

MARINE CASUALTIES NATURAL WORK GROUP REPORT

A COOPERATIVE EFFORT OF THE U. S. COAST GUARD
AND THE WESTERN RIVERS TOWING INDUSTRY

9 December 1999

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Executive Summary

A "summit" meeting was held on 9 July 1999 to discuss issues of mutual concern to the inland river towing industry and the Coast Guard (see Appendix 3). The Marine Casualties Natural Work Group (NWG) met as a result of the "summit" meeting (see Appendix 4). The purpose of the NWG follows:

The NWG is established to address the issues of marine casualty reporting, investigations, and enforcement as discussed in the 9 July 1999 summit meeting in St. Louis. The NWG shall propose recommendations to improve uniformity and consistency in the application and interpretation of pertinent regulations and policies by both the Marine Safety Offices (MSOs) and towing companies as well as propose programmatic changes for District and/or Headquarters action.

The Marine Casualties NWG identified six general areas of concern and provides recommendations for changes to regulations, policies, and practices as summarized below:

- Recommendations regarding initial and follow-up marine casualty reporting practices by the towing industry and the Coast Guard and recommended changes to the reporting regulations and policies.
- Recommendations for "bump and go" grounding reporting.
- Recommended guidance to help determine barge seaworthiness.
- Recommendations to standardize typical Western Rivers Marine Safety Offices response practices to be used by the Coast Guard and the towing industry.
- Recommendations for marine casualty investigations and personnel action processes to improve both industry perceptions and overall safety of the waterways.
- Recommendations to revise the license renewal policy to allow the mariner to receive a full five-year license.

Through the course of the fruitful dialogue among the members, it became evident that there were not large chasms separating the Coast Guard and the industry. In fact, the problem areas are believed to be readily resolved as each learned more of the other's concerns. A list of recommendations resulting from the issues discussed in this report is included as Appendix 1.

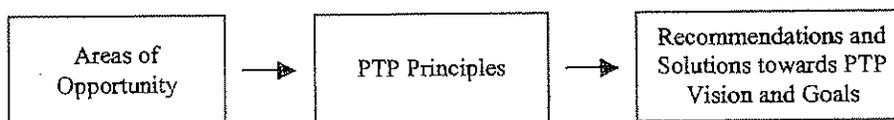
Introduction

The inland waterways towing industry and the Coast Guard have made great strides to improve safety and manage risk in a constructive, collaborative manner through the Coast Guard/AWO Memorandum of Understanding, Responsible Carrier Program, Prevention Through People initiative, and open communications in numerous committees which comprise a vast array of stakeholders. The towing industry and the Coast Guard share common concerns and goals regarding safety of mariners and all users of the waterways, stewardship for the environment, and the need to effectively and efficiently transport cargo on the inland waterways for the purposes of national and international commerce. Yet, even with this commonality of purpose and a genuine respect of the role of each other, perceptions (often misperceptions) exist by each entity of the other which adversely impact our collective abilities to carry out our joint objectives.

A "summit" meeting between the leaders of the inland towing industry and the Coast Guard's Eighth District was held on 9 July 1999 (see Appendix 3). This meeting was held as a result of a growing perception by some key towing industry people that the working relationship between the towing industry and the Coast Guard was strained. In the recent past, labor strifes in the towing industry (most notably Pilots Agree), changes in Suspension and Revocation regulations which were viewed with suspicion by the industry, and the perception of the Coast Guard disenfranchising the towing industry with the dissolution of the Second District and the recent disestablishment of the Director of Western Rivers Captain billet in St. Louis served to heighten sensitivities. The "summit" meeting opened communications and served to get us back on course and this Natural Work Group is a significant aspect of this process.

Among the industry's concerns is that the Coast Guard may at times be too aggressive in its enforcement role when less stringent and less formal measures may have achieved the same level of safety in a more cost effective manner. This has led to differing opinions regarding when less stringent and more cooperative efforts to enhance safety and correct deficiencies should be undertaken. Additionally, differences in practices among the six inland river MSOs, practices which are appropriate for a given MSO's area of responsibility, give rise to the perception of inconsistency that affects towboat companies which operate in and transit through various MSO zones.

The spirit of cooperation and partnering requires that all avenues of mutual problem solving be explored. The Marine Casualties Natural Work Group was formed (see Appendix 4) to address these issues and provide real world recommendations and solutions. The NWG has taken a quality approach applying the principles of the Prevention Through People program.

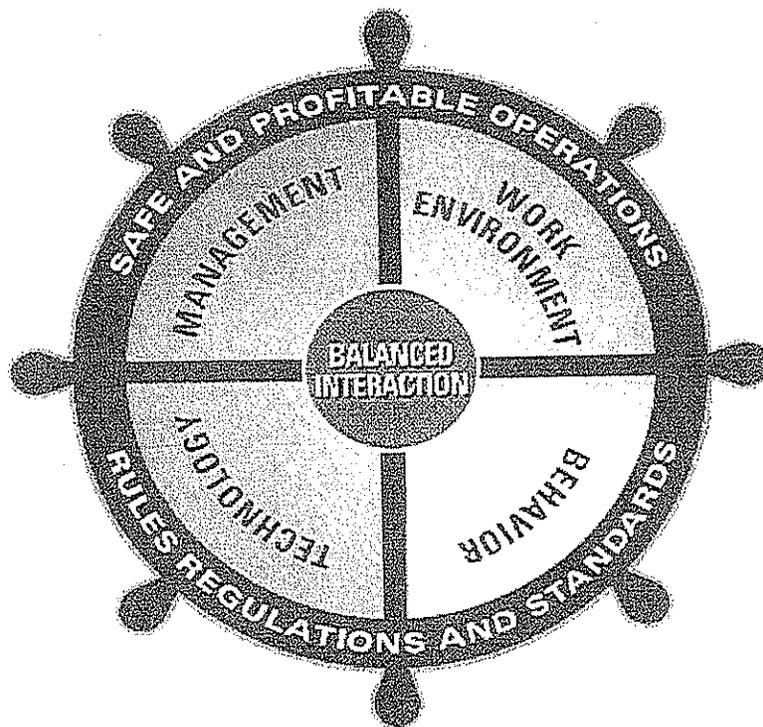
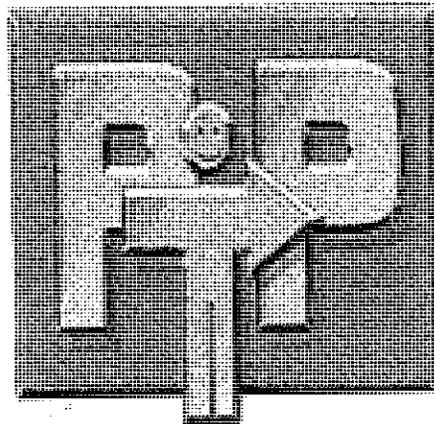


The NWG members have taken their responsibilities seriously and recognize the significant opportunities that are now present.

PREVENTION

THROUGH

PEOPLE



PRINCIPLES	VISION	GOALS
<ul style="list-style-type: none"> • Take a Quality Approach • Honor the Mariner • Seek Non-Regulatory Solutions • Share Commitment • Manage Risk 	<p>To achieve the worlds safest, most environmentally sound and cost-effective marine operations by emphasizing the role of people in preventing casualties and pollution.</p>	<ul style="list-style-type: none"> • Know More • Train More • Do More • Offer More • Cooperate More

Chapter One: Marine Casualty Reporting

Incident reporting was an issue of concern raised by the towing industry. 46 CFR 4.05-1 contains the regulatory guidance for reporting marine casualties, while 46 CFR 4.05-10 requires that all marine casualties reportable under 4.05-1 be followed up with written notification to the nearest MSO or MIO. The NWG decided to address each subparagraph to identify areas of confusion or those that were outdated and provide clarification for Western Rivers application. The NWG used the following references extensively during their discussion:

- “Updating the Marine Casualty Investigation Process” section of the Report of the Quality Action Team on Marine Safety Investigations;
- G-MOA Policy Ltr 3-97, Investigations of Minor Shipboard Injuries; and
- G-MOA Policy Ltr 2-98, Conducting Marine Casualty Investigations.

The NWG concurs with the first reference listed above, specifically:

“One of the major recommendations is to eliminate the reporting of many minor accidents from which little is learned. Primarily, these are minor physical injuries and groundings on the Western Rivers which result in little or no damage....”

The following issues were discussed regarding the reporting requirements in 46 CFR 4.05-1.

Issue 1-1: Confusion among some towboat Captains and Pilots exists as to the reporting requirements in the current regulations. The industry participants acknowledged that operating Captains and Pilots tend to either under- or over-report as a result of unfamiliarity and confusion with the requirements in 4.05-1. Continued training by towboat company management is underway to alleviate this minor problem. The Coast Guard does not specifically object to over-reporting, but additional administrative burdens may result to the company and the Coast Guard. The Coast Guard will make continued efforts to educate smaller companies that may not be aware of reporting requirements through the Cooperative Towing Vessel Examination Program and other educational methods.

Issue 1-2: Concerns were raised by the industry that initial reporting of marine casualties to the Group watchstander was occasionally hampered by “irrelevant” questioning and insistence that a CG-2692 be submitted. The NWG discussed the Standard Initial Radio (SIR) Report (see Appendix 5) that had been developed as a result of an industry/Coast Guard QAT several years ago. It appears that both the industry and the Coast Guard Groups do not consistently use the SIR Report form, which all agreed was a valuable tool. Using the SIR Report enables both the Pilot and the watchstander to immediately be on the same page and reduces confusion and frustration when initial reporting is conducted. This report is not another paperwork requirement, but merely a tool that Pilots can have at their disposal; a laminated SIR Report form maintained in the Pilothouse to be used with a grease pencil was suggested to assist the mariner. It is recommended that the SIR Report be used aboard all towboats and by the three Western

Rivers Coast Guard Groups. If the SIR Report needs to be updated, then industry, Group, and MSO representatives should meet as soon as practicable to accomplish this task. The other aspect of this issue is that the Group watchstander should relay the necessary information to the MSO for the duty officer to determine necessary follow-up actions, including whether or not a submission of a CG-2692 is required.

Issue 1-3. The industry felt that the reporting requirements in 46 CFR 4.05-1 were not fully pertinent to Western Rivers operations. The discussion of 46 CFR 4.05-1 includes recommended changes to either regulations or policy as agreed upon by the NWG members. Areas that entailed lengthy discussion or were of particular concern are addressed in greater detail in separate sections of this report. The current regulations are reproduced below followed by a summary of the discussions pertaining to each regulation. Appendices 1 and 2 are provided as a quick reference to the recommended regulatory changes addressed in this chapter.

46 CFR 4.05-1(a) Immediately after the addressing of resultant safety concerns, the owner, agent, master, operator, or person in charge, shall notify the nearest Marine Safety Office, Marine Inspection Office or Coast Guard Group Office whenever a vessel is involved in a marine casualty consisting in--

No changes are recommended to 4.05-1(a), though clarification of the intent is suggested and is incorporated in Appendix 7. The following area was discussed:

- **Immediately.** The term “immediately” generated discussion. Though industry and the Coast Guard had different areas of emphasis regarding casualties, both shared the primary goals of safety of life and property. *No one expects responsible individuals on scene to delay emergency or essential response and recovery actions;* however, immediate reporting as soon as is practicable is essential for various reasons. Immediate notification relaying the general information contained in Part 1 of the SIR Report should be provided in meeting the initial reporting requirement at a minimum, with amplifying information relayed after emergency response actions have been addressed. The sooner the Coast Guard gets the word of a casualty, the sooner the Coast Guard can act to mitigate its effects, prevent others from entering the problem areas through waterways management, or take other necessary actions. Notification should be more effective today since there is a host of communications available, ranging from VHF, cellular phones, and Watercom, among others.

4.05-1(a)(1) An unintended grounding, or an unintended strike of (allision with) a bridge;

Changes are recommended to 4.05-1(a)(1). The following area was discussed:

- **Collisions.** It is recommended that all collisions be reported to the Coast Guard. Current reporting regulations do not specifically address collisions. Vessel collisions are currently required to be reported only if the resulting damage triggers another reporting requirement in 46 CFR 4.05-1, particularly when damages exceed \$25,000 per 4.05-1(a)(7). It is important that the Coast Guard is notified of all collisions as significant human factors issues, such as fatigue and bridge management practices, should be investigated. Later in this chapter, we recommend increasing the reportable property damage threshold to \$100,000. The requirement to report all collisions ensures the Coast Guard is notified of collisions that fall below this \$100,000

threshold. It is also noted that minor brushes which occur during fleeting operations or allisions as the result of the typical use of bridge structures for maneuvering purposes should not require reporting.

4.05-1(a)(2) An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or the safety of a vessel...

No changes are recommended to 4.05-1(a)(2).

4.05-1(a)(3) A loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel;

It is recommended that 4.05-1(a)(3) be amended. The following area was discussed:

- **Loss.** There were misinterpretations of this reporting requirement by various entities, ranging from towboat personnel to Group radio watchstanders. Industry and the Coast Guard agreed that towboats conducting preventative or routine maintenance are not required to make notifications under this paragraph. This change is summarized in Appendix 2 and further guidance is addressed in Chapter Four.

4.05-1(a)(4) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service or route, including but not limited to fire, flooding, or failure of or damage to fixed fire-extinguishing systems, lifesaving equipment, auxiliary power generating equipment, or bilge-pumping system;

No changes are recommended to 4.05-1(a)(4), though clarification of policy is suggested and incorporated in Appendix 7. The following area was discussed:

- **Seaworthiness.** The term "seaworthiness" generated discussions. Coast Guard and industry agreed that policy guidance should be developed that will better define what conditions would adversely affect the seaworthiness of both barges and towboats, and require notifications in accordance with this paragraph. Chapters Three and Four contain further discussions on this issue.

4.05-1(a)(5) A loss of life;

No changes are recommended to 4.05-1(a)(5).

4.05-1(a)(6) An injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, that renders the individual unfit to perform his or her routine duties...

It is recommended that this paragraph be amended. The following area was discussed:

- **Minor injuries.** It is estimated that more than half of all marine casualties reported under this paragraph can be considered minor and warrant little or no investigative work by the Coast Guard. A minor injury, as defined in G-MOA Policy Letter 3-97, is an injury that does not result in broken bones (other than fingers, toes, or nose), loss of limbs, severe hemorrhaging, severe muscle, nerve, tendon, or internal organ damage, or hospitalization for more than 48 hours within five days of the injury.

Minor injuries do not require an MSIS entry and are forwarded to Commandant for tracking purposes only. We recommend that the same standard for minor injuries be reflected in the regulations under 46 CFR 4.05-1(a)(6), removing the industry reporting requirements for these insignificant injuries.

4.05-1(a)(7) An occurrence causing property damage in excess of \$25,000, this damage including that cost of labor and material to restore the property to its condition before the occurrence, but not including the cost of salvage, cleaning, gas-freeing, drydocking, or demurrage.

It is recommended that 4.05-1(a)(7) be amended. The following area was discussed:

- **\$100K vs. \$25K.** Casualties reported only because of property damage in excess of \$25,000 where the property damage does not exceed \$100,000 do not require an MSIS entry in accordance with G-MOA Policy Letter 2-98. This written report is, as with “bump & go” groundings and minor injuries, forwarded to Commandant with no local action taken. We recommend that the regulations mirror Coast Guard policy in increasing the reportable dollar value from \$25,000 to \$100,000. This would align with the Serious Marine Incident drug testing requirement found in 46 CFR 4.03-2 and 16.240 where the \$100,000 property damage is also found. Accounting for inflation since the initiation of the \$25,000 reporting requirement, the recommended \$100,000 threshold is considered reasonable to address safety considerations. We also propose that the regulations be amended to include the Report of the QAT on Marine Safety Investigations recommendation to specifically exclude the cost of “damage to cargo” from the damaged property value discussed above.

4.05-1(b) Notice required by 33 CFR 160.215 satisfies the requirement of this section if the marine casualty involves a hazardous condition as defined by 33 CFR 160.203.

No changes are recommended to 4.05-1(b).

The following issues were discussed regarding the regulations and policies for submitting CG-2692s as required by 46 CFR 4.05-10.

Issue 1-4: CG-2692s are discoverable legal documents and should only be submitted as strictly required by the regulations. The CG-2692 written reporting requirements generated considerable discussion. An element of fear by towboat captains and company representatives results from the written CG-2692 form which is required following the incident, in which the towboat operator must disclose his name, address, and telephone number for future investigation purposes. Coast Guard Headquarters should re-evaluate the CG-2692 from all angles and consider the value gained from requiring the information in each block of the form. The NWG also recommends that a Western Rivers working group be established to examine this issue. This group should include lawyers to examine the legal ramifications of the CG-2692 reporting requirements.

Issue 1-5: Some companies excessively filter information or do not fully report the facts in the CG-2692. This often hampers the Coast Guard’s role in increasing overall safety on the waterway. Incomplete submission of this form causes needless administrative burdens for the company and the Coast Guard. Honest, timely, and accurate completion

of CG-2692s is essential. Problems are frequently associated with CG-2692s filled out by towboat claims or legal departments instead of the Captains or an informed Port Captain or operations department individual. AWO and local ports and waterways committees should work with the Coast Guard in ensuring the towing industry completes all reports as required by 4.05-10.

Issue 1-6: A PC-based CG-2692 should be available to facilitate completion of the form in lieu of rolling the form into a typewriter. This MS Word document already exists, and will be made available to towboat companies. However, first hand reporting by the towboat captain or other responsible person on-scene is most often the best information – handwritten forms are absolutely acceptable. The NWG also suggests that CG Headquarters examine the feasibility of an online or e-mail CG-2692 submission, thereby eliminating paperwork while increasing reporting timeliness. This would be analogous to the current electronic tax return permitted by the IRS.

Issue 1-7: The industry felt that the CG-2692 submission requirements in 46 CFR 4.05-10 should be modified. The issues and safety concerns surrounding “bump and go” groundings have been discussed by the Coast Guard, Corps of Engineers, and industry over the years. Waterways management plans have been developed to promote safe loading practices during both high and low water conditions and a national marine reporting system is being developed by the Coast Guard and the Maritime Administration. Still, minor “bump and go” groundings on the Western Rivers which involve no damage, no pollution, or personnel injuries are required to be reported to the Coast Guard in written form following immediate notifications to either the Group or MSO.

4.05-10(a) The owner, agent, operator, or person in charge shall, within five days, file a written report of any marine casualty required to be reported under 4.05-1....

It is recommended that 4.05-10(a) be amended. The following area was discussed:

- **“Bump and go” groundings.** It is recommended that the written reporting requirements in 46 CFR 4.05-10(a) be revised, exempting “bump and go” groundings on the Western Rivers. Coast Guard policy, contained in G-MOA policy letter 2-98, is to forward all CG-2692s for “bump and go” groundings to Commandant for tracking purposes without further investigation (we recommend this policy requirement to forward CG-2692s be eliminated also). There is little to be gained through the additional administrative burden of submitting and processing a CG-2692 for the towing companies or the MSO. “Bump and go” groundings are addressed in greater detail in Chapter Two.

Chapter Two: "Bump and Go" Groundings

In the November 24, 1980, Federal Register, the Coast Guard discussed its policy on the importance of having good information for effective waterways management. The information on accidental groundings provides valuable information on potential or actual waterways hazards. The preamble states that "...the purpose of requiring notice of all accidental groundings is to provide marine safety information so that the Coast Guard may take corrective, or preventative action, as is necessary. Even though this requirement may result in the reporting of a grounding which results in no damage, the information will be useful in identifying channel deficiencies or unsafe operating practices."

Issue 2-1: Many towboat companies do not report "bump and go" groundings due to the administrative burden of filing a CG-2692 as currently required by regulations. The NWG recommends that a "bump and go" grounding be defined as follows:

"Bump and go" grounding - the touching of the bottom on the Western Rivers by uninspected towing vessels and uninspected barges in the navigation channel with no damage, no pollution, no personnel injuries, and no unintentional breaking apart of the tow.

For the Coast Guard to meet its waterways management responsibilities, there is a definite need for the towboat Captain to make immediate reports to the MSO upon grounding per 46 CFR 4.05-1(a)(1). Yet, the NWG recommends that if the grounding meets the above "bump and go" grounding definition, then no CG-2692 should be required to be submitted. Neither the industry nor the Coast Guard views "bump and go" groundings as a significant problem because little to no consequences result. The recommendation for initial reporting is discussed in Chapter One. Additionally, it is recommended that the "bump and go" grounding definition in G-MOA policy letter 2-98 be changed, eliminating the words "and no assistance required to resume voyage" since many minor groundings may require short duration towboat assistance, yet still result in no damage, pollution, injury, etc. It should be recognized that breaking apart a tow and using assistance from one or more additional towboats serves to maintain the integrity of the river bottom during low water periods.

The term “seaworthiness” is used in 46 CFR 4.05-1(a)(4) to determine when a casualty would be considered reportable (see Chapter One). On the inland waterways, compartment or void flooding conditions on uninspected barges are fairly common, ranging from leaking barges in service to damage resulting from close quarters conditions, including lock operations and fleeting evolutions. From a risk management perspective, uninspected barges with non-regulated cargo generally operating in locations close to shore do not pose a major risk to the waterways or the environment. Controlled flooding of uninspected barges is rarely reported because the industry does not consider minor leaking as affecting a barge’s seaworthiness or fitness for service. It is considered a normal occurrence for barges to leak from time to time, with no significant degradation to the fitness of the vessel. From a waterways management perspective, neither the industry nor the Coast Guard wants barges sinking and blocking the channel. Likewise, no one wants pollution which may result from loss of cargo, particularly regulated cargo aboard inspected barges. The following issues were discussed.

Issue 3-1: Concerns were raised by the industry regarding the term “seaworthiness,” especially as it relates to leaking uninspected barges. The NWG’s discussions revolved around this issue in an effort to develop guidance to determine when flooding adversely affects seaworthiness of an uninspected barge, making it a reportable marine casualty. As the vast majority of cargo is safely transported in aging uninspected barges in the inland waterways, there is a wealth of expertise in the industry regarding adequacy of barge conditions for their intended service. Included in Appendix 6 is a table clarifying when notifications under 46 CFR 4.05-1 would be required under different scenarios, as well as guidelines considered by industry experts in making determinations as to the safety of a barge which has been damaged and is taking on water. All members recognized the Coast Guard Marine Inspector’s role and responsibilities in inspecting Certificated barges for continued fitness for service after a marine casualty or when otherwise damaged.

Issue 3-2: Company experts and reputable marine surveyors are valuable assets and should be more fully consulted in determining whether or not the condition of a damaged barge is acceptable to continue its voyage. This issue is, in part, a combination of honoring the mariner and managing risk. When a marine casualty occurs and an “uncontrolled” flooding situation of an uninspected barge is reported to the Coast Guard, close communications between the towing company and the COTP is critical. The steps taken and repairs made must be adequate for the tow to continue the voyage without compromising effective waterways management and the safety of the port. Industry members feel that the opinions of the towboat Captain, company representative, or marine surveyor should be given greater weight in assisting the COTP’s decision whether or not the barge may continue its voyage. Decisions made that result in a long delay can have an adverse economic impact on the company and must be recognized. The Coast Guard does consider the opinions of industry experts on a case-by-case basis and will strongly consider the recommendations of industry experts when determining adequacy of repairs or the seaworthiness of a barge. Industry experts may include the towboat

Captain or a marine surveyor or company equivalent, depending on the situation. Appendix 6 is a basic guide which illustrates several considerations that industry takes into account when determining whether a barge is able to continue its voyage and is provided as a tool for other industry members and the Coast Guard.

Chapter Four: Coast Guard Response Practices

Differences in marine casualty response practices among the six Western Rivers MSOs give rise to the issue of inconsistency that affects towboat companies that operate in and transit through various MSO zones. Additionally, industry expressed concern with the manner in which the Coast Guard investigates reports of marine casualties.

It should be noted that both the Department of Transportation Strategic Goals and the Coast Guard Performance Goals include Economic Growth and Trade as well as Mobility, which address the facilitation of marine commerce and elimination of interruptions and impediments to the economical movement of goods and people.

Issue 4-1: Response practices differ among the six Western Rivers MSOs. Industry's concerns include:

- Unreasonable delays of tows when the MSO responds to and investigates marine casualties;
- Differing response postures among MSOs for similar marine casualty and pollution situations; and
- MSOs not relying on or trusting towboat Captains or company representatives regarding their input into situations.

The NWG recommends that standard guidance for situations that should generate a common response by all Western Rivers MSOs be developed for use by the MSOs and shared with the towing companies. This guidance is not intended to tie the hands of a COTP, be a substitute for good judgment, or be applicable to every situation, but it is intended to remove unnecessary variation from Coast Guard responses while improving quality.

Appendix 7 is Western Rivers Marine Casualty Response Guidance that addresses the typical areas that industry expressed concerns, including:

- Immediate marine casualty reporting requirements;
- Machinery casualty response policy;
- Common situations which an MSO would most likely dispatch a response team; and
- Policy on delaying tows.

In general, the Coast Guard seeks to board a tow anytime a casualty involves a death, serious injury, sinking, significant pollution, damage that affects the seaworthiness of a commercial vessel, damage that affects an inspected vessel's fitness for service, or an allision or collision resulting in property damage in excess of \$100,000 (see Chapter One regarding this recommended dollar limit). While relatively minor injuries, most groundings, small spills and equipment failures would seldom cause a tow to be delayed, COTPs should be directly involved in any decisions that would delay a vessel's voyage. As expressed during the "summit" meeting on 9 July 1999, industry is encouraged to discuss delays that are perceived to be unreasonable with the COTP.

The guidance places a premium on the recommendations of the towboat Captains. It was discussed that the towboat Captain was responsible enough to report the situation and

should be relied upon to give professional recommendations for the items addressed in Appendix 7. All members agreed that the guidance in Appendix 7 was fair and in the best interest of marine safety. The Coast Guard and the industry should continue to work together to further develop this guidance to best leverage the limited resources of both the Coast Guard and the industry while maintaining a high degree of safety.

Chapter Five: Investigations and Personnel Action Processes

There was much discussion on the investigative process as it relates to administrative action against the mariner. As a review, in every marine casualty investigation, the purpose is the same and is defined in law and regulations to determine:

- The cause of the casualty including the cause of any associated death;
- Whether an act of misconduct, incompetence, negligence, unskillfulness, or willful violation of law by any person contributed to the casualty or to any associated death;
- Whether there is any evidence to call for the assessment for civil penalty under the laws of the U.S.;
- Whether there is evidence of a criminal act; and
- Whether there is a need for changes in the applicable laws/regulations to prevent recurrence.

The NWG addressed the following issues.

Issue 5-1: Industry expressed concern that there is a perception that the Coast Guard does not honor the mariner in conducting marine casualty investigations. The Coast Guard recognizes that the manner in which an investigation is conducted is vital to honoring the mariner. The Coast Guard does not take lightly the responsibility of conducting thorough marine casualty investigations. Investigating Officers must earn written designation for such duty by the Officers in Charge of Marine Inspections (OCMIs). Investigating Officers are expected to conduct investigations in a professional manner regardless of conditions or circumstances without an initial assumption of fault. The Investigating Officer attempts to determine the root cause of each reported casualty with the goal of reducing the potential for repeat incidents. Root cause analysis is no simple task in the marine environment with so many variables to be considered. The results of investigations, including, suspension and revocation actions, Letters of Warning (LOWs), local actions taken by the OCMI, and the frequency that these actions are taken relative to the amount of marine casualties were discussed and are addressed more fully in the issues below. Additionally, it is recommended that industry be provided periodic billets to attend one of the Investigating Officers training courses offered in Yorktown for both the industry and the Coast Guard to know more, train more, and offer more.

Issue 5-2: Industry expressed concerns that the Coast Guard pursues unwarranted license action against mariners. All members of the NWG examined statistics on suspension and revocation license actions, LOWs, and local correspondence from the OCMI to the mariner from 1 January 1998 through 30 September 1999. Additionally, summaries of marine casualties which resulted in license actions and LOWs were examined. All members of the NWG agreed that the cases where license actions were taken and LOWs were issued were justified; in fact, the NWG left with the impression that the Coast Guard gave the mariner the benefit of the doubt in the majority of instances. All Coast Guard members stated that license actions and LOWs, regardless if signed by the OCMI or the Investigating Officer, were issued with the knowledge of the OCMI. It is believed that correspondence between the OCMI and the mariner regarding marine casualties which were not due to negligence, but rather significant errors in judgment, resulted in concern by the mariner that license action had been taken. These non-punitive, non-

license local action letters appear to be a source of the perception that excessive license actions were taken by the Western Rivers OCMI's. The distinction among and rationale for LOWs, local LOWs, Letters of Concern, and Records of Admonishment are more fully discussed in Issue 5-3 below.

Data collected from each of the six Western Rivers MSOs indicate that approximately 5% of all marine casualties involving the towing industry result in LOWs. It is important to recognize that LOWs are only given if the OCMI believes he can take the case to hearing presided over by an Administrative Law Judge (ALJ). Further, though an LOW will stay in the mariner's permanent file, an LOW does not in any way limit or restrict the mariner from fully using his license. An LOW is essentially analogous to a warning given by a police officer for a traffic violation. Only 2% of all marine casualties involving the towing industry result in actual license action through either joint motions or hearings before the ALJ. Again, the NWG's examination of the LOW and license action cases show that the decisions made by the OCMI's were appropriate.

The perception exists that unwarranted license actions are taken as a result of the Coast Guard's insufficient understanding of towboat operations on the Western Rivers. Granted, the majority of the experience of the Coast Guard members in the NWG was blue water. It is noted that the Orientation Natural Work Group concurrently met to generate methods to improve Coast Guard understanding of Western Rivers operations. There was concern that the Coast Guard does not consult with experienced members of industry in the cases where license actions were taken or where it was unclear if a marine casualty occurred as a result of negligence or an error in judgment. In fact, each of the OCMI's regularly consulted with trusted, experienced members of the marine industry in an informal manner in the course of deciding the appropriate action to take. This sharing of commitment and cooperation has enabled OCMI's to make informed and appropriate decisions regarding license actions as evidenced in the NWG's examinations of the data and case summaries.

The NWG recommends that this informal process be formalized for the purpose of informing mariners that this cooperation and exchange of information exists to the overall benefit to mariners. A recommendation in the Report of the Quality Action Team on Marine Safety Investigations states that the Coast Guard should identify groups that can assist in investigations. There was a great deal of discussion among the NWG members on how to best accomplish this. Industry was not in agreement with a formalized method of "peer review." Several points of contention were raised, including the opinion that it would be nearly impossible to remove the "politics" from the mariner who participated in a peer review group. Industry consensus was that Coast Guard Investigators have the potential to offer the most "unbiased" opinions, provided they are familiar with industry practices. Three proposals were identified as discussed below. Proposal A was selected because of the wealth of experience possessed by the leaders of the various committees and the professional rapport that generally develops through routinely working waterways issues. Proposals B and C are included for documentation purposes and potential future use.

- **Proposal A.** The consensus of the members was that Chairmen and Co-Chairmen of existing waterway committees would be made available to provide insights if the OCMI determined that input was needed to determine the proper license action

resulting from a marine casualty investigation. The mariner giving an opinion must hold a current license, be experienced in the geographical area where the marine casualty occurred, and may not be affiliated with the owner or operator of the vessel in question. See Appendix 9 for additional information. The advantage of this proposal is that it essentially formalizes a successful informal method that currently exists.

- Proposal B. This proposal creates a process whereby mariners are selected by waterway organization leaders and placed into a database maintained by AWO. Three mariners would be selected at random from this database. The selected mariners may not have had any action taken against their licenses for the previous five years and must have a working knowledge of the geographical area under investigation. The potential advantage of this proposal is that current, active towboat pilots would be part of the process and they will formally be available to committee Chairmen or Co-Chairmen who do not feel comfortable providing an opinion for whatever reason. The potential disadvantages include the difficulty in maintaining the database, the difficulty in contacting mariners who may be underway, and the potential politics involved which could affect impartiality.
- Proposal C. This proposal is similar to Proposal B except that mariners who wish to volunteer and meet the acceptance criteria will have their names entered in the database for random selection as needed, and would not need to be recommended by any waterways organizations. There are similar advantages and disadvantages to Proposal B.

The NWG recognizes that alternatives to LOWs and license actions should be explored to potentially enhance safety and more effectively remediate poor performance. In keeping with PTP principles, the NWG recommends that the Coast Guard pursue alternatives to formal license actions. Some examples include:

- Require mariners to complete situational awareness courses such as the one offered by the Seamen's Church Institute Center for Maritime Education, located in Paducah, KY, as part of a reduction in license suspension.
- Company management should take the leadership to initiate and quickly institute policies, procedures, or other remedial methodologies to address root causes and correct non-conformities to reduce the potential for repeat incidents. These should be shared with the Coast Guard and included in a lessons-learned section of the River Industry Bulletin Board.
- Explore other alternatives using the concepts of quality.

Issue 5-3: Industry expressed concern regarding the use of Letters of Warning, Local Letters of Warning, Letters/Records of Admonishment, and Letters of Concern by different OCMI's, and questioned how each one affects the mariner's record. An LOW is frequently issued by the OCMI in lieu of taking license action if he believes justice is best served in this manner. The remaining letters listed above in the issue statement are simply correspondence between the OCMI and the mariner, generally for cases of significant errors in judgment. These letters do not go in the mariner's record and are held only by the OCMI who issued the letter. Not all MSOs use these letters; for example, some OCMI's and Investigating Officers make greater use of verbal admonishments. The NWG agreed that the terms "local LOWs" and "Letters/Records of Admonishment" should be terminated to reduce the confusion that currently exists.

However, the NWG's consensus was that Letters of Concern, that is, correspondence from the OCMI to the mariner, should continue to be used in a manner that does not include references to charges or specifications that could lead the mariner to believe that an LOW has been issued. The OCMI should give consideration to sending a Letter of Concern to a mariner as addressed below:

A Letter of Concern should be considered when:

- a mariner's action (or inaction) is borderline (that is, bordering between an error in judgment and either negligence or misconduct),
- the resultant casualty has minor negative implications for life, environment, and/or property, and
- the issuance of a Letter of Concern would have the necessary remedial effect to deter the mariner from acting (or failing to act) in a similar manner in the future.

Again, a Letter of Concern should not be confused with a LOW which is a formal entry to a license file. A Letter of Concern written by the OCMI to a licensed mariner is intended to let the mariner know that the OCMI is aware of the mariner's involvement in an incident. The Letter of Concern is kept at the office of the OCMI and is not forwarded to Headquarters or entered into the mariner's license file. The industry suggested that verbal, face-to-face admonishments by the Investigating Officer and/or OCMI should be used more often and would be effective in getting a mariner's attention in lieu of a letter from the OCMI.

Issue 5-4. Industry expressed interest in having statistics published on LOWs issued and personnel actions taken by the Coast Guard. The NWG was generally in favor of using professional publications, such as the Waterways Journal or Coast Guard publications, to periodically publish statistics on the number of LOWs and Suspension/Revocation cases pursued by Western Rivers OCMI's. The statistics would be annotated with a summary to show the general circumstances involved in the issuance of the LOWs or associated license action. This would help alleviate the common perception that the number of these cases is high, when statistics prove otherwise. See Appendix 8.

Though not a primary focus for this NWG, industry members expressed considerable interest in discussing the renewal date for five-year licenses.

Under 46 USC 7106, a merchant marine license is valid for five years and may be renewed for additional five-year periods. 46 CFR 10.209(e)(2) allows mariners the option to renew licenses up to 12 months before their license expires. This 12-month window allows mariners to renew when it is most convenient and allows ample time to process a license which requires review by the Coast Guard (such as for verification of the mariner's physical fitness and driving record). Currently, all licenses expire when the renewed license is issued.

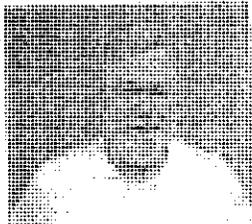
Issue 6-1: Industry contends that the responsible mariner who renews in advance of the license expiration date suffers, because the clock re-starts at the date of renewal of the new license instead of the date of expiration of the current license. It is recommended that when a mariner renews his license prior to its date of expiration, his renewed license should become valid on the expiration date of his current license. Mariners feel that if they are paying for a five-year license, then it should be valid and useable for the full five years. Likewise, the mariner would also be required to fulfill other recurring requirements associated with renewing his license on a more frequent basis adding to the overall costs. A true five-year license could also be achieved by using a system whereby the expiration date coincides with the mariner's date of birth in the fifth year of issuance, similar to state driver's licenses. While this would require changing the licensing process on a national level, it would replace the current process with one that fits the Prevention Through People principle of "honoring the mariner."

The NWG recognizes that the mariner cannot have two licenses in effect for the same period and is not suggesting that the licenses overlap. However, there should be a means for the application process to be initiated by the mariner during the last year of its validity with the new license becoming valid when the previous license expired to ensure jurisdictional validity in cases involving Suspension and Revocation actions. Perhaps the new license could be mailed two weeks prior to the expiration of the existing license. Please note that licenses, including Professional Engineer licenses, are issued prior to the expiration of the current license – the NWG is confident this recommendation will work and will serve all stakeholders. As a potential, less desirable alternative, pro-rating the fee corresponding to the remaining time on the mariner's existing license to be applied to the fee for the new license was also considered.

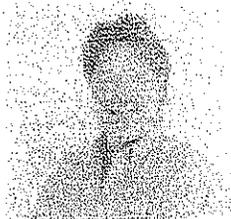
Marine Casualties Natural Work Group

Members and Their Years of Marine Experience

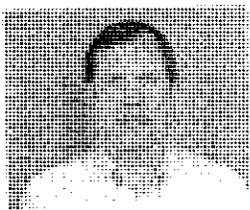
Team Members



Mr. Paul Werner
The American Waterways Operators
Vice President, Midcontinent Regions
9 Years



Captain Steve Crowley
Ingram Barge
Assistant Vice President, Operations
24 Years, 14 Years aboard Towboats



Captain Dave Dewey
Western Kentucky Navigation
President
30 Years, 10 Years aboard Towboats



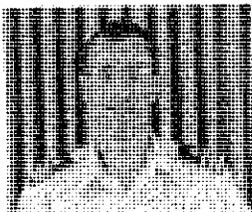
Captain Mike Marshall
Mid-South Towing
Senior Port Captain
23 Years, 15 Years aboard Towboats



Captain Deane Orr
Consolidation Coal Company
Port Captain
31 Years, 18 Years aboard Towboats



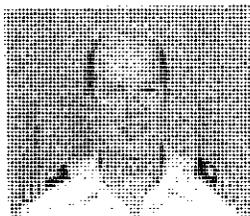
Captain Tommy Seals
Brown Water Towing
General Manager
32 Years, 17 Years aboard Towboats



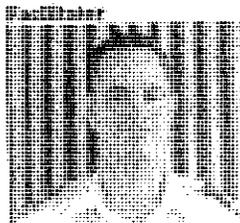
CDR Mike Blair, P.E.
Marine Safety Office Paducah
Commanding Officer
20 Years



CDR Ernie Fink
Marine Safety Office Pittsburgh
Commanding Officer
23 Years



CDR Bill Wagner, P.E.
Marine Safety Office Louisville
Commanding Officer
21 Years



LT Joshua McTaggart
Marine Safety Office Paducah
Chief, Inspections/Investigations
5 Years

Appendix 1

Recommendations from Chapter One "Marine Casualty Reporting"

1. The Coast Guard should make a concentrated effort to educate smaller companies that may not be aware of initial casualty reporting requirements through the Cooperative Towing Vessel Examination Program and other educational methods. (Issue 1-1)

Concur/Not Concur _____ Concur/Not Concur _____
USCG initials RIETF initials

Comments: _____

2. The SIR report should be provided to and used by all towboats through their companies and the three Western Rivers Coast Guard Groups. If this report needs to be updated, then industry, Group, and MSO representatives should meet to accomplish this task. (Issue 1-2)

Concur/Not Concur _____ Concur/Not Concur _____
USCG initials RIETF initials

Comments: _____

3. Reporting requirements in 46 CFR 4.05-1(a) should be amended as indicated below. (Issue 1-3) See also Appendix 2.

- a. 4.05-1(a)(1) to also include "collisions."

Concur/Not Concur _____ Concur/Not Concur _____
USCG initials RIETF initials

Comments: _____

- b. 4.05-1(a)(3) to exclude "preventative or routine maintenance."

Concur/Not Concur _____ Concur/Not Concur _____
USCG initials RIETF initials

Comments: _____

- c. 4.05-1(a)(6) to exclude "minor injuries" as defined in G-MOA Policy Letters 3-97 and 2-98.

Concur/Not Concur _____ Concur/Not Concur _____
USCG initials RIETF initials

Comments: _____

Appendix 1

- d. 4.05-1(a)(7) to reflect the \$100,000 property damage threshold as defined in G-MOA Policy Letter 2-98.

Concur/Not Concur _____ Concur/Not Concur _____
USCG initials RIETF initials

Comments: _____

- e. 4.05-1(a)(7) to exclude the cost of "damage to cargo" from the damaged property value.

Concur/Not Concur _____ Concur/Not Concur _____
USCG initials RIETF initials

Comments: _____

4. Coast Guard Headquarters should re-evaluate each block of the CG-2692 and consider the value gained to determine if an updated CG-2692 form is needed. (Issue 1-4)

Concur/Not Concur _____ Concur/Not Concur _____
USCG initials RIETF initials

Comments: _____

5. AWO should work with the Coast Guard in providing guidance to the towing industry, ensuring complete and accurate CG-2692 submissions. (Issue 1-5)

Concur/Not Concur _____ Concur/Not Concur _____
USCG initials RIETF initials

Comments: _____

6. CG Headquarters should examine the feasibility of an online CG-2692 submission, thereby eliminating paperwork while increasing reporting timeliness. (Issue 1-6)

Concur/Not Concur _____ Concur/Not Concur _____
USCG initials RIETF initials

Comments: _____

Appendix 1

Recommendations from Chapter Two "Bump and Go Groundings"

7. The "bump and go" grounding definition in G-MOA policy letter 2-98 should be amended, adopting the definition contained in Chapter Two. See Appendix 2. (Issue 2-1)

Concur/Not Concur _____ Concur/Not Concur _____
USCG initials RIETF initials
Comments: _____

8. The requirement for a written report (CG-2692) in 46 CFR 4.05-10(a) should contain an exemption for "bump and go" groundings on Western Rivers. See Appendix 2. (Issue 2-1)

Concur/Not Concur _____ Concur/Not Concur _____
USCG initials RIETF initials
Comments: _____

Recommendations from Chapter Three "Barge Seaworthiness"

9. The Western Rivers MSOs should adopt the policy guidance contained in Appendix 6, Table 3-1, to determine when flooding affects the seaworthiness of a barge to an extent that it would need reporting under 4.05-1(a)(4). This information should be distributed to industry. (Issue 3-1)

Concur/Not Concur _____ Concur/Not Concur _____
USCG initials RIETF initials
Comments: _____

10. MSOs and industry members should be familiar with the considerations for barge seaworthiness as contained in Appendix 6, Table 3-2. MSOs should consider the opinions of industry experts when determining adequacy of repairs or the seaworthiness of a barge. (Issue 3-2)

Concur/Not Concur _____ Concur/Not Concur _____
USCG initials RIETF initials
Comments: _____

Appendix 1

Recommendations from Chapter Four "Coast Guard Response Practices"

11. Western Rivers response guidance should be developed to address typical CG policies. Appendix 7 is recommended. Industry should receive copies. (Issue 4-1)

Concur/Not Concur _____
USCG initials

Concur/Not Concur _____
RIETF initials

Comments: _____

Recommendations from Chapter Five "Investigations and Personnel Action Processes"

12. Industry should be provided periodic billets to attend one of the Investigating Officers training courses offered in Yorktown. (Issue 5-1)

Concur/Not Concur _____
USCG initials

Concur/Not Concur _____
RIETF initials

Comments: _____

13. A Western Rivers Professional Pilot Resource Option (PPRO) Group should be formalized to provide a resource to Coast Guard Investigating Officers during a marine casualty investigation. See Appendix 9. (Issue 5-2)

Concur/Not Concur _____
USCG initials

Concur/Not Concur _____
RIETF initials

Comments: _____

14. Alternatives to LOWs and license actions should be explored to enhance safety and enhance partnership. (Issue 5-2)

Concur/Not Concur _____
USCG initials

Concur/Not Concur _____
RIETF initials

Comments: _____

15. Use of Local Letters of Warning and Letters/Records of Admonishment should be eliminated. MSOs are encouraged to use Letters of Concern and verbal admonishments for significant errors in judgment. (Issue 5-3)

Concur/Not Concur _____
USCG initials

Concur/Not Concur _____
RIETF initials

Comments: _____

Appendix 1

16. Personnel Action case statistics should be periodically published in professional publications, such as the Waterways Journal. These statistics would be annotated with a summary of the general circumstances associated with the issuance of the LOWS or license actions. (Issue 5-4)

Concur/Not Concur _____
USCG initials

Concur/Not Concur _____
RIETF initials

Comments: _____

Recommendations from Chapter Six "License Renewals"

17. License renewals should be effective for a full five years upon the expiration date of the previous license, not the renewal application date. (Issue 6-1)

Concur/Not Concur _____
USCG initials

Concur/Not Concur _____
RIETF initials

Comments: _____

Summary of Recommended Changes to 46 CFR 4.05-1 and 46 CFR 4.05-10

Recommended changes to current regulations are bolded.

<p>Current Regulations (10/1/98)</p> <p>Regulations currently contain the following language:</p>	<p>QAT on Marine Safety Investigations Recommendations (9/18/95)</p> <p>The suggestions below are not intended to be the specific wording of future rules, just suggestions for further development.</p>	<p>G-MOA Policy Letter 2-98 (11/10/98)</p>	<p>Marine Casualties NVC Recommendations (12/9/99)</p> <p>Recommendations address changes to regulations. When appropriate, add, delete, and reword.</p>
<p>46 CFR 4.05-1(a) Immediately after the addressing of resultant safety concerns, the owner, agent, master, operator, or person in charge, shall notify the nearest MSO, MIO, or Group whenever a vessel is involved in a marine casualty consisting in -</p> <p>4.05-1(a)(1) An unintended grounding, or unintended strike of (allision with) a bridge;</p>	<p>46 CFR 4.05-1(a) Immediately after the addressing of resultant safety concerns, the owner, agent, master, operator, or person in charge, shall notify the nearest MSO, MIO, or Group whenever a vessel is involved in a marine casualty consisting in -</p> <p>4.05-1(a)(1) An unintended grounding, or unintended strike of (allision with) a bridge;</p>	<p>No policy changes.</p>	<p>46 CFR 4.05-1(a) Immediately after the addressing of resultant safety concerns, the owner, agent, master, operator, or person in charge, shall notify the nearest MSO, MIO, or Group whenever a vessel is involved in a marine casualty consisting in -</p> <p>4.05-1(a)(1) A collision, unintended grounding, or unintended strike of (allision with) a bridge;</p>
<p>4.05-1(a)(2) An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or safety of vessel, or that meets any criterion of paragraphs (a)(3) through (7);</p> <p>4.05-1(a)(3) A loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel;</p>	<p>4.05-1(a)(2) An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or safety of vessel, or that meets any criterion of paragraphs (a)(3) through (7);</p> <p>4.05-1(a)(3) A loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel; (Loss of propulsion or steering only, even if momentary. Planned maintenance not included.)</p>	<p>No policy changes.</p>	<p>4.05-1(a)(2) An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or safety of vessel, or that meets any criterion of paragraphs (a)(3) through (7);</p> <p>4.05-1(a)(3) A loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel, with the exception of preventative or routine maintenance;</p>
<p>4.05-1(a)(4) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service or route, including but not limited to fire, flooding, or failure of, or damage to fixed fire-extinguishing systems, lifesaving equipment, auxiliary power-generating equipment, or bilge-pumping systems.</p>	<p>4.05-1(a)(4) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service or route, including but not limited to fire, flooding, or failure of, or damage to fixed fire-extinguishing systems, lifesaving equipment, auxiliary power-generating equipment, or bilge-pumping systems. (Only flooding or fire or failure of primary life-saving equipment. Minor trash fires not included.)</p>	<p>No policy changes.</p>	<p>4.05-1(a)(4) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service or route, including but not limited to fire, flooding, or failure of, or damage to fixed fire-extinguishing systems, lifesaving equipment, auxiliary power-generating equipment, or bilge-pumping systems;</p> <p>* policy guidance is suggested in this report to address vessel large seaworthiness.</p>
<p>4.05-1(a)(5) A loss of life;</p> <p>4.05-1(a)(6) An injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, that renders the individual unfit to perform his or her routine duties; or</p>	<p>4.05-1(a)(5) A loss of life;</p> <p>4.05-1(a)(6) An injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, that renders the individual unfit to perform his or her routine duties; or (Any accidental injury requiring hospitalization for more than 48 hours within 5 days of the injury, or any accidental injury which results in fractured bones (other than fingers, toes, or nose), loss of limbs, severe hemorrhaging, severe muscle, nerve, tendon, or internal organ damage, or in hospitalization for more than 48 hours within 5 days of the injury.)</p>	<p>No policy changes.</p>	<p>4.05-1(a)(5) A loss of life;</p> <p>4.05-1(a)(6) An injury requiring hospitalization for more than 48 hrs within 5 days of the injury, or any accidental injury which results in fractured bones (other than fingers, toes, or nose), loss of limbs, severe hemorrhaging, severe muscle, nerve, or tendon damage, or lateral organ damage.</p>
<p>4.05-1(a)(7) An occurrence causing property damage in excess of \$25,000, this damage including the cost of labor and material to restore the property to its condition before the occurrence, but not including the cost of salvage, cleaning, gas-freeing, drydocking, or demurrage.</p>	<p>4.05-1(a)(7) An occurrence causing property damage in excess of \$25,000, this damage including the cost of labor and material to restore the property to its condition before the occurrence, but not including the cost of salvage, cleaning, gas-freeing, drydocking, or demurrage. (Property damage as defined above to cargo.)</p>	<p>No MSIS entry for casualties involving "bump and go" (other than collisions and allisions) reported only because of property damage in excess of \$25,000 where the property damage does not exceed \$100,000.</p>	<p>4.05-1(a)(7) An occurrence causing property damage in excess of \$100,000, this damage including the cost of labor and material to restore the property to its condition before the occurrence, but not including the cost of salvage, cleaning, gas-freeing, drydocking, demurrage, or damage to cargo.</p>
<p>4.05-1(a)(8) The owner, agent, master, operator, or person in charge shall, within five days, file a written report of any marine casualty required to be reported under 4.05-1...</p>	<p>4.05-1(a)(8) No recommendations specifically for this regulation. However, the following is discussed in the QAT Report (Except for "bump and go" touching of the bottom with no damage or personnel injuries on inland waters by towing vessels and barges.)</p>	<p>No MSIS entry for casualties involving "bump and go" touching of the bottom on inland waters by uninspected towing vessels and uninspected barges in the navigation channel with no damage, no pollution, no personnel injuries, no breaking apart of the tow, and no assistance required to resume voyage.</p>	<p>4.05-1(a)(8) The owner, agent, master, operator, or person in charge shall, within five days, file a written report of any marine casualty required to be reported under 4.05-1, with the exception of "bump and go" groundings by uninspected towing vessels and uninspected barges in the navigation channel with no damage, no pollution, no personnel injuries, and no unintentional breaking apart of the tow....</p>

**Action Items and Agreements
Coast Guard/Industry Meeting
July 9, 1999**

Participants

Coast Guard Participants

RADM Paul Pluta
CAPT Chris Bohner
CAPT Chris Desmond
CAPT Gordon Marsh
CAPT Steve Rochon
CDR Mike Blair
CDR Bob O'Brien
CDR Adolfo Ramirez
CDR Joe Saboe
CDR Bill Wagner
LCDR Rod Walker
LT Mike Evanish

Industry Participants

Bill Kinzeler, ACBL
Norb Whitlock, ACBL
Raymond Hopkins, ARTCO
Paul Werner, AWO
Tommy Seals, Brown Water Towing/Peavey
Jerry Tinkey, Center for Marine Education
Jack Buri, Crouse Corporation
Bill Robertson, MEMCO Barge Line
Mike Marshall, Mid-South Towing
Scott Noble, Midland/The Ohio River Co
Dave Dewey, Western Kentucky Navigation

Incident Reporting, Investigations and Enforcement

The participants unanimously agreed that both the Coast Guard and the towing industry would benefit from a more consistent approach to incident reporting, investigations and enforcement. To this end, the following was agreed upon:

Incident Reporting

A small working group consisting of three Coast Guard members (CDR Mike Blair, MSO Paducah, CDR Bill Wagner, MSO Louisville, CDR Bob O'Brien, MSO Memphis) and three industry members (Dave Dewey, Western Kentucky Navigation, Mike Marshall, Mid-South Towing and Tommy Seals, Peavey Barge Lines) was established. This working group will evaluate the current incident reporting process and make recommendations as to how that process might be improved. The working group will also make specific recommendations regarding the determination of a vessel's seaworthiness.

Investigations

Meeting participants discussed the investigative process and the difficulties associated with securing timely, first hand information without infringing on the rights of the mariner. The Coast Guard reaffirmed that all investigations should start with the assumption that the mariner or company was "trying to do the right thing."

Appendix 3

Participants agreed that Coast Guard personnel newly assigned to the Western Rivers would benefit from some form of towing industry orientation. Each towing company participant offered to assist in providing both "on-board" and "shore-based" orientation sessions. CDR Mike Blair, MSO Paducah, volunteered to bring together a small working group to identify and recommend orientation activities that can be made available to Coast Guard personnel. The working group (not specifically named) will coordinate with an existing Coast Guard/AWO quality action team that is investigating a more global Coast Guard/industry orientation program. It will also consider utilizing the services of the Seaman's Church Institute and its training facility in Paducah, Kentucky.

Recognizing the value of towing industry experience and knowledge in the investigation of certain incidents, the Coast Guard expressed willingness to consider incorporating some form of industry input into its investigative process. This input may be particularly useful in evaluating operator actions or inaction, and distinguishing between an error in judgement and an act of negligence. CAPT Ron Morris, Western Rivers Liaison, will explore the possibility of utilizing towing industry expertise (navigation committees, advisory panels, schools, etc.) in the investigative process. CAPT Morris may seek input from the small working group assigned to incident reporting or form a separate working group to provide input.

The Coast Guard reaffirmed its commitment to minimize delays associated with incident investigations. As a matter of situational awareness, no vessel should be delayed without the knowledge of the COTP. The industry is encouraged to escalate unreasonable delays to the COTP.

Enforcement

The Coast Guard expressed concern over the "perception" that large numbers of warning letters were being issued. Several COTPs offered data indicating the number of formal *Letters of Warning* actually being issued is quite small when compared to the total incidents reported. The Coast Guard will provide the industry with District-wide data reflecting the number of incidents and the number of warning letters issued. The industry will assist in making this information more generally available (through captains' meetings, training sessions, and publications) in an effort to keep the *Letter of Warning* issuance in its proper perspective.

The Coast Guard reaffirmed that, as a matter of situational awareness, no suspension or revocation actions, including the issuance of a *Letter of Warning*, should be taken without the advanced knowledge and approval of the COTP.

Appendix 3

The Coast Guard expressed interest in attaining industry opinions on the use of a local (or desk) letters known as a *Letter of Concern*. These letters are typically held by the local MSO and not made part of the mariner's permanent record. Some MSOs have used local letters to emphasize the severity of an incident without imposing the consequences associated with a formal *Letter of Warning*. Industry reaction to the use of local letters was mixed. Some participants favored the approach and others opposed it. CAPT Ron Morris will be asked to further investigate the advantages and disadvantages of local letters. CAPT Morris may seek input from the small working group appointed to clarify incident reporting requirements or form a separate working group. (Meeting participants appeared to favor the formation of a separate working group to assist CAPT Morris with both the local letter issue and the potential for industry input into the investigative process. If a separate working group is formed, Paul Werner, AWO, will assist in securing industry participants.)

Y2K Preparedness

The participants mutually agreed that while meaningful Y2K preparedness information is essential, it should be attained in as cost-effective manner as possible. To that end the Eighth District will work with Coast Guard headquarters to authorize the following:

Companies that have previously provided the Coast Guard with Y2K preparedness information that is in substantial compliance with the intent of the temporary interim rule will not be required to do anything further.

Companies that have previously satisfied requests for Y2K preparedness information from one MSO will not be required to file duplicative information with any other MSO in the Eighth Coast Guard District.

Companies that have not replied to previous Coast Guard requests for Y2K preparedness information should immediately contact an Eighth District MSO for advice and assistance in satisfying the Y2K preparedness reporting requirements.

Communication and Rapport Building

The participants discussed the need for and value of an ongoing dialog between the Coast Guard and the industry. The following was recommended:

Highly focused, issue specific meetings between senior level representatives of the towing industry and the Eighth Coast Guard District leadership should be continued. In particular, a meeting to review the progress of initiatives begun on July 9 should be planned for the December through January timeframe. The American Waterways Operators, in close cooperation with the River Industry Executive Task Force, should assume responsibility for appropriate industry participation.

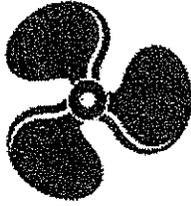
Appendix 3

The Coast Guard should continue its participation in as many local and regional industry forums as possible (waterway associations, navigation committees and other similar forums). When possible, inspectors, investigating officers and other field-level personnel should attend.

To whatever extent possible, both the industry and the Coast Guard should make an effort to include more working mariners in quality action teams, small working groups and other Coast Guard/industry meeting forums.

Other Topics

The participants discussed the continued modification to inland waterway aids to navigation (flashing light patterns, buoy color, day marker color and design) in an effort to satisfy IMO standards. Industry participants cited these changes as adding to the risk of having an accident, adding to the cost of operations, and providing a daily reminder that the Coast Guard does not fully understand the needs of the inland operator. In explanation, the Coast Guard stated its desire to offer consistency of waterway marking to those who transit coastal routes as well as the inland waters, but did concede that the impact of some of the changes were not fully realized at the pre-implementation public hearings. The Coast Guard did commit to offering evaluation opportunities prior to implementing changes so that the full impact is clearly understood and to remind IMO Reps to keep the unique operating conditions of the inland rivers in mind during negotiations. This does not alleviate all concerns, but does show openness and desire to cooperate. Other concerns included the long-term effects of Coast Guard resizing and the loss of experienced personnel in many of the inland MSOs. Recommendations and resolutions are still needed in some areas, but the open dialog continues.



MARINE CASUALTIES NATURAL WORK GROUP

PURPOSE: The NWG is established to address the issues of marine casualty reporting, investigations, and enforcement as discussed in the 9 July 1999 summit meeting in St. Louis. The NWG shall propose recommendations to improve uniformity and consistency in the application and interpretation of pertinent regulations and policies by both the MSOs and towing companies as well as propose programmatic changes for District and/or Headquarters action.

PARTICIPANTS:

Coast Guard

CDR Mike Blair/MSO Paducah
CDR Bill Wagner/MSO Louisville
CDR Ernie Fink/MSO Pittsburgh

Industry

Mr. Paul Werner/AWO
Captain Dave Dewey/Western KY Nav
Captain Mike Marshall/Mid-South Towing
Captain Tommy Seals/Brown Water Towing
Captain Steve Crowley/Ingram Barge
Captain Deane Orr/Consolidation Coal Co.

Note: These participants form a representative cross-section of the towing industry and the Coast Guard. They will also provide input that they receive through the Ice Committee, RIAC, and similar sources at the NWG meeting.

ISSUES TO BE ADDRESSED: The NWG shall address in full the following issues:

- Marine Casualty reporting requirements under 46 CFR 4.05-1.
- CG-2692 submission requirements under 46 CFR 4.05-10.
- Policy on holding up tows to gather information.
- Bump and Go groundings.
- Negligence determination.
- Seaworthiness definition.

As time permits, the NWG shall address the following issues:

Appendix 4

- Policies on Letters of Warning (LOWs), local LOWs, Records of Admonishment, and Letters of Concern.
- Investigation partnerships, eg, alternatives to LOWs, incident peer reviews, Situational Awareness Training, etc.
- Re-starting the clock for early applications for license renewals.

DESIRED OUTCOMES:

1. The NWG will develop a written report with recommendations for implementation at the MSO level and towing company level for consistency in the Western Rivers. For issues requiring programmatic attention, recommendations shall be proposed for action at the District or Headquarters level as appropriate.
2. The written report will be provided to each COTP to share with towing companies in their areas of responsibility for their input and comment. The NWG will resolve or incorporate the input.
3. The written report shall then be submitted to the summit meeting participants.
4. The NWG shall present their findings and recommendations at the next scheduled summit meeting.

PROPOSED TIMELINE:

12 Jul – 26 Aug 99– Develop issues and agenda, gather pertinent background information for review by the NWG, gather input from stakeholders.

26 Aug – NWG meeting at MSO Paducah.

NLT 30 Sep – Draft written report, review by NWG members, and complete written report.

NLT 31 Oct – COTPs review report with stakeholders and provide feedback to NWG.

NLT 30 Nov – Incorporate feedback. Submit report to all summit meeting participants.

Dec99/Jan00 – Present report at scheduled summit meeting.

STANDARD INITIAL RADIO REPORT

Date: _____ Time: _____

PART I - GENERAL INFORMATION

Name of Vessel(s): _____

Nature of Incident (all applicable):
 Hard Aground Adrift Collision/Allision Fire Pollution
 "Bump & Go" Grounding Sinking Man Overboard Personal Injury Equip Failure

Location (mile point, RDB/LDB, Etc): _____ Date/Time Occurred: _____

Is any Coast Guard Assistance Required? Yes No Type requested: _____

Weather	Wind	Visibility	Temperature (Air)	Current Speed
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Reported by: _____ Telephone: () _____

Company Name: _____ Telephone: () _____

PART II - INCIDENT SPECIFICS

PERSONNEL INCIDENT (INJURY or MAN OVERBOARD)

Name of Person: _____ Type of Injury (if applicable) _____

Location of Overboard: _____ PFD Worn? Yes No

Description (Clothing worn, etc): _____ Swimmer? Yes No

GROUNDING / COLLISION / FIRE / SINKING

Channel blocked? Yes No Navigation Hazard? (Yes/No, Nature of hazard): _____

Number of Barges: _____ Number of TANK Barges: _____ Single Skin/Double Skin: _____

Number AGROUND: _____ Draft of Grounded Barge(s): _____ Number DAMAGED: _____ Number LEAKING: _____

BULK LIQUID Cargoes: _____

Vessels Assisting: _____

POLLUTION INCIDENT

Name of Spilled Product: _____ How much spilled? _____

National Response Center (NRC) Notified at 1-800-424-8802? Yes No Company "Qualified individual" Notified? Yes No

What action was taken? _____

PART III - FOLLOW-UP ACTIONS

What is the immediate Plan of Action? _____

Time of next contact: _____ Contact Method: Radio channel _____ Telephone # () _____

PART IV - GENERAL FOLLOW-UP INFORMATION

This part can be used for more detailed or general follow-up information needed to complete reports or close out incident cases. Information provided for this part is to be obtained during follow-up contacts with the vessel. Remember, the initial report is intended to capture only essential information.

NAMES OF COMPANIES OR CONTACTS

Company Qualified Individual (Spills Only)	Telephone: ()
Company/Contact	Telephone: ()
Company/Contact	Telephone: ()
Company/Contact	Telephone: ()

FUTURE PLANS

FINAL CASE DISPOSITION

CG-2692

Submitted by:	Submitted to:
Date:	Telephone: ()

ADDITIONAL REMARKS

Western Rivers Marine Casualty Response Guidance for Coast Guard Watchstanders

BACKGROUND: Towboat machinery casualties on the Western rivers are routine and generally not threatening to safety. Proper response entails the Coast Guard and towboat Captain and company to share commitment and manage risk. Honoring the mariner and his firsthand knowledge of the situation is a key component for a successful response.

IMMEDIATE REPORTING REQUIREMENTS: Following a marine casualty, regulations require "immediate" notifications to the Coast Guard Group or MSO. No one expects responsible individuals on scene to delay emergency or essential response and recovery actions; however, immediate reporting as soon as is practicable is essential for proper Coast Guard response actions. OODs should be aware of exigent conditions which may prevent the mariner from immediately reporting casualty specifics, and be patient in obtaining non-critical information.

OOD GUIDANCE FOR MACHINERY CASUALTIES: OODs shall follow the guidance below for machinery casualties. For significant casualties involving towboats, a boarding by a qualified towboat examiner may be conducted to determine proper functioning of all **vital equipment**, including, but not limited to, main engines, main engine controls, steering, and ship service generators.

Loss of Main Primary Propulsion

If the casualty is a partial loss of main propulsion (main engine), determine if the vessel has adequate horsepower to continue its transit. Simply ask the operator, in his opinion, whether the vessel and tows can safely transit with the remaining horsepower. If the operator states that the horsepower is not adequate to continue the voyage, have the vessel pull to the side and make repairs. If the operator states that the vessel can continue on one engine and has adequate horsepower for his tow size, allow him to continue his voyage.

Loss of Steering

Inform the operator to pull over and make repairs. Any requests to use assist vessels will be determined on a case-by-case basis.

Loss of Ship Service Generator (SSG)

If the vessel is equipped with two SSGs, each capable of supplying power for a full electrical load, allow the vessel to continue its voyage. If the vessel is only equipped with one SSG, inform the operator to pull over and make repairs.

Loss of Firefighting Capabilities on a Vessel

If the vessel does not have adequate portable fire extinguishers, the fixed firefighting system (if installed) is deficient, or the condition of any of the vessel's firefighting systems is questionable, a COTP Order will be issued. The OOD/Boarding Officer shall issue a verbal COTP Order for the vessel to cease operations (pull to side) until the discrepancy is corrected. The OOD/Boarding Officer will then follow up with the written COTP Order.

Appendix 7

OOD GUIDANCE FOR DISPATCHING A RESPONSE TEAM: A response team may be dispatched whenever an OOD deems it necessary or when directed by the Commanding Officer. As general rules of thumb, an MSO response team shall respond to the scene as soon as practicable to the following:

- Groundings, allisions or collision or other damage to an inspected vessel,
- Unintentional groundings outside the channel under routine conditions,
- Incidents involving potential negligence or misconduct of licensed/documentated persons,
- Oil spill or HAZMAT released as a result of actions by licensed/documentated persons,
- Serious Marine Incidents as defined in 46 CFR 4.03-2,
- Public/non-public vessel casualties,
- Actual or potential channel blockage,
- As required by other guidance (e.g., pollution responses, etc.).

Coordinate closely with the Captain of the vessel regarding safety concerns for the crew and the boarding team. Calls after nightfall require careful consideration whether or not to dispatch personnel. Significant oil spills or dangerous cargo releases, serious passenger vessel or other inspected vessel casualties, and channel blockage most likely will require an immediate response regardless of the time of day. For a response team to board, holding up the tow is not necessarily required.

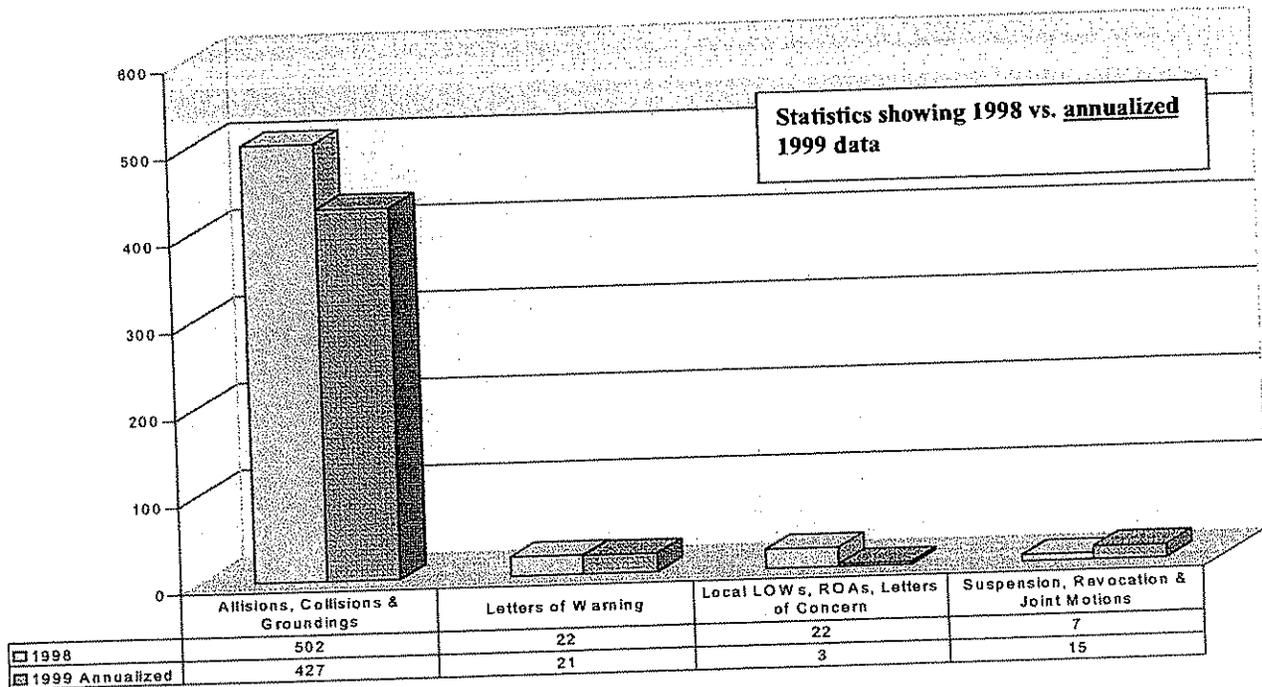
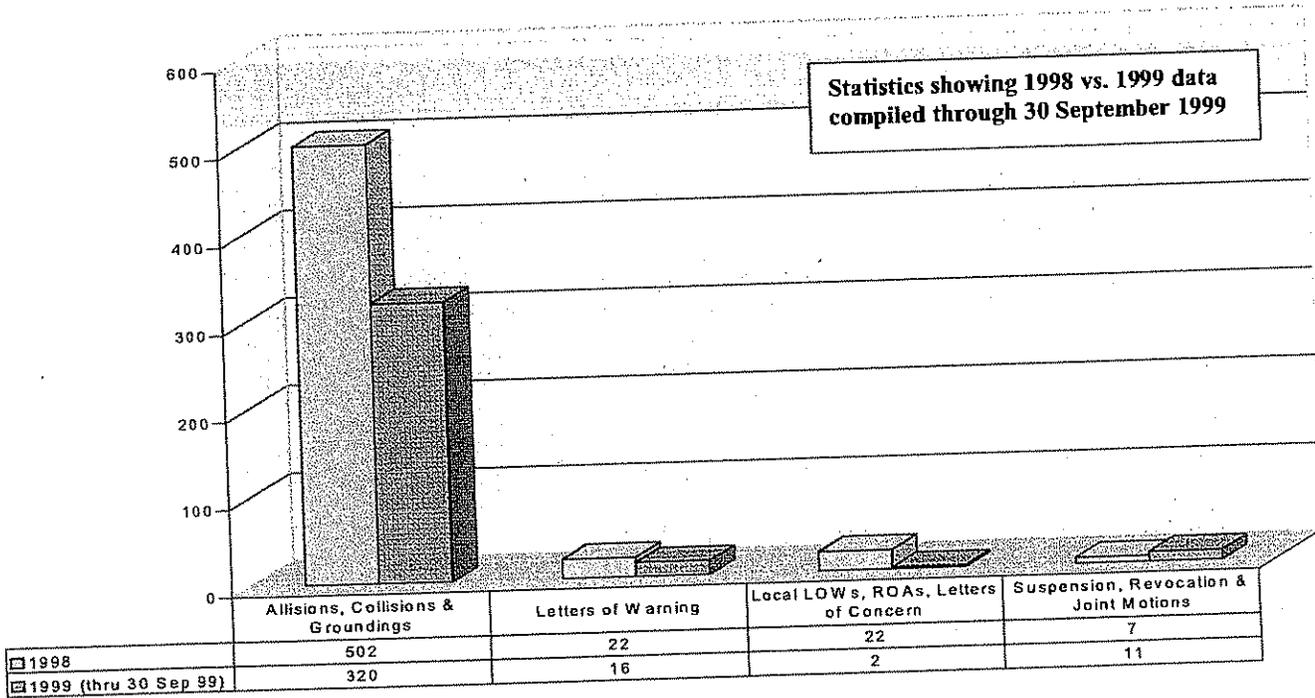
Small boat deployment: All efforts shall be made to use company resources (especially towboat companies) to transport MSO responders to and from the vessel as the primary means to respond to a marine casualty. MSO small boats should in general only be dispatched for the purpose to enforce COTP authority (e.g., enforce safety zone, deploy oil boom, etc.). However, the magnitude of the marine casualty may dictate the use of the MSO small boat.

DELAYING TOWS: If the OOD deems it necessary to stop a tow, the Command shall be notified immediately. The following guidance shall be used in making the decision to delay a tow:

Anytime a casualty involves a death, serious injury, sinking, significant pollution, damage that affects the seaworthiness (refer to guidance) of a commercial vessel, damage that affects an inspected vessel's fitness for service, an allision or collision resulting in property damage in excess of \$100,000, or where there is evidence that an operator is impaired or under the influence of drugs or alcohol.

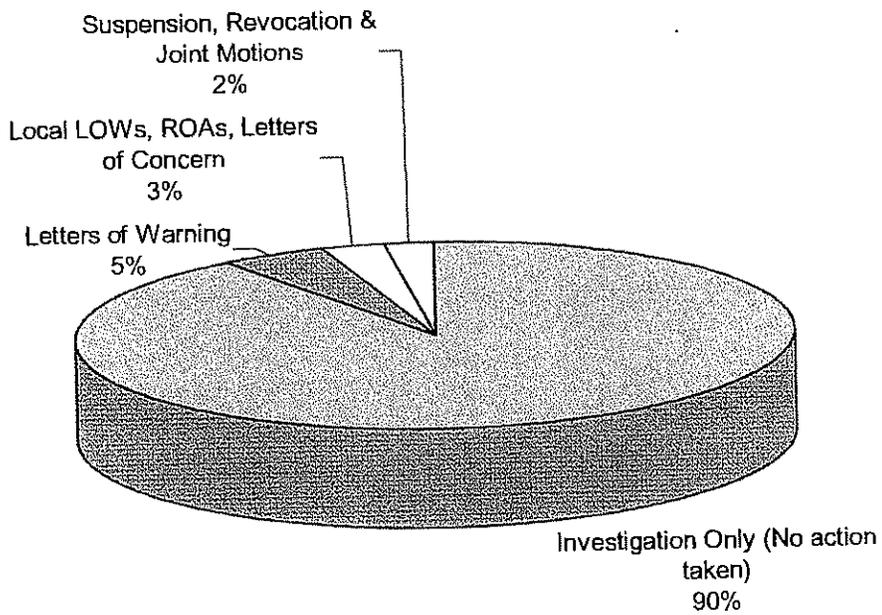
A reputable marine surveyor may be required to evaluate the suitability for service for uninspected vessel casualties.

Personnel Action Statistics Collisions, Allisions & Groundings for Towing Vessels Data Compiled from Western Rivers MSOs



Personnel Action Statistics
Collisions, Allisions & Groundings for Towing Vessels
Data Compiled from Western Rivers MSOs

Actions resulting from Allisions, Collisions and Groundings reported between 1 January 1998 and 30 September 1999.



Appendix 8

1 January 1998 - 31 December 1998

January-98 Operator allided with Railroad Bridge.

February-98 Pilot failed to report MC when his tow allided with Lock & Dam.

February-98 Steersman failed to report MC when his tow allided with Lock & Dam.

April-98 Operator failed to safely navigate bridge span. Tow allided with bridge. Operator failed to report allision.

April-98 Operator allided with highway bridge.

April-98 Operator allided with bridge due to misidentification of lights in the background

May-98 Operator failed to navigate bridge due to inattention.

June-98 Pilot failed to slow down his tow when approaching lock. The lead barge allided with the lock gate causing extensive damage.

July-98 Operator grounded tow leaving L&D with a draft 15" over known water depth.

July-98 Pilot sank towboat in fleet while attempting downstreaming maneuver. Investigation led to formal MSO/Industry policy on downstreaming restrictions at various flood stages.

July-98 Operator failed to navigate highway bridge. Tow struck bridge abutment. Operator cited distraction by fleetling operation occurring near shore. Approx \$300,000 structural damage to barges.

August-98 Operator collided with passing tow

August-98 Operator collided with passing tow

August-98 Operator grounded and holed tow, broke wires, jackknifed tow in channel

September-98 Operator failed to maintain speed and control of tow as he approached Lock & Dam. Tow allided with lock gate resulting in \$3000 damage to gate and barge.

September-98 Operator failed to pilot vessel within channel resulting in grounding of two loaded hopper barge outside the marked channel. Operator making log entry when grounding occurred. Damage estimated at \$20,000.

October-98 Operator failed to account for existing river conditions and towboat draft readings. Resulted in vessel grounding and subsequent spill of 1000 gallons of oily bilge slops.

October-98 Operator grounded tow 1/4 outside marked channel. Tow hard aground for several days. Operator lost sight of buoys and continued to proceed without knowledge of location in the channel. Buoys determined to be on station.

November-98 Operator grounded tow leaving L&D, sinking lead barge.

November-98 Operator failed to maintain control of vessel resulting in grounding of certificated tank barges outside the marked channel.

December-98 Operator failed to maintain control of vessel resulting in grounding of a barge outside the marked channel. Port string of barges broke away from tow.

December-98 Operator attempted to enter Lock & Dam pushing barges loaded deeper than the known lower gauge reading. Operator provided false draft readings to Lock Master. Tow grounded as it exited the lock chamber. The lock was closed approx 12 hours until barges could be lightered and refloated.

1 January 1999 - 30 September 1999

January-99 A tow arrangement was being conducted when 20 barges broke away from the moorings and drifted into a highway bridge.

January-99 Operator turned over control of vessel to unqualified mate while transiting downbound. Mate failed to control vessel resulting in grounding and sinking of hopper barge out of the channel.

January-99 Operator failed to maintain control of vessel resulting in grounding of a tank barge outside the marked channel.

January-99 Operator failed to navigate highway bridge. Tow struck bridge abutment. One barge sunk immediately with total loss of cargo. River traffic interrupted for 24 hours. Vessel salvaged approx 3 months later.

February-99 Pilot missed turn while upbound and allided with railroad bridge. The port string of barges broke away and the lead port barge was severely damaged.

February-99 Pilot failed to secure a crane that was fully extended on a derrick barge. The crane pulled down high tension power lines blocking the navigation channel.

Appendix 8

February-99 Operator allided with highway bridge.

February-99 Operator collided with towboat, damaging several barges

February-99 Master failed to navigate channel, allided with bridge

March-99 Operator failed to navigate railroad bridge. Tow struck bridge abutment. One barge sunk immediately with total loss of cargo. River traffic interrupted for 30 hours. Vessel salvaged approx 1 month later.

March-99 Operator failed to navigate railroad bridge. Tow struck bridge abutment. One barge sunk immediately with total loss of cargo. \$35,000 structural damage to barge.

April-99 While mooring the towboat, pilot stepped off the vessel to assist the deckhand in tying off the towboat. The vessel got underway without any person onboard and allided with the lock wall.

May-99 Pilot collided with a dredge in the navigation channel and failed to notify the Coast Guard of the incident.

May-99 Operator failed to maintain control of vessel resulting in grounding of tow 1/2 mile outside the marked channel. Pilot notified company which failed to notify CG.

May-99 Operator left the vessel to assist a deckhand on a fleeted barge with vessel's engine engaged. Vessel broke away from barge.

August-99 Operator left the vessel to assist a deckhand on a fleeted barge with vessel's engine engaged. Vessel broke away from barge.

1 January 1998 - 31 December 1998

March-98 Operator left pilot house while vessel was underway. Absence directly led to a collision with approaching pleasure craft. Damage to pleasure craft estimated at \$2300.

April-98 Operator failed to navigate bridge. Tow allided with bridge then topped around and struck gaming vessel. Joint CG/NTSB investigation ensued.

April-98 Operator failed to maintain speed and control of tow as he approached Lock & Dam with 15 loaded barges. Tow allided with lock resulting in \$150,000 damage. Operator had no experience on line boats.

April-98 Operator grounded boat and holed fuel tank, spilling 1,000 gal fuel into river. Operator had unreported alcohol convictions.

July-98 Pilot made up tow using unauthorized lines which parted causing tow to collide with another vessel.

August-98 Operator failed to pilot vessel within channel resulting in grounding of a loaded barge outside the marked channel. Operator making log entry when grounding occurred. Damage estimated at \$57,000.

September-98 Operator fell asleep while pushing two certificated barges downbound. Both certificated barges grounded. Towboat was holed and sank. Crew abandoned towboat. Resulted in complete flooding of engine compartment and oil spilled into the river.

1 January 1999 - 30 September 1999

January-99 Pilot's tow allided with certificated tank barge.

January-99 Pilot grounded and holed certificated tank barge spilling 35,000 gal of oil.

January-99 Operator failed to safely navigate channel and collided with a towboat.

February-99 Operator did not post proper lookout or take necessary actions to control his vessel as he approached a concentration of pleasure craft. Tow struck and sank a pleasure craft resulting in one death.

March-99 Operator failed to safely navigate channel and collided with a towboat.

March-99 Operator passed out due to medical condition while on watch causing tow to ground outside channel.

May-99 Pilot struck fleeted barge causing \$30,000 in damage.

June-99 Operator failed to safely navigate channel and collided with a towboat.

June-99 Operator of vessel fell asleep and tow allided with moored Casino Vessel. Damage to Casino Vessel est. \$200,000.

August-99 Tow allided with fleeted barge resulting in major gasoline release. Damage to 3 barges involved est. at \$150,000

September-99 Pilot left the responsibilities of the towboat wheelhouse to an unqualified deckhand, resulting in an allision with several moored rec boats at a marina.

WESTERN RIVERS PROFESSIONAL PILOT RESOURCE OPTION (PPRO) GROUP

PURPOSE: The knowledge and experience of professional pilots can provide the United States Coast Guard Officers in Charge, Marine Inspections (OCMIs) and their Investigating Officers valuable insights regarding marine casualties on the Western Rivers. Their input may be solicited by OCMIs to help determine the best course to take regarding potential license action resulting from an investigation into a marine casualty. Using Prevention Through People principles, the Coast Guard and towing industry will continue to improve maritime safety and waterways management by determining root causes in examining all contributing factors and provide recommendations as appropriate.

BACKGROUND: Participants in the Coast Guard/industry meeting of 9 July 1999 in St. Louis discussed the investigative process and the difficulties associated with securing timely, first hand information without infringing on the rights of the mariner. It was reaffirmed by the participants that all investigations should start with the assumption that the mariner or company was "trying to do the right thing." It is also recognized that license action is appropriate in some cases to maintain the standards for competence and conduct essential to the promotion of safety for all mariners.

Recognizing the value of towing industry experience and knowledge in the investigation of certain incidents, the Coast Guard expressed willingness to consider incorporation of some form of industry input into its investigative process. This input may be particularly useful in evaluating operator actions or inaction, and distinguishing between an error in judgment and an act of negligence.

The primary purpose of an investigation is to ascertain the cause(s) of an accident. The information derived from investigations is also used to measure the effectiveness of the entire spectrum of the marine safety program. It is used to monitor existing policies, adequacy of Aids to Navigation, and the operational practices of the Coast Guard, owners, and operators.

The decision to initiate license action proceedings is never an easy one and is never taken lightly. The decision to take action on a mariner's license must be based on the thorough assessment of all information and resources available.

WESTERN RIVERS PROFESSIONAL PILOT RESOURCE OPTION (PPRO) GROUP: The PPRO shall consist of the Chairmen and Co-Chairmen of RIAC, IRCA, ORIC, LORMC, Waterways Association of Pittsburgh, the St. Louis Harbor Association, and other groups with which the Coast Guard works. They shall be available when OCMIs or their Investigating Officers need an opinion regarding a marine casualty. Any members of these committees giving an opinion must hold at least an active OUTV (Operator of Uninspected Towing Vessel) license or greater and must have worked the area in which they are asked to give their opinions. If these committee leaders do not hold a OUTV license or greater, have not worked in the area in question, are working for the company in question or are related in any way to the mariner in question, then they must refer the Investigating Officer to a member of that group who is qualified to give such an opinion. The committee leaders are encouraged to tap the knowledge of working towboat operators.

GUIDING PRINCIPLES:

- The PPRO Group shall be available as a resource for OCMIs and their Investigating Officers.
- One or more members of the PPRO may be called upon at the discretion of the OCMI during an investigation resulting from a marine casualty.
- The PPRO does not have legal authority.
- The OCMI is not bound by the recommendations of the PPRO.
- The PPRO Group only offers their opinions and cannot be asked to testify in any proceedings.
- All discussions by the PPRO shall be strictly CONFIDENTIAL to ensure open communications and respect for all mariners.
- Participation as a member of the PPRO is purely voluntary.