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House Passes TSA Authorization Act

Congress One Step Closer to Eliminating Second Trip to TWIC Enrollment Center

On June 4, the House of Representatives passed the Transportation Security Administration (TSA) Authorization Act (H.R. 2200) by a vote of 397-25. As reported in the May 22 edition of the *AWO Letter*, the bill includes language that would require TSA to develop a process for mailing Transportation Worker Identification Credentials (TWIC) to applicants' homes, thus eliminating the requirement for a second trip to the TWIC enrollment center.

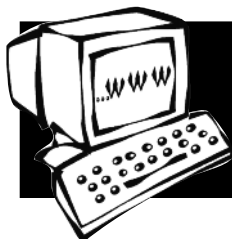
Section 403 of H.R. 2200, which was introduced on the House floor by Rep. Sheila Jackson-Lee (D-TX), requires that "Within 180 days after the date of enactment of the Transportation Security Administration Authorization Act, the secretary shall develop a process to permit an individual approved for a transportation security card under this section to receive the card at the individual's place of residence." The bill includes other provisions aimed at improving the efficiency and practicality of the TWIC program, including time limits within which TSA must review TWIC applications and requests for waivers and appeals; a provision allowing escorting of individuals who have applied for but not yet received a TWIC; a requirement that TSA establish procedures allowing fingerprinting to be conducted at security facilities (other than TWIC enrollment centers) operated by or under contract to

agencies of the Department of Homeland Security; and, the prohibition of a separate security background check. A copy of the bill can be found [here](#).

House passage of the TSA Authorization Act marks the first substantive step towards the elimination of the burdensome second trip requirement for TWIC applicants, one of AWO's legislative priorities for 2009. A companion bill has not yet been introduced in the Senate but is expected to be considered this summer or early fall.

AWO thanks Homeland Security Committee Chairman Bennie Thompson (D-MS) and Border and Maritime Transportation Subcommittee Chairwoman Loretta Sanchez (D-CA) for their leadership in passing this important legislation. AWO also thanks those member companies who engaged in grassroots advocacy on this issue during the April "Barge-In," and the maritime labor unions with whom the association worked closely in supporting passage of the bill.

If you have any questions, please contact Jennifer Carpenter or Chris Coakley at (703) 841-9300 extensions 260 and 297, respectively, or via email at jcarpenter@vesselalliance.com or ccoakley@vesselalliance.com.



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AWO Urges Changes to Proposed TWIC Card Reader Requirements

On May 26, AWO submitted comments to the U.S. Coast Guard on the agency's March 27 Advance Notice of Proposed Rulemaking (ANPRM) on the Transportation Worker Identification Credential (TWIC) Card Reader Requirements. As reported in the April 13 edition of the *AWO Letter*, the ANPRM proposes to exempt vessels with crews of 14 or fewer from carrying readers on board. In its comments, AWO supported the Coast Guard's recognition that electronic card readers add little or no security value in some circumstances, but offered an alternative view of how the concepts of risk and value-added should be applied in deciding whether and where electronic card readers should be required.

Writing on behalf of AWO's members, Jennifer Carpenter, AWO Senior Vice President-National Advocacy, outlined the "intellectual framework" that AWO believes should guide the development of card reader requirements. This framework is based on four premises:

1. The use of card readers on vessels is not required by the Maritime Transportation Security Act of 2002 (MTSA), the SAFE Port Act of 2006, or any other Congressional mandate.
2. A risk-based approach to the card reader question should take into account all of the risk-reduction measures that have been implemented pursuant to MTSA 2002 and the SAFE Port Act, and consider the incremental value to be gained from a card reader requirement.
3. The requirement for certain personnel to obtain a TWIC has added significant security benefits

that exist independently of the use of card readers.

4. Operational factors, such as crew size and the number of individuals attempting to gain access at one time, are critical in determining the value of a TWIC reader in a given circumstance.

Applying these premises together, AWO recommended a simpler, clearer approach to the establishment of TWIC reader requirements for vessels. First, AWO recommended that the Coast Guard exempt outright vessels with fewer than 14 crewmembers, a similar but more straightforward approach than the Coast Guard's own suggested method of "recurring unescorted access." Additionally, AWO urged the Coast Guard to eliminate the risk group concept for vessels, expressing serious concerns about the practicality of tying reader requirements to a risk-based system that does not mesh well with the day-to-day operations of towing vessels. Under the risk group structure," Ms. Carpenter noted, "it will be common for towing vessels to move back and forth between risk groups – from A to C and back again – depending on the cargo of the barge in tow. The proposed requirements do not seem to take this operational reality into account."

AWO also urged the Coast Guard to eliminate the requirement that vessel owners use a card reader to conduct

an initial biometric match of a new employee's TWIC. "It is redundant to impose this requirement on vessel owners when the same match has already been conducted by TSA at the time of card activation," wrote Ms. Carpenter. Instead, AWO proposed that vessel owners should be required to conduct a thorough visual inspection of the TWIC when any crewmember requiring a TWIC has been hired; when that crewmember boards the vessel at the beginning of

his or her tour of duty; and, when any authorized TWIC-carrying non-employee seeks unescorted access to the vessel. Lastly, AWO supported the concept of a privilege-granting system in which TSA notifies employers when an employee's card has been placed on the Hotlist. AWO recommended that privilege granting be the standard mechanism for allowing employers to ensure the continued validity of employees' TWICs and that there

be no fee associated with this service.

For a copy of AWO's comments to the docket, click [here](#). If you have any questions, please contact Jennifer Carpenter or Brian Vahey at (703) 841-9300, extensions 260 or 251, respectively, or via email at jcarpenter@vesselalliance.com or bvahey@vesselalliance.com.

"Under the risk group structure...it will be common for towing vessels to move back and forth between risk groups, from A to C and back again, depending on the cargo of the barge in tow. The proposed requirements do not seem to take this operational reality into account."

***- Jennifer Carpenter,
AWO Senior Vice President-
National Advocacy***

Renewable Energy Projects Slated for Across the Nation

In the past several years, with the both Bush and Obama Administrations promoting offshore and inland renewable energy development, there has been a groundswell of commercial interest in securing land and project permits from the Mineral Management Service – Department of Interior (MSS) and the Federal Energy Regulatory Commission (FERC). While only a fraction of those permitted projects pose any serious risk to navigation, at this time AWO is working with FERC, MMS, U.S. Coast Guard and U.S. Army Corps of Engineers to ensure safe navigation plans are incorporated into proposed renewable energy projects.

A list of projects by region has been developed, to view these lists please follow the links below:

- Atlantic Region FERC & MMS Projects, click [here](#).
- Southern Region FERC Projects, click [here](#).
- Midwest and Ohio Valley Regions FERC Projects, click [here](#).
- Pacific Region FERC & MMS Projects, click [here](#).

If you are interested in participating in any future work groups concerning renewable energy projects and navigation, submitting comments to either FERC or MMS, or have concerns regarding the siting of another renewable energy project, please contact your Regional Vice President, or contact Robert McCaw at (703) 841-9300, extension 279 or via email at rmccaw@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.

June 10-11: AWO Coastal Safety Committee Meeting, Las Vegas, NV

→ [REGISTER NOW](#)

July 23-24: AWO Southern Region Meeting, Houston, TX

→ [REGISTER NOW](#)

August 5-6: AWO Executive Committee Meeting, Arlington, VA

August 19-20: AWO Midwest and Ohio Valley Regions Joint Summer Meeting, St. Louis, MO

August 26-27: AWO Atlantic Region Summer Meeting, Norfolk, VA

→ [REGISTER NOW](#)

September 3: AWO Pacific Region Summer Meeting, Seattle, WA

October 13-16: AWO Fall Convention, New Orleans, LA

December 2-3: AWO Executive Committee Meeting, Arlington, VA

VGP Notice of Intent Website Activated

The Environmental Protection Agency (EPA) has activated its electronic Notice of Intent (eNOI) Web site for its Vessel General Permit (VGP). All commercial vessels over 79 feet have been automatically covered under the VGP since February 6; however, by September 19, 2009, all of those vessels that are also above 300 gross tons or have more than eight cubic meters (2113 gallons) of ballast water capacity must also submit an NOI to be covered under the VGP, preferably electronically. The eNOI Web site can be found [here](#). For more information, please contact Mary McCarthy at (703) 841-9300, extension 254, or mmccarthy@vesselalliance.com.

NEED SOME LINKS?

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 via email at mmccarthy@vesselalliance.com.



Maritime Cabotage Task Force Annual Report Released

On April 15, the Maritime Cabotage Task Force (MCTF) released its *MCTF 2008 Annual Report*. The report takes a look back at the accomplishments of 2008, and addresses the challenges ahead in 2009. The report details how MCTF will continue its work with federal policymakers to ensure that the Jones Act and related cabotage laws are not diluted or harmed in any way. In detail, the report examines:

- MCTF's role in the federal policy making process,
- MCTF's involvement with key federal agencies,
- President Barack Obama's pledge of support for the Jones Act,
- MCTF's current board members,
- Key House of Representatives and Senate Committee changes,
- MCTF joining the Navy League of the United States, and
- A maritime retrospective on the Bush Presidency.

To review the report, please click [here](#). For more information about MCTF, please contact Chris Coakley at (703) 841-9300 extension 297, or coakley@vesselalliance.com.

Oil Spill Prevention Act Passes With Industry Sponsored Amendments

On May 20, the Senate Commerce, Science and Transportation Committee approved the Oil Spill Prevention Act of 2009. The bill as passed included an amendment jointly developed by maritime labor unions and AWO to broaden the architecture of the newly developed Coast Guard licensing medical registry. In addition, the bill included an amendment adding to a study on marine casualties an analysis of the efficacy of safety management systems.

AWO thanks its maritime and labor partners, as well as Senator Lautenberg (D-NJ), who have worked closely with the industry to ensure that mariners' access to medical professionals goes unhindered, while also striving to improve and better understand industry safety management systems. For more information, please contact Chris Coakley at (703) 841-9300 extension 297, or ccoakley@vesselalliance.com.

Climate Change Bill with Maritime Provisions Passes House Committee

On May 21, the House Energy and Commerce Committee approved the American Clean Energy and Security Act (H.R. 2454) by a vote of 33 to 25. The bill, sponsored by Energy and Commerce Committee Chairman Henry Waxman (D-CA) and Congressman Edward Markey (D-MA), is a comprehensive climate change bill that will, for the first time, set caps on greenhouse gas emissions, as well as promote renewable energy and energy efficiency. The bill contains a number of provisions that affect the maritime industry, which would:

- Require the Environmental Protection Agency (EPA) to set emissions standards for new marine vessels, and new engines installed in old marine vessels, by 2013, based on the most stringent standards achievable using available technology;
- Allow EPA to establish a cap and trade program for mobile sources, including vessels;
- Allow EPA to evaluate the greenhouse gas emissions of industries and companies and then publish a list ranking them so customers can choose the most efficient mode and company;
- Establish new low-carbon transportation fuel standard;
- Preempt states from implementing emissions caps between 2012 and 2017, and require states to submit plans for reducing emissions from mobile transportation sources, including strategies such as short-sea shipping and retrofit technologies; and,
- Expand the grounds on which citizen lawsuits can be brought against industry by allowing any citizen (including EPA) who has suffered or "reasonably expects to suffer" a harm to sue a party possibly responsible for an emissions standard violation.

AWO continues to monitor H.R. 2454 and examine its effect on members. However, the bill is still in flux because it must go through eight more committees claiming jurisdiction over it before it moves to the House floor, which is expected sometime this summer. The Senate has yet to move forward with a climate change bill.

For more information, please contact Chris Coakley or Mary McCarthy at (703) 841-9300, extensions 297 or 254, respectively, or via email at ccoakley@vesselalliance.com or mmccarthy@vesselalliance.com.

Updated RCP Audit Checklists Now Available

The May 2009 version of Responsible Carrier Program (RCP) Management, Coastal and Inland audit checklists are now available on the AWO Web site and can be downloaded by clicking [here](#). In this 2009 version, the only substantive changes are the addition of the requirement for annual internal audits, and performance measurement procedures including the requirement

for companies to track the number and rates of manhours, fatalities, recordable injuries, lost time injuries and falls overboard. Other changes have improved the formatting making the checklists more uniform and “user friendly.”

It should be noted that the very significant changes to the audit protocol since October 2008 are not addressed in the checklists, but appear in the addenda to the RCP and are incorporated into the May 2009 version of the RCP, also posted on the AWO Web site and are accessible by clicking [here](#). A hard-copy RCP pamphlet and revised audit checklists will be sent to all AWO



members later in June. If you have any questions, please contact Bob Clinton at (703) 841-9300, extension 253, or via email at bclinton@vesselalliance.com.

Order Your Lifelines Brochures!

AWO urges recreational boaters to use special caution when operating around commercial vessels and to educate themselves on the constraints under which those vessels operate. This awareness can arm recreational boaters with the best protection against danger and could save lives.



AWO’s popular brochure, entitled “Lifelines: Safety Tips That Could Save Your Life,” delivers important safety tips to recreational boaters in an easy-to-read, user friendly format. Have you ordered your brochures yet?

To request copies of the brochure, please email your request to Susan Miller, AWO Government Affairs Assistant, at smiller@vesselalliance.com. This brochure is free; however, there is a cost for shipping. Order your brochures today!

CEMS Training Opportunities Available

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 Pik Kwan Rivera, U.S. Coast Guard, at (202) 372-1354.

DATE	LOCATION	CONTACT
June 23-24	Salyers Solutions, LLC Norfolk, VA	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net
July 20-21	Salyers Solutions, LLC Mobile, AL	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net
August 4-5	Salyers Solutions, LLC Houston, TX	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net
August 11-12	Salyers Solutions, LLC Seattle, WA	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net

Midcontinent Office**AWO Sends Comments to WV Agency Opposing New Inspections**

On June 1, AWO submitted comments to the West Virginia Office of Miners' Health, Safety & Training (MHST) in opposition to a Proposed Legislative Rule that would allow MHST to institute inspections of coal barges in the form of training



requirements. In order to go into effect, this rule would have to be approved by the West Virginia Legislature during its next session, beginning in January 2010.

The AWO comments gave a number of arguments for why this rule would be ill-advised and counterproductive for the agency to adopt. The comments informed MHST that: a) the regulation of interstate commerce is constitutionally recognized as an exclusive federal responsibility; b) the U.S. Coast Guard and AWO continue to address safety issues through the long-standing Safety Partnership; c) the Coast Guard is promulgating a rule for towing vessel inspection; d) the Responsible Carrier Program currently contains worker safety components; and, e) overregulation could severely impeded commerce within West Virginia.

Under the proposed rule, barges that move coal would be considered mines and, thus, subject to MHST's jurisdiction. This rule also defines "riverman" as "a person employed by an operator to engage in the loading and unloading of coal on a barge" at a river loadout facility. The MHST rule would require coal barge operators to verify that: a) the riverman has received training on the proper use of wire rigging; b) the riverman has received training on the maneuvering of barges; c) all of the riverman's training is recorded on a U.S. Mine Safety and Health Administration (MSHA) 5000-23 form; d) the riverman cannot board a barge without a Coast Guard-approved life jacket; and, e) all other individuals who board barges receive "hazard training" prior to boarding.

As this rule is being considered, MHST has asked the West Virginia Secretary of State's Office to allow this rule to go into effect on a temporary basis as an Emergency Rule. As of June 3, the Secretary of State had not yet accepted or denied this request. If no decision is made by June 12, the Emergency Rule will go into effect. AWO is reaching out to

Southern Region**Baton Rouge Air Monitor Records No Hits from Tank Barges After First Month**

On June 3, AWO received confirmation from the Louisiana Department of Environmental Quality (LDEQ) that there have been no tank barge impacts on the air emissions monitor located at the Carville Air Monitoring Station in the Iberville Parish section of Baton Rouge, LA. The air emissions monitor has been active since May 1 and will continue to provide readings until September 30.

The Baton Rouge air monitoring program represents a collaborative effort between LDEQ and AWO's Inland Liquid Sector Committee, who on April 30 signed a memorandum of understanding (MOU) to study the effect of barge traffic on air quality in the Baton Rouge area. Under the terms of the MOU, the monitoring program covers that portion of the Lower Mississippi River between Miles 188 and 200, above the Head of Passes. The monitor trigger level has been set, at least initially, at 0.4 ppmC (parts per million carbon).

This news further confirms the tank barge industry's commitment to environmental stewardship. AWO appreciates the participation of its Inland Liquid Sector members and will continue to work with LDEQ to monitor and, where necessary, reduce harmful air emissions in Louisiana.

If you have any questions, please contact Mark Wright at (985) 674-3600 or Brian Vahey at (703) 841-9300, extension 251, or at mwright@vesselalliance.com or bvahey@vesselalliance.com, respectively. 🌐

this office to inform the Secretary of State of the rule's flaws, and to ask for the request to be denied.

For a copy of the Proposed Legislative Rule, please click [here](#). To read the comments sent by AWO to MHST, please click [here](#). For more information, please contact Lynn Muench at (314) 446-6474 or Benjamin Rogers at (703) 841-9300, extension 264, respectively, or via email at lmuench@vesselalliance.com or brogers@vesselalliance.com. 🌐

2009 Regional Summer Meetings to be Held

The AWO Southern Region Summer Meeting and Midwest & Ohio Valley Regions Joint Summer Meeting will be held on July 23-24 and August 19-20, respectively. On the first day of each regional meeting, there will be a Special Session from 2:00-5:00 p.m. followed by a reception from 6:00-7:30 p.m.

The AWO Atlantic Summer Meeting and Pacific Summer Meeting will be held on August 26-27 and September 3, respectively.

Important association business will be conducted including the discussion of Subchapter M towing vessel safety inspection requirements, Vessel General Permit (VGP) and regional and national reports. Membership attendance and involvement is essential.

Online registration for the Southern and Atlantic Summer meetings are now

REGIONAL MEETINGS AT-A-GLANCE	
<p>Southern Region Summer Meeting</p> <p>July 23-24 The Houstonian Hotel, Club & Spa Houston, TX Hotel Telephone Number: (713) 680-2626 Register Now</p>	<p>Atlantic Region Summer Meeting</p> <p>August 26-27 Renaissance Portsmouth Hotel & Waterfront Conference Center Norfolk, VA Hotel Telephone Number: Register Now</p>
<p>Midwest & Ohio Valley Regions Joint Summer Meeting</p> <p>August 19-20 St. Louis, MO</p>	<p>Pacific Region Summer Meeting</p> <p>September 3 Salty's on Alki Seattle, WA</p>

available. To register, please click [here](#). For more information, please contact Hermoine Wellman at (703) 841-9300,

extension 291, or via email at hwellman@vesselalliance.com.

2009 AWO Letter Sponsorships Still Available!

In the current economic climate, advertising and marketing become even more important to a company's health. AWO is currently accepting sponsorship applications for the 2009 *AWO Letter*. Each great advertising opportunity costs \$500, which includes a front-page "sponsorship block" featuring your company's name, location, logo, and Web site address. AWO still has a number of issues available:



Sponsorship forms can be found by visiting the AWO Web site, or by clicking [here](#). If you have any questions, please contact Susan Miller at (703) 841-9300, extension 262, or via email at smiller@vesselalliance.com.

- June 19
- July 3
- July 17
- July 31
- August 14
- August 28
- September 11
- September 25
- October 9
- October 23
- November 6
- November 20
- December 4
- December 18