



Current Positions of the Council of American Master Mariners

The following are CAMM's current positions on maritime matters. **Positions** were agreed on by attendees at the 2019 AGM. For additional information contact Committee Chair Captain Frank Zabrocky – captzabrocky@mastermariner.org

POSITION 2004-01 Criminalization of Shipmasters

OPPOSE the immediate arrest of shipmasters after civil maritime incidents until appropriate criminal investigations are completed and all rights of the master are protected.

OPPOSE the detention of shipmasters by any arresting Port State not respecting the warrant and status of the shipmaster.

OPPOSE the use of “risk of flight” as the sole judicial reason for detention of the shipmaster under domestic law.

SUPPORT IFSMA Resolution 1/2004 (AGA 30) calling on IMO, ILO and other regulatory interests to develop guidelines for Port States with regard to the arrest and detention of Masters without trial following maritime casualties. (See IFSMA AGA 30 - Resolution 1/2004 for full statement.)

Adopted 2004; 2013: Sent to committee for re-wording, amended 2014; continued 2015, amended 2016, Referred to committee for update 2017, No update as of AGM 2018, Continued 2019

POSITION 2004-02 Ports of Refuge

SUPPORT the ancient doctrine of Port of Refuge and support the clarification of international law of said doctrine.

*Adopted 2004; amended 2013, continued 2016, 2017, 2018
2019 – Action Item for the Positions Committee, i.e. Are there specific regulations in place that address Ports of Refuge.*

POSITION 2004-07 One Man Bridge Watch

OPPOSE one-man bridge watch.

Adopted 2004; amended 2013, continued 2016, 2017, 2018, 2019

POSITION 2006-05 Witness Treatment by U.S. Officials

OPPOSE detention of crew of violating ships for the purpose of serving as material witness(es), for an unreasonable period of time, resulting in loss of liberty, wages, and proper due process. “Unreasonable period of time” is defined in this instance as exceeding the 29-day shore pass period.

Adopted 2006; amended 2008, 2013; continued 2015, amended 2016, 2017, 2018, 2019

POSITION 2006-09 ILO Maritime Labor Convention 2006

SUPPORT U.S. ratification of the ILO Maritime Labor Convention (MLC) 2006.

Adopted 2006; amended 2008, 2013; continued 2015, amended 2016, 2017, 2018, 2019

POSITION 2007-03 Watch Stander’s Fatigue and Task-based Manning

SUPPORT flag state implementation and enforcement of new IMO requirements under IMO resolution A.1047, Principles of Minimum Safe Manning, SOLAS Chapter V/14, Ships’ Manning, and ISM revision to Chapter 6, placing responsibility on owners for proper manning under all operational conditions.

Adopted 2007; reworded in 2012 to condense two related positions to one; amended 2014, 2015; continued 2016, 2017, 2018, amended 2019

POSITION 2007-06 Seaman’s Manslaughter Act

SUPPORT changing the Seaman’s Manslaughter Act (U.S. Code, Title 18, Section 1115) to require a higher standard of proof than simple negligence.

Proposed 2007; adopted 2008, continued 2016, 2017, 2018, 2019

POSITION 2008-04 Vessel Documentation, Inspection and Mariner Credentialing

SUPPORT the transfer of vessel documentation, vessel inspection and mariner credentialing from Department of Homeland Security to the U.S. Department of Transportation.

Proposed 2007; adopted 2008, amended 2013, continued 2015, amended 2016, Continued 2017, 2018, 2019

POSITION 2009-04 International Piracy On the High Seas – Elimination of

SUPPORT IMO Resolution 1069(28) and the re-authorization of United Nations Security Council Resolution #2442 (renewed 2018 and recalling its previous resolutions) to authorize funding for international action to fight piracy, and to urge the governments of the world to work to defeat piracy wherever it occurs.

Adopted 2009; amended (for resolution number and date) 2013, 2014, 2015, 2016, 2017, 2018, 2019

POSITION 2011-03 Requirements for Foreign Crew Aboard U.S. Flag Vessels

OPPOSE any expansion of the language of CFR 46 USC 8103 (b) (3) to include any vessel other than those specifically cited therein. Furthermore, require that any non-US citizen employed on a US Flagged vessel be required to meet the same standards of certification, endorsement and security check as a U.S. Seafarer.

Adopted 2011; amended 2013, 2014; continued 2016, 2017, 2018, 2019

POSITION 2012-01 Redundant Navigation Systems

SUPPORT international effort to require that redundant and independent electronic navigation system(s) be established to back up Global Navigation Satellite System (GNSS) technology.

Adopted 2012; amended 2014, 2015, continued 2016, 2017, 2018, amended 2019

POSITION 2012-02 Training in Celestial Navigation

SUPPORTS the inclusion of celestial navigation competency as a component of deck officer certification.

Adopted 2012, continued 2015, 2016, 2017, 2018, 2019

POSITION 2012-04 Jones Act

REAFFIRM our staunch SUPPORT for and retention of the Jones Act, Section 27 of the Merchant Marine Act of 1920 (Public Law 66-261)

Adopted 2012, Continued 2016, 2017, 2018, 2019

POSITION 2013-02 Administrative Burden on Ship Masters

SUPPORT efforts to review and reduce the administrative burden imposed on vessel masters.

Proposed 2012; adopted 2013; amended 2014, continued 2015; refiled, amended 2016, Continue 2017, 2018, 2019

POSITION 2014-01 U.S. Coast Guard ownership of Merchant Mariner Credential (MMC) / License

Continue to OPPOSE Coast Guard position that the agency owns the new Merchant Mariner Credential (MMC)/License issued to a seaman and that USCG can revoke or recall the document any time without cause as set forth in the Code of Federal Regulations. CAMM contends that the credential is the property of the user, and that it is to be surrendered to the Coast Guard only after due process. CAMM SUPPORTS changing the CFRs to that affect.

CLARIFICATION: Positions Committee notes that the Original Position was discontinued because the USCG has taken actions indicating that it considers this a moot point. USCG no longer uses the word "license" when referring to the merchant mariner's license. Revived because CAMM members wish to press the issue with Congress. CAMM does not challenge USCG right to revoke the Z card, as long as due process is followed.

Adopted 2008; discontinued 2013; reinstated 2014, Continued 2015, 2017, 2018, 2019

POSITION 2014-02 Safety Requirement for New Ship Construction

SUPPORT a safety requirement whereby all new ship construction shall include an elevator/lift from the main deck or pilot embarkation point to the navigation bridge.

Adopted 2012; tabled 2013; reinstated 2014, continued 2015, amended 2017, 2018, 2019

POSITION 2017-01 Support Energizing the American Merchant Marine Act

SUPPORT H.R. 1240 sponsored by Congressman John Garamendi's (D-CA-03) and Congressman Duncan Hunter (R-CA – 05). This bill requires that a fixed percentage of LNG and crude oil exports be transported on vessels documented under U.S. law (U.S. Flag Ships). The bill states that the percentage will be 30 % by 2025.

Adopted 2017, continued 2018, 2019

NB: Bill died in 115th Congress. Congressman Garamendi will reintroduce a similar bill in the 216th Congress

POSITION 2019-01 - Support for PL 480 - Food for Peace Program

SUPPORT the position that the percentage of PL 480 (Food for Peace) cargos required to be carried aboard U.S. Flag vessels be restored to 75%.

SUPPORT meaningful regulations that penalizes organizations or other entities that do not comply with the minimum US Flag vessel carriage requirements.

OPPOSE any efforts to replace U.S. grown food with monetary instruments in the Food for Peace program.

Adopted 2019, Replaces Positions from 2013.

Position 2019-02 Misuse of the ISM Code

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

Current Views

Note:

Views are statements that have been accepted for evaluation and possible approval by CAMM. A View is not to be considered as a CAMM Position.

The following are current views to be discussed and voted on at the 2020 AGM.

Please email Committee Chair [Captain Frank Zabrocky](#) with any questions.

VIEW 01-2013

UN Convention of the Law of the Seas Treaty

OPPOSE U.S. ratification of the Law of the Sea Treaty, which would give important domestic powers to an international authority based in Brussels. Specifically oppose provisions which would result in American ship masters accused of offenses at sea being tried by an international court in Europe, and proceedings conducted without the benefit and protection guaranteed by the Constitution of the United States.

Adopted 2004; tabled for further analysis 2013, 2014, 2015, 2017, 2018

2019 Action Item for Positions Committee - Review, update and re-write, then report back as View for consideration as a Position 2020.

VIEW 02-2015

Authority of MODU/DP Masters

CAMM SUPPORTS the rightful authority of the MODU or Dynamic Positioning (DP) certified Master to cease operations for safety reasons, without pressure from the company to take actions he considers unsafe.

Proposed 2015. Maintain as View, 2017, 2018

Adopted 2010; tabled 2013 to combine two related positions; adopted 2014 as position 2014-04; tabled 2015 pending further review, Continued 2019

VIEW 02- 2019

Properly Outfitted Fire Teams

Propose to the USCG and IMO that the CFR(46 S/S 96.35-10) and SOLAS (Chapter 11-2) regulations be amended to include that the company shall maintain a sufficient on board inventory of Firefighting Outfits (approved Protective Clothing, Boots, Gloves and Helmets) to properly outfit a minimum of four (4) crew members. Such inventory must take into account diverse body types and varying foot sizes of crew members.

Proposed 2019