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Sidelights

October 2014 Vol. 44, N° 4

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Welcome to the BOB MAC



7th Annual

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**CAMM Seattle organizes fundraiser
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CAMM 2015 in NOLA

Fatigue and Incident Reports

Mission Statement

www.mastermariner.org

The Council of American Master Mariners is dedicated to supporting and strengthening the United States Merchant Marine and the position of the Master by fostering the exchange of maritime information and sharing our experience. We are committed to the promotion of nautical education, the improvement of training standards, and the support of the publication of professional literature. The Council monitors, comments, and takes positions on local, state, federal and international legislation and regulation that affect the Master.



The Council of American Master Mariners, Inc.

Annual General Meeting

Professional Development Conference

March 30 - April 1, 2015 ☆ New Orleans, USA

Hosted by the New Orleans CAMM Chapter

Registration

www.mastermariner.org

Registration payments can be made online by credit card. Please follow instructions on website; or registration forms may be USPS mailed with check.

FREE National WWII Museum Tickets

Two admission tickets will be made available to anyone who registers prior to Nov. 1, 2014.

Venue & Accommodations



Hilton Riverside
Two Poydras St.
New Orleans, La.

www.hilton.com

\$139/night + taxes, standard room; check-in March 30 and check-out April 2.

3-letter group code: CAM
For extended stays, please make reservation with Hilton, then on CAMM registration form, note your registration number and we'll have the rate adjusted for you.



925 Magazine St.
New Orleans, La.

www.nationalww2museum.org

Event Chairperson

Captain Ed Higgins

capthiggins@mastermariner.org

Sponsors

Sponsorships Available

Corporate booth displays, daily and individual sponsorships are available at different levels and posted on the event website.

Monday, March 30

Welcome Reception

Complimentary, 1600-1800 hrs

Hilton Riverside Hospitality Suite

Tuesday, March 31

Professional Development Conference*

\$75 per person, at National WWII Museum

"The Changing Face of the Maritime Industry"

Presentations and Discussions



Paddlewheeler CREOLE QUEEN Cruise on the Mississippi

\$70 per person; Boarding @ 1900 hrs

at dock behind Hilton Riverside

Mississippi River Cruise

Dinner Buffet

Cash Bar

Wednesday, April 1

General Business Meeting

\$75 per person, at Hilton New Orleans Riverside

Council Business

Views & Positions



Closing Dinner

\$70 per person, at Hilton Riverside

Keynote Speaker

Lalonde 'Spirit of the Seas' Award

Raffle Drawing

Recognitions

Cash Bar

*Possible coverage by maritimeTV

www.mastermariner.org/2015pdc-agm

In This Issue



ON THE COVER

Captain R.J. Klein organized another successful CAMM-YMTA golf fundraiser. Read more about this event on page 11.
Photo by Captain Doug Subcleff.

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TO SUBMIT MATERIAL

We welcome your articles, comments, illustrations and photographs. Please email or send your submissions to *Sidelights* Chair Capt. Tom Bradley at the above address. All submissions will be reviewed, but are not guaranteed to be published.

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Issue	Submission	Release
February	Jan. 22	Feb. 15
May 2015	April 5	May 1
July 2015	June 1	July 1
October 2015	Sept. 1	Oct. 1
December 2014	Nov. 1	Dec. 1

View From the Bridge

5

President Captain R.J. Klein comments on the [non]rationale behind why the Seaman's Manslaughter Act is not applied to company executives in the Deepwater Horizon case, though the judge ruled their "conduct was reckless."



In the Council

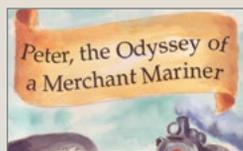
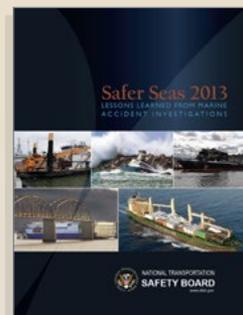
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NOTICE The articles in this magazine are entirely those of the writer, and do not necessarily reflect the views of CAMM nor its Board of Governors. CAMM is an independent professional organization and is not affiliated with nor endorses any union or political party.

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Chapter Inactive

Anyone interesting in restarting this chapter, please contact Regional VP Captain Frank Zabrocky at 203-539-8494.

Gulf Coast Region

MOBILE BAY

Captain Jerome "Rusty" Kligore, President

251-490-2741

Meetings at 1330 on the 2nd Tuesday of each month. Felix's Fish Camp Grill:1530 Battleship Pkwy, Spanish Ft., AL.

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Fairhope, AL 36532

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4620 Fairmont Pkwy, Suite 203
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pilgrimii@bellsouth.net

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Wilmington, CA 90744-5527

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Captain Klaus Niem, President

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captniem@mastermariner.org

Meetings on the 1st Tuesday of each month, 11:30, Sinbad's Pier 2 Restaurant in San Francisco, south of Ferry Building.

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Napa, CA 94558-2562



Captain R.J. Klein
CAMM National
President
#1751-R

SEAMAN'S MANSLAUGHTER ACT: OKAY TO USE AGAINST SHIP CAPTAINS, BUT NOT AGAINST COMPANY EXECUTIVES?

In March of 2006, Captain Wolfgang Schröder was sentenced to time served after being convicted of manslaughter in a U.S. Federal Court.

equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be fined under this title or imprisoned not more than ten years, or both.

The conviction of Captain Schröder prompted CAMM to take a hard look at this law and led to our Position 2007-06: Support changing the Seaman's Manslaughter Act (U.S. Code, Title 18, Section 1115) to require a higher standard of proof than simple negligence.

On September 4, 2014, British Petroleum (BP) was found to be the primary offender in the Macondo/DEEPWATER HORIZON blow out that killed eleven workers. Yet a year ago, U.S. District Judge Stanwood Duval, Jr. threw out the 11 counts of "seaman's manslaughter" against BP well site leaders Robert Kaluza and Donald Vidrine (11 counts of involuntary manslaughter stand). It is difficult to fathom how Judge Duval could interpret the Seaman's Manslaughter Act as not applying to these two men, when Captain Schröder was actually convicted under this Act.

In the most recent ruling against BP, U.S. District Judge Carl Barbier found that BP had acted with "conscious disregard of known risks" and that their "conduct was reckless." What the judge is saying is that BP was grossly negligent in the Macondo blow out. The real problem here is that a company cannot act with "conscious disregard of known risks" – only people can. Eleven workers were killed on the DEEPWATER HORIZON and Kaluza and Vidrine are the people who should be charged. Federal prosecutors have appealed Duval's decision.

Given the most recent ruling, the Circuit Court of Appeals should reverse Duval's decision.

CAMM will continue to work to have the Seaman's Manslaughter Act amended per our position. In the meantime, the law should be used as intended, not just against masters, but against "... any executive officer... being actually charged with the control and management of the operation, equipment... who has knowingly and willfully caused or allowed such fraud, neglect... by which the life of any person is destroyed..."

IFSMMA, CAMM and other master mariner groups supported Captain Schröder and contributed professional expertise to help in his defense. Captain Schröder should never have been charged and certainly not convicted. The sentencing judge said as much by sentencing him to time served and said the matter should have been in civil court, not criminal court.

He was convicted under the 1905 Seaman's Manslaughter Act (U.S. Code, Title 18, Section 1115) which reads as follows:

§1115. Misconduct or neglect of ship officers

Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be fined under this title or imprisoned not more than ten years, or both.

When the owner or charterer of any steamboat or vessel is a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation,

Export-Import Bank reauthorization in jeopardy

The authorization of the Export-Import Bank expires at the end of September. The reauthorization of the Ex-Im Bank Charter was one of the four topics of discussion by the Maritime Industry in May during the Congressional Sail-In. The government-run Export-Import Bank provides direct loans, loan guarantees and credit insurance to help foreign buyers purchase American-made products. This in turn helps the maritime industry as well as U.S. businesses. According to their website, www.exim.gov, 45 states will receive \$75 million or more from the Ex-Im Bank in 2014.

House leadership does not want to bring the reauthorization of the Ex-Im Bank to a vote as there is no clear consensus within their party. As this directly affects the maritime industry, I urge all members to contact their congressional representative and tell them to vote yes on the reauthorization of the Export Import Bank.

RJ Klein
Captain R.J. Klein



Captain
Manny Aschemeyer
CAMM National
Secretary-Treasurer
#1548-R

Greetings, CAMM Shipmates! Having worked diligently these past several months since taking

over this challenging position last June, reviewing and cross-referencing all the financial data available to me, I can

As for 2015's AGM/PDC, Captain Ed Higgins and his crew of volunteers at CAMM's NOLA Chapter have already hit the deck running and are off to a fine start for organizing, facilitating, and managing our AGM/PDC events. NOLA has established sponsorship levels, set registration fees, contracted a cruise aboard the paddlewheeler *CREOLE QUEEN*, negotiated meeting spaces at the National World War II Museum and Hilton Riverside, and negotiated attractive hotel rates at the Hilton New Orleans Riverside. The theme for the PDC will be "The Changing Face of the Maritime Industry". I'll be working closely with Captain Ed Higgins and his crew to line up speakers, presenters, and panelists to address and discuss our theme, as well as secure sponsorships.

I encourage all CAMM members to reach out for sponsorships to those companies, vendors, port authorities, unions, maritime academy alumni associations, maritime trade groups (Propeller Club, SNAME, Harbor Business Associations, etc.), maritime employment agencies, etc. that you have contact with or a relationship to. Let all of us work together to seek corporate participation and sponsorships at our 2015 AGM/PDC!

Also on the positive side, we have gained in our ranks with the addition of several new CAMM members: Captains Parsons, Galliard, Frisbie; and Cadet Hicks from Texas Maritime Academy (TAMUG). Welcome Aboard to all! There are also several pending new members whom I've sponsored that are in the initial stages of application. I also encourage all CAMM members to reach

out for new members – especially to the young, active, and interested masters, mates, pilots, and related maritime professionals ashore that you may know, and sponsor them for CAMM membership! If every CAMM member brought in only one new member we'd double our ranks instantly! Think about that... now go out there and get 'em!

Finally, let me remind you about using the CAMM website to:

- 1) Update your personal info – address changes, telephone numbers and email address. Simply click on "find member" and enter your last name (or CAMM ID #) to see and review your personal page.
- 2) Add some biographical info (let us know something about you and what you're doing these days) – there's a special box on your page for that purpose.
- 3) Pay your dues online (and you can also pay for AGM registrations, purchase raffle tickets, make a donation, etc.)
- 4) To begin using the web site, click on the "Member Login" button in the left margin at www.mastermariner.org; then type in your CAMM ID # and P/W (for first-time users, click on "forgot password" and one will be assigned for you).

So that's "IT" for now, shipmates. I welcome your feedback, advice, comments and suggestions. Until next time – smooth sailing!

Captain Manfred "Manny" Aschemeyer

report to you that CAMM is fiscally sound at this point in time; and I expect a modest surplus at the end of 2014. That includes financing two more editions of *Sidelights* (this one, and the next in December).

On the plus side, we have reached out to several potential advertisers for adding revenue to our fine professional journal, *Sidelights*. I'm hopeful they will all come to fruition soon! Meantime, I will be working with the BOG's Finance Committee to produce a new budget for 2015 by early December.

We did fairly well with this year's AGM/PDC event in Mystic, Conn. We covered all expenses incurred for the primary events: the hospitality room, a golf outing, a river cruise aboard the *SABINO*, the closing dinner, the PDC at Mystic Seaport and the AGM at Mystic Hilton. We even had some left over to apply towards the AGM travel expenses for National and chapter officers that the National CAMM office routinely pays, as per past and established practices. So over all, the AGM/PDC in Mystic was a GREAT success, enjoyed by all who attended and with good results for expanding and promoting CAMM's reputation and image as professional maritime organization.



Council Reports

1st VP Report: Government & Public Relations

Captain Joe Hartnett, #2193-R

No report submitted.

2nd VP Report: Pilot Relations

Captain Dan Jordan, #2698-R

No report submitted.

Sidelights and Website Report

Captain Tom Bradley, #1966-L
Committee Chair

Sidelights is now back on regular schedule for the remainder of 2014 with issues released in October and December. With CAMM's AGM and PDC scheduled for late March, we have modified the release schedule for spring 2015. Issues are scheduled to go out February 15, May 1 and July 1.

The AGM-PDC portion of CAMM's website is updated as we get new information. Venue, online accommodation reservations, and sponsorship levels are posted; registration costs are settled as this issue goes to print, and we are working on getting an online registration form active, hopefully by the time this issue makes it into your homes. We can currently accept payments along with the ability to pay CAMM registration and raffle tickets costs online.

I am working with chapter secretaries and presidents to get chapters up to speed on their access to CAMM's member database for managing their local members. Currently, Seattle is on board, and several chapters are in progress.

I have been working with Maritime TV (www.maritimetv.com) and the NOLA chapter to have portions of the 2015 AGM and PDC broadcast. This will

greatly increase CAMM's exposure and our work within the maritime industry.

North Atlantic VP Report

Captain Frank Zabrocky, #1964-R

No report submitted.

New York Metro

Captain George Sandberg, #1919-R

Chapter President

No report submitted.

Baltimore / Washington, D.C.

Captain Joe Hartnett, #2193-R

Chapter President

No report submitted.

South Atlantic VP Report

Captain Tim Brown, #1494-R

No report submitted.

Port Everglades / Miami

Captain Paul Coan, #3021-R

Chapter President

The Miami/Port Everglades Chapter is still in summer break. We will resume in mid-September at Galuppi's in Pompano Beach.

Tampa Bay

Captain Ron Meiczinger, #1747-R

Chapter Secretary

As mentioned in the July issue, the chapter will be celebrating the 25th anniversary of receiving our charter on November 14th. We invite chapter members who do not normally attend the monthly meetings to attend our annual Christmas meeting to commemorate this milestone in our chapter's history.

Another important date coming up is Captain Jim McCarthy's 90th birthday on September 28th. Captain McCarthy is a long time member of the chapter and has led an interesting life.

In the August 20, 2014 edition of the *Tampa Bay Times* there was an article stating that the Tampa Port Authority approved spending \$21.5 million for two new container cranes. It also reported that this past summer the Florida Legislature awarded the port \$12 million to help pay for the project.

The port voted to award the \$25 million contract to a Chinese company, Shanghai Zhenhua Heavy Industries, one of the world's largest crane manufacturers.

The port handled 34,379 containers in the first ten months of the current fiscal year; an eleven percent increase over last year. The Port of Miami handles more than 900,000 containers a year.

It will take about two years to build and install these new cranes, which have an outreach of 160 feet. They will be in addition to the three 42-year-old cranes, which have an outreach of 110 feet. Once operational, Tampa will have a total of five container cranes to serve their customers.

The regular monthly luncheon meetings will resume on October 14th at the usual time at the Columbia Restaurant in Ybor City.

Gulf VP Report

Captain Michael Mc Cright, #2753-S

No report submitted.

Mobile Bay

Captain Jerome "Rusty" Kligore

Chapter President

No report submitted.

New Orleans

CE Horace George

Chapter Secretary

The September meeting, our first of
Continued on next page >>>

Council >>>Continued from page 7

the season, will be held at The Fort Ministry Center of the Global Maritime Ministries while *Sidelights* is at print. The luncheon will be prepared and served by volunteers who work with the Mission. There will be no charge for the meal, but members are urged to make a donation to the chapter and the chapter will then make a donation to the Center.

We will have several items of business to discuss. The main item is the news that the New Orleans Chapter has been chosen to host the 2015 National CAMM Annual General Meeting and Professional Development Conference. We would like to update all members regarding plans in progress for this conference which is scheduled for March 30 thru April 1, 2015.

Houston

*Captain Michael Mc Cright, #2753-S
Chapter President*

We have set our fall schedule for Houston and TAMUG student chapter on the TAMUG campus: September 24, October 15, November 5, and December 17 (TBD). Guest speakers are yet to be confirmed, and we will revert with information when available.

On September 17, I, along with four TAMUG cadets, were able to enjoy a Nautical Institute technical meeting on fatigue and mariners.

South Pacific VP Report

*Captain Klaus "Nick" Niem, #2167-R
Chapter President*

Please see SFBA Chapter report.

Los Angeles / Long Beach

*Captain Dave Boatner, #2162-R
Chapter President*

The Los Angeles / Long Beach Chapter meets at noon the second Tuesday of the month [except August] at Crowne Plaza Hotel's Beacon Room in San Pedro. We usually have anywhere from six to ten members in attendance. Like many CAMM chapters, LA/LB struggles to increase numbers at local meetings. Our members take an active interest in their profession and encourage all Masters living or visiting in the area to participate in our monthly meetings.

San Francisco Bay Area

*Captain Klaus "Nick" Niem, #2167-R
Chapter President*

The SF Chapter resumed its regular meetings on the 5th of August with eight members in attendance. During one of the previous meetings, our chapter donated \$500 to the Cal Maritime Sailing Team, Keelhaulers, to represent the United States in the 2014 Student Yachting World Cup this October. This team of sailors has dominated the Harbor Cup race series for the past 4 years, separating themselves from the competition. We have received a thank you note for the donation from Ms. Beverly Byl, VP of University Advancement. Our chapter has not been successful in establishing a cadet chapter at CMA. The few cadets who would have been the core have graduated. Maybe another luncheon with Admiral Cropper and Captain Harry Bolton might do the trick. At the September meeting.

Captain Pat Moloney, who represented our chapter at the AGM in Mystic,

reported additional insights he gained from the PDC:

The Professional Development Conference was particularly interesting. Sidelights is out and covers the rest of the AGM. I will concentrate on the PDC issues and angles that Sidelights didn't cover because of space limitations.

The first seminar featured representatives from the state maritime academies discussing the balance they have to achieve between STCW professional requirements for licensing and their academic requirements for accreditation.

All the state schools for ocean licenses were represented. It's a pity Kings Point wasn't represented too. They have the same issues plus the military requirements.

The schools are all facing the same problems on how to cram all the requirements for the two competing pressure areas into the time available. Of note, they still find time for athletics. In the view of this old dinosaur, that should be the first area to be sacrificed. We want ship drivers, not linebackers.

One of the factors that became apparent is that the students who are entering and graduating are the sort who can handle the academic stress. The entry requirements are academically more rigorous than most of us who came from the academy pipeline were subject to. A lot of us who have excelled in the real world of shipping would not qualify academically to enter today and may not have the study skills to graduate. On the other hand, most of us have seen junior officers who may have been at the top of their class, but were an accident looking for someplace to happen once they were

New Members

Congratulations! You now have all the benefits of CAMM membership!

3360-R Captain **John Parsons** of Tuscon, Arizona
Master, HSV Westpac Express
Sponsored by John M. Keever #1848-R

Triple our Membership Drive

Sponsor 3 approved new members and be eligible to earn a free year's membership dues! Ask your Chapter President for more details. Membership applications are available online at www.mastermariner.org. Please remember applicants must include a copy of their current U.S.C.G. License for timely processing.



afloat.

It was good to hear the issue discussed, but aside from cramming more instruction into evening and weekend courses, there really was no answer. The issue has been identified and is being discussed is the best that can be said. The up side to the problem is that when the cadets of today are the masters of tomorrow, they will be well versed in how to squeeze 30 hours of work into 24, and document their lack of fatigue in the process.

The SFBA Chapter's next meeting will be on October 7th.

The late announcement of the passing of Captain Harry Walton took us all by surprise. Harry, 86, retired in 1986 and his last command was the SS *PRESIDENT*

TYLER as Master.

North Pacific VP Report

Captain Carl Johannes, #2147-R

No report submitted.

Columbia River

Captain Bill Good, #1924-R

Chapter Secretary

No report submitted.

Seattle / PNW

Captain Douglas Subcleff, #2329-R

Chapter Secretary

The Seattle PNW Chapter's August 17th meeting was held at McCormick & Schmick's Lake Union restaurant. A total of 17 attended. Special guests included Dr. Gary Stauffer, President of the Youth Maritime Training Association (YMTA) and Miss Katherine Ball, this year's recipient of the \$5,000 scholarship sponsored by the Seattle Chapter. Please read more about this in *CAMM in Action* on page 11.

Also at the meeting was Captain Cal Hunziker, immediate Past President of CAMM National. Cal spoke about his recent election as one of the Vice Presidents of IFSMA (International Federation of Shipmasters' Association). He will be the USA representative on the Executive Council that includes master mariners from Japan, Netherlands, Argentina, Denmark, Sweden and France.

There were 15 in attendance for the September 11th meeting held at McCormick & Schmick's Lake Union restaurant. Although we did not have a scheduled guest speaker, we did manage to have a couple of great group conversations. The first was a discussion about the developing shortage of qualified merchant marine officers. Seattle Chapter Seagoing VP, Captain Kevin Coulombe, spoke about his recent experience with difficulty in getting replacements for his junior officers who were due for vacation. He also noted that a number of veteran seafarers are about to retire and the numbers to fill their ranks are lacking.

After lunch another significant round table discussion was held about the Washington State Ferry system that has been hit with a number of unfortunate incidents, including a ferry that lost power, had to drop anchor and later towed to safety. Associate member Captain Maija Holston, an Operations Watch Supervisor at WSF, was fortunately at this meeting and was able to shed light on some of these issues. Also noted was the ongoing difficulty with recruitment and retention of marine employees for the ferry service.

Our next chapter meeting will be Thursday, October 9th at this same restaurant; and coming up on November 13th, our annual Recognition Day luncheon. ☆



PHOTO: DOUG SUBCLEFF

Gary Stauffer, YMTA, and Ken Passe.

Sponsorships Available for 2015 CAMM AGM in New Orleans

Admiral's Level - \$2000+

- All Commodore Level benefits
- Additional negotiated perks

Commodore's Level - \$1500

- 6-ft space for promotional table and display
- 4 tickets to closing dinner with dinner name card

Captain's Level - \$1000

- 6-ft space for promotional table and display
- 2 tickets to closing dinner

Closing Dinner Table - \$750

- 4 tickets to closing dinner with logo namecard on centerpiece

Creole Queen Cruise - \$500

- Logo/Banner display at boarding area
- 2 tickets aboard cruise

Hospitality Suite - \$500/night

- Logo/Banner displayed in suite
- All 3 nights for \$1000

Meeting Breaks - \$200/break

- Namecard & logo at sponsored set-up

Master's Level - \$500

Mate's Level - \$100

Welcome Kit Items

Any company or individual wishing to donate an item for the welcome kit will be given recognition during the event.

All levels include varying levels of recognitions in event programs, event website, and *Sidelights*. Please see website for further details.

www.mastermariner.org/2015pdc-agm

Dear CAMM,

Wishful Thinking from Across the Pond

TO: Mr. Joseph Keefe, Editor-in-Chief
Maritime Professional and Marine News Magazines
Good morning, Joe!

I read with great interest (and alarm) your Op-Ed piece, *Wishful Thinking from Across the Pond* in the latest edition of *MarineLink.com*. Your thoughts and warnings were “spot on”—as you have been so many times in the past on critical issues facing our American Merchant Marine. Indeed, the Jones Act is worthy of protection, promotion, and preservation – and especially if we as a nation have ANY hope of maintaining a U.S. flag merchant fleet for the future.

While “Short Sea Shipping” is still an unfulfilled opportunity, we nonetheless owe it to ourselves—as concerned Americans—to pursue it vigorously and professionally until there’s a viable program and system in place, with American-flag ships carrying those “transshipped international cargoes”

however and wherever they must go to their ultimate domestic port destinations. If, as your article states —“ECSA naturally also wants more frequent individual and industry waivers to the Jones Act as well as more flexible and clearer procedures to obtain them. But, ECSA has already got a U.S. Administration that’s handed out more of these in the past six years than were granted in the previous 60 years combined. Mission accomplished – they can tick off that box on their bucket list.” – then we already have the “nose of the camel in our tent”, and the Jones Act has already been compromised significantly along the way. So congrats and kudos again for a well-stated and well-reported situation that we all need to be aware of, and which should also encourage us to speak out proactively in support of the Jones Act wherever, whenever, and however we might.

Captain Manny Aschemeyer
#1548-R

2015 LALONDE *SPiRiT OF THE SEAS*



Nominations now open!

Captain Tim Brown, Chairman of the Lalonde Committee, is now accepting nominations for the 2015 Lalonde Award. Nominations must be postmarked no later than January 15th, 2015. Now is the time to think

about submitting your nomination for the award— before the holiday seasons overtakes you and the deadline passes! Nominations should be mailed or emailed to Captain Tim Brown. The form and instructions for submitting same are available on CAMM’s website.

Nominations are open to any member in good standing, with all the following attributes: humanitarianism, professionalism, seamanship, life-time achievements and noteworthy accomplishments, along with contributions to the maritime industry and the ‘*Spirit of the Seas*’ in their everyday lives. An eligible nominee may be a member in any category of the CAMM National membership in good standing (who is/ was current in their dues to CAMM National and to their chapter, if also they were chapter members). Individuals must be nominated by a CAMM National member, who is also in good standing.

For additional information, applications, guidelines and rules, go to the CAMM website or contact your chapter president or regional vice president. And remember, *All nominations must be postmarked by January 15, 2015.* ☆

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CAMM in Action

CAMM SPNW 7th Annual Bob Magee Golf Tournament

by Captain Doug Subcleff

On August 28th, CAMM Seattle and Youth Maritime Training Association (YMTA) teamed up for the 7th annual Bob Magee Memorial Golf Tournament at Mt. Si golf course on a beautiful, sunny day in Snoqualmie, Washington. This year a total of 72 golfers participated in the day-long event that included a putting contest, silent auction, raffle, and a clubhouse buffet meal. Event chairman Captain R.J. Klein, once again, did an awesome job of running the show. The tournament proceeds will be announced at a later date. ☆



PHOTO: DOUG SUBCLEFF

Captain R.J. Klein and his crew organized the fundraiser tournament.



PHOTO: DOUG SUBCLEFF

Dr. Gary Stauffer (YMTA), Marina Ball, Katherine Ball and Captain R.J. Klein.

CAMM SPNW Scholarship Recipient

Miss Katherine Ball is this year's recipient of the \$5,000 YMTA scholarship sponsored by the Seattle CAMM Chapter. Funds for the scholarship were raised at last year's CAMM – YMTA golf tournament.

Katherine will be majoring in Oceanography at the University of Washington. She was one of six recipients of scholarships from YMTA.

☆

CAMM represented at 2014 Maritime Security Conference (West)

Captain Manny Aschemeyer, National Secretary/Treasurer, was a facilitator at the 2014 Maritime Security Conference (West) held in Tacoma, Wash., August 18-20. The three-day event attracted over 300 participants, including 25 exhibitors, various elected officials (federal, state, and local), senior USCG staff, law enforcement agencies, DHS and CBP staff, maritime industry executives, leaders from waterfront business communities, and port authority representatives from all across the country.

Captain Manny was introduced as a National Officer in CAMM, and CAMM was made evident with networking throughout the exciting and interesting event.

Captain Manny and fellow CAMM member Captain Don Moore (SPNW Chapter Treasurer) attended some of the activities and exhibits on Monday, which included an exciting air-sea rescue demonstration by the Sheriff's Dept., using a helicopter and a newly designed rescue platform for hoisting up to six persons at once! Captain R.J. Klein, CAMM National President,

was able to join Captains Manny and Moore for dinner afterwards.

For more info about this event and upcoming MSC events in Tampa, Florida next spring, go to: www.maritimesecuritywest.com. ☆

PHOTO: MANNY ASICHEMEYER



A self-righting escape and survival pod, invented by IDS Global, Inc., in Gig Harbor, Wash., inflates in under 30 seconds and includes false floor storage. The Sheriff's Department demonstrates a new rescue platform for their helicopters.

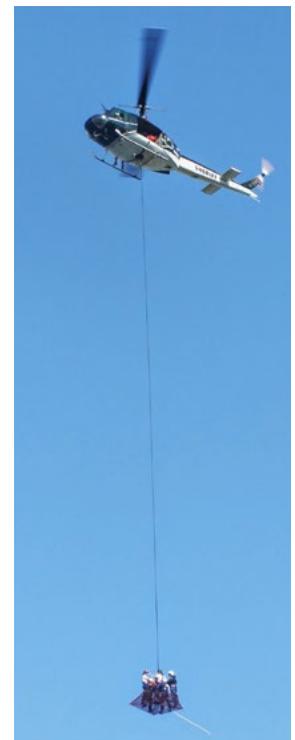


PHOTO: MANNY ASICHEMEYER

Seafarer Welfare Agents Are Not Just Taxi Drivers



by Father
Sinclair Oubre
CAMM Chaplain
#3220-A

On August 12, 2014, I was attending the Sabine Pilots Commission board meeting in Beaumont, Texas, when word came that a seafarer from the

M/V MYSTIC STRIKER had been killed at our local Exxon-Mobil coke dock.

While loading petroleum coke, the vessel was required to shift back and forth, as the fixed loading arm partially loaded each hole. Shifting astern, the forward spring line became pinched between the ship and the dolphin. Suddenly it parted, striking the chief mate and knocking him from the bow to the main deck. At this time it is not clear whether the cause of death was being struck by the line or the 10' fall to the main deck.

This immediately kicked in our local seafarer welfare network that included the Seafarer Center of Beaumont, the Port Arthur International Seafarer Center, and the Apostleship of the Sea. Plans were immediately made to visit the ship the next morning, and extend to the captain and the crew spiritual and temporal support.

Reaching out to our USCG Captain of the Port, who was also attending the pilots commission meeting, we were able to cut through the usual delays relating to getting on the gate list at the facility.

The next morning, Scott Floyd, the director of the Seafarers Center of Beaumont, met me at the main gate. Very quickly, the security personnel guided us to the correct gate, and then on to the vessel. Once we arrived on the vessel, the Russian crew was a bit suspicious, and

wondered what we wanted to do.

Being escorted to the operations office, the captain soon joined us. We expressed our prayers and condolences to the captain. He then asked me, "What would you like me to do?" I found this to be an interesting question, but on reflection, it made a lot of sense. From the time the ship arrived at the dock, the captain has been responding to the demands of CBP, the ship agent, and the facility. Then once the tragic accident occurred, the captain had to respond to personnel from the facility, the emergency medical team, the Coast Guard, the different policing organizations, and other investigators.

So for the captain to expect us to want him to do something should not be a surprise.

I stressed to him that we did not come to have him do something for us, but to be a support and help to him and the crew in anyway possible. Even though they were Russian Orthodox or non-believing, I offered to celebrate Mass for them, share a prayer service with them, or even just go forward

and bless the place where the accident took place. I stressed to the captain that we did not want him to do something for us; we were there to be of assistance to him and the crew, and if that meant that it would be helpful for us to just go, then, we wanted to do that.

After talking with the second mate, he said he would appreciate us going forward, and doing a prayer and a blessing. Floyd and I went forward with the second mate, and there, I did a prayer for the repose of the soul of the chief mate, and also prayed a blessing for the support of the mate's family, for the crew, and for the next voyage of the crew.

After we finished, we returned to the office, met the captain, thanked him for his kindness in allowing us to offer the prayers and blessings, and then made

Continued on next page >>>



PHOTO: COURTESY SINCLAIR OUBRE

Fr. Sinclair praying a blessing on the site where Chief Mate Andre Pakholchuk fell on the M/V MYSTIC STRIKER.

2014 Seafarer Shore Leave Survey

Press Release: Center for Seafarers' Rights
July 28, 2014

by Mark Vessio, Intern

Shore leave significantly improves seafarers' health and the safe and efficient operation of a vessel. The Seamen's Church Institute's (SCI) Center for Seafarers' Rights collected data pertaining to seafarers' access to shore leave for the thirteenth year in a row as part of its annual Seafarer Shore Leave Survey, asking port welfare workers in 27 ports across the United States to monitor seafarers' shore leave on vessels they visited during the last week in May. Results show the large majority of seafarers denied shore leave are denied it because they lack visas.

This year's survey was the first SCI has conducted since the Maritime Labour Convention, 2006 (MLC, 2006) came into force. The MLC, 2006 was in force in 37 countries during the survey week. Standard A1.4 Section 5(b) of the MLC, 2006 requires shipowners to pay for seafarers' visas. Furthermore, flag states must verify shipowners' compliance with the MLC, 2006 recruitment and placement requirements, which include Standard A1.4 Section 5(b), before issuing a Maritime Labour Certificate. Ships registered in countries that have ratified

the MLC, 2006 must have a Maritime Labour Certificate before they can sail. The survey showed that flag states are not enforcing the MLC, 2006 requirement for shipowners to pay for visas. Approximately 79% of the seafarers denied shore leave for lack of visa served on ships registered in countries where the MLC, 2006 was in force.

Even for some seafarers who have obtained visas, gaining access to areas outside the port can be expensive and strenuous. Many seafarers must rely on transport from local sources. Seafarer welfare organizations, like SCI, frequently provide free-of-charge escorted transportation, but at times terminal operators restrict access by these organizations to the docked vessels. Not all ports have seafarer welfare organizations; and in some terminals, seafarers must pay a private company—usually at great cost—to escort them instead.

The results of SCI's Seafarer Shore Leave Survey document terminal policies that affect chaplains' or seafarers' access and other restrictions preventing shore leave. The report also offers observations on how to alleviate some of the issues. Download the complete survey results at www.seamenschurch.org. ☆

Chaplain >>>Continued from page 12
our way to the gang way. Where there had been a coolness on our arrival, there was now a palpable difference. I could feel that they did appreciate us coming to their vessel, and that we had been a source of consolation to them. This consolation was probably not because we were co-religionists, but because, in a far away land, two men came to them in their time of loss, expressed solidarity with them, and shared with them that members of our community would be praying for them.

A big part of the seafarer welfare work is escorting seafarers through MTSA-

regulated facilities, and driving them to WalMart or Best Buy. This can lead seafarers and the local community to see maritime ministers, seafarer welfare agents and volunteers as cheap taxi drivers. However, instances like the one on the *M/V MYSTIC STRIKER* clearly show that seafarer welfare workers are not just taxi drivers. On our best days, we truly are there for the crewmembers. Seamen's centers' vans do a lot of driving, but this driving is the means, not the end. By being with the seafarers on their way to WalMart, we also can be with them in their times of tragedy. ☆

CROSS'D THE FINAL BAR

CAPTAIN
HARRY WALTON #1071-R

Captain Harry Walton, 87, passed away on April 26, 2014 in Alameda, Calif. Harry had been a long time member of the San Francisco Bay Area CAMM Chapter. Harry was born to Armenian parents on Nov. 2, 1926 in New York City. He served two years in the Navy and became a Master Mariner in 1973. Harry spent over 40 years as a Captain for American Presidents Lines. His last command as Master was the SS *PRESIDENT TYLER* before he retired in 1986.

Harry's passions were exercising and being out at sea.

Survivors include his wife Elizabeth and two grandchildren. ☆

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The Shipmaster and the Maritime Labor Convention, 2006



by Captain
Dr. John A. C. Cartner
#2574-R

In overview of the Maritime Labor Convention, 2006 as to the shipmaster, the objective of the instrument was to reflect current international maritime labor

convention standards, recommendations and related conventions. The MLC contained principles important to the International Labor Organization (ILO)¹ and looked to protect seafarers and therefore masters.² From prior conventions,³ the ILO was '[D]etermined that this new instrument should be designed to secure the widest possible acceptability among governments, shipowners and seafarers [and masters] committed to the principles of decent work, that it should be readily updateable [sic] and that it should lend itself to effective implementation and enforcement.'⁴ The in-force Convention asserts what States Parties, Members, in the parlance of the Convention, must enact and enforce for the Convention (although there is some vagueness, as would be expected from

a politically guided document) in how owners comply with the laws; and what rights and responsibilities and duties seafarers, masters, owners and States Parties have under the laws.⁵

The States Parties made general declarations. In the current form of the MLC, the States Parties as Members agree to support the rights of seafarers, masters and owners as defined by the Convention. These rights include the freedoms of association and collective bargaining,⁶ the elimination of forced labor,⁷ of child labor⁸ and seafarers' and masters' employment and social rights.⁹ These aspirations may be met with laws, regulations and collective labor contracts or by 'other [undefined] means'¹⁰ by the Members. Members agree to enact and enforce laws arising from the Convention and to establish juridical mechanisms for them.¹¹ A part of these mechanisms is a mandatory Maritime Labor Certificate of compliance with agreement for cross-inspection by Member States and sanctions for violations.¹² Seafarer and master recruitment services¹³ are closely regulated by

the Convention.¹⁴

The Convention changes the legal climate for the shipmaster. For the master, the MLC is a substantive step to consolidating the primacy and the protection of the master in command and to bring about owners' cooperation with him in best command practices, often with the force of flag State law.¹⁵

Under any convention expressed in flag State laws, the master has legal responsibilities to answer for his acts and to repair any caused injury. Such responsibilities may arise without contract by the master or the party injured. The liability may be waived by contract, by statute or regulation. The law gives the injured compensation in damages unless waived. In general, the master is not answerable for the acts of another unless he has concurred in them. If he has concurred, expressly or impliedly, he is responsible, unless by his status under the flag State regime, he is waived or made immune. A master may be civilly responsible for the acts of others when he has done nothing by which he might be seen as participating. In other cases, the master is strictly liable because he is master, especially observable in environmental matters.

Penal responsibility is always personal. A person cannot be punished for the commission of a crime if another person, his accomplice or his abettor has committed it. It follows then that a legal duty is the responsibility to others to act

1 See the Forced Labor Convention, 1930 (No. 29); the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); The Right to Organize and Collective Bargaining Convention, 1949 (No. 98); the Equal Remuneration Convention, 1951 (No. 100); the Abolition of Forced Labor Convention, 1957 (No. 105); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Minimum Age Convention, 1973 (No. 138); and, the Worst Forms of Child Labor Convention, 1999 (No. 182); MLC, Preambulatory statements.
2 The Convention rests on the mandate of the ILO, which is to promote decent conditions of work. *ibid.*
3 The Convention revises other instruments listed in the Convention; MLC, Article X.
4 MLC, Preambulatory statements.

5 An explanatory note, not a part of the Convention, is a general guide; MLC, Preambulatory statements.
6 Article III(a).
7 Article III(b).
8 Article III(c).
9 Article III(d).
10 Article IV(5). What 'other means' remains to be seen.
11 Article V(2); Article V(5); Article V(6).
12 Article V(4); Article VI(2), *inter alia*.
13 Article II(1)(h).

14 Article V(5).
15 Article I(1); Article I(2).



according to the law. Proving the civil duty (such as not to be negligent, to keep the vessel safe, sound and seaworthy, or to follow the terms of the convention) and then showing that the duty was breached are required elements of any lawsuit for damages due to negligence or intentional injuries. A duty of care is a requirement that a person act toward others and the public with the awareness, attention, caution and prudence that a reasonable person in the circumstances would employ. If a person's actions do not meet this standard of care, then the acts are considered negligent, and any damages resulting may be claimed in a lawsuit for the tort/delict of negligence.

In summary, the standard of care for a shipmaster is the employment of the awareness, attention, caution and prudence that a reasonable shipmaster in the circumstances would exercise. If a shipmaster's acts do not meet this standard of care, then his acts fail to meet the duty of care which all shipmasters have toward others. Failure to meet the standard is negligence, and any damages resulting therefrom may be claimed in a lawsuit by the injured party. The problem is that the 'standard' is a subjective issue upon which reasonable people can

differ.

Of course, how this all works fully out between domestic and international laws remains to be seen and the master's situation in the new system still defies precise definition. However, the acceptance of the Convention by more than two thirds of the existing tonnage suggests that States are serious about the holistic protection of seafarers and masters and that masters are a key part of making the system work. This new legal climate cannot be underestimated in its effect on the master both as a manager of labor and his own rights. As part and parcel of the new legal winds brought about by the MLC, Port State control memoranda and other major conventions, inspections by both foreign and domestic authorities are ever-present. The master finds himself as the nexus between higher legal authority, higher commercial authority and on-board labor which he commands and manages. In so doing, the master also is responsible for all matters directly or indirectly associable with labor.

The master is an integral part of the enforcement apparatus. Thus the master is proximately responsible to the flag State Member for the working and living conditions of labor on his vessel.

Under Regulation 5.1.1, each Member is responsible for ensuring implementation of its obligations under the Convention and shall establish an effective system for the inspection and certification of maritime labor conditions, in accordance with Regulations 5.1.3 and 5.1.4, ensuring that the working and living conditions aboard meet the standards in the Convention. In doing so, a Member may, where appropriate, authorize public institutions or other organizations (including those of another Member in agreement) which it recognizes as competent and independent to carry out inspections or to issue certificates or to do both. In all cases, the Member shall remain fully responsible for the inspection and certification of the working and living conditions aboard.

There are consequences of a master's failure to be prepared. It is a duty of the master in looking after the owner's best interests as commercial agent, to perform his own inspections as listed in Title V (discussed later) of the Convention in a disciplined fashion. The master therefore ought to be prepared for official inspections as a part of his duties under the registry State warrant to enforce flag State law, to prosecute efficiently the voyage for the owner and to preserve and care for the safety of the vessel, the persons aboard, the cargo and the environment. To not diligently inspect, record and report as required¹⁶ or not being prepared for inspections of higher domestic or foreign authority is a failure of one or more of these duties for which there are potentially serious consequences for the master.

The master is a seafarer under the Convention. The principal change from the disparate State laws heretofore regu-

Continued on next page >>>



OREGON BOARD OF MARITIME PILOTS AND THE
COLUMBIA RIVER
BAR PILOTS

ACCEPTING APPLICANTS



The Oregon Board of Maritime Pilots and Columbia River Bar Pilots are currently accepting applicants to fill expected vacancies in the next few years. Applicants must have at least one year sea time as Master on ships over 5,000 GT to apply and two years sea time to be accepted. The pilots are an equal opportunity organization looking for Captains with a broad range of experience, capable of working in the demanding conditions of the winter bar, have the command personality to handle the wide ranging decision making required and be willing and able to contribute to the running of the business side of the organization.



Contact:
Susan Johnson, Administrator
Oregon Board of Maritime Pilots
800 N.E. Oregon St. #15 Suite 507
Portland, Oregon 97232
susan.johnson@state.or.us
Phone: 971-673-1530
Fax: 971-673-1531



¹⁶ Reporting to higher competent authority directly implicates the master and his duties as illustrated by Guideline B4.3.5. The Guideline implies proximate reports by the master to higher legal and commercial authority where statistics and reports to the ILO as necessary are compiled. Guideline B4.3.5 Reporting and Collection of Statistics.

MLC 2006 >>>Continued from page 15
lating masters¹⁷ is that masters are universally seafarers under the Convention. 'Seafarer means any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies;¹⁸ Except as expressly provided otherwise, this Convention applies to all Seafarers [and therefore masters].¹⁹

Historically, the master was not a seafarer but a commercial agent and custodian of the vessel for the owner and was often part-owner of the vessel and a participant in profits of the voyage. The demarcation was clear such that the master was distinct and separate from officers and ratings. In the 20th century, a gradual evolution occurred giving the master certain social welfare benefits of the seafarer in some states. The shift from free-on-board (FOB) lading to cost-insurance-freight (CIF) lading and the rise of labor organizations further shifted the master from a participant in the maritime venture to an employee-at-will of the owner. Hence, in recognition of the master's changed status to that of seafarer, the MLC implies that for any state accepting the Convention, should its laws say otherwise, the master becomes a seafarer and master with all the rights, duties, responsibilities and liabilities of any other seafarer. Hence, the acceptance of the master as a seafarer is a substantial change in recognitive law in many states, which do not necessarily give the master the benefits of being a seafarer. As a seafarer, then, the master's rights and duties are expanded as well as made uniform by the Convention. He or she enforces those rights and performs those duties under flag State law for all other seafarers under his or her command as well as for himself or

herself. Thus, the master is recipient of expressed and implied rights and administers the enforcement of those rights in his command.

The master has additional rights as a seafarer. The distinction between the master as a seafarer, brought into sharp focus by the Convention, brings also into focus to whom or what the master owes his or her loyalties. As a warrantee of the flag State government, the master owes allegiance to the higher legal authority of the flag State where it exercises its jurisdiction and is competent to do so within the scope of the warrant. He simultaneously owes allegiance in agency to the higher authority of the owner in commercial matters within the scope of the agency or where the owner responds through the master to the flag State within the scope of the State laws. Because the master is a seafarer, the Convention is clear that the master is entitled²⁰ to all the rights of a seafarer. That is, the master has a right to a safe and secure workplace that complies with safety standards;²¹ a right to fair terms of employment;²² a right to decent working and living conditions aboard;²³ and a right to health protection, medical care, welfare measures and other forms of social protection. These rights heretofore did not necessarily exist in domestic laws for the master except as occasional, ancillary and accidental benefits received by that person as a result of seafarer reforms which effectively began with Samuel Plimsoll (1824 - 1889).

The master has clear duties. In reading the Convention, one should recall that

²⁰ One should take especial care in reading the Convention. In many places, the term 'entitled' is used for a particular matter. This should not be understood, as is often done, with a legal right as that term is elsewhere commonly used. 'Entitled', in this context, simply means that the matter is expressed under a Title in the Convention without further qualification. Hence, a matter which is entitled is expressed with no necessarily attached other attributes or characteristics. Typically this means within the tenor of the Convention that an entitled matter will become a part of the flag State domestic law under which the master is warrantee thereof.

²¹ Article IV(1).

²² Article IV(2).

²³ Article IV(3).

the master has six generalized duties, each interactive with the others. The shipmaster has six generalized interactive duties. He enforces flag State law with further duties to preserve the vessel, to preserve the lives aboard, to preserve the cargo, to preserve the environment to prosecute the voyage efficiently, all the while as an employee at the will of the owner responsible to his employer and the owner's commercial agent. His duties make the master a fiduciary for the owner, the souls aboard and the contents. In some rare cases the master can become a constructive bailee and a constructive trustee. In so doing, the master has, inter alia, the responsibilities within those duties to inspect, maintain and repair, provision, have aboard the requisite chandlery, record, report, operate, plan and manage.²⁴

The Convention should be read as to the master in the context of laws and other Conventions. It is thus important to read the MLC as to the master while understanding its context and subtleties. It is safe to say that current international maritime law affecting the master rests on five pillars of which the settled domestic laws are one with the four others being conventions. The MLC is the fourth and latest and integrating addition to the legal structure. One therefore cannot fully understand the shipmaster's relationship to labor without understanding the shipmaster's statuses as both master in the complexities of commercial law and in flag State domestic law.²⁵ In the maritime law as set forth in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, [7 July] 1978 (STCW 78/95);²⁶ the International

²⁴ John A C Cartner, et al., (2009).

²⁵ Each of these topics in law is reviewed thoroughly in John A C Cartner, et al., (2009).

²⁶ For differences between the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) of 1978 and 1995 see STCW, Code Part B, Table B-1/11. For a discussion of the STCW as to the shipmaster see John A C Cartner, et al., (2009), §§ 13.2.11. These are discussed in the MLC as to the master, the master's role in STCW enforcement, the qualifications to serve as shipmaster, dispensations by the flag State, standards of medical fitness,

¹⁷ For a discussion of the complexities of the master's status and its evolution see John A C Cartner, et al., *The International Law of the Shipmaster* (Informa 2009).

¹⁸ Article II(1)(f).

¹⁹ Article II(2). Hereinafter, when paraphrasing parts of the Convention where the term seafarer is used, the term master is inserted after a conjunctive to emphasize the master's status as master and seafarer.

Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78);²⁷ and the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS)²⁸ are the principal guides for the owner and master. It is from the evolved commercial and statutory laws that the master is proximately empowered to perform his duties and is liable for his acts. It is from these three conventions that the master has developed many of his powers and liabilities. It is from the fourth, the MLC that he derives many of his labor rights and authorities as integrated with the laws and the other conventions.

The Master is Competent Authority Afloat. The question arises as to whether or not the master's authority and primacy as master, whilst managing labor and dealing with owners, regulators of the flag State and administrator of the MLC and other labor laws afloat, is diluted by his new status as seafarer under the Convention. Superficial appearances suggest that the shipmaster has two masters: the owner and the flag State. The Convention, however, deals with this in a prophetic fashion by implicitly creating powers in the master where he renders unto the flag State that which is the flag State's and renders unto the owner that which is the owner's. If anything, the status as master is wholly affirmed in his authority wherein the flag State is the warrantor at law and the master is the flag State's warrantee at law because of the flag State's interests in matters of labor controls under the Convention. The Convention says:

'1. For the purpose of this

standards of navigational experience, navigational safety, communications equipment, deck watches, engineering duties, supplies, pilots, disciplinary liability and training duties. Each has relevance to the MLC.

27 See John A C Cartner, et al., (2009), §§-12.1.3 for requirements of the master and civil and criminal liabilities. See also §§B7B7.2 fn; 12; 12.2; 12.1.1-3; 12.4 and fn; 12.6; 12.7; 13.4. In Part III, Convention Codes.

28 *ibid.* §§1.5; 3.2 fn; 3.2.3; 3.7.3; 7.0; C7.1; C7.1 fn; D7.2; 8.7; 8.7 fn; 9.3; 9.5; 9.10; 9.11.4; 10.0; A101; A10.1.2-3; B10.1; B10.1fn; C10.1; 12.1; 13.2.5; 13.2.5fn; 13.4. Part III, Convention Codes CSI-16 by state.

Convention and unless provided otherwise in particular provisions, the term: (a) competent authority means the minister, government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned'.²⁹

The master in the domestic registry laws, having a valid certificate and being appointed master, has the warrant of the flag State³⁰ to enforce the laws of the flag aboard his vessel. One should carefully distinguish between the power of the master to enforce flag State law on the vessel and the power of the master conferred by his agency principals and their instructions. The owner may give daily guidance and advice; however, the master is the person on the ship on the high seas who makes decisions and applies the flag State law under license or certification or 'document' [US] of the flag State. The distinction is only a matter of words. To be a master for a flag State vessel, the master must have a license or official document or a Certificate (eg, U.K. practice) or in some cases both in the same piece of paper (eg, Liberian practice of certification and license). The master further has the right of 'on-the-spot decision-making'. The master has the authority and duty to judge, on the spot, the situations of the ship, cargo, and sea and weather, and to decide the proper safety measures which need to be taken then and during the voyage to meet his duties. The master may give precedence to measures

29 Article II(1)(a), (italics added).

30 K.X. Li and Jim Mi Ng. International Maritime Conventions: Seafarers' Safety and Human Rights. 33 J. Mar. L. & Com. 381 (2002).

intended to maintain the safety of the vessel if a conflict should arise between safety and security requirements applicable to the vessel.³¹ Safety of the vessel implies the preservation of the contents of the vessel. To do so he gives orders and instructions to his officers thereby delegating his authority.³² Under the

Continued on page 20 >>>

31 [U.S.] 33 CFR §104.205(b), (2003).

32 The master must be able to delegate to perform his duties. The *Bonvilston* 30 TLR 311 (1914). Oceanic passage demands the master delegate authority so that the voyage is successful. *ibid.* Contrary to the old saw that 'the master sleeps with one eye open', he or she must delegate. The master has paramount power over all persons aboard. *Pietrafesa v. Board of Governors for Higher Education*, 846 F. Supp. 1066 (D.R.I., 1994) referencing *University of Rhode Island, R/V Endeavor: A Manual for Ship Users*, at 21, and *John Bourdeau and John Dvorske, et al, American Jurisprudence (West 2006) 70 Am Jur 2d Shipping §MERI*. See, *Butler v Boston & SSS Co*, 130 US 527, 9 S. Ct. 612, 32 L. Ed. 1017 (1889). A master through his officers enforces proper practices; carries full responsibility for vessel safety and all aboard and, because of these legal responsibilities, is given full legal power over all operations and personnel, aboard and in foreign ports. *Pietrafesa v Board of Governors for Higher Educ.*, 846 F. Supp. 1066, (DRI, 1994). In most cases the master is in charge and responsible for the vessel present or not and if not must put a qualified officer in charge. It is the master's, not the owner's, duty to see that a competent and qualified officer is in charge. *John Bourdeau and John Dvorske, et al, (2006), §p cit. RDE Butler v Boston & SSS Co, ibid. (1889)*. This requirement appears fraught with danger for the master. If, however, the master procures competent persons with appropriate orders to perform their lawful duties, no guilt is imputed to the master if those persons without the master's knowledge neglect duties assigned. *ibid.* See *Ellingson v American Mail Line*, 35 Wash. 2d 129, 211 P.2d 491 (1949). *McConnel v Williams*, 65 A.2d 243 (1949). *Commercial Nat. Bank of Chicago v Sloman*, 106 NYS 508 (1st Dep of Chi7), mod. on other grounds, 194 NY 506 (1909). Therefore, although the master may on occasion be liable for the acts of his officers engaged in their usual duties, he is not liable for negligence when he has used reasonable care in their selection and has left the vessel in their charges with proper orders. However, as a general matter, the master >>>Continued on page 20>>>



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Under 2015 Baltic ECA requirements, increase in marine casualties inevitable



by Captain Jeff Cowan
#3070-R
with Claes Jakobsson

Is there another option?

The International Maritime Organization amended the International Convention for the Prevention of Pollution

from Ships (MARPOL) designating specific portions of U.S., Canadian and French waters as Emission Control Areas (ECA) in 2010. Since August 2012, ships have had to burn fuel oil not exceeding 1.0% sulfur. In January 2015, the limit falls to 0.1% sulfur, making the use of distillate fuel mandatory within the ECA.

The state of California required ships to use distillate fuel within 24 miles of the coast starting in 2009. The requirement, while intended to reduce emissions and improve air quality, created some difficulties, most notably an increase in Loss of Propulsion (LOP) incidents that could have caused a collision, allision or grounding. The state has come close to an incident several times but thankfully none so far.

There are five different types of LOPs experienced in California:

1. Increase in "Failure to Start" scenarios. Typically from the difference in British Thermal Units (BTU) of the distillate fuel versus the Heavy Fuel Oil (HFO). The fuel rack requires adjustment to ensure positive starts. Then there is the lack of ability to maintain RPM's at slow engine speeds from BTU issue and shipmaster continuing to order engine starts without engine calibration

to offset the lack of BTUs.

2. Heat incompatibility issues – HFO to Distillate fuel. To get the HFO to flow through the fuel lines it must be heated to 150°C or 302°F. Distillate fuel flows at ambient temperature and loses its limited viscosity if fuel lines and components are above ambient temp.

3. Fuel system leakage. "O" rings on engines adapted to run on HFO with the extra heat do not do well with the solvent qualities of distillate fuel causing extraordinary leakage at times.

4. Clogged strainers and/or fuel filters. The solvent quality of distillate releases asphaltenes from the fuel components which collect in the filters and strainers, causing shutdowns from clogged fuel lines.

5. Distillate less viscous and less lubricity. Close tolerance parts, even if worn, do well with viscosity and lubricity associated with the heated HFO. Distillate has shown to be less tolerant of any wear in the fuel injectors/pumps, causing close tolerance fuel components to hang up either open or closed.

Routing

Once the 2015 ECA comes into effect, ships will try to minimize their use of the more expensive fuel with its assorted running issues by changing routing. Ship Masters coming to the United States utilizing common sense will use a great circle course (intersects each line of longitude at a different angle) until the ship is directly east or west of its destination, then proceed into that port using a rhumbline (intersects each line of longitude at same angle) or straight line.

Collectively taking all of the ship

arrivals into the United States on a yearly basis and using the assumption ship's Masters will opt to change routes, ships will add approximately 1.1 million miles to their voyages. In other words they will be burning the less desirable fuel (HFO for emissions) over 1 million extra miles. The point of using low sulfur distillate is to reduce emissions, but in this scenario, the net benefit might be zero when offset against the operational changes. Unlike ships en route to the United States, ships headed for Northern Europe will have to transit the English Channel. Their fuel switchover position is a line between Land's End and the Brest Peninsula in the south; in the north, southwards of latitude 62° North and eastwards of longitude 4° West, an area that encompasses most of the North Sea. Unlike arrival into the U.S., where ships will be surrounded by open ocean after the switchover, these Channel and North Sea bound ships will be in close proximity to France, England and oil rigs and very close to potential dangers if problems should occur.



Red dotted line represents the ECA boundary. Green dash lines are existing routes; purple dash lines denote alternate route course.



Loss Of Propulsion Incidents

California's LOP incidents averaged 23 incidents per year on HFO prior to 2009, and then shot up by almost 200% when California regulations required distillate fuel use.

More alarming is the potential number of LOP incidents in the Gulf of Mexico which could increase by 164 and 54 attributed to distillate fuel use annually—almost one every other day based upon traffic and extrapolating from California's experience. Furthermore, there are 4,000 shallow water oil rigs, 800 manned oil rigs and 94 deep water oil rigs in the Gulf of Mexico. Having been in the Gulf and noted the proximity of the rigs to shipping lanes, this fact

and applying that to the number of transits in the English Channel, it means maritime industry could see 646 LOP events annually and 200 of those events caused by distillate fuel. The North Sea plays host to 570 oil rigs, 152 of which are staffed – with the potential for 646 LOP events in the area, 2015 could prove to be an anxiety ridden year.

As the investigation into the creation of the standards evolved, queries were sent to several regulatory agencies including the U.S. Environmental Protection Agency and the U.S. Coast Guard in regard to risk assessments. The question: had the agencies done any risk assessment? The answer: No.

Scrubbers

The alternate compliance stack gas scrubbers cost \$5-\$10 million to install upon existing ships for the main propulsion engine(s) and auxiliary generators. They are capable of reducing sulfur oxide (SO_x) when the less costly HFO is used but at what real cost? It has been estimated that fuel consumption will be increased using the scrubbers by 1.5% to 5%. For a ship that burns 100 tons per day of HFO; when the scrubber is in use, consumption will increase from one ton to five tons.

One of the chemicals typically used in this scrubbing technology is caustic soda. Crews will have to be trained on how to handle this hazardous substance without sustaining injury because the consumption can be over 20 tons per week while in the ECA. The typical operation will also consume approximately one ton of fresh water if the system is a closed loop scrubber. Ships will need exceptional evaporators to handle the extra demand for fresh water in this scenario. Any hazardous effluent leftover must be disposed of, and only two options exist: bring it to port or release it into ocean. In an open loop scrubber system, the free copper effluent also needs disposal with the only option of it being released into the ocean if disposal ashore is not feasible due to shoreside facility restrictions or other impediments. Meanwhile,

industry has not completed a life cycle analysis of the scrubber system which leaves the length of service and viability of a scrubber system unknown, and places the ship at risk and liable in the event of equipment failure.

From the beginning scrubber technology has been reported as the panacea for air emissions. With the upcoming 0.5% sulfur HFO from 2020 it might be a dead heat when looking at the total impact on the environment.

Weather

Weather may also be a factor. Historically, weather in the North Atlantic and North Pacific during winter months causes a consistent 20-40% chance of seas over 12 feet or 4 meters. Typically this means the wind is blowing over 26 knots. Why would this be significant? It does not take much more wind for the seas to build over 4 meters and hamper the progress of a ship. Engine loads increase in sizable seas forcing the master/chief engineer to reduce load on the engine (reducing fuel) and slowing the ship even more. If the chief engineer hesitates to reduce load, extra wear will appear on the engine components enhancing the possibility of a LOP. While using distillate fuel, this scenario with the potential of suffering an LOP is increased many times over inside the ECA.

Imagine another incident like the

The point of using low sulfur distillate is to reduce emissions, but by using alternate routing, the net benefit might be zero when offset against the operational changes.

carries great weight with this mariner. Given some ships may become dead in the water and at the mercy of the elements, could an allision with a drilling rig be in the future? Very possibly.

In 2005, the articulated tug barge *REBEL* propelling the barge *DBL 165* ran over a submerged wellhead that had been toppled by Hurricane Rita earlier in the year. The allision cut a swath 10m long and 2m wide, dumping 74,000 bbls of oil into the Gulf. Equate this to a tanker carrying oil suffering an LOP amongst numerous oil rigs/well heads.

The English Channel transits according to the U.K. Maritime & Coastguard Agency numbered 35,581 per annum in the South West Bound Lane in 2013. The Northeast Bound Lane according to the Prefecture Maritime de la Manche et de la Mer du Nord transits numbered 36,297 in 2013. Using a proportional comparison of ship transits to LOP events established annually in California,

Using proportional comparison of California's LOP due to distillate fuel data, the Gulf of Mexico could see LOPs increase by 54 annually, and 200 in the English Channel.

KULLUK. Royal Dutch Shell's prized Arctic drilling rig went aground Dec. 31, 2012, near Kodiak Island after its tow line broke and it ended up on the beach. Imagine this happening but this time spilling oil in the North Sea!

Continued on next page >>>

ECA LOPs >>>Continued from page 19

Alternate Compliance

Currently, regulations related to ECAs list two options for achieving compliance. First, the use of exhaust gas scrubbers will allow the use of HFO. They have the following drawbacks:

- Increased fuel consumption and increased carbon footprint.
- Extensive use of caustic chemicals.
- Increased water consumption on ship.
- Larger or more evaporators required, increased load on ship and use of fuel.
- Costly disposal of effluent at port.

A second option is using distillate fuel in ECA. Distillate fuel has a lower sulfur content but also gives rise to the following complications:

- Increased chance of LOP incidents that could result in collision, allision or grounding.
- Increased fuel consumption of HFO while routing around the ECA to reduce the use of low sulfur distillate and the chances of an LOP and or engine damage.
- Increased emissions while routing outside the ECA to avoid the problems and expense of using distillate.

- Increased engine load in winter weather while using either HFO or distillate.
- Wear on engine components due to unforgiving nature of distillate.
- Lower BTUs in distillate compared to HFO.

Could there be an alternative to scrubbers and distillate fuels?

In 2009, the California Air Resources Board regulations related to emissions from ships operating within 24 miles of the California coast came into effect with the intent of protecting the public health and reducing emission-related health issues. When data for the original ECA was compiled, the benchmark used ship “hull” speed. Aboard my former ship, consumption at “hull speed” was around 150 tons of HFO per day. With the price of fuel increasing so quickly over the last five years, ship operators conducted experiments using the concept “slow speed steaming.” What typically was a five ship service was increased to a six ship service, meaning that at the slower speed, six ships provide the same scheduled service as five.

Using the C-Energy Emission Compensation Model, a European ECA study reports that reducing consump-

tion of HFO on daily basis, one third by just proceeding 2-3 knots less than “hull” speed. More importantly, emissions decreased substantially across the board in conjunction with the reduction in speed! In the study of the health risks associated with nitrous oxide NO_x, acidification and eutrophication (the process by which a body of water becomes enriched in dissolved nutrients that stimulate the growth of aquatic plant life usually resulting in the depletion of dissolved oxygen) were reduced in comparison to a ship proceeding at design speed on distillate! While health risks associated with particulate matter were equal.

Then there is cost. Using low sulfur heavy fuel oil is less expensive than distillate, not to mention the cost of installing a scrubber or exhaust gas recirculation apparatus. Let’s not forget the more forgiving nature of HFO versus distillate; ships will have fewer LOPs which could result in a catastrophic allision, collision or grounding. ☆

Captain Jeff Cowan sailed aboard various containerhips as Master, capping a 35-year sea-going career. This article first appeared in Nautical Institute’s Seaways.

MLC 2006 >>>Continued from page 17

Convention, these orders and instructions come from his competent authority by definition and thereby have the force of law.³³ Accordingly, then, the master is the competent authority afloat enforcing Convention regulations.³⁴

may not delegate his agency powers, only his authority.

33 John A C Cartner, et al., (2009), §§ 6.2-6.11 The Convention seems to clarify the position held in the Anglo-American case law and in other Conventions and in many domestic laws.

34 A broad interpretation would presume that he she also has similar powers to enforce other maritime-relevant regulations within the flag State domestic regime and in other maritime conventions, as expressed in flag State law. A narrow interpretation would limit such powers to the Convention. That interpretation is both impracticable and cumbersome. The Convention Regulations are important to the Convention, the vessel, the owner’s interests and the master’s interests. However, there are other competent authorities. To the master, the

The master has ministerial authority afloat. The MLC has both expressed and strong implied the ministerial duties of the master in his capacity as the competent authority afloat, as well as underlying legal support for his apparent authority.³⁵

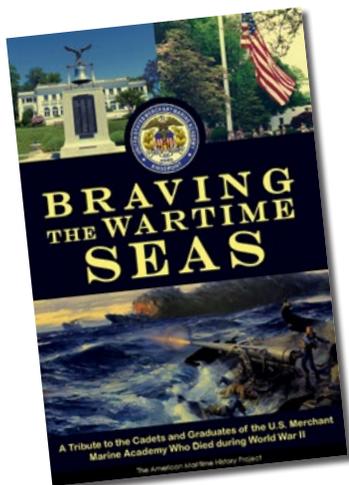
ultimate competent legal authority is the flag State. Thus, the ultimate competent commercial authority is the owner except where a duty is owed to the cargo, charterer or other third party.

35 See John A C Cartner, et al., (2009), §8.3p cit. The master’s authority to act as an agent of the owner may be actual or apparent. Actual authority may be express or implied and a shipmaster may act or not act with express authority if the owner explicitly directs him to carry out a specific act or duty or forbids him to act. Should an act not be expressly directed, a court may find that the master had implied authority to carry out the owner’s wishes. The owner’s behavior towards a third party (labor being a third party here) with whom the master has contracted or made representations and statements is evidence that the master had the authority to act on the owner’s The

He can exercise such duties in four ways. The first is carrying out an expressed duty according to the Convention. The second is carrying out an implied duty in the Convention under the master’s status as the competent, expressed or implied,

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Restatement (Second) of Agency (1957) §8. In contrast, in the triangle of owner-master-third party, for apparent authority to exist the owner must act in some way, by omission or commission, to lead the third party to believe that the master is acting on his behalf and has the authority, granted by him, to contract Or speak on his behalf. Cactus Pipe & Supply Co, Inc. v M/V Montmartre, 756 F.2d. 1103. (CA5 (Tex.) 1985). Apparent authority is entirely distinct from actual authority, either express or implied, and arises from written or spoken words or any other conduct of the owner which, reasonably interpreted in the situation, causes a third party to believe that the owner consents to have an act done on his behalf by the master purporting and appearing to act for him. The Restatement (Second) of Agency, §8. (cited in Minskoff v American Exp. Travel



Book Release: Braving the Wartime Seas

The American Maritime History Project, Inc. is proud to announce the publication of its final historical work, Braving the Wartime Seas.

This book is a lasting tribute to each of the cadets and graduates of the U.S. Merchant Marine Cadet Corps who died in World War II. As such, it briefly chronicles the life and often tragic death of 212 individuals.

The majority of the men were students from the U.S. Merchant Marine Academy. They came from all parts of the country as volunteers to engage in the national effort. Whether clerk, factory worker, high school graduate or farm hand, after a few months of training, they were assigned sea duty as part of their continued training. Eventually they were scheduled to return to the U.S. for

further training and then examination to obtain a U.S. Merchant Mariners' license. Some returned from sea unscathed while others returned after having abandoned ship one or more times earning them "membership" in the Academy's "Tin Fish Club". 143 did not return, having lost their lives at a young age as a result of the wide range of ravages of war. Most of these young men were killed in enemy submarine attacks. As a result, the U.S. Merchant Marine Academy is the only federal service academy privileged to carry a battle standard as part of its colors. The U.S. Merchant Marine Academy has continued to send its midshipmen to sea in war zones aboard U.S. commercial ships.

The deceased cadets and midshipmen have previously been honored with a memorial at the Academy (depicted on the cover) and on an ongoing basis there is an annual Battle Standard dinner and a march composed in their honor and often played by the Academy's band.

The book is available from the publisher Xlibris in hard copy, paperback and electronic form, as well as from Amazon and Barnes & Noble.

Previous publications sponsored by the American Maritime History Project, Inc. are *In Peace and War – A History of the U.S. Merchant Marine Academy at Kings Point* and *The Way of the Ship: America's Maritime History Reenvisioned, 1600-2000*. ☆

MLC 2006 >>>Continued from page 20
authority afloat. The master may proscribe, prescribe, affirm or prohibit. For example, the master may permit certain acts aboard, may direct that certain acts be done, may formally agree to certain acts and may prohibit entirely certain acts. As examples, within the law the master may proscribe times and places wherein spirituous liquors may not be consumed aboard, she may prescribe watch arrangements, he may affirm with his or her signature logbook entries or he may prohibit the signing on of a seafarer without the proper credentials.

Related Services Co, Inc., 98 F.3d 703, (CA2 (NY), 1996). The mere fact that the owner has appointed the master and that the master is in the position and acts as a master overall is sufficient by custom and practice, for a necessary man or any other third party to presume that the master has the owner's authority.

The master also has duties as to himself as a seafarer and therefore master. Thus, he must have the necessary documents for himself identical to the treatment any seafarer. Other duties implied by the Convention are those duties owed to the higher competent flag or owner authority in reporting to it. These categories of duties are obviously neither mutually exclusive nor exhaustive of all possible duties.

This all goes to say that when reading the Convention, one must put oneself in the shoes of the master afloat and to the realities of his commercial existence and duties to the owner as agent and to the realities of his legal existence to the flag State under its warrant which, in the case of the MLC, are expressed to each and to labor aboard. ☆

This article is part one of a three-part series, which will appear in the next two issues of Sidelights.

Captain Dr. John A. C. Cartner is an unrestricted master mariner (U.S.) and maritime lawyer practicing in Washington, D.C. He is also a member of: the Law Society of England and Wales; the District of Columbia Bar Association; the Maritime Law Association of the United States, designated as a Proctor in Admiralty thereby; and of other maritime law associations. He is also a fellow in several maritime engineering associations in the U.K.

Hit the HMT Target Campaign



AAPA Ports
Press Release
Sept. 17, 2014

focus of the American Association of Port Authorities (AAPA) is improving port-related infrastructure, including the water-side and land-side connections to ports, to efficiently move goods in and out of our nation. This message highlights:

Why HMT funding matters to you

Ports play an important role in job creation and economic prosperity for every American and every constituent, even though most Congressional Districts do not themselves contain ports. State-specific benefits can be found on the U.S. Chamber of Commerce website: www.uschamber.com, in the Let's Rebuild America section

Harbor Maintenance Tax (HMT) funding in the Fiscal Year 2015 Energy and Water Development Appropriation must meet the WRRDA target for jobs

and economic growth to ensure U.S. competitiveness in world trade.

A key focus of the Water Resources and Reform Development Act of 2014 (WRRDA) was a major accomplishment of the 113th Congress. Congress, through WRRDA 2014, committed to achieve full use of HMT through incremental increases over a ten-year period, with FY 2015 being the first year. It is vitally important that this commitment be met.

The HMT is collected from users to fund navigation channel maintenance, enabling freight movement to and from the global marketplace. HMT tax collections and interest are estimated to be \$1.79 billion in FY 2014. This tax must be fairly and equitably utilized.

Now Congress needs to Hit the HMT Target in the Energy and Water Development Act appropriations. FY 2015 has a target of 67 percent of FY 2014 HMT revenues — \$1.17 billion. The House hit the HMT target, thanks

to a floor amendment that passed overwhelmingly 281-137. The Senate subcommittee report proposes to appropriate \$1.075 billion, which while an increase over FY 2014 funds, does not hit the target.

Letters were circulated in September asking members to sign to urge Congressional Appropriators to Hit the HMT Target — using the House HMT amount when appropriators meet to prepare Omnibus legislation for FY 2015 appropriations.

We need to maintain the momentum of WRRDA's strong bipartisan passage, which was approved 412-4 and 91-7 in the House and Senate, respectively. The U.S. needs fully maintained navigation channels for safe and efficient freight transportation to the global marketplace which will result in national economic growth and increased skilled craft level jobs throughout the U.S. ☆

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Seafarers Shame: For Safety's Sake Contact CHIRP



by Captain John Rose,
director (maritime) of
the UK charitable trust
CHIRP
Originally appeared in
Maritime Executive
July 28, 2014

There should be no shame in reporting that something went wrong, especially where an accident

was narrowly avoided. As John Guy wrote in his article *Shame and Shipowners*, the shame should be in not reporting it. One avenue open to all seafarers, wherever they are in the world, is the Confidential Hazardous Incident Reporting Programme (CHIRP). Our role is to investigate hazardous occurrences, namely those that nearly result in injury or damage and are often referred to as a "near-miss".

The aim of CHIRP is to seek out root causes, identify the lessons learned and to consider how best this information can be used to prevent reoccurrence elsewhere in the maritime industry. CHIRP does not seek to apportion blame to any company or individual(s). The term 'whistleblowing' is not one used in CHIRP as that is often used to cast blame on an organization or an individual.

A report can be generated either online (through a secure website), as a written report (via post/Freepost), or by telephone to the Charitable Trust's office in Farnborough England. Reports come from professional and amateur participants in the maritime sector and upon receipt, all reports are validated by myself as the director (maritime).

Anonymous reports are not normally acted upon, as they cannot be validated. User privacy is taken very seriously,

with the confidentiality of the source always being maintained. Thereafter, only de-personalized data is used in discussions with third party organizations - always protecting the identity of the reporter.

The same data is presented to my panel of maritime experts, the Maritime Advisory Board, from whom advice and recommendations are taken as to whether there is benefit in sharing the results in the *Maritime FEEDBACK* publication. The results are also fed back to the reporter. On completion of the investigation, all personal details are removed from all files, with only key information being retained in order to establish trends or identify root causes linked with human element behaviors.

To date, over 800 hazardous occurrence reports have been reviewed, these include all aspects of vessel operations: cargo handling, catering, engineering, navigation, shipboard services, and activities at the ship/shore interface.

Our publication of *Maritime FEEDBACK* now has a distribution of 65,000 and a social media site with over 1,100 followers from 46 countries around the world.

A priority is to promote the importance of safety reporting and the provision of a reporting structure that is not always available to all seafarers. Those most likely to benefit are: seafarers operating on vessels with hazards or incidents not managed within an appropriate safety management system (SMS); seafarers with concerns over fatigue or

stress related issues; seafarers encountering gaps in the interface between two safety management systems (bunkering, pilotage, repair yards), and ship managers whose ships encounter poor application of the Collision Regulations by another ship's officer.

Perhaps the largest challenge is convincing people to submit reports and increase their belief that a report will make a difference. A recent initiative involves working with The Nautical Institute Mariners' Alerting and Reporting Scheme (MARS), the aim being to establish an international network of eight voluntary ambassadors, designed to promote both schemes.

For those unclear as to the difference between the two programs; the MARS reports relay the lessons learned from the incident and near miss reports they receive, whilst in CHIRP each report involves pro-active follow-up and investigation of safety issues which otherwise may not have been reported to ship managers and authorities.

Examples of hazardous occurrences examined by CHIRP:

- A very hazardous operation in severe weather on an offshore vessel with potentially fatal consequence. This was followed up with the vessel operator, who took up the lessons learned and applied them to all the vessels in their fleet.
- Expert advice given on a concern expressed over the information contained in operational and maintenance records.

Continued on next page >>>

CHIRP>>>Cont'd from page 23

nance manuals; where text can be inaccurate and/or poorly written which can create confusion for the operator.

- Explosion as a result of heavy corrosion of an air bottle in a ship's lifeboat. This incident highlighted the importance of regular inspection and survey of all parts of a lifeboat, including bottles containing pressurized gas or air.
- A major argument witnessed between the captain and the pilot when entering port has highlight-

ed the importance of establishing a positive relationship when the pilot first boards and then reaching agreement when the passage plan is discussed.

- A small passenger ferry was on passage when the vessel suffered intermittent power loss on both engines. The loss was due to blocked filters due to fuel bugs in the diesel fuel. This flagged up the fact that increased care is needed on small vessels in the storage of diesel where this contains biodiesel.
- Poor application of the Collision

Regulations, led to feedback reiterating the need to take positive and early action when altering course, noting also that although there is often a reluctance to do so, reducing the speed of the ship can be used as an alternative means to avoid a collision.

To access past *Maritime FEEDBACK* publications please visit www.chirp.co.uk and to submit dangerous occurrence reports please email reports@chirp.co.uk. ☆

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Fatigue wins again as ship hits seawall at 15 knots

MARS Report 201444, edited from Japan Transport Safety Board report MA2014-1

In the early morning hours, but still in darkness, a small container ship was making way at about 15 knots on autopilot with the officer of the watch (OOW) as the sole watch-keeper on the bridge. The visibility was good and there was no traffic, so the Master had given the instruction for the OOW to be alone on the bridge while making way in darkness. A few hours into his watch the OOW began to feel drowsy, so he began walking briskly around the wheelhouse. He then sat in the chair in front of one of the radars, confident he would not fall asleep. Somewhere between buoys four and five as they made landfall he fell asleep.

About 40 to 50 minutes later, at approximately 04:40, he woke up abruptly when he was thrown out of the chair by the impact of a collision. The vessel had hit the sea wall on the northern side of a nearby bridge. The ship was not equipped with a bridge watch navigation alarm system (BWNAS) at the time of the accident, nor was it required to have one.

Lessons learned

- Had a proper lookout been assigned to assist the OOW it is unlikely the collision would have transpired.
- Had the OOW reported his drowsi-

ness to the Master, alternative watch arrangements could have been made.

The Mariners' Alerting and Reporting Scheme (MARS) is primarily a confidential reporting system run by The Nautical Institute to allow full reporting of accidents (and near misses) without fear of identification or litigation. As a free service to the industry, MARS reports also regularly comprise alerts condensed from official industry sources, so that issues resulting from recent incidents can be efficiently relayed to the mariner on board. With access to the internet from vessels becoming more affordable, the MARS database is a valuable risk assessment, work planning, loss prevention tool and training aid for crew and management.

MARS reports are held in a publicly-accessible database and can be accessed at www.nautinst.org under the MARS menu tab.

Fatigue

From Alert! By Nautical Institute

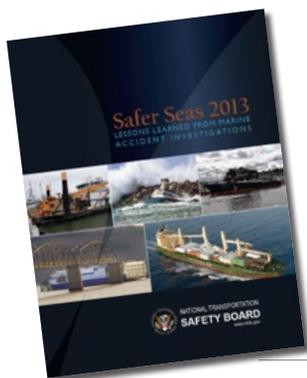
Fatigue on board ships exists, leads to accidents and incidents and left unchecked, will create an environment where the retention of qualified crews will be increasingly difficult. Due to a culture where there can be a general disrespect for regulations (not to be confused with the compliance culture)

and a 'can do' attitude of seafarers, it is difficult to gauge the extent of the problem because work/rest hour logs do not reflect a problem. However, anecdotal evidence constantly reported to The Nautical Institute indicates that fatigue and manning levels are of major concern to mariners. In response to this the Institute has begun work on a programme to raise the awareness of fatigue on board and promote best practices for management and mitigation techniques.

The purpose is to facilitate this by providing links to reports and resources concerning fatigue and its effects on mariners, and by providing a means for mariners to express some of their concerns in a safe environment. The reports of on board fatigue on our website are to illustrate the types of environments some mariners are facing. These reports are simply illustrative and should be taken as 'hypothetical examples' so as not to appropriate any blame on specific individuals or organizations.

All mariners are encouraged to report issues relating to fatigue to The Nautical Institute either as a hypothetical example and/or confidentially. We also encourage all those in the industry to use these reports to better acquaint themselves with these realistic situations in order to promote practical solutions.

Visit our Alert! site for more on fatigue: www.he-alert.org. ☆



NTSB Releases Safer Seas 2013: Lessons Learned From Marine Accident Investigations

Press Release, September 11, 2014

The National Transportation Safety Board today released *Safer Seas 2013: Lessons Learned From Marine Accident Investigations*, a compilation of accident investigations that were published in 2013, organized by vessel type with links to the more detailed accident reports.

The 39-page report contains a summary and the probable cause of 21 marine accidents. It brings the lessons learned from these accidents to the maritime community in an easy-to-use summary document.

Safer Seas 2013 is available on the NTSB website at go.usa.gov/Vd7k.

Summaries of incidents

Summaries of incidents are posted on NTSB's website: www.ntsb.gov/investigations/reports.html.

Capsizing of Towing Vessel MEGAN MCB

Lock and Dam 7, Mississippi River mile marker 702.5, near La Crescent, Minnesota

July 3, 2013

NTSB Number: MAB-14-17

Adopted: September 4, 2014

Accident Summary

On July 3, 2013, at 0558 local time, the uninspected towing vessel MEGAN MCB lost engine throttle control while the crew was trying to maneuver the vessel into the main lock of Lock and Dam 7 on the Mississippi River near La Crescent, Minnesota. Without engine throttle control to maneuver the vessel, the strong river current swept the MEGAN MCB into gate no. 1 of the dam, where the vessel became pinned and capsized. One crewmember died in the accident. The vessel was later refloated; its damage was estimated at \$500,000.

Probable Cause

The National Transportation Safety Board determines that the probable cause of the capsizing of towing vessel MEGAN MCB was the replacement pilot's unfamiliarity with the vessel's electronic engine control throttles, which resulted in his inability to avoid gate no. 1 of Lock and Dam 7. Contributing to the capsizing was Brennan Marine's lack of effective procedures to ensure that the MEGAN MCB was operated by a replacement pilot familiar with the electronic engine control throttles, which were unique to this one vessel in the company fleet.

Capsizing and Sinking of the Fishing Vessel Advantage

Approx. 14 nautical miles southeast of Cape Barnabas, Kodiak Island, Alaska, 56°58.0' N, 152°36.4' W

NTSB Number: MAB-14-16; Adopted: August 20, 2014

Accident Summary: The uninspected fishing vessel ADVANTAGE was on a routine transit from Kodiak harbor, Alaska, to fishing grounds off the southern coast of Kodiak Island with a load of empty cod pots when it sank about 14 nautical miles southwest of Cape Barnabas at 0030 on August 31, 2012. A Coast Guard rescue helicopter retrieved three of the four crewmembers. One was never found and was presumed dead, and the vessel's captain later died. About 3,453 gallons of diesel fuel were onboard the vessel when it sank.

Probable Cause: The National Transportation Safety Board determines that the probable cause of the capsizing and sinking of the fishing vessel ADVANTAGE was a severe heel to port, followed by immediate downflooding. The reason for the vessel's loss of stability could not be determined.

Fire and Explosions On Board Towing Vessel SAFETY RUNNER and Kirby Barges 28182 and 28194

Mobile River, mile marker 0, Mobile, AL, 30°41.14' N, 88°01.55' W

NTSB Number: MAB-14-13; Adopted: July 14, 2014

Accident Summary: On April 24, 2013, at 2030 local time, the towing vessel SAFETY RUNNER docked on the Mobile River in Mobile, Alabama, alongside two Kirby barges that were having their tanks cleaned. Shortly thereafter, flammable vapors being vented from the barges' open tank hatches entered the SAFETY RUNNER's engine room and ignited. The fire spread from the towing vessel to the barges, resulting in explosions. Three persons sustained serious burn injuries. The total damage to the vessel and barges was estimated at \$5.7million.

Probable Cause: The National Transportation Safety Board determines that the probable cause of the fire and explosions involving towing vessel SAFETY RUNNER and Kirby barges 28182 and 28194 was the failure of the ORC Facility to isolate tank-cleaning operations from sources of ignition. Contributing to the accident was ORC's failure to provide its employees with tank-cleaning training and procedures that followed industry standards and government regulations for reducing the risk of fire during tank-cleaning operations. ☆

Polymnia Street Goes to War

In New Orleans' Most Extreme Case of Spot Zoning, Heavy Manufacturing "Pops Up" on a Quiet Residential Street

by
Richard Campanella
First published in the
New Orleans
Times-Picayune
Sept. 13, 2014
NOLA.com

els of northern and Midwestern cities. Nowadays, aside from petroleum and chemical processing, making things falls well behind shipping things and serving things in the ranking of economic sectors.

Thus it comes as something of a surprise to consider just how much manufacturing did exist in New Orleans.

From the late 1800s to the mid-1900s, factories dotted the skyline, and New Orleanians did everything from assemble automobiles and process foods to produce aluminum, paint, furniture and ships.

The greatest chapter in local manufacturing history came courtesy Andrew Jackson Higgins' boat-building business, which employed tens of thousands of people and built as many vessels to, quite literally, help win World War II.

If any one moment encapsulated that home-grown industrial miracle, it occurred in a little-known episode in June 1941 on, of all places, Polymnia Street.

Higgins, a Nebraska-born builder who specialized in shallow-draft vessels capable of navigating Louisiana's waters, contemplated a pressing tactical problem facing the Allies. How do you land millions of troops on two overrun conti-

nents when all deep-draft harbors are in enemy hands?

Higgins saw the answer in flat-bottomed landing craft dispersed along sparsely defended beachfronts, rather than concentrated dangerously at a port which first had to be captured.

Reading the tea leaves of world events, Higgins massively scaled up his operation even before the war began. With a mix of brilliant vision, dazzling managerial skills and lordly arrogance—"his presence is imperative, his gaze steady," reported Fortune in 1943; "he radiates belligerent authority...and swears beautifully and easily" — Higgins won over East Coast-inclined military bureaucrats ("s.o.b.s," he called them) and landed lucrative contracts to build vessels in his adopted hometown of New Orleans.

Higgins' production line kicked into high gear with the fall of France in 1940 and Axis domination of Western Europe by 1941. President Roosevelt foresaw Hitler's next move as possibly aimed at the Portuguese Azores or, worse, French Martinique in the Caribbean, which would give the Germans stepping stones to the American mainland. With or without a declaration of war, the U.S. military was not about to let that happen, and planned to land heavy tanks on those atolls.

An operation like that needed a specialized craft, called a tank lighter.

On May 27, 1941, military contractors challenged Higgins to design a tank lighter within the impossibly short span of three days. Higgins, who liked designing by building rather than before building, promised instead to construct a working model.

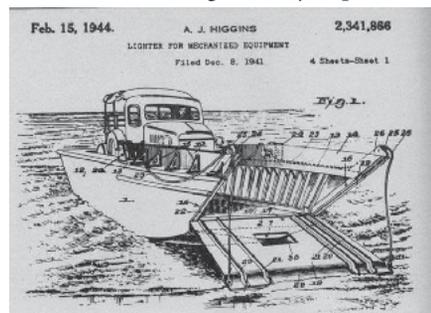
The Navy doubted it could be done. "The hell it can't," Higgins growled; "you just be here in three days."

According to historian Jerry E. Strahan, whose seminal biography of Higgins planted the seeds for our National World War II Museum, Higgins and his team got to work and "designed, built and put in the water [a] 45-foot tank lighter [within] sixty-one hours."

The craft passed all tests in Lake Pontchartrain, "climbing halfway up the concrete sea wall [and] riding over tree trunks," according to Fortune.

Marine Corps and Navy brass were thrilled. They had their prototype. Now, on June 7, they wanted the full order —50 tank lighters, nine of which were to be delivered combat-ready to Norfolk, Va. And they wanted them by June 21.

Fifty new craft never before mass-produced — in two weeks? Plus delivery? A prudent man would have shaken his clients to their senses. But Higgins relished the challenge and jumped into



Patent #2,341,866, awarded to Higgins on February 15, 1944. "Boats are built under this patent by twenty-two different builders throughout the United States. Andrew J. Higgins gave the Navy permission to have these craft built in the yards of other builders, without royalties to Higgins Industries, for the exclusive use of the Navy and our Allies, for the duration of the war only." (January-March, 1944)



action, resolving seemingly show-stopping obstacles with creative, bold and, at times, barely legal solutions.

Low on steel, he “chartered a fleet of trucks and armed plant guards,” wrote Strahan, “to persuade [a Baton Rouge] consignee to release the metal to Higgins Industries.”

Requiring bronze shafting, he sent his men to raid a Texas depot and arranged for complicit Louisiana police to placate livid Texas law enforcement as his trucks crossed the state line heading back to New Orleans. Needing more steel, Higgins begged and borrowed from a Birmingham plant, then sweet-talked Southern Railway officials into bending the rules to deliver the metal to New Orleans. “Never before or since,” wrote Strahan, “has a Southern Railway passenger train pulled freight cars.”

Higgins’ chief problem was where to build the 50 tank lighters. His makeshift headquarters at 1755 St. Charles Ave. could only handle modest civilian projects, and his big City Park plant, still under construction, was already fully tasked with other war deliverables.

Higgins cast his eyes down the avenue and found the answer. It was called Polymnia Street.

Never mind that 1600 Polymnia was residential, or that it was neither equipped nor positioned for heavy manufacturing. In an extreme example of spot zoning, Higgins got Mayor Robert Maestri to permit the requisitioning of this public space for his private use and blew past any dissent.

Higgins’ workers roped off the street, strung lights and erected giant tarps to create an all-weather work yard and assembly line. Machinery, power supplies and construction took place in an old stable which Higgins acquired. Because the ceiling was too low for a crane, “bull gangs” of the strongest men (depicted in the accompanying Shell Oil advertisement, the only known illustration of the project) were used to lift heavy sheets of metal into the stable.

For two weeks, a steady stream of trucks brought the Alabama steel, the

Texas bronze, a forest’s worth of plywood and other raw materials into the Carondelet end of 1600 Polymnia, and with 800 employees (possibly many more) working three shifts, 24 hours a day, finished tank lighters came out the St. Charles Avenue end.

All the bustle did not go without complaint. The United States was not yet at war, and a patriotic sense of sacrifice had not fully developed; besides, it wasn’t as if Higgins was going broke on all these government contracts.

Neighbors protested about obstructed streets, blocked access to homes, interrupted garbage pick-up and loss of commerce.

In one only-in-New-Orleans case, the irate madam of a Polymnia Street brothel “argued plausibly that the racket destroyed romance,” and, according to the Fortune article, “threatened to take up the matter with the authorities.”

The last of the vessels was completed right on time; next came rail delivery to Norfolk. According to historian Peter Neushul, “seven railroad bridge clearances had to be raised or strengthened in order to transport the craft.”

By June 21, all the Polymnia Street tank lighters — “ugly but fast,” Higgins proudly described them — were done and delivered, right on schedule. Navy bureaucrats who were oftentimes at the receiving end of Higgins’ temerity now praised the man for his “zeal, efficiency and splendid cooperation.”

The very next day, Hitler’s war machine did indeed open a new front in the war— but it aimed eastward to attack the Soviet Union, not westward onto the Atlantic atolls.

Higgins’ tank lighters proved unneces-

sary for their original purpose, but they would come in handy elsewhere. Within six months, the Japanese would attack Pearl Harbor, prompting the United States to enter a two-front war. Higgins Industries would have lots more work to do.

The company ended up producing 20,094 boats — most of the Navy fleet — and employing as many as 30,000 people, including African Americans and women, across seven gargantuan plants citywide.

Its most famous vessels included the Patrol-Torpedo (PT) Boat and the Landing Craft Vehicle-Personnel, or LCVPs, which deposited troops at Normandy on D-Day and elsewhere in both theaters of the war.

That fortnight on Polymnia Street in

June 1941 portended the critically important manufacturing that would come, and it demonstrates that even a non-industrialized city like New Orleans can whip into action swiftly and efficiently if need be — oh, and perhaps bend a few rules in the process. ☆



“Higgins Industries, Inc. Big name in boats, turned a city street into a factory for tank loading boats! Shell contributes to Higgins’ production wizardry by supplying vital Industrial Lubricants.”

DRAWING COURTESY OF THE NATIONAL WORLD WAR II MUSEUM

Richard Campanella, a geographer with the Tulane University School of Architecture and a Monroe Fellow with the New Orleans Center for the Gulf South, is the author of “Bourbon Street: A History,” “Bienville’s Dilemma,” “Geographies of New Orleans,” “Lincoln in New Orleans,” and other books. He may be reached through richcampanella.com, rcampane@tulane.edu or @nolacampanella on Twitter. Special thanks to Lindsey Barnes, Senior Archivist at the National World War II Museum, for access to research materials.

Tank Lighter Design graphic from the Eureka News Bulletin, the official publication of Higgins Industries, Inc., courtesy of the New Orleans Public Library.

Rescue of the *SS TRIPOLITANIA*

by Captain
Donald P. Garrido
#3318-R

This event took place fifty years ago, at a time when our Nation was gripped with another war, the Korean War.

On a return voyage from Pusan, Korea with foreign United Nations troops fresh from the front lines of that conflict, the *USNS GENERAL C. H. MUIR* departed the Suez Canal and entered the Mediterranean Sea on her western voyage to Europe and the homeland of the remaining troops on board.

At approximately 1145 hours on Sunday, February 15, 1953, the *USNS MUIR* received an urgent radio message from the stricken Italian passenger vessel the *S.S. TRIPOLITANIA*, whose position was about eight miles astern of the *MUIR*. The *TRIPOLITANIA* reported that she had a hole in the hull in the area of the engine room, was taking water rapidly, and was in serious danger of sinking. Immediately, the course of the *MUIR* was altered to assist the stricken vessel. Radio contact was made, and a request that a radio signal be sent from the *S.S. TRIPOLITANIA* so that her location could be readily ascertained due to the limited visibility.

On approaching the distressed vessel, it was noticed that she had a decided port list and was displaying the two black balls indicating she was out of command and dead in the water. Large groups of passengers were observed wearing their life preservers, and standing by for rescue. It was at this time that the master of the *TRIPOLITANIA* requested that the

MUIR use her lifeboats to effect a transfer of passengers and crew to the *MUIR* as soon as possible.

Due to the moderate seas and heavy southerly swells, the *USNS MUIR* maneuvered to make a suitable lee for launching the lifeboats. The first lifeboat was launched at 1240 hours which was less than an hour after receiving the distress signals. Soon afterwards, a further request was made for another lifeboat to expedite the rescue. At 1259 hours, after a suitable lee was made, the second lifeboat was launched and made her way alongside the stricken vessel.

Meanwhile, on board the *MUIR*, all hands including the United Nations troops, made proper preparations for receiving the survivors. This included the lowering of debarkation scramble nets over the side, gant lines, the preparation of safety belts, medical care as needed and all available manpower was pressed into service, both military and civilian.

The first lifeboat of survivors came alongside the *MUIR* at 1320 hours, only 40 minutes after the first boat was launched. This group consisted only of women and children and one man with a heart condition.

The children were brought up first by use of safety belts and lines. Mothers hesitated to part with their children. But confidence was quickly instilled when several men climbed down the debarkation net to assist the children as they were hoisted on board. The others came on board by climbing the nets, although

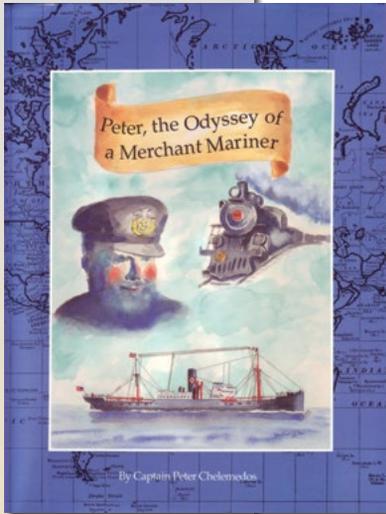
they also had safety belts about their bodies.

In the five trips made by Lifeboats No. 1 and 2, 62 passengers, 14 crew members, and a mascot dog were safely transferred. Several attempts were made to put a line on board the stricken vessel, so that it could be towed, but due to the wind and seas building up and darkness closing in, this was abandoned until the next morning.

At 0115 hours, the Master and remaining crew members of the *TRIPOLITANIA* sent up distress rockets and messages that it was their intention to abandon ship. Again all hands were called to stand-by to take aboard the remaining crew of the distressed vessel. The emergency lifeboat crew was called to station, and the 24-inch search lights were manned. Under the blanket of night, the *MUIR* was maneuvered as close as good seamanship would permit, and despite the fact that the seas had built up considerably to the extent that a fresh gale was now in force, the lifeboats made two successful trips. All hands, including the Master, who was the last one to leave his ship, came safely aboard the *MUIR* and the whole transfer was made without one single mishap or bruise of any kind to passengers and crew.

On Monday afternoon, the Master of the *TRIPOLITANIA* requested that he and his Chief Mate be placed back on board his vessel. This request was considered; however, after circling the vessel and pumping oil in the water to quiet the

Continued on page 33 >>>



by Captain
Peter Chelemedos
#1671-R

Peter, the Odyssey of a Merchant Mariner

Chapter 22: Ashore 1946

I stopped by the American Mail Lines office to thank the women there who had given blood transfusions to Peter Steven when he was so badly burned a few months back. Barbara Watson, the port manager, drove me out to her apartment on Nob Hill and asked me to estimate how much paint it would take to paint the entire interior one color. A ship chandler was going to mix the special color for her and, since she was in an apartment with no place to stow any leftover paint, she wanted just enough. I looked the place over and told her to arrange for seven gallons and one quart. Then I took Kay and the baby to the Santa Cruz Mountains to visit my Uncle Fred and Auntie Gudren for two weeks.

When I returned to San Francisco, I called the American Mail Lines office to ask Miss Watson how the painting made out. She asked me where the hell I'd been, as she was looking for me to come out and do some painting. But she had it done, and scraped the bottom of the quart can to paint the last light switch. "I've never seen anything like it," she said.

I said, "Remember that, Miss Watson. When I turn in a requisition for my ship's stores, I figure quantities pretty close. I don't want anything cut out."

After a week or ten days at home,

She said, "I'll remember that, believe me."

Miss Watson sent me over to join the *CAPE NEWENHAM* as Second Mate. I took a water-taxi out to where she was anchored in the bay to meet Captain Osterhaut. Before I could unpack my bags, we received a message calling me back to the office to be sent out to the *OCEAN MAIL*.

Apparently, Miss Watson had fired the chief mate on the *OCEAN MAIL* and I was to be his replacement. This didn't set well with Captain Axel Hvam as he and the fired mate were longtime buddies. The captain told me he would take care of things when we reached Seattle.

We brought the *OCEAN MAIL* to Seattle and temporarily moored her at Carmac Shipyard dock in Ballard, alongside the *ISLAND MAIL*.

It was beautiful weather in Seattle. I called Kay to come up to join me, as American Mail Lines would be headquartered in Seattle during the post-war years. When she came, she too enjoyed the weather and we set about finding a house to purchase. Kay then returned to San Francisco to ship our belongings up, and in August 1946 we moved into our first Seattle home. It rained that day, and we didn't see much of the sun again until the following May. Kay swears I had it in with the weatherman to lure her up here.

One day while Kay was house-hunt-

ing, I took Peter Steven down to the ship to spend the day with me. Since all the crew had been paid off, only the chief engineer, the captain and myself were aboard. I was standing on the top bridge talking with the captain over a cup of coffee, listening to the silence of the ship with all of the engines shut down except one generator. Suddenly, the earsplitting sound of the ship's fog signal started

Suddenly, the earsplitting sound of the ship's fog signal started blaring over our heads, echoing against the steel shed alongside the ship and off the hills around Salmon Bay.

blaring over our heads, echoing against the steel shed alongside the ship and off the hills around Salmon Bay. I turned to find little Peter Steven had tried out the intriguing switch on the face of the bridge that activates the signal. He was frozen by the noise and the realization that he had brought this about, and I had to literally pry his little fingers off of the switch. He was one scared kid.

I bought a 1936 Chevrolet coupe from the chief engineer. He said it had only
Continued on next page >>>

In the Membership

Odyssey>>>Cont'd from page 29

100,000 miles on it and had never been in the shop. Since it was my first car, I didn't take this as a warning.

Two weeks after we moved in, we laid up the *OCEAN MAIL* at Everett in time for the 1946 Maritime Strike, which lasted from September 1 to December 10. Kay was expecting our daughter during these months, and I drove back to Massachusetts to bring her mother out to be with her if I had a chance to ship out as soon as the strike was over.

It was not an uneventful trip. The water pump expired one Sunday morning as I approached Davenport, Iowa. I hoped that my one-time pen pal, Beverly, would still be there, as she had been working in an auto parts dealer. Fortunately she was, and was able to get her boss to open the store to get me a new pump. After feeding me lunch and catching me up on all the family news, we said good-bye and I stopped over at Silvis for a visit with the Engholms before resuming my trip east.

While passing through New York City on the way up to the Connecticut turnpike on a rainy morning, a man ran across the street in front of me. When I turned sharply to miss him, I crumpled my fender on a fireplug. While I was trying to pull the fender out from the wheel where it was jammed, I could hear in the background a constantly ringing bell. It turned out to be the burglar alarm at the nearby gas station. Knowing this didn't help me as I pulled off the bent wheel and muttered under my breath at the callousness of the guy I had avoided who didn't even turn around to see that I hadn't been hurt.

More of the muttering later when the owner of the gas station came over to ask me if I had seen anyone around the station and I realized what had taken place.

Kay's mother decided she would rather come out by train, so I drove back across the country again, alone. Crossing this nation in those days was a long, long trip. The car radio wasn't working, so I had to make do with my own singing, such as it is. I was fortunate to only have

one flat tire on the trip, except that it was in the Badlands of South Dakota, and my spare was low on air as the wheel had been bent against that curb in New York City.

Someone with a hand pump stopped to help, and I was able to get the car going again, only to find a service station just over the first hill from the place I had spent the past two hours.

When I started out of Spokane on the last leg homeward, the car wouldn't go up the first hill, so I coasted back to a level spot. It would run on the level, so I drove it to the Chevrolet garage to have it checked out and I booked into the hotel for some much needed sleep as I had been driving day and night to get home before my money ran out.

When I came back for the car at five o'clock, they said they couldn't find anything wrong with it. The shop manager went for a test run with me, and it ran fine on the level. But when I again tried to go up the hill again, it wouldn't make it. We drove back to the garage and checked again and found that the drive-line splines were worn so that when I went uphill and the shaft slid back into the differential housing, the part still in the transmission did not have enough teeth left to engage the gears. He apologized and replaced the shaft at no charge for their error, which made me happy since I had barely enough money for supper that night.

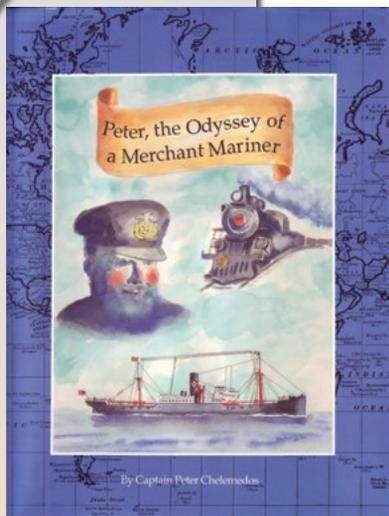
I ate that supper at Moses Lake and, as I left, found that the fog had set down over the desert. I got behind an oil tank truck and, with my headlights dimmed, followed him all the way over Snoqualmie Pass, losing him at the toll plaza of the floating bridge leading into Seattle. I arrived home about two in the morning and slept until noon.



A beautiful wife to come home to, March 1946.

When I started to drive up to the market for some shopping that next afternoon, I found the steering wheel would just turn around and around to the left but the car kept going right. The brass steering sector had picked this time to give out. I thank my lucky stars that this hadn't happened the previous night while driving over the mountains in the fog.

I went up to the Master's Mates & Pilots hall, and turned in my card for a Third Mate's job on a Shell Oil Company tanker preparing for a voyage to Australia. The longshore strike was still on and no freighters were sailing, so I figured this would provide some much needed cash. When I went home to pick up some gear, however, I found Kay was quite ill, so I took her to the doctor and called the Union to find a replacement on the tanker. ☆



by Captain
Peter Chelemedos
#1671-R

Peter, the Odyssey of a Merchant Mariner

Chapter 23: *SS WILLIAM LEROY GABLE*
December 1946 - August 1947

The long maritime strike ended December 10. “Smokey” Johnson called me to go Second Mate with him on the Grace Line Liberty ship *SS WILLIAM LEROY GABLE*, which was loading for Central and South America at Pier 20 in Seattle. The ship loaded general cargo below decks and, in those days, it took several days to load. Friday the thirteenth at about 2:00 a.m. I took Kay to Doctors Hospital and left her there in the care of the nurses. In the morning, while cataloging charts on the ship, I mentioned to “Smokey” and Captain Ellis Emberg this fact. After calling the hospital to be told she had given birth to our daughter, Penny, I was given the rest of the day off to visit her.

We shifted the *GABLE* to Everett for some pulp, and then to Tacoma for more cargo. On Christmas Day, I drove Kay, her mother, Peter Steven and baby Penny down to Tacoma. It was a freezing cold day, but the radiator on the ‘36 Chevy kept boiling over and the steam froze to the windshield, so every half mile or so I had to stop and scrape off the ice. To add to the glory of the day, it was so foggy that visibility was very short. By the time we arrived at Tacoma, I thought about driving the car right off the end of the pier, but refrained, since I would then have no way to get the family home

again.

After Christmas dinner on the ship, the world seemed all right again.

We loaded the *GABLE* with some railroad cars from the old narrow-gauge Alaska Railroad for delivery to Punta Arenas, Costa Rica, as a deck load, to top off the general cargo in the holds.

The first port of call after sailing from Puget Sound after New Year’s Day was Manzanillo, Mexico. I picked up two books for studying my Spanish: “Capricito Rojo” and “El Raton Miguel” (“Little Red Riding Hood” and “Mickey Mouse”). It was surprisingly easy to learn conversational Spanish, when I remembered the pronunciation of the language spoken by the Mexican kids who worked with me at the messenger service in Tucson back in 1938.

I was pleased to be able to hold a conversation in the barber shop when we arrived at Punta Arenas.

The night we lay at the pier in Punta Arenas, a group of us were in the “Blue Moon” cafe and bar for our evening’s entertainment, dancing with the senoritas and consuming cerveza. Sparks decided he would stay a while after the rest of us returned to the ship, so I talked him into giving me most of his money to take back with me.

The next afternoon, I was walking past the place and one of the girls started berating me. I gathered she was angry

that, when she “rolled” Sparks, he didn’t have the big roll of bills on him he had had earlier.

We proceeded on down to anchor in the river mouth at Guayaquil, Ecuador, to discharge a small lot of cargo to a barge. I was interested to note the launch used by the boarding officials looked like a cut-down steam-driven revenue cutter from rum-running days.

Leaving Guayaquil, our next port was Callao, Peru, where we discharged more of our general cargo.

I rode the streetcar up to Lima for the day, looking for more books or newspapers and just generally walking around the area.

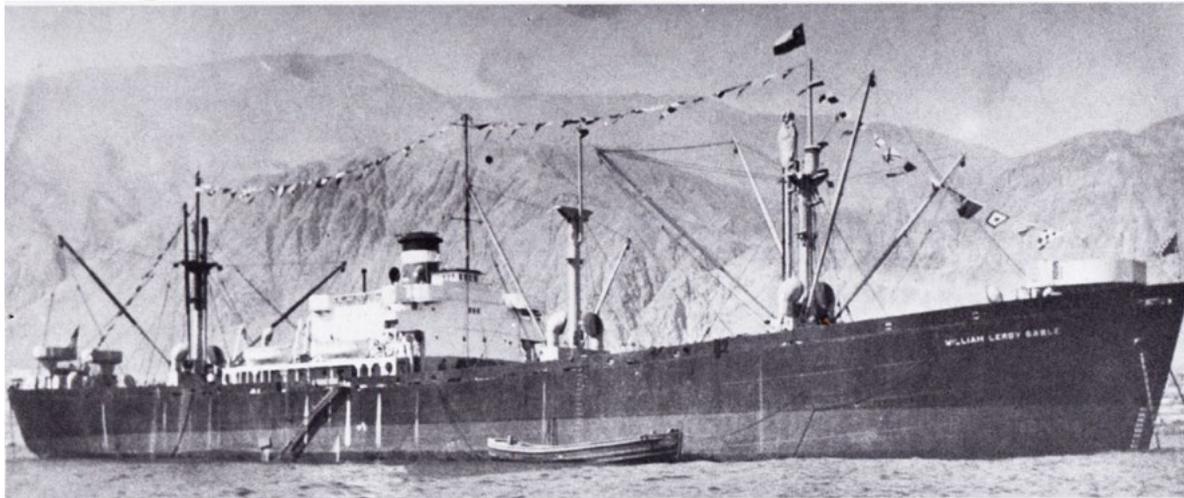
At Mollendo, Peru, we anchored out and the cargo was discharged to lighters and ferried into the small basin-like dock to be discharged by a shore crane. The longshoremen at Moilendo worked to prevent a railroad being constructed at the new port of Matarani, a few miles up the coast, where the ships would be able to tie up to a pier. This would effectively put the bargemen out of work, which was scarce enough around there.

A trip ashore entailed riding the barge into a slip and being hoisted up by a crane in a net and deposited on the pier. The walk around the town’s dry, dusty streets, between rusty sheet-metal-covered houses was just that, dusty and dry.

Continued on next page >>>

In the Membership

SS WILLIAM LEROY GABLE, 1947



Odyssey>>>Cont'd from page 31

It hadn't rained on the town in more than thirty years, and each of the metal houses was rusted through in the corners where the local dog population left their marks.

While on watch one day during the noon hour, I was sitting in the 'tween deck of Number Four hatch with an eye on the fenced-in special cargo in the wings. About 12:30, one of the longshoremen climbed down the ladder and, instead of proceeding on to the lower hold where his cargo was being worked, slipped off into the 'tween deck and made for the plywood partition around the special cargo.

When I called to him and pointed out his cargo was down below, he went on down. About five minutes later, a voice from on deck called down to him to ask what was stowed back there. He answered, in Spanish, "How can I find out when the piloto is in the hatch?"

I looked up to see official police gangway watchman duck back out of sight when he saw me looking.

At Antofagasta, Chile, I went with Smokey and chief engineer, W.P. Wolfe, out to the horse races. An English girl there, Judy Hescott, told us which horse to bet on as it was "his turn to win." The horse belonged to the local funeral director and pulled a hearse around on weekdays.

At Santiago, Chile, we discharged the

last of our southbound cargo, then proceeded to Tocopilla to load back. Since the harbor had about twelve ships awaiting their turn to load the cargo of ore, we sat in the bay for several days.

At night, the light at the end of the gangway attracted some large squid. One of the crew caught one and managed to get it up on deck and laid it on the Number Three hatch. A Liberty ship hatch is twenty feet wide, and this squid was placed at one edge. His body extended about five and a half feet and his tentacles reached clear across the hatch and onto the deck on the other side. We examined him carefully. The suction cups on his tentacles were more than an inch in diameter and contained many needle-like teeth, which penetrate the skin of a victim and hold it in place while the parrot-like beak tears it apart.

Sparks was sleeping off his previous night on the town. In order to test his sense of humor, I took the opportunity to cut the tentacles off the top of the squid and placed the base in the washbasin in Sparks' room. I draped the long tentacles around his room, over the medicine chest, reaching into his desk drawer, and so forth. I then took a four inch diameter eyeball and placed it in the sink at the center of the tentacles. A while later, while we were sitting in the chief engineer's room having coffee, we heard a yell from above and, investigating, found Sparks with a fire-axe heading

back to his room to deal with his visitor.

After we loaded our cargo of ore, we returned to Selby, California, for discharge of part of the cargo.

While at Selby, I took the day off and caught the bus down to Albany to visit my dad. While awaiting the bus to return to the ship, a young lady came around the corner and asked, "What time will the bus leave for Vallejo?"

"Four o'clock," I replied.

"Oh," she said. "I guess I'll have time for a drink, then."

When she went off, my dad looked at me and shrugged his shoulders. We resumed our conversation until the bus came.

As I boarded the bus, the girl also got on, so we sat together to talk during the hour or so ride to Selby. By the time we reached there, I invited her to get off and come aboard the ship for dinner.

By the time dinner was finished, the dark clouds had turned into a heavy California downpour. Since Selby is a "flag stop" on the bus line, we waited until the rain stopped before walking up to stand by the highway to wait for the bus. I used the time to show her around the ship, and we joined chief engineer Wolfe for some of his favorite drinks, Pisco Sours.

The rain didn't stop. Rather than send our new friend, Peggy, into the storm, we found a place for her to sleep aboard the ship for the night. After breakfast, we

sent her on her way.

We sailed on to the Tacoma Smelter to discharge the balance of the cargo, arriving there in early March. Chief Wolfe received a letter from Peggy, thanking us for our hospitality and telling us her boyfriend, who had been waiting to meet her at Vallejo, had the police of Richmond, Vallejo and Martinez out looking for her that night.

For the next voyage, the *GABLE* proceeded to Portland, Oregon, to take a load of wheat from the grain elevators for Antofagasta, Chile. We made another visit to that port.

Revisiting the places we had previously been was quite a change from going into a strange port for the first time. We were made to feel welcome as old friends by the girls in the club at 28 Bella Vista.

We discharged our load of wheat to a large pile on the pier. It hadn't rained on the coast for about thirty years, but after the grain was all unloaded and lying exposed on the pier awaiting railroad

cars to take it to Bolivia, it rained. By the time we sailed, some of the wheat was sprouting. We again went up to lay at anchor at Tocopilla, awaiting our turn at the nitrate loading anchorage.

While in port, the mates rotated the watches. Every day it would be eight hours on, then sixteen off. During my time off, I learned to play golf at the local course which, because it never rains there, was entirely of rocks with the "greens" smoothed-off areas. Hard on the clubs, believe me.

One day, the captain of one of the east-coast Grace Line ships was riding out in the launch with me and asked me what my position was on the ship, since every time he saw me I was heading out to the golf course. I told him, Second Mate. He said, "On my ship the mates work their eight hours a day."

I replied, "On our ship, the mates have their eight hours work to do, do it quickly, quietly and efficiently, and the rest of their time is their own." Since I had the

twelve-to-eight watch and only played golf in the morning, on my own time, I didn't feel I was out of line. I later learned he had sent a letter to the home office recommending the overtime sheets for our ship be checked carefully.

While in Antofagasta, we all chipped in and hired a shore crew to paint the sides of the ship down to the waterline, black hull and red boot-topping. While awaiting cargo at Tocopilla, the deck gang worked day work and painted the rest of the ship in Grace Line colors, so it really looked spiffy. Fourth of July, we hosted a party of mine people for luncheon aboard. I think the east coast skipper was miffed because they didn't come out to his ship.

We sailed up through the Panama Canal and delivered our cargo of nitrate to the East Coast, then laid the ship up at the James River reserve fleet at Newport News. ☆

TRIPOLITANIA>>>Cont'd from page 28

very high seas and swell, it was decided not to send a boat until such time as the weather moderated.

The *TRIPOLITANIA* was a derelict and a menace to navigation. The *MUIR* stood watch throughout the first night and the next day to warn shipping of the situation. The next evening, the salvage tug *SVITZER* arrived and relieved the *MUIR* of her vigil.

All 119 survivors of the *TRIPOLITANIA* were taken to the port of Augusta, Sicily. On Tuesday afternoon, 17 February, all went ashore healthy and happy - including the dog. The Master of the *USNS MUIR* made the remark, "If this rescue were done again it couldn't be done any better... It was a combination of expert seamanship, hearty men and a bit of luck."

On June 5, 1953, the U.S. Navy presented the Meritorious Civilian Service Awards to the Master and 20 crewmembers who participated in the *USNS GENERAL C. H. MUIR's* rescue of 119 persons and one dog from the *S.S. TRIPOLITANIA*. They were commended for their "seamanship, teamwork, and devotion to the traditions of the sea."

USNS vessels, including the *USNS GENERAL C. H. MUIR*, are public vessels operating under the Military Sea Transportation Service, since then renamed Military Sealift Command. I was the 2nd Officer aboard the *USNS MUIR*, and commanded Lifeboat No.2. I am a recipient of the U.S. Navy's Meritorious Civilian Service Award. ☆



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IFSMA News Updates



Compiled from
IFSMA newsletters
www.ifsma.org

At the IMO

The IMO secretariat regularly attends IMO committee and sub-committee meetings. Interventions made by IFSMA at

which are hidden away in these papers.

In addition, IFSMA made interventions to Agenda Item 8 – Development of guidelines on port State control under the 2004 BWM Convention. Despite this Convention being adopted in 2004, it would appear the industry and Flag States are not ready. IFSMA believes it is essential that there are appropriate guidelines in place for 'sampling' so as to ensure there is no unwarranted criminalization of Masters and Officers.

NGO Group Meeting

IFSMA set out to bring together a number of Non-governmental Organization (NGO) and other organizations to discuss matters in respect of human element issues affecting persons working in the maritime industry. There are no set office bearers or agenda. IFSMA acts in the role of coordinating the group and hosting the two meetings per year.

The meeting was well attended by the following member organizations: IFSMA; IMAREST; ILAMA; Mission to Seafarers; IALA; IMPA; IHMA; SRI; ISWAN; IMRF; and HCMM.

Items discussed were Ports (Places) of Refuge and problems and current discussions at IMO; Refugees (Boat People) and the means of recovery from water; large numbers on board ISWAN may lead to expansion of services including use of Facebook as a contact and dissemination media; Mission to Seafarers involvement with *SEAMAN GUARD OHIO* Incident – crew still in prison in terrible conditions; and SRI criminalization increasing number of cases.

AGA 41 – Chile 2015

Nautilus Chile is hosting AGA 41 and have been presenting the concept of a 5-day cruise to Cape Horn during which

the AGA will take place. Unless they can fill the cruise ship 100% capacity this cannot take place and the alternative will be for the AGA to be held in a hotel at Vina del Mar. As time is becoming short, it requested that any members who would be interested in the cruise contact Head Office so that a final decision can be reached. The cost of the cruise is US\$1200 per person, all inclusive. Regrettably, for those traveling alone it is either share a cabin with another person or pay US\$2400. More details can be forwarded to you on request.

Office Refurbishment

Many of you will have heard of the HQ refurbishment and the costs involved. This was required due to a new lease agreement by the landlord (Marine Society) which doubled the rental of the office space. A decision was reached where the only viable option was to share the office with another NGO. But to do this it was necessary to refurbish the office space. This was successful and Comite International Radio-Maritime (CIRM) have now joined the office. Apart from paying half the lease they also paid over 50% of the refurbishment costs which saved IFSMA a lot of money.



these meetings are listed in IFSMA's newsletter, posted online.

IFSMA attended the Navigation, Communications and Search and Rescue (NCSR) Session III July 14-18. Interventions made were to Agenda Item 6 - Harmonization of Port State Control Activities. Referring to Paper 1/INF9 the Preliminary Results of the 2013 Paris MOU Harmonised Verification Programme (HAVEP) on passenger ships; this indicates the greatest number of deficiencies relates to abandon ship and fire drills. This is a disturbing human factors finding. Masters have to make the best of crews and equipment supplied by owners and approved by Flag States. IFSMA believes that these issues need to be addressed. In addition, We entirely agree with your summation of the situation we are in. We do not disagree with any of the interventions made and in particular commend the interventions made by the Netherlands and China.

As far as we see it, we have two options here. Option A – we discuss in the working group, Option B we discuss in plenary. To do nothing is not an option at all. IFSMA members are particularly interested in the subject information regarding abandon ship and fire drills

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IMO Secretary-General welcomes Global Ocean Commission report

International Maritime Organization (IMO) Secretary-General Koji Sekimizu has welcomed



*IMO Press Briefing 26
August 1, 2014*

the recently-published report of the Global Ocean Commission (GOC), From Decline to Recovery: A Rescue Package for the Global

standards are the best ways to protect and sustain the precious marine environment and its resources. Through the application of these principles, for example, the average number of large oil spills (>700 tonnes) during the 2000s was just an eighth of that during the 1970s. This dramatic reduction has been due to the combined efforts of IMO, through its Member Governments and the oil/shipping industries to improve safety and pollution prevention,” Mr. Sekimizu said.

In other examples of IMO’s commitment and ongoing work to address the challenges outlined in the GOC report, Mr. Sekimizu referred to IMO’s work to support sustainable development, including pollution reduction through implementation of the MARPOL Convention and IMO’s other multilateral environmental agreements, in tandem with capacity-building efforts.

With regard to sustainable use of the oceans, particularly fishing, Mr. Sekimizu referred to IMO’s work with the Food and Agriculture Organization (FAO) to address illegal, unreported and unregulated (IUU) fishing, as well as the IMO Cape Town agreement of 2012, aimed at addressing fishing vessel safety.

Regarding the need to strengthen the governance of the high seas through promoting care and recovery, Mr. Sekimizu pointed to IMO’s lead role in the development of ecosystem-based management tools applicable to all marine areas and the designation to date of fourteen Particularly Sensitive Sea Areas, and the adoption of various special areas under MARPOL addressing operational discharges from shipping. Furthermore,

IMO has established multiple traffic separation schemes and other ship routing systems in major congested shipping areas in the world.

With respect to the report’s Proposal 5 (Plastics – Keeping them out of the Ocean), Annex V of IMO’s MARPOL treaty prohibits the discharge of plastics from ships. The key issue is effective implementation, Mr. Sekimizu noted.

IMO’s Code for the Construction and Equipment of Mobile Offshore Drilling Units (The MODU Code) provides international (non-binding) standards in support of the implementation of the GOC report Proposal 6 (Offshore Oil and Gas – Establishing binding international safety standards and liability). Meanwhile, in partnership with the oil and shipping industry, IMO has been working since 1996, within the framework of its International Convention of Oil Pollution Preparedness, Response and Cooperation, 1990, to enhance oil preparedness and response capacity for marine spills at priority locations around the world, irrespective of whether the spill originates from a ship, an oil handling facility or an offshore unit.

Addressing the co-chairs, Mr. Sekimizu said, “There is no question that your important work will spur meaningful progress in the common quest to preserve and protect our oceans, while ensuring their sustainable use as an irreplaceable mode of transportation, communication, industry and livelihood. Thank you again for producing this important report, and I look forward, along with my sister agencies in the UN system and our Member States, to meeting the challenges ahead. 🌐

Ocean, and its call for enhanced action at all levels to mitigate the threats to the global oceans described in the report.

In a letter to the co-chairs of the Global Ocean Commission (Mr. José María Figueres, Mr. Trevor Manuel and Mr. David Miliband), Mr. Sekimizu noted that, as the United Nations specialized agency dedicated to sustainable uses of the world’s oceans through safe, secure, clean ships, IMO plays a key role in advancing the critically important agenda carried forward in the report and has adopted key treaties addressing several of the outlined threats.

Mr. Sekimizu highlighted IMO’s active role in addressing many of the issues raised in the GOC report, noting also that IMO is working actively through several existing coordination mechanisms – such as UN Oceans, the Global Partnership for Oceans, and the Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) – to ensure that joint efforts are maximized and duplication reduced.

“In my view, thoughtful development of ocean regulations, coupled with early entry into force, effective implementation, stringent compliance oversight and vigorous enforcement of international

Compliance culture and safety of ship and life



by
Captain A.K. Bansal
*Company of Master
 Mariners of India*

Historically, a master has to exercise utmost discretion and professional judgment to protect safety of life and his ship, regardless of what owners

might say or want him to do.

Up to the mid-19th century, practices followed on board

ships (and in offices of owners) in well-run and well-managed liner shipping companies, left little need to impose International regulations. Seafarers on board such well-managed merchant fleets which were competently, meticulously and safely operated; managed to achieve safety by establishing well tried patterns to regulate human behavior in their own habitual ways, sometimes with nil accidents on their group ships.

On April 15, 1912, while cruising at full speed in the North Atlantic, *TITANIC*, then the largest ship in the world, foundered after hitting an iceberg. Overconfidence in the general belief that such a huge ship could not be harmed by an iceberg may have played a part. Over 1500 lives were lost. This disaster not only created world-wide concern but also resulted in SOLAS 1914, which introduced new rules including provision of lifeboats for every life on board and periodic lifeboat drills plus round the clock wireless watch on passenger ships.

100 years after the *TITANIC*, the maritime world still boasts of rules and laws for safety of shipping. But unfortunately, safety does not appear to be a priority except for lip service! Today management companies are usually far

removed from leadership concepts, safety factors or consequences of disasters. Even SOLAS 1960 does not seem to have much effect. Multinational crew and flags of convenience make the need to regulate such matters more evident.

The press reported the grounding of cruise liner *COSTA CONCORDIA* on January 14, 2012. While facts of this case are only known through media reports, it seems likely that compliance with implied or expressed wishes of owners played a part, especially since it does not seem to be the first time that the ship sailed so close to the same island as good advertisement for tourist business. But this time it was at night with over 4,000 lives on board and the ship passing much closer to shore! Cruising from Civitavecchia to Savona, her computer controlled course was set to safely pass 5 miles off Giglio Island. Media reported the Master decided to show a "sail past" to the Islanders by sailing very close to the Island. She hit the most seaward rock south of the entrance to Giglio harbor at full speed, tore a 160-foot gash 26 feet below water, took a 70° list and capsized.

The master reportedly admitted that he deviated from the computer set course to pass so close to the island but stated that the management had told him to do so as it was good for tourism and that he had done it before but during daylight. The press reported many allegations against him including that he admitted he had switched off the sound and visual warning signals. He was also reported to have left the ship before evacuation was completed and that the crew did not

know how to launch life boats.

The IMO, established in 1959, has many conventions to its credit and apply to 97% of world shipping, at least on paper. It is generally believed that shipping today is safer, cleaner and more efficient as a result. Safety culture in shipping cannot be achieved only through grand legislative measures and compliance on paper unless these conventions are implemented in practice. Do the 170 member states of IMO, 60 non-government and 30 inter-governmental organizations plus thousands of shipowners around the world comply with them in spirit, rather than just on paper? And what about SOLAS and the Master's prime responsibility to the ship and life on board?

Today's Effects

Let's have a look at the immediate past, and see what effect these conventions, laws and rules have on the way that international maritime community is operating today.

ISM Code has been in force since 1998. It is a blueprint for the way shipping companies should manage and operate ships to give priority to safety. Every seafarer knows that it is all too often used as slogan for self aggrandizement without contributing to safety.

MARPOL 1973/1978: There were reports of a ship arriving in port when the chief engineer requested a barge to pump out her full bilges. The owner had no intention to supply a barge, as this costs money, but kept promising to do so. Come sailing day, the chief engineer

was told they “tried their best” but the port could not give them a barge. He was requested not to delay the ship but sail. The ship sailed and the chief engineer pumped out her bilges at sea when he thought that no one was looking and fudged the log book. So much for MARPOL, which was also ratified by the flag state of this ship. So what about a clean environment?

SOLAS: In a recent case, a starboard lifeboat of a cargo ship was damaged by a passing mobile crane when she was alongside a safe berth in a safe harbor, preparing to sail. The master immediately telephoned his boss who told him to cover the lifeboat, not to report the damage, and to sail without delay; the lifeboat would be repaired at her next port. The master obeyed. So much for his responsibility for safety of life on board and for not violating SOLAS as against agreeing to sail without sufficient lifeboat capacity; and what about owner’s responsibility not to sail an unseaworthy ship out of a safe harbor?

Grounding of ROYAL MAJESTY. Her navigators were repeatedly warned by their own lookout men, and by fishing boats on VHF that their ship was off course. But duty officers and the master solely relied on their integrated system with the electronic chart coupled to GPS showing the ship on course. Unknown to them, the GPS connection had come off its socket 26 hours earlier, and the electronic display in the chart room showed only her DR position. In this case her own lookout man reported sighting high red lights to port which should not have been seen had the ship been on course. So much for COLREGs to keep proper lookout “by all available means.”

M.T. ERIKA was twenty-five years old when she developed cracks on her hull in seasonal bad weather in Bay of Biscay, broke in two and sank. Yet media reported that she was fully classed with every conceivable, valid seaworthiness certificate including International Load Line Certificate, Safety Construction Certificate, International Pollution Certificate and Safety Equipment

Certificate. Media also reported that she had also been passed by three port state controls in three previous ports before sailing out on her fatal voyage. No one knows how owners got those crisp valid seaworthiness certificates. It is equally a wonder how they got the ship passed through three port state controls, if that ever happened. She complied with all rules on paper but it was not enough to ensure her safety.

A U.S.-based ship surveyor was found guilty of certifying a ship safe for sea when she was actually taking in water. It was subsequently discovered that her exhaust and fuel were also pouring into the engine room, endangering the ship and her crew. So, what about a surveyor’s responsibility to the ship and crew under International rules and conventions? An Italian shipping company and its chief engineer were found conniving to discharge oily water directly into sea. A New Zealand fishing company was found conniving to make false entries in oil record book.

In all such cases, laws and conventions should have prevented them. But they were violated. So where does compliance end, conniving start and illegality begin?

Answers

The maritime world must go beyond paper compliance with conventions and regulations to find industry-wide mechanisms to ensure that safety culture is embedded in the minds and psyche of those who operate and sail ships.

We can invent conventions, regulations and restrictions on paper. But until we can ensure that ship owners comply with them and seafarers on board ships are competent, diligent, reliable and ethical, accidents and incidents will continue to happen. This can only be achieved with high penalties on ship owners, surveyors and others, plus strict, sincere and systematic training and education of seafarers. A certificate of competency is not just a piece of paper. A seafarer who holds it must be really competent. Rumors are rife that to obtain a certificate of competency today is sometimes a

matter of knowing how much money is to be paid to the right examiner. True or not, there can be no smoke without fire.

We need to improve ethics of the profession and inculcate pride in seafaring. Above all, seafarers have to be convinced that loyalty to their fellow crew members and safety of life on board and their ship is more important than loyalty to owners. That is what can achieve safety, security and efficiency. IMO can make rules, but to abide by them depends on us seafarers. We must remember that no owner, charterer or manager can own manage and run a ship without seafarers both afloat and ashore. Once we decide not to break rules or jeopardize safety of ships or lives, no one can force us to do so. If we don’t treat our profession right, we can’t blame anyone for its woes.

A surveyor might issue a crisp new seaworthiness certificate for an undeserving ship, but he can’t force the Master to sail her. Why should the Master violate an international convention and put his own professionalism and his certificate on the line just because a surveyor has issued a certificate or ship owner tells him to do so, often without any record?

Why should a marine surveyor, who may also be a seafarer, issue false certificates in respect of an unseaworthy ship, putting his own name on the line and putting the ship at risk? Why should owners be allowed to connive with surveyors and Masters of ships to fudge certificates and log book entries for their own purposes? The answer lies with us seafarers. If we do not let them, ships and lives on board and our profession cannot be compromised in the way that is becoming increasingly evident. Taking risks that endanger life is like planning murder. Ultimately, it is up to all of us seafarers to stop those risks. **THE BUCK STOPS WITH US SEAFARERS. ☆**

Captain A.K. Bansal is a member of the Company of Master Mariners of India, teaches Master revalidation courses and though qualified as a Bar-at-Law in India and the U.K., does not actively practice law.



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The Council of American Master Mariners, Inc.

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Vessel Served	GRT	Date(s)	Route(s)	R	S

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Vessel Served	GRT	Route(s) (dock/harbor/sea bouy)	License Issuing Authority	R	S

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To the best of my knowledge, the above information is correct and I agree, if elected member, to abide by the Constitution and By-Laws of The Council of American Master Mariners, Inc.

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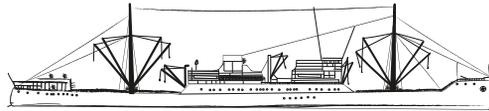
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