

**VOLUME 65, No. 20 • OCTOBER 10, 2008**

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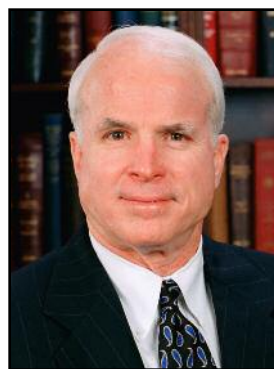
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## Senator McCain Issues Statement in Support of U.S. Marine Transportation Industry

Presidential candidate Senator John McCain (R-AZ) released a statement on October 7 expressing his support for a robust marine transportation system in the United States. In the statement, Senator McCain indicated that his Administration will recognize the benefits that marine transportation brings to the entire nation in a variety of areas, including national security, energy reliability and economic prosperity.



Given the importance of national security to the office of the presidency, Senator McCain emphasized this issue in his statement. He recognized the importance of port and maritime security to the nation and said that "having well-trained and security-vetted U.S. mariners handling hazardous cargoes in domestic trade enhances homeland security."

Senator McCain also highlighted the importance of the maritime industry to the transportation of energy. He referenced the delivery of both petroleum products and coal by barge, including the central role that barges play in transporting the limestone necessary for clean coal technology. The senator also

alluded to the geographic diversity of the maritime industry in energy delivery by stating that "our coastal and inland waterways provide safe and energy efficient transportation for America's energy products."

Additionally, Senator McCain connected the health of the maritime industry to benefits enjoyed by citizens not directly involved with the industry. For example, the senator stated that "coastal and inland fleets transport vast quantities of cargoes that

keep America moving and reduce congestion on our highways."

An important component of preventing highway congestion from increasing is tending to our waterways infrastructure. Senator McCain said that his Administration would make necessary investments in this area, as sound infrastructure projects bring significant paybacks to the whole nation. At the same time, he pledged to oppose inefficiency in project funding by working to "fix the broken project delivery system that results in waterways modernization projects taking too long and costing too much."

To view Senator McCain's complete statement, please click [here](#)



### Trinity Marine Products, Inc.

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## TWIC Stakeholders Meet as First COTP Compliance Dates Near

On September 26, the Transportation Worker Identification Credential (TWIC) Stakeholder Communication Committee (TSCC) met to discuss progress being made on TWIC rollout. Lockheed Martin announced that enrollments had reached almost 546,000 and that activations had surpassed 360,000. Hurricane Ike forced enrollment center closures in Texas at Houston, Galveston, and Beaumont, with the Galveston site estimated to remain closed for at least one to two months. However, the last of 149 enrollment centers across North America were opened in September. Lockheed expressed confidence that all 1.2 million workers in the maritime and trucking industries could be enrolled and activated by the April 15, 2009, deadline.

The U.S. Coast Guard said it is satisfied that Captain of the Port (COTP) zones Boston, Southeastern New England and Northern New England will be ready for the facility compliance deadline on October 15, reporting that 92 percent of required enrollments have been made at impacted facilities, with activations following closely behind. On September 29, the Coast Guard announced a deadline of February 12, 2009 for facilities in COTP zones Honolulu, South East Alaska, Western Alaska and Prince William Sound.

With COTP compliance efforts well underway, the Coast Guard will be shifting its focus to mariner outreach to ensure that mariners are prepared to comply by the April 15, 2009, deadline. The Coast Guard will be working through the National Maritime Center, local COTPs, and Coast Guard inspectors to alert mariners to the impending deadline, and will orchestrate mailings and notices on the Coast Guard's Homeport Web site. The Coast Guard will also be working to correct misinformation about the effect of the impending facility deadlines on mariners: under the January 2007 TWIC final rule, mariners may use a Merchant Mariner's Document (MMD) or merchant marine license plus other photo identification to gain unescorted access to covered facilities up until the April 15 mariner deadline. Coast Guard-credentialed mariners are NOT required to have a TWIC until April 15, even if they require access to facilities with an earlier compliance date.

The Coast Guard also clarified for TSCC

members that the advance notice of proposed rulemaking (ANPRM) on card readers is under review at the Department of Homeland Security and will be sent to the Office of Management and Budget (OMB) very soon. As OMB typically has a 30-90 day review period, it will likely be several months before the ANPRM is released for public comment. CDR David Murk, Chief of the Cargo and Facility Security Division, confirmed that there will be at least one public hearing on the ANPRM, with additional hearings to follow if necessary. The Coast Guard has not determined where the hearing(s) will be held.

The Transportation Security Administration (TSA) reported that the first phase of card reader testing – the capability evaluation – is going well. Most readers have completed formal functional environmental tests (whether the

readers can withstand the often brutal environment at many ports) and some facilities have moved on to operational tests. Operational tests are expected to take one to two months for completion, and the eventual card reader notice of proposed rulemaking (NPRM) will be informed by results from this pilot program as well as feedback received from the ANPRM.

For more information, please contact Jennifer Carpenter or Brian Vahey at (703) 841-9300, extensions 260 or 251, respectively, or via email at [jcarpenter@vesselalliance.com](mailto:jcarpenter@vesselalliance.com) or [bvahey@vesselalliance.com](mailto:bvahey@vesselalliance.com).

**Coast Guard-credentialed mariners are NOT required to have a TWIC until April 15, even if they require access to facilities with an earlier compliance date.**

## Direct Observation of Certain Drug Tests Required as of November 1

New U.S. Department of Transportation (DOT) drug testing rules requiring direct observation of follow-up and return-to-duty tests are scheduled to take effect on November 1. The new requirements are part of a larger rule on drug testing procedures for transportation workers, including mariners, which was published on June 25. All sections of the rule except the provision requiring direct observation of follow-up and return-to-duty tests took effect on August 25.

DOT first published a notice of proposed rulemaking (NPRM) on this issue on October 31, 2005, in response to concerns about cheating on



*(continued on page 3)*

## Direct Observation of Certain Drug Tests Required as of November 1

*(continued from page 2)*

drug tests becoming a widespread phenomenon among transportation employees. After receiving comments on the NPRM, DOT determined that it was “appropriate to strike the balance between the Department’s interests in safety and program integrity and employees’ interest in privacy at a different point than it did two decades ago.” As a result, DOT has determined that mandatory procedures needed to be put into place to combat the problem of inaccurate drug tests.

Due to the practice of using prosthetic devices to cheat on drug tests, the rule specifically requires employees to raise and lower their clothing during the testing so the collector can confirm that the employee is not using such a device. Direct observation of this kind, until November 1, will only be required when samples collected from employees reveal a strong suspicion of drug use. During direct observation, observers must carry out this anti-prosthetic device procedure. To allay concerns about intrusiveness, DOT indicated that the collectors will be individuals of the appropriate gender.



DOT also acknowledged, however, that the NPRM did not specifically raise for comment the use of this procedure for follow-up and return-to-duty testing. In order to allow for a comment period, this part of the rule, which would make anti-prosthetic device testing mandatory in follow-up and return-to-duty cases, was opened to further comment and given a later effective date. (Individuals who take follow-up or return-to-duty tests are understood to have already violated DOT’s drug policy for workers.)

Workers who are not required to take either of these types of tests and are not under suspicion of taking illegal drugs will not be subject to any direct observation under the terms of this rule.

DOT also emphasized that in the early months following the rule’s effective date, it will be more focused on informing and educating employers than on enacting punitive measures. To read the rule, click [here](#). To read about the change in effective date, click [here](#). If you have any questions, please contact Benjamin Rogers at (703) 841-9300, extension 264 or via email at [brogers@vesselalliance.com](mailto:brogers@vesselalliance.com).

### Important Dates and Reminders

..... at a glance

*For more information, please contact Hermoine Wellman at (703) 841-9300, extension 291, unless otherwise noted.*

**October 15-17, 2008:**  
AWO Fall Convention,  
Fairmont Olympic Hotel,  
Seattle, WA

**January 22-23, 2009:**  
Southern Region Annual  
Meeting, New Orleans, LA

**January 28-29, 2009:**  
Midwest & Ohio Valley  
Regions Joint Annual  
Meeting, Pittsburgh, PA

**February 4-5, 2009:**  
Atlantic Region Annual  
Meeting, Tampa, FL

**February 11-12, 2009:**  
Pacific Region Annual  
Meeting, Seattle, WA

## THE AWO FALL CONVENTION IS ALMOST HERE...

### Have you registered yet? You still have time!

The AWO Fall Convention is being held in Seattle, WA at the Fairmont Olympic Hotel. Meetings will begin on the morning of Thursday, October 16 and conclude by noon on Friday, October 17. New Directors should plan to attend the Board Orientation session to be held the day before the convention on Wednesday, October 15 at 11:30 a.m. To register for the convention, click [here](#). To secure a hotel room, please call the Fairmont at (800) 441-1414. If you have any questions, please contact Hermoine Wellman at (703) 841-9300, extension 291, or via email at [hwellman@vesselalliance.com](mailto:hwellman@vesselalliance.com).



## CCF Program Extended to Domestic Trade Vessels

On September 30, the U.S. Maritime Administration (MarAd) issued a final rule that allows certain vessels in the domestic contiguous trades to participate in the Capital Construction Fund (CCF) program, as provided by the Energy Independence and Security Act of 2007. The change, which extends CCF eligibility to vessels carrying containerized and roll-on, roll-off cargoes, took effect upon publication.

The CCF program permits federal income tax to be deferred if the amount of the deferral is deposited into a fund that is used to acquire, construct or reconstruct qualified U.S.-built and U.S.-documented vessels. Since the CCF program was established, “qualified vessels” were limited to those operated in the U.S. Great Lakes, foreign or noncontiguous domestic trades.

The 2007 Energy Independence and Security Act, however, extended the definition of “qualified vessels” to vessels engaged in the “Short Sea Transportation Trade.” Short Sea Transportation Trade is defined by law as vessel carriage of cargo that is contained in intermodal cargo containers and loaded by crane on the vessel, or loaded on the vessel by means of a wheeled technology, either between U.S. ports or between U.S. ports and Canadian ports on the Great Lakes Saint Lawrence Seaway System in Canada. The new MarAd regulations implement this statutory change.

AWO has consistently opposed extending the program to the domestic coastwise market due to concern that such an expansion could result in vessel overcapacity. After the 2007 legislative change was enacted, AWO had sought to ensure that MarAd regulations implementing the change would not allow

funds in previously established CCF accounts to be applied toward the new category of qualified vessels, but would allow only newly deposited CCF funds to be used to construct such vessels. Unfortunately, MarAd has informed AWO that both existing and new CCF monies can be used to construct vessels in the newly defined Short Sea Transportation Trade.

To read the rule, please click [here](#). AWO members with questions about the rule should contact Jennifer Carpenter or Benjamin Rogers at (703) 841-9300, extensions 260 or 264, respectively, or via email at [jcarpenter@vesselalliance.com](mailto:jcarpenter@vesselalliance.com) or [brogers@vesselalliance.com](mailto:brogers@vesselalliance.com).



## AWO Reconvenes Working Group to Update ASP and IVSP

AWO will be reconvening the Security Working Group to update the AWO Alternate Security Plan (ASP) and the AWO International Vessel Security Plan (IVSP). While the ASP does not expire until September 2010, the new Transportation Worker Identification Credential (TWIC) regulations, including provisions to ensure a practical approach to the monitoring of new hires who have not yet received a TWIC, must be incorporated into the ASP before they come into effect on April 15, 2009. In addition, while the IVSP does not expire until May 2009, it needs to be updated with the TWIC provisions, and it needs to be aligned with changes made to the ASP in 2005. Finally, the working group will consider any other changes to the ASP or IVSP that may be needed given industry and U.S. Coast Guard experience with the plans over the last several years, and also any issues raised by members at the Fall Convention in Seattle on October 16.



The AWO Security Working Group will meet on October 29-30 at AWO headquarters in Arlington, VA. It is AWO’s goal to have draft amended versions of both the ASP and the IVSP to the Coast Guard for review by December 15, and to have the final Coast Guard-approved revisions circulated to AWO members by mid-February 2009.

If you have feedback about needed revisions to the plans, or if you have any questions about the AWO ASP or IVSP, please contact Mary McCarthy at (703) 841-9300, extension 254, or via email at [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com).

## Correction: Proposed Increase in Liability Limits

Type of Vessel	Hull	Gross Tonnage	Current Liability Limit	Proposed Liability Limit
Tank Barges/ Oil Tankers	Single Hull	Less than 3,000	\$3,000 per ton (min: \$6 million)	\$3,200 per ton (min: \$6.36 million)
		More than 3,000	\$3,000 per ton (min: \$22 million)	\$3,200 per ton (min: \$23.32 million)
	Double Hull	Less than 3,000	\$1,900 per ton (min: \$4 million)	\$2,000 per ton (min: \$4.24 million)
		More than 3,000	\$1,900 per ton (min: \$16 million)	\$2,000 per ton (min: \$16.96 million)
Other Vessels			\$950 per ton (min: \$800,000)	\$1,000 per ton (min: \$848,000)

In the September 26 *AWO Letter*, a story about the U.S. Coast Guard’s proposal to increase vessel liability limits contained an error. The current liability limits for vessels other than tank barges and oil tankers were transposed with the higher, proposed liability limits. The correct chart is at left. ❀

## Defense Authorization Bill with MCTF-Supported Provision Signed

On September 27, the Fiscal Year 2009 Department of Defense Authorization Bill (S. 3001) was signed into law. The new law includes a provision sought by the Maritime Cabotage Task Force (MCTF) that requires the Administrator of the U.S. Maritime Administration (MarAd) to be consulted with in determining the necessity of any Jones Act waivers.



The provision (Section 3510, MarAd Consultation on Jones Act Waivers), requires that “When the head of an agency responsible for the administration of the navigation or vessel-inspection laws considers it necessary in the interest of national defense, the individual, following a determination by the Maritime Administrator, acting in the Administrator’s capacity as Director, National Shipping Authority, of the non-availability of qualified United States flag capacity to meet national defense requirements, may waive compliance with those laws to the extent, in the manner, and on the terms the individual, in consultation with the Administrator, acting in that capacity, prescribes.” (Emphasis added.)

For more information, please contact Chris Coakley or Robert McCaw at (703) 841-9300, extensions 297 or 279, respectively, or via email at [ccoakley@vesselalliance.com](mailto:ccoakley@vesselalliance.com) or [rmccaw@vesselalliance.com](mailto:rmccaw@vesselalliance.com). ❀

## 110th Congress Out of Session



The 110th Congress adjourned on October 3, immediately after passing a \$700 billion economic recovery package. While out of session, Representatives and Senators who are up for election will return to their districts to campaign.

The Senate is planning to return to Washington, DC for a “lame duck” session during the week of November 17, 2008, and the House will likely return around the same time to address a proposed stimulus package. Both houses could choose to remain out of session until January 6, 2009, the swearing in date for the 111th Congress. In early 2009, Congress is slated to resume consideration of the Coast Guard authorization bill. There is a very slim chance of congressional consideration of a Water Resources Development Act during 2009 as the bill is supposed to be passed every two years. ❀

Pacific Region

## Washington State Exploring New User Fee

The Washington Department of Ecology has recommended instituting a new fee on vessels and facilities operating under the state's oil spill contingency plan. The fee will be paid by all plan holders with a proposed fee for vessels of \$1,000 per port call. Facilities with a plan would have to pay \$5,000 per year. It is likely that the fee will have a consumer price index (CPI) automatic annual inflator included as well.

The state is looking at a budget deficit of \$8 million in the current oil spill program. The port fee is expected

to fill this budget deficit and support the program's shortfall in the future. As it stands, bunker operations would be excluded from the fee as would government vessels. AWO has contacted the department and is in the process of setting up the initial meeting to discuss the proposed legislation. If you have any questions, please contact Jason Lewis at (206) 245-5758, or via email at [jlewis@vesselalliance.com](mailto:jlewis@vesselalliance.com).



Midcontinent Office

## MISSOURI RIVER UPDATE:

### Navigation Must Remain a Primary Purpose, Says Rep. Hulshof

Congressman Kenny Hulshof (R-MO), the current Republican nominee for Governor of Missouri, continues his focus on Missouri River issues during his last days as a Congressman. On September 24, Rep. Hulshof sent a letter to Appropriations Committee Chairman David Obey (D-WI) and Ranking Member Jerry Lewis (R-CA) regarding the Senate's version of S. 3258, the Energy and Water Development and Related Agencies Appropriations Act for Fiscal Year 2008. Congressman Hulshof exposed how the bill contained a thinly veiled attempt to change the U.S. Army Corps of Engineers' management of the Missouri River via a proposed study which could conclude that the Corps should halt its controlled releases from the Missouri River reservoirs for navigation and other Lower Basin uses.

Water released from the Upper Basin reservoirs maintains the Missouri River's "minimum service" navigation. Decreased or no release would benefit North Dakota, South Dakota and Montana during the current drought at the expense of those along the lower Missouri River and Mississippi River who rely on barge traffic to transport their crops and other domestic commodities, for water supplies and for energy production. Due to the ongoing drought in the Upper Missouri River Basin, this year's navigation season will end on October 31, a 30-day shortening of the normal April 1 to November 1 navigation season. In the past, the Mississippi River has lost over

two-feet in draft when navigation flows are halted from the Missouri River. The Corps' St. Louis District is monitoring the situation closely.

To read the congressman's letter, click [here](#). For more information, please contact Lynn Muench at (314) 446-6474, or via email at [lmuench@vesselalliance.com](mailto:lmuench@vesselalliance.com).

### ATTENTION, READERS!

If you receive a hard copy of the *AWO Letter* and need to know the exact Web addresses of the hyperlinks in any articles, please contact Mary McCarthy at (703) 841-9300, extension 254, or [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com).



### Welcome, New Affiliate Member!

**W. W. Patterson Company**  
Riversea Road  
Pittsburgh, PA 15233

Rep: Mr. Erik Arlet, Sales and Service



# Joint Safety Committee to Meet in Conjunction with AWO Southern Region

To promote improved communication and better integrate the work of the AWO Safety Committees into the overall work of the association, the Joint Interregion and Coastal Safety Committee will meet in conjunction with the Southern Region Annual Meeting on January 20-22, 2009 in New Orleans, LA. The meeting will take place at the Hilton-New Orleans/St. Charles Avenue, 333 St. Charles Avenue, New Orleans, LA 70130. Reservations can be made by calling 1-888-490-6547. The meeting will begin at 3:00 p.m. on January 20 with the work of the safety subcommittees and conclude at 5:00 p.m. At this gathering, the subcommittees will continue their work on the coastal issues of Firefighting, Working with Super-Strength Synthetic Lines, and Crew Travel Time and the inland issues of Lesson Plans, Crew Alertness, and Fall Overboard.

The main meeting will begin the next day, January 21, at 9:00 a.m. and conclude at 5:00 p.m., followed by a social dinner at Drago's Seafood Restaurant at 6:00 p.m. The meeting will continue on January 22, from 8:00 a.m. to 12:00 p.m. The agenda for this meeting is still being developed and will be shared with the membership in early December. Each committee will have an opportunity to conduct its business in separate breakout sessions, and both committees will come together to consider the safety objectives to target for 2009. This ninth annual combined meeting is a unique opportunity for both committees to conduct their regular work and to cooperate to improve safety broadly in both the coastal and inland operating sectors.

Safety Committee members are encouraged to stay in New Orleans and attend the AWO Southern Region Annual Meeting, held in the same hotel, beginning on January 22 at 3:00 p.m. with a special discussion session on current issues and challenges facing AWO. The afternoon's meeting will conclude with a cocktail reception. The annual meeting will recommence at 8:00 a.m. the next day, focusing on current issues facing the members of AWO, and concluding by 12:00 p.m.

Southern Region members are encouraged to schedule their travel so they will be able to attend all, or part, of the Joint Safety Committee meeting and become informed and involved in the work of the Joint Safety Committee.

For more information, please contact Bob Clinton at (703) 841-9300, extension 253, or via email at [bclinton@vesselalliance.com](mailto:bclinton@vesselalliance.com)



## Welcome, New Carrier Members!

**Falls City Marine Service, LLC**  
P.O. Box 1107  
Prospect, KY 40059

Rep: Mr. Chad McBride  
Compliance Officer

**Bolivar Barge Cleaning Services, LLC**  
P.O. Box 1315  
Santa Fe, TX 77510

Rep: Mr. Thomas Gates IV  
President



## CEMS Training Opportunities

The Crew Endurance Management System (CEMS) is a system for managing risk factors in maritime work environments that can lead to human error and performance slumps. The Coast Guard and AWO have been working together to help companies implement the principles of CEMS. In this space, AWO will publish details of CEMS training opportunities around the country. For further information on CEMS training opportunities, please contact LCDR Vivianne Louie, U.S. Coast Guard, at (202) 372-1358.

DATE	LOCATION	CONTACT
October 21-22	American River Transportation Co. St. Louis, MO	LCDR Vivianne Louie (Contact) (202) 372-1358 <a href="mailto:Vivianne.W.Louie@uscg.mil">Vivianne.W.Louie@uscg.mil</a>

# “In Midst of Storm, Tugboats Prevailed”

The following story, authored by Bill Hensel Jr. and featuring AWO member Buffalo Marine Service, Inc., appeared in the September 24 issue of the *Houston Chronicle*. It appears here in its entirety.

\*\*\*\*\*

Assigned to protect a group of barges and the 50,000 barrels of fuel they held, Capt. Al Schmidt couldn't just idly watch as another ship – the 30,000-ton *Rickmers Seoul* – broke free into the Houston Ship Channel as Hurricane Ike roared.

Schmidt and some fellow tugboat operators at Buffalo Marine, a Houston-based ship fueling company, defied crashing waves and 100-mph winds to corral the wayward 633-foot freighter in the wee hours of Sept. 13.

Then the *Rickmers Seoul's* captain apparently lifted an anchor after the winds shifted and the huge ship was bearing down on them again.

“I just hollered, ‘There ain't no stopping him this time!’” Schmidt said. “It hit the barges. It hit so hard it popped our cable and lines.”

The tugboats scattered and again tracked down the big ship before it sank the fuel-laden barges or slammed into the Sidney Sherman Bridge, which takes the East Loop 135 feet above the channel, said Tom Marian, head of Buffalo Marine.

He said the company's hurricane plan is simple: When there's a storm with a potentially catastrophic surge, all tugboats are assigned to protect tank barges.

That means when other Texans are hunkering down or evacuating, employees of companies like Buffalo Marine muster in its path.

“The conditions were pretty wild when all this was going on,” Marian said.

The barges being protected by the Buffalo Marine captains are essentially floating gas stations crucial to ships that operate in the Port of Houston.

## Headed toward 610

The *Rickmers Seoul* was about a half-ship-length from the bridge when Port Capt. Ashley Marks, who was riding the storm out at Buffalo's facility at the Turning Basin, told the mariners to pin the ship against the barges to protect them and the structure.

Schmidt maneuvered to the bow of the big ship and did everything he could to slow it, Marian said. But Schmidt's boat, the *San Patricio*, was blown under the bow and its wheelhouse was damaged.

The way the wind was blowing, Schmidt said the ship was definitely headed into what is known as the 610 bridge.

“The only way to save our barges was to pin it to our barges,” he said.

That's what they did for the next several hours, said Capt. Les Cain, who was in charge of the *San Rafael*.

Two other Buffalo Marine tugs – the *San Carmen*, captained by Jimmy Lopez and the *San Leandro*, captained by O.S. Mills – also helped.

Capt. Fred Byrd of Penn Maritime watched it all unfold.

“I thought the Buffalo Marine fleet of boats did an excellent job to do what they had to do to protect everybody – the environment, the bridge, the crew, everyone,” Byrd said. “It could have actually hit the bridge.”

Sometimes there can be a tendency for companies not to get involved when something like that occurs because of potential liability issues, he noted.

## Storm surge

The U.S. Coast Guard said the loose ship posed a threat to the bridge, partly because the storm surge had lifted the water level so high.

“If that ship had hit the 610 bridge, can you imagine what would have happened?” said Lt. Junior Grade Rachel Martin, operations officer for the Coast Guard's Vessel Tracking

Service. “The ship was taller than the bridge because of the storm surge.”

Actually, in December 2000 another ship from the same company, the *Rickmers Tianjin*, did punch a hole through the roadbed when it tried to pass with its crane extended.

A representative of Rickmers in Houston referred questions to the Germany-based shipping line's Hamburg office. Via e-mail, a spokesman said management was traveling and not available to discuss the Ike-related drama.

Veteran mariner Schmidt said the company took the same steps during Hurricane Rita in 2005 and said working on the water during a hurricane simply goes with the job.

“If a storm is coming, you stay with your boat,” he said. “I would never think about leaving my boat during a storm.

“You protect your paycheck.” ❁

