

TOWING SAFETY ADVISORY COMMITTEE

DEPARTMENT OF TRANSPORTATION

UNITED STATES COAST GUARD

Minutes of Meeting held
Thursday, September 16, 1999
U.S. Coast Guard Headquarters
Washington, DC

ATTENDEES

Coast Guard Staff:

ADM James M. Loy, Commandant
RADM Robert C. North, Assistant Commandant for Marine Safety and
Environmental Protection, Sponsor
CAPT Peter A. Richardson, Chief, Office of Operating and Environmental Standards,
Executive Director
LCDR Luke Harden, Office of Operating and Environmental Standards
Mr. Alan Penn, Office of Design and Engineering Standards

Committee Members:

Mr. Jeff Parker, Vessel Operations Manager, Allied Towing Company
Ms. Jennifer A. Kelly, Vice President, American Waterways Operators
Mr. James DeSimone, (for Ron Rasmus), Vice President, Great Lakes Towing
Ms. Mycelle Dean, CEO, Inland Boatman's Union of the Pacific
Ms. Laurie Frost Wilson, President, SEALAW, Inc.
Mr. Donald J. Zimmerman, Sr. Engineering Analyst, J. Ray McDermott, Inc.
Ms. Cathy S. Hammond, President, Inland Marine Service

PROCEEDINGS

The Towing Safety Advisory Committee (TSAC) held a meeting on Thursday, September 16, 1999, at the Coast Guard Headquarters building in Washington, DC (see agenda, enclosure 1). The committee's various working groups met at a preliminary meeting the preceding day (see agenda, enclosure 2). These meetings were announced in the Federal Register on Tuesday, August 17, 1999. [(Volume 64, Number 158) page 44775]

Remarks of the Chairman

Mr. Parker called the meeting to order at 8 AM. He welcomed everyone to the meeting and mentioned the committee's ambitious agenda. He asked that, due to the weather (hurricane Floyd), all business be conducted expeditiously, to allow attendees the chance to begin the trip home early.

He mentioned the progress that the Voyage Planning and Casualty Analysis work groups had made on the previous day. He thanked participants, especially those from the West Coast, and others who came to help on a new work group that will assist the Coast Guard in developing guidance on Cargo Securing Practices for Container Barges. Additionally, he referred to a list of recommended process improvements discussed at the last meeting, some new procedures for working groups, as well as the review of present task statements for alignment with the new G-M Performance (Business) Plan. He pointed to the fact that, at the end of this month, all remaining terms on the committee would expire, and he strongly encouraged the Coast Guard and DOT to move for a swift membership slate approval. He thanked all existing members for their continued participation and patience despite these expired terms. Public comments, at the appropriate time, were encouraged but he reserved discussion regarding reported-on items for committee members.

Remarks of the Sponsor

RADM North welcomed everyone, and thanked them for their efforts in attending, especially in view of the adverse weather. He expressed his gratitude to the membership who are carrying on their work in spite of the long process of slate approval, and assured them that the Coast Guard is putting forth a strong effort in that direction.

He spoke on the Marine Transportation System (MTS) report (copies made available to those in attendance), which in his opinion, will ensure the nation a marine transportation system able to handle expected traffic in a safe, environmentally secure, and efficient manner. In his 33 years in the Coast Guard, this has been the best collaborative effort he has seen. Already, a great deal of direction has resulted from regional listening sessions and he looks forward to everyone working together to implement the plan. He believes that much of the efforts of this committee's work groups on Voyage Planning, Electronic Charting, Tug Assistance and Remote Anchor Release, Barge Anchoring & Emergency Retrieval, Casualty Analysis, Cargo Securing, Communications all feed into the plan's concept of safety and environmental protection. He noted the upcoming meeting of an 80 person Safety Data Workshop where discussions on the form and extent of data elements will be held.

He advised TSAC that a Prevention through People (PTP) "Champions" meeting will be held on October 22nd. It will focus on the program's direction for the coming year, and will address the problem of recruiting and retaining qualified mariners in the industry and what can be done collectively to solve the problem.

RADM North briefly mentioned the continuing development of the International Maritime Information Safety System, (IMISS) and concluded his remarks in order to conduct the Commandant to the meeting.

Remarks of the Executive Director

CAPT Richardson introduced himself as the "new" Executive Director and began his comments with basic housekeeping issues. He reminded everyone to sign the attendance sheets, and pointed out that there was a special list for those members and public attendees who wished to receive a background packet on cold water survival. He informed the body that the full report on the MTS might be available for inspection at a later time.

He reiterated RADM North's commitment to working toward the successful approval of a new membership slate. He then applauded the committee's past and present efforts to align its activities with the G-M Performance Plan, connecting each specific work group focus with relevant goals of the existing plan. He promised to forward copies of the Performance Plan to all TSAC members once the plan is finalized.

Remarks of the Commandant

ADM Loy indicated his and the agency's frustration with the current process in approving a new slate of members to the advisory committee. He realized that all remaining terms will expire at the end of the month. Admiral Loy assured the members that the Coast Guard will encourage and urge the Department of Transportation to act on the recommended states. The Commandant praised the work and efforts of the committee and thanked each member for their valued counsel. He further expressed his satisfaction with the Marine Transportation System report recently remitted to Congress, noting that the report will "raise the visibility" of the national marine transportation system and, as "a menu of possibilities," may act as a conduit for congressional action.

In response to a question posed by a mariner in the audience, regarding alleged industry violation of the 12-hour rule and problems in employment on the inland waterways, the Admiral acknowledged that both the recruitment and retention of qualified mariners and fatigue are serious problems and encouraged TSAC to take on the issues.

Work Group Reports

The committee then discussed various issues relating to the results of its work group meetings the previous day:

1. Voyage Planning

The work group on this issue advised the committee that the Coast Guard will publish a Supplemental Notice of Proposed Rulemaking (SNPRM) around January 2000 on voyage planning, combined with an ongoing rule making on fire suppression. In its deliberations, the group compared the elements of voyage planning currently in 46 CFR Part 164 with those that TSAC previously recommended for coastal and inland vessel operations. Discussions focused on safety-related requirements, versus efficiency items, for this activity and the removal of any redundant elements in the regulations, as well as eliminating starting from “square one”. Since both a rulemaking and a NVIC are planned, the group decided to assist the project officers in first addressing the regulatory process, then turning to providing help in drafting the ensuing guidance document. Issues addressed included: (a) applicability on towing vessels of 12 meters or more on a voyage of more than 24 hours, or, especially on inland routes, when the master or licensed operator changes on the vessel; (b) the retention of COTP exemption authority for voyage plans; and (c) the time frame for additional input by TSAC by mid-October.

RADM North questioned the impact value of this effort on the mariner, the possible additional workload on the mariner, and the cause/reasoning for the initiation of this effort on voyage planning, stating that “voyage planning has to have a reason.” Ms. Wilson addressed each of his concerns. A short discussion ensued concerning pressures on pilots to sail “unsafe” tows or other tows in the face of “unsafe” conditions.

2. Electronic Charting

This group met in July and focused its attention on the people aspect of electronic charting and training. The basic task for the group was to develop criteria for the charting system to be acceptable as a substitute for a paper chart on inland/domestic vessels not subject to SOLAS. The group will submit a final report with its conclusions at the next meeting. CAPT Chuck Pillsbury, a public attendee and member of the Navigation Safety Advisory Committee (NAVSAC), spoke briefly on the need to consolidate/reconcile the relative nature of common paper charts with the absolute data given by a vessel’s Global Positioning System (GPS) equipment. Mr. Parker offered that his company’s experience shows that this is already the case to a very close degree, but CAPT Pillsbury retorted that most people would follow an electronic chart because it IS computer driven and must be accurate and that “close” doesn’t always work.

3. Tug Assistance/Remote Anchor Release

The committee was reminded that this issue evolved from the NORTHCAPE and SCANDIA incident and advised that the task statement (enclosure 3) for this group’s issue has been revised and refocused. The work group will focus solely on vessels towing tank barges and will look at what is already required on local, state and federal levels.

In addition, the work group will be investigating Remote Anchor Release devices, the available equipment, manufacturers, and possible training requirements for crew operation

4. Communications

The work group was tasked with improving the delivery and availability of safety, education and PTP information to the towing industry. The group's revised and final report will be circulated for comments among the committee members.

5. Casualty Data Analysis

The work group reported that it had decided on two courses of action: (1) to update Form 2692, and (2) provide the CG with recommendations on the revision of the Marine Safety Information System's (MSIS) Marine Investigation product (MIN-MOD) and its connection with the Marine Information for Safety and Law Enforcement (MISLE).

6. Barge Anchoring and Emergency Retrieval; Fire Suppression

The work group reported that its work on barge anchoring and emergency retrieval has been completed. Four committee recommendations, in the form of comments, were submitted to the docket on the Interim Rule for Emergency Control Measures for Tank Barges (USCG-1998-4443) (enclosure 4). The committee was informed by the project officers that the Final Rule was forthcoming and would be responsive to its recommendations. TSAC suggested that affected tank barge operators employ any two of three emergency control measures; an immediate stay of enforcement of the open water drill requirement followed by a correction to the interim rule amending the open water actual barge retrieval requirement; the grand-fathering of anchor systems on existing barges; and deletion of the applicability of the rule to two limited routes – the eastward extension of the Gulf-Intra-coastal Waterway between St. Mark's and Carabelle, FL, and the extension of the Illinois River from Chicago to Burns Harbor on the Great Lakes.

With regards to Fire Suppression, an Interim Rule is due within several months on the non-controversial issues such as fire detection. An SNPRM will be published that will take a second look at the more controversial issues, such as requirements for fixed fire suppression system. This SNPRM is expected to be published in early 2000, and the committee will undertake a review of the proposal and submit its comments to the docket.

7. Cargo Securing

A new work group on this issue will focus on non-regulatory requirements, based on a self-evaluation system, for the domestic industry. A task statement will be developed by the end of the year. It will concern providing input on current stowage and lashing policies, as well as looking into the feasibility of extending the new SOLAS regulation to domestic operations. It will also study prior incidents and stowage practices. The group established a list of East and West Coast operators to participate in the work group, most of which were present. It was noted that the Coast Guard plans on taking a regulatory approach on this issue for vessels on international voyages.

Project Updates

1. Licensing and Manning Rulemaking

LCDR Luke Harden provided TSAC with a status report on the Licensing and Manning for Officers of Towing Vessels rulemaking process. He began by recapping the background of the initiative. The project commenced in 1994 growing out of a review, conducted as an outcome of the collision of a towing vessel and its barges with a railroad bridge near Mobile, Alabama. Several other incidents involving towing vessels closely followed this casualty. Each emphasized the urgency of examining the rules for licensing of all operators of towing vessels. An NPRM was published in 1996 producing over 780 comments. An SNPRM followed in late 1997.

LCDR Harden then advised the committee that the Interim Rule, formatted in plain language and with opportunity for public comment, is in the final steps of agency clearance. He told them that they should find the document much easier to use and understand, with less lengthy paragraphs. Instead, they will find much of the information in tabular form, without detracting from the remaining unchanged sections of the regulations. Another change that has been made is the movement of the docket from the Marine Safety Council to the Docket Management System. This modification will allow all pieces of information related to this rulemaking to be available for review via the internet at: <http://dms.dot.gov>.

A Final Rule is anticipated sometime next year.

2. Process Improvements

The committee discussed a number of recommendations for process improvements (enclosure 5) in the areas of communication and procedure. One member recommended that information, such as input to rulemaking dockets, should be included on the internet. The committee agreed to have this discussed with the webmaster and receive a report back at the next meeting.

New Business

A member of the Gulf Coast Mariners' Association (GCMA) Board of Directors, submitted an editorial from the August 30, 1999 edition of the Waterways Journal (enclosure 6) to the committee for distribution and discussion. It concerns Navigation and Inspection Circular (NVIC) 7-91 and the methods used to determine cold water areas. The article claims that the authors of these guidelines did not take into account water temperatures that are found in various rivers—only those found along the coasts, and that the omission is a significant shortcoming. It further relates that inland water temperatures, specifically along the Mississippi as far south as New Orleans, can often reach into the mid to low 40's during January and February. Also, the article maintains that many lives could be saved if inland mariners wore certain types of effective cold weather insulated flotation gear. The article finally mentions that a member of the GCMA wrote to VADM James Card, Coast Guard Vice-Commandant, who responded that he would see that the issue was discussed at this TSAC meeting and the next AWO/USCG Partnership meeting. Even though the committee deems itself working

more in a regulatory advisory capacity, it will consider taking up the issue after they are provided with an informational background packet from the U.S. Coast Guard on the subject, which will consist of a copy of the NVIC, water temperature readings along the river, descriptions of the available gear, and various arguments and opinions.

The committee requested that a progress report be delivered at the next meeting on the status of the R&D fatigue studies along with a collection of best practices. It is also interested in reviewing what studies or efforts are being considered by other modes of transportation (especially CTAC).

Public Comments

1. Fatigue

A few members of the public brought to the committee's attention the alleged common condition of pilot fatigue and disregard of the 12-hour work rule. They reported that some companies are writing extra work into their standard practices while others threaten job termination if a pilot refuses to sail because of fatigue, bad weather or improper size of tow. One member indicated that recruitment and retention of qualified officers and crew was a growing problem in the towing industry.

RADM North responded that he agreed maintaining qualified people is extremely important. As for the fatigue and work rule violations, he would need to see specific data and asked the public speakers to submit any information they might have.

2. Access to Data Base

An MM&P representative declared that he had great difficulty in using information he received from MSIS through a FOIA request, and hoped that data obtained from the new MISLE system would be in a protocol that would be easier to use. RADM North assured him that the new system would be completely different from the past structure.

3. Work Practices

Mr. Flannagan from the MM&P voiced that the industry didn't want more rules and regulations with further overburdening requirements. He suggested that TSAC work more closely with the Coast Guard and industry to revise existing rules in response to incidents, without writing additional regulation. He alleged that some companies have written policies to violate the 12-hour rule and to either overload or increase the size of their tows. They increase pay for pilots who accept the risk, so there are some takers; but these increase the danger not only for themselves, but also for others in the area.

He reported that some companies order crewmembers not to report actual casualties and that one can be fired if he or she does make it known; and requested protection for those who properly report safety violations. He pointed out that some engineers are ordered to pump bilges in river without notifying the master, and called for more representation of the working mariner in TSAC

Conclusion

Ms. Kelly presented a summary of action items to the committee (enclosure 7).

An interim session for work groups will be scheduled shortly and held at CG Headquarters in January 2000.

The next meeting may be held outside Washington, DC in March or April 2000. The location will most probably be in the Charleston/Huntington, WV area or in Memphis, TN (or perhaps elsewhere) subject to a vote to be taken among the committee members.

Captain Peter A. Richardson
Executive Director

Mr. Jeff Parker
Chairman

Date

Date

- Encl: (1) Agenda, 9/16/99, Public Meeting
(2) Agenda, 9/15/99, Working Group
(3) Task Statement 99-01, Revised
(4) TSAC Recommendations on Emergency Control
Measures for Tank Barges
(5) Recommended TSAC Process Improvements
(6) Waterways Journal Editorial Article
(7) TSAC Action Items