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October 8, 2019

RDML Richard V. Timme  
Assistant Commandant for Prevention Policy  
U.S. Coast Guard  
2703 Martin Luther King Jr. Avenue, SE  
Washington, DC 20593

Re: Person in Charge of Fuel Transfers  
(Docket No. USCG-2018-0493)

Dear Rear Admiral Timme:

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.

Thank you for the opportunity to review and comment on the Coast Guard's proposal to permit personnel serving as a person in charge (PIC) of fuel oil transfers on an inspected vessel to document and demonstrate their qualifications for that position through a letter of designation (LOD) in lieu of a Merchant Mariner Credential (MMC) with a Tankerman-PIC endorsement. AWO fully supports these proposed changes, which will allow PICs of fuel oil transfers on inspected towing vessels to use the LOD process that was safely utilized for many years before towing vessels became inspected under Subchapter M.

**LODs provide an equivalent level of safety and environmental stewardship when compared to MMCs with a Restricted Tankerman-PIC endorsement**

The LOD option has been safely utilized on uninspected vessels since it was first promulgated in 33 CFR §155.710 over two decades ago and is a highly regulated process that ensures mariners serving as a PIC of fuel oil transfers are properly trained.

When vessel operators issue an LOD, they certify in accordance with 33 CFR §155.715 that "the holder has received sufficient formal training and instruction" to "safely and adequately carry out the duties and responsibilities" of transferring fuel oil as required by regulation. 33 CFR §156.120 details 28 individual elements in the fuel transfer process that a PIC must understand and conduct, and 33 CFR §156.150 requires documentation of each fuel transfer, including a signed declaration from the PIC certifying that each of those requirements was completed.

By comparison, for a mariner to obtain an MMC with an endorsement as a Tankerman-PIC Restricted to Fuel Transfers on Towing Vessels, he or she must:

- Complete the CG-719B Application for Merchant Mariner Credential, which asks for an applicant's basic information and criminal history. A \$95 evaluation fee and \$45 issuance fee must also be paid.
- Enroll for a valid Transportation Worker Identification Card (TWIC) in order for the Coast Guard to conduct a safety and suitability assessment. To enroll for a TWIC, a mariner must pay a \$125.25 fee and present required documents, be fingerprinted and take a facial photo in-person at a TWIC enrollment center.
- Either provide an LOD dated on or before July 19, 2022, or provide evidence that he or she conducted at least five fuel oil transfers on towing vessels under the supervision of a PIC within the past five years.

In sum, the requirement to obtain an MMC with Tankerman-PIC endorsement contain no additional training or competency requirements beyond the requirements of the LOD process. Further, the mariner must enroll and pay for a TWIC that he or she may not be required to hold. Allowing operators of inspected vessels the option to designate a PIC through an LOD therefore poses no risk to safety or skill competency and will reduce the financial burden on mariners.

**Deregulatory action should be quickly implemented to reduce burdens on mariners and operators of inspected vessels**

Towing vessels are currently in a phased transition to certification under Subchapter M, with all affected vessels required to have COIs by July 19, 2022. That change has required that persons in charge of fuel transfers on towing vessels hold a Tankerman-PIC endorsement rather than an LOD as previously permitted, despite the Coast Guard's acknowledgement in the notice of proposed rulemaking that "[a]s uninspected vessels move to becoming inspected vessels their fuel oil transfer operations do not change...". In 2017, the Congressionally authorized Towing Safety Advisory Committee (TSAC) recommended that 33 CFR §155.710 be amended to allow towing vessels inspected under Subchapter M to continue using LODs. Similarly, the Merchant Marine Personnel Advisory Committee (MERPAC) recommended that 33 CFR §155.710 be amended to allow all inspected vessels the option of using an LOD to designate persons in charge of fuel transfers.

In the two years since those federal advisory committees issued their recommendations, the requirements of Subchapter M have entered into force. As a result, mariners have been—and are currently—burdened by the requirement of obtaining an MMC and Tankerman-PIC endorsement to serve as the PIC of fuel oil transfers on towing vessels that have been issued Certificates of Inspection. In the spirit of Executive Orders 12866 and 13777, the Coast Guard should quickly finalize and enact this proposed rule to reduce regulatory burdens without diminishing maritime safety.

**Retain the option for mariners to obtain and renew endorsements as Tankerman-PIC  
Restricted to Fuel Transfers on Towing Vessels**

Finally, AWO believes that retaining the option for mariners to obtain new, or renew existing, endorsements as Tankerman-PIC Restricted to Fuel Transfers on Towing Vessels will allow maximum flexibility for mariners and their employers to choose between operating under the authority of an LOD or an MMC. In particular, mariners who have obtained an MMC with the restricted Tankerman-PIC endorsement may wish to maintain that credential for professional development reasons. Both options provide equivalent levels of safety and environmental stewardship, so both should be retained as options for mariners and their employers.

Thank you again for the opportunity to comment on the proposed rule regarding the designation of Persons in Charge of Fuel Transfers. We would be pleased to answer any questions or provide further information as you see fit.

Sincerely,



Thomas A. Allegretti  
President & CEO