



\$4.00 USD

Sidelights

July 2019 Vol. 49, № 3

Published by the Council of American Master Mariners, Inc.



The AGM Issue
Maritime Day 2019
Unseaworthiness and the Passage Plan
Captains Must Take Command of Their Ship



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The Council of American Master Mariners, Inc.



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President

CAPTAIN JEFF COWAN

CAPTCOWAN@MASTERMARINER.ORG

805-901-9558

First Vice President

CAPTAIN JOE HARTNETT

CAPTHARTNETT@MASTERMARINER.ORG

410-867-0556

Second Vice President

CAPTAIN PAT MOLONEY

CAPTMOLONEY@MASTERMARINER.ORG

415-215-9226

Treasurer and Secretary

CAPTAIN MANNY ASICHEMEYER

CAPTMANNY@MASTERMARINER.ORG

951-767-3037

North Atlantic Regional Vice President

CAPTAIN FRANK ZABROCKY

CAPTZABROCKY@MASTERMARINER.ORG

203-359-8494

South Atlantic Regional Vice President

CAPTAIN MANNY AROSEMENA

727-421-0682

Gulf Regional Vice President

CAPTAIN AUGUSTA ROTH

CAPPROTH@MASTERMARINER.ORG

281-534-9619

South Pacific Regional Vice President

CAPTAIN KLAUS NIEM

CAPTNIEM@MASTERMARINER.ORG

707-255-6567

North Pacific Regional Vice President

CAPTAIN CAL HUNZIKER

CAPTHUNZIKER@MASTERMARINER.ORG

253-862-7493

Immediate Past President

CAPTAIN R.J. KLEIN

CAPTKLEIN@MASTERMARINER.ORG

425-246-9814

Council Chaplain

FATHER SINCLAIR OUBRE

AOS-BEAUMONT@DIOCESEOFBMT.ORG

409-749-017

APPOINTMENTS & CHAIR

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CAMM NATIONAL PRESIDENT

MAILING ADDRESS

601 Teague Drive
Santa Paula, CA 93060-1632

CAMM NATIONAL SEC/TREAS MAILING

ADDRESS

30623 Chihuahua Valley Rd.
Warner Springs, CA 92086-9220

North Atlantic Region

NEW YORK METRO

Captain George Sandberg, President

631-375-5830 (cell); 631-878-0579 (home)
capsandberg@mastermariner.org

Meetings dates and locations vary.

Mailing Address: Box 581

Center Moriches, NY 11934

BALTIMORE / WASHINGTON, D.C.

Captain Joe Hartnett, President

410-867-0556
caphartnett@mastermariner.org

Meetings at 1130 on the 2nd Tuesday of each month, except June - August. Check website for date and location. Locations vary between Baltimore and D.C.

Mailing Address: P.O. Box 700

Edgewater, MD 21037-0400

Gulf Coast Region

MOBILE BAY

Captain Jerome "Rusty" Kilgore, President

251-490-2741

Meetings at 1330 on the 2nd Tuesday of each month. Felix's Fish Camp Grill: 1530 Battleship Pkwy, Spanish Ft., AL.

Mailing Address: 6208 Pier Ave.

Fairhope, AL 36532

NEW ORLEANS

Captain Ed Higgins, President

504-394-6866
caphiggins@mastermariner.org

Meetings at 1200 on the 2nd Wednesday of each month, except July and August. Port Ministry Center of the Global Maritime Ministries, 3635 Tchoupitoulas Street, New Orleans, LA.

Mailing Address: 8112 Ferrara Drive

Harahan, LA 70123

HOUSTON

Captain Michael J. Mc Cright, President

captmccright@mastermariner.org

Meetings monthly, September - April. Check website for dates. TAMUG Blue Room, Galveston, TX.

Mailing Address:

4620 Fairmont Pkwy, Suite 203
Pasadena, TX 77504

South Atlantic Region

PORT EVERGLADES / MIAMI

Captain Paul Coan, President

pilgrimii@bellsouth.net

Meetings at 1200, the 3rd Thursday of the month, except July and August. Galluppi, Pompano Beach Country Club, 1103 N. Federal Hiway, Pompano Beach, FL.

TAMPA BAY

Captain Robert Holden, President

727-784-7595
capholden@mastermariner.org

Meetings at 1130 on the 2nd Tuesday of each month, except July, August and September. Columbia Restaurant, 7th Ave. & 22nd St.

Mailing Address: 50 Baywood Ct,

Palm Harbor, FL 34683

North Pacific Region

SEATTLE / PACIFIC NORTHWEST

Captain R.J. Klein, President

425-746-6475
captklein@mastermariner.org

Meetings at 1130 on the 2nd Thursday of each month, McCormick & Schmidt's in Bellevue.

Mailing Address: PO Box 99392

Seattle, WA 98139

COLUMBIA RIVER

Captain Vic Faulkner, President

360-798-9530
mrpobre@aol.com

Meetings are at 1200 on the 2nd Friday of each month. Jantzen Beach Bar and Grill, 909 N Hayden Island Drive, Portland, OR.

Mailing Address: 121 Hazel Dell View

Castle Rock, WA 98611

South Pacific Region

LOS ANGELES / LONG BEACH

Captain David Boatner, President

805-479-8461
captboatner@mastermariner.org

Meetings at noon on the 2nd Tuesday of each month, except August. CThink Café, 302 W. 5th Street - Unit 105, San Pedro, CA 90731

Mailing Address: 533 N. Marine Ave

Wilmington, CA 90744-5527

SAN FRANCISCO BAY AREA

Captain Klaus Niem, President

707-255-6567
captniem@mastermariner.org

Meetings at 11:30, 1st Tuesday of each month, The Nantucket, 501 Port St., Crockett, CA.

Mailing Address: 4207 Chardonnay Ct.

Napa, CA 94558-2562

CAMM Closing Dinner



Guests at the Closing Dinner with Admiral Buzby.



Captain Jack Cox, Admiral Mark Buzby, Captain Manny Aschemeyer



Above and below guests at the Closing Dinner..



Captain RJ Klein and Captain Mike Murphy



Andrea Davis and Captain Jeff Cowan



PHOTOS BY ALEXIA RETALLACK



Amber Moyers (left) is presented with a token of appreciation by Karen Johannes for her acting as docent for the guest outings.

In This Issue



ON THE COVER

San Diego skyline as seen from the Hornblower on the Bay.
ALEXIA RETALLACK

SIDELIGHTS

sidelights@us.mastermariner.org

EDITOR-IN-CHIEF

Captain R.J. Klein

EDITORIAL BOARD

Captain RJ Klein Captain Joe Hartnett
Captain Jeff Cowan

CONTRIBUTORS

Jeff Cowan
Sinclair Oubre Georg Pedersen
Manny Aschemeyer Cal Hunziker
RJ Klein RJ Klein
r

COPY EDITORS

Pat Moloney Lyn Klein
Kim Lane

DESIGN & LAYOUT

Alexia Retallack

PRINTING

Modern Litho, Jefferson City, MO

ADVERTISING MANAGER & ADMIN

Captain Manny Aschemeyer
Sidelightsads@us.mastermariner.org
951-767-3037

TO SUBMIT MATERIAL

We welcome your articles, comments, illustrations and photographs. Please email to: Sidelightseditor@us.mastermariner.org or mail your submissions to

Sidelights Chair
Captain R.J. Klein
4675 144th Place SE
Bellevue, WA 98006

All submissions will be reviewed, but are not guaranteed to be published.

PUBLICATION DEADLINES

| Issue | Submission | Release |
|----------|------------|---------|
| February | Jan. 22 | Feb. 15 |
| April* | March 5 | April 1 |
| June* | May 12 | June 15 |
| October | Sept. 1 | Oct. 1 |
| December | Nov. 1 | Dec. 1 |

*April and June subject to change dependent on CAMM Annual Meeting date

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BOB MAGEE MEMORIAL GOLF TOURNAMENT

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<https://www.planmygolfevent.com/32900-BobMageeMemorialGolf2019>



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Captain Jeff Cowan
CAMM National
President
#3070-RU

AGM/PDC a Great Success!

Our 2019 Professional Development Conference San Diego succeeded in conveying “Who is Really in Command of the Ship?” Some interesting points were presented that perhaps will help our sea-going membership. A key point made is that we all like/liked our jobs and want to continue down that course safely. When the safety of the ship prevails over the goals of the company, documentation becomes key for the Master.

Obviously, the goal of any shipping company is to make money and timely arrival at port is one of the best ways to achieve that goal. Unfortunately, weather may not cooperate. To say that I lived for the weather faxes/maps/information is an understatement, especially when heavy weather was forecast on the ship track. I used to say, “Too much weather information was not enough!” In those rare circumstances that demanded a course deviation, I issued orders for the watch mates to clarify in the logbook when course deviations were due to weather and save the weather information and maps. These documents would be critical per chance something happened and someone ashore questioned my judgment. Copies of these documents provided additional insurance if needed. Luckily, I never had to utilize those records – but some of our brethren are not so lucky.

One of our presenters was Mr. Erick Kravetts, JD, who published an article in Maritime Executive website on May 17, 2019. His detailed account of his presentation can be found on page 29 of this edition and I encourage all to read the entire address.

Mr. Kravetts provided excellent advice to Captains who know they are making a decision that may be unpopular with the owners/operators. He stated that it is critical to keep documents and records. This documentation should include photos, witnesses, surveyor reports, notes of protest and logbook entries. Gathering this evidence is important along with the various attending details, e.g., the correct use of time-stamps and validating witness identities. It’s arguably more valuable to assemble evidence in a systematic, credible manner so that it can be used fruitfully in case of a dispute. No matter how good the evidence is in principle, if it cannot be validated and submitted to support an argument, it will be of little use in helping a captain defend an unpopular decision.

Charterers see logistics as a pure cost. Owners want to do right by their customers in a competitive market. That means preventing the worst of the cost-cutting and putting in the legwork, e.g., fact-finding, assembling evidence, submitting reports, to justify any unpopular decisions. The Captain’s role is critical to a well-functioning shipping industry. If charterers and owners encourage a race to the bottom, it’s up to ships’ Captains to use their overriding

authority! Captains must shout: “Stop!”

At the end of the day, the shipping industry relies on diligent Captains to make the right call time after time. A captain who has integrity, a sense of duty, and an ability to accurately anticipate and address risks, is a valuable – essential – contributor to the success of a global industry. If the captain’s decisions are based on good seamanship and can be supported with evidence, there is nothing to fear.

In a separate address, Captain Michael Kucharski, JD from the National Transportation Safety Board gave a very thoughtful overview of the El Faro investigation. The Master of this ship kept his course to Puerto Rico despite worsening weather and numerous calls from the bridge suggesting he revise his passage plan.

Perhaps the Master based some of his decision on previous experience. When sailing Master on another ship, he was demoted to Third Mate after he erred on the side of safety and called for a second tug upon entering a port after suffering issues with the steering during voyage. Calling for an extra tug to assist with docking can cost thousands of dollars. He worked his way back up to Master but could such a harsh response to a decision for the safety of ship, crew and cargo have colored his perspective? This may have led him to make a dark decision in support of

Continued next page >>>

the company's profit rather than safety?

I attended the Merchant Marine Veterans ceremony in San Pedro in May. The question arose concerning the state of our Merchant Marine: how could it sustain a national emergency like "Desert Storm" today? Truth is – it can't! We don't have the people or the ships.

The ships in layup are getting older while some hulls date from the '60's/'70's and spare parts are impossible to find. Does the US government want to repower

these hulls that were typically mild steel and still useful? (As opposed to high tensile steel that is thinner but cracks easily) We do not have the shipyards or the experienced people to build new domestic ships outside of the people building Navy ships. We had 300 U.S. ships in the international trade during the Vietnam era. Now have only 81 ships flying the stars and stripes internationally.

The U.S. is at a critical juncture: Will this country build the ships to sustain the

dwindling Merchant Marine or not? Personally, I don't think the U.S. will, but I would gladly like to think otherwise.

Steady as she goes,



Jeff Cowan



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CAMM welcomes Letters to the Editor. Please share your comments, perspectives and opinions on articles and subjects published in Sidelights by writing a "Letter to the Editor." Email letters to sidelights@us.mastermariner.org or mail to: Sidelights Editor, 4675 144th Pl SE, Bellevue, WA, 98006. If there is a particular issue of concern you would like to see addressed, or if you have an article for publication, please email to sidelights@mastermariner.org.

New Members and Changed Membership Status

New Members - Welcome Aboard
You now have all the benefits of membership!

3500-RU Captain **Matthew Albert Buch**,
Master MV Alaskan Legend (Alaska Tanker Co.)
Resides in Eugene, Oregon
Sponsor - Captain George N. Zeluff, Jr. # 2530

3503-AC Cadet **Wyatt Lee Vele**,
Class of 2019
Cadet at Texas A&M Maritime Academy/TAMUG
Sponsor - Captain Mike McCright, # 2753

3502-S Captain **Robert ("Robin") W. Reighley**
Instructor at TRMI in San Diego
USN (1964-1990); Sailed with Chevron (1993-2005)
Resides in San Diego, CA
Sponsor - Captain George N. Zeluff, Jr. # 2530

3504-RU Captain **Alfred Murray**
Master USNS Brittin (Maersk)
Resides in Norfolk, VA
Sponsor - Captain Manny Aschemeyer # 1548

SECRETARY - TREASURER

A Time for Change



*Captain
Manny Aschemeyer
CAMM National
Secretary-Treasurer
#1548-R*

The Book of Ecclesiastes (found in the Old Testament section of the Bible) was written by King Solomon of

Israel – reputedly the wisest man who ever lived and ruled. In this unique book he states that “To Everything there is a Season -- and a Time for every Purpose under Heaven”. Well, my CAMM Shipmates, it appears my Season (and Time and Purpose) as CAMM’s National Secretary and Treasurer is coming to an end. As I enter my 6th year in service to CAMM, I believe it’s time for a change, and I hereby announce that I will not seek reelection for another two-year term as CAMM’s National Secretary/Treasurer in the election of National Officers for 2020.

This decision has not come lightly or easily. In fact, I am conflicted with a host of mixed emotions, for I have thoroughly enjoyed (for the most part) my time and experience at this post – and I have often regarded it as a “labor of love”. My greatest joy and satisfaction have come from the personal contacts I’ve made with many of you since assuming this post. And even more so when I’ve met you in person at the AGM/PDC gatherings each year – or during the several Chapter meetings I’ve attended during my travels about the country. All good stuff!

I have also experienced disappointment, frustration, and sadness along the way – due mainly to the apathy, compla-

cency, and disinterest I detect amongst our ranks. I’m dismayed, too, by the ongoing resignations and terminations of CAMM members taking place – which, when added to the significant loss of members by death, has seen our numbers decreased over the past decade. In spite of our efforts to motivate CAMM members to “Each bring in one new member annually” – that policy has not gained significant traction. We have enjoyed a significant increase in new members over the past two years and it is expected that our expansion of Cadet Chapters will bring new blood into our ranks.

Overall, I would say “the good outweighs the bad” regarding my tenure as your National Secretary and Treasurer. So why “pull the plug” now? Well, the main reason is that this job is very time consuming, which means forsaking - at times - other duties and responsibilities I have as a husband, father, grandfather, uncle, neighbor, and friend. Then there is the maintenance and work around our Outback Ranch that becomes more challenging to address as I grow older.

Most importantly, I need to focus more on my care and attention and time paid to my wife, Floy Ann. We’re approaching our 50th wedding anniversary this year, and we would like to do some things on our “bucket list” before time takes that ability away. None of us is guaranteed tomorrow, eh? Road trips, family visits, taking a cruise, having friends come for a weekend stay, or simply sitting on our porch to relax and enjoy the ambiance we have out here with “God’s Peace in the Wilderness”. Floy will turn 82 in July; I’ll be 78 in August. And when she asked me after the AGM in San Diego was

completed this year: “When can I have my Husband back?” – well, I knew then and there that my Season, Time, and Purpose at CAMM’s National Secretary and Treasurer was coming to a close.

I do have an exit plan and strategy. I will not leave CAMM in the lurch. I will remain at my post until we find a suitable, willing, and able person to take over as Secretary/Treasurer. I expect that the 2020 Nominating Committee will conduct a genuine search for my replacement to be placed on the 2020 National Officers Ballot. I am prepared to remain active at my post through a transition period while I mentor, train, and advise the new Secretary/Treasurer on the various facets of the job. If no replacement comes forth - well, let’s cross that bridge as we come to it, OK?

With regard to my usual report on membership, finances, and other administrative matters, please refer to my report presented at the AGM in San Diego on April 25.

Thanks for your time and interest. I appreciate your continued support for CAMM along with your encouragement, suggestions, and financial help as well. And as I always say: “Working together, we can continue to make CAMM better, bigger, and BEST for the future!”

So until next time, Smooth Sailin’ ...

Captain. Manny Aschemeyer



by Father
Sinclair Oubre
CAMM Chaplain
#3220-A

Final Rule: Seafarers' Access to Maritime Facilities

On April 1, 2019, the U.S. Coast Guard issued the final rule known as: Seafarers' Access to Maritime Facilities. This is the culmination of a 9-year rule-making process that began after the passage of the 2010 Coast Guard Authorization Act.

This rule-making process has its roots with the attack on the United States

on September 11, 2001. After that, maritime security was enhanced, the crew list visa was eliminated, seafarers were more and more restricted to their vessels, and TWIC was mandated for all US merchant mariners. Finally, when the International Ship and Port Facility Security Code was implemented through the Maritime Transportation Security Act, there was little effort by those drafting the facility security plans to facilitate shore leave, or access to the vessel by seafarer welfare agents, pilots or maritime labor representatives, in spite of the ISPS Code explicitly calling for such considerations.

Here are important dates in the process:

- November 25, 2002: President George W. Bush signs the Maritime Transportation Security Act.
- December, 2002, International Ship and Port Facility Security Code was agreed to, and came into force July 1, 2004.
- October 15, 2010: US Coast Guard Authorization Act of 2010: SEC. 811. SEAMEN'S SHORESIDE ACCESS: Each facility security plan approved under section 70103(c) of title 46, United States Code, shall provide a system for seamen assigned to a vessel at that facility, pilots, and representatives of seamen's welfare and labor organizations to board and depart the vessel through the facility in a timely manner at no cost to the individual.
- 2011: Coast Guard felt sec. 811 was self implementing, but questions were raised by industry as to the meaning of the words: "timely" and "no cost to the individual."

- December 29, 2014, Notice of proposed rulemaking was published.
- USCG holds a public hearing in Washington, D.C. on January 23, 2015.
- The Final rule was published in the Federal Register on April 1, 2019 and comes into effect on May 1, 2019. Each facility owner or operator must implement a system by June 1, 2020 (§105.237 (a)).

Text: <https://www.federalregister.gov/documents/2019/04/01/2019-06272/seafarers-access-to-maritime-facilities>

Highlights of the Seafarers' Access Rule:

1. Seafarers' Access must be described in the Facility Security Plan and include (§105.237(f)):
 - a. Location of transit areas
 - b. Duties and number of facility personnel assigned to each duty associated with access
 - c. Methods of escorting and/or monitoring
 - d. Agreements for arrangements between the facility and private parties, nonprofit organizations or other parties, to facilitate the access described
 - e. Maximum length of time an individual would wait.
 - f. The facility owner or operator must document the facility's system for providing the access described in this section in the approved FSP by February 3, 2020.
2. Six Proposed Access Methods (§105.237(d)):
 - a. Regularly scheduled escort between the vessel and the facility gate
 - b. An on-call escort between the vessel and the facility gate
 - c. Arrangements with taxi services or other transportation services with the facility being responsible for any fees for transit within the facility
 - d. Arrangements with seafarers' welfare organization
 - e. Monitored pedestrian access routes
 - f. Another method approved by the Captain of the Port



- g. (§105.237(d)(7)) “If access method relies on a third party, a back-up access method that will be used if the third party is unable to provide required access.
- 3. Who does this rule cover (§105.237(b))
 - a. Seafarers assigned to a vessel at the facility
 - b. Pilots
 - c. Representatives of seafarers’ welfare organizations
 - d. Representatives of labor organizations.
- 4. Access is the enabling of individuals to transit to and from a vessel moored at the facility and the gate (§105.237(a)): This is a two-way process, and is not just limited to seafarers leaving the vessel for shore leave.
- 5. Timely Access considerations (§105.237 (c)):
 - a. Length of time the vessel is in port
 - b. Distance of egress/ingress between the vessel and facility gate
 - c. Vessel watch schedule
 - d. Facility’s safety and security procedures
 - e. Other factors
 - f. Timely access is subject to the review of the Captain of the Port.
- 6. No cost to individuals (§105.237 (e)): The facility must provide the access at no cost to the individual to whom the access is provided.

includes processes for facilitating access, and when the Captain of the Port takes up his or her role to be the arbiter of disputes regarding what is “timely” and what is “no charge,” this 18-year assault on the dignity of merchant mariners, and their natural right to shore leave may finally come to an end in the United States.



Father Sinclair Oubre and Captain Augusta Roth at the AGM-PDC, April 2019, San Diego.

With this final rule, and when each facility security plan

Raffle Winners!

FIRST PLACE (\$800) - *Captain Douglas A. Hard*, CAMM # 1695-RU
 Professor of Navigation Law, USMMA @ Kings Point
 Member, CAMM NY/NJ Metro Chapter
Captain Hard graciously donated his winnings back to the CAMM Treasury

SECOND PLACE (\$500) - *Captain George N. Zeluff, Jr.*, CAMM # 2530-RU
 Chair Membership Committee & At Large BOG Member
 Member, CAMM Los Angeles/Long Beach Harbor Chapter

THIRD PLACE (\$200) - *Captain Michael McCright*, CAMM # 2753-S
 Retired Adjunct Professor, TAMMA @ TAMUG
 President, CAMM Chapter – Houston, TX

Council Reports

1st Vice President Report:

Captain Joe Hartnett, #2193-RU

I had the opportunity to attend the International Propeller Club 35th annual Salute to Congress dinner at the Army-Navy Country Club in Arlington, VA on May 1, 2019. This year's recipient was Congressman Cedric Richmond (D-LA 2nd District, which includes most of New Orleans). Congressman Richmond has been a proponent of the U.S. Maritime Industry and a supporter of the Jones Act since he was elected in 2011. The dinner was well



Artist rendering of the VT Halter Polar Security Cutter design. Illustration by VT Halter Marine / Designer: Technology Associates, Inc.)

attended by maritime stakeholders from around the country. During his remarks, Congressman Richmond mentioned his support for the Water Resources Reform and Development Act of 2018. This act supports deeper dredging of the Mississippi River and increased capacity at the nation's ports. This in turn, increases maritime commerce and has a positive impact on the nation's economy. CAMM congratulates Congressman Richmond and thanks him for his efforts on behalf of the U.S. Merchant Marine.

I participated in the National Maritime Day ceremony at the Department of Transportation in Washington, D.C. on May 22, 2019. This event is attended by representatives of the maritime community to honor the maritime industry and the men and woman who dedicate their

lives to serving aboard U.S. Flag vessels.

The 10-year liquid natural gas waiver that was requested by the Governor of Puerto Rico has not been approved. Transportation Secretary Elaine Chao and White House Trade Policy advisor Peter Navarro were opposed to the waiver. There are pre-formatted letters on both the Navy League and the American Maritime Partnership web sites if you

would like to send a letter to your Representative in support of the Jones Act. The Jones Act is extremely important to our nation's economy and national security and needs our continued support.

VT Halter Marine of Pascagoula, MS has been awarded the contract to design and construct the Polar Security Cutter (PSC) class icebreaker which is scheduled for delivery in 2024. There is an option for two additional icebreakers that would enter service by 2027. The new icebreaker will replace the *POLAR STAR* which has had numerous mechanical difficulties during its last deployment. Ice-breakers play an important role assisting U.S. flag vessels when they resupply the scientific base at McMurdo Station in Antarctica. They will also be needed in the Arctic as more and more ships use the North West Passage. The new icebreakers will be home ported in Seattle.

The National Maritime Center has established the Merchant Mariner Examination Working Group 2019

Schedule. This group provides mariners the opportunity to review and comment on current examination questions. If you are interested in participating, you can call 1-888-427-5662 or email IASKNMC@uscg.mil. The next Deck Sections will be held in July and October, 2019.

2nd Vice President Report:

Captain Pat Moloney, #1829-RU

Report not available.

North Atlantic VP Report

Captain Frank Zabrocky, #1964-RU

Report not available.

New York Metro

Captain George Sandberg, #1919-RU

Chapter President

Report not available.

Baltimore/Washington Report

Captain Joe Hartnett, #2193-RP

The Port of Baltimore handled a record 43 million tons of international cargo in 2018 between its public and privately-owned terminals. The port ranks first in the nation for the import/export of autos and light trucks, second for exporting coal and is currently ranked 11th among major U.S. ports.

Members of our chapter participated in the Propeller Club Port Person of the Year Luncheon which was held at the Sparrows Point Country Club. This year's recipient is Bayard Hogans, a Vice President at Ports America in the Port of Baltimore. We will also sponsor and participate in the club's Annual Golf Outing which will be held on June 3, 2019 at the Maryland Golf and Country Club.

The chapter participated in the National Maritime Day celebration aboard the N/S Savannah on May 19, 2019 in the Port of Baltimore. We were honored to be joined by Captain Sam Yokomizo who is a retired Master/Port Captain from K-Line of Japan and who contributed an article for our last edition of *Sidelights*.

The chapter will be holding elections in the near future. If anyone would like to be considered for a position within the chapter, please contact Captain Hartnett. Please refer to our chapter page at www.mastermariner.org for event updates.

South Atlantic VP Report

Captain Manny Arosemena, #3028-RU

Report not available.

Port Everglades/Miami

Captain Paul Coan, #3021-RU,

Chapter President

Report not available.

Tampa Bay

Captain Ron Meiczinger, #1747-RU

Chapter Secretary/Treasurer

Regular CAMM Tampa Bay Chapter Meetings are held on the 2nd Tuesday of each month at the Columbia Restaurant, 7th Ave. and 22nd St., Tampa, FL (except July, August and September). Wives and significant others are invited to join. The May luncheon meeting of the CAMM Tampa Bay Chapter was called to order by Chapter President, Captain Robert Holden. There were nine members and guests in attendance.

Chapter Delegate Captain Manny Arosemena gave a report on the Annual General Meeting and Professional Development Conference in San Diego. At the AGM, Captain Arosemena was appointed CAMM South Atlantic Regional Vice President. He replaces Captain Liz Clark who "Crossed the Final Bar." The 2020 AGM will be held in Port Canaveral and Captain Arosemena will be very involved in the planning and organizing of this meeting.

There was discussion on efforts to repeal the Jones Act. Captain Tom Garrett mentioned that the CATO Institute is working on a report on the repeal of the Jones Act. We all need to follow these attempts to repeal the Jones Act. It is American jobs and security at stake and we all need to be ready to defend the Jones Act whenever you hear someone disseminating disinformation about its benefits. You can access their attack on the Jones Act by

going to <https://www.cato.org/Jonesact>.

Gulf VP Report

Captain Augusta Roth, #2753-S

Captain Roth, Gulf Coast Vice President, attended the AGM and also represented the Houston Chapter and the Cadet Chapter at TAMMA/TAMUG in Galveston. She stated that she intends to incorporate the positive reports from other chapters to help revitalize the Houston Chapter. As VP for the Gulf, she has reached out to NOLA and Tampa Bay for feedback and advice.

The CAMM Cadet Chapter at Texas A&M Maritime Academy has been up and running since 2008, and she recently found our Charter documents to share with CAMM National. Captain Roth said she would make an effort to have Cadets join CAMM National as AC members (Associate – Cadet). She will inform Cadets of the benefits of becoming a CAMM member early in their career.

Mobile Bay

Captain Jerome "Rusty" Kilgore

Chapter President

Report not available.

New Orleans

CE Horace George, #3223-A,

Chapter Secretary

The March meeting of the New Orleans Chapter was a luncheon at the Global Maritime Ministry Center. Our speaker was unable to come due to a schedule conflict, so the meeting concentrated on local maritime issues, led by Chaplain Phil Vandercook and President Ed Higgins. The members encouraged President Higgins to attend the AGM in San Diego in April and he will attend if his schedule allows. The Chapter members voted unanimously to donate a \$250 sponsorship to the AGM in San Diego.

CAMM NOLA met on 10 April 2019 at the Global Maritime Ministry Center on Tchoupitoulas St. Following lunch, Michael Coulomb, a local maritime attorney, addressed the gathering in regards to the Maritime Labor Convention of 2006 and its effect on local and foreign workers. The question and answer ses-

sion was very informative. Plans regarding the AGM later this month in San Diego were then discussed.

The final CAMM NOLA meeting before the summer break was held at noon on 8 May 2019, at the Global Maritime Ministry Center. The volunteers at the Center provided a tasty lunch of Mexican dishes which was enjoyed by all. A total of 8 members were present for the business meeting led by Captain Ed Higgins and Secretary/Treasurer Horace George.

Unfortunately, the guest speaker, CDR Zauner, USCG, was unable to attend due to a schedule problem. He sent his regrets and plans to make himself available for the September meeting. C/E George gave the financial report and Captain Higgins reported that he was unable to attend the AGM in San Diego. He was able to report on the highlights of the meetings, per information from the National Secretary/Treasurer. More details of the meeting will be in the next issue of *Sidelights*. The membership is waiting to hear the decision of the Board of Governors regarding the proposed position of the "Master's Authority" in all matters concerning the safety of the ship. In closing for the summer, it was noted that "Life" member Captain Adrian DeBoer will celebrate his 104th birthday in June.

Houston

Captain Michael McCright, #2753-S

Chapter President

Report not available.

South Pacific VP Report and San Francisco Bay Area Chapter Report

Captain Klaus "Nick" Niem, #2167-RU

Captain Niem is both the South Pacific Vice President and the San Francisco Chapter President. His area includes the new Cadet Chapter at California Maritime, the San Francisco Chapter and the Los Angeles/Long

Continued next page >>>

Council >>> Cont'd from page 13

Beach Chapter.

The newly established Cadet Chapter at California Maritime has invited the San Francisco Chapter to have a joint meeting at their new Dining Facility. The San Francisco Chapter has continued its support of the CMA Cadet Chapter and regularly participates in their Career Day Expo which is held twice a year. Their President, Cadet Tom Christofk (#3422-AC), dedicated many hours working through the complex California State University system to gain approval for this new "club."

Captain Niem informed the membership that Davyne Bradley (#3129-H) has stage 4 breast cancer. For many years Davyne helped produce *Sidelights* and was a regular attendee at CAMM's AGMs and PDCs. She will be in our thoughts and prayers.

Update: The California Maritime cadets are off on their training cruise. Captain Aschemeyer met TS *Golden Bear* in San Pedro in early May, when she stopped off for bunkers. The ship sailed for the Panama Canal, the Bahamas, Lisbon and the Azores. She will be returning to Galveston, TX and turned over to the Texas Maritime Academy for their annual training cruise.

"Ship sharing" is now required by MARAD because Texas Maritime Academy does not have a training vessel. The Faculty Advisor for the CMA Cadet Chapter, Captain Nick Lewis, is on the cruise as a seamanship and navigation instructor. Captain Lewis accepted to be the new VP of the San Francisco Chapter.

The **San Francisco Chapter** has two new Chapter officers: Captain Larry Teague (#1497), Vice President, and Captain Chriss Carson (#2129), Secretary/Treasurer. Our Chapter meets on the first Wednesday of the month. Meetings are now held at the Sardine Can Restaurant in Vallejo as our former

meeting site has closed. We will take a hiatus in July and August. We continue to be supportive of the California Maritime Cadet Chapter and intend to hold a joint meeting with them after the cadets return from their training cruise..

Los Angeles/Long Beach

Captain Dave Boatner, #2162-RU
Chapter President

The LA/Long Beach Chapter draws 6 – 10 members at the monthly meetings. We currently meet every second Tuesday of the month at the Think Café on 6th Street, except August. All local CAMM members are invited to come and we encourage them to bring other mariners. We participate annually with the Maritime Day observances at the American Merchant Marine Veterans Memorial in San Pedro, and will be there again this year.

North Pacific VP Report

Captain Cal Hunziker, #2457-RU

Just before Maritime Day, Senator Maria Cantwell joined business and government leaders from around the region at the Seattle Maritime Festival Breakfast, presented by the Seattle Propeller Club with the Port of Seattle, to celebrate the importance of the domestic maritime industry. "The Jones Act is a juggernaut when it comes to helping us, and we are not talking about a relic, but a key tool in growing our economy for the future," said Senator Cantwell.

"Quite simply, the Jones Act is American security," said Matt Woodruff, President of the American Maritime Partnership.

"TOTE is honored to call Washington home and we are proud of the many contributions that our employees, vendors, contractors, partners and peers have made over the last 40 years to help drive one of the most significant economic engines in the Pacific Northwest, the domestic maritime industry," stat-

ed Grace Greene, President of TOTE Maritime Alaska, which provides service between Tacoma and Anchorage.

The domestic maritime industry in Washington state ranks 6th in the U.S. for jobs and labor income relating to the Jones Act - sustaining 22,500 local jobs, produces \$6.12 billion for the local economy, and generates more than \$1.5 billion in worker income. Regionally, the same domestic maritime industry employs over 37,590 individuals, supports \$2.5 billion in worker income, and produces nearly \$10 billion for the Pacific Northwest economy. This according to the findings of a new report conducted by PricewaterhouseCoopers (PwC) on behalf of Transportation Institute (TI).

Thanks to the Jones Act, the domestic maritime industry employs nationally approximately 650,000 Americans across all 50 states, creates \$41 billion in labor income for American workers and adds more than \$154.8 billion in annual economic output each year. There are more than 40,000 American vessels – built in American shipyards, crewed by American mariners, and owned by American companies – that operate in our waters 24-hours a day, seven days a week..

Columbia River

Captain Bill Good, #1924-RU
Chapter Secretary

No report available.

Seattle PNW

Captain Don Moore, #1513-RU
Chapter Treasurer

Our chapter currently has 58 active members including 11 "companion members." Our Chapter Officers include Captain Kevin Coulombe as our Seagoing Vice President. We meet on the 2nd Thursday of every month at the McCormick & Schmidt's Restaurant in Bellevue, WA. We also hold an Executive Committee meeting on the 4th Tuesday of

each month at the same location.

Our February meeting each year revolves around Valentine's Day with our spouses and significant others. We also honor and celebrate "Women in the Maritime Industry" at the February meeting and invite female Keynote Speakers to share their stories of success in the Maritime Industry. In July, we had a very special occasion as we celebrated the 100th birthday of our esteemed member, Captain John Corso (# 1681-L).

Our chapter is interactive with the community. Captain Klein has put together a charity golf tournament for the past 11 years. The tournament raises money for the Youth in Maritime Training Association (YMTA). Before his death, Captain Peter Chelemedos (#1671-L) contributed \$5,000 for scholarships to be given in his and CAMM's name. The first of five yearly \$1,000 scholarships was awarded this year. This scholarship is a bonus scholarship in the YMTA program and is awarded to a student who is charting a course as a Captain or Pilot in the U.S. Merchant Marine. We are very proud to have had Captain Chelemedos in our chapter.

CAMM Seattle members assist students from YMTA & Ballard High School aboard the *Virginia Five* during their "Day Afloat." They arrive twice a year to gain hands on experience. For example, our members help with instruction in chart plotting and demonstrate the proper method for throwing a heaving line.

On Maritime Day we do a "photo-op" at the Maritime Museum and *Virginia Five* with the U.S. Merchant Marine and CAMM flags flying. We also leave a flyer at the desk of the Maritime Museum to be given to each person entering the Museum that day. The flyer informs the visitor of the importance of the U.S. Merchant Marine and makes them aware that "today" is National Maritime Day.

Each October our Chapter recognizes an extraordinary individual in the local maritime community with the "Maritime Person of the Year Award Meeting." This meeting usually draws fifty or more members and guests.

Captain Tuuli Messer-Bookman, #

3293-S is a new Chapter member. She moved to the Great Northwest after recently retiring as a senior professor at Cal Maritime. She has become quite active in our chapter and is the PNW representative for the Nautical Institute. In September, we are planning to have a Joint CAMM/NI meeting.

View and Positions Report

Captain Frank Zabrocky, #1964-RU

Positions Chairman

See report on page 30.

Sidelights and CAMM Media Report

Captain RJ Klein, Sidelights Editor

Website Update – Membership Login:

We have stabilized our hosting platform for the website. The new platform is compatible with our database (MAS). Why is this important? Members can now log onto their personal data page and make changes to their address, email, phone number (s) and biography. Any

change you enter will take effect immediately. This will ensure that your contact information is up-to-date and you will receive mailed notices and *Sidelights* from CAMM.

All members are encouraged to login and check their page for accuracy. To login:

1. Go to the Membership page on the CAMM website
2. Click on "Membership Login"
3. Enter your CAMM # as your "User Name"
4. Enter your password
5. If you do not have a password or have forgotten yours, click on "Forgot Your Password?" and a message will be sent to your email of record.

If you still are unable to login, contact Captain Klein or Captain Aschemeyer at captklein@mastermariner.org or captaschemeyer@mastermariner.org



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CROSSED THE FINAL BAR

CAPTAIN CALVIN CUNNINGHAM, #1086-RU

Captain Cal Cunningham was 92 when he died as a result of the “Camp Fire,” a California wildfire which destroyed the town of Paradise, CA in November of 2018. His wife preceded him in death just two weeks prior to the fire. They had lived in San Rafael, CA for many years before moving to Paradise, CA in 2015.

Captain Cunningham was a hawsepiper, having sailed with the SUP (Sailor’s Union of the Pacific) as AB & Bosun. He obtained his 3rd Mate’s License and continued raising his licenses until becoming Master with States Lines. He was a member of CAMM and the San Francisco Chapter for over 40 years.

CAPTAIN THOMAS M. TOMLINSON, #2780-RU

Captain Thomas M. Tomlinson died at home in Larkspur, CA on June 6, 2018. He was born in a log cabin in Wisdom, Beaverhead County, Montana on October 7, 1921. He graduated from Missoula High School in 1939. After obtaining his flying license, Captain Tomlinson joined the Canadian Air Force as a flight instructor at the beginning of WWII. When the United States entered the war, he joined the U.S. Marine Corps as an aviator and subsequently flew Corsairs against the Japanese. He did not talk about his war years, but late in life indicated that he had shot down 40 Japanese fighters and Kamikazes. Captain Tomlinson was awarded the Distinguished Flying Cross with four Stars. He was not proud of the fact that he had killed men, but “it was war,” he said. He achieved the rank of Captain and at 23 he was the youngest squadron leader in the Marine Corps.



After the war, Captain Tomlinson took advantage of the G.I. Bill and studied Economics at the University of Washington. He then moved to San Francisco and settled in Marin County (Novato, CA) where he obtained his General Contractors License.

At the age of 45, he retired from the construction business and joined the civilian component of the Military Sealift Command as an Ordinary Seaman. Captain Tomlinson worked up the ranks and obtained his Master’s License. He sailed ships carrying supplies in support of the Vietnam War. He continued to sail with the Military Sealift Command until his retirement in 1986.

Captain Tomlinson was a Life Member of CAMM and a member of the San Francisco Bay Area Chapter. After retiring, he turned to writing. He published three works: “The Threadbare Buzzard” about his war years, “The Canoe Club One” and “Canoe Club Two” detailing his involvement with seagoing ships and government waste. He had a near-perfect photographic memory, was a great storyteller, and had a wicked sense of humor. He is survived by his wife Mary Belle Rowley Tomlinson, whom he married in 1997.

National Maritime Day

Proclamation on National Maritime Day, 2019

On National Maritime Day, we honor the men and women who, throughout our history, have served with professionalism, dedication, and patriotism in the United States Merchant Marine. We recognize these seafaring merchant mariners for helping to fuel our economy, maintain our sea power, and support our national security.

Merchant mariners extend goodwill into all parts of the world, serving as a peaceful United States presence on international waterways. Today, American mariners facilitate the import and export of billions of dollars of goods, including fuel, agricultural products, and raw materials through the Marine Transportation System. They are also among the first to respond to help their fellow citizens in the wake of national disasters.

During times of war, merchant mariners courageously sail into combat zones to provide sealift for the Department of Defense, carrying weapons and supplies to America's fighting forces. In every conflict, United States citizen mariners have answered the call to duty and risked their lives. Some have sadly made the ultimate sacrifice for their country....

Congress, by a joint resolution approved May 20, 1933, has designated May 22 of each year as "National Maritime Day" to commemorate the first trans-oceanic voyage by a steamship in 1819 by the S.S. *Savannah*. By this resolution, the Congress has authorized and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 22, 2019, as National Maritime Day. I call upon the people of the United States to mark this observance and to display the flag of the United States at their homes and in their communities. I also request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

Maritime Day, Baltimore MD



MARAD Administrator, Admiral Mark Buzby, aboard the NV Savannah in Baltimore

Captain Joe Hartnett, 1st Vice-President of CAMM, attended ceremonies held aboard the NV *Savannah* in Baltimore on May 19, 2019 in honor of Maritime Day. Captain Hartnett also attended the Maritime Day activities held at MARAD on Maritime Day in Washington, DC.

"It's a time to honor those who served, too many of whom gave their lives as patriotic merchant mariners serving on liberty ships much like the *John W. Brown*," stated Admiral Mark Buzby, MARAD Administrator, in his remarks aboard the *Savannah*. "It is also a moment to pause and remind ourselves of the importance of the maritime industry for this island nation of ours—and for ensuring that there is always a new generation of mariners ready to relieve the watch. For our economic security, a strong maritime community—comprised of ships, sailors, and the shoreside infrastructure to build, support and maintain them—is what allows us to control our own commerce. It supports hundreds of thousands of jobs and provides a livelihood for as many American families."

National Maritime Day

Maritime Day Chicago, IL



L/R: Reverend Kempton Baldrige, Captain; Joseph O'Connor, Captain Dave Truitt. Background left, Floyd Miras, Great lakes Director, MARAD and CDR Zeita Merchant, USCG, Commanding Officer, Marine Safety Unit, Chicago



Captain Joseph O'Connor, Captain Bob Lund, Captain of the Chicago Fireboat and Captain Dave Truitt

Captain Joseph O'Connor (#1551) was in attendance as Chicagoans celebrated the US Merchant Marine and continued its long-standing tradition of the annual Blessing of the Fleet on Maritime Day. He was joined by members of the International Shipmasters Association, Lodge #3. The ceremony took place at the Navy Pier where a wreath was laid in honor of seafarers and in particular for Merchant Mariners who died in battle. After the wreath was laid by Reverend Kepton Baldrige, Chaplain of the Seaman's Church Institute of Paducah, KY, and USCG *Cap Streeter* led the parade for all boats to receive their blessing. .

Maritime Day Galveston, TX



The Merchant Marine plaque in Galveston, TX



Participants at the 2019 Maritime Day gathering in Galveston

CAMM member Captain Mike McCright was in attendance at the Maritime Day Remembrance Ceremony held in Galveston, TX. Attendees gathered the Merchant Marine Memorial Plaque at Pier 21 to pay tribute to the US Mariners on Maritime Day. .

Maritime Day San Pedro, CA

CAMM was well represented at the annual National Maritime Day celebrations and observances held at the American Merchant Marine Veterans Memorial in San Pedro, CA. Mr. John Pitts, President of the American Merchant Marine Veterans (AMMV) Memorial Committee, was Master of Ceremonies. Captain Monica L. Rochester, USCG Sector Commander for LA/LB Harbor and Dianne Middleton, Chair of the Port of Los Angeles Harbor Commission addressed those in attendance. The President's Maritime Day Proclamation was read by Captain Bent Christiansen (# 1591).

Flower wreaths were presented by maritime labor unions, maritime trade clubs, individuals, and others in memory of lost loved ones and mariners who died in the service to their country. The wreaths were blessed by Chaplain Jones, Chaplain, SS Land Victory and the AMMV-WW II., then carried out to sea by a harbor tug. After the memorial observances, a reception was held at the Double Tree Hotel in San Pedro.



Above: Wreaths along the wall of the Merchant Marine Memorial in San Pedro. The plaques on the wall are the names of ships sunk in World War II and the names of the crew who went down with their ship. Top right: CAMM Members at the Merchant Marine Sculpture L/R: Captain Ed Royles, Captain David Boatner, Captain Bent Christiansen, Captain Jeff Cowan, Captain Manny Aschemeyer, Captain Joe Itson



Above: The Merchant Marine Flag flies at the mast of the Virginia V. L/R Captain Kevin Coulombe, Captain Don Moore, Captain RJ Klein, Chief Engineer Connie Buhl, Captain Chuck Lund and Captain Doug Subcleff Below, :n the bow of the Virginia V, Eight Bells are struck for CAMM members who died during the past year..

Maritime Day Seattle, WA

The Port of Seattle does not hold a Maritime Day event. For the past five years, the Seattle Chapter has conducted their own Maritime Day celebration and remembrance at the Museum of History and Industry (MOHI) at Lake Union in Seattle. Informational brochures about the US Merchant Marine and Maritime Day were given to the Information Desk to be handed out to those visiting the Museum on Maritime Day. In the past, CAMM had been granted permission to fly the Merchant Marine Flag below the US Flag on Maritime Day. The block for the halyard has broken so no flags are cur-

rently being flown at MOHI. CAMM members went aboard the wooden steam ferry, *Virginia V* and raised the Merchant Marine Flag on the ship's mast. They were joined by the Chief Engineer, Connie Buhl as they rang "Eight Bells" and had a moment of silence for the local CAMM members who had died during the past year.




Of Note at the AGM

Captain Mike Murphy reported that, in order to expand the pool of mariners, we need to expand the Maritime Security Program (MSP) by increasing the number of ships in the program to at least ninety (90). The current MSP fleet is almost all dry cargo (mainly Ro-Ro) ships. The military also needs tankers for support. This is a major item of concern for TRANSCOM (Transportation Command). One suggested approach is that the U.S. military should be required to ship all petroleum products exclusively on U.S. flag tankers. This would keep 50 or 60 tankers employed on a regular basis. There are a sufficient number of American owned foreign flagged tankers currently sailing in the international trade. Perhaps a modest "stipend" under a new MSP-like program, to offset added costs would bring

these ships back to the US flag fleet.

The Jones Act remains under heavy attack in Congress and by some White House staff. There is a disinformation campaign being levied against the Jones Act including a movement to remove Puerto Rico from the Jones Act requirement. The U.S. Maritime Industry does have friends in the current Administration, including Elaine Chao (USDOT Secretary) and she definitely "gets it." Congressman Garamendi is expected to introduce a bill requiring that a significant percentage of LNG and crude oil exports be carried on American Flag ships. These ships would have to be built in American shipyards and manned by American seafarers. To meet the new carriage requirements, the bill may include a provision to re-flagging foreign LNG ships and

crude oil tankers under the American flag until ships can be built in U.S. yards.

There is some momentum to have the Ex-Im Bank (Export-Import Bank) properly functioning by the end of this year. This would be a boost to generating more Cargo Preference shipments. The current Cargo Preference policy requires 100% of all military be carried on U.S. Flag ships. Regrettably, there are loopholes in the system allowing some military shipments to move on foreign-flagged ships. Under the Cargo Preference Act, 50% of all other government generated cargoes must move via U.S. Flag ships. In 2012, the required percentage was cut from 75% to 50%. CAMM and other maritime organizations are working to restore the percentage to the 75%. 

Export-Import Bank Again at Full Financing Capacity

U.S. Senate Confirms Three Members for EXIM Board of Directors

On May 8, 2019, the United States Senate confirmed three nominees as members of the Board of Directors of the Export-Import Bank of the United States (EXIM). The bipartisan votes restore the export credit agency to full financing capacity. The Senate's action re-establishes the quorum of three members on EXIM's Board of Directors that is needed for the Bank to authorize transactions greater than \$10 million. During the more than three years that the board was without a quorum, EXIM has been unable to approve these larger transactions, which prevented the bank from authorizing any long-term financings.


"This is a great day for U.S. exporters, their workers, and their suppliers across the country. EXIM has nearly \$40 billion worth of export deals in the pipe-

line that can move forward in support of hundreds of thousands of American jobs. The Senate's bipartisan votes today renew opportunities for U.S. exporters to compete on a level playing field in markets and industries where China and other nations are aggressively supporting their exporters. With EXIM restored to full functionality, our exporters again have a fighting chance to win export sales on the fair basis of quality and price instead of on the availability of government-backed financing," stated Ambassador Jeffrey D. Gerrish, EXIM chairman and acting president.

The Senate confirmed the following individuals to serve on EXIM's Board of Directors for staggered terms that expire either in January 2021 or in January 2023, respectively 1) Kimberly

A. Reed of West Virginia was confirmed as president and chairman of the board of directors, with a term expiring in January 2021, 2) Spencer Bachus III of Alabama was sworn in as a board member, with a term expiring in January 20, 2023, 3) Judith DelZoppo Pryor of Ohio was confirmed as a board member, with a term expiring in January 2021.

Senate action is pending with respect to two additional nominees by the President for positions on EXIM's board: Paul Shmotolokha of Washington state has been nominated to serve as First Vice President and Claudia Slacik of New York has been nominated as a board member

For more information about EXIM, please visit www.exim.gov. 

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MEETING BREAKS



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-  **Captain Kip Louttit**
-  **Captain Georg Pedersen**
-  **Captain Frank Zabrocky**
-  **Captain Jack Cox**
-  **Captain George Zeluff**

CONTRIBUTORS

Captain Chris Edyvean
Captain Andrew Triandafilou
C/E Horace George
Captain Alfred Calicchio

Mr. James R. Callahan
Captain Manuel Arosemena
Captain George Ed Lanni
Captain John Caffrey

Captain Art Wright
Captain Pat Moloney
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Captains Must Take Command of Their Ships

Erik Kravets, of Kravets & Kravets Law, is an American lawyer now based in Cuxhaven Germany which is at the mouth of the Elba River. He writes for Maritime Executive and teaches at the State Maritime College, Cuxhaven and at the Bremerhaven University of Applied Sciences.



Erik Kravets, Esquire

Practical Experience Trumps Theory

Mr. Kravets started his presentation by stressing the importance of institutional knowledge being passed down from one generation of Masters to the next. A Captain must rely on his experience, while incorporating the knowledge imparted to him by older Masters who mentored him. He must know how to operate ships and have individual knowledge of his ship; a smart Captain understands that there is a learning curve when his ship is moved to a different area of operation. Being a great Captain in the North Sea does not necessarily make one a great sailor in North Pacific.

In his two teaching jobs, Mr. Kravets observed that at the University, future office personnel were being taught theory while at the Maritime College, future ship's officers were being taught practical knowledge. Being a Captain is more of art than science, even with today's technology. Captains are experienced and know the right way to accomplish their goal of safely moving the ship, cargo and crew to its destination. Desk jockeys may say "this looks like it will work and it costs less" but they have no practical experience to support their theory.

Mr. Kravets asked, "Can shipping's traditions survive relentless cost-cutting?" and "How can a Captain do his job without losing his job?" Every year there is more pressure to bureaucratize instead of relying on good seamanship, learned or passed down. Now we have a check list for everything and there is a belief that there is no liability if you follow the check list. In 2013, the IMO noted that the vast number of administrative requirements have created a huge administrative burden for the company and crew. The IMO correctly identified this as a safety risk, since the crews "spend considerable time on bureaucratic tasks, rather than actually manning and operating the ship ..."

Help Make the System Work for You

To make the paper work useful and relevant, Mr. Kravets encourages Captains to be part of the process when the company is developing Policies and Procedures (PAP). Captains have the expertise and experience needed to draft good PAPs and checklists – ones which are useful. Paper work is "King." Captains are often too busy operating the ships or too busy implementing company PAP, but there is no substitute for "doing the job right." In the end, the system relies on a trained, skilled, and experienced sailors.

There may be pressure from the company to cut corners to save money but the Captain must make any call necessary in order to protect the life of persons on board and/or to safeguard his ship. In this regard ISM and SOLAS are on your side - make the system work for you.

ISM Code sec 5.2/SOLAS Ch. 5 Reg. 34-1 gives Master the overriding authority to proceed as he sees fit to ensure the safety of the crew and



What's a captain to do?

Regulations can be your friend:

- P&I rules and risk of coverage loss
- "Overriding authority" under ISM Code Sec. 5.2 / SOLAS Ch. 5 Reg 34-1

If you pull the trigger, be ready to do your homework!



Every Bit Helps

If charterers and owners encourage a **race to the bottom**, it's up to ship's captains to use their **overriding authority!**

Charterers see logistics as a **pure cost**. Owners want to do right by their customers in a competitive market. Captains must shout: **"stop!"** if it goes too far.



Making the System Work for You

What kinds of evidence exist?

- **Witnesses** (e.g. crew)
- **Documentation** (e.g. reports from official sources)
- **Log Books**
- **Experts** (e.g. surveyors)
- **Direct Observation** (e.g. visually appraising a damaged ship)



ship. If the time comes to make an unpopular decision or go against the owner's wishes, do your homework. You will be second guessed!

What's a Captain to Do?

Mr. Kravets explained that there are several things a Captain can do to defend his decision. This process is often difficult for Captains as they are used to being obeyed and not questioned. You should document the decision thoroughly. When gathering evidence assume it will be challenged. Written records can be accused of inaccuracy, so support the evidence with photos and witnesses. Just because you say it was a big wave doesn't mean you will not be challenged – the weather report may say it is calm. However, a Captain can make a better case because he is on the deck/bridge and the facts on the bridge are nearly always more persuasive than general information and abstract safety manual rules. A weather report is an overview, your particular case may be different. Capture your perception of what was occurring onboard at your point in the ocean.



Evidence is most persuasive when deployed **together**, e.g. photos supported by detailed, time-stamped protocols and third party reports which are signed by witnesses.

Evidence Gathering

Conceding that collecting evidence can be difficult for a Captain when they are trying to running the ship, Mr. Kravets stated that collecting the evidence is primary. He provided a list of what recourse the Master has at his disposal that can be used for evidence. They included but are not limited to:

- Log books
- Note of Protests
- Reports sent via email
- Direct Observation (photos – visual of what is going on or damage)
- Witnesses (crew) to provide written statements or support evidence
- Documents (reports from official sources –i.e. weather maps)
- Experts (surveyors)

Enter as much as practical in Log books. Keep in mind that only one piece of evidence can be easily attacked. Evidence/documentation is most persuasive when deployed together. Time stamp the photos and documents. This can be done by emailing the photos and documents to someone. Put the supporting documents in an envelope and mail it.

During the Question and Answer period Mr. Kravets touched on the subject of autonomous ships. Captain Hunziker remarked that autonomous ships are being pushed by companies who are developing the technology, not by shippers. In the end, the feasibility of totally autonomous ships will more than likely be determined by the insurance companies.

Captain Mackey voiced his frustration at the lack of knowledge of the shoreside staff managing ships. Mr. Kravets referred to his teaching experience and stated that there is a disconnect between shore-side and the ships at sea. Firsthand experience would be ideal but today there is very little understanding of what it takes to do the job of Captains and crews. Managers ashore do not understand the difference between a profession and an occupation There would certainly be value added to customers service if companies were to employ Captains as managers. Shoreside does not know the value of a Captain because they have never been a Captain. In the end it all comes down to cost.

Mr. Kravets closed by stating "If charterers and owners encourage a race to the bottom, it's up to ship's Captains to use their overriding authority. Charterers see logistics as pure cost and owners want to please their customers. Captains must shout 'Stop' if they go too far." The shipping industry relies on professionals like you to make the right call time after time. Your integrity and sense of duty is not bad. It is a valuable-essential ⚓.



Properly Assembling and Compiling Evidence

Evidence must be gathered so it is reliable and useful in court.

Assume evidence will be **challenged** and **anticipate** those challenges. Any aspect of the evidence that can be called into question will be, it is your job to have a reply ready (e.g. if in doubt when gathered, make sure that incontrovertible time stamps are included, etc.).





L/R Standing Amber Moyers, Sitting Lyn Klein, Jackie Moore, Karren Johannes, and Debbie Halsall



L/R: Floy Ann Aschemeyer, Karren Johannes, Ja Skoropowski, and Amber Moyers



Captains Kevin McHugh and Ken Halsall

CAMM Friends, and in San



Karren and Captain Johannes



Captain Aschemeyer, wife Floy Ann, & Granddaughter Amber Moyers



It takes a village to put on a conference. Randy Morton greeted members.



Captain Ken Coulombe at dinner on the Hornblower.



Captain Carl Hunziker, CAMM IFSMA Representative.



Captain Paul Hanley.



Jackie Moore, Debbie Halsall, Gudrun



Guest dining aboard the Hornblower Cruise

Family, and Fun Diego



Debbie Halsall and Captain David Dwyer



Audrey and Erik Kravets



Randi and Captain Mike Murphy



Captain Jeff Cowan at dock for Hornblower boarding.



CAMM conferences are a family affair. Karren Johannes assisted at registration.



Look at those socks! Father Oubre said he like to add color to his fatherly attire.



El Faro Findings and How it Relates to the Master's Command of the Ship



Captain Michael Kucharski, Senior Marine Accident Investigator

Captain Michael Kucharski, Senior Marine Accident Investigator for the National Transportation Safety Board (NTSB) began his presentation with an overview of the NTSB.

The agency started as an air investigation group and became the NTSB in 1974 under the Department of Transportation. Headquartered in Washington DC, it has 400 employees and conducts approximately 2,000 investigations a year. There are five Modal Offices 1) Aviation 2) Marine 3) Highway 4) Rail 5) Pipeline and Hazmat. There are twenty-two members of the Marine Investigative staff including four Licensed Chief Engineers and four with Unlimited Master's Licenses.

Office of Marine Safety (OMS) investigates major marine casualties to establish the facts and circumstances of a casualty, establish probable cause, and find ways to prevent a re-occurrence. They have concurrent authority to investigate maritime accidents in conjunction with the US Coast Guard and have a Memorandum of Understanding with the USCG to decide who will lead. A major marine casualty is defined as having one of the following (1) more than \$500,000 in damages, (2) six or more fatalities, and (3) loss of a mechanically-propelled vessels over 100 GT. Most investigations by the

OMS are classified as a major marine casualty under the third definition.

There are two stages of any investigation (1) gathering the facts and (2) analyzing the facts. Once facts are gathered, the investigators develop probable cause, findings, and recommendations which are forwarded to the Board. It is the Board, not the investigators, that issues the findings.

Board Members are not involved with the investigation until the end though they may obtain updates and information from the IIC (Investigator in Charge). Once the Board has the documentation, they have 30 days to look over the report. After the 30-day period they vote and a final report, with recommendations, is issued by the Board.

Once an investigation is launched,

operations, stability, weather recorders, and medical. Parties to the investigation are identified. For the El Faro investigation the following were parties to the investigation 1) USCG (who was also under investigation for their actions), 2) TOTE Services, 3) American Bureau of Shipping, 4) National Weather Service, 5) Herbert Engineering (stability manual and program and cargo securing manual), and 6) Palfinger Marine (lifesaving). When talking to parties of interest, attorneys are not allowed to be part of the process.

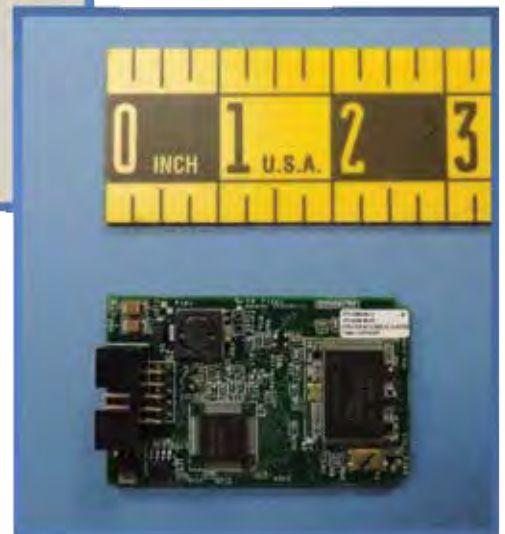
In the El Faro investigation, the Board requested that they be provided with bench marks. This involved asking other shipping companies to provide information about their procedures for operation of their ships and what they have learned.



Internal cylinder and digital circuit board of the El Faro's Voyage Data Recorder

The El Faro

Captain Kucharski detailed some of the lesser known findings in the El Faro investigation. Finding the Voyage Data Recorder (VDR) changed the investigation considerably. It was apparent from the VDR that the bridge team was not immediately aware that the list they were



the NTSB staff moves quickly to form groups that they think may be needed or of importance to the investigation. For marine accidents, these groups may include meteorology, engineering,

Report's Probable Cause

The National Transportation Safety Board determines that the probable cause of the sinking of *El Faro* and the subsequent loss of life was the captain's insufficient action to avoid Hurricane Joaquin, his failure to use the most current weather information, and his late decision to muster the crew. Contributing to the sinking was ineffective bridge resource management on board *El Faro*, which included the captain's failure to adequately consider officers' suggestions. Also contributing to the sinking was the inadequacy of both TOTE's oversight and its safety management system. Further contributing factors to the loss of *El Faro* were flooding in a cargo hold from an undetected open watertight scuttle and damaged seawater piping; loss of propulsion due to low lube oil pressure to the main engine resulting from a sustained list; and subsequent downflooding through unsecured ventilation closures to the cargo holds. Also contributing to the loss of the vessel was the lack of an approved damage control plan that would have assisted the crew in recognizing the severity of the vessel's condition and in responding to the emergency. Contributing to the loss of life was the lack of appropriate survival craft for the conditions.

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NTSB's report of Probable cause for the sinking of the El Faro as presented at the CAMM's 2019 Professional Development Conference

experiencing was not just wind heel. The *El Faro* was also dealing with down flooding from the open vents. Not making the connection between wind heel and the amount of list may have their delayed response to the flooding.

The amount of wind heel (list) can be calculated by naval architects. A wind heel table/curve will show the amount of list a ship will take when the wind is on the beam. The table is calculated for various load conditions and wind speeds. There is presently no requirement that this information be provided in the stability manual.

Also less emphasized to the public was the fact that the vents to the holds were not considered down flooding points because they could be closed. On the *El Faro*, it was required that the holds be vented due to carrying automobiles. The Captain had a choice; risk an explosion below deck (the light was not intrinsically


safe) or vent the holds. As the vents were not listed as down flooding points, it is possible that no one considered them a risk. Fortunately, the IMO has taken this item under consideration for rule making.

In their final report, the NTSB identified that the root cause for the sinking of the *El Faro* was the Captain's insufficient action to avoid Hurricane Joaquin, his failure to use the most current weather information and his late decision to muster the crew. Other contributing factors included an ineffective bridge resource management (BRM) and the Captain's failure to adequately consider officer's suggestions. They did not have a working anemometer aboard – "Wish we knew where the wind was coming from." was heard on the VDR. Other factors were the loss of propulsion and the lack of suitable survival craft (the *El Faro* had open lifeboats).

The company failed to monitor the

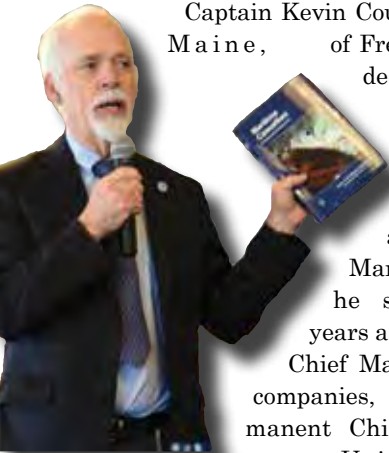
ship's position with relation to Hurricane Joaquin and did not have an adequate system in place to advise the Master. There was lack of company oversight of the BRM training. There was lack of training on the stability manual and instruments. When company officers were interviewed, not one knew how to operate the Damage Module provided on this class of ship. Company procedure for addressing watertight integrity before heavy weather was insufficient.

Who is in Command:

A company must provide Masters with the tools needed to properly perform their job. Their Safety Management System must have in place a means of determining if a Master is meeting the required standards. If not, the company must provide training or dismiss the Master. However, in the end the Master is in command of the ship. 



“Who is really in command of the ship?”



Captain Kevin Coulombe

Captain Kevin Coulombe is from Maine, of French-Canadian descent and identifies as a New Englander. A 1979 graduate of SUNY Maritime College, he sailed for 18 years as 3rd, 2nd, and Chief Mate for various companies, becoming permanent Chief Mate with United States Ship Management in 1997.

For the past 14 years, Captain Coulombe has sailed continuously as Master aboard container ships.

Addressing the topic of the Conference, “Who is Really in Command of the Ship?”, Captain Coulombe stated unequivocally that the Master is in charge of the ship. That said, today’s ship Master must contend with many challenges and answer to numerous entities. He prioritized a list of eight entities that most effect a Master 1) the Public 2) the Owner 3) the Charterer/Operator 4) the Flag State-encompassing the governing authority and class society 4) the designated Operations Center, the agent, the port authority and terminal operator 5) the Crew 6) the Chief, 7) the Mate 8) the Pilot.

These are the primary challenges to the Master as to “Who is in Command.”

The Public

Captain Coulombe listed the public first because a Master’s obligation is to protect his crew, ship and environment. In a major maritime incident, it is the Captain who immediately gains the most attention. It is best if the Captain is seen by the public as being in command of his ship.

Today the World Wide Web has become an important aspect of society and social media has become the primary force

shaping public opinion. Through internet, books and film, the public knows who is in command of a ship. Through books and film (think Richard H. Dana, C.S. Forester, and The Caine Mutiny, Titanic and Mutiny on the Bounty.) the Captain enjoys the confidence of the public. They believe he stands at the gate of the “ultimate” authority. In a generation that depends on social media for fulfillment, today’s Captain must be cautious not to be influenced by that media.

The Owner

Owner operators are usually very involved in their ships and often place emphasis in pride of ownership as opposed to bottom line profit. An owner has control over who is hired aboard his ship and thus controls who is promoted to Captain. Under good ownership, the Captain may enjoy a beneficial relationship and be given a free hand in command. A ship runs best when it is managed by an owner who emphasizes the welfare of the employees over the stockholders. Unfortunately, there are owners who have turned the management of the company over to managers who favor the stockholders and focus on profit to the detriment of the ship and those aboard. It then becomes important for the Captain to exercise his command in order to protect the crew and ship. This may be difficult when a Master is faced with a risk-based decision that may affect their present status or future employment.

The Charterer/Operator

A Charterer/Operator of a large fleet will have a Safety Management System (the SMS) that details the Master’s duties, responsibilities and standard operating procedures. Usually, management emphasis is placed on operating costs particularly fuel and labor. In a single ship charter, the operator is more apt to rely heavily on the expertise of the Captain to manage the ship. Therefore,

depending on the size of charter operations, the Captain may have extensive guidance and criteria when conducting daily operations or none at all. This may benefit the Captain as there are precise directives concerning internal paperwork and record keeping along with extensive operations instruction. However, when there is little monitoring of the ship operation, it can lead to abuse to suit

“A ship runs best when it is managed by an owner who emphasizes the welfare of the employees over the stockholders.”

personal objectives such as sport fishing (yes, this has actually happened).

The Flag State/Governing Authority/Class Society

The flag state regulates commercial shipping per domestic statute and through regulations of the International Maritime Organization. The flag state delegates responsibilities to a governing authority and they in turn may delegate the implementation of regulations to a class society. This impacts the Captain’s command as the flag state has statutory authority to exercise subject matter expertise and the authority to direct the actions of the Captain. The flag state has the authority to over-rule the Captain’s actions and the authority to prosecute. A Captain can enjoy benefits of the flag state’s authority and its expertise if he is having issues with the owner/operator concerning the ship’s safety or its proper operation. The Captain can likewise run afoul of this statutory authority, and may be subject to prosecution, if he were to take issue with the flag state’s involvement with ship operations.

Continued Page 38 >>>



State of CAMM Address at the General Meeting



Captain Jeff Cowan, CAMM President

Our total membership has fallen slightly this past year, due mainly to those members who

“Crossed the Final Bar” – as our good Chaplain recited

to us earlier, so we need to continue an aggressive campaign to bring in new members. Please do your part!

I personally believe the most important thing we do at CAMM is to participate in the political discussion and attend the Annual Congressional Maritime Industry Sail-In in Washington, D.C. This year’s event was a most successful endeavor, visiting numerous Congressional Representatives and several Senators last month – and their senior staff members.

Captain Klein and I attended the joint hearing held by the House Armed Services Subcommittee on Readiness (Chaired by Congressman John Garamendi, D-3, CA) and the House Armed Services Subcommittee on Seapower and Projection Forces (Chaired by Congressman Joe Courtney, D-2, VT). The hearing was entitled: “State of the Mobility Enterprise”, with two witnesses: MARAD Administrator, RADM Mark Buzby and General Steve Lyons (USA), Commander U.S, TRANSCOM. One of the key points under discussion was: “What are we going do to with 40+ year old ships in our Reserve Fleet?”

Many are steamships and are sitting at the dock or tied up in the reserve fleet. This creates a lot of deterioration

which leads to costly maintenance cost. It was suggested to take a look at APL’s C-10’s and C-11’s which are no longer in use by the company and re-equipping them with shipboard cranes. This would make them self-loading/unloading which is ideal for military purposes. However, we still need NEW SHIPS. Congress has funded the new state maritime academies training ships. This new building trend needs be extended to include new vessels for the aging Jones Act fleet. The U.S. Flag vessels sailing in foreign trade are also aging and will soon require new tonnage. Members can read a detailed report on this hearing on Pages 30-31 in the April 2019 edition of *Sidelights*. You can also view the actual hearing at: <https://armedservices.house.gov/hearings?ID=C199AE1E-561F-4445-AF52-F24B17F4A9D1>

ings?ID=C199AE1E-561F-4445-AF52-F24B17F4A9D1

Additional Note:

Regarding the Sail-In and the Hearing, Captain Klein strongly suggested that all members read the full account of CAMM’s Sail-In experiences, contacts, and accomplishments which are detailed on pages 6, 7, 15, and 28-31 of the April 2019 edition of *Sidelights* pages. Captain Klein also informed those present, that he and Captain Cowan were recognized and greeted at both the reception and after the hearing by Congressman Garimendi, Admiral Buzby and congressional staff members. CAMM Officers being recognized puts a face on CAMM in Washington, D.C. 🇺🇸



CAMM AGM-PDC attendees in San Diego.

CAMM PHOTO BY ALEXIA RETALLACK

National Officers’ Reports

National Officers and Chapter Reports presented at the AGM can be found in other sections of *Sidelights* as follow:

For the Secretary/Treasurer report see page 9. For the Vice Presidents, *Sidelights* and Chapter reports, see “In the Council” starting on page 12. CAMM’s IFSMA Representative report is on page 40.



CAMM Annual General Meeting

CAMM Positions Update



Captain Frank Zabrocky (#1964), Chair of the Positions Committee, was unable to attend the meeting. Captain Zabrocky asked Captain Dave Boatner to lead the discussion of Positions and Views. Prior to the meeting, it

was decided that CAMM needs to have a set policy concerning the establishment of Positions and Views. The website offers the current Positions and offers a brief definition of a View. The current by-laws are ambiguous concerning how a submitted resolution becomes a Position and are silent about Views. A Policy on Positions and Views drafted by the Positions Committee and will be submitted to the Board of Governors for approval. Once the new policy is approved by the BOG, it will be posted on the CAMM website and announced in *Sidelights*. If required, a Constitution and By-law change reflecting the Policy will be submitted for a vote by the membership.

One problem with a Position that refers to a specific regulation, law, or piece of pending legislation, is that if there are changes to the title or numbering of the regulation/law/legislation, our Position must also change. It is proposed that, in the future, such Positions should be written as generically as possible or provide a means to adjust the positions to reflect minor changes or numbering.

Captain Boatner submitted that, in addition to listing our Positions in numerical order, Positions should be grouped by categories. This would enable members and the public to more easily locate a specific CAMM

Position. The categories are as follows:

1. Support for the U. S. Maritime Industry (ships and job, Jones Act, MSP, Cargo Preference, etc.)
2. Navigation and Operations (navigation, safety & security)
3. Regulatory (U.S. Coast Guard Regulations, International Regulations, Protection of the Master, and the Master's Authority)

Captain Boatner suggested that there are two reasons to have a Position: (1) to advocate for a cause, issue, or legislation; and (2) to have a formal record of that position and any action(s) taken. A Position may be proactive and pursued vigorously or it could be on "standby" to be activated if and when the issue, cause, or legislation is taken into consideration. He then proceeded to lead the discussion on all the current Positions and Views.

Recap of Actions Taken on Positions and Views: Positions 2007-03 and 2012-01 were amended. Positions 2004-02 and 2017-01 were referred to the Positions Committee for minor updates or additional clarification. Two Positions (2013-04 and 2013-05) pertaining to Food for Peace and Cargo Preference were combined into Position 2019-01.

There was considerable discussion and debate over the suggested Position on "Master's Authority for Reporting ISM Items" as submitted by the CAMM Chapter in NOLA. This was presented at the AGM in Galveston last year and final wording was unresolved. This particular Position/View remains unresolved and could not be pursued acted upon at this AGM. The NOLA Chapter can re-submit as a View for consideration at the next AGM.

View 01-2015, "Misuse of the ISM Code" which was submitted by the NOLA Chapter was debated and became Position 2019-02 as follows: CAMM SUPPORTS the use of the International Safety Management Code for the improvement of vessel safety and quality, and NOT as a disciplinary tool to be used against Masters. Adopted 2019.

View 01-2013 (UN Convention of the Law of the Seas Treaty) was referred to Positions Committee to clarify present Status/Language of UNCLOS. View 02-2015 (Authority of MODU/DP Masters) was maintained as View but if not voted as a Position at the 2020 AGM, it will be discontinued.

VIEW 02-2019 (Proper Fit for Firefighting Outfits) was submitted by the Seattle Chapter. It was accepted as a View and will be submitted to the Positions Committee for any needed technical changes. Views 04-2015 and 05-2015 were discontinued.

After the discussion and deliberation of Positions and Views, a final list was presented to the membership for a vote. The updated Positions and Views as agreed upon by the attendees can be viewed on the CAMM website at: <http://mastermariner.org/positions.html>.

2020 Is a CAMM Election Year

The Nomination Committee is being formed for next year's election of National Officers. It is not too early to start thinking about nominations. There will be a new National President and Secretary/Treasurer. Vice Presidents will be nominated and the actual positions will be dependent upon CAMM's structure (see pg 34).

More details will be available in the next issue of *Sidelights*

AGM *Sidelights* and Website Report



Captain RJ Klein

Captain Klein welcomed Alexia Retallack, *Sidelights* Layout and Design Editor, to the conference. Alexia took over for Davyne Bradley and has done an outstanding job. Davyne provided *Sidelights* design for many years, until she retired for health reasons in 2016 (see an update on Davyne in the South Pacific VP report, page 13). Alexia even became a sponsor (AER Communications) to this year's PDC/AGM. She attended most of the sessions and social events - taking photos (several of which are featured in the magazine) and helping out as needed. She has brought new ideas and practices to the publication. Captain Klein stated that "she's become a true friend and colleague."

Captain Klein briefly explained the procedure of putting together an edition of *Sidelights*. The preference is to use original articles for the magazine, ones that are pertinent to the membership and the general public as well. The most reproduced articles are from IMO and IFSMA. Articles from other maritime journals and websites of particular interest to our members are also reprinted with permission.

In addition to posting a soft copy on the CAMM website, CAMM prints and distributes approximately 1,200 copies of each edition. We send a copy to 100+ American-flag ships and to key members of the U.S. Congress. A CAMM member, Will Watson (#3256-A), lives and works in Washington, DC. He was the editor of several newspapers in South Carolina, and he is a member of the Press Club in DC. Will receives 20 printed copies of each edition of *Sidelights* and places them in the huge magazine display rack at the Press Club. He has reported that all copies of *Sidelights* are gone within a week while the many other magazines remain.

While we are getting good exposure, we are not getting quite the volume of advertising we need to make *Sidelights* revenue neutral. Perhaps we need an "advertising agent" to help solicit ads for our magazine. An advertising agent would put together a plan for attracting advertisers to our magazine by focusing on who our readership is and what interests them. It would be expected that an agent would take a percentage of the ad fees but they could give us more ads. Captain Klein asked for volunteers for researching and finding an ad agent that could help procure ads for *Sidelights*.

Website and MAS Database Programs Updated:

As many remember, CAMM's website and the Maritime A System (MAS CAMM's data base) crashed in the spring of 2017. It was a situation where our original web hosting company was sold to another outfit. The new company informed us that we would be seamlessly moved to one of their hosting companies. At the last minute, we were informed that the new platform could not support our database program. We had a MAS .cvs file available, but it was a year behind in entries, which required a considerable amount of work by Captain Aschemeyer to bring the database up-to-date.

We embarked on a significant upgrade of both the website and MAS database program. We selected GoDaddy as our hosting company and the new website was active in the fall of 2017, but without membership access to the database. The upgraded MAS is in the final stages of beta testing and we expect to make the final transition by the end of June. Members will again be able to access and update their personal page. Other parts of the site such as online membership applica-



tion and point and pay will work smoothly in the new system. The Board of Governors approved the funds needed for the upgrades which will enabled our CAMM website and database to be safe and secure for the foreseeable future.

Website

Reporting on the website, Captain Klein stated that the redesign looks modern and professional. Maritime issues of concern to CAMM are posted on the News page. They are often time sensitive and members are encouraged to check the site for timely maritime updates at www.mastermariner.org.

Captain Klein has updated all Chapter pages with their basic information. With the new web hosting platform stabilized, Chapter Officers will be given the tools to make adjustments, corrections and revisions to their Chapter pages.



Sponsorship board at the AGM-PDC.



National Secretary/Treasurer's Report

Membership:

We lost twenty-seven (27) CAMM shipmates since our last AGM. We did have a respectable number of new members join CAMM (30), plus four members reinstated. CAMM is treading water with its membership so please do not forget about the

expanded "Associate Member" categories for CAMM membership. Captain Zeluff has been the Membership Committee Chair for a little more than a year having taken over for Captain Clark. With the help of committee members, Captain Hunziker and Captain Moore, all applicants are being promptly processed.

We have two chartered CAMM Cadet Chapters: one at Texas A&M Maritime Academy in Galveston and another at California Maritime Academy (CSU Maritime) in Vallejo. Both chapters are regularly adding to CAMM's membership. Cadets are eligible to convert their membership to AL status after graduation. I intend to make a trip back to New York later this year and have discussed with Captain George Sandberg (President of the CAMM NY Metro Chapter) about arranging visits to the USMMA at Kings Point and SUNY Maritime at Fort Schuyler to generate interest in establishing CAMM Cadet Chapters at those institutions. We would then move on to Maine Maritime and Mass Maritime.

Finances and Budget:

I distributed the Financial Report which was presented to the Board of Governors in early April covering the First Half of our Fiscal Year 2019. We are on track for meeting the budget parameters as approved by the Board of Governors at the beginning of our current FY.

Dues:

To date, 80% of all dues-paying members are current. The 20% still outstanding translates into a considerable sum. I will be sending one final notice in an attempt to secure the owed dues.

Expenses:

All expenses are being met and are within budget. This includes Officer travel, website upgrades and maintenance, *Sidelights*, office expenses, and Secretary/Treasurer remuneration.

Sidelights advertising income:

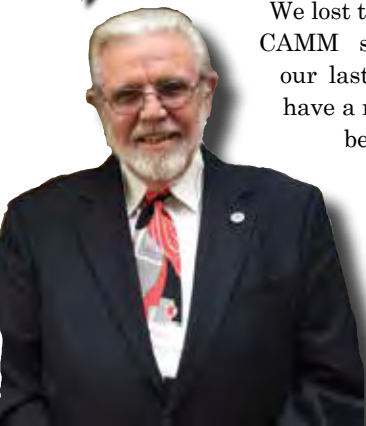
We have captured some new ads for the magazine this year which include one from the Mid-Atlantic Maritime Academy training firm in Virginia. This came through CAMM member and owner, Captain Ed Nanartowich. Additionally, one of the AGM sponsors, Transport Resource

Training Institute, has shown an interest in advertising in *Sidelights*. We will continue to pursue advertising opportunities.

Captain Aschemeyer then asked for a motion to approve his financial report as presented. It was M/S/A by the voting CAMM members to accept the financial report as presented. If any active CAMM member wants a copy of this report, contact me by email at: (captaschemeyer@mastermariner.org) or phone at: 951-767-3037.

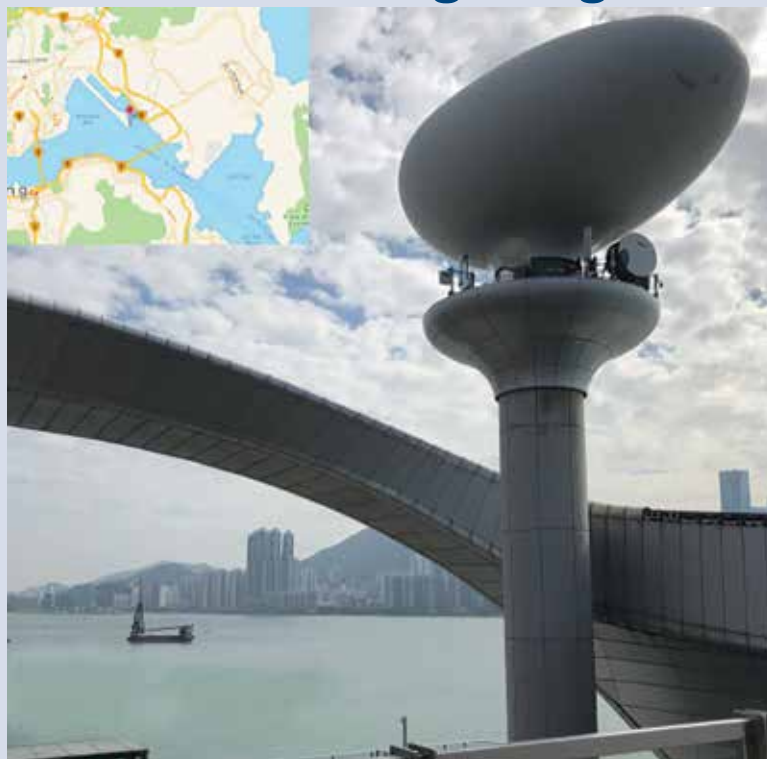
A thank you to Catpain George Zuluff for serving as Co-Chair of the Conference Planning Committee. His hard work has made this year's PDC/AGM a success.

In conclusion, thank you for your ongoing support, patience, and understanding during my tenure as National Secretary and Treasurer. With your help and encouragement, I'm working better and faster and smarter! Thanks, and God bless.



Captain Manny Aschemeyer

New VTS in Hong Kong



Futuristic VTS radar dome at the end of the former Hong Kong, Kai Tak Airport, in Kowloon (red pin on inset map). Some CAMM members may remember the flights.

AGM Chaplain's Report

Father Oubre started with a rundown on an important issue that was first brought to his attention by CAMM at the 2006 AGM. He had been invited to speak on the critical "Seafarer Access Issue" that was adversely affecting active sailing CAMM members regarding access to/from the vessels in port. It had been a problem since 9/11, and "we've been banging our heads against it ever since." One of the most significant changes occurred in 2010 with the U.S. Coast Guard Authorization Act, Section 811, which clearly stated:

"Each Facility Security Plan approved under this section shall provide a system for seafarers assigned to service a vessel (including pilots, representatives from seaman's welfare and labor organizations) to board and depart the vessel through the facility in a timely manner and at no cost to the individuals."

This rule applies not only to ocean terminals and salt water vessels, but also impacts tugs and barges working on the Mississippi and Ohio Rivers, vessels operating on the Great Lakes, and all the inland facilities that pertain to them. None of those entities were interested in ***"offering access in a timely manner and at no cost to individuals."*** So, they appealed to the USCG in late 2010, stating that they didn't understand what "timely manner" and "at no cost to individuals" actually meant.

The appeal triggered a new rule-making process which was not finalized until April 1, 2016 when the Final Rule was published by the USCG. Father Oubre projected the important parts of the Final Rule, on the screen. Most importantly, Seafarer access must be described in the Facility Security Plan (FSP). There are six important parts of the USCG Seafarer's Access Rule:

1. Seafarer's Access must be described in the FSP
2. The USCG proposed six access methods

3. Detailed who the rule covers
4. Defined "Access" as a two-way process, not just limited to seafarers leaving for shore leave
5. Defined Timely Access considerations
6. Defined "No cost to individuals"



Father Sinclair Oubre

The effective date for implementation is April, 2020. The rule covers all seafarers, pilots, representatives from seafarers welfare organizations, and members representing maritime labor unions. Access is defined as: "The enabling of individuals to transit to/from the vessel(s) working at that facility in a timely manner and at no cost to the individuals." Considerations must be made for vessel's length of stay, the ship's watch schedule, and other factors that may govern what a "timely manner" means.

(Note: More details of this rule are available on page 10-11 of this issue of *Sidelights*.)

Father Oubre gave an update on the efforts for the Canonization of Brother Marinus LaRue. O.S.B. – AKA, Captain Leonard P. Larue, venerated Master Mariner during WW II and the Korean War quit the sea in 1952 to enter the Benedictine Monastery as a monk. Bishop Serratelli has signed the edict initiating the "Cause for Sainthood" for Brother Marinus. This did two things: (1) began collection of personal and background information about him to support this cause; and (2) it gave him

the esteemed title "Servant of God" which is the first step toward Canonization (Sainthood in the Catholic Church). Father Oubre concluded by stating, "I can report to you today with a great deal of joy and happiness that, in fact, Brother Marinus – a former Master Mariner and merchant seaman – is on his way to official Sainthood as an esteemed Servant of God."

Apostleship of the Sea - United States of America

The professional association of Catholic Mariners and the official Organization for Catholic Cruise Ship Priests and Maritime Ministers



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CAMM Annual General Meeting

CAMM New Business

President Cowan requested all Standing Committee Chairs to remain in place until the 2020 election. There were no objections.

Since the death of Captain Elizabeth Clark, the position of South Atlantic Vice President has remained open. Captain Manuel Arosemena, #3028-RU, accepted the appointment to serve the remainder of Captain Clark's term.

Reorganization: A plan to reorganize CAMM's National Officer structure had been discussed and approved at the Board of Governors (BOG) meeting (held April 24). The plan was presented to the general membership by Captain Boatner. The proposed restructure would change National Officers from geographical positions to task based positions. The new structure would be as follows:

National President

Executive Vice President

Six Vice Presidents to handle, coordinate and oversee specific functions/tasks

1. VP Government Liaison
2. VP International Relations – IFSMA
3. VP Positions
4. VP Media/Communications, *Sidelights*/Website
5. VP Membership
6. VP Annual Meeting and Events

Secretary –Treasurer (See Chart for more details).

After a lengthy discussion, a motion was passed to have the proposed reorganization voted upon by the entire membership. The vote will coincide with the 2020 election of officers. The Nominating Committee was instructed to work on revisions necessary for said restructure to be in compliance with CAMM's Constitution and By-Laws. Exact details of how the changeover will be accomplished will be published in *Sidelights*.

Executive Director: During the discussion of a possible reorganization, it was suggested by Captain Kevin Coulombe that CAMM could be well served by hir-

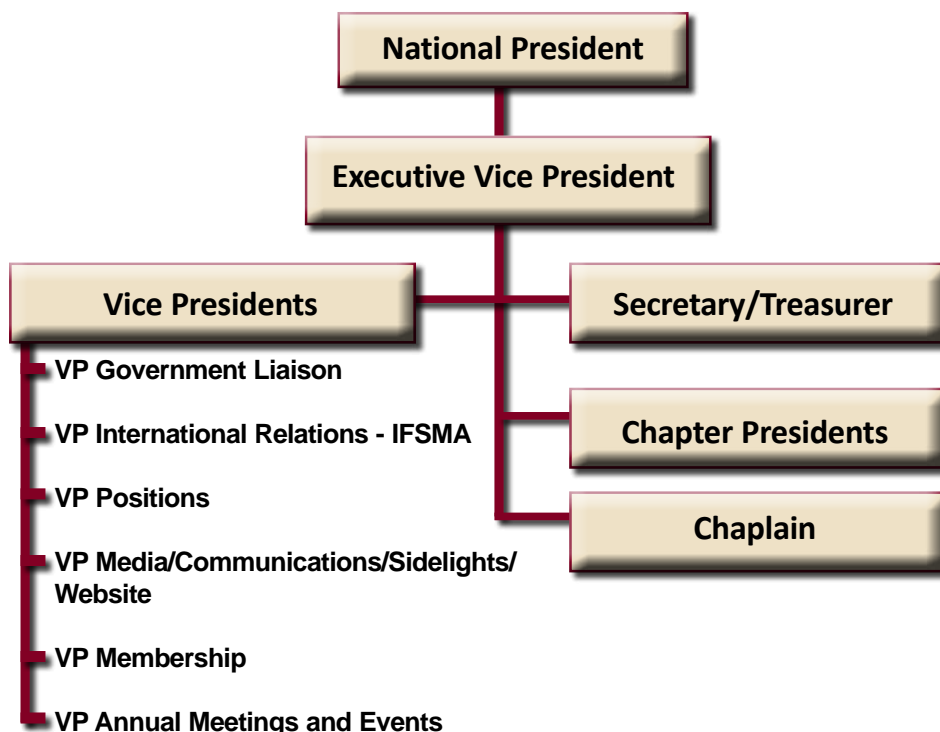
ing a Professional Executive Director. Said director would oversee CAMM's day-to-day operations, fund raising, advertising, and other functions as directed by the BOG. This position would be commission-based so as not to negatively impact CAMM's budget. There was general agreement among the members in attendance that this idea was worth investigating. Captain Cowan appointed Captain Coulombe as Chairman of an Exploratory Committee to define the job description of a Media/Executive Director and determine the feasibility of CAMM engaging said person. The following CAMM members volunteered to serve: Captains Berria, Louttit, Roth, Moloney, and Niem.

Strategic Plan: Captain Klein stated the importance of revisiting CAMM's Strategic Plan and updating it to lay out the future goals of the organization. After a brief discussion, Captain Louttit suggested to change the name to "A Plan for the Future." Each member was tasked to list, in order of importance, five goals/

items to be considered as CAMM's Plan for the Future. Here are the top five goals:

- 1) Increase membership
- 2) Continue to promote CAMM's influence on Capitol Hill and improve ties with Washington, D.C.
- 3) Leverage CAMM's knowledge to mentor younger Masters thereby making membership in CAMM more appealing
- 4) Enhance the PDC – have extended speaking time
- 5) Increase CAMM's visibility in the Maritime Industry.

Future AGMs: Possible locations for the next three AMGs were discussed. It was decided to hold the 2020 meeting in Port Canaveral, FL. For 2021, CAMM will look at a city on the Great Lakes. This meeting could be held in conjunction with the International Ship Masters Association (not to be confused with IFSMA). The 2022 conference will be on the West Coast.



LaLonde - Spirit of the Seas



The 2019 Lalonde “Spirit of The Seas” Award winner was Captain Deborah Dempsey. Captain RJ Klein opened the Award Ceremony by praising Captain Dempsey for her achievements and contributions to the Maritime Industry. He stated that Captain Dempsey embodies the *Spirit of the Sea* of the Lalonde Award. Due to Captain Dempsey being unable to attend the meeting, Keynote Speaker, Rear Admiral Mark Buzby accepted on her behalf.

Admiral Buzby said that Captain Dempsey was truly sorry that she could not be present to receive the award. In early February, she had committed and was locked into a trip to Baja, sailing with 14 women in the Sea of Cortez.

From Captain Dempsey, “Thank you all for the contributions you make to further expertise within our maritime industry and wherever we might be, living this ‘Spirit of the Seas.’”

“From the bottom of my heart, thank you RJ, for the nomination and thanks to the Lalonde Award committee for the selection for me to be this year’s recipient and honoree. It is truly a surprise and quite humbling to be so recognized by one’s peers. I believe such acknowledgement of one’s career and life’s work both at sea and ashore from those who truly know just what it takes speaks volumes. Thank you all - I am honored to be your 2019 recipient.”

Captain Deborah Dempsey



Captain Deborah Dempsey accepts her Lalonde Award from Captain RJ Klein May Seattle CAMM Chapter meeting.

Captain Deborah Dempsey comes from community sailing programs on the mouth of the Connecticut River. She is a lifelong professional mariner whose non-traditional career has been documented in film, books, and many articles. Captain Dempsey is the recipient of numerous awards. She recently retired as a pilot on the infamous Columbia River Bar.

Captain Dempsey graduated as valedictorian of her class from Maine Maritime Academy in 1976 and is the first female to graduate from a U.S. maritime or military academy. She is the first American woman to be licensed as a Master Mariner and to command a cargo ship on international voyages, the first woman to become a Columbia River Bar Pilot and the first female regular member of the Council of American Master Mariners. Before attending Maine Maritime Academy, she had obtained a Bachelor of Science degree from the University of Vermont. Captain Dempsey has been a champion and mentor for women in the Merchant Marine. She took more pride in having pursued her goals and having earned the respect of her crew and peers by steadily paying her dues, than for being known as the first female deep-sea captain. It was her love of the sea and her profession that propelled her to her achievements.

Captain Dempsey was the only woman among nine ship captains to earn the U.S. Navy’s Meritorious Public Service Award during the Persian Gulf War. In January 1993, she rescued a dead ship (M/V *LYRA*) that had broken away from its tow and was drifting onto North Carolina’s Frying Pan Shoals. As a result, Captain Dempsey and her crew received several awards, including the United Seaman’s Service AOTOS Honored Seamen and a Letter of Commendation from President Clinton.

Captain Dempsey’s passion lies in teaching others how to recreate safely on the water leading her to help start the Community Boating Center on Bellingham Bay and she presently serves the Board of Directors as Treasurer. It has been said she has salt water in her veins and is definitely more comfortable afloat than ashore.



CAMM Keynote Speaker

Maritime Industry Gains Traction in Washington, DC



MARAD Administrator,
Admiral Mark Buzby

Captain Manny Aschemeyer introduced Rear Admiral Mark H. Buzby as the Keynote Speaker at the 2019 Council of American Master Mariners' Closing

Dinner.

Admiral Buzby was sworn in as the United States Maritime

Administrator in August,

2017. A 1979 Graduate of the

US Merchant

Marine Academy, Admiral Buzby was commissioned in the US Navy and embarked on a distinguished career. Retiring from the Navy in 2013, he became president of the National Defense Transportation Association. His personal awards include the Defense Superior Service Medal, Bronze Star, and the

Defense Meritorious Service Medal.

Admiral Buzby began his remarks by stating that being CAMM's Keynote Speaker was the "anchor event for my being in San Diego, make no mistake." He said that it was a great honor and that he felt "a bit overwhelmed by the professionalism that surrounds me in this room."

He thanked Captains Cowan and Klein for supporting him at the recent congressional hearings in Washington (see April *Sidelights*). Admiral Buzby praised his boss, Secretary of Transportation, Elaine Chao for the positive impact she has had on the U.S. Merchant Marine and noted that Secretary Chao started her government career as Deputy Maritime Administrator.

Admiral Buzby stated that, for a very long time, the maritime industry has had a difficult time being heard in Washington, D.C. We have good traction on the Hill and bipartisan support, he noted, and we are now getting an "ear." He was in the Oval office when the President signed the Executive Order for Military to Maritime and was told by White House staff that it was the

first time that a MARAD Administrator had been in the Oval office in 40 years.

Defend Jones Act: Bloomberg recently reported on an Oval office meeting concerning a proposed 10-year waiver of the Jones Act. This was at the request of the Governor of Puerto Rico. With Secretary Chao and Congress strongly supporting the Jones Act, Admiral Buzby does not expect the waiver to be granted. He did make clear that there may be a "bit of stormy weather ahead." The CATO Institute (and others) are working to repeal the Jones Act in 2020 on its 100th anniversary.

Admiral Buzby asked those present to defend the Jones Act, whenever they hear someone attacking and giving disinformation about the Act. The Admiral reminded everyone that Jones Act mariners are our neighbors and without the Jones Act we would be unable to support our military in the event of a major conflict. U.S. mariners are on the oceans, our inland lakes and rivers and, if "they see something, they say something." The Jones Act is our "burglar alarm" and if



Standing ovation for Keynote Speaker Admiral Mark Buzby at CAMM Closing Dinner.

you want security you must be willing to pay - at least a little. Personally, he always speaks up at functions whenever he hears an attack on the Jones Act. Admiral Buzby proudly stated that he has taught his wife to do the same.

Ready Reserve: On a positive note, MARAD has gained congressional support for the recapitalization of the Ready Reserve fleet. MARAD has 46 Ready Reserve ships with an average age of 44.5 years. More than half are steam ships and there are now a limited number of steam engineers. Recapitalization is a must if these ships are to be used to support our military. The Navy has come up with a three-pronged approach to ensure that MARAD has the needed ships available for its mission: 1) Service life extension - extend the best ships' service life out to 60 years. This would be done by replacing obsolete systems for which parts can no longer be obtained. 2) New build under the Navy CHAMPS plan (Common Hulled Auxiliary Multipurpose Ships) - new ships built under this plan will not be available until the mid to late 2030s. 3) Buy "used but good" on the open market - MARAD has been given the go-ahead to purchase seven foreign built ships, (approximately 15 years old). They would

be re-flagged as American ships and converted in U.S. yards for military use. These should be available by 2021-2022.

LNG: Admiral Buzby talked about LNG ships and how they tie into the Jones Act. There are currently two U.S. markets for LNG, Boston and Puerto Rico. Because this is a spot market, it justifies a Jones Act waiver. Should either of these markets begin to require the transport of large quantities of LNG from Gulf to Boston or Puerto Rico then Jones Act ships must be used. Puerto Rico claims there are no US flag LNG ships available - not true. There are three (3) US built LNG ships available (the Quinsy tankers) and under the 2011 Americas Cup Act, there is an exemption for these ships to be re-flagged back into the Jones Act fleet.

NSMV Program: Admiral Buzby stated that money is absolutely budgeted for the first two National Security Multipurpose Vessels (see page 38 for details of the building contract). It is expected that five to six of these ships will be built. The first ship will become the training ship for New York Maritime (SUNY) and the second one will go to the Massachusetts Maritime Academy. The third one is scheduled to go to Maine Maritime Academy. Admiral Buzby was quickly challenged by Texas

Maritime Academy grads on the order of schools to receive ships. Texas Maritime is the only state academy currently without a training ship. The Admiral responded that Congress, not MARAD, has directed the order of delivery.

MSP: MARAD is working with congress to re-authorize the Maritime Security Program (MSP) and extend the program out to 2035 (it will expire in 2025). This is expected to happen this year or next. An extension of MSP would also re-authorize funding which would keep current participants in the fold. There is some discussion of an MSP type program for tankers. Eighty-six (86) tankers are needed to support the military but there are only six U.S. flag tankers trading internationally. MARAD estimates that 50 additional U.S. flag deep-water ships are needed to alleviate the mariner shortfall. A new MSP type program for tankers would definitely help. Admiral Buzby closed by stating that the real answer to the U.S. having a sufficient number of mariners is to have more U.S. flagged ships. We must give our trained mariners jobs - more ships, equals more jobs, equals more mariners.



2020 Annual General Meeting and Professional Development Conference



CAMM meets again in Cape Canveral, FL in early spring 2020.

Details in the next issue of *Sidelights* and on the Website

Plan to be there!

The Operations Center/Agent/ Port Authority/Terminal Operator

Liner operators often have centers that coordinate the Captain's ports of call in a prescribed geographic area. These centers often control bunker operations and coordinate shoreside vessel repairs.

Agents order the Pilot, coordinate the immediate husbanding logistics, while the Port Authority controls the time frame of the port call and the Terminal Operator manages cargo operations.

In the last decade all these entities have instituted Key Performance Indicator metrics (KPI) which reduce operations to data sets that are used to maximize revenue and reduce costs. This has a direct impact on command. Recognizing the importance of cost savings, operation centers and agents offer to coordinate several ships at the same port for the same time period. While theoretically this can work, a delay in one ship's arrival or terminal operation can disrupt the planning and KPI targets are lost.

To avoid a delay, operation centers/agents may pressure a Captain to take risks to meet THEIR schedule. This may come in the form of asking a Master to drive his ship through stormy seas or proceed to the next port without making a needed repair to the ship. This is where a Captain must be in command of his ship.

The Crew

Today, crew employment is on a contract or permanent basis. Captains do not directly hire their crew and most crews aboard U.S. Flag Ships have some form of union representation. Internationally, STCW and the Maritime Labor Convention of 2006 require minimum standards for working conditions aboard ship.

A happy crew makes a happy ship.

If a Captain thoroughly understands the Safety Management System and crew contract(s)

he can operate the ship smoothly. In some instances, crew contracts can negatively impact the operational status of a ship. There are times when ship operations cannot support contract provisions. This can include time off, port reliefs or the use of water taxis. A Captain, who is in command of his ship and respected by his crew, can resolve crew "beefs" and keep both the crew and owner content.

The Chief

Captain vs. Chief Engineer - an age-old conflict where animosity can exist. The Chief is obliged to protect his interests to suit the Port Engineer and company

***"The Master who possesses
the skills, training, experience,
gravitas, confidence and
support from management
can successfully exercise sole
command of the ship."***

management. A good working relationship between the Captain and the Chief is important to good order aboard ship. A Captain should listen to the Chief's needs and seek his counsel. At the same time, a Master must avoid over-familiarity. A Chief may believe that, because he is friendly with the Captain, he does not have to comply with a request (order) or regulation he does not believe is germane and may dismiss ship operations outside the engineroom as superfluous (schedules, regulatory drills, KPI, STCW rest hours etc.). He may become hostile to the Captain's management. This can erode the Masters authority, confidence and respect of subordinates, and effect the good order of the ship.

The Mate

The Chief Mate is managing all deck and port operations at the direction and to the satisfaction of the Captain. In a sound working relationship, the

Chief Mate is the Captain's understudy and the Master will often act as the Mate's mentor. At the same time, the Mate can protect and enhance the Captain's authority. However, if there is undue stagnation in advancement or a clash of personalities the Captain's command may be adversely affected.

The Pilot

The Pilot advises the Captain on local knowledge and the peculiarities of a harbor or waterway. Generally, the Pilot will conn the ship with the Captain monitoring the progress. A competent Pilot enhances the Captain's management of the ship by facilitating a safe and timely transit in and out of port. A good Captain must be able to recognize an incompetent Pilot and relieve him of his duties. There may be repercussion from dismissing a Pilot, but to be in command means a Captain must be willing to make the right call for the safety of the ship and crew.

Who's in Command?

Captains are in command and are expected to bring their considerable training, skills and experience to the fore in the best interest of the crew, ship, cargo, operator and owner. The Master who possesses the skills, training, experience, gravitas, confidence and support from management can successfully exercise sole command of the ship. Any failure to manage and exercise those attributes can and will lead to consequences ranging from the annoying to the catastrophic.

Captain Coulombe thanked Anthony Palmiotti, Department chairman, Marine Transportation, SUNY Maritime, and Captain D Moskoff, Department chairman, US Merchant Marine Academy for their time and insight during his research. He also thanked Captain R J Klein along with the Seattle CAMM Chapter for encouraging him to address the conference.

Maritime Administration Announces Vessel Construction Manager for National Security Multi-Mission Vessel



by Captain
RJ Klein,

On May 21, the Maritime Administrator RADM Mark H. Buzby, USN (Ret.) announced TOTE Services, Inc. of Jacksonville

Florida as the Vessel Construction Manager (VCM) for the newest class of training ship, the National Security Multi-Mission Vessel (NSMV). TOTE Services was selected by MARAD as the construction manager and will be responsible for selecting a shipyard and ensuring that commercial best practices are utilized to deliver the NSMV on time and on budget.

“The U.S. shipbuilding industry is vital to America’s economic strength and security,” said Administrator Buzby. “The selection of TOTE Services to work with a U.S. shipyard to deliver this class of vessels is an investment in our nation’s vital maritime infrastructure and underscores our mission to foster and promote the U.S. Merchant Marine.” The 2017 National Defense Authorization Act directed MARAD to “provide for an entity other than the Maritime Administration to contract for the construction of the NSMV.” This procurement process has allowed MARAD to leverage existing marketplace expertise and target companies experienced in the production of innovative U.S.-built ships.

“The construction of this new NSMV will continue to showcase our nation’s shipbuilding standard of excellence,” continued Administrator Buzby. “Ultimately, it will provide an excellent training plat-



Artist's rendition of National Security Multi-Mission Vessel

form for future generations of mariners.”

TOTE Services is a full-service company that will oversee and manage the detailed design, construction, testing, and delivery of the Multi-Mission Vessels. This is a new class of purpose-built ships to provide for the replacement of the current training ships at the six State Maritime Academies. Training ships are primarily used to meet regulatory requirements for training standards and to offer at-sea training experiences. The new ships will help to sustain world-class, U.S. maritime training operations at the state maritime academies by equipping young American mariners with a modern and adaptable training platform. The ships will feature numerous instructional spaces and a full training bridge, and have space for up to 600 cadets to train in a first-rate maritime academic environment at sea.

Along with serving as an educational

platform, the Multi-Mission Vessels will also be available to support federal government efforts in response to national and international disasters such as hurricanes and earthquakes. In this role, the NSMV will be equipped to support major federal relief and response efforts, providing hospital facilities, a helicopter landing pad, and berthing for up to 1,000 first responders and recovery workers. The vessel’s roll-on/roll-off ramp and crane to facilitate container storage capabilities will enable it to provide critical supplies to damaged port facilities.

Upon award of the contract, TOTE Services will issue a request for proposal to shipyards. Pursuant to the contract, the company is expected to select a shipyard within six months and will begin management oversight of the final vessel design and construction, with an expected delivery date of fall 2022. ↓

Re-write of STCW Requirements to be Addressed

IFSMA VP Report from the AGM



by Captain Cal
Hunziker, IFSMA
Vice President,
#2457-RU

IFSMA continues to work hard on our behalf at the IMO in London. They have notified us that if any CAMM member happens to be in London during an IMO session, and if you contact them prior to your visit, they would be glad to have you accompany them to an IMO session or perhaps sit in on a Working Group. They would want to brief you before attending to make you aware of the rules and protocols that must be observed during those sessions.

The planned IFSMA AGA for 2019 was to be held in New Delhi, India, in September. Unfortunately, the Indian Federation of Master Mariners could not obtain the financial support necessary to host the event, resulting in the withdrawal of their invitation. IFSMA has learned that our colleagues in Finland have agreed to host this year's AGA in Helsinki during the last week in September.

At the Special AGA held in London last June (2018), I was re-elected to a four-year term as Vice President for North America. An important item of note from this meeting was the plan to hold Bi-Annual meetings for future AGAs. Therefore, IFSMA will be meeting every other year from now on instead of annually.

Our own Captain Augusta Roth, VP Gulf Coast, is departing tomorrow to attend the HET Conference (Human Element Training) in London. One of the topics addressed will be a total re-write of the STCW requirements. That will not

happen overnight but will be very important to CAMM and its members moving forward. We are all aware that the current STCW requirements have a few sections that are seriously lacking in enforcing minimum training standards in countries other than Europe and North America. In my personal experience (just before retiring), I found that many seafarers (particularly those from Southeast Asia countries) were worse off than they were before STCW.

I wish Captain Roth well in the endeavor to re-write STCW and am confident that her input will be of value.

From the IFSMA Office

The main task in the office at this time of year is to send out the invoices for annual subscriptions and monitor the payments as they come in. The main difference this year is the increase in subscription rates as agreed by members at the Special Meeting of the General Assembly held in London during last September. At the AGA in Helsinki, there will be elections of three additional Vice Presidents which have just been approved.



Captain Augusta Roth at the CAMM PDC.



IMO Headquarters. Captain Augusta is representing CAMM on the rewrite of the STCW.

Nautical Institute Online Course Collaboration

A successful collaboration between KVH Videotel, a world leader in the provision of e-learning for the maritime industry, and The Nautical Institute (NI) has resulted in more than 100 NI members enrolling in online courses to further their knowledge and skills.

These interactive courses cover a wide range of subjects from ECDIS training, cyber security, and the Maritime Labour Convention for ship masters, to enclosed space entry and marine environmental awareness. Taking between four and forty hours to complete, the courses are relevant for all career levels from Cadet to Master and contribute to continuing professional development (CPD).



the lifelong learning of maritime professionals. It just shows how much NI members want to develop their knowledge and understanding of maritime subjects to enhance their maritime careers. The convenience of online access means NI members can learn at their own pace in an environment and time of their choosing.”

Steven Gosling, quality assurance manager for KVH Videotel said: “I am thrilled by the uptake of these e-learning courses and their contribution to

Under this exclusive programme, NI members receive one free online course each year. Since the courses were made available at the end of 2018, the most popular titles have been Survey and Examination of lifting appliances, closely followed by ECDIS training.

Help Needed to Improve Cyber Security in the Mediterranean

Last July, NATO Maritime Command (NATO MARCOM) launched a formatted message form enabling ship masters to easily report any electronic interference to the NATO Shipping Center in the Eastern Mediterranean. For the first two months many messages were received and all were analyzed to provide a first assessment last October. Suddenly, after Christmas, very few messages were received. One could conclude that cyber actions had ceased and yet NATO MARCOM units deployed in the area have reported that this is not so.

IFSMA has been requested by MARCOM to remind ship masters of the importance of sending such reports to the NATO Shipping Center (NSC). Here is the link to the Mediterranean Reporting Scheme: <http://tinyurl.com/y2fdus45>



A Defective Passage Plan Could Make Your Ship Unseaworthy

When failing to prepare is planning to fail



by Carol Holness,
Senior Associate,
Norton Rose
Fulbright South
Africa

In an important judgment* for cargo owners and their marine insurers, the English courts have considered how a defective pas-

sage plan can result in a vessel being considered unseaworthy and when this may allow cargo interests to defend a shipowner's claims for general average contributions. In the recent decision of the *CMA CGM Libra*, the Master of the vessel departed from the planned route reflected in the vessel's passage plan and left the buoyed fairway while departing Xiamen Port. The vessel ran aground and the shipowner incurred salvage expenses of USD \$9.5 million and general average expenses of USD\$13 million. Ninety-two percent of the cargo interests paid their share of the general average expenses while eight percent defended the claims for contributions.

Claims for general average:

Following a major casualty such as a fire or grounding, it is common for shipowners to incur substantial expenses in order to preserve cargo and continue the voyage. Under the principle of general average, shipowners may try to claim back proportionate contributions from other parties to the voyage including charterers, hull and machinery underwriters and cargo owners. Most marine cargo insurance will cover the cargo owner's liability for general average contributions; how-

ever, uninsured cargo owners will have to pay such contributions themselves.

The test for defending claims for general average:

In order to successfully defend claims for general average contributions, cargo owners (or, in practice, their marine insurers) will have to show that the vessel was unseaworthy at the commencement of the voyage and that this caused the loss. The shipowner will then have to show that it exercised due diligence to make the vessel seaworthy in order to escape liability.

In the *CMA CGM Libra*, the Master and First Officer used paper charts when preparing the vessel's passage plan for the vessel's departure from Xiamen. The papers charts did not mark the shoal upon which the vessel grounded but a recent Notice to Mariners issued for Xiamen warned that there were numerous shallow areas which were less than the charted depths within the channel and in the approach to the port. In addition, the passage plan had not been marked with "no go" areas. The cargo interests argued that the defective passage plan made the vessel unseaworthy, that the unseaworthiness caused the grounding, and that the shipowner failed to exercise due diligence to make the vessel seaworthy.

Negligence on the part of the crew:

The court held that the Master's decision to depart from the passage plan and to navigate outside the buoyed channel was negligent as it was not a decision a prudent mariner would have taken. Prudent passage planning required that the danger created by the presence of potentially

shallower depths than those charted to be noted on the paper charts and on the passage plan. The omission of the warning rendered those documents defective.

However, negligence on the part of the crew is not sufficient for actionable fault on the part of the shipowner. The negligence must amount to unseaworthiness and the shipowner must have failed to exercise due diligence.

Unseaworthiness of the vessel:

The court considered whether the defective passage plan rendered the vessel unseaworthy. The accepted test for unseaworthiness is whether a prudent shipowner would have required the relevant defect, had the shipowner known of it, to be made good before sending the ship to sea. The court considered the presence of an appropriate chart on board a vessel to not just constitute an aspect of the preparation for a safe navigation; it is also an aspect of seaworthiness.

The court rejected the shipowner's assertions that a once-off defective passage plan did not amount to unseaworthiness, or that it was sufficient for a shipowner to have proper systems on board to ensure that the Master and First Officer were able to prepare an adequate passage plan before the beginning of the voyage. A prudent shipowner would have insisted on the vessel having on board an adequate passage plan before the voyage had commenced. In this case, a defective passage plan resulted in the Master's departure from the buoyed fairway and this caused the grounding.

Having found that the vessel was unseaworthy and that this caused the loss, the onus was on the shipowner to show that

the loss was not caused by a lack of due diligence on its part. The court confirmed previous decisions that the exercise of due diligence is an inescapable personal obligation on the part of the shipowner which cannot be delegated to someone else.

The shipowner had issued its own warning to its Masters and crew about the difficulty of navigating Xiamen waters and instructed them to do so with utmost care and diligent caution. The court held that it is not sufficient for a shipowner to show that it itself exercised due diligence to make the ship seaworthy; the shipowner must show that the servants or agents that it has relied on to make the vessel seaworthy exercised due diligence.

Lack of due diligence by the shipowner:

In practice, a shipowner seldom has sight of the passage plans prepared by the crew. It is even less likely that a

shipowner will override a passage plan prepared by the First Officer or Master. What the shipowner can do is to have an adequate system in place to warn navigators of any particular dangers of a port, to ensure that sufficient and up-to-date charts and warnings are on board the vessel and to train the crew adequately.

The court's findings:

The court held that the CMA CGM *Libra* was unseaworthy before and at the beginning of the voyage from Xiamen because of the defective passage plan and that this caused the grounding. The shipowner had failed to exercise due diligence to make the ship seaworthy because the Master and First Officer failed to exercise reasonable skill and care in preparing the passage plan. If a vessel's charts are not up-to-date that is an "attribute" of the vessel which can render her unseaworthy. As a result, there was

actionable fault on the part of the shipowner which allowed the cargo interests to successfully defend the shipowner's claim for general average contributions.

The cargo interest's success may not stand if the judgment is taken on appeal by the shipowner. The decision appears to blur the lines between an error in navigation on the part of the crew (for which the shipowner may escape liability) and actionable fault on the part of the shipowner (which allows cargo interests to defend claims for general average contributions).

**[Alize 1954 & Anor v Allianz El-ementar Versicherungs AG & Ors (The CMA CGM Libra) [2019] EWHC 481 (Admlty) (8 March 2019) This article appears here by kind permission of the author. It first appeared on 29 March 2019 in Africa Ports & Ships (www.africaports.co.za) and we are grateful to the editor for approval to publish.*

Gender Neutral Ships – Really?

Admiral Lord West of Spithead, the retired First Sea Lord Chief of Naval Staff recently told the Today program of BBC Radio that using gender neutral terms for ships is "political correctness gone mad." Ships and boats have been referred to as female for centuries, but the Scottish Maritime Museum are looking to phase in the use of gender-neutral names on signs following two cases of vandalism. Vandals scratched out the word "she" on information signs that were referring to ships or boats.

Admiral Lord West stated that, "It is an insult to a generation of sailors. A spokesman for the museum said that the move "recognizes the changes in society."

However, Admiral Lord West went on to say that he was "very proud" of the historic tradition of calling vessels "she" or "her."

"Ships are seen almost like a mother. They preserve us from the dangers of the sea and, indeed, also the violence of the enemy. To change it in this trite fashion is just absolutely stupid. I think the world has gone mad - I thought Brexit was bad enough. I think we've got to be careful letting tiny little pressure groups make people change things. There is nothing wrong sometimes with being sort of dated - some things that are dated are there for very good reasons and I am very proud of that."



Admiral Lord West



Electronic Information Exchange Now Mandatory

A mandatory requirement for national governments to introduce electronic information exchange between ships and ports came into effect on 8 April 2019. The aim is to make cross-border trade simpler

and the logistics chain more efficient, for the more than 10 billion tons of goods which are traded by sea annually across the globe.

The requirement, mandatory under IMO's Convention on Facilitation of International Maritime Traffic (FAL Convention), is part of a package of amendments under the revised Annex to the FAL Convention, adopted in 2016. The FAL Convention amendments make it mandatory for ships and ports to exchange FAL data electronically from 8 April 2019. There is provision for a transitional period of at least 12 months, during which paper and electronic documents are allowed.

The Facilitation Convention encourages use of a "single window" for data, to enable all the information required by public authorities in connection with the arrival, stay and departure of ships, persons and cargo, to be submitted via a single portal, without duplication.

The FAL Convention

The main objective of the IMO's Convention on Facilitation of International Maritime Traffic (FAL Convention), adopted in 1965, is to achieve the most efficient maritime



Vessel traffic in Antwerp.

transport as possible, looking for smooth

transit in ports of ships, cargo and passengers. The FAL Convention, which has 121 Contracting Governments, contains standards and recommended practices and rules for simplifying formalities, documentary requirements and procedures on ships' arrival, stay and departure.

FAL is not just about ships and it's not just about port authorities. There's a wide range of stakeholders in the FAL process and everyone needs to be involved. Governments are often represented at the FAL Committee by maritime or port authorities. But customs, health, police, immigration, agriculture, and defense authorities are all involved in the FAL process.

The FAL Convention recommends that Member Governments establish a national facilitation committee, involving all stakeholders, to develop a national facilitation program, adopt practical





An Evergreen VLCS coming alongside. VLCS (Very Large Container Ship) is one with a capacity of 10,000 to 14,500 TEUs. An ULCS (Ultra Large Container Ships) has a capacity greater than 14,500 TEUs.

measures and make recommendations. Communication is vital. For the FAL process to work effectively, all stakeholders must get involved and talk to each other, at both the national and the international level. At the international level, the IMO FAL Committee is where this happens.

What is FAL and why does it matter?

When a ship comes in to port, it may be the end of a voyage but it's just the beginning of a whole range of administrative tasks that need to be done. Customs declarations for cargo and ships' stores; immigration clearance for crew and passengers and their baggage; import and export permits: these are just the tip of the iceberg. And when the ship leaves, it's the same process all over again. This is what we call Facilitation of International Maritime Traffic—or FAL for convenience.

FAL matters because, if it goes smoothly, shipments move more quickly,

more easily and more efficiently. But if it goes badly, delays, inefficiencies and extra costs are inevitable.

Statistics show that countries with more efficient FAL infrastructure have better import and export figures. There's a clear link between reducing red tape and competitiveness.

Efficient trade facilitation can help reduce transport costs and thereby contribute to sustainable development.

The IMO Standardized Forms

Under the FAL Committee, IMO has developed standardized FAL documentation for authorities and Governments to use, and the FAL Convention urges all stakeholders to make use of them. The Facilitation Convention (Standard 2.1) lists the documents which public authorities can demand of a ship and recommends the maximum information and number of copies which should be required. IMO has developed Standardized Forms for seven

of these documents: 1. IMO General Declaration, 2. Cargo Declaration, 3. Ship's Stores Declaration, 4. Crew's Effects Declaration, 5. Crew List, 6. Passenger List, 7. Dangerous Goods

Five other documents are required, on security, on wastes from ships, on advance electronic cargo information for customs risk assessment purposes, and two additional ones under the Universal Postal Convention and the International Health Regulations.

Under the requirement for electronic data exchange, all national authorities should now have provision for electronic exchange of this information.

“Any damn fool can navigate the world sober. It takes a really good sailor to do it drunk.”

- Sir Francis Chichester



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With vessels that are ever larger and more complex, the ability of the Shipmaster to control his/her destiny has seriously eroded. The modern Shipmaster and/or Pilot can find their views and expertise ignored, and in the fast-moving stream of "progress," the voice of a single Master is easily overwhelmed by the tide of change. CAMM offers a channel to be heard.

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CAMM is active on issues that are of concern to masters and those working in the maritime industry. CAMM currently has 22 positions of support or opposition to major issues affecting mariners. Some current positions focus on the Criminalization of Shipmasters, Ports of Refuge, Watch Stander's Fatigue & Task-based Manning, and Regulatory Burden on Ship Masters. A CAMM Position is a statement which has been voted on by the membership at CAMM's Annual General Meeting and expresses the majority opinion of the membership.

CAMM advances the professional profile of our industry

CAMM is dedicated to improving maritime and nautical science by promoting the exchange of information and the sharing of experience among professional ship masters and members of allied professions.

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CAMM is devoted to fostering a spirit of common purpose among all organizations whose members believe in the importance of a strong U.S.-Flag Merchant Marine. CAMM works with professional maritime organizations around the world to protect the rights of seamen from all nations.

Representation at IMO through IFSMA

CAMM is a member of the International Federation of Ship Masters Associations (IFSMA), which has consultant status at the International Maritime Organization (IMO) of the United Nations. CAMM's actively sailing masters are automatically enrolled as members of IFSMA.

CAMM is on your side

CAMM is dedicated to promoting an efficient, prosperous American Merchant Marine. The expertise of CAMM members is recognized throughout the world maritime community. There are frequent requests to provide expert witness testimony in maritime legal cases and opinions on maritime regulations.

CAMM supports maritime education

CAMM supports maritime education through maritime high schools, Sea Scouts, and the support of cadets at maritime academies. Local CAMM chapters lead the effort in educating the public about the Merchant Marine.

Apply at www.mastermariner.org/membership

Mission Statement: The Council of American Master Mariners is dedicated to supporting and strengthening the United States Merchant Marine and the position of the Master by fostering the exchange of maritime information and sharing our experience. We are committed to the promotion of nautical education, the improvement of training standards, and the support of the publication of professional literature. The Council monitors, comments, and takes positions on local, state, federal and international legislation and regulation that affect the Master.



Captain Cal Hunziker, CAMM Past President and IFSMA VP, at the IFSMA AGA in Baltimore, MD 2017



Captain RJ Klein CAMM Immediate Past President, with Congressman John Garamendi, Captain Jeff Cowan, Camm National President, and Captain Joe Hartnett, CAMM First Vice President



Above: Captain Coulombe, Captain Madden, and Captain McCann (Canada) share a moment at the Joint CAMM IFSMA 2017 Conference. Below: Captain George Quick makes a point about autonomous ships at CAMM 2017.





Membership Application

The Council of American Master Mariners, Inc.

I, _____, hereby apply for membership in The Council of American Master Mariners, Inc., and attest to my qualifications below.

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Membership Class: Please check. See CAMM Constitution for more details of class requirements. All members must be U.S. citizens with the exception of AF membership.

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 - (S16) Valid USCG 1600 ton Master's license and commanded a vessel or vessels on voyages.
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 - (AL) Valid USCG Deck Officers license for Any Gross Tons currently sailing on vessels over 5,000 GRT.
 - (AF) Foreign Master Mariner: Valid Unlimited Master License and commanded vessels over 5,000 GRT on voyages.
 - (AC) Cadet/Midshipman enrolled at a maritime academy as a deck cadet/midshipman.

Sea-Going Qualifications: Years of Service: _____ (Check boxes that apply. See above for key)

| Vessel Served | GRT | Date(s) | Route(s) | R | S | AL |
|---------------|-----|---------|----------|--------------------------|--------------------------|--------------------------|
| | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Pilotage Qualifications: Years of Service: _____ (Check boxes that apply. See above for key)

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Please return this application with a copy of your Master's or Pilot's license, and a copy of your last discharge along with a \$115 check (\$75 annual dues + \$40 application fee) payable to: The Council of American Master Mariners, Inc. Mail to Captain George N. Zeluff, Jr., Chair Membership Committee, 2907 Shelter Island Dr. #105-606, San Diego, Ca. 92106-2797. Email: Captzeluff@mastermariner.org

To the best of my knowledge, the above information is correct and I agree, if elected member, to abide by the Constitution and By-Laws of The Council of American Master Mariners, Inc.

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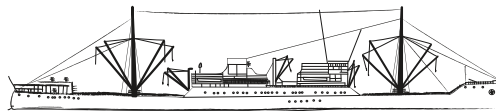
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Ralph J. Mellusi Esq.

Jacob Shisha Esq.



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