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NATIONAL MARITIME CENTER AND MARINER CREDENTIALS

(111–47)

HEARING

BEFORE THE

SUBCOMMITTEE ON
COAST GUARD AND MARITIME TRANSPORTATION

OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

July 9, 2009

Printed for the use of the
Committee on Transportation and Infrastructure



U.S. GOVERNMENT PRINTING OFFICE

50–974 PDF WASHINGTON : 2009

For sale by the Superintendent of Documents, U.S. Government Printing Office
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July 8, 2009

SUMMARY OF SUBJECT MATTER

TO: Members of the Subcommittee on Coast Guard and Maritime Transportation

FROM: Subcommittee on Coast Guard and Maritime Transportation Staff

SUBJECT: Hearing on "National Maritime Center and Mariner Credentials"

PURPOSE OF THE HEARING

The Subcommittee on Coast Guard and Maritime Transportation will meet on Thursday, July 9, 2009, at 10:00 a.m., in room 2167 of the Rayburn House Office Building to receive testimony regarding the National Maritime Center (NMC) and Merchant Mariner Credentials (MMC).

BACKGROUND

Over the past 18 months, the Coast Guard has made significant changes in the processes it utilizes to issue professional credentials to U.S. merchant mariners.

During 2008, the Coast Guard centralized within the NMC all of the credential processing services that were previously provided at 17 Regional Exam Centers (REC). The NMC opened at its current location in Martinsburg, West Virginia, on January 7, 2008.

On September 15, 2008, the Coast Guard issued new guidelines to govern the review of medical information provided by a mariner as part of his/her application for an initial credential, the renewal of a credential, or the upgrade of a professional qualification.

Finally, the Coast Guard has consolidated the variety of individual mariner licenses and endorsements that it previously issued into a new MMC, which resembles a passport; within that booklet, all of the individual credentials a mariner has earned are recorded. The Coast Guard began issuing the MMC on April 15, 2009.

This hearing will review each of these recent changes in the merchant mariner credentialing process, including examining the extent to which these changes have slowed the issuance of MMCs.

I. NATIONAL MARITIME CENTER

During 2008, the merchant mariner credentialing services that were previously provided at 17 RECs located across the country were consolidated at the NMC. The RECs continue to operate – but they now serve only as "storefronts and advocates" for merchant mariners.[1] The decision to consolidate all mariner credentialing services at the NMC was made in an effort to resolve the criticisms leveled against the provision of credentialing services through the RECs. The Coast Guard has acknowledged that when credentialing services were handled by the RECs, these centers did not provide a standardized service; each REC interpreted the regulations governing credentialing (including those governing the assessment of a mariner's medical fitness for duty) differently. Additionally, the RECs were often so focused on completing their workloads – processing credential applications and producing credentials – that they provided only minimal customer services to mariners. One report indicates that because of the autonomy of individual RECs, "the practice of 'venue' shopping was rampant among mariners who, when turned down for one reason or another at one location, would travel to another REC to try again."[2]

At the present time, it is not necessary for an individual seeking an MMC to personally visit an REC (unless the individual needs to complete an exam to demonstrate the professional knowledge required to receive a credential); instead, the individual needs only to mail to the REC the credential application (with all required accompanying paperwork) and proof that fees have been paid (typically, they are paid via the Internet).[3] The REC assesses each application for completeness and, after obtaining all forms initially required to support an application, forwards those materials to the NMC for processing. Individuals wishing to apply for a mariner credential at an REC in person can make an appointment using an on-line link on the NMC's website. RECs do continue to administer tests to mariners once the NMC has approved the mariner to take an exam for a particular credential.

The NMC and the RECs employ about 350 individuals, including civilian government employees, contractors, and 18 military members. The NMC is directed by a Coast Guard Captain who also holds an MMC with endorsements. The Coast Guard indicates that there are 180 contractors assigned to the NMC and to several of the RECs at the present time and that contractor support for the mariner credentialing program and the NMC is costing more than $14.4 million. A breakdown of these costs is provided below:

- Professional Qualifications of Mariner Applicants: $5,124,110
- Security Suitability Evaluations of Mariner Applicants: $3,289,000
- Medical Fitness for Duty of Mariner Applicants: $1,789,435
- Mariner Information Call Center: $1,336,687
- Records Management: $2,381,135
- REC Charleston Records Archive Project: $55,715

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[1] Coast Guard, "Coast Guard Unveils National Maritime Center," (2008).
[2] Joseph Keefe, "Earning Back the Trust: One Mariner at a Time," *The Maritime Executive* (2007), at 37.
[3] Coast Guard, "Clarifications to Merchant Mariner Credential Processing," (2009).

- Quality Assurance: $430,071

The 60,000-square-foot NMC facility is a "green building," having received the silver certification from the Leadership in Energy and Environmental Design (LEED). The building is owned by JDL Martinsburg LLC and is leased from that company by the Coast Guard; this lease is reported by the Coast Guard to have a total cost of $30 million over the next 20 years.[4]

To ensure effective customer service, the NMC operates a Call Center that is open daily from 8:00 a.m. to 8:00 p.m. (thus accommodating mariners calling from the West Coast). The Center has a staff of 24 individuals who are responding to approximately 26,000 phone and email contacts on a monthly basis. The Call Center is able to give real-time updates to mariners on the status of their applications.

The Coast Guard has revised and updated its website to provide current information regarding the transition to the NMC as well as the introduction of the MMC. The website receives approximately 60,000 visitors per month; mariners can also track the status of their applications on-line (this function receives approximately 35,000 visitors a month).

The NMC also houses the Merchant Mariner Training Course Approval and Oversight Program (Program), which is responsible for developing each of the exams that mariners take to prove competence for a specific credential. The Program also approves the curriculums taught by the nation's approximately 270 maritime training course providers and reviews the qualifications of course instructors. Staff members of this Program audit training course providers at least once every five years and conduct periodic spot checks to ensure compliance with training standards. Oversight of mariner instruction courses was also previously decentralized among the RECs.

II. MERCHANT MARINER CREDENTIALS

The Coast Guard estimates that there are approximately 216,000 individuals who hold some type of professional merchant mariner credential. In the past, the Coast Guard could issue to a mariner any one of four different types of credentials:

- Merchant Mariner's Document – issued to individuals who served as rated or non-rated personnel on vessels (e.g., Ordinary Seaman, Wiper, Able Seaman etc.);
- Merchant Mariner's License – issued to deck and engineering offers (e.g., Captain, First Mate, Chief Engineer etc.);
- Certificate of Registry – issued to staff officers (e.g., Ship's Doctor or Professional Nurse); and
- The Convention on the Standards of Training, Certification, and Watchkeeping (STCW) Endorsement[5] – issued to show compliance with a specific qualification under the Standards of Training, Certification and Watchkeeping for Seafarers Convention.

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[4] Coast Guard, "Coast Guard Unveils National Maritime Center," (2008).

[5] STCW is an international convention established in 1978 (and entered into force in 1984) to create uniform training and certification standards for merchant mariners. The STCW was significantly reformed by amendments adopted in 1995 (which entered into force on February 1, 1997); all mariners were required to comply with the Amendments by February 1, 2003. U.S. mariners are subject to the 1995 Amendments if they sail beyond the U.S. boundary line (the boundary line separates the bays, harbors, and other inland waters from the ocean) on commercial vessels, even if the

Previously, these various documents, licenses, and endorsements were single pieces of paper which typically resembled diplomas; an individual who held a variety of credentials would be required to carry each piece of paper at all times while he/she was working as a merchant mariner.

On March 16, 2009, the Coast Guard published a final rule which took effect on April 15, 2009, creating a single MMC. The MMC resembles a passport and consolidates all of the qualifications earned by a mariner into a single document; as new qualifications are earned, they are affixed to the MMC as individual endorsements. The Coast Guard will issue domestic endorsements (including 43 officer endorsements (per 46 CFR 10.109(a)) and 17 rating endorsements (per 46 CFR 10.109(d)) and international/STCW endorsements (14 endorsements are provided under 46 CFR 10.109(d)).[6]

Previously, a mariner applying for a merchant mariner credential of any type had to visit an REC to provide their fingerprints and other personal data to the Coast Guard. However, such information is now provided to the Coast Guard by the Transportation Security Administration (TSA) after it is collected by TSA at the time the mariner applies for the Transportation Workers Identification Credential (TWIC). Under 46 U.S.C. § 70105, all individuals who hold a mariner credential must also hold a valid TWIC (regulations requiring mariners to comply with TWIC carriage requirements went into effect on April 15, 2009). The Coast Guard will not issue any credential to an individual who has not been approved to hold a TWIC; additionally, the Coast Guard will not accept a credential application from anyone who has not completed an application for a TWIC.[7]

When a person applies for a TWIC, the applicant has the opportunity to identify "mariner" as the applicant's occupation. The TSA automatically transmits to the Coast Guard the data provided by applicants who self-identify as mariners. However, information on those individuals who did not self-identify as mariners at the time they applied for a TWIC was not automatically transmitted to the Coast Guard in the first few weeks after April 15, 2009 – slowing the processing of some new and renewal MMC applications. The Coast Guard indicates it has worked with TSA to resolve this issue and ensure that mariners' data is provided to the NMC.

The issuance fee for an MMC is $45; additional fees are assessed for credential evaluations and examinations – and these vary depending on the type of credential sought. However, at the time the MMC is issued, a mariner must pay only one issuance fee and the highest single evaluation fee for any endorsements for which the applicant applies, regardless of the total number of endorsements for which the mariner applies.[8] Additional fees are assessed when subsequent endorsements are sought for an existing MMC. MMCs are valid for five years and the endorsements affixed to them remain valid so long as the MMC is valid.

When a mariner submits an application for a credential and/or license, the REC conducts an initial evaluation of the application to assess completeness of the application. On a daily basis, the

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vessel is not on a voyage to a foreign country. Mariners are exempt from the requirements if they sail on vessels less than 200 gross tons on domestic voyages that begin and end in a U.S. port.

[6] Coast Guard, "Merchant Mariner Credential Terminology," (2009).

[7] Coast Guard, "Relationship Between the MMC and TWIC," (2009).

[8] Coast Guard, "New User Fees for Merchant Mariner Merchant Mariner Credentials," (2009).

RECs package the applications and send them to the NMC via commercial shipping services. The NMC receives approximately 300 applications a day.

Once the NMC receives the applications, they are logged into the NMC tracking system. The mariner's application is sent then for a security/safety screen (to assess whether the mariner might pose a safety risk based on prior convictions for such offenses as drunk driving or drug possession (see 46 C.F.R. §§ 10.211, 10.213]). Once the mariner passes the safety/security screen, he/she is subjected to a medical screening – and those applicants who have medical conditions that are subject to additional scrutiny (see below) are subjected to a more detailed medical screening; if necessary, clarifying information on a medical condition can be sought from a mariner and his/her physician.

A mariner is also screened to determine whether the he or she meets the professional qualification for the credential sought; if necessary, the mariner is then approved to take an exam to demonstrate professional knowledge (such exams are administered at the RECs and mariners have up to one year to take an exam once they are approved to test for a credential). If no exam is required and all other conditions for a credential are met, the MMC is printed at the NMC and sent to the mariner in the mail (additional quality screenings may be conducted during the application review process).

III. MARINER MEDICAL STANDARDS

All who apply for a credential (whether a first-time application or a renewal application) as an officer, able seaman, member of a rating forming part of a navigation or engineering watch, or qualified member of the engine department must submit the results of a general medical examination at the time they apply for a new or renewal MMC application. The results of a new physical examination must also be submitted whenever a raise in grade of a credential (such as from First Mate to Captain) is sought. If no raises in grade are sought during the five-year validity of a credential, an individual does not need to submit the results of a medical examination again until the next renewal of the MMC is sought. Further, a credentialed mariner is not required by statute or regulation to notify the Coast Guard of a change in a medical condition (or the emergence of a new condition) between MMC renewal periods.

Per 46 U.S.C. § 7101(e), a person may be licensed as a pilot for a vessel of more than 1,600 gross tons only if the person is over 21 years of age, is "of sound health and has no physical limitations that would hinder or prevent the performance of a pilot's duties," and "has a thorough physical examination each year while holding the license."

Under 46 C.F.R. § 10.709, the Coast Guard implemented 46 U.S.C. § 7101(e) by requiring that "[e]very person holding a license or endorsement as a first class pilot shall have a thorough physical examination each year while holding the license or endorsement." However, this rule as in effect prior to the Staten Island Ferry allision (see below) stated that the "the record of the examination need not be submitted to the Coast Guard" except "[u]pon request."

Staten Island Ferry Allision

On October 15, 2003, the Staten Island Ferry *Andrew J. Barberi*, a large passenger vessel owned and operated by the New York City Department of Transportation (NYDOT) carrying 1,500

passengers, crashed into a concrete pier near St. George, Staten Island, killing 11 passengers and injuring 70 others.[9] The crash tore a 210-foot long gash into the main deck of the vessel on the ferry's starboard side, where passengers had already crowded in anticipation of disembarking once the vessel moored.

On board the vessel was the captain, assistant captain, two mates, two oilers, seven deckhands, a chief engineer and an assistant engineer.[10] At the time of the allision, the only people in the pilothouse were the assistant captain, who was steering the vessel, and the senior mate who was sitting behind the assistant captain reading the newspaper. The Captain was not in the pilothouse at the time of the allision.

At the time of the accident, the assistant captain, Mr. Richard Smith, was standing upright but was unresponsive for one to two minutes before the accident occurred. The cause of his incapacitation could not be determined, but a flight surgeon testified to the NTSB that the possible cause of the unresponsiveness could have been a mini stroke or a temporary disturbance of blood supply the brain, also known as a Transient Ischemic Attack (TIA).[11]

Prior to the accident, Mr. Smith had been diagnosed with high blood pressure, back pain, insomnia, high cholesterol, heart abnormalities, and coronary heart disease. To treat his conditions, he took prescription and over-the-counter medications. Mr. Smith had also been prescribed a prescription sedative marketed under the trade name Ambien and he had been prescribed tramadol, a prescription narcotic-like analgesic.[12] Mr. Smith admitted that he was taking tramadol and Tylenol PM, both of which cause drowsiness and both of which were in his system at the time of the accident.[13] The assistant captain was also taking medication for high blood pressure and several other medications related to recent dental work.[14]

It was later discovered that the assistant captain and his physician had knowingly submitted false medical information to the Coast Guard regarding the assistant captain's medical conditions and treatment.[15] The NTSB concluded that the false information did not give the Coast Guard an opportunity to evaluate Mr. Smith's medical fitness to maintain his mariner license.[16] Mr. Smith later pleaded guilty to knowingly submitting false information to the Coast Guard and was charged with manslaughter. Mr. Smith told the court that he didn't report his medications to the Coast Guard because he was afraid it would jeopardize his job.[17] After pleading guilty to manslaughter on August 4, 2004, Mr. Smith was sentenced to 18 months in prison on January 10, 2006.

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[9] National Transportation Safety Board (NTSB); "Allision of the Staten Island Ferry Andrew J. Barberi St George, Staten Island, New York, October 15, 2003;" Marine Accident Report, NTSB/MAR-05/01, Executive Summary and at 1.
[10] *Id.*, at 1.
[11] "NTSB Finds Pilot Blackout, City To Blame In Ferry Accident," *Marine Log*, April 1, 2005.
[12] NTSB; "Allision of the Staten Island Ferry *Andrew J. Barberi*, St George, Staten Island, New York, October 15, 2003;" Marine Accident Report, NTSB/MAR-05/01, at 13.
[13] Mike Hvozda, "NYC ferry assistant captain pleads guilty to manslaughter, lying," *USA Today*, (August 4, 2004).
[14] NTSB; "Allision of the Staten Island Ferry Andrew J. Barberi St George, Staten Island, New York, October 15, 2003;" Marine Accident Report, NTSB/MAR-05/01, at 14.
[15] *Id.*, at 58.
[16] *Id.*
[17] Mike Hvozda, "NYC ferry assistant captain pleads guilty to manslaughter, lying," *USA Today*, (August 4, 2004).

At the time of the accident, the Coast Guard did not maintain a list of prohibited medications.[18] The Coast Guard's practice was to grant a waiver for the use of a medication if the treating physician believed the medication adequately controlled the condition for which it was prescribed without causing side effects. However, the Coast Guard's senior medical official considered some medications, such as those for sleep disorders and narcotics, disqualifying for a mariner's fitness.[19]

During the NTSB investigation, the Coast Guard's senior medical officer, who ultimately makes the final determination of a mariner's medical qualification to receive a license, told the investigators that he didn't have any formal training in occupational medicine. The NTSB stated the lack of formal training was discouraging since the senior medical officer is the final authority in the Coast Guard's mariner medical oversight process.[20]

In the Marine Accident Report of the allison, among the NTSB recommendations, the following were related to the Coast Guard's medical procedures:

1. Revise regulation 46 C.F.R. § 10.709 to require that the results of all physical examinations be reported to the Coast Guard, and provide guidance to mariners, employers, and mariner medical examiners on the specific actions required to comply with these regulations (M-05-04).

2. In formal consultation with experts in the field of occupational medicine, review your medical oversight process and take actions to address, at a minimum, the lack of tracking of performed examinations; the potential for inconsistent interpretations and evaluations between medical practitioners; deficiencies in the system of storing medical data; the absence of requirements for mariners or others to report changes in medical condition between examinations; and the limited ability of the Coast Guard to review medical evaluations made by personal health care providers (M-05-05).[21]

On September 28, 2006, the Coast Guard published a notice in the Federal Register indicating that it was "exercising authority currently set forth in Coast Guard regulations to require all first class pilots on vessels greater than 1600 GRT [gross registered tons], and other individuals who 'serve as' pilots on certain types of vessels greater than 1600 gross registered tons, to provide a copy of their annual physical exam to the Coast Guard."[22] In that notice, the Coast Guard instructed pilots to submit their physical examination report to an REC. The notice further stated that the "report of physical examination will be reviewed by the Coast Guard in accordance with the standards in 46 C.F.R. § 10.205(d), as supplemented by the guidance contained in Navigation and Vessel Inspection Circular [NVIC] 2-98."[23]

On September 28, 2006, the Coast Guard also announced the availability of "a draft Navigation and Vessel Inspection Circular [NVIC] to replace the existing NVIC 2-98;" according to

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[18] *Id.*, at 45.
[19] *Id.*
[20] *Id.*, at 60.
[21] *Id.*, at 73
[22] 71 Fed. Reg. 56,999 (Sept. 28, 2006).
[23] *Id.*

the notice, the draft NVIC "contains revised guidelines for evaluating the physical and medical condition of applicants for . . . credentials."[24]

Allision of the Cosco Busan *with the San Francisco-Oakland Bay Bridge*

On November 7, 2007, the *M/V Cosco Busan* "allided with the fendering system at the base of the Delta tower of the San Francisco-Oakland Bay Bridge," resulting in a spill of about 53,500 gallons of fuel oil into San Francisco Bay.[25]

According to the Coast Guard's "Report of Investigation Into the Allision of the COSCO BUSAN with the Delta Tower of the San Francisco-Oakland Bay Bridge in San Francisco Bay on November 7, 2007," written by the Senior Investigating Officer of Coast Guard Sector San Francisco, "[t]he cause of this casualty was the failure of the pilot of the COSCO BUSAN to properly direct the movement of the vessel, as he navigated it at a high, unsafe speed in near zero visibility, failed to properly monitor the vessel's position and progress, and lost situational awareness, and the failure of the master of the COSCO BUSAN to adequately monitor the navigational actions of the pilot and to maintain sufficient situational awareness to question or correct navigational errors made by the pilot."[26] The Coast Guard's report notes that "[t]here is substantial evidence that the pilot has significant health problems and takes medications that individually had the potential to medically disqualify him to hold Coast Guard-issued Merchant Mariner Credentials."[27] Further, the Coast Guard report states, "[t]here is evidence that the Coast Guard's procedures for review of annual pilot physicals at the time of the accident were inadequate. After publication of the Federal Register notice requesting pilots to submit their annual physicals, the NMC did not issue new policy or work instructions specifically for review of these physicals."[28]

In its report on the *Cosco Busan* allision, the NTSB stated that "the probable cause of the allision . . . was the failure to safely navigate the vessel in restricted visibility as a result of (1) the pilot's degraded cognitive performance from his use of impairing prescription medications, (2) the absence of a comprehensive pre-departure master/pilot exchange and a lack of effective communication between the pilot and the master during the accident voyage, and (3) the master's ineffective oversight of the pilot's performance and the vessel's progress."[29] One of the contributing factors that the NTSB identified was "the U.S. Coast Guard's failure to provide adequate medical oversight of the pilot in view of the medical and medication information that the pilot had reported to the Coast Guard."[30]

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[24] *Id.*, at 56,998.
[25] NTSB, "Allison of Hong Kong-Registered Containership *M/V Cosco Busan* with the Delta Tower of the San Francisco-Oakland Bay Bridge, San Francisco, California, November 7, 2007," Marine Accident Report NTSB/MAR-09/01, at 1.
[26] Coast Guard, "Report of Investigation Into the Allision of the COSCO BUSAN with the Delta Tower of the San Francisco-Oakland Bay Bridge in San Francisco Bay on November 7, 2007," at 28-29.
[27] *Id.*, at 29.
[28] *Id.*, at 29.
[29] NTSB, "Allison of Hong Kong-Registered Containership *M/V Cosco Busan* with the Delta Tower of the San Francisco-Oakland Bay Bridge, San Francisco, California, November 7, 2007," Marine Accident Report NTSB/MAR-09/01, at 135-136.
[30] *Id.*, at 136.

According to the Coast Guard's *Cosco Busan* report, the San Francisco REC had "provided licensing services to Captain [the Coast Guard report blacks out the name of the pilot on the *Cosco Busan* at the time of the accident wherever it occurs in the report – but other sources have identified the pilot as John Cota[31]] for his Coast Guard-issued Merchant Mariner's Credentials."[32] The Captain's renewal application dated July 26, 1999, included a physical exam report "that documented health issues that required medical evaluation by the NMC."[33] According to the Coast Guard's report, "[t]he REC evaluator forwarded the 1999 physical to the NMC for medical evaluation as required by the MSM" and "[o]n November 30, 1999, an employee of the NMC sent an e-mail to the REC stating, 'A waiver is granted for Mr. Captain [blacked out] condition. Please include a waiver statement on his license when it is issued.'"[34] The Coast Guard report indicates that the REC "interpreted this e-mail to mean that all conditions documented on the CG-719K [Coast Guard's merchant mariner physical examination report] were waived. The REC did not place a waiver statement on Captain [blacked out] license as requested in the e-mail and as required by Section 4.F. of the MSM [Marine Safety Manual]. The waiver statement should have read, "Any deterioration of a waivered medical condition shall be immediately reported to the nearest REC."[35]

In an application dated January 30, 2004, Captain Cota again applied for a renewal of his license. According to the Coast Guard report, the physical evaluation form that accompanied the renewal application "documented changes in Captain [blacked out] health, but was not submitted to the NMC for review" and the Captain's license "was re-issued, again without a waiver statement" and the "evaluator did not request a medical review from the NMC before re-issuing the license."[36]

In accordance with the Coast Guard's September 2006 notice that all pilots should submit the results of their annual physicals, the Coast Guard's *Cosco Busan* report indicates that Captain Cota did submit to the service the results of his annual exam dated January 18, 2006.[37] However, according to the Coast Guard's *Cosco Busan* report, "[t]here is no evidence in the file or in the Merchant Mariner Licensing and Documentation (MMLD) System that the physical was reviewed by an evaluator at REC San Francisco, nor were there any records indicating the physical was sent to the NMC for a medical review;" however, the Coast Guard notes in its *Cosco Busan* report that at that time, "there were no specific policies or work instructions requiring an entry into the MMLD system, or any other method of recording review of annual physicals."[38]

On January 19, 2007, Captain Cota submitted his annual physical results to the NMC; however, the Coast Guard *Cosco Busan* report notes that "this physical included significant information affecting Captain [blacked out] qualifications as a pilot that were potentially disqualifying, and should have been referred to the NMC for medical evaluation."[39] Nonetheless, "[t]here was no evidence in the file or in the MMLD that the physical was reviewed by an evaluator

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[31] Carl Nolte, "Cosco Busan Pilot John Cota to Retire," *San Francisco Chronicle,* (July 2, 2008).
[32] Coast Guard, "Report of Investigation Into the Allision of the COSCO BUSAN with the Delta Tower of the San Francisco-Oakland Bay Bridge in San Francisco Bay on November 7, 2007," at 22.
[33] *Id.*
[34] *Id.*
[35] *Id.*
[36] *Id.*
[37] *Id.*
[38] *Id.*, at 23.
[39] *Id.*, at 23.

at REC San Francisco, and there was no record of the physical being sent to the NMC for a medical review."

As previously discussed, the NTSB made a number of recommendations to improve the Coast Guard's oversight of mariner fitness for duty following the Staten Island Ferry *Andrew J. Barbieri* accident. In its report on the *Cosco Busan*, the NTSB states that it "has reviewed NVIC 04-08 and has found it responsive to much of what the Safety Board called for in Safety Recommendation M-05-5."[40] The NTSB also commends the Coast Guard's centralization of the review of mariner medication evaluation results.[41]

However, the NTSB notes that the Coast Guard "has not . . . taken action with regard to one deficiency noted in Safety Recommendation M-05-5, that is, the lack of a requirement for mariners to report changes in their medical condition between examinations."[42] The NTSB notes that the period between required medical evaluations for mariners other than pilots is five years – a period during which the NTSB says "considerable changes in a mariner's medical status or medication use can take place."[43] The NTSB also notes that "[t]he absence of a requirement mandating the reporting of substantive changes in medical condition or medication use can thus allow a mariner with known potential for cognitive or physical performance degradation to serve in a safety-critical position on a vessel in any U.S. waterway."[44]

Navigation and Vessel Inspection Circular 04-08

On September 15, 2008, the Coast Guard issued the final version of Navigation and Vessel Inspection (NVIC) 04-08, which "provides guidance for evaluating the physical and medical conditions of applicants for merchant mariner's documents (MMDs), licenses, certificates of registry and STCW endorsements, collectively referred to as 'credentials.'"[45] NVIC 04-08 replaced NVIC 2-98 and two earlier NMC policy letters (11-98 and 4-99) regarding mariner medical issues.

Under NVIC 04-08, a mariner's medical examination can be conducted by any licensed physician, physician's assistant, or nurse practitioner.[46] NVIC 04-08 states that "Medical personnel who conduct examinations of applicants for credentials, and Coast Guard personnel who review applications for credentials should use the information in this NVIC to ensure a complete and appropriate physical exam is conducted."[47]

The Coast Guard notes that the NVIC "details the specific medical conditions that may be subject to further review, and the recommended data for evaluation of each condition to determine fitness for services. It also details physical ability guidelines and acceptable vision and hearing

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[40] NTSB, "Allison of Hong Kong-Registered Containership *M/V Cosco Busan* with the Delta Tower of the San Francisco-Oakland Bay Bridge, San Francisco, California, November 7, 2007," Marine Accident Report NTSB/MAR-09/01, at 122.
[41] *Id.*, at 122.
[42] *Id.*
[43] *Id.*
[44] *Id.*
[45] Coast Guard; "Navigation and Vessel Inspection No. 04-08;" (2008), at 1.
[46] *Id.*, Enclosure 1, at 3.
[47] *Id.*, at 2.

standards. The specificity of this NVIC is necessary to reduce the subjectivity of the physical and medical evaluation process and promote more consistent evaluations."[48]

Enclosure 4 addresses medications utilized by mariners. It states that "[c]redential applicants who are required to complete a general medical exam are required to report all prescription medications prescribed, filled or refilled and/or taken within 30 days prior to the date that the applicant signs the CG-719K or approved equivalent form. In addition, all prescription medications, and all non-prescription (over-the-counter) medications including dietary supplements and vitamins, that were used for a period of 30 or more days within the last 90 days prior to the date that the applicant signs the CG-719K or approved equivalent form, must also be reported."[49]

At the present time, the NMC receives every physical report submitted by a mariner. Each report is subjected to an initial "pre-screening" conducted by a medical technician to identify those reports that indicate a mariner has a medical condition that requires closer examination to assess fitness for duty. Those found to need additional screening are reviewed by a medical professional such as a physician's assistant or nurse practitioner.

Enclosure 3 provided with NVIC 04-08 lists 201 medical conditions subject to further review together with recommended evaluation data that the medial practitioner examining a mariner who has one of the conditions should collect. In those cases in which the NMC has not received enough data to enable an adequate assessment of the mariner's fitness for duty, the NMC will request additional information from the mariner and his/her physician.

The Coast Guard reports that the top five grounds for denial of a credential are:

- Implantable cardiac defibrillators – cardiomyopathy;
- Medications – chronic use of narcotics/amphetamines/benzodiazepines (xanax, valium etc.);
- Uncontrolled diabetes;
- Mental health issues – psychotic disorders and uncontrolled bipolar disorder; and
- Uncontrolled sleep disorders.[50]

Enclosure 6 provided with NVIC 04-08 outlines the medical review process which "applies to mariners who do not meet the physical or medical standards for a credential as contained in references (a) through (d) and/or who have a medical condition specified in this NVIC."[51] According to Enclosure 6, "[t]he NMC will review all medical or physical conditions subject to further review."[52] Enclosure 6 indicates that a variety of information will be reviewed to determine the applicant's fitness for duty; the enclosure further indicates that "[i]n all cases, the information should include a narrative from the cognizant medical practitioner describing the condition(s), prognosis, any restrictions, medications prescribed for the condition(s), and any side effects from the medications that the applicant may experience."[53] After reviewing the relevant information, the

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[48] *Id.*
[49] *Id.*, Enclosure 4, at 1.
[50] Coast Guard, "A Mariner's Guide to NVIC 04-08: Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials."
[51] *Id.*, Enclosure 6, at 1.
[52] *Id.*
[53] *Id.*

NMC will determine whether the individual is medically fit to hold a credential, or whether the person should receive a medical waiver (and/or whether "limitations and/or other conditions for issuance of the credential" should be applied).[54]

> Medical waivers for merchant mariners are addressed in 46 C.F.R. § 10.215(g), which states:
>
> Where an applicant does not possess the vision, hearing, or general physical condition necessary, the Coast Guard, after consultation with the examining licensed physician, licensed physician assistant, or licensed nurse practitioner may grant a waiver if extenuating circumstances warrant special consideration. An applicant may submit to the Coast Guard additional correspondence, records, and reports in support of a waiver. In this regard, recommendations from agencies of the Federal Government operating government vessels, as well as owners and operators of private vessels, made on behalf of their employees, will be given full consideration. Waivers are not normally granted to an applicant whose corrected vision in the better eye is not at least 20/40 for deck officers or 20/50 for engineer officers.

Importantly, NVIC 04-08 Enclosure 6 indicates that if a waiver is granted "certain conditions may be placed on the mariner in order to maintain the wavier;"[55] however, nothing indicates that conditions are necessarily placed on a mariner when a waiver is granted. Enclosure 6 continues that if conditions are placed, "[t]hese conditions may include, at a minimum, that any deterioration of a waivered medical condition shall be immediately reported to the Coast Guard," and that "[w]here the condition is progressive, the waiver may require the mariner to submit medical exams and/or tests at varying intervals to track the ongoing status of the waivered medical condition."[56] However, mariners "have the right to appeal any conditions placed on a waiver in accordance with 46 C.F.R. subpart 1.03."[57] If the mariner does not comply with the conditions placed on the waiver or if the medical condition for which the waiver was granted deteriorates, the Coast Guard can take administrative action against the credential, including seeking the suspension or revocation of the credential.[58]

If at the time a person applies for a new or renewal MMC the Coast Guard determines the applicant is medically unfit to hold the credential, the Coast Guard will not issue or renew the credential. The Coast Guard has indicated that during from the beginning of 2009 through July 2, 2009, 96 mariners have been denied a credential because they were deemed medically unfit for duty. Importantly, the Coast Guard has reported that for each of these mariners, the examining medical professional had checked the box on the physical report form indicating that the mariner was "competent" for duty. As of July 7, the Coast Guard has received five appeals related to the denial of a credential due to medical conditions. Of these appeals, one has been granted, while one has been denied; the three other cases are currently under review.

As previously discussed, mariners who hold a credential to serve as pilot of a vessel over 1,600 gross tons are required to submit the results of an annual physical. However, while the NMC

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[54] *Id.*, at 2.
[55] *Id.*
[56] *Id.*
[57] *Id.*, at 3.
[58] *Id.*

is creating a centralized database of credentialed mariners as it issues MMCs – and the database will be searchable by type of credential – it will be five years until all existing credentials are renewed (and re-issued as MMCs), and thus five years until the database is fully populated. At the present time, the Coast Guard does not have the ability to identify at any given time those pilots who have not submitted the results of their annual physical – or to remind pilots that a physical is due. Pilots who do not submit their required annual physical results are subjected to penalties after the failure to submit is identified.

Because a pilot's credential remains valid for five years (like all credentials), if at the time a pilot submits the results of an annual physical exam the pilot is determined to be medically unfit for duty, the Coast Guard must initiate suspension and revocation proceedings against the pilot's credential (46 U.S.C. § 7703(5)). The license, certificate of registry, or MMD may be reissued to the mariner if the Secretary decides that the issuance is compatible with the requirement of good discipline and safety at sea, and the mariner provides satisfactory proof that the bases for revocation are no longer valid.[59] The Coast Guard has indicated that suspension and revocation procedures have been initiated against four pilots in 2009 due to medical conditions that may render them unfit for duty.

On June 10, 2009, the Coast Guard published a notice in the Federal Register indicating that it is "establishing the Merchant Mariner Medical Advisory Committee (MMMAC) under authority of 6 U.S.C. § 451."[60] According to the notice, the MMMAC "will be established as a discretionary advisory committee" that will "advise, consult with, and make recommendations to the Secretary [of Homeland Security] on matters relating to the medical evaluation process and evaluation criteria for medical certification of merchant mariners."[61] The MMMAC will meet at least once a year and it may establish subcommittees and working groups that may meet to consider specific issues.[62] The MMMAC will be comprised of 14 members, 10 of whom "shall be health-care professionals with particular expertise, knowledge, or experience regarding the medical examination of merchant mariners or occupational medicine," and four of whom "shall be professional mariners with knowledge and experience in mariners' occupational requirements."[63]

IV. CREDENTIAL PROCESSING BACKLOG

Since the consolidation of mariner credentialing services at the NMC, a significant backlog in the processing of these credentials has developed. Initially, during the early part of 2009, the backlog was due to slow throughput of applications through the medical evaluation process. In a report issued on April 9, 2009, the Coast Guard indicated that the NMC's average processing time for medical evaluations had been more than 90 days in February 2009; that number was reduced to 19 days by April 2009.[64] The Coast Guard indicates that the average processing time through the medical review process is currently about five days and the processing backlog in the medical evaluation stage has now essentially been resolved after personnel resources were "surged" to expedite the medical review process.

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[59] 46 U.S.C. § 7701
[60] 74 Fed. Reg. 27,557 (June 10, 2009).
[61] *Id.*
[62] *Id.*
[63] *Id.*
[64] Coast Guard, "Medical Evaluation Processing Time – A Measured Success," (2009).

However, at approximately the same time the backlog in medical reviews was resolved, the NMC began the process of issuing MMCs – and encountered glitches in software and related problems that slowed the physical production of credentials. Seasonal fluctuations – including mariners seeking credentials for summer employment and early applications concomitant to the TWIC compliance date of April 15, 2009 – contributed significantly to the backlog. Additionally, a significant backlog has now developed in the review of applications by professional evaluators, who examine applications to ensure that an applicant meets all the criteria (such as sea service and successful completion of required exams) for a specific credential. Subcommittee staff who visited the NMC on July 2 were informed that approximately 6,800 applications were awaiting review by a professional qualification evaluator. NMC staff indicated that they hoped to resolve this backlog – while completing all normal daily workloads – by the end of September 2009.

In a report on credential processing times issued by the Coast Guard on January 22, the service indicated that the average gross processing time (meaning the full length of time required to process an application, including the time required by the Coast Guard to move the application through all required reviews as well as time spent waiting for a mariner to respond to requests for additional information or to take an exam) totaled 83 days between July 2008 and January 2009; the median gross processing time was 52 days – meaning that "50% of the credentials issued during this period were processed in 52 days or less."[65] Looking just at the time that it took the Coast Guard to move an application through the evaluation process – and excluding all time spent waiting for a mariner to respond to a request for additional information or to take an exam that the mariner had been approved to take – the Coast Guard reported that its average processing time was 41 days, and that 50 percent of credentials were processed in 31 or fewer days.[66]

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 23, 2009 was 80 days, while the median gross processing time was 54 days (50 percent of credentials processed during that period were processed in 54 or fewer days).[67] That same report indicated that the length of time required by the Coast Guard to process an application (and excluding time spent waiting for a mariner to respond to a request for additional information or to take an examination) was 48 days, and only 35 percent of credential applications were being completely processed in 30 or fewer days.[68]

PREVIOUS COMMITTEE ACTION

The Subcommittee on Coast Guard and Maritime Transportation met on November 19, 2007, in San Francisco, California, to receive testimony regarding the allision of the *Cosco Busan* with the San Francisco-Oakland Bay Bridge on November 7, 2007.

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[65] Coast Guard, "Mariner Licensing and Documentation (MLD) Quarterly Credential Evaluation Report," January 22, 2009, at 1.
[66] *Id.*, at 2.
[67] Coast Guard, "Mariner Licensing and Documentation (MLD) Quarterly Credential Evaluation Report," June 29, 2009, at 1.
[68] *Id.*, at 2.

On April 10, 2008, the Subcommittee on Coast Guard and Maritime Transportation met to receive a report from the Department of Homeland Security's Office of the Inspector General (DHS IG) entitled "Allision of the M/V COSCO BUSAN with the San Francisco-Oakland Bay Bridge." This report was completed pursuant to a request made by Speaker of the House Nancy Pelosi and Subcommittee Chairman Elijah E. Cummings on December 4, 2007.

WITNESSES

Panel I

Rear Admiral Kevin Cook
Director, Prevention Policy
United States Coast Guard

Captain David C. Stalfort
Commanding Officer, National Maritime Center
United States Coast Guard

Panel II

Mr. Ken Wells
President
Offshore Marine Services Association

Captain Bill Clark
Owner, South Ferry, Inc. – Shelter Island, New York
Representing the Passenger Vessel Association

Mr. Richard Block
Secretary
National Mariners Association

Mr. Mike Rodriguez
Executive Assistant to the President
Masters, Mates, and Pilots Union

Accompanied by

Mr. Bill Van Loo
Secretary-Treasurer
Marine Engineers' Beneficial Association

Mr. Thomas Laird
Director of New Business Development
American Maritime Officers

HEARING ON THE NATIONAL MARITIME CENTER AND MARINER CREDENTIALS

Thursday, July 9, 2009

HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The Subcommittee met, pursuant to call, at 10:00 a.m., in Room 2167, Rayburn House Office Building, the Honorable Elijah E. Cummings [Chairman of the Subcommittee] presiding.

Mr. CUMMINGS. This hearing is called to order. The Subcommittee will convene.

We convene here 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.

Let me say this. As I read the testimony of the Coast Guard, that became very clear to me. We have got to do better planning. I am sorry, we can do better than what we are doing. We can do better. This is the United States of America, this is not some third world country. I have looked at the testimony and, to be frank with you,

I think that when we are talking about an organization with the sophistication of the Coast Guard, a lot of the glitches that we ran into should have been anticipated and we should have prepared for them. Most importantly, we should do nothing to stand in—Government must work for the people, not against them, and if I have got mariners that cannot work because they cannot get their credentials, that is a major problem, major.

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. Fifty 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 the 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. Let me repeat that. A credential is a mariner's ticket to work. If the mariner does not have that credential, for whatever reason, the mariner cannot work. I want to be very clear. I want to make sure that we uphold our standards and make sure that those people who are performing the job as mariner are properly qualified and we send them through the processes that they have to go through. But, as I said before, we can do better.

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. I am interested to see what the Coast Guard does when somebody falls in that position. Is there any priority given to that person who is about to lose their license through no fault of their own? I would like to hear what you have to say about that.

This is simply unacceptable. Given all that we are doing to stimulate our economy and to support the growth of jobs, it is inexcus-

able 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 allision 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, which this Congress has a tremendous amount of respect for, noted that the Coast Guard has not moved to require mariners to report changes in their medical condition during the five-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, incredibly, by stating these words: "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.

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

I have read all the testimony and I would advise and hope that the members of the—I know that you all usually don't stick around for the second panel, but I hope you would at least leave staff here.

But if nothing else, you need to read the testimony of the second panel so you can see what kind of problems are happening here.

Mr. CUMMINGS. With that, I want to recognize the distinguished Ranking Member, Mr. LoBiondo.

Mr. LOBIONDO. Thank you very much, Mr. Chairman, as always, for holding this hearing.

All U.S. merchant mariners, from the most inexperienced personnel to the master of the vessel, are required to hold one or more credentials issued by the Coast Guard. These credentials prescribe the duties these mariners may carry out aboard vessels and are required for maritime employment. As such, we should be very concerned by the situations or conditions which may cause a delay in the issuance or renewal of maritime credentials within the Coast Guard.

Unfortunately, we are experiencing such a situation now. Many merchant mariners have found it difficult to renew their licenses and merchant mariner documents over the previous year have been difficult to get. The Coast Guard has taken several actions to address many of these issues over the last six months. The Coast Guard recently completed a significant restructuring of its credentialing programs, including the establishment of the National Maritime Center. As part of this overhaul, the service consolidated its responsibilities to review and approve applications for new and renewed credentials, which previously were handled independently by 17 Regional Exam Centers located throughout the Country.

While the consolidation has succeeded in standardizing the review of applications, it has also coincided with substantial delay in the issuance of new and renewed credentials. I hope the witnesses will address in their testimony the specific issues which are causing the delays and the actions that the Coast Guard will take to rectify these problems.

The overhaul of the credentialing program also coincided with the move of the new Merchant Mariner Credential Center, which will bring together licenses, merchant mariner documents, and other Coast Guard credentials into one document, and will be responsible for the implementation of the Transportation Worker Identification Card, or the TWIC program. We have heard the Coast Guard has had some difficulty in switching over to the software necessary to support the new MMC and that this has caused administrative delays.

Additionally, I remain concerned that the delays in processing TWIC applications within the Transportation Security Agency will cascade into further delays in the issuance of MMCs to otherwise qualified U.S. merchant mariners. It is clearly unacceptable to have government procedures delaying the review and approval of applications that have been correctly completed and submitted. I hope that we will hear specific answers on how the Coast Guard will address these serious issues in a timely manner.

This is a matter of extreme importance to the maritime community and I thank all of the witnesses for their ongoing efforts to improve the credentialing process.

Lastly, Mr. Chairman, I would just like to take a moment to recognize the service of two Coast Guard liaison officers who will be

transferring to their next post later this month. Commander Mark Messervy has been a House Liaison Officer for the last three years and has provided valuable assistance to everyone on this Subcommittee. Lieutenant Jamie Frederick has served for two years as the Assistant Liaison Officer and has likewise be an invaluable resource to all the members and their staff.

These gentlemen have served as the face of the Coast Guard here in the House and have sacrificed countless hours of time with their families to respond to congressional requests and to accompany members and staff as we travel to learn firsthand about Coast Guard missions and policy in the field.

Mr. Chairman, I hope that you and the other members of the Committee will join with me in thanking them and their families for their service to the House of Representatives and their service to the United States of America.

Mr. CUMMINGS. I want to thank you, Ranking Member, for your statement, and I certainly join you in your words with regard to our two distinguished staff members who are leaving us. So often what happens is that folks perform duties that, in the words of one of my favorite theologians who says that they are unseen, unnoticed, unappreciated, and sometimes unapplauded. But he goes on to say that those are the most important people and they do the most important functions, but always do not necessarily receive the proper recognition.

So I take this moment to thank you. I thank you for touching our lives. I thank you for being a part of what we try to do here to uplift the people of our Country and uplift the people of the world. I just want to let you know that you are not unseen, you are not unnoticed, you are not unappreciated, and you certainly are not unapplauded. May God bless you on your mission and we thank you.

With that, we now will call Rear Admiral Cook—oh, Mr. Olson. I am sorry.

Mr. OLSON. Thank you very much, Mr. Chairman. Given the Floor schedule, I will be very brief.

I look forward to hearing how the Coast Guard plans to reduce the merchant mariner credentialing backlog that exists today. It is important to ensure that the backlog is addressed and that new applications are processed in a timely manner so our Nation's merchant mariners can continue working without an unnecessary interruption.

I thank you all for joining us today, look forward to hearing your testimony, and I yield back my time, Mr. Chairman.

Mr. CUMMINGS. Thank you very much, Mr. Olson.

The hearing today is going to be broken up a bit. We are going to have, shortly, a number of amendments on the Floor, so what we are going to try to do is get through these opening statements. If we get through that, we have accomplished a lot, considering the limited amount of time we have.

Rear Admiral Kevin Cook is the Director of Prevention Policy with the United States Coast Guard. He will be followed by Captain David C. Stalfort, who is the Commanding Officer of the Coast Guard's National Maritime Center.

Rear Admiral.

TESTIMONY OF REAR ADMIRAL KEVIN COOK, DIRECTOR, PREVENTION POLICY, UNITED STATES COAST GUARD; AND CAPTAIN DAVID C. STALFORT, COMMANDING OFFICER, NATIONAL MARITIME CENTER, UNITED STATES COAST GUARD

Admiral COOK. Good morning, Mr. Chairman and distinguished members of the Subcommittee.

Mr. CUMMINGS. Good morning.

Admiral COOK. I am Rear Admiral Kevin Cook, as you introduced me, Director of Prevention Policy for the Marine Safety, Security, and Stewardship of the United States Coast Guard. I am pleased to have this opportunity to appear before you today to discuss the Mariner Credentialing program.

I would like to ask, Mr. Chairman, if I could have my written statement entered into the record.

Mr. CUMMINGS. Without objection, so ordered.

Admiral COOK. Thank you, sir.

I think before I get into what I prepared, I just want to assure you that it is our intention to stay for the second panel. That is a hallmark for us, to be able to hear from the mariners themselves and those that represent them.

Mr. CUMMINGS. I really appreciate that. Thank you very much.

Admiral COOK. Sure.

I recently assumed my new duties as Director of Prevention Policy. While I have previously served in a number of marine safety capacities, including Captain of the Port in Houston-Galveston, where I oversaw maritime operations, including a Regional Exam Center, the Mariner Credentialing program and the National Maritime Center fall under my new responsibilities, and while they have undergone significant transformation during a restructuring and centralization initiative, I know there is much work to do.

The Coast Guard is fully committed to improving the Mariner Credentialing program and strongly believes that centralized operations will improve consistency, improve customer service through a dedicated customer service center, and will reduce credential processing time. These improvements were unachievable in the decades of decentralized operations at the 17 independent Regional Exam Centers.

While there are many benefits to centralization, I am also keenly aware of the considerable challenges the centralization has experienced, most importantly our inability to meet the Coast Guard's targeted credential processing time of 30 days. I am extremely concerned that the average processing time remains 80 days, and has or may impact the livelihood of individual mariners. This backlog is unacceptable and resolving this problem is my first and my foremost priority.

I would like to take a minute or two first to review key changes that have been implemented since October 2007. Through a phased approach, all 17 Regional Exam Centers transitioned to centralized operations. The new building was built in Martinsburg, West Virginia, where we also introduced new credentialing production processes. A quality management system was created to provide a framework for process management, which is now compliant with ISO-9001.

Also, in accordance with the International Maritime Organization requirements, a third-party evaluation was completed by Transport Canada in March 2008 and found that the Coast Guard's Mariner Credentialing program fulfills the United States' obligations and responsibilities under the International Convention for Standards of Training, Certification, and Watchkeeping for Seafarers. A call center was established and is now providing enhanced informational services to 26,000 mariners each month. And, most recently, the Coast Guard introduced the consolidated merchant mariner credential in April to coincide with the implementation of the Transportation Worker Identification Card.

These new procedures were established with TSA to share mariner data, eliminating the need for mariners to travel to a Regional Exam Center for fingerprinting and identification, saving time and money for both the mariners and the Coast Guard. This new passport-style credential also reduces the number of individual credentials a mariner must carry, provides enhanced security features to prevent forgery, and reduces U.S. mariners' problems that they were facing overseas when presenting their credentials. Of note, since the full centralization in January of this year, the National Maritime Center has issued over 35,000 credentials, 12,000 of these, or 35 percent, in less than 30 days.

Immediately after I assumed my duties just two weeks ago, I received a detailed briefing on the operations at the National Maritime Center and conducted a site visit to learn more. This was my first step in a holistic look at the entire program, and I have worked with my staff to develop an aggressive action plan to resolve current delays and maintain greater oversight and accountability.

Just this Monday, we stood up a Tiger Team on site at the National Maritime Center to focus exclusively on clearing the current backlog. I am arranging to bring in an independent outside expert to analyze the credentialing processes and to identify the bottlenecks and opportunities for improvement that we are not currently seeing. I am examining to see if our call center and Web site are meeting mariner expectations as they work their way through their credentialing process. And I will ensure that there is regular communication with the maritime industry to listen to suggestions and feedback.

Mr. Chairman, I will conclude my remarks by reiterating that reducing the processing time is at the very top of my priorities. The Coast Guard is fully committed to providing efficient, consistent, and top quality credentialing services to our Nation's mariners, and I intend to deliver on this commitment.

With your permission, Mr. Chairman, I would now like to have Captain Stalfort do some brief introductory remarks.

Mr. CUMMINGS. Very well.

Captain?

Captain STALFORT. Good morning, Mr. Chairman, distinguished members of the Subcommittee. I am Captain David Stalfort, the Commanding Officer of the National Maritime Center.

I was assigned to the National Maritime Center in June of 2007 and given responsibilities to transition the Coast Guard's licensing and credentialing program to centralized operations. I have been a

licensed mariner for 20 years and have been assigned to marine safety positions throughout the Country, including assignment of Captain of the Port in Memphis, where my duties included oversight of the Regional Exam Center.

I spent the last two years at MMC leading our team as we transitioned all 17 exam centers to centralized operations, working to change the culture of the MMC and the RECs to better focus on customer service, and I have listened to the maritime representatives to include and incorporate their input into the establishment of our credentialing production facilities. I have implemented the ISO-9001 compliant quality management system that is being used to systematically improve the efficiency of our processes, with our ultimate goal of reducing processing time and meeting mariners' expectations. I also led the project design to implement the new consolidated merchant mariner credential.

Shortly after we finished the centralization in January of this year, we faced initial bottlenecks with medical evaluations, which we resolved by expanding the size of our medical evaluation staff. We are now facing bottlenecks created by the technical and software issues associated with production of the new credential, which, when combined with the surge in new applications submitted by mariners in advance of the April 2009 TWIC deadline, created a backlog of about 6800 applications.

As Admiral Cook has said, this is absolutely unacceptable. While we have resolved many of the initial software challenges, we have also recently established a Tiger Team, along with their existing evaluation team, who is expected to increase the production rate substantially and eliminate the backlog as quickly as possible.

Thank you for the opportunity to appear today, and we would be pleased to answer any questions you may have.

Mr. CUMMINGS. One of the questions I asked in my opening statement was what happens and do we have a way of knowing when somebody has made application timely and then they are in jeopardy of coming to a point where you all have not done completely your work and the present license will lapse? Do we have any way of flagging those people? Because it seems to me that those are the people that are in most jeopardy and those are the people that are going to lose their jobs. Do you follow my question? What happens to that person? Do they get any priority? Assuming they have done everything they are supposed to do.

Admiral COOK. Mr. Chairman, they do get priority. The simplest way we are notified is through the mariner call center, and that information is relayed directly to the processing people. And I have witnessed the great care of how the records are handled within the National Maritime Center so that at any point we can find that record and move it along. We have a number of examples of cases which continue to come in like that.

The shortcoming is that I don't know that all mariners are familiar with calling in to the call center. We do receive some from RECs; we receive some from Coast Guard units who are made aware through industry connections; and, also, their companies will call in. So when we know, they do get fast-tracked and a number of them have been resolved.

Mr. CUMMINGS. You know, it is nice to have these hearings, but I am also trying to come up with solutions, because I don't have time to waste, nor do you, nor do the mariners, and I guess you just said something that tweaked my interest. So, in other words, there is a possibility that a lot of mariners don't know that they can perhaps, when they find themselves, say 15, 20 days, looks like they are going to have that problem of not having a license, they can call in and try to expedite their situation.

Until we get all of this resolved and caught up, how can we make sure we get that word out to the mariner community so that they will know that? I don't want one person losing one hour of work because of something that the Government failed to do. You follow what I am saying? And I know you don't want that either. So how can we make sure, coming out of this hearing, that we get that word out to let folks know that we have got those kinds of situations? In other words, that they can try to take action or get hold of somebody to try to speed up their process? You follow me?

Admiral COOK. Well, Mr. Chairman, certainly, as I mentioned, there were the 26,000 or so mariner hits either on our Web site or our call center, so that number is growing. But, in the meantime, we could offer to do a targeted outreach through our advisory committees and the major mariner groups, the unions, the major employers, and let them know that if they have anybody that is falling into that category, that they need to contact us immediately.

Of course, that is the short-term solution. We mentioned a couple times here about this Tiger Team, and the Tiger Team is going to continue to tackle this backlog. At the same time, we have also had our internal issues primarily overcome now with the software, the training that goes with the new credential. So we continue to see the internal production ramping up. At the same time, we are now adding a cap group of Tiger Team on top. So we do anticipate that we are going to continue to see dramatically less and less mariners put in jeopardy like this.

Mr. CUMMINGS. Yes, I understand. What I am trying to do is I am trying to get to the one person who may find themselves in that predicament. So if you will do that, I would really appreciate it. I know you are going to move towards resolving this.

I am going to allow Mr. LoBiondo to go. I have a lot of questions, so you can go ahead. I will yield to you.

Mr. LOBIONDO. Mr. Chairman, are we going to break?

Mr. CUMMINGS. We are going to break when we have five minutes. Right now it is 9:40.

Mr. LOBIONDO. Okay.

Mr. CUMMINGS. And we can just go back and forth, whatever you need.

Mr. LOBIONDO. Okay. All right.

The Coast Guard has temporarily repositioned personnel to address the backlog by issuing 500 MMCs per day, as we understand it. Are your baseline funding and personnel levels adequate to meet the baseline goal of issuing 300 MMCs a day?

Admiral COOK. Congressman, I do believe it is adequate. We believe that this backlog is a temporary aberration caused by first processing through a backlog of medical and then a surge which occurred around April with the new TWIC coming on line, on top of

a seasonal surge, and then the new credential and the software issues associated and training with that. So once we have a capability to produce 300 credentials with normal staffing, and that is what we have as our incoming load, so we will be at a steady state once we get the backlog down.

So you mentioned 500 or so. That is the number that we are tracking, and each day we should be able to whittle down 200 additional credentials against the backlog. So once we get it down to the point where we can have 300 coming in, 300 going out, and we can conduct that with our normal staffing.

Mr. LOBIONDO. Can you give us your take on if the delays have impacted the abilities of maritime employees to get new hires or temporary seasonal workers on board? Have they experienced difficulty here?

Admiral COOK. Congressman, I would like to ask Captain Stalfort to answer the detailed questions on some of our expedited procedures.

Captain STALFORT. Congressman, for the entry level mariners, those processed applications are expedited at the Regional Exam Centers and sent directly to the NMC, where they are fast-tracked through the evaluation process. So they are not held up in the backlog that we currently have. We did that deliberately because the evaluation of those entry level mariners is fairly simplistic, so they go right from the Regional Exam Centers, when the mariners apply, directly to production, and those are being produced in less than 15 days.

Mr. LOBIONDO. Do you have the authority to allow a mariner to continue operating under a license on an interim basis in a situation where the mariner, through no fault of his or her own, does not receive a new license before the old one expires?

Captain STALFORT. No, sir, we do not.

Mr. LOBIONDO. That is it for right now, Mr. Chairman.

Mr. CUMMINGS. What was your question again?

Mr. LOBIONDO. The question was do they have the authority to issue an interim license if a mariner, through no fault of his or her own, can't get requalified in time. It seems like they should be able to.

Mr. CUMMINGS. Did you have something, Admiral?

Admiral COOK. Just to add on top of that. We do allow applications to be sent in a year in advance of their expiration date, and we will honor the initial date for anniversary and hold that application, process it, and then issue it so the mariner does not lose any time.

Mr. CUMMINGS. All right, Ms. Richardson and Mr. Olson, we have six minutes before the vote. Do you want to ask, Mr. Olson? Are you ready? Do you have a question?

Mr. OLSON. No, Mr. Chairman, I am fine. Thank you.

Mr. CUMMINGS. All right. We are going to recess. It will probably be at least an hour. Someone from the Committee will keep you briefed on where we are. We have 13 votes.

I do want to ask one last question. I noticed that when my staff went up there on July 2nd, to the Center, you all had 6,800 applications awaiting review by a professional qualification evaluator. Is

that backlog 6,800? Back on July 2nd, would that have been about right?

Admiral COOK. Yes, sir.

Mr. CUMMINGS. And so how many applications come in a day? In other words, I am trying to figure out how long it is going to take you all to get the backlog down. You said you will be able to do 200 extra a day, hopefully, but how many come in a day? In other words, you have got them constantly coming in and you have got a backlog, so I am trying to figure out—let me tell you what I am trying to do. I am trying to hold you to something. I am trying to hold you to getting down the backlog, because it is my plan to bring you all back in here in a certain amount of time, and I want to hear you say we have resolved the backlog.

So while we are out, you might want to think about that and then be able to tell me how you are going to do it. I just believe that we can do it. I believe that the Coast Guard is an organization that is capable of achieving it.

And I tell you, I would not have been so adamant if you had answered the Ranking Member's question a little different than what you did. When he asked you the question was it a personnel issue, did you have enough personnel, you said that was fine; you said there were just some problems that you had to work out. I think we pretty much know now what the problems are, based on your testimony, so what I want to do is I want to try to figure out a way to come up with some deadlines so that the mariner community feels comfortable. But I also want the Coast Guard to feel comfortable. I don't want the Coast Guard making commitments to things that they cannot keep. You follow me?

So you have got about an hour and a half, maybe, to think about that, and then you can let me know when we come back and then we will hold a hearing whenever you tell me to so that we can get the report back. You understand, Admiral?

Admiral COOK. Understand, Chairman.

Mr. CUMMINGS. All right. We are going to recess now for at least an hour. Thank you.

[Recess.]

Mr. CUMMINGS. Call the hearing back to order.

Admiral Cook, I had asked you about some type of timetable to deal with the backlog. I think we have a 6,800 backlog, is that right?

Admiral COOK. Mr. Chairman, what I would like to propose is that you have us come back towards the beginning of the fiscal year and, in the meantime, we give your staffers monthly updates and give them some progress reports. It is our estimation that we will have good news at that point, but along the way we will keep you apprised of how it is going.

Mr. CUMMINGS. We will aim for October, is that what you are saying?

Admiral COOK. Yes, Mr. Chairman.

Mr. CUMMINGS. All right. Very well.

Tell me something, why is it that the time required by the Coast Guard to process an application appears to have lengthened between January and the June reports and why are fewer applications being processed in 30 or fewer days in June, as compared to

January? I know that the Merchant Mariner Credential was introduced during that period. For how much of the processing delay does the introduction of that credential account and what are the other major sources of delay?

Admiral COOK. I think there are three factors, Mr. Chairman. The first one is January 2009 was the full centralization such that all medical information had to come into the National Maritime Center. It was a higher volume than we anticipated; it caused a backlog, and that backlog was addressed as it went through the medical evaluation. It is now at the professional qualifications evaluation point in the process, which is the final point, and that is where the backlog is.

The second thing that added to it was the applications which were caused to be expedited through the deadline for the TWIC. So there was an unnatural surge there. We normally also see a spring surge in applications, for whatever reason, so that was on top of the TWIC surge.

And then it wasn't the introduction of the credential in itself, it was the fact that some of the software supporting it and then the additional training for the staff to be able to do it at an efficient rate was the third element.

So those three things combined and they all took place over the first six months of the year, and that is why we saw the backlog grow, as well as the processing time.

Mr. CUMMINGS. How are we coming with regard to training of personnel?

Admiral COOK. Training is very good. I would like to have Captain Stalfort just talk about that.

Captain STALFORT. Yes, sir. Everybody goes through a deliberate process of training when they first come into the program; it takes about four to five months through a series of training entry levels first, moving up to the different levels of evaluation. The new evaluators are trained by seasoned and they pass a qualification performance standards, and then they are issued evaluations. But it is a lengthy process. Part of it is on-the-job training, where they start out under the tutelage of an experienced one working on the entry level ones before they get up to the harder level, upper level licenses.

Mr. CUMMINGS. You know, one of the complaints—and I am sure you will hear it in a few minutes—in the written testimony from folks in the second panel was that a lot of the people who supposed are trained don't seem to know what they are doing, and they felt that it was unfair to them, that is, the mariners, when they have people that were not properly trained. Have you heard that complaint at all?

Admiral COOK. Sir, it is not a general complaint, but there are always training issues, and I think one of the things that we have learned in introducing the mariner call center is that initially we had hoped that kind of the operator level folks that were in the call center would be able to handle some more difficult questions than they are able to; they are just too wide of a range. So we have adapted that call center and we have a pocket of experts as well that can help answer the questions. So I could see why someone

would get that impression, but we have done some things to address it.

Mr. CUMMINGS. I was looking at Ken Wells' testimony, the President of Offshore Marine Services Association, and he says 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. He also mentions that incorrect interpretations.

We have also seen evaluators interpret policies and regulations incorrectly and then those interpretations take on a life of their own 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.

Are you familiar with those complaints?

Admiral COOK. Yes, we are. And I know Mr. Wells is a supporter of the centralization overall, and he has always been good about providing feedback through other forms as well. So we are continuing to work with OMSA and any of the other trade associations to take that feedback and make the process better. But I can tell you as just a matter of degrees of training, there is a substantial improvement in the contractor corps that is doing a lot of the evaluation.

Mr. CUMMINGS. I would suggest that you take a look at his testimony; it is very good. I mean, he really lays it out and I think he presents it in a very balanced way that would be helpful to the Coast Guard and to the mariners.

Admiral COOK. We will do that, Mr. Chairman.

Mr. CUMMINGS. Mr. LoBiondo?

Mr. LOBIONDO. I am good, Mr. Chairman.

Mr. CUMMINGS. Mr. Bishop.

Mr. BISHOP. Thank you, Mr. Chairman.

I am sorry that I was not here for your testimony earlier, and I don't know whether you have access to the testimony of the people who will be on the second panel, but one of the individuals on the second panel is a person I am proud to call a constituent, Captain Bill Clark, of the South Ferry and Shelter Island, and he is here representing the Passenger Vessel Association. He is the President of that Association and in his testimony he urges the Subcommittee to get answers to several specific questions, and I would like to formally pose those questions to you now. I don't expect that you will have the answers to them, but with the indulgence of the Chairman, I would like to formally request that you provide answers to these questions, and they are as follows:

How many qualified medical reviewers does the Coast Guard believe are necessary on staff at the National Maritime Center? That is question number one.

[Information follows:]

Page 33, following line 750

The Coast Guard estimated the need for 17 qualified medical evaluators/reviewers on staff at the National Maritime Center (NMC) to conduct merchant mariner medical evaluations. This estimated staff level does not include medical screeners and administrative support personnel.

Question number two: How many such positions are actually filled at present and how many remain open?

[Information follows:]

Page 33, following line 752
As of July 16, 2009, 14 of the 17 medical evaluator positions have been filled.

Question number three: Of those that are currently filled, how many are filled with permanent employees and how many have been filled by personnel on temporary duty?

[Information follows:]

Page 33, following line 755

Of the 14 positions currently filled, seven have been filled with permanent staff (including one permanent fill expected to be onboard within the next two weeks). The remaining seven positions are filled with temporary employees.

And, lastly: How difficult is it for the Coast Guard to recruit qualified medical evaluators for assignment to the National Maritime Center?

[Information follows:]

Page 33, following line 758

The contracting company responsible for filling the National Maritime Center's medical evaluation contractor positions has been semi-successful in its recruitment efforts for evaluator positions. There are several reasons for this including the NMC's remote location (in West Virginia) and the fact that the Mariner Credentialing Program requires occupational health professionals to work in a non-clinical environment.

Conversely, Coast Guard efforts to recruit qualified medical employees to fill Government Service (GS) billets in the medical evaluator positions are progressing well, as these GS positions offer employees job security, good benefits, and comparable pay.

As I say, I don't expect you to have those answers at the tip of your tongue, but I do request that you provide them to the Committee in writing at your earliest possible convenience.

Admiral COOK. We will do that, Congressman. We have general flow of information regarding that, but I think putting it together in an answer for the record would be the best thing.

Mr. BISHOP. I thank you very much.

Mr. Chairman, I yield back the balance of my time.

Mr. CUMMINGS. Thank you very much.

Just a few more questions. Admiral Cook, as you may know, the promulgation of the regulations bring towing vessels under inspection is of great concern to the Subcommittee. Your predecessor, Admiral Watson, had promised in a hearing before this Subcommittee that he would try to get the notice of proposed rulemaking on the towing vessel regulations out by the spring of this year, before he transferred out of the position you now hold.

Obviously, that didn't happen. The Commandant wrote to me on June 25th stating that, "The Coast Guard has drafted the notice of proposed rulemaking and it is in the final stages of review within the Department of Homeland Security."

Has the notice gone to OMB yet and what is your estimate of when it might be released?

Admiral COOK. Mr. Chairman, it is still in review at the Department. We can't commit to a time line until we satisfactorily resolve whatever issues they may bring up, and we have not gotten feedback on that yet.

Mr. CUMMINGS. Okay. Do you have any idea when we may get that? This is my frustration, you see? This is why I set deadlines, because over and over again—you go ahead. I am listening.

Admiral COOK. Well, sir, like I said, the difficult part of anticipating a final outcome is we don't know what issues the Department may raise. Then we will have to work those and send them back to the Department before it gets to OMB. So I am hesitant to commit on a time line.

Mr. CUMMINGS. I understand. All right, we will revisit that.

On mariner medical standards, Admiral Cook, you indicated in your written testimony that 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. How many such waivers were issued in the past and how many waivers have been issued by the NMC this year?

Captain STALFORT. Currently, waivers issued by the National Maritime Center are about 5,600 since the beginning of this year, and that is roughly the same number that were issued in the past by the NMC under the decentralized.

Mr. CUMMINGS. So this year you waived 5,000? Is that what you said?

Captain STALFORT. Yes, sir. And the waiver is when we review the medical conditions for the five years that the license is going to be good for, our physicians look into the mariner's medical condition and anticipate what changes may take place during those next five years. And if the mariner has medical conditions that are acceptable now to issue the credential, but our physicians feel may

deteriorate, we issue the waiver, meaning that the condition is good, but we are concerned that it may change over the future. And the text of the waiver would be that the mariner may have certain stipulations, but that they need to report changes in their medical condition throughout the five year period of the credential.

Mr. CUMMINGS. The NTSB noted in its report on the COSCO BUSAN incident that the Coast Guard has not taken action with regard to one deficiency noted in safety recommendation M055, that is, the lack of a requirement for mariners to report changes in their medical condition between examinations—which are usually conducted every five years, as you just stated—at the time a mariner seeks to renew his credential. Why hasn't action been taken on this recommendation? Wouldn't it be preferable that mariners at least be required to report changes in their medical status to the Coast Guard during the five year period between credential renewals, Admiral?

Admiral COOK. Mr. Chairman, we have not solved that entirely, that is correct, but I think we have approached it to try and get the highest risk personnel first. So you heard about the waiver conditions that a general mariner can get, which requires them then to report back changes in their health. We have instituted an annual requirement for pilot physicals, since we know pilots are always operating in the most congested waters. We get that annually, so we do get that update.

And then what we have, our plans are to bring ourselves in compliance with some international rules which are coming up under the STCW Convention, which will require physicals every two years for mariners, with the requirement to report changes during that interim period if there are changes. Even though it is under the Standards of Training, Certification, and Watchkeeping for Seafarers, the STCW, we are going to incorporate that by regulation for all of our mariners.

Mr. CUMMINGS. So now pilots, unlike other credentialed mariners, have to submit to an annual physical, is that what you are saying?

Admiral COOK. That is correct. And they have to submit it to the Coast Guard.

Mr. CUMMINGS. And after the COSCO BUSAN incident, the Coast Guard issued work instructions to guide the review of these physicals to ensure that they are properly reviewed. Does the Coast Guard have the ability to identify at any given time those pilots who have not submitted the results of their annual physicals or to remind pilots that a physical is due?

Admiral COOK. We are very nearly complete on that, sir. It is one of the database fields that was added to our overall merchant mariner document tracking system. So I can't say that it is 100 percent yet, but every time we are getting an annual physical into the NMC, it is being recorded and then tracked for anniversary dates.

Mr. CUMMINGS. So you don't know when somebody has failed to submit within the five year period, is that it?

Admiral COOK. There could be some pilots who have not come up yet into the program, so we are still—maybe Captain Stalfort can give you the exact amount, but we have the process down and it is coming right along.

Captain STALFORT. Yes, Mr. Chairman. We know all the mariners that have come up on their five year cycle because that physical is associated with the renewal of their credential. For those pilots that have submitted the annual, we know those and are tracking those for the annual. We are still updating our database to find out what pilots have not submitted a physical so we can better track those, and that is one of the software changes that are coming forth.

Mr. CUMMINGS. All right.

Mr. Bishop?

Mr. BISHOP. I thank the Chairman for granting me one more question.

Again, I don't know whether you have had access to the testimony of those on the second panel, but in his testimony, Captain Clark makes a pretty compelling case for the increased utilization of trusted agents. So my question is how many trusted agents are you now utilizing and what impediments, if any, exist for the appointment of additional trusted agents so as to help facilitate the process that appears to be pretty severely backlogged?

Admiral COOK. Okay, first off, Congressman, until we can make it so that mariners didn't have to go to an REC, then we really couldn't use trusted agents the way we envisioned it. So with the adoption of data sharing from the TSA TWIC, we now are able to do our identification and fingerprinting through that database and they no longer have to go to an REC.

So I know at that point Captain Stalfort introduced the trusted agent concept and solicited for agencies that might want to participate, and he has got a list. I think the only thing that has held us back is our own internal workload. So we are looking to this fall to be able to go back out to those companies with a robust company, because it will require some oversight on our part and we think that, by the end of the year, the companies that are capable of doing the job as a trusted agent will be empowered to do so.

Mr. BISHOP. But you have a fairly well-established backlog of companies that wish to be employed or engaged as trusted agents?

Admiral COOK. I know we have a number of associations like PDA, some union interest, as well as some——

Mr. BISHOP. But you have no shortage of those who are interested in serving, is that correct?

Admiral COOK. That is correct, Congressman.

Mr. BISHOP. And you believe that you will be able to begin to engage them in a formal way by the end of this calendar year?

Admiral COOK. We do. And we see that as part of a long-term strategy to alleviate our own workload.

Mr. BISHOP. Okay. Thank you very much.

Thank you, Mr. Chairman.

Mr. CUMMINGS. I want to thank you gentlemen very much. You all are going to still stick around, right?

Admiral COOK. We will.

Mr. CUMMINGS. All right, thank you very much. I had a number of questions, but I am going to submit them in writing. One of them concerns this NVIC 04-08. I don't know why you all are resistant to going along with NTSB. Why is that?

Admiral COOK. Mr. Chairman, we think we have gone along with them in spirit, like I said, addressing the highest risks first. But as far as the mechanics of then producing regulations which we can go along—and we want to get the industry support too. Right now, mariners are not looking forward to that additional requirement. It is an added expense; it is potentially putting their license in jeopardy.

So I think we have a way to go to work this up from the NVIC, which now includes the pilots and other people that have waivers, to getting the full spectrum of seafarers. But, regardless, we will be doing that to come in compliance with the STCW and draw that into our general mariner pool. So there will be regulations.

Mr. CUMMINGS. All right, thank you very much.

We will now call our second and final panel. Mr. Ken Wells is President of the Offshore Marine Services Association; Captain Bill Clark is the Owner of the South Ferry, Inc. and is President of the Passenger Vessel Association; Mr. Richard Block is Secretary of the National Mariners Association; Mr. Mike Rodriguez is Executive Assistant to the President of the Masters, Mates, and Pilots Union; and he is going to be accompanied by Mr. Bill Van Loo, the Secretary-Treasurer of the Marine Engineers' Beneficial Association; and he will also be accompanied by Mr. Thomas Laird, who is the Director of New Business Development with the American Maritime Officers.

So basically we have Mr. Wells, Captain Bill Clark, Mr. Richard Block, and Mr. Rodriguez will be testifying in that order. And it is my understanding that Mr. Bishop will be introducing Mr. Clark when Mr. Wells finishes.

Mr. Wells, thank you very much.

I want to thank all of you for sticking around. I really appreciate it. I know it is a long day. What we can do is we have read your testimony, but, having been here this long, we want you to say what you have got to say. But if you don't feel like saying it all, it is okay; we are not going to be mad at you.

But we get the gist of it. And as you could tell from the testimony of our two witnesses from the Coast Guard, we have our concerns. So I would like for you to, if you don't mind, keep in mind what we have already said. And if there are things that you are concerned about that were not said or you want to bring out, I think the best and beneficial use that we can have is for you to highlight things that you are still concerned about, even with all that has been said. Does that make sense?

Mr. Wells.

TESTIMONY OF KEN WELLS, PRESIDENT, OFFSHORE MARINE SERVICES ASSOCIATION; CAPTAIN BILL CLARK, OWNER, SOUTH FERRY, INC.-SHELTER ISLAND, NEW YORK, REPRESENTING THE PASSENGER VESSEL ASSOCIATION; RICHARD BLOCK, SECRETARY, NATIONAL MARINERS ASSOCIATION; AND MIKE RODRIGUEZ, EXECUTIVE ASSISTANT, MASTERS, MATES, AND PILOTS UNION, ACCOMPANIED BY BILL VAN LOO, SECRETARY-TREASURY, MARINE ENGINEERS' BENEFICIAL ASSOCIATION; AND THOMAS LAIRD, DIRECTOR OF NEW BUSINESS DEVELOPMENT, AMERICAN MARITIME OFFICERS

Mr. WELLS. Thank you, sir, and good afternoon, Chairman Cummings, Ranking Member LoBiondo, members of the Subcommittee. Thank you for giving us the opportunity to testify.

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

It is worth noting these mariners are among the largest group of U.S. seafarers who are currently required to meet STCW requirements.

I will just touch on my testimony.

We raise some concerns about the NMC. They have been very well vetted by the Committee members and the Coast Guard itself has raised some of those concerns. It is not surprising that there have been glitches in this process. We haven't managed to avoid Murphy's Law. The thing we would stress is that for each problem there is a mariner whose livelihood is at stake. We think the Coast Guard knows that, but it raises the stakes very, very high; it means that we need to be virtually error free.

However,—and this gets to our conclusion—we can only make the system so efficient if the product is still a bad product. We can only deal with the structure of the NMC so much before the real problem emerges, and we think the real problem is that the licensing and documentation system itself is broken. Evaluators can only do so much when the system is so complex that the mariners can't even fill out the forms correctly and only the most experienced evaluators can figure out how to apply this patchwork of regulations, policies and interpretations correctly.

First, the Coast Guard has broached the idea of making this a computer-based application process. It is a good idea. They have talked about making it like Turbo Tax. That is a good example. And we have to remember 7 million Americans receive a notice every year from the IRS saying they made a math error. So the licensing process is not the only one that is prone to error. We would urge the Coast Guard to move forward to allocate the proper resources to make that electronic system work.

Secondly, we need to simplify the process itself. We have to recognize in the process that one size doesn't fit all. We train mariners to work on OSVs. There are tow boat captains, there are supertanker captains. As we said in the testimony, there are different skills at work. Most captains in the U.S. fleet try to avoid large ob-

jects at sea. Our captains try to get as close to them as they possibly can without hitting them. We need a system that allows people to advance in all of those areas. We need a system that allows the hawsepiper to have as much chance of success as the academy grad.

The system needs to make logical sense. We need to remove any of the barriers that don't allow Americans to succeed based on their own hard work and skill. We need a system that works for the mariner, not against him. We think the Coast Guard shares that vision, but we think the Coast Guard needs to put the proper resources into simplifying the entire system; otherwise, all of the efficiencies—to use a phrase that came out of the former Louisiana senator is like putting socks on a rooster. It is not going to solve the problem, it will just dress it up.

A couple of other issues that we raised. Mr. LoBiondo has very accurately brought up the TWIC problem. I won't go into it here. Only to say that after having TSA promise so often that they would make this process seamless and efficient, it is inexcusable that we find the problems we find.

The final thing I would raise is there have been some experiments in privatizing course approval. Course approval gets to the heart at the whole licensing process. The MTSA required mariners to have security training through STCW. Most of the vessel captains on those vessels are required to have vessel security officer training. A private company was brought in early to develop the courses, handle course approval, and then oversee the quality control. This was originally done under a grant, but the grant ran out, and then a fee was assessed on the training institutions. That fee was then passed on as a cost to mariners or their companies, who paid for the training.

Without anybody really intending it, what we found was we have an unfunded mandate, paid for by the maritime industry, with not the sort of responsibility and control that we think it should have. So if the Coast Guard is going to continue this experiment, we hope that it will be vetted with the maritime community.

And that concludes my testimony. Thank you very much.

Mr. CUMMINGS. Thank you.

Recognize Mr. Bishop for introduction.

Mr. BISHOP. Thank you, Mr. Chairman.

It is my honor to introduce Captain Bill Clark, President of the Passenger Vessel Association for 2009, and who, along with his brother Cliff, own and operate South Ferry, Incorporated, a year-round ferry service between the towns of Shelter Island and Southampton in my congressional district.

Bill and Cliff are fifth generation ferry operators whose family business has provided ferry service to the south fork of Long Island since the early 1800s. Bill and Cliff are both merchant mariners holding captains licenses issued by the Coast Guard. As it relates to today's hearing, over half of Bill's employees are credentialed by the Coast Guard. In addition, Bill is a retired Coast Guard captain. His active duty spanned nearly 30 years. He commanded three Coast Guard cutters and also had several assignments in the marine safety mission, including marine inspector, commanding officer

of a marine safety office, captain of the port, and officer in charge of marine inspection.

South Ferry's five double-ended ferry boats vary in size and can carry up to 20 vehicles, and each year transports more than 700,000 vehicles and 1.3 million passengers over its five-minute single route.

Mr. Chairman, I thank you for inviting Bill to testify before us today, as he is an ideal witness to discuss the issues we are exploring. I welcome him to Washington, D.C. and I thank him for his participation and thank you for allowing me to introduce him.

Mr. CUMMINGS. Mr. Bishop, thank you very much.

We welcome you, Captain Clark.

Captain CLARK. Thank you so much, Congressman Bishop, for that kind introduction. And thank you, Mr. Chairman, for inviting us to participate today.

Mr. CUMMINGS. Thank you.

Captain CLARK. PVA is aware of too many instances in which a mariner has been prevented from working because of credential processing delays, even when the mariner has submitted a complete application well in advance. We don't buy into the notion that a properly completed application should be held up in system, awaiting processing or assignment to an evaluator, and we object to delays when an application is stuck in the pile.

The Coast Guard acknowledges that the average processing time for credentials is 80 days. That is far too long. We know of a number of PVA members who have endured much longer experiences getting their licenses renewed.

What is more, the Coast Guard estimates that at least 29 percent of the processing time is totally within their own control in the system.

Here is an example from a PVA member in New York, on Long Island. The company owner applied to the NMC for renewal of his captain's license more than 90 days in advance. The medical application took over three months to clear the medical review branch. Then more delay occurred at the professional evaluation branch. His license expired and he was unable to captain his own boat for a month, until he received his renewed credential. His small business had to incur the unnecessary expense of hiring another captain.

The NMC should set tight standards in which each step of the evaluation process is accomplished. There are a number of steps. We understand the need for such steps and such orderly process, but there needs to be a time frame and we need to meet that time frame.

We appreciate the Coast Guard's commitment to improving the situation; we think it is sincere. We have seen them work wonders with the RECs in the past, where they brought failing units up to speed, and we expect that will happen this time and we need it to happen.

The National Maritime Center has taken on too many changes in too short a time to effectively serve its customers. The mariners, as one customer of the NMC, are bearing the brunt of these changes. Neither Congress nor the Coast Guard should be content with the current level of service.

Congressman Bishop covered my questions, so I am going to skip past that.

The Coast Guard may be considering a medical examination—I think we heard it today—every two years. 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 evaluations? We urge the Coast Guard to delay any move toward two-year evaluations or any other additions to the licensing requirements until such time that the current system stabilizes at a satisfactorily level of service.

And, again, I will just hit on this. Congressman Bishop has covered this one also, and I think the Coast Guard thoroughly agrees on this. NMC should make expanding the trusted agent program a top priority. It sounds like they have, but I think that is going to add a lot to the equation by not having the Coast Guard return incomplete documents and then start the process all over again sometime later.

Communication difficulties between applicants and the NMC continue to be of concern. Mariners must have real-time, accurate information about the status of their applications. PVA proposes that there should be a merchant mariner on staff at NMC who can serve as point of contact for applicants having difficulty with the process and who can advocate for these mariners within the NMC apparatus. I think this is similar to something you put forth as an omnibus program in the last Coast Guard authorization bill.

Mr. Chairman and members of this Committee, please accept my sincere appreciation for inviting me to participate today and for your obvious keen understanding of the issues. I appreciate your plans for follow-up. Thank you very much.

Mr. CUMMINGS. Thank you very much.

Mr. Block?

Mr. BLOCK. I wish to thank you, Chairman Cummings, for extending this kind invitation to appear before your Subcommittee today. I represent the National Mariners Association that speaks on behalf of limited tonnage credentialed merchant mariners, all of whom are directly impacted by the quality of services provided by the National Maritime Center.

I have actively participated in credentialing—to use the new terminology—for the past 40 years. My day job is as publisher of Marine Education Textbooks, which is a small business that has been preparing instructional material to help mariners pass the lower level Coast Guard license exams for vessels up to 1600 tons.

I am Secretary of our Association and I previously prepared and transmitted two reports to the Transportation and Infrastructure Committee dealing with today's topics, the first in February of 2007, two years ago, the second one in May of this year. I prepared both reports in collaboration with our Association President, Captain Joseph Dady. Your staff has electronic copies of these and all numbered reports referenced in my testimony. I don't think I have to go into any more detail on those reports.

The 126,000 credentialed mariners that we speak for, the lower level mariners, pay user fees and expect timely service on obtaining, upgrading, and renewing their credentials. Delayed credentials cost money, job opportunities, and even loss of employment, all es-

pecially important in today's tough economic times. Delays cost the National Maritime Center as well by fruitlessly fielding repetitive telephone calls from our frustrated mariners. Our mariners frequently tell us about useless calls that they have made to the NMC help desk in painful detail.

Under Captain Fink, the former commanding officer of the National Maritime Center, mariners who faced personal crises received prompt and personal attention when our Association brought these problems to his attention. He extended similar courtesies to our board members, who also serve on several advisory committees.

Statistics don't tell the whole story; however, manipulating statistics and putting the best possible spin on them appears to be standard practice at NMC. We review NMC from our mariners' perspective, that of working mariners who pay user fees in return for services that should help them continue and keep on the job, and not interrupt and delay, deter, or discourage them, as frequently happens.

Most credentialed mariners are independent and self-reliant. They only seek our help after their best efforts fail. Each mariner presents a unique set of problems, as our two reports show. In most cases, they already have asked advice from their friends, coworkers, employers, and schools. Occasionally, we remain their last resort.

We have had some problems with the present commanding officer of the National Maritime Center, who has totally sabotaged the efforts of our Association to deal with many of these problems. This is covered in our written testimony, and I don't see any reason to drag it out here.

We appreciate the work of this Subcommittee and we support H.R. 2652, and especially in U.S. Code Section 7508, which would provide authority to extend the duration of licenses. We hope that you will be able to craft this legislation in a manner that will protect individual mariners from the type of losses that have been discussed today, resulting from needless delays and possibly end the adversarial relationship with our mariners that has erupted during the current administration of the National Maritime Center.

I seek to extend the duration of licenses long enough so that somebody who has lost his or her license or stands to lose it may possibly be covered for a week or a month, or whatever time is necessary to straighten out their application and carry them through without loss of job, opportunity or pay.

Thank you very much, and I apologize for over-extending my time.

Mr. CUMMINGS. Thank you very much.

Mr. Rodriguez?

Mr. RODRIGUEZ. Good afternoon, Chairman Cummings, Ranking Member LoBiondo, and members of the Subcommittee. The American Maritime Officers, the International Organization of Masters, Mates, and Pilots, and the Marine Engineers' Beneficial Association are grateful for the opportunity to appear today before the Subcommittee.

Accurately documenting merchant mariner qualifications is critical to our industry and to the individual mariners who make it work.

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

In 2004, when the Coast Guard began revising its medical review process by proposing a new Navigation and Vessel Inspection Circular, or NVIC, we agreed that the system of medical review needed to be improved. However, we also expressed our concerns that the NVIC was excessive and overly complex, and that the Coast Guard had underestimated the number of mariners affected, the number of requests for medical waivers, and the size of staff and the level of resources required. We, among many others, predicted that the system would be prone to delays and that mariners would lose income and essential benefits.

It is absolutely unacceptable that any mariner should be out of work due solely to the failure of the system to adequately anticipate problems that we have experienced, especially after the agency was repeatedly warned that these problems were coming. We have come to the conclusion that the present Coast Guard medical review process is a flawed system that seriously needs to be revisited. And I would add that on the Senate side there is some legislation to do just that, Senate Bill 685.

Merchant mariner licensing and documentation, now called credentialing, is an area of great concern to us as well. Accurately documenting mariners is critical to our ability to provide qualified mariners to every sector of the industry, including U.S. flag and international flag sector. There is general concern among the licensed mariner community that the Coast Guard is deliberately diminishing the professional standing of merchant mariner officers by eliminating the word "license" from their regulations in favor of the terms "credential" and "officer endorsement." We recall that, in 2004, Coast Guard legal personnel issued a legislative change proposal to rewrite 46 U.S.C. 7101, the statute that establishes merchant mariner licenses. Among other things, the term "license" would have been dropped from that statute.

In our view, by eliminating the word "license" from its regulations, the Coast Guard 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 functions. Mariners are receiving their documents with necessary endorsement stripped away from them. Mariners wait for months in order to have their documents updated, and several of our members complained that advice from the NMC help desk is inconsistent or just plain wrong.

In the past, mariners went to one of the Coast Guard's Regional Exam Centers, or RECs, to initiate and complete their licensing and documentation transactions. The benefit to the mariner was the availability of REC personnel to address problems on the spot. Centralization of licensing and documentation has concentrated the workload at the NMC, eliminated the professional discretion of the

RECs to fix problems, and has deepened the split between the Coast Guard and the mariner community.

In 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, carrying our commerce, supporting our armed forces, and assisting during national disasters. They deserve no less than the best efforts of our Government to assist them in providing their service to our society.

Thank you, Mr. Chairman.

Mr. CUMMINGS. Thank you.

Mr. Van Loo, you are not testifying, are you?

[No audible response.]

Mr. CUMMINGS. Okay.

Mr. Laird?

Mr. LAIRD. No, I am not.

Mr. CUMMINGS. Thank you very much.

I am going to go to Mr. LoBiondo. I will go to you first, then we will go to Mr. Bishop, then I will clean up.

Mr. LOBIONDO. Thank you, Mr. Chairman.

Captain Clark, your testimony notes that the Coast Guard has implemented a consolidated merchant mariner credential and entered into a partnership with the TSA to coordinate certain aspects of TWIC and the MME processing program; implemented a new medical review system; implemented new endorsements for standards of training, certification, and watchkeeping; and, in addition to these changes, the Coast Guard has also established the National Maritime Center and consolidated many activities formerly conducted in the 17 Regional Exam Centers.

I understand your argument that, in the short-term, the Coast Guard is having difficulty absorbing all of these changes; however, in the long-term, do you believe that these changes will result in a stronger, more effective credentialing program or that there will still be problems?

Captain CLARK. You are asking me that question?

Mr. LOBIONDO. Yes, Captain Clark.

Captain CLARK. I think the Coast Guard is doing their level best to make this new credentialing system work, and time will tell. When you go to a centralized system, you have a better opportunity for consistency than you would at 17 independent RECs that we had around the Country. But I think the other side of that argument is, if it is not a top-notch central organization, the mariner has no place else to turn.

I am from a port where we had an option for two RECs in the day of the RECs, where you went to the REC, they had somebody at the REC that would look at your application, would tell you there are things missing here, so you get them corrected immediately.

We actually had a situation where one of the RECs that was within our reach was doing an abysmal job and the other one was doing an outstanding job, so all of our mariners had an option and they all went to that port that was doing well, and it was remarkable because it wouldn't have been the first choice, but geographically it was similar traveling time and all those things.

So I think we have an opportunity here for uniformity, if we can produce a central system that demonstrates excellence in all phases of this. But when the mariner is removed by geography and there is question as to the ability to communicate specifically about his case, we have opened the door to some of the concerns that we have heard expressed today.

Mr. LOBIONDO. Thank you, Mr. Chairman.

Thank you, Captain Clark.

Captain CLARK. Yes, sir.

Mr. CUMMINGS. Mr. Bishop.

Mr. BISHOP. Thank you, Mr. Chairman.

Mr. Wells, you indicate in your testimony that the credentialing system should be simplified and that obstacles that, in your view, serve no purpose, should be removed. Can you be specific about some of the obstacles that currently exist that serve no purpose, that you believe should be removed?

Mr. WELLS. To cite specific examples, I would like to go back and think about it and provide it to you in writing.

Mr. BISHOP. But you will submit that for the record?

Mr. WELLS. Yes.

Mr. BISHOP. Thank you. I appreciate that.

Captain Clark, I am going to guess that a fair number of the members of the Passenger Vessel Association are seasonal businesses and, thus, the consequence of a credential expiring during the height of a season can be particularly difficult for that business to accommodate. In our testimony, you cite one example of a vessel owner who had to hire someone to operate his own vessel. Are there other examples that you can cite and can you just sort of walk us through the consequences of a credential expiring?

Captain CLARK. Yes, sir. Thank you for that question. I have one of my two senior pilots, he has been working at South Ferry for 40 years, and I guess that means he is on his eighth issue of a five-year license. In the middle of June, he brought to my attention that he had submitted his renewal package to the NMC six weeks ago, and he just then, six weeks later, in the middle of June, when our big season is coming up and we need him more than ever, received a letter regarding his medical condition. There was an existing condition.

I fully understand why we need to get to the bottom of any existing medical situation that could compromise safe transportation, but the delay between the time he sent this completed package in and he got the notification that now we need more information, he got that information within, I would say, three working days and did just what I told him, to make sure you get that right there, overnighted to the NMC so they can get right to work on it.

But now we are getting towards the end of June and his license is due to expire next week, on the 14th. I think that exemplifies for me and others why we need to have a special queue for people that have submitted everything they need to submit and their license is going to expire, and in most cases it is going to get issued. But don't make it so he has to stop working, he can no longer do his job just because of an administrative situation.

And we do have other situations like that where mariners have just been caught up in a system that is backlogged, quite frankly.

Mr. BISHOP. Okay, thank you very much.

Mr. Chairman, I thank you.

Mr. CUMMINGS. Captain Clark, as you were talking, I was seeing that the Rear Admiral—I guess you all were talking about the problem that Captain Clark just stated. I hope that you all can talk afterwards and perhaps get the information about this situation.

Captain CLARK. Well, thank you so much for that comment, Mr. Chairman. We have talked and we will continue to talk.

Mr. CUMMINGS. Oh, good. Good. So your family has been in this business for a long time?

Captain CLARK. It goes back to—and we are trying to nail down the exact date, but early part of the 1800s, when our forebearer, Samuel G. Clark, came all the way from Connecticut, a small-time farmer, found that he could pick up a few extra bucks rowing people across the small passage.

Mr. CUMMINGS. Is that right?

Captain CLARK. Yes, sir.

Mr. CUMMINGS. So you have lived basically by the water.

Captain CLARK. We grew up right by the water and the ferry boats are right in front of the house when they are not in service on the route, which is right next door.

Mr. CUMMINGS. And I take it, in listening to your testimony, all of you, you have tried to be balanced. I mean, you understand the Coast Guard has a job to do, but I take it that you are trying to make sure that, in the process of doing that job—and this is to all of you—that they do their job, but that job does not interfere with commerce unreasonably and unnecessarily. Is that a pretty good——

Captain CLARK. That is an excellent way of putting it. And I will say this, we need to do our part as mariners. We need not wait until the very last moment. But that is exactly what we are looking for.

Mr. CUMMINGS. Well, if you notice in my questions to the members of the Coast Guard, officers from the Coast Guard, one of the things I said, I kept asking assuming that people submit their paperwork in a timely fashion, why we are having this problem? Because I agree with you, I think it has to be a two-way street.

Captain CLARK. It has to be.

Mr. CUMMINGS. We have got to make it as easy as we possibly can. We have got to go by the rules, as far as mariners are concerned, to do the right things. But then, once we do the right things, do them timely, then Government has a duty not to stand in the way. It has a duty to do its job, but, at the same time, not to stand in the way because we can't get our act together, and that seems to be the problem.

I just want to go to the four of you. If you had something that you would really want to see—I mean, you have the Coast Guard right here, you have the folks who are in charge of the program. If there is something that you really would want to see them do, I mean, I know you have testified, but if you could just give us a sentence or two that would make a big difference, we just want to hear that, because we want to be effective and efficient.

And I have got to tell you, working with Mr. LoBiondo, our Ranking Member, we really work together well, and our Committee

has worked together trying to figure out how to not get so caught up in politics and deal with curing people's problems, because we only have one life to live, and this is it.

So we will start with you, Mr. Rodriguez. And I want it just to be brief; we are going to end this hearing in the next few minutes. But I just want you to let us know what is your number one thing that you want them to do? You have got them sitting right there. They are taking notes. It looks like they are running out of paper and ink, but they are taking notes. But they are listening.

Mr. Rodriguez?

Mr. RODRIGUEZ. Thank you, Mr. Chairman. The first—may I——

Mr. CUMMINGS. Two. I will give you two. All right, two.

Mr. RODRIGUEZ. The first would be the trusted agent proposal. We would like to explore that and expand it and make it work. We have people in our schools around the industry who have the expertise to help the Coast Guard with some of these problems. They have the proper interest because they would be helping their fellow mariners through the process and——

Mr. CUMMINGS. And the trusted agent concept is to try to help make sure the application process is complete so they don't have to start all over again, is that pretty much——

Mr. RODRIGUEZ. It could be that. It could be expanded to a number of different areas where there is a problem with the volume of work that is going to the National Maritime Center.

My second wish would be to revisit the medical review process. We have never been in agreement with centralizing the medical review process because we have a system now where fitness for duty is determined by somebody in West Virginia who has never seen a mariner, has never examined the person, and is making a determination based on paperwork traveling back and forth. That has resulted in a number of delays. We have a medical profession out there that is perfectly capable of making physical examinations and determining whether a mariner is fit for duty.

Now, I think what was missing in the old system was the ability of the Coast Guard to communicate consistent policy to its RECs and also to physicians who were examining mariners. In our written testimony, we talk about a system that is in place in the United Kingdom, I believe, and that is a system where the maritime authority in the U.K. sends some very clear and very understandable guidance to physicians around the U.K. to do the mariner medical evaluations. So we have always advocated for a system like that.

Mr. CUMMINGS. Okay.

Mr. RODRIGUEZ. This medical review process is just too complex, it is too difficult, and results in many, many delays, as we have seen.

Mr. CUMMINGS. Mr. Block.

Mr. BLOCK. My wish for the day is in four words for the Coast Guard: respond to our letters. Thank you.

Mr. CUMMINGS. Captain Clark?

Captain CLARK. I would emphasize that, when we have a licensing situation in extremis—and by that I mean if this thing doesn't get renewed in a very short period of time, this mariner is going

to be out of work—when we have that kind of an extremis situation, follow the rules of the road and avoid a collision.

And I think the Coast Guard is working very hard to put a process in place that they can depend on that will kind of put the thing on automatic pilot, and I think, to some extent, if it is done right, it can do that. But they will never get past the point where certain situations arise and we get into that extremis situation, and that needs to be a priority. I can't, for the life of me, understand why, if the mariner is going to get his credential, let's get it now.

Mr. CUMMINGS. Well, it is interesting. Mr. LoBiondo had asked a question about whether, when they fall into that category, was there any authority to give them at least a temporary kind of license or something to hold them over, keep them working, and the answer from the Coast Guard was no. We might want to look into that.

Go ahead.

Captain CLARK. If I may, I think the Coast Guard feels like they are bound by a Congressional mandate that says you can only issue a credential for five years, and one of the tides that is working against us here is that if mariners have a disincentive to send it in a year ahead of time, as was mentioned, or six months, because traditionally that has led to a loss of some percentage of your license—in other words, now it is a four and a half year license—I think there is a process in place now where they can do a delayed action and maybe minimize the loss of time on your license to maybe one month under a delayed issuance program.

But I think all those kinds of things need to be made better known to the mariners. PVA needs to do its part to get that word out; Coast Guard needs to do their part.

Mr. CUMMINGS. Before we get to you, Mr. Wells, I just want to ask you one other thing, Captain. You indicated that many queries to the National Maritime Center go unanswered. Is this still the case, and how long do you have to wait, on the average, to receive a response?

You also indicated that you support the establishment of an ombudsman to help. The only reason I am mentioning it now is Mr. Block had a similar concern when he said the four words, and basically he is saying just respond to us, let's keep the communication going. I am just trying to figure out are you still having problems getting your—now, the Coast Guard claims they are in pretty good shape as far as——

Captain CLARK. Interaction.

Mr. CUMMINGS.—interaction.

Captain CLARK. Yes, sir.

Mr. CUMMINGS. But if we have a breakdown where people are not at least getting some type of response, all that does is lead to total frustration and it puts the mariner in a position and the employer of the mariner in an unpredictable position. I try to tell people all the time, as one who ran a small business for several years, the most important thing you can do for a business person is give them a decision, be it good or bad. They need to know something so that they can plan.

So I am just trying to figure when you say—and I know you want to be fair to the Coast Guard. Are you still having problems?

Because I don't want that to hang out there if it has been resolved or whatever.

Captain CLARK. I think the problem is not so extreme that you just can't get an answer, because you can get somebody on the phone. But I think the problem that I see and that we see in the PVA is getting enough information about exactly where that document is that is in for renewal, or if it is a new issue, where we stand on that.

It seems like that is the part of the puzzle that is so important to the mariner. If it is not specific information, if it is just sitting in the pile, that makes him feel worse than before he picked up the phone. If he can get some information—he is wondering is there something I have done to make this worse? If I have, I need to fix it. And they understand that. Mariners know that. I think that has been, to me, at the crux of the problem, just getting the specific information that they need.

Mr. CUMMINGS. Mr. Wells?

Mr. WELLS. It sounds a little corny, but I think the message we would want to pass on is we would want the Coast Guard to wake up in the morning knowing that day, if this system doesn't work for the individual mariner, that mariner's ability to earn a livelihood or advance in his profession is at risk. To own that fact and put the resources in place to fix it.

Mr. CUMMINGS. Mr. Bishop, did you have anything?

We are going to end the hearing, but let me just say this. I want to thank all of you for your testimony.

Mr. Laird, did you have anything? Yes, please do. You sat here all day.

Mr. LAIRD. Okay. Thank you, sir. I just want to say that we have a fledgling project here all three unions are involved with that was really initiated in 2007 by MARAD, the LNG international business, and everything has been said as far as disadvantaging the mariner and the things that we are doing. I agree with everything. I like the dialogue.

The issue is here we are making our debut internationally, and when we go on these international contracts, they are evaluating whether or not we can deliver. We have a couple of contracts, one is with a major oil company, and they put these people through complex training programs, and, at the end of the day, at the end of the time of the four months, they are looking for these people to go in service. They don't want to hear that it is going to be another four to eight weeks, because there are tens of thousands of dollars at stake, not just the mariners' pay.

So that is all I want to say, because there is a government initiative with the MARAD project that we have put a lot of time and effort into, and we don't want to see it vanish, because mostly it is for the new generation of officers coming up the line. We want them to have—I sailed LNG captain and I had a great career there, and we see, luckily this week we had nine new juniors from a couple of the maritime academies start out with this major oil company.

We want them to have a career at sea and many more of these young officers out of these maritime academies. We have to prove ourselves to these international companies that, first of all, we

know we can do the job and we can be competitive. The third thing is that we need to be able to do our job with our documents in a timely way, basically.

Thank you for giving me that time.

Mr. CUMMINGS. Thank you, Mr. Laird.

Mr. Van Loo?

Mr. VAN LOO. In my file, I have numerous examples of mariners that are experiencing difficulties in renewing their documents. It is our wish that the Coast Guard would expedite the process and get these guys back to sea.

Mr. CUMMINGS. Well, I would appreciate it if you would—since you have the main people here—that you talk to them before you leave.

Mr. VAN LOO. I will.

Mr. CUMMINGS. I want to thank all of you for being here. I want to make sure that we are very clear. This is not a bash the Coast Guard hearing. This is about how do we work with the Coast Guard so that they can accomplish their mission and so that the mariners can accomplish theirs. I think sometimes we can make things more difficult than they have to be.

But I think that, listening to all of you, the Coast Guard included, we can do this. This doesn't sound like rocket science stuff. I think Mr. Wells said it, and perhaps it was some philosopher that said it even better than I can say it, that if we would just take a moment to put ourselves in the other person's shoes sometimes, we would have a greater sensitivity and could probably work things out better. That is both ways, by the way.

All I am saying to you is that we are going to work with the Coast Guard. I think we can do better. We need to get rid of this backlog. We just simply cannot—even if the economic times were not what they are today, we simply cannot afford to have one single person out of work because the Government cannot get its act together, as I said a little bit earlier. So we are going to work hard with the Coast Guard and we are going to follow up with the Coast Guard and make sure that we address this backlog.

Again, going back to Mr. LoBiondo, our Ranking Member's question, probably one of the most crucial questions during this hearing is when he asked the question does the Coast Guard have what they need; and the Coast Guard said they have what they need. Once you answer that in that form, we expect results.

We also expect something else. We expect the Coast Guard to be able to look and see certain things coming. We don't expect them to be the person that can see every single thing, but there are certain things that you just see coming, and you all are in the business of seeing things coming out there on the water.

So all I am saying is that I think probably a little bit more foresight would have been helpful and then acting on that foresight would have been helpful, and perhaps we would not find ourselves in the situation that we are in today. That doesn't mean that we would not have had problems, but maybe not to the degree that we have them now.

And I don't want us to underestimate how serious this is. I think we need to resolve it, because the one thing we don't want to do is we don't want it to get worse. So, again, I want to thank you

all for your patience. Speaking of foreseeability, we could not foresee that we were going to have this problem to delay you all for so long, but we really do appreciate the fact that you stuck around and made your voices heard.

So, with that, we will adjourn the hearing. Thank you.

[Whereupon, at 2:27 p.m., the Subcommittee was adjourned.]

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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 "day 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

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 Ass'n. of Maritime Educators. Published 99 issues of the Ass'n. Newsletter. **Membership: 1994.** American Inland Mariners Ass'n. **1998**. Pilot's Agree. **1998-2009**. Int'l. Organization of Masters Mates and Pilots. **1999-2009.** Secretary, Gulf Coast Mariners Ass'n now National Mariners Ass'n. Edited 62 issues of Ass'n 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 – 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 snoopery 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*** – 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 – 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 – 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 "paper shuffle" until it hits them years later.

Nevertheless, this simple change in terminology, which could well be an "improvement" over the long haul, will affect every single mariner – 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 – something the NMC has not done very well. "Credentialing" 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 "collectible" license to "hang on the wall" (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 "off the streets" 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: "PVA 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." 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 "History" behind previous credentialing transactions. It is clear that they prefer to erase this institutional history and start with a new slate – 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 "History" 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. "Operation Big Tow" 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 §11304should 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 "grapevine" and "computers" 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" – 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..." 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 – 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 – 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 engineroom, 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 engineroom 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 engineroom 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)**

NATIONAL MARINERS ASSOCIATION *1999*

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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 Stalfort, the Commanding Officer of the National Maritime Center (NMC). This treatment dates back to the time that Captain Stalfort 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 Stalfort'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 – 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 "National Maritime Center is not obligated to maintain (the statistics) under any Federal Law or Agency Regulation," 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 "Trusted 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 "trusted 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

NATIONAL MARINERS ASSOCIATION • 1999 •

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April 24, 2008

ENCLOSURE #2
COPY

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

Subject: Request for Status of License Application

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

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

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 5$^{t\text{"}}$ 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 approxamently 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, cardiolagy, 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 finanaly called the maritime center and talked to a Tim Sheffler who informed me that I was giving the medical waver 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 suspention.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 exiperd. 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 stared 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



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



Chris a Wilson

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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
South Ferry, Shelter Island, NY

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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.

U. S. Department of Homeland Security

United States Coast Guard

Commandant
United States Coast Guard

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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 mulitple 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.

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 loss 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 then the agency has acknowledged that it needs to work to rebuild confidence in the mariner community.

July 30, 2009

The Honorable Elijah Cummings, Chairman

Subcommittee on Coast Guard and Maritime Transportation

United States House of Representatives

Washington, DC 20515

RE: Supplemental Material Regarding the National Maritime Center and Mariner Credentials Hearing, July 9, 2009

Dear Mr. Chairman and Members of the Subcommittee:

America's maritime officers unions appreciated the opportunity to bring our concerns over the implementation of new medical review and mariner credentialing procedures at the Coast Guard's National Maritime Center (NMC) before the subcommittee. The administrative agencies that implement the laws of Congress work best when there is active oversight by Congressional committees.

As we stated in the written testimony we submitted to the subcommittee on July 9, merchant mariner licensing and documentation, and medical review procedures, are critically important administrative functions. They are essential to ensure that mariners who are qualified and medically fit to serve aboard vessels in every maritime sector are able to do so. However, as we stated during the Subcommittee's hearing, we believe very strongly that the Coast Guard has fallen terribly short in meeting its responsibilities to administer these functions fairly, efficiently, and in a timely manner.

Unfortunately, there are those within the Coast Guard who still do not understand that their failure to manage their licensing and documentation and medical review missions properly has a direct impact upon the ability of American merchant mariners to continue in the maritime profession and to provide for their families. As we pointed out in our testimony, maritime labor and others repeatedly warned the Coast Guard over a period of four years that the Coast Guard's proposals in these areas would result in the loss of jobs for mariners. We continually warned the Coast Guard that their proposals were unfair, overly costly, and unnecessary. We continue to be puzzled by the Coast Guard's stubbornness and are forced to conclude that the Coast Guard either chose to ignore these warnings or the agency simply considered the impact of its proposals upon mariners as less important - placing a greater priority on economies of scale, output metrics, and centralization.

We regard this "centralization" of mariner licensing and documentation as a failure by Coast Guard leadership to effectively disseminate policy and guidance to the seventeen (17) Regional Exam Centers. It is impossible to understand, in the era of instant communications, why the Coast Guard is unable to communicate effectively with its offices around the country. At a time when businesses throughout the country and around the world are able to delegate decision making throughout their organizations, we have questioned and continue to wonder why the Coast Guard feels the agency needs to pull back and place critical decisions in the hands of people who could hardly be more removed from the public they are employed to serve.

We strongly believe a new approach to the evaluation and certification of medical conditions and professional qualifications is needed. We respectfully request that careful consideration be given to the following comments.

The Medical Review Process

As all available evidence clearly indicates, the Coast Guard's newly-implemented medical review process is not functioning as originally envisioned. It is a misguided and impractical attempt to evaluate and monitor changes in the medical condition of over 200,000 mariners through an extremely small staff of medical evaluators at a central office. Therefore, medical evaluations are now based solely on a stream of paperwork between the NMC, the mariner, and examining professionals.

The possibility of backlogs like those the Coast Guard caused late last year and early this year provides incentives for the agency to place the blame for delays on mariners. For example, mariners who call the NMC helpdesk are frequently told their applications may not proceed until the mariner provides more information for medical evaluators.

We must note for the record that the Merchant Mariner Personnel Advisory Committee to the Coast Guard (MERPAC) rejected the Coast Guard's concept for the current system of medical review. Therefore, it is necessary to qualify the Coast Guard's assertions that the agency consulted with industry by saying that the consultations did take place, but the agency dismissed the industry's advice.

Fortunately, guidance on a reasonable approach to medical review standards exists in the recently adopted International Labor Organization (ILO) Maritime Labor Convention of 2006 that is well on its way to ratification as the accepted international standard. The International Maritime Organization (IMO) also has medical standards for mariners on its work program. Our organizations support the international medical standards and the international system for documenting medical fitness as far more practical and realistic than the procedures put in place by the Coast Guard.

The Professional Qualification Evaluation Process

The licensing and documentation process, particularly for officers, is very complex. Not only must merchant marine officers comply with Coast Guard regulations, they must achieve endorsements under the IMO's International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW). The number of endorsements that a mariner must achieve to work aboard all sorts of ships under STCW continues to grow and, to make matters more complex, Coast Guard regulations are not always compatible with the requirements of STCW.

In order to work aboard merchant vessels, maritime officers must possess both Coast Guard-issued licenses and STCW endorsements. Therefore, when mariners send their license renewal applications to the NMC, their employability and their livelihood are on the line. If the documents are returned to the mariner from the Coast Guard with mistakes or without all the appropriate STCW endorsements, the individual is unemployable aboard a U.S.-flag merchant vessel until the matter is resolved.

NMC personnel and helpdesk operators are not familiar enough with the maritime industry to properly interpret Coast Guard regulations and STCW convention requirements. This is not surprising because the evaluators and helpdesk personnel are

contractors drawn from outside the maritime industry. Knowledge and the ability to serve mariners were lost when the Coast Guard chose to "centralize". We strongly doubt that the necessary capabilities will be regained under the present system.

Authority to Extend Mariners' Licenses and Documents

Misinformation provided by the NMC, inefficiencies that are built into the "centralized" system and the lack of discretion on the part of medical practitioners are serious problems for mariners as their licenses and documents reach their expiration dates. As stated by the Coast Guard during the hearing, the agency has no authority to extend the duration of a credential beyond the five year statutory period.

Consequently, we ask that consideration be given to legislation that would allow an individual's license or document to be extended for a specified period beyond the current five-year expiration date. In this way, it is our hope that individual mariners would no longer be victimized – would no longer lose their ability to work – as a result of mistakes made in the licensing and documentation process through no fault of their own.

Conclusion

The mariner licensing and documentation system put into place by the Coast Guard does not serve the nation nor does it serve the mariners it is meant to regulate. It has proven to break careers and throw hard working Americans into economic hardship to the extent that they must apply for government assistance or live on their credit cards.

We know of no other maritime nation in the world that is experiencing the kind of delays in processing applications for the renewal of licenses and documents that we have in the United States. Efficient, effective, and fair models exist in several industrialized nations, but the Coast Guard seemingly is resisting developing its processes along those lines.

Our organizations respectfully request the subcommittee to:

Continue vigorous oversight over the Coast Guard's licensing and documentation processes. This is critical toward ensuring that mariners are treated fairly and will no longer be prevented from working because of poor or incorrect decisions by the Coast Guard.

Support legislation that ensures that medical practitioners who examine mariners for fitness for duty have full professional independence in exercising their medical judgment. A registry of qualified medical practitioners would conduct medical examinations and issue medical certificates as trusted agents of the USCG.

Consider a system of "trusted agents" to certify the professional qualifications of mariners after approved training and a demonstration of competency. Maritime academies and union training facilities are staffed with experienced mariners who have a personal interest in maintaining high standards within our industry and who are familiar with licensing and STCW endorsement requirements. Consideration should be given to additional legislation that would authorize and encourage the USCG to pursue this goal as a solution to the present problem.

Our maritime labor organizations again thank you and your Subcommittee for your efforts in behalf of America's merchant mariners and we look forward to working

with you and your subcommittee to develop a fair and effective system for the regulation of merchant mariners.

Sincerely,

American Maritime Officers

International Organization of Masters, Mates & Pilots

Marine Engineers' Beneficial Association

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.

Regarding USCG license renewal procedures and time for USCG review of information

In April of this year I began gathering the forms and documents necessary to renew my USCG license for the seventh time. Included in that package is a CG-719K (Rev 03/04) Merchant Mariner Physical Examination Report. On the face of this form is a notation that the form expires on 07/31/2009. By May 7 all documentation was complete and turned into the regional center in Seattle Washington.

Using the mmcstatus web site I monitored the progress of my renewal. By early June I was nervous that there was no progress other than acknowledgement that the documents had been received. By June 3 a notation appeared that a medical evaluation was being conducted. A call to the info number was made but the person could give me no information on what had keyed additional evaluation, no estimate of the time before I might know if additional information/testing would be necessary, and there was no time limit on the time used to evaluate my application.

At that time I contacted the office of Congressman Adam Smith to request assistance. My license expiration date is June 29, 2009.

On June 11 the mmcstatus site indicated that there were two questions for my Physician and that a letter was mailed to me on that date. No letter arrived by June 16. On June 17 another call was made to the info number and I was told that the letter was being mailed on June 17. That letter was received on June 19.

A complete neurology consult is required for a single TIA that occurred in April 1998. In discussions with medical professional it is my understanding that these tests may cost $50,000 to $70.000. There is significant risk in performing two of these invasive, investigational procedures. I have had at least two USCG exams using CG-719K since the TIA event. None of the Physicians felt that a neurology consult was necessary.

Consults with Neurologists are not readily available for non-emergency situations. The earliest date I could obtain is July 17, 2009 for an initial meeting. The required testing will be scheduled based upon the findings of the neurologist and the availability of the lab testing facilities.

NVIC 04-08 indicates that there should be no increase on processing time. In my case, what has typically taken no more that three weeks is now in week nine. After thirty five years of service, I am unemployable as a merchant mariner!

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U.S. Department of Homeland Security
United States Coast Guard

Commandant
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JUL 1 2009

The Honorable Adam Smith
Member, U.S. House of Representatives
2209 Pacific Avenue, Suite B
Tacoma, WA 98402

Dear Representative Smith:

This is in response to your letter dated June 8, 2009 on behalf of your constituent, Lawson Bronson. Mr. Bronson has requested your assistance with his efforts to obtain expedited processing of his application for a Merchant Mariner's Credential.

According to the National Maritime Center's (NMC) records, Mr. Bronson submitted an application for renewal of his Merchant Mariner's Credential on May 7, 2009 at the Seattle Regional Examination Center (REC). In accordance with the Coast Guard's centralization protocols, the Seattle REC transferred Mr. Bronson's application to the NMC for evaluation on May 8. A preliminary review of Mr. Bronson's application indicated that a medical review was necessary as stipulated by the Navigation and Vessel Inspection Circular (NVIC), 04-08: Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials. Consequently, his application was transferred to the NMC Medical Evaluation Branch (MEB) for medical review. On June 17th, the MEB determined that additional information was required in order to complete their medical review. A letter was mailed to Mr. Bronson listing the remaining documentation necessary for MEB to complete their evaluation. As of the writing of this letter, the requested medical documentation has not been received. Upon our receipt of the required info, Mr. Bronson's evaluation will resume. Should any additional issues arise with Mr. Bronson's application or evaluation, he may expect to be contacted by an NMC evaluator.

We understand that Mr. Bronson is frustrated by the time required for the evaluation process, and we sympathize with his position. We would like to assure you that the NMC is working to the utmost of its capacity in an effort to complete the applications awaiting evaluation, and have taken steps to reduce the time currently required for merchant mariner credential issuance. The NMC has implemented enhanced risk-based screening procedures to streamline the medical evaluation process and is prioritizing the applications currently in inventory to focus on those mariners whose credentials have expired or are near expiration. This process is specifically designed to keep working mariners employed.

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Subj: RESPONSE TO LETTER DATED JUNE 8, 2009 ON BEHALF OF CONSTITUENT LAWSON BRONSON

We would also like to note that all merchant mariners are permitted to seek renewal of their credentials up to one year before they expire. Mr. Bronson is encouraged to take advantage of this opportunity in the future in order to avoid any potential delays in credential issuance caused by extended evaluation times.

Finally, we recommend that all merchant mariners, especially those with medical conditions, refer to the guidance contained in the NVIC 04-08, particularly enclosures 3a and 3b. Familiarity with the guidelines of the NVIC 04-08 will allow applicants to be prepared for the medical evaluation process and enable them to obtain any necessary medical documents ahead of time. This will help to decrease any delays in credential issuance caused by medical evaluation issues. The NVIC 04-08 may be found online at: http://www.uscg.mil/hq/cg5/nvic/2000s.asp#2008.

We appreciate Mr. Bronson taking the time to express his concerns to us, and wish him luck in his future as a merchant mariner. If you or Mr. Bronson have any additional concerns or questions, we encourage you to contact the National Maritime Center by calling 1-888-I-ASK-NMC (1-888-427-5662), or sending an email to iasknmc@uscg.mil.

My House Liaison Office at (202) 225-4775 would be pleased to respond to any further questions you or your staff may have.

Sincerely,

MARK S. MESERVEY
COMMANDER, U.S. COAST GUARD
CONGRESSIONAL AND GOVERNMENTAL
AFFAIRS STAFF
BY DIRECTION

○