; (2) Tugs which operate only locally in specific harbors and adjacent waters; (3) Barges without means of self-propulsion; (4) Construction-equipment boats and dredges; and (5) Sand and gravel dredging and handling boats.

Mr. Davidson advises that you may contact him at the address below to coordinate responses to any complaints regarding vessels, as defined above.

U.S. Food and Drug Administration
Center for Food Safety and Applied Nutrition
Office-of Compliance-
Division of Field Programs HFS-615
Interstate Travel Program
5100 Paint Branch Parkway
College Park, MD 20740
dean.davidson@cfsan.fda.gov
(301) 436-1413

DHHS BUREAUCRATS REALLY DROPPED THE BALL

GCMA spoke with Mr. Dean Davidson at DHHS who replied with the attached letter. We asked Mr. Davidson to cite specific regulations that covered the large number of “lower-level” mariners that we speak for but he was unable to provide that specific information for us.

“This replies to your letter of March 25, 2003 informing the Food and Drug Administration (FDA) of your association's concerns about potable water provided to licensed and unlicensed lowerlevel mariners that crew United States Coast Guard (USCG) inspected and

uninspected vessels of less than 1,600 gross register tons... You also asked FDA to provide answers to a number of questions in the referenced letter.

As a matter of background, in 1968 and 1969, during the reorganization within what is now the Department of Health and Human Services, FDA was delegated the program responsibility for the sanitation aboard conveyances in interstate traffic. This responsibility focuses on preventing the introduction, transmission, or spread of communicable diseases from one State to another. FDA derives additional authority relevant to food and water on board conveyances in interstate commerce from the Food, Drug and Cosmetic Act.

“The Department reorganization also delegated to the Centers for Disease Control and Prevention (CDC) responsibility for foreign quarantine matters which includes preventing the introduction of communicable diseases from foreign countries via conveyances in interstate traffic. Both FDA's and CDC's authority in these program areas is derived from §361 of the Public Health Service Act, which authorizes promulgation of regulations to prevent the spread of communicable diseases in interstate and foreign commerce.

“We appreciate your concern for the safety of the water supply for mariners and we will consult with other relevant offices in the Food and Drug Administration, the Environmental Protection Agency, and Centers for Disease Control and Prevention and respond to your specific questions as soon as possible.”

[GCMA Comment: So much for our introduction to “Bureaucracy 101.” No further response was ever received. Subsequent correspondence with DHHS was unanswered.]

WATER TESTING AND ANALYSIS

GCMA also contacted the Louisiana Department of Health and Hospitals on several occasions and in particular with Ms. Karen Irion, the administrator for the state’s safe drinking water program.

The scientific testing of public potable water supplies is a highly technical matter. The problem that affects our mariners most likely occurs as or after the water leaves the public water system and is taken aboard “**private**” vessels and is no longer a part of the public water supply under state control. Essentially, the water is now out of the public realm and “**belongs**” to the boat owner – complete with any problems it may have.

The Louisiana Department of Health and Hospitals provided us with a list of EPA-approved laboratories that can perform microbiological and chemical analysis of drinking water. GCMA contacted ENTEK Environmental Laboratories in Baton Rouge, LA, and established a commercial relationship to arrange for testing potable water specimens provided by our mariners.

These samples need to be collected in a scientific manner and brought without delay and often under controlled temperature conditions to the lab for analysis. This is often very difficult for our mariners to accomplish on their own, especially without the cooperation of their employer

A typical "chemical analysis" costs approximately \$170 and the "microbiological analysis," if requested, could run over \$1,000. These estimates are more than individual mariners can afford to check upon the safety of the water that they are expected to drink, cook with, or use for bathing purposes.

AN ENGINEERED SOLUTION

[Source: *Purification System Clears Onboard Water*, by: Katie Antalick, *The Waterways Journal*, Feb. 23, 2004, p. 7]

Contaminated drinking water on towboats may be a thing of the past. Bill Meek and Pam Mitchell co-owners of Controlled Water Systems said their three-step water purification process leaves unsafe, smelly, and bad tasting water behind. Meek and Mitchell had worked on purifying water in hospitals or large buildings for several years, but decided to give towboats a try with the suggestion of Mitchell's father, Jimmie Brown, a retired captain from Southern Towing.

"My dad just retired from the riverboats after 46 years and he asked what we could do to clean up the water," she said. With onboard water tanks typically contaminated with sediment, dirt, trash, or bacteria, Meek said. There was a problem with the 8,000 to 10,000-gallon potable water tanks not staying clean from cracks or leaks in a hull wall or other means, such as chlorine becoming inactive after 48 hours.

"A lot of these old boats will have galvanized lines or steel piping, and trash, dirt, dust and rust gets into the tanks, making water have an objectionable taste and smell," said Meek.

In order to counteract the contamination, Controlled Water Systems installs a three-step system that includes sediment removal, purification of water by UV light and polishing by removing any bad taste or odor. Meek said the system is very similar to systems that are used on cruise ships.

Both the sediment removal and polishing processes use filters, but the UV purification process uses an electro polished stainless steel reaction chamber.

"That lamp has an output of 240 nanometers," Meek said. "The National Sanitation Foundation (NSF) said that it kills 99.99 percent of bacteria including cryptosporidium and giardia."

The system also has a monitor to alert boat personnel if anything needs cleaning or if a lamp needs replacement. The only electricity required to run the system is 120 volts at 0.5 amps.

A differing system can also be installed for bathrooms. With the use of washable and reusable sediment cartridge, Meek said problems with silt and sediment build up will disappear. Another system prevents hard water buildup in ice machines.

So far, Meek said the 25 owners of the boats in which his company has installed the systems have been pleased.

"They said the water has been crystal clean, tastes great. Coffee and tea tastes much better with this and their laundry isn't stained," said Meek. "I had a guy tell me that he wouldn't take anything for this and he was the chief engineer. He could get a glass of water right out of the tap."

The cost of the water purification system is about **\$4,500** for an average size boat.

Since many companies are purchasing bottled water or cartridges for current systems that require more replacement, Meek said the cost of the system is relative.

Some companies who have elected to use the systems include Magnolia Marine Transport in Jackson, Miss. and Southern Towing in Memphis Tenn.

For more information, call (731) 645-3222.

[GCMA Comment: Water purification equipment of all types is readily available. What is needed is a clear set of Coast Guard regulations that will require the installation and professional maintenance of necessary equipment on commercial vessels. We need these regulations sooner rather than later!]

FOOD SERVICE ABOARD COMMERCIAL VESSELS SERVED BY OUR MARINERS

One of the loudest and most consistent complaints our mariners voice is when the company they work for decides to remove the cook (i.e., "steward") from their boat in an effort to cut expenses. We can summarize the results of removing the cook from a vessel in 24-hour service as follows:

- Ship's officers often must take up the slack and cook the meals or assign this duty to crewmembers in addition to their other duty assignments.
- Snacks and snacking often replaces regular meals prepared at set hours. This disrupts the routines established by officers on a well ordered vessel and often replaces "sit-down" hot meals where the crew can get together, discuss important work issues, and socialize.
- Everyone has his/her hands in the refrigerator, freezer, and dry stores area. This is in contrast to the food and condiments inventory controls set in place when a cook is in charge of ordering groceries and preparing meals.
- Ships officers must prepare grocery orders on top of their other work. The selection of groceries often concentrates on snacks and prepared foods that take the place of well-balanced hot meals.
- Without one person in charge of sanitation in the galley, cleanliness often becomes a secondary consideration.
- Management seldom shows concern for training deckhands, "deckineers" and unlicensed engineers in sanitary food preparation since these are often short-term employees. Often a cook/deckhand replaces the cook.
- Morale on the vessel plummets.

While this may be true, there is no law or regulation that requires a cook be assigned to any vessel. For example, on Coast Guard-inspected vessels, examine the vessel's Certificate of Inspection and you will see no mention of a cook. On "uninspected" towing vessels, there isn't even a Certificate of Inspection to examine!

Well-run companies understand that a good cook can go a long way to keeping the crew contented and working together under very difficult conditions. A trained cook can provide meal planning services, order and check the quality of the groceries, and can lay out snacks for the crew on duty

during the long night watches and periods of rigorous physical activity. When any given company realizes that a good cook improves the retention rate of its employees, and when this becomes more important to them than the cost of "an extra person" then cooks will return to the larger workboats.

For mariners who belong to a strong, well-established union, placing cooks back on workboats may well become an important negotiating issue. Unfortunately, management has vigorously campaigned against allowing our lower-level mariners to seek meaningful union representation in both the towing industry and the offshore oil industry.

The Coast Guard's "Crew Endurance Management System" (CEMS) program, first used on Coast Guard cutters has a very large component that depends on maintaining an adequate diet. Having one person on board that can follow through on this program should be of increasing importance if the marine industry intends to take advantage of any benefits of this program may offer.

SANITARY CONSIDERATIONS

[Source: "Tummy Trouble" by Kelly Sweeney, *Pacific Maritime Magazine*, March 2004, p.4.]

Four years ago I took a Chief Mate's job on an oceanographic ship here on the West Coast. One day, after a chicken lunch, I became sick, and it was apparent to me that the food had something to do with it. After a night of extreme discomfort, I was talking with one of the able-seamen. He told me, "I don't know what was wrong with the food yesterday, but I got really sick last night." Later, another AB told me the same thing. The three of us each spent a couple of days running to the head every half hour or so, and I had to postpone some planned maintenance as a result. Ultimately, six crewmembers and scientists were ill after that lunch meal.

The Captain and I decided to confront the Steward. He laughed and said, "What's the problem? Maybe it's good for you, it'll clean your pipes out!" I was incredulous that he responded that way. Afterward, because I was the Medical Officer onboard, I decided to check things in the galley more closely. What I found was that the Steward kept leftovers in the refrigerator for up to two weeks, served canned juice that was expired, and put out potato chips that were long past their freshness date and had gone rancid. As the work tour continued, I noticed fewer and fewer people eating meals. Some of the scientists seemed to be existing on fruit and instant cups of noodles. The dry stores were kept in a room near the ship's laundry, which was normally unlocked. Interestingly, canned goods began disappearing off the shelves – until the day when the Steward announced that he would be keeping the door locked. The morale on the ship seemed to be declining daily, and the Steward acted like he really couldn't care less whether tasty, healthy food was served. A lot of us were wishing we could just go out to a decent restaurant ashore!

Last summer I decided to take a short relief job on that same ship - after I first verified a different Steward would be making the trip! As the Chief Mate I was again the Medical Person in Charge, and one day while looking through the Medical Log I was amazed to find that a few

months earlier yet another bout of food poisoning had hit the ship. A number of people onboard including engineers, mates, and sailors were all logged as having been afflicted. The First Engineer, a friend of mine, was one of them and I asked him about it. He told me, "For two days I was so sick that I really felt I wouldn't make it to my next watch."

The Steward on that ship was responsible for feeding nearly sixty people three times a day - an operation similar to a restaurant ashore. The big difference between a ship's steward and a cook ashore is a cook ashore actually has to receive training in food safety and what causes food-borne illness. In fact, public health authorities require that a food handler's card, involving classroom work and testing, be obtained before someone can even wash dishes in a restaurant – much less cook the food. Unbelievably, a person with no specialized training in galley sanitation or proper food-handling can be Coast Guard certified to work on a ship as a dishwasher, cook, or steward. The only specific requirement to be a Coast Guard certified food-handler is a physical attesting that the person is free of communicable diseases. (46 CFR §12.25-20).

[GCMA Comment: This is another area in which the Coast Guard clearly has failed the U.S. Merchant Marine. It is inexcusable.]

There are, however, cooks and stewards at sea who have training far beyond the basic requirements. For example, the **Seafarers International Union** requires that a 20-hour shipboard sanitation class and a 20-hour galley familiarization class be completed before a man or woman can even apprentice in the galley on a SIU-contracted ship. To actually become a Chief Steward, 33 weeks of classes and more than two years working in the galley are required. Over the years I have sailed on 11 ships whose steward's department was manned by the SIU, and have been impressed with the cleanliness and attention to proper food handling. I've personally never seen nor heard of a case of food poisoning on those vessels.

There are also quality companies that take their responsibility to serve clean, healthful food seriously. After my bad experience on the oceanographic ship four years ago, I was skeptical about accepting a relief Chief Mate's job with an East coast based outfit that operates oceanographic ships. Nevertheless, I took the job, and was pleasantly surprised that the galley crew was one of the best I've ever sailed with. I had to go on a diet after that work tour! Later, I found out why the galley operation ran so well. The company sought out applicants who had a degree from an accredited culinary school, and at least three years of experience as a steward or cook on other vessels. Considering the specialized training regulations to which many in the industry must now adhere in the era of STCW, I think that the requirement to become a Coast Guard certified food handler should be re-examined and updated. It's time to mandate that all those working in the galley demonstrate competence in the safe handling of food. I believe that, as a minimum, in addition to the current physical requirement, a course similar to a food handler's certification ashore should be mandatory to obtain a food handler's endorsement on a merchant mariner's document. 46 U.S. Code., Part G, Chapter 109, Section 10902 states that if the food onboard is

determined to be "unfit for use," then the ship can be declared unseaworthy. For years that law has focused on the quality of the food itself. If the improper handling and preparation of the food causes people onboard to become sick, shouldn't it be considered "unfit for use? [*Kelly can be reached at kelly@pacmar.com*]

[GCMA Comment: We endorse the views of Captain Kelly Sweeney as stated in this article. We believe that any vessel in 24-hour service have a trained cook with formal training in shipboard sanitation and food-borne illnesses.]

CONGRESS TAKES SWIFT ACTION

In September 2004, Congress passed and the President signed the Coast Guard and Maritime Transportation Act of 2004. The Act included Section 416, "Potable Water," and amended 46 U.S. Code §3305(a) in part to read as follows: "The inspection process shall ensure that a vessel subject to inspection...has an adequate supply of potable water for drinking and washing by passengers and crew." Section 415 of the same Act placed towing vessels on the list of "inspected" vessels.

Further: "In determining the adequacy of the supply of potable water...the Secretary shall consider ..(A) the size and type of vessel; (B) the number of passengers or crew on board; (C) the duration and routing of voyages; and (D) guidelines for potable water recommended by the Centers for Disease Control and Prevention and the Public Health Service."

Section 416 puts the ball back in the Coast Guard's hands where it belongs.

MOVING FROM LAW TO REGULATION

Lower-level mariners rarely are in a position to observe a law designed to protect their health and welfare and improve conditions in their workplace move from the Legislative Branch (i.e., Congress) to the Executive Branch (i.e., through the Department of Homeland Security to the Coast Guard). We will not tell you how it is done. We will observe the process as it unfolds and ask the necessary questions to see that the Coast Guard takes meaningful action. We will watch "our government in action."

On October 13, 2004 GCMA wrote the following letter:

ATTN: CDR John F. Koeppen (G-LRA/3406)
Acting Secretary, Marine Safety and Security Council
U.S. Coast Guard Headquarters
2100 Second Street, SW
Washington, DC 20593-0001

Subject: Potable Water for Lower-Level Mariners
References: USCG-2003-14325; Project File GCM-44; R-354, Rev.1.

Dear Commander Koeppen,

On May 19, 2004, for reasons stated therein, our

Association appealed directly to Congress for legislative relief in GCMA Report #R-395 [**Enclosure #1**] in order to provide safe drinking and washing water for all "lower-level" mariners serving on a wide variety of vessels under 1,600 gross register tons.

Earlier, we petitioned the Coast Guard for rulemaking and Docket #USCG-2003-14325 was opened for that purpose although we were later directed to the Department of Health and Human Services that "dropped the ball." [**Enclosure #2**].

In response to our initiative, Congress passed and the President signed the Coast Guard and Maritime Transportation Act of 2004 that includes Section 416 "Potable Water." [**Enclosure #3**]. The House/Senate Conference "...adopt(ed) a provision that requires vessels subject to inspection by the Coast Guard to have an adequate supply of potable water for drinking and washing." GCMA Report #395 contains clear examples of conditions our mariners consider inadequate.

We note that Section 415 of the same legislation brings the fleet of approximately 5,200 towing vessels under inspection. Consequently, any new clean drinking water regulations should apply to the towing vessels, small passenger vessels, and offshore supply vessels that our mariners serve on.

We understand that there is a substantial time gap between legislation and the promulgation of regulations based on that legislation. Nevertheless, the issue of providing clean, safe, and palatable drinking water has long been a football tossed between two federal agencies. Our mariners were the primary victims of this long-standing regulatory neglect. We want to be assured that the promised relief is "on the way" through normal regulatory channels.

We are convinced that the Coast Guard, like all branches of the military service, is knowledgeable in matters of potable water supply, treatment, and testing. Commandant Instruction M6240.4, Water Supply and Wastewater Disposal Manual, proves that to our satisfaction.

Our concerns, therefore, involve the regulatory process. While attending the TSAC meeting at Headquarters on September 28th and 29th (2004¹), we learned of the Coast Guard's preliminary plans to approach the towing-vessel inspection issue. We believe that GCMA Report #R-395 has a place in that rulemaking process and ask you to see that it is considered in that context. However, we believe the issue also stands alone because it affects every other class of inspected vessels.

Our Association lacks the expertise to speak for mariners who serve on vessels over 1,600 gross register tons except for OSVs. However, [**Enclosure #4**] extracted from the International Organization of Masters, Mates and Pilots weekly electronic newsletter of July 26, 2004 indicates that contaminated water has also been a problem on large vessels as well and may signal the need for a broad rather than a narrow class-specific approach to this problem to protect all merchant mariners. The contact # appears in the closing paragraphs of Enclosure #4.

We would like you to inform us by letter how the Coast Guard plans to approach this problem, whether the Docket previously assigned will be activated (i.e., listed in the

Semiannual Regulatory Agenda), and the name of the Project Officer when he/she is appointed. We request this information so that we may inform our mariners of progress on this issue in our Newsletter. Very truly yours, s/Richard A. Block, Secretary, Gulf Coast Mariners Association

THE COAST GUARD DROPS THE BALL AGAIN

No news is not good news – it is NO NEWS! On Aug. 23, 2006 GCMA asked the Coast Guard for the progress on this project. Three months later, we received no answer to our letter. We must assume in the absence of news to the contrary that the Coast Guard has done nothing. Frankly, GCMA is tired of being jerked around by petty bureaucrats that are too lazy to answer letters from concerned members of the public. If Coast Guard employees cannot do any better than this, **they should be FIRED!**

August 23, 2006

ATTN: Mr. Craig Burch
U.S. Coast Guard Headquarters
Office of Design and Engineering Standards
2100 Second Street
Washington, DC 20593-0001

Dear Mr. Burch,

This letter is to inquire about the progress of the Project “Potable Water on Inspected Vessels,” Coast Guard Docket #2005-20052. We have a particular interest in this matter as it impacts the protection of the health of our mariners. We examined the latest version of the Semiannual Regulatory Agenda (April 24, 2006) and saw no mention of this regulatory project in there.

We are enclosing an article that will appear in our Association’s next Newsletter that deals directly with the subject and suggest that cleaning up the sources of potable water on vessels where our lower-level mariners work is a serious matter deserving immediate attention. We believe Congress also considers it important, especially in light of the towing vessel inspection rulemaking currently underway. Over 5,200 towing vessels are now inspected vessels and will come in under the rulemaking you are working on.

Very truly yours,
Richard A. Block
Master #1014425, Issue #8
Secretary, Gulf Coast Mariners Association

Cc: Messrs Dave Dolloff and Scott Kuhanek, G-PSO
[For consideration as part of the Towing Vessel Inspection Rulemaking Project currently in progress at Coast Guard Headquarters.]