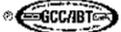




# West Coast Sailors

Official Organ of the Sailors' Union of the Pacific

Volume LXXV No. 1  969-M

SAN FRANCISCO, CALIFORNIA

Friday, January 20, 2012

## Deepwater container terminal slated for Mexico's west coast

APM Terminals, based in the Netherlands, has won the right to build and operate a deepwater container terminal at the Port of Lazaro Cardenas, a \$900 million project central to the Mexican port's bid to compete for U.S. international cargoes.

The company said in an announcement on December 29, it will undertake a phased plan to design, finance and build the facility, with the first phase to open in the first quarter of 2015 on 106 acres, including two berths.

When completed, the full site will take in 252 acres on the Pacific Coast with four berths and nearly 5,000 feet of dock space. It also will include an on-dock railyard which Mexico's port officials believe will be key to attracting container business going in and out of the United States.

"Our vision is to make Mexico's infrastructure more competitive by investing \$900 million that promises to create significant economic benefits nationwide to lift Mexican business and society through a stronger port," APM Terminals CEO Kim Fejfer said in a statement. "This new port will increase the country's international trade competitiveness, attracts more foreign investment and reduce logistics costs through higher operational efficiency."

The port, 1380 miles south of San Diego and 200 miles north of Acapulco, hopes to compete with the ports of Los Angeles and Long Beach for container traffic tied to the U.S. interior. The port already has service from Kansas City Southern Railway.

Canada's Port of Prince Rupert has gained traction with its rail connection to Chicago. Lazaro Cardenas, with a 54-foot-deep channel that APM plans to take to 59 feet, may also challenge U.S. East Coast ports for inland-connected container business.

APM Terminals says its agreement for the terminal includes a 32-year lease. The site will include five super-post-panamax ship-to-shore gantry cranes and equipment to transfer boxes directly to rail. "The on-dock railyard is a key defining feature of the terminal in the market designed to allow shipping lines to pre-stow intermodal cargo for direct transfer to rail, which is not an option presently offered at other terminals," APM said.

Lazaro Cardenas is named after a former president of Mexico who served from 1934-1940.

## Panic and chaos onboard after Italian cruiseship runs aground and capsizes Captain flees vessel — accused of cowardice



The cruiseship *Costa Concordia* lies stricken off the island of Giglio on January 19, in Giglio Porto, Italy.

The Italian-flag cruise ship *Costa Concordia* ran aground on the island of Giglio in the Tyrrhenian Sea on Friday, January 13, nine miles off Italy's Tuscan coast — capsizing and beginning to sink.

As the *West Coast Sailors* went to press, 26 people were missing and 11 were confirmed dead from the 114,500 gross ton vessel, launched in 2006.

According to news reports and the Italian Coast Guard, panic and chaos ensued among the 3,200 passengers and 1,000 crew members as the vessel began to list to starboard. The ship, owned by Costa Cruises, a subsidiary of Carnival Cruise Lines, sailed from the port of Civitavecchia near Rome on the morning of the 13th. That same evening (three hours later), she struck the rocks off Giglio Island.

From the time of departure to the time the *Concordia* ran aground, no emergency drills were held and no instructions were given to passengers as what to do in case of an emergency.

The Italian Coast Guard's chronology of events has the vessel striking the rocks at 9:45 P.M. According to passenger Melissa Goduti of Wallingford Connecticut, "All of a sudden

the boat leaned over on a 70-degree angle, and everything just started falling—dishes were falling, trash cans were falling, everything was falling. Then the lights went out and everything blacked out, then the lights came back on."

The initial announcement over the ship's public address system told passengers the vessel had either been hit by a big wave or that an electrical malfunction had occurred and they should put on life jackets.

At 10:03 P.M., police on Giglio Island informed the Coast Guard it had received complaints from passengers. At 10:05 P.M., the vessel told the ship's owner that the ship was dealing with an unidentified "emergency". At 10:14 P.M., the Coast Guard contacted the *Concordia* and was told the vessel had suffered a power outage. At 10:48 P.M., the Coast Guard was told an evacuation was being "evaluated". Finally at 10:58 P.M., the general alarm sounded to abandon ship.

In Ms. Goduti's lifeboat, crew members were debating who would drive the boat, and they didn't seem to know what to do, she said. Joan Fleser of Duanesburg, New York, sec-

onded that opinion, calling the crew "inexperienced and untrained".

The role of the ship's master, Captain Francesco Schettino, is highly suspect. According to the Italian Coast Guard, at approximately 12:42 A.M. on January 14, Captain Schettino boarded a lifeboat while passengers and crew were still aboard the *Concordia*. When ordered back on the ship, the master refused stating he could better direct the ship's evacuation from the lifeboat. At 1:46 A.M., the captain was again ordered to return to the ship. This time he complies.

On January 17, Captain Schettino was placed under house arrest on preliminary charges of multiple manslaughter, failure to assist passengers in need and abandonment of ship. After his arrest, Captain Schettino told the Italian press that he had slipped on deck and tumbled overboard, winding up in a lifeboat during the panicky passenger escape—not abandoning his ship like a coward as accused.

The wreck of the *Costa Concordia* has attracted those habitual companions of disaster: lawyers.

*continued on page 3*

## 1 million signatures collected to recall Wisconsin's Union-busting governor

On January 17, activists in Wisconsin submitted over a million signatures on petitions to recall Republican Governor Scott Walker who last year spearheaded legislation that abolished the rights of public employees to collectively bargain.

Barring a legal fight, Walker will face a new election in the late spring or early summer.

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# SUP Honor Roll

Voluntary contributions from the membership to the following funds:

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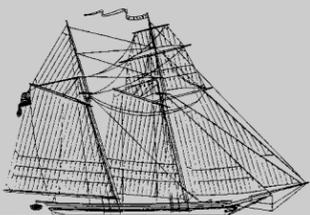
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Peter Villanueva	Book #0857



# Mariner alcohol, drug and fatigue rules to be "stringently" enforced

New sleep, alcohol consumption rules will be "stringently" enforced by Port State Controls worldwide as of January 1, shipping companies were reminded in late December.

The International Chamber of Shipping (ICS) also emphasized that minimum rest hour requirements "are likely to be vigorously enforced by Port State Control Officers, who will have the authority to check that ships maintain accurate records for required minimum rest".

Seafarers must have at least 10 hours rest in any 24-hour period under the rules, said the ICS, which added that the regulations aim to reduce the abuse of drugs and alcohol as well as dangerous fatigue.

The regulations are part of the Manila amendments to the Standards of Training, Certification & Watchkeeping (STCW).

Mariners on duty would need to keep a blood-alcohol level of no more than 0.5% of alcohol in the breath — "though individual flag states may choose to apply stricter limits," said the ICS. The United States' limit is 0.04%. The ICS emphasized: "It is particularly important that companies comply with the new IMO (International Maritime Organization) rest hour requirements and record and monitor seafarers' rest periods. Seafarers must also confirm that their hours are accurately recorded."

## Final Departures

**Frank Wawrowski**, Book No. 3537. Born in Oregon in 1926. Joined SUP in 1952. Died in Happy Valley, Oregon, December 17, 2011. (Pensioner)

**Jon Rushing**, Book No. 3176. Born in Oregon in 1938. Joined SUP in 1968. Died in Washington, December 19, 2011. (Pensioner)

**Ake Ryden**, Book No. 3160. Born in Sweden in 1924. Joined SUP in 1962. Died in New York, December 15, 2011. (Pensioner)

**George Corral**, Book No. 4598. Born in California in 1925. Joined SUP in 1952. Died in California, December 23, 2011. (Pensioner)

**Samuel Lawson**, C-2284. Born in Maine in 1977. Joined SUP in 2011. Died in San Francisco, California, November 23, 2011.

## Support the SUP Political Fund

## Somalis get life in prison for fatal hijacking

A former Somali police officer and a Somali electrician were sentenced to life in prison on December 15, in Federal District Court in Norfolk, Virginia, for their roles in the hijacking of a U.S.-flag yacht in the Indian Ocean that left all four Americans on board dead.

The former officer, Mohamud Hirs Issa Alli, was the commander of a band of 19 pirates that hijacked the 58-foot *Quest*, in February several hundred miles south of Oman. The pirates had intended to take the Americans back to Somalia, where a bilingual interpreter would negotiate a ransom payment. But the owners of the *Quest*, Jean and Scott Adam of Marina del Rey, California, along with two friends, Robert A. Riggle and Phyllis Macay of Seattle, were shot to death several days after being taken hostage. It was the first time that U.S. citizens had been killed in a wave of pirate attacks that have plagued the Gulf of Aden and

the Indian Ocean in recent years.

The Americans were killed after American warships started shadowing the *Quest* and negotiations between the U.S. Navy and the pirates broke down.

The electrician, Jilian Abdiali, said he had become a pirate after seeing that they had large homes and cars. His job on the yacht had been to bless the pirates' expedition.

## West Coast Sailors

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## SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2012:

	Hdqs.	Branch
February	Tues. 14	Tues. 21
March	12	19
April	9	16
May	14	21
June	Tues. 12	18
July	9	16
August	13	20
September	10	17
October	Tues. 9	15
November	Tues. 13	19
December	10	17

## Italian cruiseship runs aground in Tyrrhenian Sea

continued from page 1

An Italian consumer and environmental group, Codacons, has announced that it is preparing a class-action lawsuit and that more than 70 passengers who were on board the ship have already signed on as plaintiffs. Other suits are sure to come.

Anyone trying to sue *Costa Concordia's* corporate parent, Carnival Cruise Lines, though, will find that the company is stoutly protected by international law and by a carefully worded contract that passengers accept when they buy their tickets.

For its part, the company is heaping blame on the ships's captain, calling the accident "human error" and contending that the captain diverted the ship from its authorized route.

Such forceful criticism of the captain may be intended to help the company avoid liability under international agreements like the Convention on Limitation of Liability for Maritime Claims. The convention is referred to on the website of the International Maritime Organization as "a virtually unbreakable system of limiting liability" for the owners of ships after accidents.

That limitation on liability can be set aside in cases of egregious acts by the vessel's owner, in the language of the convention, if "it is proved that the loss resulted from his personal acts or omission, committed with the intent to cause such a loss, or recklessly and with knowledge that such loss would probably result."

The issues in the case could be shaped by the highly restrictive terms of the contract that every passenger gets with his

or her ticket, said Gerald McGill, an admiralty lawyer in Pensacola, Florida.

Cruise contracts are notoriously restrictive regarding the rights of passengers, and Costa's 6,400-word contract is no exception. The Costa contract sharply limits the kinds of lawsuits that can be brought, where those suits can be brought and how much the company can be made to pay. All such provisions have been upheld in the courts of the United States, he said.

Costa's contract states that the line will pay no more in cases of death, personal injury and property loss than about \$71,000 per passenger. It allows no recovery for mental anguish or psychological damages. It bars class-action suits.

"If you read this cruise line ticket, and it doesn't make your stomach turn, it should," McGill said.

For cruises that do not involve a U.S. port, the contract states, any litigation must be brought in Genoa, Italy, and be governed by Italian law. But when it comes to liability, the contract says the company can take advantage of any limits set by international treaties or the laws of the U.S., which are very generous to owners of vessels. If there is a conflict among the patchwork of laws and treaties regarding liability, it says, "the Carrier shall be entitled to invoke whichever provisions provide the greatest limitations and immunities to the Carrier."

"That's called 'the terms are whatever we want them to be' clause," Hickey said. "It's a contract created by lawyers under this fantasy that the everyday passenger will understand what that means."

## Matson acquires most of Horizon Line's Guam assets

The *Marianas Variety* reports that Matson purchased about 700 chassis from Horizon, along with tools, forklifts, trucks and the Horizon shop.

Horizon announced in October that it would discontinue its service between the East Coast and Guam, Micronesia and the Northern Mariana Islands. Oakland, California-based Matson said it would be able to absorb the additional shipping volume between the West Coast and Guam via its Honolulu hub.

## Maersk follows APL in overcharging for military cargo; fined by U.S. Government

Maersk Line will pay \$31.9 million for over charging the government for shipments to U.S. troops in Afghanistan and Iraq for several years, conduct that was unearthed by an industry whistle-blower, the Justice Department announced.

The Danish shipping company's U.S. subsidiary settled a lawsuit that was filed in San Francisco in 2007 but was not disclosed until January 3. Without acknowledging any wrongdoing, Maersk said it will pay \$18.4 million for over charges and interest and \$13.5 million in penalties.

The whistle-blower, Jerry H. Brown II, is entitled to \$3.6 million of the settlement. Brown also uncovered over charges in war-related shipments by his former employer, American President Lines. APL agreed to a \$26.3 million settlement with the government in 2009, including \$5.19 million for Brown, his lawyer said.

The two cases, addressed in the same suit, add up to the largest civil fraud settlement with U.S. military contractors during the two wars, said Brown's attorney, Paul D. Scott. He said Brown was a documentation controller for APL in Denver and left when the company settled his suit.

Assistant Attorney General Tony West, who head the Justice Department's Civil Division, said the latest case shows that "those who put profits over the welfare of members of our military will pay a hefty price."

The government, which joined Brown's suit after investigating his claims, said Maersk charged excessive amounts for refrigerated containers holding perishable cargo at U.S. military bases in Afghanistan and in Karachi, Pakistan. The company also billed for tracking and security service that it failed to provide, or only partially provided, and charged excessive late fees at a port in Kuwait and other locations, government lawyers said. The settlement covers billings as recent as January 2011. In a statement, Maersk said it conducted its own investigation after learning of the allegations and discovered further "bill discrepancies" that it disclosed to the government.



The *Mokihana* calling Oakland on January 2, on the first run from the yard in Nantong, China. Preparing to offload dirty linen from the forward hatch is AB and SUP Delegate John Crockett, Bosun Paul Barbour, and AB Alex Capistrano. Photo: Dave Connolly

## APL joins five other companies in new Far East-Europe alliance

Six of the leading container shipping lines have announced an agreement to create one of the largest vessel networks working in the Far East-Europe trade lane.

The comprehensive agreement will bring together members of The New World Alliance (APL, Hyundai Merchant Marine and Mitsui O.S.K. Lines) with members of the Grand Alliance (Hapag-Lloyd, Nippon Yusen Kaisha [N.Y.K.] and Orient Overseas Container Line) to create The G6 Alliance.

The G6 Alliance will create one of the largest networks within the Far East-to-Europe and Far East-to-Mediterranean container shipping markets with more than 90 ships servicing nine loops that will call more than 40 ports in Asia, Europe and the Mediterranean. The largest ships utilized by the new alliance will feature 14,000 TEUs of capacity and will bring on seven larger ships once they become available.

"This is a milestone agreement that significantly improves service coverage in the Asia-Europe market," G6 Alliance members said in a statement. "We will offer sailing frequencies and direct coverage that compete with anyone in the market."

The new alliance is scheduled to begin operation by April with seven joint services operating between Asia and Europe and two services between Asia and the Mediterranean. Included is a direct Far East-Baltic service with calls at Gdansk, Poland and Gothenburg, Sweden, as well as transshipments in Singapore.

The nine joint services will offer more frequent departures with daily sailings from major ports in Asia, Europe and the Mediterranean. The schedule will include multiple weekly calls at Singapore, South China, Rotterdam, Hamburg, Hong Kong Shanghai and Southampton.

"The extensive port coverage, frequent sailings and very attractive transit times make the nine services a unique product with the best and most comprehensive set of connections on an offer for all shippers in the Far East-Europe/Mediterranean trade," members of the new alliance said.

The alliance was formed to compete with Maersk Line which has a daily sailing from Asia to Europe.

## Seattle asks Federal Maritime Commission to close Harbor Maintenance Tax loophole

The Port of Seattle has increased its pressure on the U.S. Federal Maritime Commission (FMC) over imports that bypass U.S. ports and instead pass through Canadian ports and cross into the U.S. via land in an attempt to avoid paying the Harbor Maintenance Tax (HMT). The Port called on the FMC to close "a loophole" in the HMT that the port says puts them at a disadvantage versus their Canadian competition.

The FMC is in the process of investigating whether or not importers are diverting their cargo to Canada to avoid paying the .0125% Federal HMT on imports. The investigation was called for by ports along the West Coast of the United States along with their congressional representatives.

Congress established the HMT back in 1986 as a way to generate revenue for dredging the nation's ports. The tax, while at only .0125%, generates a great amount of revenue since inbound containers often carry high-value merchandise.

In a letter sent to the FMC, Port of Seattle Executive Director Tay Yoshitani

said that the cost of ocean and intermodal transportation is a significant factor considered by importers in choosing a gateway for their cargo. "If the FMC finds that U.S. law provides incentives to move cargo through foreign gateways, we believe the commission should recommend that U.S. law be modified to ensure all U.S. containers are treated equally," Yoshitani said.

The Port of Seattle estimates that the tax on containers moving through the Pacific Northwest port averages \$89, but the tax on a 40-foot container of electronics can reach \$125 and the tax on a container carrying auto parts can be as high as \$312. The Port stated that it is impossible to calculate the exact amount of cost savings due to the differences between American and Canadian rail rates because Class I railroads do not publish their rates. The Port claimed, however, that the higher U.S. intermodal rail rates in combination with the HMT and the Canadian government's national freight policy have resulted in numerous U.S. bound containers being diverted to Canadian ports every year.

# *In Memoriam*

## Final Departures of SUP members reported in 2011

**Jose Alves**, Book No. 3805. Born in Brazil in 1938. Joined SUP in 1981. Died September 8, 2011. (Pensioner)

**Thomas Basford**, Book No. 5650. Born in California in 1934. Joined SUP in 1956. Died in Healdsburg, California, March 5, 2011. (Pensioner)

**Lloyd Bodden**, Book No. 5708. Born in Honduras in 1936. Joined SUP in 1970. Died in Honduras, March 28, 2011. (Pensioner)

**Edward Bowman**, Book No. 5706. Born in California in 1933. Joined SUP in 1968. Died in Concord, California, August 20, 2011. (Pensioner)

**Calvin Browning**, Book No. 5642. Born in Ohio in 1933. Joined SUP in 1954. Died in San Francisco, California, September 11, 2011. (Pensioner)

**Frank Bylinowski**, Book No. 5629. Born in Illinois in 1918. Joined SUP in 1952. Died in Hemet, California, June 15, 2011. (Pensioner)

**Roy Camerlo**, Book No. 4577. Born in California in 1928. Joined SUP in 1950. Died in Puyallup, Washington, April 16, 2011. (Pensioner)

**Carmine Canonico**, Book No. 4694. Born in New York in 1921. Joined SUP in 1952. Died June 20, 2011. (Pensioner)

**Forest Christian**, Book No. 4691. Born in Ohio in 1925. Joined SUP in 1951. Died in Covington, Washington, July 27, 2011. (Pensioner)

**Walter Conners**, Book No. 3951. Born in Massachusetts in 1926. Joined SUP in 1946. Died in Mountain Valley, California, June 19, 2011. (Pensioner)

**Jose Corral**, Book No. 4628. Born in California in 1936. Joined SUP in 1952. Died in South San Francisco, California, September 21, 2011. (Pensioner)

**Aloysius Correa**, Book No. 3722. Born in Hawai'i in 1924. Joined SUP in 1945. Died in Garden Grove, California, September 2, 2011. (Pensioner)

**James Cottrell**, Book No. 4609. Born in Texas in 1923. Joined SUP in 1952. Died in Espanola, New Mexico, December 9, 2010. (Pensioner)

**Earl Crist**, Book No. 4559. Born in Kansas in 1927. Joined SUP in 1949. Died September 22, 2011. (Pensioner)

**Michele D'Andrea**, Book No. 2274. Born in Washington in 1923. Joined SUP in 1945. Died in Everett, Washington, May 18, 2011. (Pensioner)

**Harry Dato**, Book No. 2584. Born in Hawai'i in 1922. Joined SUP in 1948. Died in Vacaville, California, June 6, 2011. (Pensioner)

**Rolando DeGuzman**, Book No. 2752. Born in the Philippines in 1954. Joined SUP in 1994. Died at sea, May 19, 2011.

**Charles Edwards**, Book No. 1774. Born in California in 1924. Joined SUP in 1944. Died February 28, 2011. (Pensioner)

**Robert Erickson**, Book No. 1868. Born in California in 1929. Joined SUP in 1945. Died in South San Francisco, April 17, 2011. (Pensioner)

**William Fie**, Book No. 2200. Born in Arizona in 1918. Joined SUP in 1960. Died in San Rafael, California, November 7, 2011. (Pensioner)

**Eugene Furtado**, Book No. 2094. Born in Hawai'i in 1929. Joined SUP in 1948. Died in Raleigh, North Carolina, December 29, 2010. (Pensioner)

**Eugene Gerendaci**, Book No. 2993. Born in Czechoslovakia in 1925. Joined SUP in 1968. Died February 25, 2011. (Pensioner)

**Joe Gladstone**, Book No. 2241. Born in Ohio in 1918. Joined SUP in 1941. Died in Santa Cruz, California, May 15, 2011.

**Franklin Green**, Book No. 2595. Born in Oregon in 1926. Joined SUP in 1944. Died in Seattle, Washington, November 22, 2011. (Pensioner)

**Emil Hernandez**, Book No. 5803. Born in California in 1937. Joined SUP in 1967. Died in Las Vegas, Nevada, July 31, 2011. (Pensioner)

**Duane Hewitt**, Book No. 5748. Born in Nebraska in 1928. Joined SUP in 1944. Died in Concord, California, August 22, 2011. (Pensioner)

**Reuben Ingram**, Book No. 369. Born in Alaska in 1926. Joined SUP in 1948. Died August 28, 2011. (Pensioner)

**Daniel Jensen**, Book No. 4306. Born in Idaho in 1938. Joined SUP in 1967. Died February 11, 2011. (Pensioner)

**Bobby Jones**, Book No. 4261. Born in Nevada in 1930. Joined SUP in 1948. Died in Springfield, Oregon, April 28, 2011. (Pensioner)

**Gunnar Kristiansen**, Book No. 2970. Born in Denmark in 1924. Joined SUP in 1945. Died in California, February 15, 2011. (Pensioner)

**Orson Larsen**, Book No. 4095. Born in Denmark in 1941. Joined SUP in 1968. Died in Reno, Nevada, December 18, 2010. (Pensioner)

**Antone Ledesma**, Book No. 4032. Born in Hawai'i in 1926. Joined SUP in 1951. Died in Hawai'i, April 2, 2011. (Pensioner)

**Lincoln Lee**, Book No. 3472. Born in California in 1916. Joined SUP in 1943. Died in Washington, February 26, 2011. (Pensioner)

**Auburn Lord**, Book No. 3955. Born in California in 1927. Joined SUP in 1943. Died in Nice, California, May 31, 2011. (Pensioner)

**John Lundborg**, Book No. 4118. Born in Sweden in 1933. Joined SUP in 1998. Died in Puyallup, Washington, May 9, 2011. (Pensioner)

**Virgilio Managbanag**, Book No. 6533. Born in the Philippines in 1949. Joined SUP in 2000. Died in Washington, April 6, 2011.

**Louis Marks**, Book No. 6459. Born in Hawai'i in 1912. Joined SUP in 1957. Died in Honolulu, Hawai'i, July 19, 2011. (Pensioner)

**Berton McNeese**, Book No. 5590. Born in Missouri in 1922. Joined SUP in 1943. Died June 8, 2011. (Pensioner)

**Lester Megown**, Book No. 5450. Born in Arkansas in 1917. Joined SUP in 1944. Died in Lakeport, California, April 30, 2011. (Pensioner)

**Rudy Menchaca**, Book No. 6440. Born in California in 1930. Joined SUP in 1961. Died in Torrance, California, November 15, 2011. (Pensioner)

**Louis Minarik**, Book No. 6094. Born in New Jersey in 1927. Joined SUP in 1947. Died in New Jersey, November 18, 2011. (Pensioner)

**Charles K. Needham**, Book No. 2442. Born in Hawai'i in 1930. Joined SUP in 1952. Died in Hawai'i, December 1, 2011. (Pensioner)

**Robert Oliver**, Book No. 2400. Born in Michigan in 1927. Joined SUP in 1950. Died in Charles Town, West Virginia, February 13, 2011. (Pensioner)

**Amund Pettersen**, Book No. 3172. Born in Norway in 1921. Joined SUP in 1943. Died in New Jersey, February 8, 2011. (Pensioner)

**Robert Porteous**, Book No. 3477. Born in California in 1926. Joined SUP in 1946. Died in Novato, California, June 19, 2011. (Pensioner)

**Henry Quasebarth**, Book No. 98. Born in Minnesota in 1922. Joined SUP in 1951. Died in Vancouver, Washington, September 4, 2011. (Pensioner)

**Alfred Rathbone**, Book No. 2944. Born in Oregon in 1926. Joined SUP in 1944. Died in Tulsa, Oklahoma, November 9, 2011. (Pensioner)

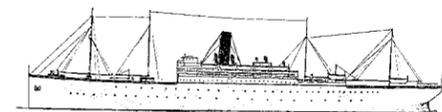
**Gerald Safford**, Book No. 6467. Born in Canada in 1920. Joined SUP in 1943. Died January 31, 2011. (Pensioner)

**Paul Smith**, Book No. 6792. Born in Montana in 1926. Joined SUP in 1944. Died in Portland, Oregon, February 8, 2011. (Pensioner)

**Hubert Souldier**, Book No. 7472. Born in Louisiana in 1927. Joined SUP in 1970. Died in Houma, Louisiana, February 10, 2011. (Pensioner)

**Joselito Torre**, Book No. 19155. Born in the Philippines in 1966. Joined SUP in 2002. Died in Honolulu, Hawai'i, April 25, 2011.

**Franklin Walsh**, Book No. 3640. Born in Massachusetts in 1953. Joined SUP in 1987. Died in Santa Rosa, California, March 19, 2011.



## Iranian merchant fleet still active despite sanctions

Tightened sanctions targeting Islamic Republic of Iran Shipping Lines (IRISL) have so far failed to halt its international operations, according to Lloyd's List Intelligence movements data. A total of 69 vessels still beneficially owned by IRISL are active and calling at major Iranian trading partners including China, India and Russia.

The vessel tracking data does not reveal the value of such trades or explain how IRISL is navigating the severe financial restrictions imposed by the United States, United Nations and European Union (EU) sanctions regimes. It does, however, prove that the company's vessels are still active and regularly following established trade routes.

While none of the sanctions explicitly ban vessels from calling at ports, they do impose asset freezes on individuals associated with IRISL and affiliated companies and prevent other companies from making payments to, or receiving payments from, IRISL. The effect of the sanctions has also left IRISL vessels unable to get protection, and indemnity insurance (P&I) outside of Iran.

Announcing an extended list of companies subject to U.S. sanctions in December, U.S. Under-Secretary of Terrorism and Financial Intelligence David Cohen said that the U.S. would "continue to take action to expose the front companies, agents and managers working with IRISL and work to stop this illicitly business".

The U.S. Office of Foreign Assets Control (OFAC) and the EU have been engaged in what industry observers describe as a cat and mouse game of identifying IRISL front companies deliberately set up to evade sanctions. The latest EU list features well over 160 companies and dozens of individuals alleged to be linked to IRISL and therefore subject to international sanctions. The expanded OFAC list announced updated companies and individuals that were already subject to EU sanctions, thereby tightening the net even further.

The companies targeted are described by OFAC and the EU as either shell or front companies formed mostly after the U.S. blacklisted IRISL and all of its ships in 2008. As has been previously reported in the *Maritime Press*, the corporations often have English names or are named after English towns. Some, such as *System Wise* and *Great Method*, were recently interpreted by the *New York Times* as "mocking American resolve" in the fight against Iran.

IRISL has long argued that the sanctions, leveled against the company and its affiliates due to alleged involvement in Iran's nuclear missile program, are "illogical and bizarre" and furthermore are not preventing the company from operating. U.S. officials had previously described such statements as inaccurate. However, the latest data suggests that IRISL has been more successful than many had previously assumed.

## Federal Maritime Commission rules against Port of Oakland

The United States Federal Maritime Commission (FMC) ruled late last month that the Port of Oakland is not entitled to sovereign immunity under the 11th Amendment of the U.S. Constitution.

The FMC ruling paves the way for it to hear a complaint filed two years ago by the stevedoring company SSA Terminals against the port in which SSA complains its terminal was put at a disadvantage in Oakland when the port "granted unduly and unreasonably more favorable terms for the rental and use of marine terminal facilities" to Ports America after the port leased Ports America the Outer Harbor Terminal, Berths 20 through 24.

The port had claimed it was entitled to sovereign immunity, citing a 2002 Supreme Court case where a divided court ruled 5-4 that state sovereign immunity barred the FMC from adjudicating a private party's complaint against the South Carolina State Ports Authority. The port had argued that because it serves as a tidelands trustee for California and it accounts for revenue from the port separately, it is an arm of the state and entitled to immunity. However, an administrative law judge at the FMC denied Oakland's motion to dismiss SSA's complaint on sovereign immunity grounds on November 8, of last year.

The Port of Oakland appealed that decision to the commission and after hearing arguments back in September, the five commissioners handed down their decision.

"In sum, we believe that the port, to borrow a phrase from the Fourth Circuit, 'walks, talks, and squawks' like a city-run facility instead of an arm of the State of California," the FMC said in its opinion.

The issue is important not only because of whether the FMC has jurisdiction over disputes in the Port of Oakland, but also because the nation's two largest ports (Los Angeles and Long Beach) are also branches of their city governments.

The FMC said this argument failed all potentially applicable tests and that the Supreme Court has not adopted a rigid test in deciding such sovereign immunity disputes. Instead, it looks at a variety of factors:

- The state "lacks any meaningful control over the port". Commissioners are nominated by the mayor of Oakland and appointed and can be removed by the city council.

- The port's board of commissioners review and execute contracts and leases subject to referendum, "but does not otherwise face state-level scrutiny for its decisions, other than the parameters that were set forth as conditions of the original grant of the lands to the city."

- A judgment against the port would not come from the state of California's treasury. "Any potential exposure to the state's treasury would only be the result of Rube Goldberg-type series of events that could hypothetically occur in the future."

- When the state transferred land to the city in 1911, the U.S. Supreme Court "had already determined that cities and municipalities are not entitled to immunity under the 11th Amendment," the FMC noted.

- The record "does not show that the port is subject to other state laws that apply to other state instrumentalities that would not otherwise apply to a municipality."



AB Doug Olney and AB Ramon Duran on the boat deck of the APL Singapore shortly before a boat drill after arrival in Oakland on December 22. Photo: Dave Connolly

## Sea Star Line sentenced for price-fixing in the Puerto Rico trade

U.S.-flag carrier Sea Star Line has been sentenced for price-fixing in the U.S.-Puerto Rico trade, while its ex-president has been arrested and released on bail.

According to court documents filed in December, a Puerto Rico judge agreed to the previously reported plea deal for a \$14.2 million fine. The payment schedule is \$1 million by mid-January, \$1 million in a year, \$2 million in two years, \$3 million on the third anniversary of sentencing, \$4 million on the fourth, and \$3.2 million on the fifth.

Sea Star admitted that from May 2002 to April 2008, the company "and certain of its officers and employees, including high-level personnel, participated in a conspiracy with other providers of Puerto Rico freight service to suppress and eliminate competition".

The U.S. government has agreed to not prosecute Sea Star parent entities Saltchuk Resources and American Shipping but it is prosecuting former Sea Star president Frank Peake. According to court records, Peake was indicted on November 17, for his role in the conspiracy. He was arrested on December 15. After pleading not guilty, he was released after posting \$200,000 in bail. The government alleges that Peake participated in meetings and communications in Puerto Rico and the continental United States, during which he and his coconspirators fixed rates and surcharges.

## Container lines' 2011 losses forecast to top \$5 billion

Global container lines are expected to post collective losses of \$5.2 billion for 2011, a \$23 billion deterioration from the previous year when the industry achieved record profits. The reversal in industry fortunes last year after a spectacular recovery in 2010 comes despite trade growth provisionally put at 6.5%. The expected 2011 shortfall compares with combined losses of around \$19.4 billion in 2009. The industry then recovered to achieve record joint profits of \$17 billion in 2010. At the start of 2011, Drewry had been anticipating that lines would remain in the black last year, but carrier strategy then shifted from a clear focus on the bottom line to an all-out fight for market share. That sent freight rates crashing, with spot rates on headhaul routes eroded by more than 50% over the course of the years.

Neither are prospects for 2012 looking much better, despite a rally in freight rates over the past week or so, with some ocean carriers likely to run out of cash in the latter half of the year unless lay-up programs begin very soon, London consultancy firm Drewry warns in its latest quarterly report.

Drewry concludes in its Container Forecaster review that 2012 "will be another challenging year for liner operators". With uncertainty over the strength of global demand, delivery of big ships will continue to be a problem. That means carriers' future lay-up strategies will dictate whether or not they make money. Although relatively few ships are being idled right now, Drewry expects laid-up capacity to reach as much as 8% of the global fleet during the second half of the year, equivalent to between 1.3 million and 1.2 million teu. Inactive capacity peaked at around 1.5 million teu during the 2009 downturn.

Commenting on current market conditions, Drewry's head of container research Neil Dekker said that unless a substantial amount of tonnage is put in to lay-up soon, "the consequences could be dire". At the moment, relatively few vessels from suspended services are being laid up or idled, with most being rechartered or absorbed into other routes. But this situation cannot continue for much longer. "Carriers will at some stage of 2012 be forced to idle tonnage, even if the lead players are showing no inclination to do so at the moment," said Dekker. "This will enable a partial recovery in spot rates during the second half of this year. In the meantime, the industry will continue to change its structure as all stakeholders adapt to the difficult conditions. We still do not foresee any company acquisitions, as was the case in 2009 and consolidation is more likely to happen through the disappearance of small players."

## Korean master honored for exceptional bravery at sea

Captain Seog Hae-gyun of the Republic of Korea, Master of the chemical tanker *Samho Jewelry*, has been presented with the International Maritime Organization (IMO) Award for Exceptional Bravery at Sea 2011, for his decisive, brave and courageous actions to protect his ship and crew during a vicious pirate attack in the Indian Ocean, which left him with serious and long-lasting injuries.

Captain Seog, accompanied by his wife, was handed the award by IMO Secretary-General Efthimios E. Mitropoulos, during a ceremony held on November 21, 2011, at IMO Headquarters in London.

When the *Samho Jewelry* was boarded by pirates, in January 2011, the crew took cover in the designated citadel but the pirates broke in, detaining them on the bridge. Over two days, Captain Seog steered the ship on a zig-zag course, so that the pirates would not realize that the vessel was actually heading away from, instead of towards, Somali waters. He contaminated the fuel so the engines would not work normally, pretended the steering gear was malfunctioning and slowed the ship's speed from 14 knots to six, to keep her out of Somali waters for as long as possible, thus maximizing the potential for units of the Republic of Korea Navy to attempt a rescue. However, the pirates became suspicious that some of Captain Seog's actions were intended to outwit them and they brutally assaulted him, causing serious fractures to his legs and shoulders. While all this was happening, the pirates ordered him to communicate information about the incident to his shipping company in English, via satellite. Captain Seog surreptitiously inserted information in Korean about the true situation — information that proved vital for the Navy of his country to plan, and execute, a rescue operation.

On January 21, as the sun came up, the Korean Navy destroyer *Choi Young* launched a rescue operation, which they named "Dawn of the Gulf of Aden". By 0630 on that day, the attack team had gained full control of the bridge. During this time, Captain Seog, despite his injuries, managed to send out an urgent message via VHF, warning the boarding party that there were three pirates at the steering wheel.

The already-injured Captain Seog survived being shot four times, including twice in the abdomen, by pirates firing in revenge. Having received emergency treatment from the Special Assault Commando, he was transported by means of an inflatable craft and helicopter to the Sultan Qaboos Hospital in Oman.

Meanwhile, Korean naval forces involved in the assault continued operations on the ship, and all 21 crew members eventually were freed. In all, eight pirates were killed and five captured.

From the Omani hospital, Captain Seog was transferred to a hospital in the Republic of Korea, where he underwent major surgery. It was nearly a month before he recovered full consciousness.

Secretary-General Mitropoulos said that the fact that Captain Seog's act of bravery has been judged as deserving the top honor had particular resonance this year, "when piracy has been at the epicenter of our activities, spurring and motivating us to orchestrate a credible response to its menace. Captain Seog Hae-gyun was confronted not by the elements that nature can throw at men and ships, but an even more insidious danger: that of pirates threatening him, his crew and his ship. In response, he acted with quick thinking, courageously, decisively and with extreme bravery to protect all those whose lives depended on him and his decisions. His selfless reaction left him with severe injuries and nearly cost him his life."

The award takes the form of a silver medal depicting, on one side, a search and rescue operation with a sinking ship in the background and a helicopter rescuing survivors from the sea in the foreground, with the IMO logo on the reverse side.

In addition to the award itself, certificates were also presented during the ceremony to "highly commended" nominees or their representatives. Those from the United States were the crew of the Coast Guard rescue helicopter 6022, U.S. Coast Guard Air Station Clearwater, with special individual recognition to rescue swimmer AST2 Sara Faulkner for rescuing, at night, all three people from the yacht *Arktur*. The yacht had lost its engine and sail power off the Bahamas, in December 2010. Cohesive teamwork ensure the rescue was successful, despite large swells, which hampered the hoisting of survivors aboard the helicopter.

Chief Engineer Anthony Gervasio and QMED Louis Longlois, crew members of the offshore supply vessel *Damon B. Bankstron*, survivors from the *Deepwater Horizon* Mobil Offshore Drilling Unit, in the Gulf of Mexico, following a devastating explosion on the rig in April 2010. The *Damon B. Bankstron* crew, who had been standing by for the routine transfer, deployed the vessel's fast rescue craft after hearing the explosion and Gervasio and Longlois directly saved 23 lives, locating people in the water amidst flames and debris raining down. They went on to assist in the rescue of another 92 people from the rig's lifeboats.

Furthermore, letters of commendation were sent to the following nominees from the United States: The crew of the Coast Guard MH-60J helicopter CG 6007, U.S. Coast Guard Air Station Kodiak, for rescuing, at night, in blowing snow and sub-zero temperatures, all five crew from a stranded fishing vessel, in Alaska, in February 2011. The survivors were hoisted to safety one by one, as the helicopter worked in dangerous conditions, avoiding swinging masts, rigging and a nearby cliff.

The IMO Award for Exceptional Bravery at Sea was established by IMO to provide international recognition to those who, as the risk of losing their own life, perform acts of exceptional bravery in attempting to save life at sea or in attempting to prevent or mitigate damage to the marine environment — and, by so doing, help to raise the profile of shipping and enhance its image. A total of 38 nominations from 14 Member States and one non-governmental organization in consultative status with IMO were received and considered by an Assessment Panel consisting of experts nominated by various international non-government organizations. A Panel of Judges then met, under the chairmanship of the Chairman of the IMO Council, with the participation of the Chairmen of IMO's Maritime Safety, Marine Environment Protection, Legal, Technical Cooperation, and Facilitation Committees.

The International Maritime Organization is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships.



A December photo from the M/V *Manukai* in Guam. From the left: Ronnel Sugui, Mike Soper (delegate), Steve Hudson, stowaway, Bob Bradley, Bosun Eli Wegger, and Ches Knobbe. Photo: Cadet Ben (last name unknown)

## Philippines bends to European Union pressure to raise maritime school standards

The Philippines is to shut down several maritime training schools to avert a European Union threat to de-recognize new certificates issued in the country.

The Philippines has long been the world's number one labor supplier to the international shipping market. According to some estimates, the country produces 280,000 graduates a year, with 220,000 of them at sea at any one time. However, recent years have brought growing concern about Standards in Training, Certification and Watchkeeping observance. The issue was highlighted with the recent grounding of the Filipino-crewed containership *Rena* in New Zealand, in which seafarer error may have played a part.

The Lisbon-based European Maritime Safety Agency (EMSA) inspected local schools in 2010 and sent its report to the European Commission. Although EMSA has refused to make its findings public, it is understood to have recommended withdrawal of recognition of Filipino STCW certificates unless the issue is resolved. The commission is due to announce the results of its deliberations shortly, which could have huge implications for labor supply on EU-flagged vessels. Sources aware of the situation say that member states are divided between those that want to take steps to force the Philippines to raise its standards and those more worried about the disruption that sanctions would cause.

The precedent for this situation is Georgia. Two years ago, it had recognition for its STCW certificates withdrawn. But there is widespread recognition that the Philippines is effectively too big to fail and that similar strictures would be unworkable.

International Maritime Employers' Committee Secretary Giles Heimann said: "The Philippines government has been actively vetting schools and any schools that are not up to scratch they are shutting down. The number of schools that they may close is a matter of conjecture at the moment."

The authorities moved to close three seafarer schools in the country last year. November saw major protests in Manila and Quezon City, where up to 13,000 students were told two weeks after enrolling that the BS Marine Engineering and BS Marine Transport degree courses would close. Meanwhile, the Philippines' Maritime Training Council of the Department of Labor and Employment is revising the content of many courses to meet requirements of the so-called Manila amendments to STCW agreed in 2010 and due to be implemented by 2017. Among the changes are mandatory limits on alcohol consumption and a requirement for seafarers to rest for at least 10 hours every 24-hour period.



Standby sailors at APL's Oakland Steam Rack: AB Rogelio Timoteo and AB Charles Sanford with temporary Bosun Marcelo Javier. Photo: Dave Connolly

## ESU Office Assignments

For the month of February, John Straley will be in the Seabrook office.



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## Improperly encoded TWIC cards

The integrated circuit chips (ICCs) on approximately 26,000 previously issued Transportation Worker Identification Credentials (TWICs) were improperly encoded and may not work with TWIC card readers. The Transportation Security Administration (TSA) will replace these cards at the card holder's request at no cost.

If your card has this issue it is still valid and provides evidence of your eligibility for unescorted access to secure areas. This issue only affects your card when using it with some card readers. If you determine your TWIC has this issue, and depending on how you use your TWIC, you may decide not to replace it, or replace it later at a more convenient time.

Every TWIC contains a Federal Agency Smart Credential Number (FASC-N) on its ICC. The FASC-N uniquely identifies each card. When your TWIC is read by a card reader, the FASC-N is one of the pieces of information the reader obtains from the card. Due to a card production system error, the number of characters in the FASC-N on some TWICs was shortened (truncated), causing readers to not recognize the card as a valid TWIC. The system error causing the FASC-N to be truncated was corrected on April 5, 2011. TWICs issued after that date do not have truncated FASC-Ns. TWICs issued before April 5, 2011, could *potentially* have this issue and as a result, TWIC readers could have problems reading these cards. TSA will issue a replacement TWIC at no cost to you if you have a card with a truncated FASC-N. TSA is maintaining and posting a list of those affected TWICs.

The TWICs that have this problem can be identified by the 8-digit Agency Serial Number (ASN) that is printed on the back of the TWIC. The ASN is on the bottom left side of the back of the card (on the same line as the numbers '7099' which appear on the bottom right.) To find out if your card is affected there is a list available through the TSA's website: [www.tsa.gov/twic](http://www.tsa.gov/twic).

If your TWIC is identified on the TSA list of cards with truncated FASC-Ns you can receive a no-cost replacement by calling the TWIC Help Desk at 866-347-8942, Monday through Friday, 8:00 A.M. to 10:00 P.M. eastern. Please identify that your card has a truncated FASC-N, and the Customer Service Representative will assist you with ordering a replacement. You must designate the enrollment center where you will pick up your replacement TWIC. You must turn in your TWIC with the truncated FASC-N when you return to pick up your replacement TWIC.

## Reminder: Special Election for Deck Department Trustee

All members are reminded that the deadline to vote for a new Deck Department Trustee is next week. AB Kevin Conroy and AB Jeff Harris are both running for the position. Ballots were addressed individually to each eligible voter and should have arrived to you on board the vessel or at your home. If you did not receive a ballot, please see your ESU Ship Representative or call the Union office.

The voting period began on November 29, 2011 and will conclude on January 26, 2012, when the ballots are due at the American Arbitration Association office in New York. Following notification to the ESU office on January 26, the results will be promptly announced to the membership, and the candidate will assume the position immediately.

All ESU members are encouraged to participate in the elective process and strive for 100% voter participation in this election. PLEASE VOTE!

## Ship reports

### S/R American Progress

ESU Board officer visited the vessel at the City dock in Port Angeles, WA on January 15. Vessel had a few days of down time to complete minor repairs and survey work for the upcoming shipyard period slated for June/July time frame. Kevin Conroy is filling in as Ship Rep. The AMP is expected to continue trading between Valdez and the Puget Sound.

### Kodiak

ESU Board officer visited the vessel at the Tesoro dock in Anacortes, WA on January 16. Vessel will discharge in the SF Bay area next trip south. Tim Williams is filling in as Ship Rep. and reports all is well. Crew weathered heavy snowfall while in Valdez only to see the same type of precipitation while in Anacortes.

### S/R Long Beach

The *Long Beach* continues in cold lay-up, in Labuan, Malaysia. There are no crewmembers assigned to the vessel at this time. Future plans for the vessel are unknown at the present time. This is the last entry in the ship reports for the vessel considering the ship is no longer eligible for service in the US due to OPA 90 expiration.

### Sierra

The *Sierra* is scheduled to call on the Puget Sound next discharge port. Jeff Harris is filling in as Ship Rep. and reports everything running smooth. Similar to the *Kodiak*, the vessel is scheduled to receive upgrades in equipment that should improve wireless internet access on the vessel.

## U.S. Coast Guard announces steps for implementing the 2010 STCW amendments

In early January, the Coast Guard published a notice in the *Federal Register* announcing steps for implementation of the 2010 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, (STCW) concerning hours of rest and security-related training requirements. Because the final rule implementing the 2010 amendments to the STCW was not published before the January 1, 2012 entry into force date, there was a need to provide guidance on implementation of the amendments related to these requirements, which impact US vessels and seafarers. This notice applies to all vessels subject to STCW under current regulations.

New wide-ranging amendments to the STCW rules, agreed by governments in Manila in 2010, are intended to ensure that STCW standards stay relevant, so that seafarers can continue to develop and maintain their professional skills. In particular, numerous changes are now being introduced to take account of technical developments that require new shipboard competences.

The STCW amendments will begin to apply from January 1, 2012, when they enter into force. In particular, companies and crew will be required to comply with the new minimum STCW rest hour rules for seafarers: Minimum amount of rest in any seven-day period is increased to 77 hours from 70 hours; Seafarers must always have 10 hours rest in any 24 hour period with no exceptions, except during an emergency; it is now mandatory to maintain records of each individual seafarers' rest hours, which may be inspected during Port State Control inspections; and the rest hour limits now apply to most seafarers on board, including masters, not only watchkeepers as had previously been the case. From January 2012, seafarers will need to review and sign a record of their work/rest hours periodically (typically at least once a month) to ensure they comply with the minimum rest hours stipulated.

Between now and January 2017, other new requirements will be introduced by the U.S. Coast Guard according to a transitional timetable. The ESU will strive to keep our members fully informed as more information becomes available.

## PPE changes take effect in February

There are a few changes to SeaRiver's personal protective equipment program that take effect on February 15, 2012. These changes were brought about through collective bargaining last year and help to address concerns with increasing the payment amounts and choice limitations under the Winter Weather Clothing program.

The Safety Shoe Program received an increase in the subsidy amount from \$175 to \$200 per year and will now be paid on a non-taxable payment in mid-February of each year starting in 2012. Safety shoes must conform to the standards listed in the Contract language and submission of a receipt for reimbursement is no longer required.

Winter (Arctic) Clothing – Employees will be able to buy arctic clothing from any vendors they choose and will receive a tax assisted payment of \$400 dollars in mid February once every three years starting in 2012. The Company defines tax assistance as follows: Tax Assistance is provided in two steps. The first occurs when the tax assistance item is reported via payroll. At this point, interim tax assistance is provided at standard rates for Federal withholding; State with-

holding, Social Security and Medicare. The interim tax assistance is provided for Federal tax at a flat rate of 25%. The second step occurs at year end. We accumulate all the tax assistance earnings and the amount of interim assistance to determine the correct amount the employee should receive according to his actual federal and state tax tables. In case any additional tax assistance is due, it will be added to the employee's earnings/withholding at year end and paid to the appropriate taxing authorities on their behalf. If the assistance that was given is too high, an adjustment will be made to the earnings/withholding.

Safety glasses will now be reimbursed at \$150 instead of \$100 but no other change to this program. Members will be reimbursed after submitting proper receipts.

There was no change to the Coveralls/Clothing program and members are still eligible to receive 4 articles of clothing per year (4 pair of coveralls, or 4 shirts and 4 pants or a combination of the above). 2012 PPE packets with clothing order forms and eye glass cards should be mailed out soon to fleet personnel from the SeaRiver Safety Department.

## EXXON SEAMEN'S UNION

Founded March 28, 1941

Affiliated with the Sailors' Union of the Pacific

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Board Member at Large John McCarthy

Deck Trustee TBN

Engine Trustee William Ackley

Steward Trustee Kurt Kreick

# Union anthem played by Wisconsin band at Rose Bowl Parade

The Rose Bowl has always been the oldest and most storied game of the entire college football bowl season. Its roots extend back to 1902, earning the nickname the "Granddaddy of Them All." Even today, floating in the septic tank that is the Bowl Championship Series, plastered with corporate branding and officially renamed the "Rose Bowl Game presented by Vizio," it has retained much of its stature and glory. This year, the Oregon Ducks beat the Wisconsin Badgers in the highest scoring Rose Bowl in history, winning 45-38.

Despite the loss, the state of Wisconsin still made their mark in grand fashion. Per Rose Bowl tradition, high school marching bands from Wisconsin and Oregon performed at the parade preceding the game. One of the bands from Wisconsin, the Pulaski High School "Red Raiders," abruptly interrupted their own performance of *On Wisconsin* and on live TV, played a far different tune—the classic Woody Guthrie anthem for labor and women's rights—*Union Maid*.

After a year when Wisconsin became ground zero in a reemergence of mass struggle in the United States, and during a time when the people of the state of Wisconsin are attempting to recall their anti-Union governor Scott Walker, the choice of *Union Maid* spoke volumes.

This is a song dripping with working class radicalism. Pete Seeger, Guthrie's fellow Almanac Singer, recalls in his autobiography that he "was present when *Union Maid* was written in June, 1940, in Oklahoma City. Bob Wood, local organizer, had asked Woody Guthrie and me to sing there the night before for a small group of striking oil workers."

Guthrie had apparently been asked to write a Union tune specifically taking up the women's struggle. The song's chorus leaves little room for ambiguity: *Oh you can't scare me, I'm sticking to the Union! I'm sticking to the Union, til the day I die!*

As the *West Coast Sailors* went to press, it's not known whether Governor Walker saw the telecast, let alone recognized the song. But for a small high school from a town of barely 3,000 people to break the mold at an event normally so tightly orchestrated as the Rose Bowl presented by Vizio, it was a remarkable moment.

Already there is a push by a blog that calls itself "Media Trackers" stating that the band was actually playing *Red Wing*, an obscure polka from which the melody of *Union Maid* was taken. Their blog includes a quote not from the band leader or any of the students, but the district superintendent, insisting that there was not political message meant whatsoever, just a marching band straying from their prepared tune to play an obscure polka while the band members grinned with mischievous joy.

If thinking that this song was just a good ol' fashioned polka helps Scott Walker's internet army sleep at night so be it. But they would be closing their eyes to just how deep the outrage continues to run in Wisconsin since Walker attempted to destroy collective bargaining rights last February. The surprise of the recall Walker campaign thus far is the support it's getting in small towns like Pulaski. If the marching band is an indication, Scott Walker is in some serious trouble. Walker attempted to scare the people of Wisconsin last February. Before there was even one protest against his anti-Union legislation, Walker put the National Guard on alert by saying that they were "prepared for whatever the governor, their commander-in-chief, might call for."

Considering that the state of Wisconsin has not called in the National Guard since 1886, the response—thousands occupying and marching on the State Capitol for weeks—was all the more impressive. Walker's threats didn't make people scared. They just strengthened their resolve. It's no wonder the band at Pulaski High School would be attracted to *Union Maid*. The full lyrics of the song are:

*There once was a union maid, she never was afraid  
Of goons and ginks and company finks and the deputy sheriffs who made the raid.  
She went to the union hall when a meeting it was called,  
And when the Legion boys come 'round  
She always stood her ground.*

*Oh, you can't scare me, I'm sticking to the union,  
I'm sticking to the union, I'm sticking to the union.  
Oh, you can't scare me, I'm sticking to the union,  
I'm sticking to the union 'til the day I die.*

*This union maid was wise to the tricks of company spies,  
She couldn't be fooled by a company stool, she'd always organize the guys.  
She always got her way when she struck for better pay.  
She'd show her card to the National Guard  
And this is what she'd say.*

*You gals who want to be free, just take a tip from me;  
Get you a man who's a union man and join the ladies' auxiliary.  
Married life ain't hard when you got a union card,  
A union man has a happy life when he's got a union wife.*

As for Walker, he still doesn't understand that his assault on workers' rights has had an effect quite opposite to what he intended, re-awakening what the late folk singer Utah Phillips once called the most dangerous idea in America: "The long memory." Thanks to the Pulaski band for showing that "long memory" in action.

## Welfare Notes

January 2012

### Medicare for Active and Retired Participants

Medicare does not send official notices when you become eligible for Medicare coverage. To avoid penalties that will require you to pay an additional amount forever, you must enroll when you first become eligible for Medicare. Your initial enrollment period lasts seven months including the 3 months before you become 65 years old and the 3 months after your birthday. As an example if your birthday is in June your enrollment period is March 1 through September 30.

Medicare Part A helps pay the cost of a hospital admission, stay in a skilled nursing facility, home health care, hospice care, and medicines administered to inpatients. There is no premium payment required for enrollment in Part A so active SUP participants should enroll in Medicare Part A when they become eligible.

Medicare Part B provides coverage for physicians including doctor visits in the office and hospital, outpatient services, rehab therapy, lab tests, medical equipment, and most medicines administered in a doctor's office. Enrollment in Medicare Part B requires a premium payment. Active SUP participants who are enrolled in a health plan probably do not need to enroll in Part B because the copayments for most services will likely be less than the monthly Part B premium amount.

If an active participant loses his active coverage because of any reason including insufficient work time to continue coverage, he should enroll for Medicare Part B coverage as soon as possible. The Plan office will help in filling out forms you may need to complete for Part B. There is a permanent penalty amount for Part B premiums if you do not enroll when you first become eligible.

Medicare Part D coverage includes prescription drugs, insulin supplies, and some vaccines. Part D enrollment includes a required premium and penalties are applied for late enrollment. There are a large number of Plan D options that will require you to choose the best one for you.

Active coverage terminates on the date of your retirement. Medicare does not cover dependents. A dependent wife who is not at Medicare age can continue coverage with the SUP Welfare Plan through COBRA for up to 18 months. COBRA coverage is approximately \$600.00 to \$900.00 per month. If you have questions contact us.

Michelle Chang, Administrator [mcsupsiupd@sbcglobal.net](mailto:mcsupsiupd@sbcglobal.net)

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Training Representative Berit Eriksson 415-957-1816  
[berittrainrep@sbcglobal.net](mailto:berittrainrep@sbcglobal.net)

Phone 415-778-5490 or 1-800-796-8003 Fax: 415-778-5495

SIU-PD Pension 415-764-4987

SIU-PD Supplemental Benefits 415-764-4991

"The labor movement was the principal force that transformed misery and despair into hope and progress. Out of its bold struggles, economic and social reform gave birth to unemployment insurance, old age pensions, government relief for the destitute, and above all new wage levels that meant not mere survival but a tolerable life. The captains of industry did not lead this transformation."

Martin Luther King, Jr.  
January 15, 1929-- April 4, 1968



Bosun Paul Seager and SUP Delegate David Fadoul in the crew lounge of Chevron Shipping Company's Florida Voyager on December 15, at Richmond Long Wharf. Photo: Dave Connolly

# NLRB backs class action for workers

The National Labor Relations Board ruled on January 6, that employers could not prevent workers from filing work-related group or class actions, essentially banning employment agreement sat many companies that require workers to pursue all claims individually through arbitration.

In the decision the labor board concluded that a federal law protecting workers' right to engage in concerted action trumps any arbitration agreement that bars them from bringing group claims. The ruling applies to nonmanagement private sector workers, Union and non-Union, from low-wage restaurant workers to well-paid employees on Wall Street.

The board examined an agreement used by a nationwide home-building company, D.R. Horton, in which workers were required to waive their right to sue in court and instead bring all claims to an arbitrator on an individual basis. The agreement prohibited the arbitrator from consolidating claims, allowing a class or collective action or awarding relief to a group or class of employees.

The labor board ordered Horton to rescind the agreement or change it to make clear to employees that they were not waiving their right to pursue collective action.

"This is a big deal," said Professor Alex Colvin, an expert on mandatory arbitration agreements who teaches at the Cornell School of Industrial and Labor Relations. "Mandatory arbitration agreements are so widespread, and this would suggest that many of them violate labor law by barring class actions. I also think the business community will

be up in arms because you have federal labor law being applied in a non-Union setting."

Colvin added that more than 25% of non-Union workers had signed an agreement as a condition of employment in which they promised to take any employment dispute to arbitration, rather than to a judicial forum.

In amicus briefs, the Labor Department and the Equal Opportunity Employment Commission supported the workers' position.

But the United States Chamber of Commerce and other business groups argued in opposing briefs that the labor board should defer to a Supreme Court decision issued last April involving consumers who had sued AT&T Mobility for fraud. In that case, the high court ruled 5-4 along ideological lines that businesses could use standard-form contracts to forbid consumers from banding together in a single arbitration.

The Supreme Court found that the Federal Arbitration Act, which favors arbitrations, trumped a California Supreme Court decision that held that mandatory agreements that waived class actions were unconscionable.

The labor board distinguished its case by saying that the Federal Arbitration Act did not trump the National Labor Relations Act, the landmark 1935 law that gave worker a federally protect right to Unionize and engage in concerted action.

"The board has long held, with uniform judicial approval, that the NLRA protects employees' ability to join together to pursue workplace grievances, including through litigation," the ruling said.

## Korean outfit guilty of polluting Hawai'i waters

The Justice Department announced this month that Korea-based Keoje Marine Company Ltd. and two engineers from the *M/T Keoje Tiger* have pled guilty in a Honolulu federal court on charges of environmental crimes violations.

Keoje Marine pleaded guilty to three felonies: violating the Clean Water Act for the dumping of oily bilge waste into waters off Hawai'i that may have affected the natural resources of the United States; violating the Act to Prevent Pollution from ships for covering up the dumping of the oily waste by falsifying the vessel's oil record book; and obstruction of justice during Coast Guard inspection of the *Keoje Tiger* in October of last year.

The company was sentenced to pay a \$1.15 million criminal penalty, \$250,000 of which will go to the National Fish and Wildlife Foundation as a community service payment for projects aimed at protecting and restoring marine resources in Hawai'i.

"Keoje and two of its senior ship engineers violated U.S. laws that protect our treasured oceans and critical marine habitats from harm," said Environment and Natural Resources Division Assistant Attorney General Ignacia S. Moreno. "The shipping industry is crucial to global commerce, but it is also subject to U.S. and international laws that protect the ocean from all-too-common and illegal practices exhibited by the defendant. This substantial penalty should demonstrate to the shipping industry that those who illegally dump in U.S. waters, or who compound their crime by lying to the U.S. Coast Guard, will be investigated, prosecuted and held fully accountable."

Keoje Marine owned and operated the *Keoje Tiger*, a 4,228 gross ton oil tanker that brought fuel and supplies to fishing vessels in the South Pacific as a "floating gas station."

According to the plea agreement, during a voyage to Hawai'i that ended in Honolulu on October 12, 2011, a handful of crewmembers from the vessel knowingly discharged oil in the form of oily bilge waste into the exclusive economic zone of the United States in quantities that may have been harmful to the natural resources of the United States. The crew accomplished this through the use of a bypass or "magic hose" that was connected from pumps in the engine room to a valve that lead directly overboard into the sea, bypassing the oil water separator which is a required piece of pollution prevention equipment. All discharges of oily bilge waste from a vessel are required to be recorded in the vessel's oil record book. However, none of the illegal discharges on board the *Keoje Tiger* were recorded.



The SUP gang in the USNS Waters before a RIB boat operation at Pt. Canaveral, Florida, on December 29. From left: OS Enrique Nera Jr., OS Zephaniah Cearley, AB Delegate Benjamin Garmin, Bosun Teofilo Sison, MM&P 3rd Mate John Grisafi, AB James McCroskey.

## Orders for Ultra-Large Container Ships skyrocket for use in the Asia/Europe trade

Orders for ultra-large container ships (ULCS) swelled 563% in terms of capacity in 2011 year-on-year, according to Sea-web data.

Major carriers and owners ordered 66 ULCSs last year, including Maersk's order for 20 box giants of 18,000teu. Total capacity of last year's ULCS orders rose to 916,500teu, Sea-web indicated. Just 10 such ships, with a total capacity of 138,200teu, were ordered in 2010. In 2007, 117 ULCSs were ordered, but just 75 have been delivered, with operators delaying deliveries because of the 2009 recession.

Janet Lewis, chief shipping analyst at Macquarie Securities, pointed out that vessels exceeding 10,000teu are increasingly viewed as essential to operate Asia/Europe because of their better fuel consumption and other economic factors. She estimated annual fuel costs at \$44.55 million for a 13,200teu ship, \$74.25 million for 4,500teu ships and \$60.225 million for 8,000teu ships. "Any container ship operator on the Asia/Europe route realizes that it will have no price competitiveness if it does not lock in a lower cost structure with ULCS," Lewis explained.

She added: "Maersk thought its preemptive order for 20 18,000teu vessels would lead more carriers to consider abandoning the Asia/Europe route, but instead it has led to a rush to order new ULCS. "We have already seen the fleet of larger-size vessels increase, evidenced in their low average age. The average age of vessels 8000teu or larger is just 3.6 years and just 7.4 years for 5,000-8,000teu ships. "With deliveries equal to close to 10% of the fleet likely to come in 2012 and developed economies mired in low economic growth, only a significant lever of lay-ups could reverse recent trends," Lewis warned.

## Lessons of the *Deepwater Horizon*

The latest investigative report on the *Deepwater Horizon* disaster in the Gulf of Mexico, released December 14, is an important reminder to industry's past carelessness and a summons to vigilance in the future. It could not have been more timely, coming just as the Interior Department was concluding its first auction of new drilling leases in the Gulf since the spill.

The report was prepared by the National Academy of Engineering and the National Research Council. It concluded —as had an earlier study by a presidential commission— that the explosion resulted from a series of poor decisions by BP and others, including a major miscalculation involving the ability of the well to withstand sudden increases in pressure. The study criticized both the industry and federal regulators for "misplaced trust" in the ability of blowout preventers to seal off wells in an emergency, and called for industry to redesign these devices to make them more reliable in the future.

More broadly, the report said that industry was far more focused on drilling and profits than it was on the need for preparedness and oversight. It said "the lack of a strong safety culture" was not unique to BP but was shared by its contractors and its regulators in the Interior Department's former Minerals Management Service.

Since the disaster, the Interior Department has put in place a whole new regime of safety regulations that companies must follow. The minerals service has been re-named and reorganized, and its inspection capabilities have been beefed up. Its new leaders have vowed that its mission will be to protect the public and the environment, not the industry it is charged with regulating.

Donald Winter, a former Navy secretary who directed the new study, said that because of these and other improvements, drilling in the Gulf could safely proceed "at this point in time." But he warned, rightly, against over confidence, especially now that drilling in the Gulf has resumed and the Interior Department has started leasing new tracts that will lead to further exploration.

The search for new oil and gas reserves must be part of a balanced energy policy. But the enduring lesson of the *Deepwater Horizon* is that complacency can easily lead to disaster. The cost of the *Deepwater Horizon* blowout has been huge in both lost income and natural resource damage. The ultimate tally to BP and its partners could run as high as \$40 billion, with civil penalties. The inescapable bottom line is that if industry wants to keep drilling, it needs to commit fully and completely to doing things differently. As do the regulators.

Source: N.Y. Times Editorial December 19, 2011



# SUP President's Report

January 9, 2012

## THE YEAR AHEAD

The year ahead will bring the usual challenges to the SUP, some anticipated and some not.

The maritime industry, as always, remains volatile – subject to the national and global economies. Projected cuts to the Defense Department budget will affect vessels operated for the Military Sealift Command and the Maritime Administration as will the withdrawal from Iraq and the downsizing of U.S. forces in Afghanistan. However, with the government's renewed focus on the Far East, shipping could improve particularly for Matson in the Guam trade.

The Sailors' Union has always been affected by what transpires in Washington, D.C. The Jones Act and cargo preference are critical to maintaining a U.S.-flag fleet and keeping SUP members working. The Maritime Security Program, while authorized until 2025, still needs to be funded annually. The SUP will remain active and vigilant to safeguard the laws which keep American mariners on the oceans of the world. As in the past, your secretary will be active in Washington, time permitting. Whether the country is governed by Republicans or Democrats, this has always been a challenge. It is even more so now when the vast majority of Republicans in Congress, particularly in the House, are hell-bent to impose an anti-labor, anti-Union agenda on the nation. The current crop of Republican presidential aspirants are all imbued with this same hostility toward organized labor. The November national election will be telling and the SUP must and will do its part in conjunction with the rest of the labor movement to support our friends and oppose our enemies. This will require membership participation as well as the prudent use of the voluntary contributions made to the Sailors' Political Fund.

On the bargaining front, the current agreements with Foss Maritime Company and the San Francisco Bar Pilots expire this year.

In accordance with the collective bargaining agreement with Foss covering those employed in the company's bunkering operation on San Francisco Bay, notified the company on December 27 of the Union's request to amend the current agreement which expires on February 29. The Union and the company have tentatively agreed to bargaining sessions toward the end of next month. Caucuses will be held with members employed by Foss to formulate bargaining proposals prior to commencing negotiations.

The San Francisco Bar Pilots agreements, covering marine personnel and the dispatchers, expires on June 30. Anticipate bargaining will begin in June.

In preparation for the triennial balloting for Union officers and propositions submitted by the membership to amend the SUP Constitution and Shipping Rules, a Committee on Constitution will be elected at the June Headquarters and Branch meetings. The committee will review the proposals submitted and make its recommendations to the July membership meetings. Proposals that are approved by the membership will go on the 2012-2013 ballot.

Nomination of regular officers of the Union shall be made at the September Headquarters and Branch meetings. Those who are nominated and qualified to hold Union office have until October 14, to accept the nomination.

Balloting for officers and proposed amendment to the Constitution and Shipping rules will begin on December 1, and end on January 31, 2013. The new term for officers will begin on March 1, 2013 and end on February 28, 2016.

## PATRIOT CONTRACT SERVICES

Effective January 25, there will be a 2% increase in Total Labor Cost (wages, overtime, supplemental ben-

efits, SUP Money Purchase Pension Plan, SUP Welfare Plan, etc.) in the *USNS Gilliland*, *USNS Gordon*, *USNS Shughart* and *USNS Yano*, the Large Medium Speed Roll-On/Roll-Off (LMSR) vessels operated and maintained by Patriot for the Military Sealift Command (MSC).

The increase marks the third year of the contract between Patriot and MSC. There are two more one-year option periods and five six-month award term periods. If all option periods are exercised by the government, Patriot will be operating the ships until 2017.

In order to be eligible to work in these vessels, SUP members must take the following required courses: Damage Control, Chemical, Biological and Radiological Defense Warfare, Small Arms Training, Shipboard Security Training and Tactics and MSC Environmental Program. Contact SUP Welfare Plan Workforce Development Director Berit Eriksson for more information.

New wage scales will be published in this month's *West Coast Sailors*.

## QUARTERLY FINANCE COMMITTEE

In accordance with Article XVII, Section 2 of the SUP Constitution, a Quarterly Finance Committee shall be elected at today's meeting to review finances of the Union for the fourth quarter of 2011, and report back to the membership at the February coastwise meetings. In the event the Committee cannot be filled today, or is short-handed when it convenes, recommend that necessary committee members be shipped off the hiring hall deck as per past practice.

The quarterly Finance Committee will meet at Headquarters at 8:00 A.M. on Tuesday, February 14.

## HOLIDAYS

**Martin Luther King, Jr.'s Birthday:** All SUP halls will be closed on Monday, January 16. This is a holiday under all SUP contracts except those with Chevron Shipping Company, where it will become a holiday in 2013, and Foss Maritime Company. Branch meetings will be held on Tuesday, January 17.

**Lincoln's Birthday:** All SUP halls will be closed on Monday, February 13, in accordance with the agreements with APL, Chevron, Matson and the San Francisco Bar Pilots. Due to the holiday, the Headquarter's meeting will be held on Tuesday, February 14.

**President's Day (Washington's Birthday):** All SUP halls will be closed on Monday, February 20, in accordance with the agreements with APL, Foss, Matson and Patriot Contract Services. Branch meetings will be held on Tuesday, February 21.

**Washington's Birthday:** This holiday is observed under the Chevron and Bar Pilots agreements on February 22.

## ACTION TAKEN

M/S to elect the Quarterly Finance Committee. Elected are: Romaine Dudley, Diane Ferrari, Kaj Kristensen, Art Thanash and Mike Worth. Carried unanimously.

M/S to concur with the balance of the President's report. Carried unanimously.

Gunnar Lundeberg

## Patriot Contract Services

### LMSR wage and benefit rates

*USNS Gordon, USNS Gilliland, USNS Shughart, USNS Yano*  
effective January 25, 2012

#### Full Operating Status (FOS)

	Monthly Base Wage	Daily Base Wage	Hourly Overtime Rate	Vacation Days Per Month	Monthly Benefit Base	Monthly Supple. Benefit	Daily Supple. Benefit	Daily Money Purchase Plan
Bosun	7,032.06	234.40	24.83	16.00	5,145.21	2,744.11	91.47	10.40
AB	4,977.39	165.91	17.35	16.00	3,658.72	1,951.32	65.04	10.40
OS	4,022.07	134.07	16.01	16.00	2,805.34	1,496.18	49.87	10.40

#### Reduced Operating Status (ROS)

	Weekly Base Wage	Daily Base Wage	Hourly Overtime Rate	Vacation Days Per Month	Monthly Benefit Base	Monthly Supple. Benefit	Daily Supple. Benefit	Daily Money Purchase Plan
Bosun	1,236.42	176.63	24.83	6.00	5,145.21	1,029.04	34.30	10.40
AB	875.45	125.06	17.35	6.00	3,658.72	731.74	24.39	10.40
OS	669.93	95.70	16.01	6.00	2,805.34	561.07	18.70	10.40

## Indonesian sailors detained for murdering Taiwan skipper

Two sailors from Indonesia have been taken into custody on suspicions that they killed the captain of the *Pingtung*, the Taiwan-registered fishing vessel they worked on last month, reported the *China Post*.

The Indonesian sailors working the fishing vessel reportedly attacked their Taiwanese skipper, Wang Yaochang, after an argument in Myanmarian (Burmesse) waters with a wooden club on December 3. Sailors of the fishing ship were then said to have thrown Wang overboard following the attack, causing his death. The six-man crew lost contact with their Taiwan base just two days later.

After the loss of communication and suspected sail rebellion, prosecutors of the Pintung District directed a Criminal Investigation Bureau to Interpol and First Investigation Brigade to look into the case and negotiated with India for help. The Indian Navy then intercepted the vessel a week later in December, where the sailors refused to respond to paging from the Indian Navy's radio and only stopped after warning shots were fired.

The two murder suspects were captured and sent back to Taiwan, where they were interrogated and remain in custody of the government.

# Vice President's Report

January 2012

**Mississippi Voyager:** Chad Avellar relieved by Brian Dixon, delegate. Met with the gang at Richmond Long Wharf on December 14, and again on January 19, to discuss the Agreement reached with the company. Strong support was voiced as well as notations for future improvement. Some things will be worked on mid-term. Sailing for El Segundo with no problems. Robert Reed is the bosun.

**Oregon Voyager:** Micah Sanders, delegate. Boarded after a long tie up in Selby at the eastern end of the San Pablo Bay and the entrance to Carquinez Strait. During negotiations the Company commended the excellent work of this ship in support of refinery operations in Richmond and El Segundo which had both encountered problems associated with two fires. Good meeting with the gang and all in favor of ratification of tentative agreement. Ron Gill is the bosun.

**California Voyager:** Ken Theuringer, delegate. In at Richmond Long Wharf with no problems. All members available were in favor of ratification of new agreement. Bargaining context given and questions answered. Headed back to Texas with Scott Oliphant as the bosun.

**Florida Voyager:** David Fadoul, delegate. As in the other Chevron ships, a full discussion of negotiations resulted in unanimous approval of the Agreement with the understanding that Agreements are incremental in nature and slow improvement over the years leads to better and better conditions.

**APL Philippines:** Gary McDeavitt, delegate. Company is not storing adequately for the new 42 day voyage. Budgets are not our business, but APL is required to properly provision the ship according to Appendix C. Referred to management for investigation and resolution.

**APL Singapore:** Kris Skorodynski, delegate. In at Oakland with no problems. Discussion on security watchstanding, the future of the APL fleet, and possible future watch configurations. In good shape in Oakland.

**APL Agate:** Dan Ternura, delegate. Report by email from sea indicates most things okay. Marc Calairo is the bosun. Changing out brake pads on winches is engineer's work. Any work for daymen after 1700 and before 0800 is overtime, even a mismanaged meal relief. Headed to the yard in Singapore; expected call back is early March.

**APL Korea:** Liam Casement, delegate. Smooth run on the new 42 day run: Asian loop now calling at Qingdao and a second time at Yokohama. Two sailors standing by to assist as necessary during cold-ironing procedures. In at Oakland with no beefs.

**APL Japan:** Mark Relajo relieved by Spencer Thompson as delegate. Clarification on shore gang supervision, weekend watches. At sea, including mid-voyage ports, it's a 56 hour work week and watchstanders remain on watch. Exercise equipment not required by the Agreement but helps maintain morale, health, and safety. J.P. Johnsson is the bosun.

**President Truman:** Rowdy Sloggett, delegate. War zone bonus not payable in what is known as the High Risk Area for piracy in the Gulf of Aden and northern Arabian Sea.

**Lurline:** Mark Cain elected delegate while Bosun Chris Bujnowski filled in for

Remoni Tufono on a trip off. Discussion on Supplemental Benefits and taxation: strong sentiment to avoid anything that might interfere with collecting unemployment benefits. See the December President's Report.

**Maunawili:** Robert Morgan, delegate. Clarification on meal hour penalty: lunch hour can be moved one hour in either direction from 1200 noon without penalty.

**Manukai:** Michael Soper, delegate. Book member with 153 days in LA on a 35 day voyage who has not yet taken a trip off must either take a trip off or get off the ship. Rule 56 requires that the mandatory trip off be initiated before the 170<sup>th</sup> day so that it can be completed within the 200 day dispatch. Diesel fumes in the house due to a tank vent adjacent to intake: design flaw. Matson responded to our objections (investigation, occupational hygienist measurements, new policy regarding tank limits, etc.) but the problem persists. It appears that a design fix is necessary.

**Kauai:** Jesper Pfeil, delegate. Seattle crew in good shape in Oakland. Bosun Norm Christianson and the gang have knocked out some truly outstanding work in cleaning and painting the tunnels, a project first started by former bosun Danny Ycoy. It looks like the set of a spaceship in Star Wars (see photo below). Captain was so impressed he cut off the overtime for the entire crew. Food beef (shortage of staples) taken up with the Company. A ship like the *Kauai* should never run short of anything. Clarification on holiday falling on the weekend while at sea: paid on the following Monday "in lieu thereof" as per Section 19 of the General Rules.

**Mokihana:** John Crockett got off and Rich Reed returned as delegate. First two Oakland calls after the yard in Nantong—no beefs. Bosun Paul Barbour has things under control; about to begin tunnel restoration project provide proper protective equipment is issued.

**Mahimahi:** Jimmy Alarcon relieved by Bert Genita as delegate. Clarification on supplemental benefits taxation background and regulation. Second option under consideration. See the President's December Report. New crew computer installed.

**Moku Pahu:** Cody Clark, delegate. Sailed for Island sugar with a backload of coal.

**USNS Gordon:** Joe Nugent relieved by Mike Staley as delegate. Successful activation from Philadelphia yard to new home in Baltimore.

**USNS Waters:** Ben Garmin relieved Eduardo Zepeda as delegate. A wave of reliefs before Christmas but mix of new and returning crew can complete the mission. No beefs near Cocoa Beach, Florida.

**Foss Maritime Company:** JD Rymel, delegate. Collected missing overtime for watch overlap due to training class. Jurisdictional issues under investigation. Bargaining to commence in late February; meetings will be announced but ideas for proposals are appropriate at any time.

**San Francisco Bar Pilots:** Mike Koller and Terry O'Neill, delegates. Operator termination under investigation.

Dave Connolly

## Seafarers' Union of Russia delays certification bill

A campaign mounted by the Seafarers' Union of Russia (SUR) has helped shelve proposed legislation that could have led to many officers serving onboard Russian-flagged ships being released from their jobs.

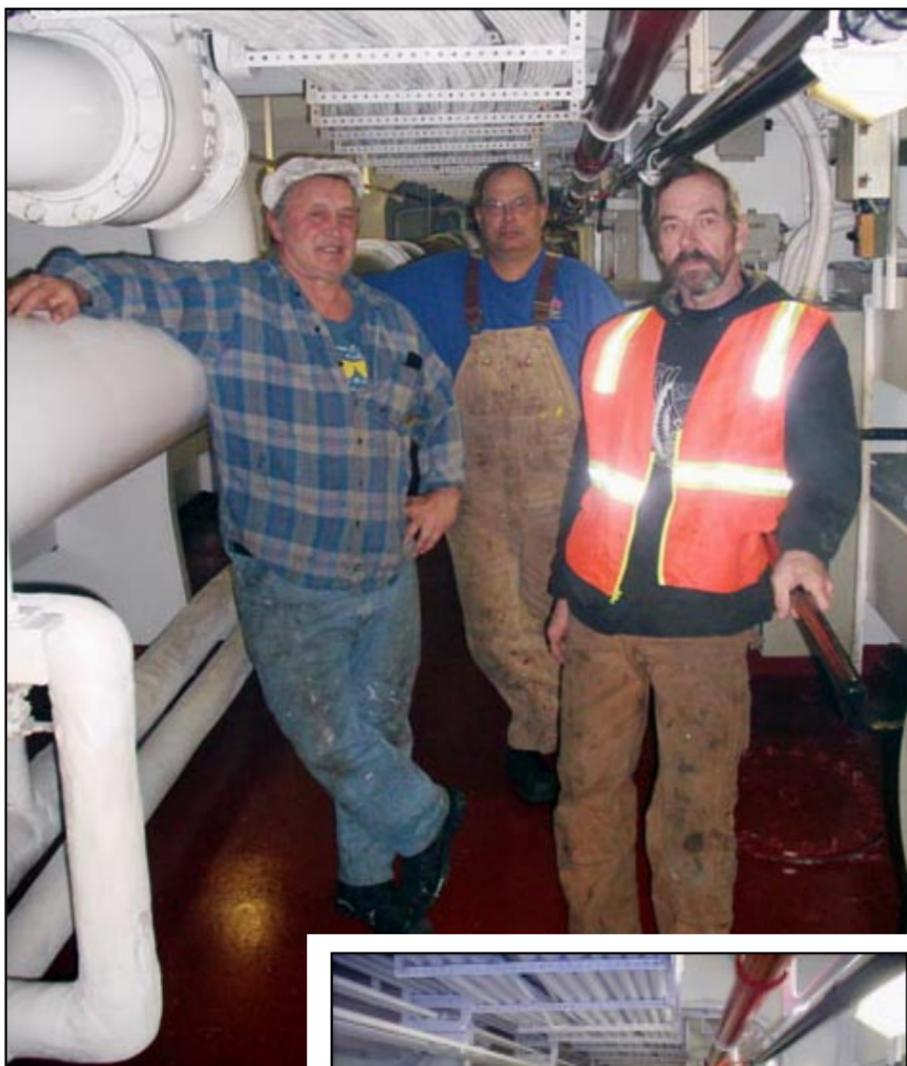
The bill would have required ship masters, engineers and other officers to provide documents proving their higher education qualification when applying for or renewing their certificates of competency. Currently, Russian officers can apply for such certificates without graduating from a maritime academy, university or other institutions of higher learning.

On December 26, the Russian Ministry of Transport agreed to delay the introduction of the legislation for a period of three years following the SUR campaign, which included visits to ships in Russian ports to inform seafarers about the proposed legislation. SUR also organized a petition calling for changes to be made to the bill as well as sending messages to Russian President Dmitry Medvedev and Prime Minister Vladimir Putin to voice their displeasure with the bill.

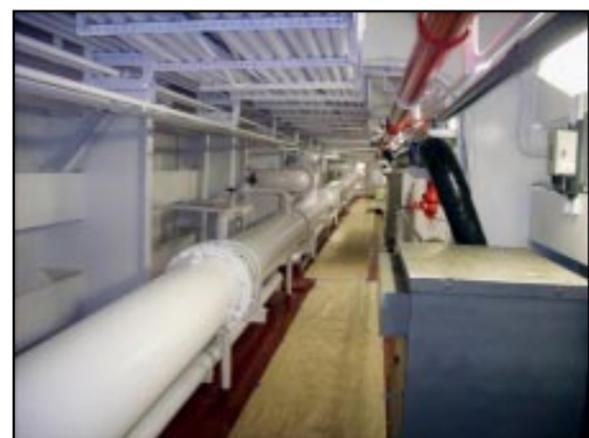
According to the Union, if these new competency certificate requirements were enacted and introduced immediately, there will not be time for Russian mariners to study and meet the new standards. They will lose their jobs, and be replaced by Ukrainian or Filipino mariners.

The tighter competency requirement had been backed by the Union of Russian Shipowners, according to their chief executive, Vyacheslav Zamoryanov, although the shipowners have said they are willing to accept secondary school graduation level in place of the proposed tertiary-level requirement. Zamoryanov and the shipowners' group are suspected by the mariners' Union of promoting the change, because, the Union believes, it would promote lower-salary foreign masters and engineers to replace Russian nationals. Zamoryanov declined to respond on that issue, or explain why the change was being pushed in the form of a new law.

Asked who benefits, who loses from the new draft law, Roman Kanunik, spokesman for the Russian Seafarers Union said: "I don't know for whom it's good. All I know is that it isn't good for Russian sailors." The bill has yet to go from the Transport Ministry to the new Duma [Parliament], and there is thus time, the seafarers Union believes, to fight against enactment, even with the three-year transition proviso that has been conceded.



In Oakland on January 2, Bosun Norm Christianson, AB and delegate Jesper Pfeil and AB Nick Hoogendam show off a newly refurbished section of the port tunnel of the *Kauai* that now looks as clean as a movie set. Photo: Dave Connolly.



# SUP Branch Reports

## Seattle

December 19, 2011

Shipped during the period: 3 Boat-swains shipped and filled with two A members to steady jobs and 1 C member to a Navy ship. 14 Able Seaman, 3 were to navy bottoms; 1 Ordinary Seaman filled by a C member and 7 standby jobs.

Registration: 10 A cards for a total of 22; 6 B cards for a total of 30; and 3 C cards for a total of 10.

### Ships Checked

Matson vessels *Manoa* and *Maui* called in Seattle with little or no problems. The *Kauai* called for full gang after sitting at the dock for a year. The *President Polk* called in New York and reported all is well.

Patriot Contract Services ships *USNS Gordon* and *USNS Watters* called for crew members.

I represented the SUP/MFU at the following meetings: a meeting in Senator Maria Cantwell office with the Deep Sea Fisherman's Union President Jan Standaert and Executive Board members Shawn McManus and Brian Harber. Important to the DSFU is the North Pacific Fisheries Management Council and Washington State having fair representation on this council with a "labor" seat added. Berit Eriksson joined us as we discussed issues pertinent to the US Merchant Marine and training grants both towards Able Seaman and Engine QMED ratings.

The SUP/MFU Holiday Party was a great success and we would like to thank Mike McLavy, John Farley and Bill Mawhinney who helped with the setup

and serving. The Ycoy family, the David Purganan family, and many others all brought special family recipes dishes that were gobbled up as fast as they could be put down. We had well over 75 pensioners, members and their families; and a "great time was had by all"!

Vince O'Halloran, Branch Agent

## Wilmington

December 19, 2011

Shipping: Bosun - 5; AB - 10; AB Maint. - 7; OS - 2; and standby - 48. Total jobs shipped 72.

Registration: A members - 29; B members - 21; C members - 14; and D registrants - 11.

### Ships Checked

*APL Korea, Mahimahi, Manukai, APL Thailand, Matsonia, APL China, Manulani, Maunawili, APL Philippines, Matsonia and Maunalei.*

On December 16, attended an MTD lunch meeting. On December 17, Bob Bugarin and I hosted the Wilmington Branch Christmas Party. Although fewer than expected turned out, we still filled the MMP Hall and had a great time. Thanks to all brothers and sisters who help set up and clean up. They are too numerous to mention by name. Special thanks to MFU's Mario Barahona for DJ'ing the music and emceeding the raffle.

This year marks the 50<sup>th</sup> anniversary of our own Ernie Jaloma receiving the Medal of Freedom, American Petroleum Institute's Meritorious Award, and a Letter of Commendation from Captain L.L. Stolts, USCG. In June of 1961,

Ernie was an AB on the tanker *Chevron*. In rough seas off Point Sal, Ernie jumped off their lifeboat and save an 80-year-old fisherman from drowning.

Five members attended our last meeting: again, no quorum. This is a Union run by its members. We should be able to do better than this. Attend your meetings if you're in port.

Mark Hurley, Branch Agent

## Honolulu

December 19, 2011

Shipped the following jobs in December: 1 Bosun (steady), 1 ABD (steady), 2 ABD (relief), 1 ABD (return), 1 ABW (steady), 2 ABW (relief), 3 AB Maint (steady), and 2 OS (steady). The jobs were filled by 5 A cards, 4 B cards and 4 C cards. Also shipped 20 standby jobs. The standby jobs were filled by 3 A cards, 7 B cards, 7 C cards, and 3 D cards.

Registered in December: 10 A cards, 2 B cards, 2 C cards, 1 D cards. To date totaled registered: 12 A cards, 6 B cards, 9 C cards, and 2 D cards.

### Ships Checked

*Manukai, Maunawili, Maui, Lurline, Matsonia, Manoa, Kauai, Maunalei, Mahimahi, Manulani, RJ Pfeiffer* and the Paint and Rigging Gang. All running with few or no beefs with the exception of the *Kauai*.

On the *Kauai* after receiving the regular voyage stewards' stores they received some "extra" stewards' stores sent to them from the *Moku Pahu*. These "extra" stewards' stores were nothing more than leftovers from the *Moku Pahu*. A partially eaten cake and some assorted meats placed in some Ziploc baggies without any expiration dates. After discussing this matter with SUP agent Vince O'Halloran, Matson was informed that this action was unsanitary, unsafe, and unacceptable. When I hear something from Matson concerning this issue I will pass this information on to the membership.

I represented the SUP at the Hawaiian Ports Maritime Council meeting where we discussed the issue of the longshoremen driving the autos too fast and unsafe on board the *Lurline*. After the HPMC

meeting I called Captain Bob Lamb, Matson's Manager of Vessel Operations on Sand Island and told him what was going on. He must have talked to the right people because when I visited the ship the next time it was in Honolulu I didn't hear one complaint about this issue.

A good time was had by everyone who attended the Honolulu Christmas Luncheon. A lot of good people, a lot of good food, and a lot of children. The children really liked receiving their presents (imagine that). I hope that everyone's New Year has gotten off to a good start and that the rest of the year will be just as good also. Mahalo,

Michael Dirksen, Branch Agent

## SUP members join pension ranks

The following SUP member joined the rank of pensioner, bringing the total number of SUP members to 820:

**Diane M. Ferrari**, 68, Book No. 2251, joined SUP in 1993, 10 years seetime.

## Dispatcher's Report

Headquarters—Dec. 2011

<b>Deck</b>	
Bosun .....	4
Carpenter .....	0
MM .....	10
AB .....	12
OS .....	1
Standby .....	12
<b>Total Deck Jobs Shipped .....</b>	<b>39</b>
<b>Total Deck B, C, D Shipped .....</b>	<b>15</b>
<b>Engine/Steward</b>	
QMED .....	0
Pumpman .....	0
Oiler .....	0
Wiper .....	0
Steward .....	0
Cook .....	0
Messman .....	0
<b>Total E&amp;S Jobs Shipped .....</b>	<b>0</b>
<b>Total E&amp;S B, C, D Shipped .....</b>	<b>0</b>
<b>Total Jobs Shipped - All Depts. ...</b>	<b>39</b>
<b>Total B, C, D Shipped-All Depts. .</b>	<b>15</b>
<b>Total Registered "A" .....</b>	<b>27</b>
<b>Total Registered "B" .....</b>	<b>21</b>
<b>Total Registered "C" .....</b>	<b>20</b>
<b>Total Registered "D" .....</b>	<b>33</b>

## Jobs rose by 200,000 in December

The nation gained 200,000 jobs in December, and the unemployment rate improved to 8.5% from 8.6% in November, according to Department of Labor released on January 6. The unemployment rate has declined by 0.6 percentage points since August, and the number of unemployed workers dropped to 13.1 million from close to 14 million.

The data also shows the "unemployment rate for adult men decreased to 8% in December. The jobless rates for adult women (7.9%), teenagers (23.1%), whites (7.5%), blacks (15.8%) and Hispanics (11%) showed little change. The jobless rate for Asians was 6.8%."

Most industries added jobs, with the exception of construction and government. In 2011, 280,000 jobs were cut in local government, state government, (excluding education) and the U.S. Postal Service. In December, employment in transportation and warehousing (50,000) and manufacturing (23,000) rose. Retail trade continued to add jobs in December, with a gain of 28,000. Health care added 23,000 jobs in December, and mining employment rose by 7,000 over the month. Over the year, mining added 89,000 jobs.

Hailing the report, AFL-CIO President Richard Trumka said, "The leadership of the President and Democrats in Congress is demonstrating a way forward." In fact, more private-sector jobs have been created under the Obama administration in either 2010 or 2011 than were created under the eight years of George W. Bush. But Trumka warned: "Immediate growth depends critically on extending unemployment insurance and the payroll tax cut, for the entire year, without the politicking and brinksmanship that has become the norm. From investing in infrastructure, keeping jobs in America, aiding our cities and states, keeping homeowners in their homes and continuing to reform Wall Street, we are hopeful for a New Year defined by putting America back to work."



MFOW Port Agent Bob Bugarin and SUP Wilmington Branch Agent Mark Hurley hosted the Wilmington Branch Christmas Party, on December 17, in the MM&P Hall. A great time was had by all. Photo: Ben Tagud.



Honolulu Christmas luncheon at the hall. Paint & Rigging Gang Bosun Monte Kalama in the foreground is caught in the act.