



NMA REPORT #R-428-J

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Secretary, NMA

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Asserting our right "...to petition the Government for redress of grievances."

Amendment 1, U.S. Constitution, Dec. 15, 1791

## LACK OF TRANSPARENCY: CLOSING THE COAST GUARD EXAM QUESTION DATABASE TO THE PUBLIC

### Formal Appeal

**TO: RADM Kevin Cook**

Chief, U.S. Coast Guard Mariner Credentialing Policy Division (CG-5434)

U.S. Coast Guard Headquarters

2100 Second Street, SW

Washington, DC 20593

Dear Admiral Cook,

Our Association represents the interests and concerns of limited-tonnage, lower-level mariners who serve on tugs, towboats, small passenger vessels, offshore supply vessels and other commercial small craft of less than 1600 gross register tons. This letter deals with one of these concerns.

Our Association respectfully appeals the decision announced by Captain D.C. Stalfort on July 6, 2010 that closed access to the Coast Guard Examination Question and Answer database to the public with inadequate reasons for doing so. That decision is reproduced below as "Changes to Mariner Examination Questions Posting."

We hereby request that the Coast Guard fully restore its examination question and answer database to the Internet. We further request that all new questions and answers be made available to the public for comment before being integrated into that database and before use on any examination.

We further request that, in order to allow for suitable academic research by maritime educators and thorough exam preparation by mariners, that henceforth the source of each examination question be made available to the public and that source documents from which examination questions are derived be suitably incorporated by Reference in the Code of Federal Regulations and that a copy of each reference be maintained at the National Maritime Center and/or at Coast Guard Headquarters.

### Changes to Mariner Examination Questions Posting

The United States Coast Guard National Maritime Center (NMC) recently found a non-conformity during a routine internal audit of one of its core programs. In order to maximize marine transportation safety and ensure conformity with the Merchant Mariner Credentialing Program's Mission Management System, the Coast Guard will no longer post actual mariner examination questions on the NMC website. Effective July 12, 2010, the full set of deck and engineering questions and answers will be removed from the NMC Website. They will be replaced with sample deck and engineering questions and answers for review by mariners.

The Coast Guard is removing the deck and engine exam questions from the website of the National Maritime Center to protect the integrity of the exam and the Coast Guard's regulation of licensed mariners. The Coast Guard sets standards to ensure that credentialed mariners are adequately skilled and knowledgeable to protect the public. The examination of mariners is an integral part of the evaluation process in determining whether a prospective mariner should receive a credential. Removing the deck and engine exam questions will facilitate an examination of prospective mariners' seamanship and maritime knowledge rather than their knowledge of the questions and answers posted on the website.

Recognizing that many customers use the examination questions to prepare for required mariner examinations, the NMC will post similar sample questions that are published in Coast Guard publications and periodicals. Sample deck and engine exam questions can be found on NMC's web site at:

[http://uscg.mil/nmc/training/2010q3\\_sample\\_deck\\_questions.pdf](http://uscg.mil/nmc/training/2010q3_sample_deck_questions.pdf) (deck)

[http://uscg.mil/nmc/training/2010q3\\_sample\\_engineering\\_questions.pdf](http://uscg.mil/nmc/training/2010q3_sample_engineering_questions.pdf) (engine).

Modifications to the Mariner Examination Deck and Engine Guide will also be forthcoming to reflect these important changes.

Sincerely,  
D. C. STALFORT  
Captain, U.S. Coast Guard

### **National Mariners Association Response to Captain Stalfort**

*[Note: We await a response to our letter dated July 8, 2010.]*

On July 18, 1988 as a result of a Freedom of Information Act Request and formal Appeal<sup>(1)</sup> to a decision by the Office of Marine Safety, Security, and Environmental Protection, the Coast Guard Chief of Staff released all questions and answers from the question bank for all merchant marine deck and engine licensing exams. *[<sup>(1)</sup>Refer to FOIA Appeal #88-10.]*

I (Richard A. Block) began the FOIA process in letters to the Secretary of Transportation Elizabeth Dole in 1983. The appeals process on my request dragged on until 1988.

Although done under my corporate letterhead (i.e., Marine Education Textbooks), a number of maritime educators subsequently formed the non-profit National Association of Maritime Educators (NAME) that, inter alia, arranged for the distribution of the released questions to all concerned.<sup>(1)</sup> This release of data pre-dated the publication of the Coast Guard's Yellow Books and the questions' later posting on the internet. *[<sup>(1)</sup>NAME Newsletters #3 & 5]*

During this same time period (1983-1999), NAME pointed out approximately 1,500 questions that contained various errors. However, we were not alone in assisting the Coast Guard to improve its Q&A data bank. In fact, the existing data bank benefited from significant public input over the years. In fact, we believe this question bank truly has become public property and, as such, is far superior to the questions that preceded it and that were kept shrouded in secrecy to the distinct disadvantage of our mariners. Consequently, we hereby request continued access to the question and answer database for all mariners.

Speaking for myself as well as on behalf of all merchant mariners who sit for Coast Guard examinations, instructors that prepare these mariners, and the general public, I believe that at the very least we deserve the transparency of a much more complete and detailed description of the "recently found non-conformity during a routine internal audit of one of its core programs" which is the only explanation your announcement provided.

I believe that my original FOIA request and its subsequent appeal fully complied with the provisions of FOIA and the appeal process and the results clearly established the position of mariners as well as the Coast Guard on this issue.

Although I await the requested written explanation, I am prepared to carry this issue out one I have dealt with for the past 40 years, out through or beyond your chain of command as may be necessary.

s/Richard A. Block, Secretary, National Mariners Association

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### **Disdain of "Institutional History"**

Most discouraging in our dealings with the new National Maritime Center after its re-location to Martinsburg, WV, has been their disdain for institutional History and their constant attempt to remove and rewrite every possible procedure that involves "credentialing" our merchant mariners. While we agree that many policies needed attention, it appeared to become NMC's goal to erase institutional history by rewriting every single guideline used to govern merchant marine personnel in the past, override mariner complaints, and relegate mariner satisfaction to the appeals process.

New regulations and policies erased those followed in the past and left mariners in their dust to "appeal" decisions they could not comprehend. Even the appeals process changed mid-stream amidst a cloud of confusion. At the same time, new NMC officials attempted to cram new rules and procedures down the throats of every credentialed mariner without regard to special situations created by past policies and procedures. This caused considerable anxiety, confusion, harassment, and resentment among our working mariners as we documented in two reports submitted to Congress.

The reason for scrapping old guidelines and procedures might be understandable considering that the Coast Guard

failed to attract many of its best, brightest, and most experienced staffers to physically relocate to Martinsburg, WV. This recalled the disruption and lack of continuity of the late 1980s when MVP staff relocated from the Coast Guard Institute in Oklahoma City to Arlington.

While trying to rebuild the entire structure of the National Maritime Center from scratch may have had some merit, severing the entire personnel system from its roots while, at the same time, trying to process the credentials of thousands of working mariners proved to be too large a task for the Coast Guard to undertake successfully.

As the same time the Coast Guard made this change, they also attempted to implement a complete rewrite of the medical guidelines for 210,000+ merchant mariners in the form of a Medical NVIC that spelled out 202 potentially disqualifying medical conditions as part of their program. As a result of exceptionally poor planning witnessed and commented upon by several Federal advisory committees, the entire credentialing system broke down to such a significant extent that a Congressional Hearing was called in July 2009 to examine the situation. This fiasco discouraged many of our oldest and most experienced mariners and left many mariners with large medical bills.

The National Mariners Association, as part of its appearance at the Congressional hearing, presented two reports as written testimony of the Coast Guard's inept management of merchant mariners both before and after the National Maritime Center moved to Martinsburg. Both reports remain on our active website and are fully accessible by the public specifically:

- NMA Report #R-428-D. Feb. 13, 2007. Report to the 110<sup>th</sup> Congress: Substandard Coast Guard Merchant Marine Personnel Services. 55p.
- NMA Report #R-428-D, Revision 1. May 1, 2009. Report to the 111<sup>th</sup> Congress: Substandard Coast Guard Merchant Mariner Personnel Services. 23p.

Although both reports illustrate that the lower-level mariners our Association represents faced significant problems with the new, poorly trained, and unresponsive staff at the National Maritime Center after its move to Martinsburg, my 40-year experience in dealing with the Coast Guard's National Maritime Center (NMC) and its Merchant Vessel Personnel Division (G-MVP) never was able to identify any Golden Age in the Coast Guard's credentialing program that mariners could look back upon with fond memories or even satisfaction.

The Merchant Vessel Personnel program has been racked by continual change and instability often as a result of constant changes in Coast Guard military and civilian personnel assigned to deal with our merchant mariners. Bluntly stated, the entire process always stumbled badly especially in attempting to deal with our lower-level mariners from its rough encounter with the offshore oil industry in 1970 to towing officer licensing in 2001. Many of the steps were taken by Coast Guard officials who had little or no first hand knowledge of merchant vessel personnel or grounding in the industry sectors they were charged with regulating. Although several in depth studies were made during the 1970s,<sup>(1)</sup> the Coast Guard seldom took more than symbolic steps to implement their findings and shelved the reports as soon as they could conveniently do so. [<sup>(1)</sup>Newman Report, 1973 (NMA Report #R428-A) and Functional Job Analysis of Marine Personnel Employed on Offshore Supply Vessels (Jan. 1982), NMA Report #R-428-C.]

Numbering more than 126,000, our limited-tonnage mariners make up the majority of all credentialed merchant mariners in the United States. Our mariners deserve far more credit and consideration from both the Coast Guard and Congress than they received in the past.

### **Failure to Clearly Identify Knowledge and Skills Examined**

The existing license exam descriptions by subject that appear in 46 CFR Table 11.910-2 (deck) and 11.950 (engine) and for ratings at 46 CFR §12.05-9 (deck) and 46 CFR §12-15-9 (engine) have only the most tenuous relationship to the explanations (by module) that appear in the Coast Guard's Deck and Engine Guide. Neither publication clearly defines the scope and depth of the knowledge and skills that the Coast Guard plans to test on its professional examinations.

Whenever the Coast Guard answers a mariner's questions about individual examinations, it does so only in reference to modules as presented in the Deck and Engine Guide rather than in terms of the subjects (aka topics) that appear in the tables that appear in the Code of Federal Regulations. Terminology such as Deck-General, Deck-Safety, Navigation-General are both meaningless and misleading. For example, what exactly defines a general question or distinguishes it from a safety question to a mariner who is responsible for studying the wide variety of exam subjects listed in the CFR? Yet, this represents the total guidance the Coast Guard offers to merchant mariners preparing for a professional written exam.

With the sole exception of the Navigation Rules there is no correlation of which subject are examined in each module. Nor is there any clue as to what depth that subject will be examined. A module is merely a conglomeration of subjects the Coast Guard chooses to mix together in order to carry out its task of examining

merchant mariners. In fact, the terminology the Coast Guard uses along with its Deck and Engine Guide provide insufficient information for a mariner to prepare for a Coast Guard exam.

On the other hand, the Coast Guard's exam questions in the database outlined exactly what the Coast Guard expects to examine mariners on in most subject areas. Nevertheless, just studying questions and answers from the database does not give a mariner the scope of knowledge he is likely to be tested on. In a perfect world, a mariner would be tested only to the depth of knowledge required by the scope of the specific credential he seeks. Unfortunately, for "lower-level" licenses, the selection of questions generally is made by a person holding an "upper-level" license who may have limited experience on smaller vessels. Nevertheless, over the years and as a result of the public's free access to the entire database and participation by instructors, mariners, and members of the public, it has been possible to select the appropriate questions for each exam. The change in Coast Guard policy that removes the public's access to the database defeats the process and unfairly penalizes those mariners who must prepare to take an examination prepared and administered by Coast Guard employees. These exams generally are administered at Coast Guard facilities such as Regional Exam Centers.

On the other hand, there are many Coast Guard approved courses that test mariners using their own questions submitted to and approved by the Coast Guard. Most mariners taking approved courses have the advantage of knowing that they will be properly prepared for the examination they will take at the end of the course since the instructor has control over the examination. After all, an examination is supposed to represent the end-product of the educational process.

### **There is no Need for Secrecy**

The existing Coast Guard exam database with correct answers has been available for the last 25 years in print, first as the Coast Guard's "Yellow Books," and more recently published on the NMC website. There are a total of approximately 25,000 deck and engine questions and answers with no indication available to the public as to which examination an individual question is appropriate for or will appear on. These questions were mixed and scattered among 10 sub areas within the Coast Guard database.

The database questions were open to public scrutiny and, as indicated above, were subject to review, discussion, and changes initiated by members of the public who may have the knowledge and insight to suggest appropriate changes and corrections. Over the years, this process served to improve the quality of questions in the Coast Guard database. In addition to instructors who may want to use genuine Coast Guard questions and answers, mariners who encounter errors on any examination could submit a "Comment or Protest" on any question after they finish taking any Coast Guard exam. If factually correct, the question may be altered, improved and/or removed as a result of the protest. The process the Coast Guard used was upgraded to be transparent to the public.

During the course approval process, the Coast Guard accepts and evaluates new questions from course providers. Questions accepted or modified for use in the database were released to the public periodically. This transparency helped students who had little or no other guidance to prepare for the examination.

### **Problems Exist When the Process is Not Transparent**

The Coast Guard exams switched from essay-type questions to multiple-choice questions in the early 1980s. This was done for the benefit of the Coast Guard that no longer had to assign trained, uniformed personnel to exam rooms read, interpret, and subjectively evaluate essay questions submitted by merchant mariners. This change was supposed to allow for better utilization of Coast Guard uniformed personnel and substitute clerical help to objectively grade multiple choice answer sheets. Incredibly, soon thereafter, mariners reported a number of instances of incorrectly graded exams by clerical employees using or misusing multiple choice answer keys.

In addition, to avoid confrontations with clerical and uniformed personnel who knew little about the subject matter contained in exams they were monitoring, mariners were seldom told which questions they missed and consequently had no clue as to which material they should concentrate upon when preparing for a retest. Nevertheless, a mariner was allowed to comment or protest questions in writing after the exam, but often never knew whether it was a question he had incorrectly answered.

Licensing offices, predecessors of the Regional Exam Centers (REC), often dispensed free advice to mariners on how to prepare for examinations. This quality of this information was questionable as it seldom was based on knowledge of the subject matter in the exam, the work the mariner performed, or the mariner's educational background. However, this practice including recommendation of schools or reference material finally was curbed during the 1990s.

Before the release of the exam questions by Rear Admiral A. Bruce Beran, Coast Guard Chief of Staff, on July 18, 1988, one of the most serious problems facing mariners resulted from injecting raw and untested questions into new

exams and placing inappropriate test questions on many exams. Part of this was a result of using questions prepared by mariners with õpper-level,õ õdeep-sea,õ õbig-shipõ backgrounds with limited or no experience on õlimited-tonnageõ vessels such as 6-pack charter boats, small passenger vessels, river towboats, harbor and offshore tugs, and offshore supply vessels. For example, the Coast Guard, with practically no experience with the offshore drilling industry, decided to test õtool pushersõ with a standard maritime licensing exam. Only after doing so for several years did they finally contract with an outside firm for approximately \$141,000 to prepare a more appropriate exam for Mobile Offshore Drilling Units (MODU).

In the mid-1980s, when called upon to license õAssistance Towingõ personnel, the Coast Guard failed to allocate the money to prepare an appropriate group of multiple choice questions to test these personnel. Instead, they were subjected to the rather inappropriate towing questions in the database that had been written for commercial tugs and towboats although õassistance towingõ more often involves towing or salvaging all types of pleasure craft using small, outboard-motor powered craft. Although twenty-five years have passed, the National Maritime Center still has not seen fit to remedy this situation.

### **Repeating the Same Mistakes 25 Years Later**

If the Coast Guard had any õinstitutional memoryõ they would understand that by withdrawing the examination question and answer database from the public is counter productive. This action is little more than reverting to the õdark agesõ of Coast Guard licensing before 1988 where the Coast Guard demonstrated its unwillingness to work with the members of the public it is supposed to regulate. Removing the Q&A database **unfairly penalizes every mariner who must take a Coast Guard examination** whether that mariner attends a formal training course or not. It also discriminates against the õhawsepiperõ who always has been the backbone of õlower-levelõ, õlimited-tonnageõ merchant mariners and who wants to advance in the industry but may not have the funds or opportunity to attend school. In the past 15 years, the cost of training has risen exponentially without any leadership in solving the problem by the Coast Guard. In fact, Proceedings magazine cites one lower-level license represents an investment of \$78,100.<sup>(1)</sup> [<sup>(1)</sup> Proceedings, Fall 2008, p. 43.]

In May 1988, the National Association of Maritime Educators made the following points **against continuing to keep the lid of secrecy on exam questions**, several months before the Coast Guard finally released its exam database to the public. Restated, these points includedí

- Secrecy leads to an unacceptably high failure rate for mariners who believe they properly prepared for their exam.
- Lack of transparency fails to grasp underlying commitments, agreements, and common goals developed by the Coast Guard and maritime educators in the past.
- Closing access to the database to the public closes the door to cooperating with maritime instructors with the concomitant inconvenience, personal expense, humiliation, loss of face, and adverse impact upon mariner employment issues.
- Signifies that the National Maritime Center is unwilling to accept timely advice from knowledgeable mariners, instructors or other members of the marine industry who have a stake in mariner training.
- Continues a long-term failure to grasp the nature of the unique jobs performed by lower-level mariners and attempts to equate and consolidate it with the jobs performed by upper-level mariners.
- It fails to allow for the fact that many mariners do not have the reading ability of a college or even a high school graduate to deal with the wording, format, or reasoning behind complex multiple choice questions.
- Inappropriate use of the database coupled with the use of obsolete questions creates an unfair and meaningless series of comprehensive license õrenewal exercisesõ that may not be pertinent to the license being renewed.
- Assures that the Coast Guard will continue to work in a vacuum instead of working with maritime educators who have contributed considerable time, resources, and effort to improve the preparation of licensing candidates. It also covers up Coast Guard mistakes at the expense of mariners.

### **Improve the Database**

We were told at a recent Federal advisory committee meeting that the Coast Guard hoped to improve and expand the database by input from input generated from questions submitted during the course approval process had failed to reach expectations in either quality or quantity.

If existing multiple choice questions for any reason do not live up to current Coast Guard requirements for quantity, quality or depth of knowledge, the agency always has the option of generating new questions by putting out bids to contractors. Nevertheless, any questions so generated always should be made available for public scrutiny and challenged for any valid reason.

There are new or **additional areas of technology or regulations** where there have been few if any new questions placed in the database as well as clearly defined reference material for these questions and which examinations they are appropriate for.

One example of an area completely devoid of questions is the area of Drug and Alcohol policy and testing although covered by ample regulations in 46 CFR Part 16 and 49 CFR Part 40. Another example devoid of exam questions are regulations covered by 46 CFR Parts 5 and 33 CFR Part 20. While it is difficult, expensive, and time consuming for a mariner to obtain a credential, it is easy to lose that credential and become involved in an suspension and revocation (S&R) hearing. These regulations never have attracted attention from the National Maritime Center although they potentially affect every mariner. In addition, work-hour regulations are another area devoid of database questions. Still another area that attracted little attention is the subject of Dynamic Positioning that uses technology not envisioned when the subject list was first compiled for the Code of Federal Regulations.

The Coast Guard often fails to keep its exam questions up to date to reflect major regulatory changes. For example, when small passenger vessel regulations were updated in the late 1990s, the Coast Guard was unprepared to ask questions that were based on the old regulations. In this case, it was only through public participation in the process that the Coast Guard was able to correct this deficiency. If the database had been closed to the public, this correction (involving approximately 150 exam questions) might not have been made in a timely manner. I know this because I made the correction and brought it to the attention of Vice Commandant James Card. **Keeping the database away from public scrutiny merely covers up the deficiencies, error, and lack of attention of Coast Guard employees.**

While it might be expedient to accept new questions from one or more course providers, it would be unfair to mariners if relevant study material for those questions was not available in the public domain. To insure that something like this does not happen (as it did frequently before 1988) it is essential that the examination question and answer database remain transparent and open to the public. This is the same argument made in my original 1983 FOIA request where I pointed out that FAA questions (within the same Department as the Coast Guard at that time) were open to the public. At a later date, even the FCC made its licensing questions available to the public.

### **Conclusion**

The unprecedented changes made by the National Maritime Center in the past three years have shaken the credentialing process to its roots. Thousands of our mariners were delayed, inconvenienced, harassed, and put to unexpected expense by these changes as we pointed out in the two reports our Association previously shared with Congress as cited above.

Suddenly changing the Coast Guard's policy by removing the examination question database from the internet without the common courtesy (or common sense) of providing a reasonable explanation of the matter at public forums such as at each of the Federal advisory committees like MERPAC, TSAC, and NOSAC or even to representatives of trade associations whose member companies often subsidize the increasingly expensive training of many of our mariners, or to the principal labor unions does not speak highly of the Coast Guard's consideration of or respect for the regulated public whose tax dollars pay your salaries. We suggest that this was an incredibly inept and unwise decision. We respectfully request that the database be fully and immediately restored to the internet along with the additional safeguards cited above added to better protect the public.

Very truly yours,

Richard A. Block  
Master #1186377, Issue #9  
Secretary, National Mariners Association