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Mr. Jeffrey G. Lantz
Director, Commercial Regulations and Standards
U.S. Coast Guard
2703 Martin Luther King Jr. Avenue, SE
Washington, DC 20593

Re: Draft Merchant Mariner Medical
Manual (Docket No. USCG-2018-0041)

Dear Mr. Lantz:

The American Waterways Operators is the national trade association for the tugboat, towboat and barge industry. AWO's more than 300 member companies own and operate barges and towing vessels on the U.S. inland and intracoastal waterways; the Atlantic, Pacific and Gulf coasts; and the Great Lakes. The tugboat, towboat and barge industry provides family-wage jobs and ladders of career opportunity for more than 50,000 Americans, including 38,000 positions as mariners on board our vessels who safely, securely and efficiently move more than 760 million tons of cargo critical to the U.S. economy.

On behalf of AWO's member companies, thank you for the opportunity to review and comment on the newly-assembled Draft Merchant Mariner Medical Manual (Draft Manual). AWO supports the goal of the Draft Manual to amalgamate existing medical evaluation policy and guidance into a single document, and thanks the Coast Guard and the Merchant Mariner Medical and Merchant Marine Personnel advisory committees for their efforts to ensure that the guidance is clear and comprehensive.

Page 3 of the Draft Manual explains that the Coast Guard "does not expect [the Draft Manual] to result in higher rates of medical disqualification or in increased processing time for the medical certificate application." AWO appreciates the Coast Guard's commitment that the Draft Manual "will promote medical evaluations that are less subjective and more efficient because the information needed will be clear at the outset of the application process." Further, AWO appreciates that the Draft Manual contains processing directions for the National Maritime Center (NMC) so that personnel have standardized processes for dealing with various situations that recur regularly. Not only does this ensure that the Coast Guard applies a consistent approach, but it also allows mariners to understand each step in the process and the information they must provide. Taken together, this transparency ensures that the Coast Guard and the maritime industry are working together toward increased efficiency and decreased processing times.

We make the following recommendations to further clarify the Draft Manual:

Reduce Confusion between the Draft Manual and Cancelled/Superseded Guidance Documents

The Draft Manual combines guidance from NVIC 04-08, NVIC 01-14 and Part A of the Marine Safety Manual (MSM), Volume III. As explained on Page 1, once the Draft Manual is finalized, those NVICs will be cancelled and “[u]ntil Part A of the MSM is updated, the guidance in this Manual supersedes the MSM in any areas where they may conflict.” It is imperative that Coast Guard personnel and the maritime industry fully understand any potential conflicts and what guidance is controlling to eliminate the possibility of confusion and processing delays. AWO urges the Coast Guard to include in the Draft Manual a more detailed description of the MSM provisions that will be superseded, and to rapidly remove conflicting information from the MSM through a transparent, public process.

Clarify Employer Obligations in the Medical Certificate Cancellation Process

While AWO understands the Coast Guard’s need to have a process for cancelling a medical certificate if it receives information indicating that a mariner has developed a medical condition that poses a significant risk of sudden incapacitation, the Draft Manual contains no information on how the Coast Guard anticipates or expects to receive that information. Any requirement of employers to report must be tempered against privacy laws, including the Health Insurance Portability and Accountability Act (HIPAA), that prevent the disclosure of protected health information. The finalized Draft Manual should clarify what, if any, obligations employers have under current regulations to report to the Coast Guard information that could initiate cancellation proceedings.

Initiate Rulemaking for Tankerman-PIC Restricted to Fuel Transfers on Towing Vessels

Chapter 1 contains two important clarifications. First, it resolves conflicting and confusing information between 46 CFR 15.401(c) and 46 CFR 10.302(a) by clearly stating that medical certificates are not required for entry-level mariners on vessels not subject to STCW who do not serve as food handlers. Second, it explicitly states that mariners who hold only an endorsement as Tankerman-Person in Charge (PIC) Restricted to Fuel Transfers on Towing Vessels are not required to hold a medical certificate. The process of obtaining a Merchant Mariner Credential and Restricted Tankerman-PIC endorsement has sometimes proven to be frustrating for towing vessel crewmembers because they receive conflicting information from the NMC about what is required. The clarification in the Draft Manual is important to alleviate some of those concerns, but AWO also encourages the Coast Guard to quickly move forward with its planned rulemaking to restore the ability to designate a PIC of fuel transfers on towing vessels using a letter of designation.

Thank you again for the opportunity to comment on the Coast Guard’s Draft Merchant Mariner Medical Manual. We would be pleased to answer any questions or provide further information as you see fit.

Sincerely,



Jennifer A. Carpenter
Executive Vice President & COO