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**TESTIMONY ON THE NATIONAL MARITIME CENTER
AND MARINER CREDENTIALING
BEFORE THE HOUSE SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION
July 9, 2009**

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SUBCOMMITTEE ON COAST GUARD & MARITIME TRANSPORTATION

“The National Maritime Center and Mariner Credentials”

July 9, 2009 – 10:00 a.m.

Room 2167, Rayburn House Office Building

[The following is an opening statement from Rep. Elijah E. Cummings, D-Md., chairman of the House Subcommittee on Coast Guard and Maritime Transportation at a hearing on the National Maritime Center and merchant mariner credentialing:]



Statement of Chairman Elijah E. Cummings

We convene today to review the operations of the National Maritime Center and the issuance of merchant mariner credentials.

Over the past 18 months, the Coast Guard has consolidated the credentialing functions that were previously provided at 17 Regional Exam Centers into the National Maritime Center and the Center opened at a new facility in West Virginia.

The Coast Guard has also made significant changes to the actual credential that it issues. Specifically, it has consolidated the licenses, documents, certificates of registry, and endorsements that it previously issued as separate items into a single new Merchant Mariner Credential, which is essentially a passport-sized booklet. MMCs began to be issued on April 15th of this year.

Finally, the Coast Guard has issued new guidelines to govern the type of medical information mariners are required to submit at the time they apply for a new or renewal credential as well as the specific review processes to which this information will be subjected to assess mariner fitness for duty.

Each one of these changes is a significant alteration in the way the Coast Guard manages mariner licensing, and I am hopeful that each change will, over the long term, significantly improve the licensing process and the services provided to mariners.

That said, these hoped-for improvements have not yet been realized. To be frank, it appears that the Coast Guard did not adequately plan all aspects of the consolidated credential production process and the roll-out of the MMC and this has led to extensive delays in the issuance of credentials.

Further, as one specific area of delay has been resolved, subsequent bottlenecks have developed and it appears that no significant progress has been made in speeding credential processing times.

In fact, in a report issued on January 22nd, the Coast Guard indicated that the average gross processing time between July 2008 and January 2009 – meaning both the time required by the Coast Guard to process an application and the time the service waits for a mariner to provide additional information – totaled 83 days. 50 percent of the credentials issued during this period were processed in under 52 days.

Looking just at the time that it took the Coast Guard to process an application – and excluding all time spent waiting for a mariner to provide additional information – the Coast Guard reported that its average processing time in that period was 41 days, and that 50 percent of credentials were processed in 31 or fewer days.

By comparison, in a report issued on June 29, 2009, the Coast Guard reported that average gross processing time for a credential between the beginning of 2009 and June 23rd was 80 days, while 50 percent of credentials processed during that period were processed in 54 or fewer days. That same report indicated that the length of time required by the Coast Guard itself in that period to process an application was 48 days, and only 35 percent of credential applications were being completely processed in 30 or fewer days.

In other words, between January and June 2009, total processing time remained in the 80-day range and it was actually taking the Coast Guard itself longer to process credential applications in the January to June 2009 period than in the six months leading up to January 2009.

A credential is a mariner's ticket to work. If the mariner does not have that credential or for whatever reason or the mariner cannot work.

Unfortunately, the Subcommittee has heard of instances in which mariners' credentials have expired before a renewal application could be fully processed and these mariners have been left without an income while they were waiting for the bureaucratic wheels to grind.

This is simply unacceptable. Given all that we are doing to stimulate our economy and to support the growth of jobs, it is inexcusable that any person should be out of work because the government cannot process a professional credential in a timely manner.

I look forward to hearing from Admiral Cook, the Coast Guard's new Director of Prevention Policy, and Captain Stalfort, the Director of the National Maritime Center, specifically what is being done to ensure that the new credential processing systems finally yield real benefits to mariners.

As I mentioned, the Coast Guard has also instituted new guidelines regarding the assessment of mariner fitness for duty. This guideline, known as Navigation and Vessel Inspection Circular 04-08, is intended to provide the level of specificity regarding mariner fitness for duty that previous guidance and even statute and regulation have lacked.

The NVIC was the product of extensive work and consultation and the National Transportation Safety Board indicated in its report on the Cosco Busan accident in San Francisco that it is "responsive" to much of what the Board called for in recommendations made after the 2003 collision of the Staten Island Ferry.

Nonetheless, despite this improvement, there remain issues related to the assessment of a mariner's fitness for duty that we look forward to examining today.

Currently, pilots are required to submit to the Coast Guard the results of annual physicals. However, most mariners submit medical exam results only once every five years when they seek the renewal of their credentials.

In its report on the Cosco Busan incident, the NTSB noted that the Coast Guard has not moved to require mariners to report changes in their medical condition during the 5-year period between credential renewals as the Board had recommended after the Staten Island Ferry accident. We wish to understand why this recommendation remains unaddressed.

Additionally, in its marine casualty investigation report on the Cosco Busan incident, the Coast Guard Senior Investigating Officer recommended that "the Commandant of the Coast Guard amend the existing standards in Marine Safety Manual (MSM) Volume III, for medical professionals performing mariner physicals, to ensure that physicals are performed only by designated physicians with a thorough understanding of the physical and mental demands of a mariner's position."

The Coast Guard responded to this recommendation by stating that "we believe the guidance provided in NVIC 04-08 is sufficient to provide medical professionals with the necessary understanding of the occupational demands of mariners to perform marine physicals" and that the service therefore does not intend to change its requirements regarding the medical personnel who perform mariner physicals.

We look forward to examining these and related issues in more detail today and we look forward to the testimony of industry witnesses assembled on our second panel, who will provide a variety of perspectives on these issues.

With that, I recognize the Ranking Member, Congressman Frank LoBiondo, for his opening remarks.

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DEPARTMENT OF HOMELAND SECURITY

U. S. COAST GUARD

STATEMENT OF

**REAR ADMIRAL KEVIN COOK
DIRECTOR, OFFICE OF PREVENTION POLICY**

ON

THE NATIONAL MARITIME CENTER AND MARINER CREDENTIALING

BEFORE THE

SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

U.S. HOUSE OF REPRESENTATIVES

JULY 9, 2009

Good morning Mr. Chairman and distinguished members of the Subcommittee. I am Rear Admiral Kevin Cook, Director of Prevention Policy for Marine Safety, Security, and Stewardship, United States Coast Guard. I am pleased to have this opportunity to appear before you today to discuss the Coast Guard's role in the Mariner Credentialing program.

Mariner Licensing and Documentation Program (MLD) Overview

The Coast Guard aims to ensure that ships of the U.S. merchant marine are manned by qualified, trained, and competent personnel; to that end, the Coast Guard administers the Mariner Credentialing program. The program's standards fulfill the U.S. responsibilities under the International Maritime Organization's Standards of Training, Certification and Watchkeeping for Seafarers Convention (STCW Convention), 1978, as amended.

On October 17, 2007, the Coast Guard testified before this Subcommittee on Maritime Education and Workforce on the project to centralize and restructure the Mariner Licensing and Documentation program. In the last two years, the Mariner Credentialing program has undergone a significant transformation. The National Maritime Center has moved to Martinsburg, WV, where the entire credentialing program is now centralized. Today the National Maritime Center is responsible for evaluating all applications for merchant mariner credentials, and is responsible for producing these credentials. The evaluations cover criteria such as the mariner's suitability for service, including: security, safety and suitability, medical, and professional qualifications.

The centralization and restructuring process transitioned operations at the 17 regional examination centers to the centralized West Virginia location. The regional locations act as mariner application acceptance agents: they assist with application submission, administer professional examinations, and oversee and audit the approved training courses offered in their local area. The staffs at these offices have clear guidance to assist mariners in completing their applications to avoid preventable delays, and the 17 offices report directly to the National Maritime Center to ensure consistency of operations throughout the United States.

The new centralized system ensures consistency and evaluation standardization, allowing the Coast Guard to better monitor the performance of the mariner credentialing program. Centralization also provides the opportunity to establish, analyze, and monitor performance goals for the reduction of processing time and quality assurance. Part of the centralization project allowed the establishment of a national call center that provides mariners free access to answers to their questions. Additionally, the centralization allowed the Coast Guard to establish a medical evaluations branch staffed with medical professionals to conduct evaluations of mariners found to have medical conditions that might impact the safety of life, the environment and property.

In our effort to improve services to the merchant mariner, the Coast Guard sought and achieved ISO 9001:2008 Quality Management Systems compliance for the Mariner Credentialing program. This was accomplished, in part, by establishing centralized credential processes that are monitored within our Mission Management System, which is the quality management system being implemented throughout the Coast Guard's Marine Safety, Security and Stewardship program. In keeping with the United States obligations

under the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended, the Mariner Credentialing program has been assessed and audited by Transport Canada. This independent review of our program found that we were in overall compliance with our international obligations.

The intended long-term benefits for the centralization and restructuring of the Mariner Licensing and Documentation program include:

- Decreased processing time – Prior to centralization, each of the 17 Regional Examination Centers had unique process for issuing credentials. Today, there is only a single evaluation and production facility and one process to monitor and improve. This has allowed us to streamline the process, making it easier to reduce the time it takes to process an application. Also, having all evaluation resources managed within one location facilitates allocation of these resources in response to changing demand.
- Consistency of service – by centralizing evaluators, the Coast Guard is able to assure consistency while maintaining expertise through cross-training as well as both formal and informal knowledge sharing.
- Improved customer service - Centralizing creates economies of scale and process consistencies that make it possible for mariners to check the status of their credential application online via a Coast Guard website, <http://homeport.uscg.mil/>. A toll-free call center is also available (1-888-IASKNMC / 1-888-427-5662) to answer questions and provide information to the mariners.

Credentials

Prior to April 15, 2009, the Coast Guard issued multiple credentials to mariners. A mariner could receive a merchant mariner document, a merchant mariner license, a certificate of registry, and a Standards of Training, Certification and Watchkeeping for Seafarers (STCW) endorsement. With the additional requirement for a Transportation Security Card established in 46 United States Code 70105, some mariners might be required to carry as many as five credentials. In response to this situation, the Coast Guard developed and implemented a new credential that combines the elements of the four Coast Guard-issued credentials into one document called the Merchant Mariner Credential (MMC). The MMC retains the characteristics of a qualification document but also serves as an identification document.

Today's merchant mariner credential is a more secure credential than any previously produced by the Coast Guard. The credential is similar in appearance to a passport and contains many of the security features of a passport. Also, since this credential was developed in conjunction with the Transportation Worker Identification Credential (TWIC), which is administered and issued by the Transportation Security Administration, processes were developed to ease the burden on mariners who previously were required to appear at one of the 17 regional examination centers. Now, they may appear at any of the approximately 140 TWIC enrollment centers. The TWIC enrollment centers obtain the information necessary to positively identify the mariner, including fingerprints, and conduct a security threat assessment. The information gathered and associated documentation is then shared with the Coast Guard. This greatly reduces the cost and

time previously required of the vast majority of mariners when applying for a Coast Guard-issued credential.

The benefits experienced to date:

- Savings of 36,000 hours in application processing. With the establishment of the data-sharing processes with the Transportation Security Administration, the Coast Guard requires less time to conduct the safety and suitability checks of mariners.
- Savings of \$700,000 in fingerprinting costs per year and the avoidance of \$4 million in equipment recapitalization costs.
- Prevention of fraud through the enhanced security features of the MMC .

Current Operations

Along with the aforementioned benefits of centralization, there have been some associated challenges, including a shifting workforce, an unexpected workload increase, and the difficulties inherent in introducing a new style of credential with associated process-adjustments. Each challenge has been met by actions that not only addressed the specific concern but also sought to ensure continued safety of the maritime environment.

During centralization of the Mariner Credentialing program, some regional examination credentialing personnel chose not to relocate their employment to the centralized National Maritime Center (NMC). This initially resulted in the NMC moving through the transition phase with reduced overall experience level. As a result of this shortfall, the Coast Guard started a robust program to train new employees on their duties. This effort helped the workforce quickly learn their positions.

The centralization of the Mariner Credentialing program to the National Maritime Center revealed that a large number of medical waivers were previously granted to mariners under the previous Mariner Credentialing program. As part of the centralization plan, a medical evaluation branch was established and staffed with qualified medical personnel; however, the numbers of mariners with medical issues was not fully anticipated during the planning stage. After the centralization and the restructuring phases were completed, the full extent of the number of required medical evaluations was identified. In response to the need, the Coast Guard surged the Medical Evaluation Branch with uniformed doctors from units throughout the United States as well as qualified medical personnel from the reserve and Coast Guard Auxiliarists. This surge activity, as well as process improvements, allowed the National Maritime Center to reduce the backlog of medical evaluations. As a long-term measure the Coast Guard is hiring additional full-time personnel for the medical evaluation staff.

Shortly after the medical evaluation process was improved, the MMC was implemented, requiring new software. The complexity of application evaluation in conjunction with the new software resulted in the average processing time for applications to reach 80 days. In order to reduce the processing time, the Coast Guard instituted immediate process changes to expedite mariner applications, specifically for those mariners at risk of having their current credentials expire. The Coast Guard also streamlined the processes for those mariners seeking entry-level credentials and made changes in the evaluation and production software to improve the product, as well as increased the

network capability at the National Maritime Center. As the National Maritime Center has done in the past, resources are being surged to assist in the professional qualification evaluation branch. This will improve throughput to reduce the backlog caused by the switchover to the new MMC and the setbacks initially encountered from the processing software.

Public Outreach

The National Maritime Center has established bulk processing procedures for maritime academies and union schools to ensure on-time delivery of credentials. The Coast Guard is also examining the applicability of such a program for larger companies. The Coast Guard has also sought changes to the Merchant Mariner Licensing and Documentation database to enable improved tracking of applications and to monitor process efficiency.

In order to simplify the application process, the Coast Guard has provided mariners with two methods to track the status of their application: the Mariner Information Call Center and an online application status tracking system. The Mariner Information Call Center was established to allow mariners to inquire about the status of their application or to obtain other information regarding their file. The call center receives an average of 12,000 contacts each month via email or toll free telephone calls. The online application status tracking feature provides those mariners with internet access to track the status of their application as it progresses through the evaluation and issuance process. Each month, mariners conduct an average of 25,000 status checks using this system.

The Coast Guard is still refining the methods for checking applications. The National Maritime Center has added additional communication lines to handle call volume. The online application tracking system provides the mariner with information about the location of his or her application in the paper-based process, but the information provided is limited to the data fields captured in the Merchant Mariner Licensing and Documentation Database; in order to capture all relevant data, the Coast Guard will design and develop a new mariner application process.

In addition to these methods of communicating directly with the mariner, the Coast Guard has also established methods to provide information throughout the industry. The National Maritime Center staff conducts regular listening sessions to hear the concerns from various segments of the industry. Information bulletins are developed to communicate any changes or clarifications as quickly as possible. Information bulletins and current policy are provided through the National Maritime Center's website or through a list server. These methods are provided to ensure those interested are able to obtain the latest information from the National Maritime Center.

The Coast Guard is currently testing an online application to allow employers to verify mariner qualifications. This ability will be provided to the industry to ensure that properly qualified personnel are operating ships of the United States.

Future Plans

The Coast Guard recognizes the improvements that need to be made to the current processing time, with a goal of reducing the processing time to 30 days. This goal will

require that in the short-term, the Coast Guard will need to surge capabilities to remove the backlog of outstanding evaluations.

The Coast Guard further recognizes that the current paper-based Mariner Credentialing program requires an overhaul. Short-term plans include the development and implementation of an electronic application form to assist the mariner in completing the application and to reduce errors. The Coast Guard is currently looking into options to further improve the Merchant Mariner Credential program, including the potential development of an internet-based application submission and evaluation capability.

Conclusion

The Coast Guard believes that our recent centralization and reorganization of the mariner credentialing program has significantly enhanced the application and issuance of credentials by decreasing processing time, and ensuring consistency of service, while improving maritime safety and security. While we've made significant progress, we are focused on the upcoming improvement in the months ahead.

The Coast Guard continues to work diligently to resolve the immediate challenges impacting the mariner credentialing program as well as to plan for future operations through continued process improvements, technological advances, training, and adjustments to staffing. Measures have been taken to provide open lines of communication with the mariner and industry, and the National Maritime Center will employ new methods of communication as they become available. Our goal is to issue credentials to qualified mariners in the most effective and efficient manner possible.

Thank you for this opportunity to discuss the Coast Guard's mariner credentialing program. I will be pleased to answer any questions you may have.



**Testimony of
Ken Wells, President
Offshore Marine Service Association**

**Before The United States House of Representatives
Committee On Transportation And Infrastructure
Subcommittee on Coast Guard and Maritime Transportation**

Regarding the National Maritime Center and Mariner Credentials

July 9, 2009

Introduction

Good Morning, Chairman Cummings, Ranking Member LoBiondo and members of the Subcommittee. Thank you for giving us the opportunity to testify on this subject. Licensing and credentialing are critically important to our industry and the mariners who work in the industry.

OMSA is the national trade association representing the owners and operators of America's offshore workboat industry. The American citizens who work on board OMSA member vessels make it possible for our country to explore and produce its offshore oil and gas. Soon they will be instrumental in the construction and maintenance of offshore wind and other renewable energy facilities.

Mariners who serve on offshore supply vessels are required to obtain merchant mariner documents, the necessary licenses for their positions and all applicable STCW endorsements. It is worth noting that these mariners are among the largest group of U.S. seafarers who are required to meet STCW mandates.

In our testimony today, we would like to cover the following concerns:

1. The growing pains associated with the reorganization of the National Maritime Center are adversely affecting mariners.
2. TSA implementation of TWIC requirements for working mariners who require MMDs has been unacceptably complicated.
3. Coast Guard efforts to outsource to private companies the quality control for security training need to be rethought.
4. One size doesn't fit all in licensing, but the existing system is too complex and until it is simplified, improvements in the processing of applications will not be successful.

Growing pains from the reorganization of the National Maritime Center

Nearly two years ago, the Coast Guard centralized its licensing and credentialing process and moved its National Maritime Center (NMC) to West Virginia. It was a needed change and one that our industry supported. It was a significant transition and significant transitions bring with them significant disruption and growing pains. From our observations we believe the Coast Guard has worked to address problems as they become apparent. Unfortunately the brunt of the disruption has been felt by the individual mariners. We can never lose sight of the fact that for mariners the stakes of this reorganization are very high. The NMC controls a seafarer's ability to advance on the job or even to work at all. If the NMC only makes a mistake on one out of a thousand applications that it sees that would be a very good record. But we can't forget that mistake affected an American seafarer's ability to earn a living – that doesn't leave a lot of room for error or delay.

What sort of growing pains has the NMC experienced?

- Inexperienced evaluators - Evaluators are new to the licensing system and are learning the nuances of licensing on the fly. Not surprisingly they have made mistakes.
- Extreme backlogs in processing applications - As backlogs have developed in areas of licensing and documentation, the Coast Guard has at times been slow to throw the necessary resources at the problem. We haven't seen that the Coast Guard was unwilling to allocate resources, but adapting to new needs has not been smooth or quick.
- Help desk personnel whose ability to help was limited - However well-meaning personnel may be, until they understand the complexities of the system, there are limits to their helpfulness.
- Incorrect interpretations - We have also seen evaluators interpret policies and regulations incorrectly and then those interpretations take on a life of their own, repeating and repeating themselves with each new mariner application. Again, this is a natural outcome when a new staff learns its job, but that does not make it easy for a mariner who is affected by the interpretation.

There is simply little room for error when American workers are so dependent on a government agency to correctly and timely issue required credentials. That puts an enormous responsibility on the Coast Guard to get it right the first time.

TSA implementation of TWIC requirements for working mariners who require MMDs has been unacceptably complicated.

Mariners are experiencing a real problem in coordinating the need to obtain TWIC cards and the need to obtain Coast Guard credentials. This problem could have and should have been avoided. The maritime industry repeatedly warned the Transportation Security Administration (TSA) that there would be problems if mariners were required to wait for a TWIC card to be processed and then wait for an MMD or other document to be approved. TSA said they would develop the necessary processes to keep that from happening. Yet today mariners are

experiencing unnecessary delays in obtaining their documents because information on a mariner's TWIC card has not been easily made available to the Coast Guard NMC. The main problem appears to be that if a mariner didn't check the right box on the TWIC application, his information isn't provided to the Coast Guard. It does not appear that anyone at TSA told the mariners they had to check that box or why it was important. After all the promises that the TWIC process would be efficient, this glitch strikes us as being simply unacceptable.

Coast Guard efforts to outsource the quality control for security training to private companies need to be rethought.

The Coast Guard has been looking at new and creative ways to meet its goals of making sure mariners are qualified to do their jobs. That is admirable. But some creative approaches work better than others.

Section 109 of the Maritime Transportation Security Act of 2002 (MTSA), required the Secretary of Transportation to "develop standards and curriculum to allow for the training and certification of maritime security professionals. The Secretary of Transportation delegated this responsibility to the Maritime Administration. Since early 2005, this program has provided maritime security training organizations with course review and potential government approval at no cost to providers until the MARAD funding was exhausted. In May 2008, the U.S. Coast Guard issued a rulemaking to implement amendments to the IMO STCW Convention concerned with Ship Security Officer/Vessel Security Officer (SSO/VSO) training and certification requirements. New approval of VSO courses is being handled by U.S. Coast Guard approved Quality Standards System (QSS) organizations. The Maritime Administration will no longer accept applications for approval of VSO courses. However, VSO courses that were previously approved under the Maritime Administration/Coast Guard MTSA 109 course approval program are "grandfathered" under the regulations and are considered to meet all requirements thereof. Training providers who either were ahead of the curve in seeking approval prior to 2005 or were unlucky enough to get in after the MARAD funds ran out wound up having to pay a private organization for a service that has always been provided without cost.

What was not really understood at the time was that this represented both a shift in who would pay the cost and who would be ultimately responsible. When a private company takes over the course approval and quality control role from the government, there is a cost for that service. That cost was borne by the companies that desired to teach the security course which meant that it was ultimately passed on to the seafarers. In effect the cost for security training, which was a requirement from the federal government which no mariner or boat owner asked for, was an unfunded mandate that was paid for by the individual seafarers or their employers.

Further, when disagreements emerged, it was impossible to determine where the ultimate responsibility for the program rested – in other words, where the buck stopped. In addition to adding layers of cost to a mandated training program, there has not seemed to be a normal appeal process or accountability available to mariners or their companies.

We strongly recommend that the Coast Guard revisit the delegation of their course approval authority in close consultation with the affected maritime community.

One size doesn't fit all in licensing, but the existing system is too complex and until it is simplified, improvements in the processing of applications will neither be simple nor successful.

We close by stressing that the problems with licensing and documentation cannot be solved by simply making the NMC more efficient or process oriented. The regulatory system is broken. It is an overly complex, jury rigged series of regulations, policies and interpretations that have turned into a nearly impenetrable maze for the individual mariner. We need to simplify and improve the process.

That is not to say that we should adopt a one size fits all approach. Our country is lucky enough to have not one, but several maritime sectors. As our association testified before this committee two years ago, nearly 95 percent of the U.S. flag fleet consists of limited tonnage vessels that operate on coastal or inland voyages.

It doesn't make sense to require the mariners on those vessels to meet the training requirements for an ocean-going supertanker or cruise ship.

The boat handling skills needed to work around an oil rig are vastly different from the skills needed to handle a deep draft ship. As one of our members once said, "Their captains try to navigate as far as possible from fixed structures when they are at sea. While ours try to get as close as possible."

We need a licensing system that allows mariners to gain the right skills for the right job without unnecessary complexity and expense. We need a system that allows the hawsepiper the same shot at success as the academy grad.

Within that context we need to simplify the system and remove obstacles that serve no purpose. The Coast Guard has stated that one third of applications submitted for a credential are incomplete. Let's not be too quick to blame the mariners. For comparison's sake, the IRS sends out seven million notices a year informing taxpayers of simple math errors. Any system that is too complex lends itself to mistakes.

As it happens the Coast Guard is looking at some solutions that came from the tax world – using online forms with business rules imbedded in the forms to make the application process "sailor-proof." We strongly urge the Coast Guard to devote the necessary resources to create the equivalent of "turbo tax" for licensing and implement the program as a high priority for their limited computer programming resources.

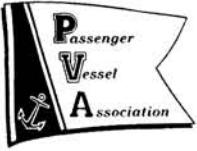
More than that, the Coast Guard must completely revamp the licensing process and requirements. Their past efforts have been like sticking Band-Aid after Band-Aid over a major wound. Further exacerbating the problem, changes to international mariner licensing requirements are coming into force faster than the Coast Guard can publish regulations to implement them in the United States. A full seven years after the last major IMO STCW Convention came into force, domestic regulations to implement major parts of these requirements have still not appeared in any Coast Guard proposed rule making or final rule. Part of the reason for this is that,

applying the STCW on top of the current licensing requirements may prove to be the final straw.

We understand the process to more fully implement the IMO STCW Convention has already started at the headquarters level. The Coast Guard should work very closely with maritime groups to develop a totally new, simple, and more efficient credential application, evaluation and issuance system. Let me stress at this point that the changes need to focus on improving the process for the mariner. The goal should not be to simply make the Coast Guard's life easier or allow it to reduce personnel. That said we strongly believe anything that makes the application process better for the mariner will also be better for the Coast Guard.

In conclusion, the reorganization and relocation of the NMC has resulted in difficult growing pains. We have to recognize that the brunt of that pain is falling on the shoulders of American mariners. We need to revamp the whole mariner credentialing system with a goal of creating simple and understandable career paths for mariners.

Thank you for allowing our association to testify on this issue. I would be happy to answer any questions.



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Testimony by the Passenger Vessel Association

Subcommittee on Coast Guard and Maritime Transportation
Committee on Transportation and Infrastructure
U.S. House of Representatives

July 9, 2009

Hearing: “The Coast Guard’s National Maritime Center and
Mariner Credentials”

Presented by Captain Bill Clark
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Mr. Chairman and Members of the Subcommittee:

The Passenger Vessel Association (PVA) is pleased to present testimony on the subject of the Coast Guard's National Maritime Center and Mariner Credentials.

PVA is the national trade association representing owners and operators of U.S.-flagged passenger vessels of all types. We currently have nearly 600 vessel and associate members. Our members own and operate passenger and vehicular ferries, dinner cruise vessels, sightseeing and excursion vessels, private charter vessels, whalewatching and eco-tour operators, windjammers, gaming vessels, amphibious vessels, water taxis, and overnight cruise ships.

The diverse membership of PVA includes small family businesses with a single boat, companies with several large vessels in different locations, and governmental agencies operating ferries.

I am Captain Bill Clark, president of PVA for 2009. In addition, my brother and I own and operate South Ferry, Inc., a small business that provides vehicular ferry service between Shelter Island, New York, and the south shore of Long Island. Multiple generations of my family have been operating ferries at this location since 1800. Currently, South Ferry operates five double-ended vehicular ferry vessels capable of carrying between 9 and 20 vehicles. I am also a retired Coast Guard officer, and I hold a Coast Guard captain's license.

PVA and the Coast Guard have a close and mutually beneficial working relationship. Three times a year, PVA leaders and high Coast Guard officials meet together by means of our PVA-Coast Guard Partnership Action Team (PAT) to discuss issues and devise solutions. We have been honored to have the current Commandant as the keynote speaker at two of our past three PVA Annual Conventions. PVA and its members consider the Coast Guard to be "our" federal agency, so we want it to succeed in its missions.

It is essential for vessel-operating members of PVA and their employees for the Coast Guard credentialing system to be easy to understand, fast, and efficient. Coast Guard credentials are essential for a mariner to be able to obtain a new job or to continue in an existing one. Unfortunately, PVA is aware of instances in which a mariner has been prevented from working because of credentialing processing delays, even when the mariner has submitted the necessary application in a complete manner and well in advance.

PVA recognizes that the credentialing system is a two-way street. A mariner has a responsibility to complete the application fully, accurately, and not at the last moment. We recognize that in some instances a mariner's mistake may account for a delay. However, by no means are all delays caused by errors by the mariner. The Coast Guard

can mishandle an application, or fail to communicate promptly to the mariner that more information is needed, or simply become bogged down because of the volume of pending applications.

The Coast Guard acknowledges that 29 percent of processing time for credentials occurs when the application is “in the system” awaiting evaluation by Coast Guard personnel, time in which the application is completely controlled by the Coast Guard. Furthermore, the NMC’s average processing time for credentials is 80 days. We need to reduce this average time, both by eliminating mistakes by mariners and by making the Coast Guard evaluation process more efficient.

As a nation, we have just approved billions of dollars to “stimulate” the economy by creating and preserving jobs. If, through lack of resources or insufficient priority, the Coast Guard allows its credentialing system to deteriorate, we are in effect “de-stimulating” the maritime economy by impairing the ability of mariners to work. All too frequently in recent times, particularly as the Coast Guard has emphasized security to the detriment of its more traditional missions, that is exactly what has happened.

In the past, some Regional Exam Centers (RECs) did excellent work, but others were notorious within the industry for their backlogs and user-unfriendly service. Industry outcry about the state of the Coast Guard credentialing process led to the establishment of the National Maritime Center and the centralization there of many tasks formerly conducted at the RECs. PVA views the elevation of the National Maritime Center to its current prominence as a step in the right direction. It has the potential to deal with the problems, and there has been visible improvement in some regards. Furthermore, we can report that our mariners generally like the new passport-style Coast Guard credentials.

Despite these positive observations, PVA must report to you that the maritime community is not yet satisfied with the Coast Guard credentialing system. Problems remain that must be attended to. Neither Congress nor the Coast Guard should be content with the current level of service to mariners.

Part of the problem is that the National Maritime Center has taken on too many changes in too short a time to effectively serve its customers. These changes include: a new style of credential with all that that entails; a partnership under which the Transportation Security Administration collects fingerprints and transmits them to NMC; a new medical system; and new endorsements flowing down from STCW requirements. These have proven to be too many changes for NMC to implement smoothly at the same time it was phasing down the Regional Exam Centers and beefing up the NMC. The mariners, as the customer of the National Maritime Center, are bearing the brunt of these changes.

All too frequently, experienced mariners who apply for license renewals, well in advance of expiration dates, are being forced out of work for a time because of unacceptable delays in the credentialing system. Here is one such example from a PVA member in New York. The company owner – who also captains his own commercial passenger vessel -- applied to the NMC for the renewal of his license in February, more than three

months in advance. After three months, he received a letter requesting additional information from his physician. Once that information was obtained from the doctor and sent to the NMC, the medical review branch cleared his application, but it was then moved to the Professional Evaluation Branch, where another delay occurred before it was assigned to an NMC evaluator. The mariner then requested expedited service, as his license was expiring on June 1. It still took another four weeks to receive his renewed credential. The process took more than four months, during which his old license expired. He was unable to captain his own boat during the month of June and had to incur the unnecessary expense of hiring another captain. Unfortunately, this captain's experience is not the rare exception

For much of the last year, it has seemed to PVA that most delays seemed to be associated with those applications for which medical reviews had to be done. Clearly, there was an insufficient number of trained medical evaluators at the National Maritime Center, and too frequently there was a wait time for a medical evaluator to be assigned to the file. In recent weeks, the situation with medical reviews may have improved a bit, but PVA is now hearing from our mariners that once the medical review is completed and a file moves to Professional Qualification Evaluation, that another delay occurs, perhaps because of an insufficient number of evaluators. Has the Coast Guard, by shifting resources to address the medical review problem, diminished its capabilities elsewhere in the credentialing system?

PVA urges the Subcommittee to get answers to these questions: How many qualified medical reviewers does the Coast Guard believe are necessary on staff at the National Maritime Center? How many such positions are actually filled at present, and how many remain open? Of those that are currently filled, how many are filled with permanent employees, and how many have been filled by personnel on temporary duty? How difficult is it for the Coast Guard to recruit qualified medical evaluators for assignment to the NMC in eastern West Virginia?

With respect to medical evaluations, the Coast Guard may be on the verge of making a policy decision that will turn a bad situation into one that is even worse. Currently, federal law requires that a medical evaluation for a mariner occur every five years. However, an effort is underway in the International Maritime Organization to impose a required every-two-year medical examination for a mariner. If the Coast Guard can't handle the volume of five-year medical reviews now, how does it expect to deal with the flood of two-year medical reviews? We urge the Coast Guard to delay any move towards two-year evaluations until the current system stabilizes.

This highlights another problem with the Coast Guard credentialing policy. It is PVA's belief that only about 20 percent of U.S. mariners are involved in international shipping and therefore are subject to the STCW (Standards of Training, Certification, and Watchkeeping) Convention. Four out of five U.S. mariners (and nearly all mariners that work on PVA vessels) operate in the domestic trades only, so they don't need STCW certification. However, the Coast Guard has an increasing tendency to take STCW requirements (such as the proposed two-year medical review) and apply them to the

majority of U.S. mariners not required to have STCW certification. This not only imposes unnecessary requirements on mariners in domestic service, it increases the administrative and financial burden on the already overstressed Coast Guard credentialing process. We should rethink this tendency to let decisions made at IMO in London dictate how the credentialing system should work for mariners in domestic service.

Here is another example of how we are piling more duties on the Coast Guard credentialing system. There is a new requirement for mariners in international service who are Vessel Security Officers (VSOs) to have an endorsement on their credentials. Will this requirement soon be imposed on VSOs on vessels in domestic service as well? PVA suggests that the current domestic rules for security training are perfectly adequate and have been working well for over five years. Domestic mariners don't need a STCW-type course and certification, and there's no need for yet another endorsement on the Coast Guard credential. Let's put a halt to these additions to the credentialing system until the Coast Guard can get the existing system right.

Another indication of the stresses existing in the credentialing system is the Coast Guard's experience with "trusted agents." The Coast Guard has approved several companies in the Gulf of Mexico region to use their own experienced personnel to do preliminary reviews of their employees' credential applications. When the NMC receives applications reviewed by these trusted agents, it has a high degree of confidence that they are complete and accurate, and they are then processed and issued in a speeded-up process. Several months ago, PVA expressed interest in being certified as a "trusted agent" for applications from employees of its member companies. The Coast Guard has not acted on this application, apparently because it has been overwhelmed by the number of applications from companies and organizations that wish to be so certified. What does it tell you about your level of service when other people are volunteering to do your work for you at their expense?

Since the application process has now returned to a "mail-in" system that does not require the mariner to visit an REC, the odds have increased that forms will not be completed to the Coast Guard's satisfaction and that files will be deemed "incomplete." Trusted agents can ease this problem.

The NMC should make expanding the trusted agent program a priority, because trusted agents can minimize the number of incomplete applications submitted to the NMC. The Coast Guard admits that the license process is complicated and difficult to navigate. Let's not continue to blame mariners for having difficulty with a confusing process, but instead let's take steps – such as trusted agents – to reduce that confusion and the mistakes that result from it.

A problem exists concerning the lack of response from the NMC to inquiries. As a result, mariners are forced to make repeated calls and inquiries, because these questions go unanswered. They call the staffs of their professional and trade associations, such as PVA, but even we encounter obstacles in getting accurate information from the NMC.

As a last resort, mariners turn to their Congressional representative for assistance. Each of these inquiries slows the system. One out-of-work mariner recently requested expedited service, but was told that the expedited "line" was now as long as the regular application process.

While the old system had its problems with consistency and processing, it allowed the mariner to have the possibility of getting an employee of the Coast Guard to take a personal interest in an application. That personal touch has been completely lost in the new NMC. Requests that a NMC employee be designated as a contact person for an individual applicant have been refused. Recently, a mariner working for a PVA company in Maryland was in danger of losing a job because of NMC delays in issuing a credential. That mariner could not get accurate information about the status of the application from anyone at NMC. As a last resort, Chairman Cummings' office had to intervene on behalf of the mariner to get expedited service.

In response to these communication difficulties, PVA has a proposal for assisting mariners who are dealing with the NMC. It is based on the ombudsman concept that Chairman Cummings introduced last year in his Coast Guard Authorization bill. There should be one or more merchant mariners on staff at NMC who can serve as a point of contact for applicants having difficulty with the process and who can be an advocate for those mariners within the NMC apparatus. It is important that these advocates have professional experiences that ensure that they are familiar with the credentialing process from the mariner's perspective (not from the Coast Guard's viewpoint). This might ease frustration considerably.

Thank you for holding this hearing today. This issue is of the utmost importance to the working men and women in the passenger vessel fleet. We appreciate the opportunity for the Passenger Vessel Association to be a part of your hearing today.

**Statement of the
American Maritime Officers
International Organization of Masters, Mates & Pilots
and the
Marine Engineers' Beneficial Association
to the
Subcommittee on Coast Guard and Maritime
Transportation
of the
House of Representatives Committee on Transportation
and Infrastructure
on
The National Maritime Center and Mariner Credentials
July 9, 2009**

Chairman Cummings and Ranking Member LoBiondo:

The American Maritime Officers (AMO), the International Organization of Masters, Mates & Pilots (MM&P), and the Marine Engineers' Beneficial Association (MEBA) are grateful for the opportunity to submit this statement in conjunction with your Subcommittee's hearing on the National Maritime Center (NMC) and Mariner Credentials. The licensed merchant mariners our labor organizations represent work aboard United States-flag vessels. These are the merchant mariners that carry our waterborne commerce and cargoes vital to our armed forces around the world.

Each one of our members must be medically and professionally qualified to perform the duties assigned to the various billets on board all sorts of vessels. Medical qualifications are determined through physical examinations. Professional qualifications are determined through a combination of experience, training, and education.

Accurately documenting these qualifications is critical to our industry and to the individual mariners who make it work, here in the US and around the world.

Our labor unions and others have participated in every available forum, including meetings with USCG leadership, to help establish policies, regulations, and processes that will benefit our industry and mariners. In April of last year we initiated a meeting with the Commandant and directly expressed our most serious concerns to him. The Commandant assured us that the USCG was aware of the problems we raised, shared our concerns and were aggressively taking steps to address these problems. Nonetheless, serious problems remain with the USCG medical review and credentialing processes that have negative impacts on our members.

For mariners, licensing and documentation is not about metrics, action plans, surging resources, or outreach to the industry. It is about their ability to maintain employment that provides for their families, maintains their health care and pension benefits, and allows them to advance in the seafaring profession.

NMC Medical Review Process

We wish to point out that the USCG's revision of the medical review process began in 2004 as an overly excessive response to political pressure following the *Andrew Barberi* allision in New York in October, 2003. In our view, that accident was the direct result of a procedural failure to have at least two qualified deck officers in the wheelhouse during a critical maneuver. The failure was in violation of good seamanship and the principals of bridge resource management. In addition, the examining physician falsified the Assistant Captain's medical report against all legal and ethical practice.

The Coast Guard began the process of revising its process for reviewing mariners' medical qualifications by revising its Navigation and Vessel Inspection Circular entitled, *Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials* (NVIC). At the time, our organizations expressed our thanks to the Coast Guard for opening the process to public comment. We submitted the following:

1. Excessive complexity: We agreed that the system of medical review needed to be improved, but the proposed NVIC was an excessive response toward making improvements. We commented that the proposed NVIC was excessive in terms of its complexity and its impact upon the community of mariners.

The evaluations, consultations and documentation required by the NVIC to obtain a waiver were nothing less than awesome and would require comprehensive testing that would be both expensive and time consuming.

2. Poor estimates: We were concerned that the process of commenting on the NVIC was not subject to regulatory requirements that would help the USCG to understand the impact of the NVIC. Specifically, the process did not require the USCG to contemplate the economic effects or the impact of the NVIC upon mariners or the maritime industry. There was no requirement for the USCG to conduct a cost/benefit analysis to weigh the potential reduction in accidents against the estimated cost to the mariners, the industry and the government. We warned the USCG they had underestimated:

- 1) the number of mariners who would be affected,
- 2) the number of requests for medical waivers, and,

- 3) the size of staff and the level of resources needed to process requests for waivers and medical applications.

3. Backlogs: We commented that it was to be inevitable that the NVIC would increase the volume of applications for medical waivers and bog down the process. We were concerned that the increased volume of applications would result in backlogs that would cause mariners to lose income while waiting for their applications to be processed. We said that the amount of lost income could not be accurately estimated but that the consequences would be severe for those individuals affected. Moreover, lost employment results in loss of eligibility for benefits and opportunities to advance in the maritime professions.

What is particularly distressing to us is that the Coast Guard should have known that backlogs would be a significant issue. During several public meetings, including meetings of the Merchant Marine Personnel Advisory Committee (MERPAC), Coast Guard representatives stated that of the estimated 200,000 US mariners, approximately 2% or 4,000 would apply for medical waivers each year. The USCG expected the NVIC to result in an estimated 10% increase in the number of waiver applications, or 4,400 per year.

The USCG said it planned to staff their medical review office with seven (7) individuals to process waivers applications. Only three (3) of those individuals were to be evaluators with the authority to make decisions which left a yearly average of about 1,467 applications for waivers for each evaluator. We expressed our doubts that the anticipated staff would be able to handle the actual work load that would be generated.

Unfortunately, the problems that we predicted for our industry and our members came true. On June 29, the NMC issued a press release that stated, "a significant portion of the delays in processing is attributable to the complexity of completing the application ...". The form CG-719K, *Merchant Mariner Physical Evaluation Report*, and the excessive supplemental information that may be required by the NVIC and the NMC are a significant part of the application.

Recently, the NMC reported that it was backlogged about 4,500 medical applications. The effect of this has been months of delays where some mariners have lost jobs, lost

benefits, and lost opportunities for advancement at a time when our nation is experiencing the worst economic downturn since the Great Depression.

It is absolutely unacceptable that any mariner should be out of work due solely to the failure of the system to adequately anticipate and plan for the problems we have experienced, especially after the agency was repeatedly warned that these problems were coming. We have come to the conclusion that the present USCG medical review process is a flawed system the basic concept of which needs to be revisited.

Possible Solutions

The solutions to the problems at the NMC with respect to the medical review process are not to automate bad processes or to “surge” resources to handle backlogs. We feel very strongly that the USCG should:

- 1) place a greater emphasis on implementing efficient and effective licensing and documentation programs.
- 2) engage more actively with the community of mariners and listen much more effectively to mariners and their representatives.
- 3) adopt reasonable policies that will allow those mariners who are able to manage their medical conditions and operate safely to continue in the profession.
- 4) end trying to determine medical fitness for duty by remote control at the NMC. Rather, the Coast Guard should establish a register of qualified examining medical professionals authorized to determine a mariner's fitness for duty and issue a valid medical certificate. Such a system of medical review is in place in the United Kingdom where examining medical professionals who are closer to the mariners have greater discretion under clear and uncomplicated guidelines. A similar system is presently being established under the guidance of the International Maritime Organization to cover all mariners in international shipping and will in the near future cover all mariners on foreign ships that total more than 95% of the large oceangoing ships in our US ports.

Merchant Mariner Credentialing

The area of mariner licensing and documentation (now called "credentialing") is an area of great concern to us. Accurately documenting mariners' certifications and endorsing licenses and other essential documents is critical to our ability to provide qualified mariners to every sector of the industry. For individual mariners, accurately documenting their certifications and endorsements is crucial to being able to find and hold on to employment.

There is general concern among the licensed mariner community that the USCG is deliberately diminishing the professional standing of merchant marine officers by eliminating the word "license" from their regulations in favor of the terms "credential" and "officer endorsement," and by proposing to eliminate the oath for merchant marine officers. To us, this is evidence that the USCG is seeking to diminish the standing of merchant marine officers.

It is difficult to dispute this view in the context of recent history. In 2004, the USCG legal office issued a legislative change proposal to rewrite 46 USC 7101, the statute that establishes merchant marine licenses. Among other things, the term "license" would have been dropped from the statute. Seafaring officer labor was provided no notice of the proposal from the Coast Guard. Fortunately, the USCG dropped its proposal after we had registered our objections to the changes in discussions with several Congressional committees to which the USCG had shopped the proposal.

In our view, by eliminating the word "license" from its regulations, the USCG is doing by regulation what the Congress would not allow it to do in statute.

In addition, we have other serious and specific concerns over the "credentialing" function:

- 1. Dropped endorsements:** Mariners who send in their licenses and documents to be updated, find that endorsements they had previously are no longer listed.
- 2. The new Merchant Mariner Credential (MMC):** In some ports around the world, local officials take merchant mariners' documents to copy them. The new MMC now contains all of a mariner's licenses and endorsements. Mariners are understandably reluctant to turn over these important documents to officials in other countries.

Many mariners are also angry over the USCG's refusal to offer, at a fee, to print the old-style license.

3. **Processing times:** Mariners wait for months in order to have their documents updated.
4. **Inconsistent and wrong advice:** Several of our members complain that advice from the NMC help desk is inconsistent or just plain wrong.

Possible Solutions

In the past, mariners went to one of the USCG's Regional Exam Centers (REC) to initiate and complete their licensing and documentation transactions. The benefit to the mariner was the availability of USCG personnel, face to face. Before a mariner left the REC with new or updated documents, the mariner read them over. If there were any problems, the documents could be handed back over the counter and the trouble addressed on the spot.

Centralization of licensing and documentation has concentrated the work load which has proven to be unworkable.

One possible solution may be to return to the REC system, in whole or in part, and provide REC personnel with clear guidance and the appropriate discretion to make decisions that make sense.

Another may be to develop a system of trusted agents like maritime academies and union training institutions to perform the licensing and documentation functions for the USCG. The Coast Guard could then focus on auditing the agents. Such a system would also employ experienced maritime professionals, committed to improving the profession and interested in assisting other mariners through the licensing process.

Conclusion

We hold the view that our merchant mariners are a national asset. They contribute to the quality of life around the world by maintaining and upgrading their skills and professionalism. They carry our commerce, support our armed forces, and assist during natural disasters. They deserve no less than the best efforts of government to assist them and not to cause them problems.

The problems at the National Maritime Center have caused mariners to lose employment and benefits that are vital to their wellbeing and the security of their families. Furthermore, the disconnect and deteriorating relations between US mariners and the USCG is widening at a time when the agency has acknowledged that it needs to work to rebuild confidence in the mariner community.



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NATIONAL MARITIME CENTER & MARINER CREDENTIALS

Testimony of Captain Richard A. Block
Before the House Subcommittee on Coast Guard and Maritime Transportation,
Committee on Transportation and Infrastructure
Thursday July 9, 2009

I wish to thank Congressman Cummings for extending his kind invitation to appear before your Subcommittee this morning. I represent the National Mariners Association. Our Association speaks on behalf of lower-level, limited-tonnage credentialed merchant mariners, all of whom are directly impacted by the quality of services provided by the National Maritime Center (NMC).

I actively participated in Credentialing (to use the new terminology) for the past 40 years. My job is as Publisher of Marine Education Textbooks, a private small business that prepares instructional material to assist mariners to pass certain Coast Guard deck and engine exams for vessels up to 1,600 Gross Register Tons.

I serve as Secretary of the National Mariners Association. Our Association previously prepared and transmitted two reports to your parent Committee dealing with today's topics, the first on Feb. 13, 2007 (**Report #R-428-D**) and the second on May 1, 2009 (**Report #R-428-D, Revision 1**). I prepared these reports in collaboration with our Association's President, Captain Joseph Dady. Additionally, electronic copies of these and other reports highlighted in this testimony will be furnished to the Committee Staff. I provide these reports as tools for Committee members and staff to delve more deeply into these topics if they wish to do so.

The 126,000 credentialed mariners we speak for, pay user fees and expect timely service on obtaining, upgrading and renewing their credentials. Delayed credentials lead to loss of pay, loss of job opportunities, and often loss of employment – all especially important in tough economic times. Delays cost the NMC as well by fielding repetitive and increasingly stressful phone calls from distressed mariners. Our mariners frequently relate stories of these calls to us.

Under Captain Ernest Fink, the former NMC Commanding Officer, mariners who faced individual crises, whether through their fault or that of the system, received personal and preferential treatment when we brought mariner problems to his attention. He extended similar courtesy to members of our Board of Directors who also served on Federal Advisory Committees.

Statistics alone do not tell the whole story, although manipulating them and putting a good spin on them appears acceptable as standard practice by today's NMC. However, our view of the NMC is from a different perspective – that of the working mariner who pays user fees in return for services that allow him to continue his employment.

Mariners come to us for help after all their own best efforts fail them. Each presents his own unique set of problems as detailed in the two reports cited above. In most cases, they have already sought help from their friends, co-workers, employers, and schools and may continue to do so.

The National Maritime Center under the Command of Captain Stalfort has effectively *sabotaged* every effort our Association has made to deal with individual mariner credentialing problems by failing to

answer a significant amount of written correspondence addressed to him. I detail this in our letter to Commandant Allen on June 12, 2009 included in my written testimony as [Enclosure #1]. I furnished the Committee Staff with copies of a number of specific letters supporting our allegations complete with privacy information to allow verification. I include one specific example dating back to April 24, 2008 [Enclosure #2] and a recent letter from that same mariner, who is now jobless and homeless. He faxed it to me courtesy of the Veterans Administration. They allowed him access to their computer and fax machine. I include this as [Enclosure #3] with his permission as part of my written testimony.

NMC evaluators hold the lives and careers of our merchant mariners in their hands. Delays in issuing credentials in a timely manner affect not only an individual mariner but also impact his entire family, his employer, and his creditors. Unexpected delays bring hardship to a number of our mariners.

Our Association appreciates the work of this Committee and supports provisions proposed in H.R. 2652 (111th Congress), that would have amended 46 U.S. Code §7508 titled "Authority to Extend the Duration of Licenses, Certificates of Registry, and Merchant Mariner Documents." We hope that the NMC would use this authority to protect our mariners from financial losses that often result from unavoidable and unexpected delays in issuing credentials. We believe this provision will alleviate the often-stressful relationship that may arise between the NMC and our mariners.

I will proceed to list a number of NMC-related challenges facing the Merchant Mariner credentialing program from the viewpoint of our nation's 126,000 lower-level merchant mariners.

Respectfully submitted,



Richard A. Block
Master #1186377, Issue #9
Secretary, National Mariners Association

Biographical information:

B. 1935. 1942. Learned to swim and row a boat. **1955.** Obtained USCG license as Motorboat Operator. **1958.** Upgraded to 100-ton Inland Operator. **1957.** B.A. (Cum Laude) Washington & Lee Univ. ROTC graduate (Transportation + GMS). Commissioned 2/Lt. U.S. Army Reserve. U.S. Army Air Defense School, Fort Bliss, TX. (Guided missiles). Served two years and completed 4 years of reserve obligation. **1958.** Joined USCG Auxiliary. **1961,** M.S. in Education, Long Island Univ. **1960-1970** Classroom teacher of Social Studies, Grades 7-12; on Long Island. Also taught USCG Aux. public courses to recreational boaters and N.Y.-State Boating Safety Courses in East Meadow Public Schools. **1969-70.** Managed a passenger ferry business, Bay Shore, N.Y. **1970-2009.** Founded Marine Education Textbooks, Inc. **1970-75.** Instructed Ocean Operator license candidates at Young Memorial. Voc. Tech. School, Morgan City, LA. Worked on tugs and OSVs in Gulf of Mex. and Brazil. **1975-78.** Manager of Offshore Services and Trans., Inc. with 9 oilfield crew and utility vessels. Upgraded license, eventually to 1,600 tons. **1978-80.** Manager, Gerald P. Hebert, Inc. Supervised const. & operation. of two Subchapter T 120-ft oilfield utility boats. **1981.** Instructed 100-ton, Able Seaman and Lifeboatmen for Alaska Voc. Tech Center, at Juneau and Seward, AK. **1987-1999.** With LCDR Walter L. Martin, founded and served as Newsletter Editor, National Assn. of Maritime Educators. Published 99 issues of the Assn. Newsletter. **Membership: 1994.** American Inland Mariners Assn. **1998.** Pilot's Agree. **1998-2009.** Int'l. Organization of Masters Mates and Pilots. **1999-2009.** Secretary, Gulf Coast Mariners Assn now National Mariners Assn. Edited 62 issues of Assn Newsletter. Compiled and edited approx. 150 research reports, approx. 20 of transmitted to Members of Congress. **2008.** Forced medical retirement - hung license on wall. **Published texts:** Limited Master, Mate and Operator (5 vols); Workboat Engineer (3 vols); T-Boat Handbook; Towing Vessels Officers Guide; Able Seaman and Lifeboatman (2 vols); Tankerman; R.B-169, Navigation Regulations. Latest release: Coast Guard "Justice" Handbook for Working Mariners. Designed assorted logbooks and marine safety signs.

Credentialing Problems

[Note: This list does not purport to be "comprehensive" and is presented for the purposes of further consideration by the Committee. In viewing this material, keep in mind that my experience is limited to a lifetime of working with "lower-level, limited tonnage" mariners on vessels of no more than 1600 GRT. The problems are listed randomly and in no particular order. I entertain questions from the Committee but beg your indulgence in that some instances "recall" problems and additional research may necessitate a written response.]

Item #1. Marine Safety. Problems inherent in the mariner credentialing program are now under the full control of the NMC. I believe these problems are part of a much larger marine safety issue brought out in previous Congressional hearings and in an excellent report by retired Vice Admiral James Card. (**Report #R-401-E**).

Not all problems facing the NMC are new problems. As newsletter editor for the National Association of Maritime Educators (1987-1999) I recorded and tracked many of these problems. I believe they are firmly rooted in the Coast Guard's military mismanagement of a credentialing program that regulates civilian merchant mariners. As a former Army officer, I have no intention of denigrating military service, but American tradition frowns upon military control of civilian commercial activities except under wartime condition.

Item #2. Credentialing is an orphan. The Coast Guard traditionally treated Credentialing as stepchild within its Marine Safety mission. As such, it failed to attract the best officers in the Coast Guard because it was considered an obstacle to the road to advancement within the service. The NMC and its program do not fit in the military career path, and by now our civilian mariners have had their fill of military control.

Our state and federal maritime academies train merchant marine officers who gain first-hand experience in the industry. We believe these officers, whose programs receive taxpayer support, should be encouraged to gradually replace Coast Guard officers not only at NMC but also to assume control over the entire U.S. Merchant Marine and the Coast Guard's Marine Safety mission. We support the changes this Committee **proposed** in Title X of H.R. 2830 (110th Congress).

Item #3. Constant turnover of Coast Guard personnel has plagued credentialing. Every year, we see a new Admiral in charge of Marine Safety and listen to how he will change everything. It is rare that one of these admirals devotes a day or even a few hours to attending the advisory committees he hosts although committee members and members of the public travel long distances to attend.

The Coast Guard offers no stability for the credentialing program. One former REC chief stated in part in Maritime Executive magazine: "This isn't the first time that the Coast Guard has proposed sweeping overhauls of the documentation and credentialing process. Two previous attempts were, in his words, 'Poorly planned and designed. Coast Guard senior leadership declined to fund them.' This time they funded an impressive whole new building. However, the program depends primarily upon the people who run it rather than the building where it is located.

Item #4. Towing officer endorsements. There is an acute problem with towing endorsements limited to 100-tons the NMC failed to resolve for at least the past 7 years. The individual RECs repeatedly crucify our mariners on this tonnage issue blaming Headquarters and the NMC who have not set this issue straight.

Our Association tried unsuccessfully to bring this to the floor of a TSAC meeting in St. Louis in 2006. We subsequently petitioned the Coast Guard for rulemaking on Nov. 26, 2006 and again on Dec. 24, 2006 (Docket #USCG-2006-2666-1) as a result of reasonable and urgent arguments advanced on behalf of several Louisiana towing companies. Nevertheless, our petition was denied on Jan. 5, 2007.

This issue continued to be ignored until the last TSAC meeting in May 2009 where this advisory committee finally recognized the significance of the issue and determined to make recommendations to the Coast Guard to fix it. The issue is still hanging fire-awaiting changes from a TSAC working group. It is precisely this sort of bureaucratic delay that discourages and prevents our experienced mariners from advancing in the industry. The Coast Guard's lack of attention to this issue is deplorable and inexcusable.

Things like this drive experienced mariners from the industry. One of our mariners, Capt. Bill West from Fredericksburg, VA, attended the Fall 2008 TSAC meeting in Baltimore and explained his problem to all assembled. We assert that his treatment by REC Boston and later by the NMC was clearly vindictive. Both Boston REC and NMC "locked" his files for several years

Our Association appreciates the attention of the Committee to the problems of our working towing vessel officers by proposing to open membership in TSAC to more deck and engine credentialed mariners as contained in proposed H.R. 2652 .

Item #5. Progress. Congress needs to decide whether the NMC has taken a big step forward in improving mariner credentialing or whether it is going in the wrong direction?

To listen to glowing reports from official Coast Guard sources and industry insiders, there has been steady progress. To listen to our mariners, that we document, there has been steady deterioration. Our views reflect the experiences of our mariners.

We opine that the NMC took on too many *controversial new programs* as it transitioned toward its centralized status in Martinsburg, West Virginia. The NMC attempted to do this too quickly and with insufficiently trained personnel to absorb all of these programs pushing aside insignificant problems ó like individual mariners.

For *example*, the Medical NVIC led to the Coast Guard's announcing and implementing its Body Mass Index (BMI) program that was never adequately introduced to rank-and-file merchant mariners. (**Report #R-440-B**) This unleashed a torrent of resentment.

For far too long the Coast Guard ignored and failed to implement basic workplace accident reporting standards (**Report #R-350, Rev. 4, Issues 12-15**) required by OSHA in most shoreside workplaces. Nor did they implement smoke-free regulations on merchant vessels as they have on their own cutters (**Reports #R-341-A & B**). Nor did they ever introduce regulations targeting impure drinking water on vessels where our mariners live and work after being mandated by Congress to do so in 2004. (**Report #R-395**). The Coast Guard failed to protect our mariners' hearing as OSHA has done for shoreside workplaces (**Report #R-349**) nor do they shield our mariners from the dangers of asbestos (**Report #R-445**).

These repeated failures to protect our mariners' health show that Coast Guard officials lack genuine concern for our mariners' health. The vast array of 202 potentially disqualifying conditions contained in the Medical NVIC recently crammed down our throats over objections at the Federal advisory committee level (MERPAC & TSAC) point to a disingenuous and patently phony program that adversely impacts too many of our mariners in the pocket book. These guidelines threaten the careers of many mariners that could cost them their jobs in bad economic times. Since the goal of the medical NVIC is to prevent accidents and improve safety at sea, and since the large overburden of medical snoopering has become burdensome not only to our mariners but their physicians as well, we respectfully ask the Committee to review the situation with an eye to reducing the expense to our mariners and micro-managing by the NMC. The Medical NVIC's practical effect may be to exchange many young, new but *inexperienced* and less expensive mariners for older, more *experienced* but costly mariners.

We note that the number of medical personnel needed to man the NMC was underestimated and severely impacted the output of completed credentials last year. The NMC was previously warned of this in several advisory committee meetings I attended. These warnings apparently were not heeded. Our mariners suffered when their credentials were delayed.

During this period, in June 2008, while mariners reported delays in the medical branch, Captain Arthur French, who was the head of the Coast Guard's Medical Branch at the NMC, sat in ALJ Brudzinski's courtroom in Long Beach, CA, *for four days* to diagnose one of our mariners' purported mental disease from a seat in the courtroom while working on his computer. He was never the Respondent's treating physician. Nevertheless, his testimony was pivotal as related in this controversial case detailed in our soon-to-be released book titled *The Coast Guard "Justice" Handbook* ó copy furnished to the Committee Staff. This, and other events in that trial were so bizarre that we requested the Vice Commandant and later the U.S. Attorney General to review the entire 1,000-page hearing transcript.

Another case included a NMC decision that overruled the recommendations of a family physician and two specialists and caused a mariner a reported \$60,000 annual salary loss by removing his credential.

Item #6. Overly complex licensing regulations in a constant state of flux make it impossible for individual mariners, their instructors, schools, employers or private consultants to keep up with all the changes. I note from personal experience that these changes are *particularly confusing for instructors*. For *example*, a major change in regulations occurred in a Final Rule consisting of 171 pages in the *Federal Register* at 74 FR 11196-11267 (Docket #USCG-2006-24371). These changes affected some of the principal parts of the Code of Federal Regulations governing credentialing. Their appearance and availability on the GPO access website mask the fact that it will be almost a year before the *printed* CFR volumes used in many classrooms will be available.

I encountered some changes that were put into effect long before the rule was finalized and published. All new regulations became effective on April 15th, one month following publication.

These changes will affect every instructor, every training school, and every mariner. While some mariners felt the effects before the effective date, others felt them immediately after publication, while others including companies that prepare sea service letters will first encounter them at a mariner's next renewal or upgrade ó and may be caught unaware. This is why credential renewals are about as popular to our mariners as a root-canal.

Among the changes, the Coast Guard is phasing out the terms "license," "z-card"/MMD, and replacing them with new terms like "Merchant Mariner Credential" (MMC) and "endorsement." The older terms appear widely not only in Coast Guard publications but also in material generated by schools and used in individual approved training courses, numbering over two-thousand.

As a textbook publisher, it took me *three weeks* simply to re-work one introductory chapter where these terms are used as well as a free handout offering credentialing information to mariners. However, it will take *years* to revise individual chapters. But, for me, this is nothing new ó I have done it for the last 40 years. Some changes are inevitable, and to oppose change is reactionary. Unfortunately, with all the other unfinished regulatory projects the Coast Guard postponed for years and are still pending, keeping up with all these changes will be extremely challenging for both mariners and their employers. Our mariners, however, have their hands full working up to 84-hours a week, and after considering the needs of their families, many of them lack the energy to keep up with this administrative õpaper shuffleö until it hits them years later.

Nevertheless, this simple change in terminology, which could well be an õimprovementö over the long haul, will affect every single mariner ó one at a time. They will demand explanations at all sorts of inconvenient times and tie phone lines everywhere to get it. There will be individual problems that must be addressed ó something the NMC has not done very well. õCredentialingö will have to be explained to everybody from deckhand to Master, from wiper to Chief Engineer, as well as every employee at every REC as well as at the NMC.

Mariners, who previously held a õcollectibleö license to õhang on the wallö (and one treasured like a diploma as a symbol of their accomplishment in the industry) and a neat wallet-size z-card, now have a booklet that neither fits in their pocket nor their wallet and an overly expensive TWIC card.

Trying to manage this amorphous body of regulations leads the NMC to excessive *micro-management*. Coupled with their policy of hiring and attempting to train outside contractors and clerical help õoff the streetsö helps to explain their shortcomings. The credentialing system may collapse of its own weight

The introduction of new programs such as the requirements for Vessel Security Officers (VSO) (73 FR 29060 et. seq., May 20, 2008; Docket #USCG-2008-0025) that duplicate training already accomplished at great expense has now started to have an adverse effect on our mariners. This was predicted by both the Passenger Vessel Association (PVA) and the Offshore Marine Services Association (OMSA) in their comments to the docket. We agree with one comment that states: õPVA wishes to express its general concern about the federal government, including the Coast Guard, continuing to invoke the *tired mantra of “national security”* to bypass and avoid normal rulemaking procedures.ö We concur.

Item #7. History. By not always attracting the most experienced and qualified REC personnel to move to West Virginia, the NMC appears to be unable to cope with the õHistoryö behind previous credentialing transactions. It is clear that they prefer to erase this institutional history and start with a new slate ó but this history and the mariners that lived it just won't go away.

Most of our mariners' problems involve past history within the credentialing system. Without a background in this institutional history readily available, the NMC attempts to denigrate the õHistoryö and create entirely new processes and force our mariners into new molds (i.e., checklists) it creates. Some mariners simply do not fit the checklists and report that they are not being properly accommodated. *The NMC simply allows puts their problems on hold and hopes they will go away. This, in turn discourages other mariners who simply are tired of fighting the system.* Those mariners who survive dread every renewal or upgrade because they know it probably will involve a battle with NMC bureaucrats.

Item #8. Enforcement personnel need to know about credentialing. Coast Guard enforcement personnel in the field often have inadequate knowledge of licensing regulations for commercial mariners. õOperation Big Towö may have helped to train some Coast Guard personnel in the basics of towing vessel licensing. However, they must be able to match the manning requirements in the regulations (for towing vessels) and/or on the Certificate of Inspection for inspected vessels with the credentials of the crew on board and review logbook entries to see if there are work-hour violations. Congress now recognizes the importance of maintaining accurate and complete logbook entries (H.R. 2830, 110th. Congress) (H.R. 2562). However, we assert to the Committee *that, if at all possible, the new statute amending 46 U.S. Code §11304 should apply uniformly to all INSPECTED vessels of LESS THAN 100 GRT as well as larger vessels.*

Item #9. Our mariners don't get the message. The Coast Guard's over reliance on the õgrapevineö and õcomputersö to pass along information to our mariners often breaks down. (**Report #R-382**).

Item #10. Towing vessel endorsement regulations. The Coast Guard, after promulgating new towing endorsement regulations in 2001, failed to adequately prepare their RECs, our mariners, and employers for the drastic changes these regulations would herald.

Individual RECs made countless errors for which our mariners often suffered. Many people never received the message or simply avoided these changes because of their complexity. **(Report #R-382).**

There has to be a better way to explain important regulatory changes in terms that our mariners can understand and then communicate those changes to our mariners. Perhaps preparing and widely distributing computer discs is the answer. These are government programs, so it should be up to the Coast Guard either to do it or contract for it to be done and made available at minimal cost. I suggest audio-video presentations so that everybody gets the same message in terms they can understand.

Item #11. The computer revolution. After Hurricane Katrina, the Coast Guard moved towards eliminating paper records and replacing them with electronic records. While this may prove to be more versatile, past experience **(Report #R-401-B)** shows enormous failures on the part of the NMC to successfully adapt computers to their operations. Hopefully, these problems will no longer recur and the computer system is robust enough to prevent hacking and protect our mariners' records.

I note that in our mariner association, fully one-third of our mariners do not have stable Internet connections. This requires us to "snail-mail" all correspondence, newsletters and reports at significant expense to those members. In this context, one-third is an impressive fraction.

Buying, maintaining and using electronic communications involves a cash outlay that some mariners or their families may not be able to afford. Companies, who operate many of the boats our mariners serve on, may not allow internet access to Coast Guard HQ, NMC, Navigation Center, or GPO websites where mariners could access important information.

Once a mariner locates any government document, he must read and interpret the document "unfortunately not always correctly or without assistance.

Individual employers should provide themselves and our mariners with the access to all information that concerns their work, including Local Notices to Mariners, credentialing, etc. by electronic means including fax.

The Coast Guard seems to assume its mission is accomplished when they publish a document.

Item #12. Unrealistic industry requirements. Industry may seek to hire "responsible" mariners with college degrees, but that desire may be unrealistic. The armed forces often get the pick of the litter of college graduates, as do corporate recruiters in other industries. Most college graduates seek "white collar" jobs while our mariners work at "blue collar" occupations.

The obvious differences are between a 72° air-conditioned office, an 8-hour workday, home with family at night enjoying a comfortable and predictable family life vs. 120° to sub-zero outdoor work, seasickness, 84-hour work weeks, dangerous working conditions, fractured family life, unpredictable recalls to work, and some employers comfortable with their "plantation mentality."

Some operating companies seek mariners with 1,600-ton licenses where all they need is a qualified individual with a Master of Towing Vessel license. Instead of unreasonable expectations, the marine industry must attract, train, and retain the people it already has and those who see a real opportunity in the industry.

Our Association joins with employers and this Committee in exploiting these opportunities. However, the fact remains that the bureaucracy of the system fostered by nit-picking every document submitted to the NMC, the pervasive violations of work-hour regulations, or the absence of any work-hour limits for unlicensed mariners at all are detrimental to recruitment and retention.

Item #13. Cost of obtaining and maintaining a license. Coast Guard failed to consider the costs it was assigning to lower-level mariners as it introduced all sorts of new training requirements. In the 1990s, it cost a mariner \$1,000 for today's equivalent of a 1,600-ton near coastal license and no more than \$500 for an intermediate license to reach that goal

It now costs a company \$78,100 to bring a deckhand to the level where he can function and be licensed as a Mate of Towing Vessels (Proceedings, Fall 2008, p.43). I confirmed the validity of this figure with another corporation's training director at a TSAC meeting in Houston last week.

The cost of obtaining a license has shifted from the mariner to the company simply because most mariners do not have the sum of money required. The cost of obtaining a license has become a major roadblock. In addition, most mariners with licenses find it can cost up to an average of \$1,000 a year over the life of the license simply to maintain the license they have. However, these changes seemed to fly over the head of the Coast Guard that continued stiffening requirements. Fortunately, in H.R. 2651 (111th Congress) Congressman Cummings proposes to make financing a credential attractive to those mariners willing to assume the debt burden where their employers are unwilling or unable to do so. Our Association supports this proposal.

Unfortunately, the presence of the new Medical NVIC, the perception of unfairness following the ALJ scandal of 2007, and the problems with the NMC cited in this testimony argue against taking a substantial risk.

Item #14. STCW. The Coast Guard committed too many of our mariners on domestic voyages to STCW which is hard to understand and is not user-friendly. Most lower-level mariners in our area had no idea what STCW was all about as late as 1999.

While the required basic training is well worthwhile, and our Association was in the forefront with a \$4,000,000 Dept. of Labor grant to conduct this training, additional specialized training beyond the basic one week program is costly.

The red tape involved with STCW is an absolute turn-off for those lower-level mariners encountering it. The NMC was so concentrated on the 2002 STCW implementation date that ***it ignored the new towing regulations that were introduced at the same time.*** This preoccupation with STCW adversely affected many of the approximately 15,000 licensed towing vessel officers.

To add insult to injury, since STCW primarily affects the deep-sea fleet and upper-level merchant mariners, for years MERPAC concentrated most of its effort and attention on upper-level problems and ignored many areas affecting lower-level mariners regardless of the fact that a majority of all certificated mariners are lower-level mariners. **(Report #R-353)**

Item #15. Training is expensive. How much required training is ***EXCESSIVE?*** We believe that training in ***celestial navigation or subjects related to it*** for any lower-level near-coastal deck license limited to domestic service up to and including 500/1600 tons is excessive and unwarranted. We believe the same is true for ***flashing lights***.

Item #16. Statistics. The NMC has lost sight of the individual mariner in its attempt to process the maximum number of applications in the shortest period of time. While these statistics may be one measure of job performance, they are not the only measure. Since our attempt to verify statistics reported on the NMC website was rebuffed, we opine that any unsubstantiated use of internal statistics by the Commanding Officer of the NMC is self-serving.

Example: On Apr. 17, 2008, I questioned a document published on the NMC website titled **Mariner Licensing and Documentation Program, Restructuring and Centralization Update** of April 14, 2008. My question was:

Item #1: Under the subheading **Credential Production** the document states: **Approximately 45% of these credentials (i.e., 11,700) are either awaiting additional information from the mariner or waiting for the mariner to complete their examination at an REC.** We seek a copy of the data collected from the various RECs and the NMC that lead to this statement and any further breakdown of the type of additional information that you may have requested from the reporting units. Examples that come to mind might include:

- Number of Licenses awaiting additional information that have expired over 30/60/ or 90 days.
- Number of MMDs awaiting additional information that have expired over 30/60/ or 90 days.
- Number of licenses whose issuance is upheld pending successful completion of license exam.
- Number of MMDs whose issuance is upheld pending successful completion of an exam

The **reply** we received stated in part: **The Freedom of Information Act was enacted to grant the public access to governmental records. The information you are seeking is not an existing record within the meaning of the Freedom of Information Act. In fact, the data you requested are statistics, which the NMC is not required to maintain under any Federal law or agency regulation. As the Commanding Officer of the National Maritime Center, Captain Stalfort has the authority to commission queries in our electronic database** of s/George J. Carich, JD, LLM, Senior Records Management Specialist, **By Direction.**

We previously queried **other** Coast Guard offices for statistics under FOIA and generally received the routine information requested. If the Commanding Officer of the NMC is unwilling to **support** the statistics he publishes, then he should refrain from publishing them

In April 2008, at the time of our FOIA request, we were concerned about finding out how many mariners may have been out of work as the NMC waited for them to submit missing information. In light of today's economy, this information is even more significant as is an inquiry into exactly what may be missing in individual cases.

In the past, Captain Fink, former NMC Commanding Officer, went to great lengths (that we can document) whenever we informed him that a mariner, threatened with a financial loss, needed expedited treatment because of a delayed credential. Under the present Commanding Officer, however, we no longer know whether this triggers any response from the NMC simply because they neglect to inform us of the cases we follow. This involves many cases.

Item #17. Little First Hand Knowledge of the Industry. Because of its constant policy of transferring personnel, those government or contract employees at the REC or NMC level who enter the merchant marine personnel field often have little knowledge of past events.

I receive reports from instructors as well as mariners confirming serious gaps in the in knowledge of some evaluators not familiar with particular industry segments or past procedures previously utilized on a local or regional basis. However, I have no yardstick to assess how widespread the problem is.

For example, the Coast Guard's lack of first hand knowledge of our lower-level mariners extends back to the Newman Report (**Report #R-428-A**) issued in 1973 after Coast Guard interference with the mineral and oil industry's merchant marine workforce threatened to shut down the entire industry. Industry appealed to Senator Russell Long for help. The Coast Guard responded by sending Captain C.T. Newman who, with a small staff, spent an entire year evaluating the problems and crafting a solution. I worked closely with his team and later to develop the SCALP program.

Unfortunately, by 1980, the Coast Guard conveniently lost this report. The Eighth District Commander pronounced that the significant educational shortcomings the report disclosed no longer existed. I disagree!

Today's NMC either has no first hand knowledge of this report and its findings or prefers to learn its hard lessons over again. They plow ahead blindly, often crushing the hopes and aspirations of many of our mariners as they do so. Repeated NMC complaints that many mariners don't fill out their application forms properly fall on deaf ears because many of the problems in performing these paperwork tasks result from problems in understanding written instructions, the blue collar hands-on nature of their jobs ó all of which are revealed in the discarded Newman Report. Their ignorance of our mariners, the work they do, the waters they sail, the problems they face is profound and widespread according to reports we receive from the field.

Even Coast Guard project officers must now go into the field to learn about the areas they are expected to regulate.

Only one Coast Guard officer that I know of, LT Boris Towns, cared enough about the tasks our mariners to spend his own time in studying the problems related to our pilots in the towing industry. I was proud to be of service to him as an advisor with his successful Master's project submitted to the University of Rochester. I wish him the greatest success in his career in the Coast Guard. Unfortunately, like all Coast Guard personnel, Boris was transferred out of the area shortly after completing his project.

This is not to say that there is nobody at NMC with knowledge of our mariners, and this testimony is not an attempt to denigrate their work. Unfortunately, these individuals, often-licensed officers, may be too few in number.

In addition, we learned that the NMC did not provide sufficient financial remuneration to make it financially attractive to many civilian employees who had accumulated years of experience in dealing with mariners in the local RECs to pull up their roots and make the move to West Virginia. Several examples of individuals I know have been a huge loss to the program.

Item #18. NMC nit-picking aggravates our mariners. The NMC does not live in a perfect world. While perfection may be a goal, often the NMC needs to accept responsibility and settle for something less.

To delay credential renewal or an upgrade for some minor technicality that could be solved by adopting an alternative path or picking up the telephone is unconscionable. Delay can cost a mariner hundreds or even thousands of dollars in lost pay to say nothing of aggravation and frustration.

In New Orleans, years ago Commander Bill Peterson belayed his controversial plan for re-creating his REC, and instead ordered his office staff to contact mariners by phone to resolve nit-picking problems. He was successful in solving many problems.

It appears that only the highest echelon at the NMC is allowed to make even minor decisions, and the mariner invariably suffers from any wrong decision. The NMC as well as the appeals section (CG-5434) at Headquarters must take responsibility for correcting errors within the system. Every day's delay costs our mariners money or affects his livelihood.

Item #19. Do NMC personnel live on a different planet? The NMC has become too rigid and inflexible. Evaluators make mistakes because they often do not understand the complexities of different routes, different waters, and the requirements of different trades.

Suggest: That real mariners with the right kind of experience could speak with applicants on a conference call and make decisions to resolve sticky problems over the phone. NMC supervisors could document the conversation by tape and make decisions that would be appended to the applicant's file. Retired or active mariners with comparable licenses could be invited to participate (or even compensated) for participation in telephonic interviews. The Coast Guard would be committed to those decisions.

Local knowledge information is only gained by experience of REC personnel. Unfortunately, many of these employees were casualties of the REC transition to West Virginia and, if they are still employed by the Coast Guard, their knowledge still may reside in the distant REC.

The Coast Guard had plenty of opportunities to learn that you can't just uproot an office without significant loss of experience. The Coast Guard moved Merchant Vessel Personnel (MVP) from Headquarters to Oklahoma City, back to Arlington and now out to West Virginia. From a distance, we saw that every move brought problems to our mariners. The Coast Guard touted each "move" as an "improvement". Some moves were not successes from our mariners' viewpoint. However, if the Coast Guard calls it a success, it will probably appear as a success in the trade journals.

First, the Coast Guard moved licensing out of marine safety offices into centralized RECs in the 1970s. Mariners had farther to travel and it is questionable how long it was before service really improved or if it ever did.

In New Orleans, we saw politics play an important role. The REC moved from a 7th floor office building downtown out to a low-rent storefront in New Orleans East that submerged in Hurricane Katrina. The Mayor of New Orleans pulled those strings.

It is reasonable to ask who pulled the strings to move the NMC to West Virginia in a location that is inconvenient to all mariners as well as their employers. It keeps most mariners from knocking at the door.

Mariners must now turn in their applications for original licenses, renewals, and upgrades to the local REC that will collect the user fees, check applications for completeness and accuracy and then forward them to the NMC for evaluation and processing.

We receive reports on how mariners are treated by these RECs and the reports vary widely. I can report I was treated promptly and courteously by the new REC in Mandeville, LA. But, I have known Ms. Theodore for at least 17 years and would expect nothing less. She always has been helpful.

On the other hand, mariners report that REC New York now accepts mariners by appointment only but mariners report that it is very difficult to reach them by phone. All of this hints at understaffing. The problems in New York are longstanding and we reported on them in 2007. (Report #R-428-D)

The damage done to mariner morale is beyond the point where the Coast Guard has the ability to repair it. Trust between the Coast Guard and the lower-level mariner is gone. The mood in New York and much of the northeast is for a change in stewardship from the Coast Guard to another agency.

Item #20. Gaps in Coast Guard training requirements: Drug & Alcohol testing. The NMC presides over an ever-expanding exam question database and an empire of "approved courses." However, it appears oblivious to subject areas that mariners are never tested on.

Item #20A. Drugs and Alcohol – It's more than "Just Say No!!!" It is absolutely clear that the use of these substances is prohibited in any way, shape or form in the transportation industry. However, we must warn mariners of both the strengths and the perils of the drug and alcohol testing programs where lack of knowledge can cause even an innocent mariner to lose his credential. (Reports #R-315, R-315 A thru-F)

The most dangerous areas are in respect to Drug and Alcohol Testing regulations in 46 CFR parts 16, 33 CFR part 95, and 49 CFR Part 40. There are few if any questions dealing with these areas in the Coast Guard database and no requirements for mariners to understand these regulations. Many employers provide information, hold seminars, etc., but the Coast Guard does not test credential holders on these subjects.

However, drug and alcohol regulations are rigidly enforced, and not understanding how these regulations are supposed to operate (a Coast Guard responsibility to explain its programs) OR violating the regulations (a mariner's responsibility) can cost a mariner his license, his job, and even his career.

As a textbook publisher, I make a point to include this material as a separate chapter to inform our mariners although it is not a requirement to do so.

Item #20B. Lower-level engineers. In another area, the Coast Guard refuses to recognize the progression of a mariner's career path on many boats passes from deckhand, through the engine room, to the pilothouse. The Coast Guard and their regulations seek to separate "deck" and "engine" duties while boat companies often seek to save money by creating "deckineers" to save money. My experience in the boat business, especially on vessels under 200 GRT leads me to believe that scrimping on engine room training is false economy.

Since 1970, (Report #R-428, Revision 1) Congress has not made this distinction, either. Consequently, as tonnage parameters have changed, some huge vessels carrying hundreds of passengers admeasure less than 100 GRT and do not require the services of a licensed or even a trained engineer. One particular complaint recently

filed in New York Harbor involved a 600-passenger, 160-foot small passenger vessel of less than 100 GRT that sails under a Certificate of Inspection without a licensed mate or engineer and travels a dangerous route.

As a result of statutes and regulations, aside from several union schools that concentrate on deep-sea trades, lower-level mariners receive little formal training as the vessels they serve on become progressively more sophisticated.

We believe the Coast Guard's failure to recognize the danger pointed out to them by an experienced and licensed engineer, should sound the alarm bell for this Committee. Failure to require safety training and vocational training for engineers reflects the same level of ignorance, shortsightedness, and stupidity revealed in the Bayou Canot accident where the pilot was not required to be trained on his use of radar and where towing vessels were not required to carry up-to-date charts. The last tragedy to kill 600 people was the Eastland that turned turtle in the Chicago River in 1915 and untrained engineers precipitated the accident.

Our Association asserts that anyone entering an engine room or machinery space should carry proof of attending a formal safety training course to cope with the hazards of fuel, vapors, fire, internal combustion engines, electricity, pneumatics, and hydraulics or a combination of the potential hazards found in those spaces. We brought this to the attention of the Coast Guard and MERPAC to no avail.

Item #20C. Preventive maintenance. In two small vessel accidents, the NTSB cited the Coast Guard for not including "Preventive Maintenance" in their regulations. (**Report #R-441**). My impression from reading the response to the NTSB is that the Coast Guard just "doesn't get it!"

Item #20D. Logbooks. Still another area lies in the lack of training on how to maintain accurate, timely, and thorough "rough" logbook entries. (**Report #R-429-G**). Our Association stated the importance of accurate and timely logbook entries, especially on towing vessels. (**Report #R-224**) While our emphasis for towing vessels is based upon the Coast Guard's Commercial Towing Vessel Examination Program (CTVEP) that is currently being revived, future emphasis will include towing vessel inspection rulemaking currently in progress.

Because of Coast Guard inertia, our Association asked Congress to add logbook requirements and is pleased to see their appearance in H.R. 2562. However, we want to emphasize to the Committee that these regulations are needed not only for vessels over 100 GRT but rather for any inspected vessel under 1600 GRT. Our proposal was drawn up years ago and based on AWO's Responsible Carrier Program. For logbook entries to meet requirements, they should be useful in providing background material to enhance Coast Guard accident investigations and to improve the sorry record of work-hour violations. Mariners require some guidelines and instruction.

Work hour laws and accident and personal injury reporting, etc. (Reports #R-370-A & R-370-H). There are few data bank examination questions that deal with these subjects. This helps to explain why many credentialed mariners remain confused about these subjects they are responsible for. They are never adequately tested on these subjects. It should be an NMC responsibility to develop a sufficient number of appropriate questions and see that mariners taking "approved courses" are tested on them. Also, these are areas in which Coast Guard enforcement is particularly lax. Personal injury reporting (form 2692) is so lightly regarded in the towing industry that it was an open joke at one TSAC meeting I attended. However, failure to report personal injuries is a travesty to the injured seaman.

We believe employers should be held responsible for accurately reporting injuries on the job. We ask the Committee to consider requiring the OSHA form 300 to track the disposition of injuries as is done in shoreside workplaces.

Item #20E. Assistance Towing has been regulated since 1983, but it has never had a bank of questions separate and distinguishable from the regular commercial towing questions. Assistance towing primarily affects yacht and pleasure boat towing, assistance, or salvage. The difference between the Assistance Towing and commercial towing is the difference between night and day.

In the mid-1980s, we were told that the Coast Guard lacked the money to develop those questions. We ask the Committee to consider this issue that would impact the NMC.

Item #21. Exam question data bank. We are confident that the most questions in the NMC data bank are questions massaged and proven over the years. Why, then, would a school teaching an approved license prep course using their own questions have students who can pass the "school" test yet fail a comparable exam replaced with Coast Guard questions on it? Does the NMC have plans to field a team of auditors to look into allegations of impropriety?

Item #22. "Gundecking" Towing Officer Assessment Records. This subject was brought up at a recent TSAC working group meeting in Texas where it was agreed that the Coast Guard must police its 2000+ Designated Examiners. Did the Coast Guard officers present at the meeting or on the teleconference call ever investigate this serious allegation? The DE program is a very important NMC program. It was developed by TSAC in 2000-2001 and strict rules to prevent cheating are in place but possibly are not being enforced. Mariners cannot advance from Apprentice Mate/Steersman to Mate in charge of a navigation watch until they complete a TOAR. A reminder that the M/V Mel Oliver oil spill discussed at a Committee hearing last fall was attributed to an Apprentice Mate/Steersman.

Item #23. Phone Tag. Mariners have trouble reaching persons at the NMC beyond those at the "Help Desk" that can help them resolve their problems on pending applications. Their calls are "filtered" to keep them from disturbing individual evaluators. This only leads to repeated calls, sometimes daily, to determine the status of their application. Much of this unproductive phone tag needs to be avoided.

Item #24. Assessment Periods. The use of Assessment Periods in 46 CFR §10.211 is unwarranted controls over merchant mariners that can delay a mariner's application for no less than one year. This regulation appears to put a mariner in double jeopardy after conviction for certain broad areas of "crime." The imposition of an additional penalty beyond those imposed by courts of record shows the Coast Guard believes its judgment is somehow superior to decisions and sentences by duly established courts of record. We disagree.

We find this regulation supremely arrogant and obstructive in its ability to deter experienced mariners for a period that is long enough to force them to find jobs in other areas. It discourages and harasses experienced mariners who have had problems that already were adjudicated. The additional penalty imposed by the Coast Guard may kick in years later after the Coast Guard finds about the conviction on a renewal application since mariners are not required to report the original "crime" to the Coast Guard except upon the next upgrade or renewal application filed with the NMC. This raises hell with a mariner's career and lends to instability within the industry. The Coast Guard then assigns an "assessment period" that may go into effect years after the crime. This is unnecessary interference and harassment, especially when triggered by some REC employee acting without conducting a thorough review and without a hearing.

This regulation also unnecessarily clogs the wheel of progress at the NMC and often has further unintended consequences for the mariner. We ask Congress to look into this matter.

Item #25. Administrative Clemency. Although the Investigations Division (CG-5451) handles this program, the NMC also becomes involved in issuing the new license after successful completion of the program. Our Association looked into this program (**Report #R-377**) and found it fair and reasonable as administered by Headquarters.

Unfortunately, in the field, we came across mixed results, as those local Coast Guard personnel assigned to the program as a collateral duty often do not explain it well to our mariners. Since the program may take up to 18 months to complete, the Coast Guard officer assigned to the program may be reassigned midstream.

Some inaccurate explanations cause mariners to lose up to a year of work. One mariner, for example, started on a drug-testing program before passing through intermediate steps and had to start over again at tremendous personal expense. He supports a wife and two children. One mariner found the explanation so poor that he wasted almost five years in recovering his license. Mr. Rabe, the director of the Administrative Clemency program, told me and the mariner's employer that this was some kind of a record.

Several men, who previously held Master of Towing Vessel licenses (e.g., their "original" license) with years of towing experience found that they may have to settle for an "Apprentice Mate/Steersman" license because that is the only "original license" issued today. That could delay their re-entry into service with commensurate losses in pay after the mariner already satisfied all of the Coast Guard's administrative clemency requirements. No other license holders face these problems. We are awaiting the outcome of a formal appeal on this issue. .

Item #26. Appealing NMC Decisions. For mariners over the years, the appeals process (**Report #R-436**) in all areas has been convoluted. Many of our mariners do not have the faintest idea how to appeal anything. An entirely new appeal process was instituted in Fall 2008. Mariners can request "reconsideration" from the National Maritime Center and/or an "appeal" from the NMC directly to Headquarters (CG-5434).

Our experience is that the process does not flow smoothly between Martinsburg and Washington. Several mariners who traced their appeal reported them sitting for extended periods on "somebody's desk" at the National Maritime Center. Several mariners reported receiving flip comments like, "if you don't agree, just appeal it." That's easy to say if you have the writing skills to compose a meaningful plea.

However, in our dealings with CG-5434, we received courteous and thoughtful treatment from Mr. Harden and Mr. Cratty and the *impression that our mariners would be treated fairly.*

Item #27. "Trusted Agent" Status. We concur with a number of instructors and mariners who express grave reservations about any school or company being offered "trusted agent" status to deal with the National Maritime Center. Mariner privacy issues are involved.

However instructors, school administrators, and company human resource directors who have written permission to represent individual mariners need to have *enhanced access* to evaluators and knowledgeable NMC supervisors to resolve problems about their courses and individual mariners. Many mariners have trouble in dealing with the NMC. They are not familiar with the regulations and simply do not know the right questions to ask or the right buttons to push. They do not speak the Coast Guard's "language" and do not always understand the implications of what they are told.

In brief, our mariners need *an independent advocate or ombudsman at the National Maritime Center* with the authority to solve problems and sign off on troublesome issues to allow our mariners to continue to serve the industry *and not find ways to prevent them from doing so.* One growing complaint is that a "cottage industry" has grown up to wring money from mariners who are unable to deal with the NMC or its RECs. effectively.

One problem that employers reported at a recent TSAC working group meeting is that the RECs and/or NMC rejects sea service letters that do not contain the exact phraseology the Coast Guard is looking for. Unfortunately this changes from evaluator to evaluator. This nit picking inevitably bounces back on our mariners as well as their employers who cannot keep up with the changes. One suggestion was fielded that a form letter be prepared for submitting letters of sea service whose text is not subject to further nit-picking by Coast Guard officials.

Our Association wishes to thank the Committee for *proposing* in H.R. 2652 Section 5 that would amend 46 U.S. Code §7502 by protecting our mariners' rights to obtain a sea service letter from his employer and for putting teeth in this *legislative proposal.* We believe our mariners deserve this protection.

If anyone deserves enhanced access to the NMC, it should be officers of our Association when it tries to assist mariners with applications, reconsiderations, and appeals. However, the NMC ignores our letters and faxes. We note that this arrogance merely follows a pattern established years ago by senior Coast Guard officials who refused to act on allegations made our mariners. The Coast Guard started marginalizing our Association after we submitted a well documented report to the Eighth District Commander and to Headquarters. **(Report #R-201)**



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[Formerly Gulf Coast Mariners Association, Founded in 1999.]

June 12, 2009

**ENCLOSURE #1
COPY**

Admiral Thad Allen, Commandant
U.S. Coast Guard Headquarters
2100 Second Street, SW
Washington, DC 20593-0002

Subject: Complaint of Substandard Treatment by Senior Coast Guard Officer

Dear Admiral Allen,

This letter contains a formal complaint regarding the negligent and substandard treatment afforded our Association by Captain David Stalford, the Commanding Officer of the National Maritime Center (NMC). This treatment dates back to the time that Captain Stalford took command of the NMC from Captain Ernest Fink.

Our Association represents the interests of lower-level mariners who serve on towing, offshore supply, and small passenger vessels of less than 1,600 GRT, most of whom possess merchant mariner credentials. I have held a lower-level Coast Guard license since 1955 and have dealt with licensing problems of our merchant mariners since 1970 as an instructor, fleet owner, and with the National Association of Maritime Educators (1987) and the National Mariners Association (NMA) since its founding in 1999.

Many of our mariners have witnessed a variety of unfortunate experiences in obtaining or renewing their credentials that require special care and treatment. After receiving conflicting advice from shipmates, training schools, Regional Exam Center(s), and the National Maritime Center, as a last resort many turn to our Association for clarification or for us to help them deal with the Coast Guard bureaucracy on their behalf.

I question each mariner at length to discover the reason why their application or credential has come to grief. I make calls, provide advice based on access to regulations and policies, make calls, and compile a file that, unfortunately, may not be the same as or as complete as information submitted to the Coast Guard in their agency files. In trying to resolve many mariners' problems, I have written detailed letters outlining the problem or suggesting solutions. I invariably address those letters to Captain David Stalford as the Commanding Officer of the National Maritime Center. Each letter is sent by U.S. Mail or to the fax number Captain Stalford advised me was located in his office.

There were only one or possibly two occasions when Captain Stalford ever took the time to answer my letters or had anyone else in his command do it for him. This situation has evolved over a considerable period of time and at this point involves more than a dozen letters that were never answered. They are easy to find because of our unique letterhead! On several occasions, I even had to ask for (and received) Congressional assistance in seeking information on the progress of a mariner transaction at the NMC.

I find Captain Stalford's conduct in stark contrast to the conscientious and timely responses I invariably received from the former NMC Commanding Officer, Captain Ernest Fink and his civilian deputy. Although Captain Fink and I may not always have agreed, I always respected his decisions because he

took the time and effort to explain himself in terms I could understand. We would discuss many of the problems at various advisory committee meetings I attended on behalf of our Association.

If I can take my time to interview a merchant mariner with a problem, review his problem in depth, and seek a possible explanation of or solution to his problem, draft and mail a letter with supporting documentation, put it on our Association's letterhead, and place it on Captain Stalfort's desk, I insist on the common courtesy of a direct, informed, written response of the same order and detail to assist the mariner I am working with. I make no charge for my services to our mariners, nor does the Association require that a mariner first become a dues-paying member to avail himself of these services. These mariners count on us to assist them through what has become for them a totally alien and unresponsive bureaucratic morass contrary to well publicized public assurances to the contrary.

I believe the Coast Guard ignored and under-funded the merchant marine personnel function for many years. Our mariners have suffered from deteriorating service and leadership over the years. Consequently, we prepared two reports that summarize our complaints about the system. While you probably are familiar with these reports, just to insure there is no misunderstanding, I enclose them as **[Enclosures #1 and #2]**. However, I want the thrust of this letter to focus on Captain Stalfort's inattention and possibly discriminatory conduct toward the lower-level mariners our Association represents and to our Association itself as an advocate for 126,000 lower-level credentialed mariners.

Years ago, as a junior Army officer with public relations responsibilities, I learned that every letter of inquiry or complaint from a civilian deserved a prompt answer. My commanding officer often delegated me to prepare responses for his approval and signature. While I did not have the convenience of a fax machine, e-mail, or even a copy machine in the 1950s, every letter was expected to be answered in a timely, complete, and informative manner. I assume the Coast Guard has rules that cover basic correspondence and that Captain Stalfort's modern facility and expanded staff are equipped to solve any secretarial problems my written correspondence may pose. Why, therefore, has Captain Stalfort and his staff left us and the mariners we serve in the dark. Did your agency fail to train Captain Stalfort as he moved up through the ranks to take control of an office and manage the routine business correspondence that deals with the nation's 210,000 merchant mariners? From our unfortunate experiences with the new NMC, it does not appear so.

The information I present for Captain Stalfort's review on individual mariners is always true and correct to the best of my knowledge and belief. Unfortunately, in many cases, I am not in touch with every mariner and may never ascertain whether their needs were served or if I need to follow-up additional requirements that the mariner may not understand from written correspondence and regulations without further interpretation.

Our segment of the maritime industry still suffers from the education deficiencies described by CAPT Terry Newman as reprinted in our Report #R-428-A, Maritime Education and Training for Lower-Level Mariners. The Newman Report. This report, available on our internet website includes a complete reprint of 1973 Government Report on the status of maritime education and training in the Gulf Coast area that led to major licensing changes. Captain Stalfort might have learned some valuable lessons if he had read this report about our "lower-level" mariners before he was placed in command of the National Maritime Center. I believe this report should have been "required reading" for anyone assigned to the credentialing field as it represents many lessons the Coast Guard had to learn the hard way in the early 1970s.

I do not ask for "special treatment" just prompt attention to a number of rather complex personnel problems. Many mariners are faced with loss of pay and loss of jobs if certain deadlines are not met. With the lack of follow through we have experienced from Captain Stalfort, it may no longer be possible for us to assist mariners with special problems or needs to work to solve their problems with the National Maritime Center if it remains under the command of this officer. While company representatives of certain towing companies at the latest TSAC meeting spoke highly of Captain Stalfort's control of the National Maritime Center, I find it necessary to take this opportunity to point out that I do not agree with that assessment. While I may be of the "old school," when I write a letter to a government official on official business, I expect to receive a definitive written reply or a copy of correspondence directed to that mariner within a reasonable time frame. I previously expected and received this level of attention from

Captain Fink and his deputy and in varying degrees from his predecessors. I expect this attention, not for myself, but on behalf of the mariners I represent ó mariners who pay user fees for the services they are supposed to receive.

I also have serious questions about the information and data that Captain Stalfort places on the NMC website and uses in various public presentations and the inability of the public to access information that supports these statistics. As an *example*, I submit [**Enclosure #3**] that represented one attempt to obtain information regarding **Items #1** and an item I subsequently marked as **Item #3** under the Freedom of Information Act.

If the ðNational Maritime Center is not obligated to maintain (the statistics) under any Federal Law or Agency Regulation,ö I would expect the respondent to my letter to cite the specific exemption and its source. Use of uncorroborated statistics or other information detracts from your Agency's believability as indicated in our Newsletter article emanating from [**Enclosure #3**]. It has discouraged further FOIA inquiries as I believe it was intended to do.

At the latest TSAC meeting held in Dania, Florida May 6th. and 7th., Captain Stalfort clearly identified **Item #3** as a ðTrusted Agent” program the NMC apparently has worked on for a considerable period. By short-circuiting our FOIA request, we believe that our Association and the entire array of mariners we represent were discriminated against because we were denied early input to a new program that directly affects most credentialed mariner that attends an academy, or Coast Guard approved course. As it turns out, our Association has serious problems with the limited information we picked up in Dania regarding the use of ðtrusted agents” to access or process private mariner information.

Frankly, Admiral Allen, I believe that the Coast Guard should have trained Captain Stalfort in how to handle routine correspondence from merchant mariners before it placed him in the role of Commanding Officer of an office that is entrusted with the credentials of every one of our nation's merchant mariners. I believe it now is incumbent upon you at this point to replace him as commanding officer of the National Maritime Center.

Very truly yours,



Richard A. Block
Master #1186377, Issue #9
Secretary, National Mariners Association



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[Formerly Gulf Coast Mariners Association, Founded in 1999.]

April 24, 2008

ATTN: Captain David C. Stalfort
Commanding Officer
U.S. Coast Guard National Maritime Center
100 Forbes Drive
Martinsburg, WV 25404

**ENCLOSURE #2
COPY**

Subject: Request for Status of License Application

I am writing this letter on behalf of Mr. Chris Wilson,

Mr. Wilson related to me that he submitted a license renewal application to REC Miami in June 2007 and paid the required fees. He mentioned that he had a medical problem related to Diabetes at the time of renewal but that he believed that he had cleared that issue to the satisfaction of the REC.

Mr. Wilson subsequently experienced a problem with alleged drug use that ended in a settlement agreement in which he surrendered his existing license to a Mr. Ray Robertson, an investigator in the Mobile Marine Safety Office. Mr. Wilson's existing license reportedly expired in January, 2008.

Mr. Wilson reports working on the water for the past 32 years, much of that time on towing vessels. He reports that he is completing drug counseling and evaluation within the next week and that he intends to pursue the path of administrative clemency to renew his license. We have furnished him information on Administrative Clemency that he can supplement as he works through the issue with Sector Mobile.

Mr. Wilson reports that his license file is "locked" and that he has been unable to gain any assistance from REC Miami which, we understand is preparing to transition to West Virginia.

Mr. Wilson seeks to determine the status of his license and, for planning purposes, whether he will be able to complete the renewal process he began last June and regain his license when he completes the Administrative Clemency process or whether he will be required to start from scratch and retest and go through the Apprentice Mate/Steersman and TOAR programs.

Please respond directly to Mr. Wilson in writing with a copy to this office.

Very truly yours,

Richard A. Block
Master #1186377, Issue #9
Secretary, National Mariners Association

The foregoing information is true and correct to the best of my knowledge and belief. I authorize the National Mariners Association to prepare this request on my behalf.

Signature

6/30/2009

**ENCLOSURE #3
COPY**

Dear Sir, My name is Chris A Wilson I have been working in the marine industry since 1976 starting as a diving instructor small boat operator for a dive shop in ft Lauderdale fl.

I joined the navy in 1978 served as a boson mate/ fire fighter till 1983, upon separation (honorable discharge) I obtained my merchant marine ticket and sailed on some foreign flagged vessels, joined the sea fairer maritime union and sailed AB for 4 years deep sea, during that time I tested for 100 gt master and worked part time on party boats. In 1989 I found a job full time on crew boats and continued to work on my licenses upgrading every 5 years till I finally received my 1600 gt master/master of towing. I have worked all over this country from the south to the north and great lakes

have worked on crew boats supply boats towing vessels offshore and inland even a 350 foot inland tanker running in the north east until 2008 Where my license expired. In June 2007 I started to renew my license for the 5th time thru Miami fl where it seemed that Miami sat on my application for a long time , In December 30th I was giving admin clemency for so called one year. For a positive urine test all though I felt it was in error (labs do make mistakes but not being a rich man I could not fight this). I met with a petty officer Ray Robertson who explained to me how it worked he told me that all I had to do was get counseling and take 12 random urine test and I would be done but after reading in depth I found that his explanation was false pot Ray Robertson just fed me a line of bull to get me to sign the paper work. Now this was the first time I ever had a positive urine test

in over 30 years of taking drug tests. In approximately march I contacted Capt. Richard block and explained my status with him where Capt. Block wrote a letter for me asking the national maritime center if could continue with my renewal after several months the medical section of the N.M.C. wrote me a very vague letter wanting some medical things done. My doctor with the veteran's admin dr Ruth mills treed to figure out what they wanted done so she set up the different appointments such as a stress test and so forth. Being that iam a type 2 diabetic and my A1C was high doing the triglycerides where thru the roof.

After completing the appointments I sent the results to the N.M.C, after several more months I received another letter asking for more medical procgers another stress test, cardiology, and mental health. After I was

thru I sent all the tests back to the N.M.C. where I never heard any more from the medical section.

I finally called the maritime center and talked to a Tim Sheffler who informed me that I was giving the medical waiver since Miami had completed the evaluation part and the medical part was completed the only thing left was the security check to complete my renewal but then I was informed that my renewal was "on hold" till was complete with the suspension. On hold should combine the time as well.

My original application was sent back to me in February 2009 with a letter saying that my app. had expired and I had to resubmit a new app. On April 23 2009 I completed my suspension and received my license and AB ticket back of cause the license is expired. I resubmitted a new application with another 50 dollars to Miami with a letter asking for

the six months back since I started my renewal six months early.

I also contacted my congressman Mr. Jeff Miller hoping he could help me to convince the coast guard to finish my renewal so could go back to work and earn a living again since this hole nightmare started have been trying to find a land job but since I have been a mariner all my life land companies don't know what it take to be a merchant marine officer, A supervisor person In charge of multy million dollar vessels and there cargo and the safety and welfare of the crews.

I still to this date can't get a strait answer from any one. I have since been evicted from my house and have to live on the street in a tent. Even if the coast guard says I can retest the might as well put a gun to my head.

I took the , test over 16 years ago the cost was over 500 dollars and had to study for over three months the school was not far from me back then now I have no money there is no school ant where near me so retesting would be imposible.Starting over at this late date,,,,,,,,,,,,,,,,,,,,, Any way I hope this letter helps thank you

Chris A Wilson

A handwritten signature in black ink, appearing to read 'Chris A Wilson', written in a cursive style.

To Richard block

From Chris Wilson

This letter is give Capt. Richard block
permission to speak for me and give any and all
help in regards to getting my license back

A handwritten signature in black ink, appearing to read "Chris a Wilson". The signature is stylized with a large, sweeping initial "C" and a long, horizontal stroke that loops back under the "a".

Chris a Wilson