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Shutdown of Chicago Sanitary and Ship Canal Planned for December 1

Severe Impact on Commerce Anticipated

For the second time this year, the Chicago Sanitary and Ship Canal will be closed with insufficient warning to the navigation industry and its customers. On November 13, federal and state agencies of jurisdiction announced on December 1 closure of the congressionally authorized waterway for the area between Lockport Lock at Mile Marker 291 and Mile Marker 298, just north of the fish barrier, in order to apply a chemical to kill the invasive Asian carpfish.



This 18-day notice is far short of the requested 30-day notice to allow industry to facilitate critical deliveries without stranding tows already on their way to the Chicago region. Producers, shippers and carriers will not have an adequate period of time to reroute shipments and make other accommodations for the necessary scheduling changes. For example, a towboat journey from Houston to Chicago takes an average of 22 days. As a result, it is almost certain that there will be tows stranded in the river system when the closure goes into effect. During a conference call on November 13, no

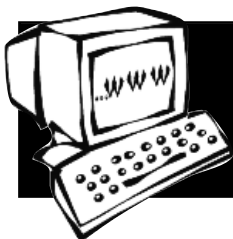
federal or state agency could respond to media questions about the economic impact of the closure.

The Illinois Department of Natural Resources, in partnership with the U.S. Environmental Protection Agency (EPA), will be applying the chemical to the canal. EPA has indicated that the canal will be closed for a minimum of six days, and could be closed for as long as 14 days. The estimates for the duration of this closure have fluctuated significantly over recent weeks, another factor hampering the ability of the shipping community to plan delivery of key products to the region.

The August shutdown of the Canal that occurred without warning trapped a minimum of 16 towboats and 159 barges in one day alone. As reported in the August 28 edition of the *AWO Letter*, "stalled vessels cost the regional economy hundreds of thousands of dollars a day in increased transportation costs, based on AWO member equipment alone."

AWO is working with the agencies involved and the Illinois congressional

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Coast Guard Publishes NPRM to Implement STCW Amendments



On November 17, the U.S. Coast Guard published a notice of proposed rulemaking (NPRM) to fully incorporate the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW Convention) and the Seafarer's Training, Certification and Watchkeeping Code (STCW Code) into the credentialing requirements for U.S. mariners. AWO is currently reviewing and analyzing the just-released NPRM. Provisions of the STCW Convention and Code apply to companies that operate towing vessels of any size on international voyages; over 200 gross tons on voyages beyond the U.S. Boundary Line; or, of any size on domestic voyages that pass through international waters.

In 1997, the Coast Guard published an interim rule on STCW implementation. The new NPRM incorporates lessons learned from implementation of the interim rule and is aimed in large part at improving the clarity of the STCW implementing regulations for mariners. As a result, not all changes are substantive.

Among the changes proposed in the NPRM are the following:

- 1) The establishment of requirements for mariners serving on seagoing vessels of less than 200 Gross Register Tons on international voyages, for both near-coastal and ocean routes;
- 2) The provision of limited engineer endorsements for service on vessels less than 10,000 horsepower on near-coastal waters;
- 3) The establishment of requirements for specific areas of knowledge, understanding and proficiency for operational and management level licenses; and,
- 4) Clarification of what constitutes an international voyage and a domestic voyage, including that:
 - A domestic voyage is a journey from one U.S. port to another that does not enter foreign waters; and,
 - An international voyage is a sea voyage between a U.S. or U.S. territorial port and a port in a foreign country or its waters, or a voyage between foreign ports.

AWO will work with Coastal Sector Committee members to review the NPRM and develop comments to the docket by the February 16, 2010 deadline. The Coast Guard is holding a series of meetings on this issue in Miami, FL, on December 1; New York, NY, on December 2; New Orleans, LA, on December 9; Seattle, WA, on December 11; and, Washington, D.C. on January 20, 2010. To view the times and locations for these meetings, please click [here](#). To read the NPRM, please click [here](#). For more information, please contact Jennifer Carpenter or Benjamin Rogers at (703) 841-9300, extensions 260 or 264, respectively, or via email at jcarpenter@vesselalliance.com or brogers@vesselalliance.com.

Shutdown of Chicago Sanitary and Ship Canal Planned for December 1; Severe Impact on Commerce Anticipated

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delegation to ensure that the interests of the towing industry and the regional economy are taken into stronger consideration during this closure. AWO does not view an open-ended closure of the Canal as acceptable in any way and is making this view known to a wide audience. To read the U.S. Coast Guard's announcement regarding the closure, please click [here](#). For more information, please contact Lynn Muench at (314) 446-6474, or at lmuench@vesselalliance.com, or Chris Coakley at (703) 841-9300, extension 297, or at ccoakley@vesselalliance.com.

Credentialing Workload Holding Steady, NMC Says New Search Function Available on NMC Web Site

On November 6, the U.S. Coast Guard's National Maritime Center (NMC) released its October report on the performance of the Mariner Credentialing Program. As reported in previous editions of the *AWO Letter*, the NMC has eliminated its previous backlog of applications. The total number of applications being processed at the NMC as of the end of October was 3,009, virtually the same amount that was indicated in the NMC's September report. The report also indicated that the average time the Coast Guard spends processing an application is 26.77 days, a slight increase from the 25.50 days recorded in September. To view the charts displaying these results, please click [here](#).

In other NMC news, on October 27 the NMC announced that it has introduced a new search function on its Web site. The NMC states that it will continue to improve on search capabilities "by increasing the number of keyword searches available." To read about how to use this function, please click [here](#).

AWO continues to work with the NMC to improve the Coast Guard credentialing process. To read about AWO's recent meeting with NMC officials, please see the November 6 edition of the *AWO Letter*. If you have any questions about AWO's work with the NMC or the credentialing process, please contact Jennifer Carpenter or Benjamin Rogers at (703) 841-9300, extensions 260 or 264, respectively, or via email at jcarpenter@vesselalliance.com or brogers@vesselalliance.com. ☘

AIS Discrepancy Reports Explained; Information Must Match Radio Certificate License

On October 2, the International Maritime Organization (IMO) issued a circular detailing Automatic Identification System (AIS) discrepancy reports on vessels found to be transmitting incorrect AIS data. The circular lists all reports for the period from July to September 2009. Based on the AIS discrepancy reports, the majority of errors are caused when the vessel operator transmits the wrong IMO number, Maritime Mobile Service Identity (MMSI) number, call sign or vessel name.

The Coast Guard has confirmed that such discrepancies constitute operator error, and has advised operators to ensure that their vessel's name, MMSI number and call sign mirror those listed on the vessel's radio certificate license. If a vessel lacks a license, owners must have one issued by the FCC. If it lacks an MMSI, owners will need to amend their existing license with the FCC and obtain one. The Coast Guard also recommends that vessel owners acquire a 9-digit IMO number, even for their non-SOLAS vessels. IMO numbers can be requested free of charge at <http://imonumbers.lrfairplay.com/>.

The Coast Guard has informed AWO that a NVIC providing more information on AIS data input, in addition to other subjects of possible confusion, will be published in conjunction with the final rule on AIS carriage requirements, which the Coast Guard expects to publish next year.

A copy of the IMO circular is available [here](#). If you have any questions, please contact Brian Vahey at (703) 841-9300, extension 251, or via email at bvahey@vesselalliance.com. ☘

Important Dates and Reminders

..... at a glance

For more information, please contact Mary McCarthy at (703) 841-9300, extension 254, unless otherwise noted.

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

January 26-28, 2010: Joint Safety Committee Meeting, New Orleans, LA

January 28-29: Midwest, Ohio Valley, and Southern Regions Joint Annual Meeting, New Orleans, LA

February 4-5: Atlantic Region Annual Meeting, Jacksonville, FL

February 19: Pacific Region Annual Meeting, Seattle, WA

February 24-25: AWO Executive Committee Meeting, Arlington, VA



Homeland Security Institute Issues Evaluation of Coast Guard Prevention Programs



On October 5, the U.S. Coast Guard made publicly available an independent evaluation of its prevention programs, the Marine Safety Program and the Marine Environmental Protection Program.

The evaluation was conducted by the Homeland Security Institute (HSI) during 2008 and early 2009. HSI is a private organization that performed the review under a contract with the Department of Homeland Security, the Coast Guard's parent department. The evaluation was conducted in compliance with the Government Performance and Results Act of 1993, a law requiring periodic and independent reviews of all legislatively mandated programs.

During their visits to Coast Guard sites throughout the country, HSI evaluators met with Coast Guard personnel, state and local government officials, non-profit organizations and industry representatives, including AWO members and staff. HSI's overall conclusion is that the Coast Guard's prevention programs appear to be effective, as evidenced by long-term decreases in mariner fatalities and oil and chemical spills. The report also suggests, however, that particular Coast Guard functions and duties need to be addressed internally in order for the agency to continue its effectiveness in these areas in the future. HSI cited as

agency weaknesses a lack of timeliness in developing and implementing standards and regulations; a decline in the experience and competency levels of inspectors and marine casualty investigators; and, inconsistency in enforcing prevention regulations across regions.

The report also makes several recommendations that AWO has historically supported. These include:

- 1) An evaluation of the \$25,000 damage threshold for initiating marine casualty investigations with a consideration of "raising it to an appropriate level based on inflation and the risk of casualty or spill if corrective action is not taken;"
- 2) A reconsideration of the Coast Guard's policy of requiring towboats that run aground on a sand bar or mud flat in a river to always wait for an investigator to arrive before resuming their journey;
- 3) An attempt to coordinate marine safety inspections and examinations with other boardings that the Coast Guard and other agencies conduct, as a way to minimize inconvenience; and,
- 4) An emphasis on transparency in the development of the towing vessel inspection regulations, "allowing the towing industry to gauge its readiness for compliance with the new regulations."

AWO thanks all the members who participated in this evaluation, and looks forward to working with the Coast Guard to address the issues discussed in the report. To read the HSI evaluation, please click [here](#). For any further questions, please contact Jennifer Carpenter or Benjamin Rogers at (703) 841-9300, extensions 260 or 264, respectively, or via email at jcarpenter@vesselalliance.com or brogers@vesselalliance.com.

AWO Letter Sponsorships Now Offer Half-Page Ad!

Sponsors of the *AWO Letter* now have a chance to get even more attention for their company's services with a half-page ad for the same reasonable price! This is a great way to advertise your company to the AWO membership and show support for the tugboat, towboat and barge industry.

Each sponsorship now includes a front-page "sponsorship block" featuring your company's name, location, logo and Web site address PLUS a half page ad! The *AWO Letter* reaches a wide and diverse audience including AWO members, elected officials, transportation agencies and companies in industries related to the maritime industry. It is published 24 times a year. The cost of sponsorship has remained the same for several years at \$500. Now you get even more for your money! (To see an example of the first sponsor display ad, please click [here](#).)

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

Joint Safety Committee to Meet in Conjunction with AWO Midwest, Ohio Valley and Southern Regions

Promoting the vertical alignment between the work of the Safety Committees and the overall priorities of AWO has been an important goal of the Executive Committee during 2009. Vertical alignment means improving communication between the Executive Committee, Board of Directors, and the Safety Committees to accomplish work that augments AWO's advocacy efforts, and involves a larger segment of the membership in the work of the Safety Committees. To promote this goal, the Joint Safety Committee will meet in conjunction with the Midwest, Ohio Valley and Southern Regions to make it easier for members to attend both meetings and gain new perspectives on the work of the association.



The tenth annual Joint Safety Committee Meeting will begin at 2:00 p.m. on January 26, and conclude at 5:00 p.m. At this gathering the subcommittees will continue their work on the coastal issue of how best to implement and track the effectiveness of its new strategic plan and the inland issues of Lesson Plans, Crew Alertness and Falls Overboard.

The main meeting will begin the next morning, January 27, at 9:00 a.m. with a presentation by Don Groover, Vice President, BST, titled "Inseparable: Safety Excellence and Employee Engagement," and conclude at 5:00 p.m.. A social dinner will begin at 6:00 p.m. The meeting will continue on January 28, from 8:00 a.m. to 12:00 p.m. 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 2010 and beyond.

Safety Committee members are encouraged to stay and attend the AWO Midwest, Ohio Valley and Southern Regions Joint Annual Meeting, held in the same hotel, beginning that afternoon with a special discussion session on current issues and challenges facing AWO. The afternoon's meeting will conclude with a reception. The Annual meeting will recommence at 8:00 a.m. the next day, January 29, and include reports on current issues facing the members of AWO, ending 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.

Second Notice Save the Date for 2010 Auditor Training

In response to numerous requests for information, and to ensure everyone is aware of this important training, please note that Responsible Carrier Program (RCP) Auditor initial and Recertification Training has been scheduled for March 9-11, 2010, in Arlington, VA, at the Holiday Inn Rosslyn Key Bridge Hotel, 1900 North Fort Myer Drive, Arlington, VA. Reservation information will follow early next year.

New auditors will attend initial training on March 9 from 8:00 a.m. to 4:30 p.m., and then join recertifying auditors in the training sessions held on March 10, from 9:00 a.m. to 6:00 p.m. and on March 11, from 8:00 a.m. to 12:00 p.m. Auditors wishing to become qualified to conduct joint Responsible Carrier Program and American Chemistry Council (ACC) Responsible Care® audits will have the option of completing an additional training session conducted by ACC from 12:00 p.m. to 4:30 p.m.

Members of the RCP Accreditation Board design the curriculum and prepare and deliver the modules, ensuring that AWO-certified auditors are informed of the latest changes to the RCP, receive comprehensive professional training, and understand AWO's requirement for audit consistency, credibility and value. Much of the success of these training sessions is the result of the professional knowledge and hard work of these members and the support of their companies.

The theme for the 2010 training will be "Imparting Knowledge," and will

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Save the Date for 2010 Auditor Training

(continued from page 5)

focus on the new Towing Vessel Inspection NPRM expected to be published early next year, new audit checklist questions and helping auditors develop a better understanding of the Coast Guard's Crew Endurance Management System (CEMS). As always, the overall goal of the training will be the continuous improvement of auditor skills in understanding and conducting RCP audits.

As we move toward an ever safer industry, the goal is to continue to ensure that AWO-certified auditors are among the best qualified, and trained auditors in the business.

In addition to new and recertifying auditors, the training sessions will be open to a limited number of AWO members on a first-come-first-served basis, who would like to attend and expand their knowledge of the Responsible Carrier Program and auditing methods.

If you have any questions, please contact Bob Clinton at (703) 841-9300 or bclinton@vesselalliance.com.

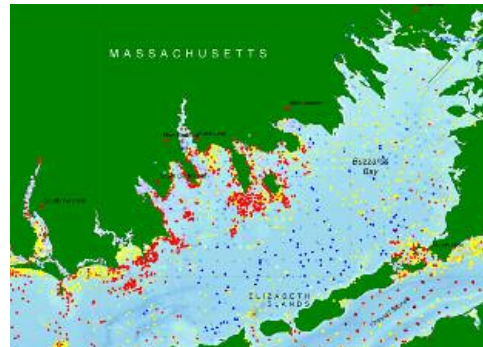


If you receive a hard copy of the AWO Letter and need to know the exact Web addresses

of the hyperlinks in any articles, please contact Mary McCarthy at mmccarthy@vesselalliance.com.

ATLANTIC REGION

MA Congressmen Urge Coast Guard to Not Oppose Buzzards Bay Oil Spill Law Despite Unconstitutionality



On November 5, several Members of the Massachusetts Congressional Delegation submitted a letter to the leaders of the U.S. Coast Guard and the U.S. Department of Homeland Security urging that they not challenge the newly signed Massachusetts law HB 4247, "An Act Preventing

Oil Spills in Buzzards Bay," despite its unconstitutional provisions. AWO actively opposed passage of this law, as it requires the Massachusetts Department of Environmental Protection to dispatch a state-provided tug escort for unaccompanied tank vessels carrying 6,000 or more barrels of oil through Buzzards Bay. This conflicts with the Coast Guard's 2007 Regulated Navigation Area (RNA) that specifically preempts any "non-Coast Guard schemes relating to vessel routing, manning, and tug escort requirements in Buzzards Bay." The Coast Guard and AWO also sent letters to Governor Deval Patrick (D-MA) expressing significant concerns regarding HB 4247, urging him to veto the legislation; however, he ultimately signed the bill.

The letter signed by U.S. Senators John F. Kerry (D-MA) and Paul G. Kirk, (D-MA) and U.S. Representatives Barney Frank (D-MA), James P. McGovern (D-MA) and William D. Delahunt (D-MA), states "We request that the Coast Guard respect Massachusetts' right to implement these appropriate safeguards that are inarguably within the state's jurisdiction, and we strongly urge the Coast Guard to take no legal action against the commonwealth." However, as the U.S. District Court Magistrate Judge's recommended ruling has already affirmed in *U.S. v. Massachusetts*, the Coast Guard's federal authority is preemptive in the regulation of vessel transits in interstate commerce. As such, passage of this law introduces a significant constitutional conflict.

To read AWO's letter to Governor Deval Patrick, please click [here](#). To read the Coast Guard's letter to Governor Patrick, please refer to the September 25 edition of the *AWOL Letter* by clicking [here](#). For further questions about this issue, please contact Nicole deSibour at (703) 841-9300, extension 292, or via email at ndesibour@vesselalliance.com.

MIDCONTINENT OFFICE**Missouri River Update*****AWO Comments on AOP; Corps Moves Forward with Authorized Purposes Study***

On November 20, AWO submitted comments on the U.S. Army Corps of Engineers' Draft Annual Operating Plan (AOP) for the Missouri River. In its comments, AWO urged the Corps to eliminate the AOP's mandate for a spring rise. AWO also pointed out new information that raises doubts about the value of habitat restoration projects to sturgeon recovery that also negatively affect flow depths and, therefore, navigation. Finally, AWO echoed its request from earlier years that the Corps ensure navigational reliability on the river by maintaining a minimum channel of eight feet by 200 feet, reminded the Corps that the congressionally authorized depth is nine feet and asked that the Corps release the final AOP before January 1 in order to give industry time to negotiate contracts with key shippers.



In other Missouri River news, the Corps will hold focus meetings to discuss the upcoming Missouri River Authorized Purposes Study (MRAPS). This study was authorized by the Fiscal Year 2009 Omnibus Appropriations Act and will review the original project purposes of the Missouri River in order to determine if they should be modified. AWO and the Coalition to Protect the Missouri River (CPR) opposed the mandate for the study because it threatens to dedicate water in the upper basin main stem reservoirs toward recreation instead of toward commercial navigation on which the entire country relies. However, AWO and CPR will work with the Corps through the focus meetings and the public comment period to ensure that the study recognizes that commercial navigation provides wide-ranging economic, environmental and safety benefits to the Missouri and Mississippi rivers.

For more information, please contact Lynn Muench at (314) 446-6474 or via email at lmuench@vesselalliance.com, or Mary McCarthy at (703) 841-9300, extension 254, or via email at mmccarthy@vesselalliance.com.

PACIFIC REGION**AWO Submits Comments on Washington State Carbon Reporting Requirements**

On November 12, AWO submitted comments to the Washington Department of Ecology (DOE) draft rule on H.B. 2815, which would require owners of large fleets of vehicles and large stationary sources of greenhouse gases (GHGs) to begin reporting their emissions. The bill is expected to pass in 2010, and if it does it would apply to any source or combination of sources that emits at least 10,000 metric tons of GHGs a year in the state of Washington. In its comments, AWO strongly recommended that DOE align its carbon reporting regulation with the recently adopted reporting requirements passed by the Environmental Protection Agency (EPA). This federal rule will also require certain industries to collect GHG data and report it to EPA, but it exempts mobile sources, including towing vessels, from reporting.

Additionally, in order to eliminate contradictions between the two bills, AWO asked DOE to include the following amendments to the current draft state carbon reporting rule for maritime vessels:

- Require emitters to report only direct emissions, as there is no accurate or reliable calculation available to measure indirect emissions;
- Adopt a threshold of 25,000 metric tons of CO₂ to mirror the federal regulations;
- Require the retention of supporting records/documents for three years instead of five;
- Develop a calculation for the tugboat, towboat and barge industry that would take into account the fuel burned in state waters to determine total CO₂ output; and,
- Base the de minimus CO₂ generation threshold on a per vessel basis, instead of by region or corporation.

AWO will continue to monitor this bill as it moves through the legislature. For a copy of AWO's comments, click [here](#). For more information, please contact Jason Lewis at (253) 200-0945 or Brian Vahey at (703) 841-9300, extension 251. They can also be reached via email at jlewis@vesselalliance.com or bvahey@vesselalliance.com.

PACIFIC REGION

Columbia River BiOp Hearing Rescheduled



A hearing on the Federal Columbia River Power System Biological Opinion (BiOp) in the U.S. District Court of Oregon has been

rescheduled until November 23 in order to allow Dr. Jane Lubchenco, Administrator of the National Oceanic and Atmospheric Administration (NOAA), to attend. In September, Dr. Lubchenco released NOAA's review of the BiOp, which validated its assessment that river operations will not harm endangered species (see September 25 *AWO Letter*). AWO joins the Pacific Northwest Waterways Association in supporting the BiOp and NOAA's review.

For more information on the BiOp, please contact Jason Lewis or Mary McCarthy at (206) 245- 5758 or (703) 841-9300, extension 254, respectively, or via email at jlewis@vesselalliance.com or mmccarthy@vesselalliance.com.

SOUTHERN REGION

Ouachita River Expected to be Reopened

On November 4, the Coast Guard closed 111 miles of the Ouachita River from mile marker 221 near the Louisiana and Arkansas border to mile marker 110 near Columbia, LA, due to extreme high water and strong current conditions. The Coast



Guard now expects to reopen the river on November 21, as water levels have steadily fallen to 46 feet. The Coast Guard's decision to reopen to river was made after a midweek conference call with representatives from the U.S. Army Corps of Engineers, National Weather Service, Tensas Basin Levee District and commercial shippers. For more information, please contact Mark Wright at (985) 674-3600, or via email at mwright@vesselalliance.com.

2010 AWO Safety Calendar Now on Sale!



The 2010 AWO Safety Calendar, which features 13 beautiful, full-color industry photos, is now for sale. The theme of this year's calendar is "Exercise for Health and Safety," and each page contains an important safety message.

Each AWO member company will receive a calendar as a gift when they are printed, and additional calendars are on sale for \$12 each. If you would

like to order calendars, please fill out an order form (attached) and mail it with a check, or email/fax it and have it invoiced, to:

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