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## New Congress Begins with Strong Interest in Maritime Issues

With the 113th Congress barely underway, several lawmakers on both sides of the Capitol have announced their intention to elevate maritime issues in the public discourse through the formation of caucuses dedicated to maritime and waterways issues.

Sens. Tom Harkin (D-IA) and Roy Blunt (R-MO), who along with Sen. Richard Durbin (D-IL), led the Senate’s early response to the low water crisis on the Mississippi River, announced the launch of the Mississippi River Caucus to address flood control and commercial issues, as well as to provide general assistance to river communities. “The river and its communities play an important role in commerce and the local economy,” said Sen. Harkin in a statement accompanying the announcement. “We learned a vital lesson this past fall when a potential disruption in navigation along the Mississippi threatened everything from increasing the cost to move goods to potential job losses.” Sen. Blunt echoed these sentiments, stating that he looked forward to addressing how best to encourage navigation and promote commerce on the river.

The House Mississippi River Caucus, a counterpart to the Senate effort, will soon be unveiled by Reps. Stephen Fincher (R-

TN) and Ron Kind (D-WI) and will serve as bipartisan forum for lawmakers to discuss and advance ways to support commerce on the main stem of the river. This group will work in tandem with the Mississippi River Valley and Tributaries Caucus being spearheaded by Rep. Blaine Luetkemeyer (R-MO).

At the same time, Reps. Michael Grimm (R-NY) and Cedric Richmond (D-LA)—two industry champions from important maritime districts—reached across the aisle to form the House Maritime Caucus. The organization, formed to “raise awareness among Members of Congress on a broad range of maritime related topics,” will serve as a “devoted ally” of industry and will focus on tailoring U.S. maritime policy to meet the challenges of the 21st century. Specifically mentioned in the caucus’ statement of purpose was the objective of

“empowering the industry with the tools necessary to increase GDP and expand exports.”

The formation of the caucuses provides AWO with an opportunity to build and maintain relationships with Members of Congress interested in advancing maritime industry issues. AWO will work with lawmakers involved in these groups to explore ways to effectively advance priority issues in the 113th Congress.

“We learned a vital lesson this past fall when a potential disruption in navigation along the Mississippi threatened everything from increasing the cost to move goods to potential job losses.”

**-Sen. Tom Harkin**

**Save the Date!**

**AWO Congressional Barge-In**  
in conjunction with the 2013 Spring Convention

April 17  
Mandarin Oriental  
Washington, DC



For more information, please contact Sarah Young at (703) 841-9300, extension 291, or [syoung@vesselalliance.com](mailto:syoung@vesselalliance.com).

# Coast Guard Issues Draft NVIC on Implementation of Maritime Labor Convention

## Comments Due March 13



On February 11, the U.S. Coast Guard published a draft Navigation and Vessel Inspection Circular issuing guidance on the implementation of the 2006 Maritime Labor Convention (MLC) for U.S.-flagged vessels. The MLC enters into force on August 20, 2013 and requires vessels engaged on international voyages to certify that working and living conditions onboard the vessel are in keeping with the Convention. The MLC will not be applicable to vessels operating inside the waters of the United States unless and until the United States ratifies the convention. However, U.S. vessels operating internationally in countries that have ratified the Convention should expect port state control

authorities to check their vessels for compliance with the MLC beginning August 20. Vessels engaged exclusively in domestic operations on the Great Lakes and inland rivers are exempt from compliance with the MLC.

Under the MLC, vessels 500 gross tons (ITC) and over must maintain an MLC certificate onboard the vessel when operating in countries that have ratified the Convention. Vessels less than 500 GT ITC may voluntarily carry MLC certification and are encouraged to do so. Because the United States has not ratified the Convention, the Coast Guard does not have the authority to issue MLC certification to U.S.-flagged vessels. In order to protect U.S. vessels operating in the waters of a ratifying nation, the Coast Guard intends to issue a Statement of Voluntary Compliance, Maritime Labor Convention certificate to U.S. vessels demonstrating compliance with the MLC.

Through the promulgation of this NVIC, the Coast Guard is authorizing Recognized Classification Societies to conduct MLC compliance inspections and issue SOVCs at the request of vessel owners/operators. The Coast Guard recommends that owners of classed vessels contact their class society to schedule a MLC compliance inspection. The Coast Guard does not

intend to conduct voluntary MLC inspections for vessels that are classed and can obtain this inspection from their class society. The NVIC notes that foreign port state authorities are not obligated to accept the SOVC-MLC as proof of compliance.

The USCG is working with Transport Canada to develop a Memorandum of Understanding that will allow for the recognition of each country's national laws and regulations as providing substantial compliance with the provisions of the MLC. This will allow vessels less than 500 GT ITC operating between ports in the U.S. and Canada not to undergo a MLC inspection, prepare and maintain a declaration, or possess a voluntary compliance certificate to demonstrate compliance with the MLC.

The Coast Guard is seeking feedback from stakeholders on the agency's proposed direction and the impact it could have on vessel operations. Comments are due March 13. AWO will work with impacted members to develop comments on the draft NVIC.

To read the *Federal Register* notice, click [here](#). To read the draft NVIC, click [here](#). For more information, please contact Jennifer Carpenter or Brian Vahey at (703) 841-9300, extensions 260 and 251, respectively, or via email at [jcarpenter@vesselalliance.com](mailto:jcarpenter@vesselalliance.com) or [bvahey@vesselalliance.com](mailto:bvahey@vesselalliance.com).

### Welcome, New Affiliate Members!

**ERL Commercial Marine, Inc.**  
2560 Charlestown Rd.  
New Albany, IN 47150

Rep: Stephen Wilkins  
Vice President/Design  
Engineer

**Citgo Petroleum Corporation**  
1293 Eldridge Pkwy  
Houston, TX 77077

Rep: Bill Rankin  
Manager Marine  
Chartering & Operations

**K&L Gates LLP**  
1601 K St. NW  
Washington, DC 20006

Rep: Mark Ruge  
Partner

### Got Links?

If you receive a hard copy of the AWO Letter and need to know the exact web address of the hyperlink in any article, please contact Frank Leach at (703) 841-9300, extension 254, or at [fleach@vesselalliance.com](mailto:fleach@vesselalliance.com).



## NMC Announces Cancellation of Recent Forms Update

### *MMC Application Updates Delayed Pending Final Rule on STCW*

The U.S. Coast Guard has delayed plans to require the use of newly approved revised forms for application for a Merchant Mariner Credential.



On January 18, the National Maritime Center announced that the Office and Management and Budget had approved updates to the following forms and laid out a timetable on which use of the new forms would be required: 719B Application, 719K Medical Evaluation, 719KE Evaluation of Fitness for Entry Level Ratings, 719S Small Vessel Sea Service, and 719P Periodic Drug Testing.

However, on February 8, the NMC announced that it was cancelling the previously announced update so that the forms might be amended and reissued to coincide with forthcoming regulatory changes stemming from U.S. implementation of the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers. The Coast Guard published a supplemental notice of proposed rulemaking for STCW in August 2011; there is currently no timetable for the issuance of the final rule.

Mariners who must submit one or more of the forms listed above can find the operative versions linked on the NMC website, which can be accessed by clicking [here](#). For more information, please contact Brian Vahey at (703) 841-9300, extension 251, or via email at [bvahey@vesselalliance.com](mailto:bvahey@vesselalliance.com).

## OSHA Issues Interim Final Rule for Whistleblower Protection

On February 6, the Occupational Safety and Health Administration published an interim final rule in the *Federal Register* governing the employee protection (whistleblower) provisions of the Seaman's Protection Act. The interim final rule codifies provisions of the Coast Guard Authorization Act of 2010 to address certain interpretive issues and establish procedures for handling whistleblower complaints under SPA. SPA gives OSHA the authority over this whistleblower statute, and the rule does not distinguish between inspected and uninspected vessels.

Under SPA, a seaman is protected from retaliation (such as termination or loss of pay) if the seaman discloses information he or she reasonably believes to be a violation of maritime safety law. In the interim final rule, OSHA defines "seaman" as any individual engaged or employed on a vessel, including former employees. Additionally, "maritime safety law" is defined as any statute or regulation regarding the health or safety of a person on a vessel.

Under the rule, the procedure to file a whistleblower complaint under SPA is as follows:

- A seaman must file a complaint with OSHA no later than 180 days after the alleged retaliation;
- Upon receipt of the complaint, OSHA must provide written notice of the filing of the complaint to the persons alleged in the complaint;
- Within 60 days of receipt of the complaint, OSHA will conduct an investigation into the allegations and decide whether the complaint has merit;
- OSHA must provide written notification to the person against which the complaint is filed;
- If there is a violation, OSHA will file a preliminary order to abate the violation, such as requiring reinstating the employee or back pay;
- If there is no objection to the preliminary order in 30 days, the order will become final. If there is an objection within 30 days, the complaint will be litigated within the adjudicatory framework of OSHA and can be appealed to the United States Court of Appeals for the circuit in which the violation allegedly occurred or the circuit in which the complainant resided on the date of the violation.

The rule is designed to be consistent with the procedures applied to claims under the other whistleblower statutes administered by OSHA. OSHA will accept comments on the rule until April 8.

For a copy of the interim final rule, click [here](#). For more information, please contact Brian Bennett at (703) 841-9300, extension 279, or at [bbennett@vesselalliance.com](mailto:bbennett@vesselalliance.com).

## Harkin Seeks Reason for Missouri Water Release

The following story, written by Brian Wingfield, ran on Bloomberg.com on February 11. It appears below in its entirety.

\*\*\*\*\*

An Iowa senator demanded the U.S. Army Corps of Engineers explain why it refused to use Missouri River water to replenish the drought-stricken Mississippi a day after it approved releasing water for oil drilling.

“Corps leaders have a responsibility to explain this turn of events – and not just to Congress, but to Iowa communities and others like them up and down the Mississippi River that rely on the river for moving goods,” Senator Tom Harkin, an Iowa Democrat, said today in an e-mailed statement.

The Army on Dec. 5 agreed to let a unit of Select Energy Services LLC withdraw from North Dakota’s Lake Sakakawea, formed by a dam on the

Missouri. The next day, it told U.S. senators including Harkin and Richard Durbin, an Illinois Democrat, that it wasn’t authorized to provide additional water from the Missouri to aid navigation downstream on the Mississippi River.

Low water levels, caused by the worst drought since the 1930s, have threatened barge traffic for operators including Archer-Daniels-Midland Co. of Decatur, Illinois; American Electric Power Co. of Columbus, Ohio; and Cargill Inc. of Minneapolis. Companies ship as much as \$2.8 billion in goods including grain, crude oil and coal along the Mississippi in a typical January, according to The American Waterways Operators, an Arlington, Virginia-based industry group.

Last month the Corps completed emergency rock removal on the river near Thebes, Illinois, which was the most hazardous point for barges, at the prodding of lawmakers led by Durbin.

### ‘Negative Effects’

Releasing water from the Missouri, which joins the Mississippi at St. Louis, would have “significant negative effects” including potentially less supply for drinking water and loss of marine-wildlife habitat, Jo-Ellen Darcy, the Army’s assistant secretary for civil works, wrote in a Dec. 6 letter to lawmakers.

The previous day, the Corps notified its Omaha, Nebraska district that Darcy had approved an agreement to release surplus water from Lake Sakakawea, the Army disclosed in a Feb. 7 statement. International Western Co. of Southlake, Texas, a unit of Houston-based Select Energy, will remove 1.6 billion gallons of water, according to the Corps. Company officials haven’t responded to requests for comment about the use of the water.

Water from the lake will support hydraulic fracturing, or fracking, a process used in drilling for oil and natural gas, Michelle Klose, assistant state engineer for the North Dakota State Water Commission, said today in a phone interview. The water will be used for oil drilling.

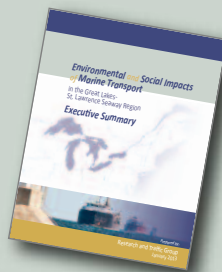
“Corps officials told senators that water in the Missouri River reservoirs needed to be carefully preserved,” Harkin said. “Yet, the Corps now seems to have taken a very different view regarding a new use of water out of Lake Sakakawea.”

He said the issue will probably be raised when Congress considers legislation for the development of water resources.❧

## Study Highlights Green Advantages of Shipping

A recent study released by the Research and Traffic Group defined the modal and environmental advantages of using marine shipping to transport goods in the Great Lakes-St. Lawrence Seaway region. The study found that Great Lakes ships are more fuel-efficient and emit fewer greenhouse gases per thousand cargo ton-miles than land-based alternatives.

The study illustrates water transportation’s minimal effects on the environment as it moves more cargo while using less fuel than land-based modes. For an executive summary of the study, click [here](#). For more information, please contact Brian Bennett at (703) 841-9300, extension 279, or at [bbennett@vesselalliance.com](mailto:bbennett@vesselalliance.com) ❧



## AWO Honors Don Ivins with Event in Philadelphia

On the evening of February 6, AWO Atlantic Region members gathered at the Hotel Monaco in Philadelphia for a reception and dinner to honor Don Ivins, Express Marine, Inc. Before Don's retirement, he served several terms on AWO's Board of Directors, on the Executive Committee as the Chairman of the Atlantic Region, on the Atlantic Regional Quality Steering Committee, and on several other working groups and committees.

As dinner was concluding, AWO members rose one-by-one to congratulate Don on his retirement, share anecdotes about Don's leadership, level-headedness, and judgment, and to thank him for his years of hard work and dedication.

Several members, including Buckley McAllister, McAllister Towing, AWO's Vice Chairman of the Board; Croft Register, Express Marine, Inc., a member of the Board of Directors and longtime colleague; Atlantic Region Chairman Stephen Dann, Dann Ocean Towing, Inc.; and several others spoke glowingly about Don's dedication and thoughtfulness. Lastly, Tom Allegretti, AWO President & CEO, rose to the podium to share details of his long working relationship with Don as he presented a gift from AWO in honor of Don's service to the industry.

During Mr. Allegretti's remarks, he shared the fact that Don had not been

in favor of a retirement party in his honor. "Each time we tried to plan something, Don would deflect, insisting that we not go through the trouble." Mr. Allegretti continued, "Even after all these years, Don remains down to earth and humble about the tremendous good he has done and the goodwill he has engendered."



The Coast Guard personnel present to honor Don Ivins were RADM Steven Ratti, Commander, Fifth District; CAPT Kathy Moore, Commander, Sector Delaware Bay; CAPT Gordon Loebl, Commander, Sector New York; and, CAPT Greg Case, Chief of Prevention, Fifth District.

For more information about the event, please contact John Harms at (703) 841-9300, extension 291, or [jharms@vesselalliance.com](mailto:jharms@vesselalliance.com).



*AWO President & CEO Tom Allegretti presents Don Ivins with a gift in appreciation of his years of service to AWO and the maritime industry.*

### Welcome, New Carrier Members!

**Louisiana Marine  
Logistics, LLC**  
11607 Cedar Park Ave.  
Baton Rouge, LA 70809

Rep: David Mathies  
Owner/Managing Member

**E2 Marine Services, LLC**  
115 East Edgewood Drive  
Suite B  
Friendswood, TX 77546

Rep: Tommy Echols  
Co-Owner

Atlantic Region

# Atlantic Region Members Gather for Annual Meeting in Philadelphia

On February 7 and 8, the AWO Atlantic Region held its Annual Meeting in Philadelphia. In addition to the Annual Meeting, the AWO Atlantic Regional Quality Steering Committee held an industry-only meeting and AWO Members and guests gathered for a reception and dinner to honor Don Ivins, Express Marine, Inc., who recently retired.

The Annual Meeting began with a discussion session on February 6 that was led by Atlantic Region Chairman Stephen Dann, Dann Ocean Towing, Inc., who gave brief remarks and introduced the day’s speakers. He was followed by Lynn Muench, AWO Senior Vice President – Regional Advocacy, who introduced John Harms

as AWO’s new Manager – Atlantic Region. Mr. Harms gave a presentation on the proposed the 2013 Atlantic Region priorities. A consensus arose for the need to revisit the proposed priorities and it was decided that a working group would convene that evening to discuss the issue and report its findings back to the group the following day during the Business Session.

Jennifer Carpenter, AWO Senior Vice President – National Advocacy, spoke next about the status of the Subchapter M rulemaking, including a newly formed Towing Safety Advisory Committee working group tasked with making recommendations on manning of inspected vessels. Ms. Carpenter

then discussed the recent agreement between AWO and the Towing Vessel Inspection Bureau and pending changes to auditor accreditation for the Responsible Carrier Program. The discussion session also included remarks by Craig Montesano, AWO Director – Legislative Affairs, on meeting the challenges of a new Congress from an advocacy perspective, an overview of AWO’s PAC and fundraising program by Ms. Muench, and a presentation on developing a strategy on international requirements affecting AWO members by Ms. Carpenter.

On January 7, the Business Session was called to order by Chairman Dann, who introduced the Coast Guard guests in attendance and then delivered his Regional Chairman’s Report. RADM Steven Ratti, Commander, Fifth District, U.S. Coast Guard, then delivered the keynote address. RADM Ratti discussed topics ranging from Hurricane Sandy preparedness, to the sinking of the *HMS Bounty* off the coast of North Carolina, to general problems and concerns facing the industry. The Admiral was followed by AWO Vice Chairman Buckley McAllister, McAllister Towing, who delivered the Vice Chairman’s Report.

AWO members and other attendees then heard lessons learned from Hurricane Sandy from CAPT Gordon Loebel, Commander, Sector New York, and Mr. McAllister, both of whom were in New York during the hurricane and witnessed firsthand the destruction caused by the storm. Mr. Allegretti then delivered his National Report, outlining AWO’s efforts over the past year and its vision for the future. Jeff

*(continued on page 7)*

## CEMS Training Opportunities Available

The Crew Endurance Management System is a system for managing risk factors in maritime work environments that can lead to human error and performance slumps. The U.S. Coast Guard and AWO have been working together to help companies implement the principles of CEMS. The courses listed on the right are CEMS Coaches Classes, which are conducted by Salyers Solutions, LLC. For questions on these particular courses, please contact the course instructor, Jo Ann Salyers at (504) 236-4962 or via email at [salyers\\_solutions@hughes.net](mailto:salyers_solutions@hughes.net). For further information on CEMS training opportunities, please contact Pik Kwan Ng, U.S. Coast Guard, at (202) 372-1354.

<b>March 21 &amp; 22, 2013</b> Salyers Solutions, LLC Jacksonville, FL	<b>June 18 &amp; 19</b> Salyers Solutions, LLC Houston, TX
<b>April 24 &amp; 25</b> Salyers Solutions, LLC Norfolk, VA	<b>July 9 &amp; 10</b> Salyers Solutions, LLC Las Vegas, NV
<b>May 8 &amp; 9</b> Salyers Solutions, LLC Pensacola, FL	

Atlantic Region

## Atlantic Region Members Gather for Annual Meeting in Philadelphia

(continued from page 6)

Parker, Kirby Offshore Marine, LLC, then updated participants on the status of AWO's Safety Statistics Working Group. Later in the day, Ms. Muench gave a report on safety committee activities, which nicely accompanied Mr. Parker's earlier presentation.

CAPT Kathleen Moore, Commander, Sector Delaware Bay, and Ed Voigt, Chief of Public and Legislative Affairs, Philadelphia District, U.S. Army Corps of Engineers, gave presentations on local issues, paying special attention to the deepening of the Delaware River and Philadelphia harbor. Following these presentations, Ann McCulloch, AWO Director – Public Affairs & Communications, discussed the organization's vision and plan for public affairs in 2013, and Ms. Carpenter gave a presentation on AWO's National Priorities for 2013. Brian Vahey, AWO Government

Affairs Manager, then discussed the status of the Bridging and Implementation Team's work.

During the Business Session, the Atlantic Region endorsed the nomination slate for Atlantic region. The members voted for Stephen Dann, Dann Ocean Towing, Inc.; J.C. Dann, Dann Marine Towing LLC; Ted Tregurtha, Moran Towing Corporation; Alan Bish, Reinauer Transportation Company. Rudy Wohl, Weeks Marine, Inc., was chosen as the Alternate. After the election, the group held a discussion and approved the revised 2013 Priorities for the Atlantic Region.

All meeting packets and presentations are available [here](#) or on the AWO website at [www.americanwaterways.com](http://www.americanwaterways.com).

For more information about the meeting, contact John Harms at (703) 841-9300, extension 292, or via email at [jharms@vesselalliance.com](mailto:jharms@vesselalliance.com).



ABOVE: Atlantic Region Chairman Stephen Dann, Dann Ocean Towing, Inc., addresses meeting participants. BELOW: Mr. Dann, RADM Steven Ratti, John Harms, CAPT Kathleen Moore, and CAPT Gordon Loebel at the start of the Annual Meeting's Business Session.

Pacific Region

## Pacific Region Members to Gather in Seattle February 20-21

Members of the AWO Pacific Region will convene this week on February 20-21 for the Pacific Region Annual Meeting at the Fairmont Olympic Hotel in Seattle. This important meeting provides AWO members with an opportunity to take part in discussions on emerging issues and receive updates on efforts before Congress, federal agencies and the states, all while networking with your peers. Member participation is vital to the success of the organization. All Pacific Region members are asked to attend if schedules allow. To register, please click [here](#).

The meeting will begin on Wednesday, February 20 with a members-only discussion session from 2:00-5:30 p.m., followed by an evening reception at 6:00 p.m. The business meeting will convene on Thursday, February 21 at 8:00 a.m. and will conclude at 12:00 p.m. A breakfast buffet will be served at 7:30 a.m. The Pacific Region Board Luncheon is scheduled for Thursday, February 21 from 12:00-2:00 p.m. The Pacific Region Quality Steering

Committee (RQSC), part of the U.S. Coast-Guard-AWO Safety Partnership, will meet on Thursday, February 21 from 2:00-5:00 p.m.

Please contact Sarah Young at (703) 841-9300, Extension 291, or [syoung@vesselalliance.com](mailto:syoung@vesselalliance.com) if you have any questions about the meeting.



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- Provides good paying, family-wage jobs for Americans, jobs that cannot be outsourced
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- Contributes to America's economic, national and homeland security because our vessels are American-owned, American-built and American-crewed



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America's Tugboat, Towboat & Barge Industry

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