



West Coast Sailors

Official Organ of the Sailors' Union of the Pacific

Volume LXIX No. 6



SAN FRANCISCO, CALIFORNIA

Friday, June 16, 2006

Sailors' Union responds to federal government's proposal for new credentials for maritime workers

In response to the U.S. government's proposal to issue Transportation Workers' Identification Credentials and the Coast Guard's proposal to issue Merchant Mariners' Credentials to replace Merchant Mariner's Documents, SUP Vice President Dave Connolly testified before representatives of the Department of Homeland Security's Transportation Security Agency and the Coast Guard at a public hearing in Long Beach, California, on June 7, giving the Sailors' Union's views on the regulatory changes.

The ILWU, MM&P, MEBA and SIU-AGLIWD/NMU which also testified at the hearing along with the SUP were all united in their advocacy for the rights of U.S. maritime workers.

The complete position paper of

the Sailors' Union that was submitted to the government follows:

Summary

The Sailors' Union of the Pacific (SUP) makes these comments within the context of our strong support for the Department

of Homeland Security, the Transportation Security Administration, and the United States Coast Guard in their efforts to secure the nation from her enemies.

Indeed, with regard to maritime security, we have a sense of shared responsibility in this awesome task. In war after war, most recently in Operation Enduring Freedom and Operation Iraqi Freedom, our merchant mariner members have repeatedly risked their lives as part of the critical supply link to our troops overseas. And working as we do on ships, boats, docks and barges,

our members are every day of the week on the front lines of a potential maritime terrorist attack. There are few so interested in the positive outcome of increased security, few so patriotic in their service to national security, and few so affected by this proposed regulatory change as American merchant seamen.

The introduction of the Transportation Workers' Identification Credential (TWIC), as a measure to protect against terrorism in American ports, is therefore an initiative we support. Our support is consistent

with our long history in working for positive change on many maritime regulatory matters, most recently for example during the legislative process leading up to the Coast Guard Authorization Act of 2006 and the Maritime Transportation Act of 2002 (MTSA). During those legislative and rulemaking processes, the SUP advocated increasing port and ship security via a risk-based approach to terrorism. Indeed, the MTSA maintained the focus on terrorism risk that we think has been lost in the TWIC rulemaking.

continued on page 6

Ready Reserve Force honored for hurricane relief



Flanked by Acting Deputy Maritime Administrator Julie Nelson and Secretary of Transportation Norman Mineta, on Maritime Day in Washington, D.C., SUP member Barbara (Bobbi) Shipley, representing the unlicensed crew of the Ready Reserve Force (RRF) vessel *Cape Florida*, is awarded the Merchant Marine Medal for Outstanding Achievement for the vessel's recovery work in the wake of hurricanes Katrina and Rita. Sister Shipley served as A.B. and Relief Bo-

sun in the *Florida* when the vessel was activated in Orange, Texas, from mid-September to mid-November of last year. Also receiving the award on May 22, were Captain John Kelley, the vessel's master who represented the licensed personnel, and Captain Grant Stewart, RRF Program Manager for Patriot Contract Services which manages the vessel for the Maritime Administration.

The unprecedented activation of RRF vessels and training ships for a domestic emergency

provided the stricken Gulf Coast with urgently needed supplies, water, generation of electricity, assistance for oil spill cleanup and food and shelter for rescue and recovery workers.

In addition to the *Cape Florida*, the other MarAd vessels recognized were the *Cape Kennedy*, *Cape Knox*, *Cape Vincent*, *Diamond State*, *Equality State*, *Wright* and the *Texas Clipper II*, plus three training ships from state maritime academies: *State of Maine*, *Empire State* and *Sirius*.



Second class postage paid at San Francisco, CA (USPS 675-180)



Pictured above is the full gang of the s/s *Cape Florida* from left: Third Mate Collin; AB Alan Eng; OS Mike Ruan; AB Dave Hoffman; AB/Relief Bosun Bobbi Shipley; Bosun Sam Scott; AB Kim Colvin; OS Eddy Cathart; AB Wayne Simpson; OS Mike Vincent; and Chief Mate Mike McCright. All will receive the Merchant Marine Medal for Outstanding Achievement and a certificate that attests to the award.

For more information on Maritime Day, see page 4.

Report details abuse of foreign merchant mariners

A new report from the International Transport Workers' Federation (ITF) paints a disturbing picture of abuses of human rights at sea, and makes a plea for seafarers and fishermen's rights.

The report, *Out of Sight, Out of Mind*, warns that as a result of recruiting scams, vessel abandonment and virtual forced labor, some seafarers and fishermen are suffering horrific abuse. It was intended to help raise the issue at The United Nations Open-ended Informal Consultative Process on the Law of the Sea (Unicpolos) that was held in New York June 12-16.

During the meeting the ITF lobbied for the inclusion of human and labor rights issues in the maritime and fisheries sectors on the agenda for future discussion. The report exposes some of the terrible conditions inflicted on some seafarers and fishermen, and highlights systemic failures in the industries' regulation and practice. *Out of Sight, Out of Mind*

continued on page 4

SUP Honor Roll

Voluntary contributions from the membership to the following funds:

Organization/ General Fund

| | |
|--|---------|
| John Ahamar in memory of Jack Dalton | 20.00 |
| Bob Anderson | 20.00* |
| Jose Angeles | 30.00 |
| Charles Butler | 20.00 |
| Christopher Cooke | 20.00 |
| Mike Dirksen | 60.00 |
| Romaine Dudley | 20.00 |
| Tom Fate | 20.00 |
| Edgardo Franco | 20.00 |
| Marvin Glasgow | 40.00 |
| Jon Goodwin | 25.00 |
| John Hamann | 20.00 |
| Kaj Kristensen | 100.00* |
| Donnie Morris | 20.00 |
| Richard Reed | 20.00 |
| Teofilo Rojas in memory of William McAndrew | 50.00 |
| Gary Rymel | 20.00 |
| Ernest Stimach | 20.00 |
| Frank Walsh | 20.00 |
| Eric Weintraub | 20.00 |
| Erik Williamson | 20.00 |

*In lieu of dues increase.

West Coast Sailors

| | |
|-------------------------|-------|
| David Dodge | 25.00 |
| Marvin Glasgow | 25.00 |
| Richard Walsh | 10.00 |
| James Springer | 20.00 |
| Richard Blossom | 10.00 |
| Ojvind Bernhagen | 50.00 |
| Patrick Flynn | 25.00 |
| John Gugich | 30.00 |
| Ray Simpson | 25.00 |
| Eugene Souza | 25.00 |
| Andy Simkanin | 25.00 |
| Arthur Rogers | 25.00 |
| Clarence Curl | 25.00 |
| Richard Kingsbury | 25.00 |
| Paul Wuestewald | 50.00 |
| George Cooney | 25.00 |
| Clarence Hartwig | 25.00 |
| Paul Splain | 50.00 |
| William Smith | 25.00 |
| Chester Sherry | 10.00 |
| Carl Ziegler | 20.00 |
| Clyde Bell | 20.00 |
| Carl Schou | 25.00 |
| James Kula | 25.00 |
| Leo Surmeian | 25.00 |
| Herman Hallman | 25.00 |
| Kai Sorensen | 25.00 |
| Henry Quick | 25.00 |
| Edward Sabo | 25.00 |
| Donald Potts | 25.00 |
| Robert Arnall | 25.00 |
| Bob Anderson | 20.00 |
| Richard Chung | 25.00 |
| Earl Phillips | 25.00 |
| Michael Webb | 25.00 |
| Angelo Loffa | 50.00 |
| Eric Williamson | 20.00 |

Political Fund

| | |
|--|--------|
| Billy Bell | 25.00 |
| Dennis Belmonte | 100.00 |
| Roger Berioso | 20.00 |
| Gunther Brummer | 50.00 |
| Danny Colton | 40.00 |
| Dave Connolly | 25.00 |
| Jennifer Corner | 10.00 |
| Gene Davis | 25.00 |
| Mike Dirksen | 50.00 |
| Edgardo Franco | 20.00 |
| Sylvan Frankel | 25.00 |
| Joseph Ginez | 20.00 |
| Jon Goodwin | 25.00 |
| Antone Henriques | 25.00 |
| Nabeeh Hfid | 100.00 |
| Jill Holloman | 20.00 |
| Sedek Idris | 30.00 |
| Noel Itsumaru | 40.00 |
| David Kaupiko | 10.00 |
| James Kawasaki | 25.00 |
| John Kelly in memory of Bill Moku | 50.00 |
| John Kelly in memory of Dennis Dooley | 50.00 |
| Norman Kurtz | 20.00 |
| Preston Lau | 20.00 |
| Gunnar Lundeberg | 100.00 |
| Virgilia Managbanag | 10.00 |
| David Mercer | 10.00 |
| Paul Monti | 40.00 |
| Donnie Morris | 20.00 |
| Remigio Noble | 20.00 |
| John Palenapa | 25.00 |
| Richard Reed | 25.00 |
| Emmanuel Rezada | 50.00 |
| Teoilo Rojas | 40.00 |
| Rory Sheridan | 20.00 |
| Gabriel Sipin | 20.00 |
| Timothy Thomas | 100.00 |
| Grant Thorne | 25.00 |
| Louie Urbano | 10.00 |
| Frank Walsh | 30.00 |
| Greg Whitehouse | 20.00 |
| Chester Williams | 25.00 |
| Eric Williamson | 20.00 |
| Wil Williamson IV | 25.00 |
| Paul Wuestewald | 50.00 |
| Danilo Ycoy | 20.00 |

Dues-Paying Pensioners

| | |
|-------------------|------------|
| Rafael Cooper | Book #4687 |
| Romaine Dudley | Book #2593 |
| Duane Hewitt | Book #5748 |
| Knud Jensen | Book #3940 |
| John Jewett | Book #4291 |
| Tony Jones | Book #4305 |
| Kaj E. Kristensen | Book #3120 |
| Eli Lalich | Book #4062 |
| Gunnar Larsen | Book #3516 |
| John McKeon | Book #6456 |
| Joseph Napier | Book #2299 |
| John Pedersen | Book #3834 |
| John Perez | Book #3810 |
| Cliff Rouleau | Book #3144 |
| Ralph Senter | Book #7323 |
| Jack Stasko | Book #7430 |

Billy McAndrew remembered on Maritime Day



Photo by Dave Mercer.

SUP Brother William "Billy" McAndrew, who was lost at sea while serving as *Bosun* in Matson's *IBT Moku Pahu* in April, is remembered by family and friends at Honolulu's annual Maritime Memorial Boat Parade on May 21. Billy's son "Johnny", his daughter Margaret and his widow Mary prepare to drop a wreath in Billy's memory from the tugboat *Mikioi*. Honolulu Branch Agent Mike Duvall is pictured on the right.

Final Departures

George Haskell, Jr., Book No. 5706. Born in California in 1925. Joined SUP in 1943. Died in California, March 10, 2006. (Pensioner)

William Higgins, Book No. 5420. Born in Wisconsin in 1926. Joined SUP in 1947. Died in Sacramento, California, May 11, 2006. (Pensioner)

Robert Wynkoop, Book No. 2766. Born in California in 1919. Joined SUP in 1941. Died in Monterey, California, May 14, 2006. (Pensioner)

James Louie, Book No. 4040. Born in China in 1925. Joined SUP in 1951. Died in San Francisco, California, May 14, 2006. (Pensioner)

John Hughes, Book No. 5744. Born in Illinois in 1923. Joined SUP in 1951. Died in San Francisco, California, March 25, 2006.

Earl Moody, Book No. 5663. Born in California in 1925. Joined SUP in 1945. Died in Eugene, Oregon, May 14, 2006. (Pensioner)

Lawrence Blandin, Book No. 5726. Born in New York in 1934. Joined SUP in 1964. Died in Santa Ana, California, May 22, 2006. (Pensioner)

John Gouveia, Book No. 222. Born in Hawai'i in 1914. Joined SUP in 1939. Died in Honolulu, Hawai'i, May 20, 2006. (Pensioner)

John Gunderson, Book No. 2306. Born in Washington in 1913. Joined SUP in 1942. Died in Bothell, Washington, June 5, 2006. (Pensioner)

John Battles, Book No. 5512. Born in Missouri in 1923. Joined SUP in 1949. Died in Kirkland, Washington, June 1, 2006. (Pensioner)

Edward Kearney, Book No. 3116. Born in North Dakota in 1934. Joined SUP in 1952. Died in Vancouver, Washington, May 30, 2006. (Pensioner)

Vitaliano Villas, Book No. 849. Born in the Philippines in 1925. Joined SUP in 1949. Died in the Philippines, June 4, 2006. (Pensioner)

Richard Price, Book No. 3560. Born in Texas in 1928. Joined SUP in 1946. Died in Sand Point, Idaho, June 6, 2006. (Pensioner)

SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2006:

| | Hdq. | Branch |
|-----------|------|--------|
| July | 10 | 17 |
| August | 14 | 21 |
| September | 11 | 18 |
| October | 10* | 16 |
| November | 14* | 20 |
| December | 11 | 18 |

*Tuesday

West Coast Sailors

Published monthly by the Sailors Union of the Pacific (an affiliate of the Seafarers International Union of North America, AFL-CIO), Headquarters, 450 Harrison St., San Francisco, CA 94105. Phone: 415-777-3400. FAX: 415-777-5088. Dispatcher: 415-777-3616. Website: www.sailors.org. Second class postage paid at San Francisco. (USPS 675-180). Printed by Howard Quinn Co., a Union shop.

Gunnar Lundeberg,
President/Secretary-Treasurer
Teresa Anibale, Editor

BRANCH OFFICES

Seattle, WA 98106
2414 SW Andover St. (206) 467-7944
Bldg. F, Ste. 105 FAX: (206) 467-8119

Wilmington, CA 90744
533 N. Marine Ave. (310) 835-6617
FAX: (310) 835-9367

Honolulu, HI 96813
707 Alakea St. (808) 533-2777
FAX: (808) 531-3058

WELFARE OFFICE

(415) 778-5490
PENSION PLAN OFFICE
(415) 764-4987

Timely Reminder

Third quarter 2006
dues are due
and payable now!

SUP Constitution ARTICLE VI

DUES AND INITIATION FEE

Section 1. The initiation fee shall be Eight Hundred Dollars (\$800.00) payable in installments with the sum of One Hundred Dollars (\$100.00) being due and owing upon the members's admission into the Union and the balance of Fifty Dollars (\$50.00) per month for each month or part thereof in SUP-contracted vessels.

The initial installment of One Hundred Thirty Dollars (\$130.00) shall accompany the application of membership and the dues shall be One Hundred Thirty Dollars (\$130.00) per quarter, payable in advance.

U.S. Coast Guard revises drug and alcohol testing regulations

On May 26, Robert C. Schoening, Drug and Alcohol Program Manager for the U.S. Coast Guard, issued the following directive:

First and foremost, this regulatory revision, effective June 20, 2006, is applicable to all vessels in commercial service. All U.S.-flagged vessels are to be in compliance with this requirement and are to be prepared to do testing if there is a Serious Marine Incident. If a U.S.-flagged vessel has a Serious Marine Incident while in international or foreign waters, they are expected to comply.

Foreign-flagged commercial service vessels while they are in U.S. territorial waters are required to be in compliance. U.S. territorial water extends to 12 miles out from the coast line and all waters within that boundary line are considered U.S. waters.

This compliance requirement is being added to the checklist of items to be looked for when a foreign-flagged vessel arrives in a U.S. port or before entering the Great Lakes via the St. Lawrence River Seaway.

Personnel to be tested are those whose negligence cannot be discounted as contributing to the accident. This is a determination to be made by the marine employer. A law enforcement person may require additional vessel personnel to be tested.

To be more specific, the items as shown below are the basic requirements:

Alcohol Testing:

- Alcohol testing must be completed within two hours following a serious marine incident. If there are safety concerns to be met, then testing may be delayed until the safety concerns have been addressed. No testing is required after eight hours for alcohol.

- Alcohol testing devices must be currently listed on the CPL (Conforming Products List). The use of any device that is not listed on the CPL and published by the National Highway Traffic Safety Administration, will not be acceptable. This includes devices that may be listed on lists from another source, country, region, etc.

- Alcohol testing devices must be used according to the procedures specified by

the manufacturer. If a device is used incorrectly and not according to the procedures specified by the manufacturer, it may result in a penalty action against the marine employer.

- Alcohol testing can only be conducted by personnel trained to operate the alcohol-testing device. The person using the device may need to demonstrate their qualifications to use the device upon a bonafide request.

- The vessel should carry a sufficient number of alcohol test devices to test all personnel who could be involved in a Serious Marine Incident.

Drug Testing:

- Drug testing must be completed within 32 hours following a serious marine incident.

- Vessels must have a sufficient number of urine-specimen collection kits and chain-of-custody forms meeting the requirements of 49 CFR Part 40 that are readily accessible for use following a serious marine incident (46 CFR Part 4, Section 4.06-20), if the drug test specimens cannot be collected within 32 hours.

- Urine-specimen collections can only be conducted by personnel trained in DOT specimen collection procedures.

- All drug tests have to be collected in accordance with the requirements given in 49 CFR part 40. This includes the personnel who do the collections must meet the DOT collector qualification requirements.

- All drug tests have to be sent to a laboratory that is accredited by the U.S. Department of Health and Human Services for Workplace drug testing.

- The use of on-site testing devices or other types or forms of drug testing are not allowed in accordance with U.S. Coast Guard regulations.

- Arrangements for drug test collection can be made through a port agent or another agent of the marine employer. This does not negate the 32-hour requirement but does assist in meeting the drug test requirements.

Penalty:

- If it is determined that a vessel is not in compliance, that vessel/marine employer is subject to civil penalty action.

China's anti-worker labor practices prompts AFL-CIO complaint to Bush administration

The AFL-CIO filed a trade complaint on June 8, asking President Bush to penalize China, asserting that it violates workers' rights by suppressing strikes, barring independent unions and letting factories ignore laws on minimum wages and child labor.

The complaint says that repression of workers' rights has enabled Chinese companies to push down labor costs by at least 47 percent, undercutting American companies and causing the loss of more than 400,000 factory jobs in the United States.

"The Chinese work force is so large and its labor repression is so severe that it is dragging down standards for the entire world economy," the AFL-CIO's secretary-treasurer, Richard Trumka, said. "The fact is that China is violating international trade law, and our nation is doing nothing about it."

The AFL-CIO's complaint cites numerous cases in which Chinese authorities have suppressed efforts to form unions independent of the official government-backed organizations. The complaint also says that Chinese authorities regularly fail to enforce minimum wage and safety laws, noting that 26,700 Chinese workers died last year from industrial injuries and illnesses.

"This petition carefully documents what most Americans already know, but the Bush administration has yet to confront: that China persistently and systematically denies even the most basic rights to its people," said another congressional supporter of the complaint, Benjamin L. Cardin of Maryland, the senior Democrat on the Trade Subcommittee of the House Ways and Means Committee.

Thea Lee, an AFL-CIO economist, said the group's concern was not that China had low wages, but that it repressed workers' rights. If the Chinese government enforced workers' rights, the complaint argues, the country's overall manufacturing costs would rise sharply.

American President Lines' parent company plans major fleet and terminal expansion

Neptune Orient Line (NOL), which owns American President Lines, said this month, that it is ready to order super post-panamax containership, buy terminals, invest in inland transportation, and even consider acquiring other companies.

NOL Chief Executive David Lim confirmed this month that it is in talks with shipyards regarding the construction of 8,000 teu vessels for delivery in 2009 or 2010.

APL is the only top ten global shipping company that has not bought ships that size or larger. The biggest vessel APL now has in service has a capacity just under 6,000 teu's.

APL's partners in the New World Alliance, Japan's Mitsui O.S.K. Line and Hyundai Merchant Marine of Korea, have both ordered the latest generation of ships. Lim said "we need to keep in sync with our alliance partners."

Lim added that fleet expansion is just one element of the company's plans. NOL is also "actively looking" at acquiring terminals either in the intra-Asia or longhaul inter-Asia trades that would help APL avoid port delays and according to Lim "enhance our ability to optimize our network."

Inland Transportation Investments are also on the agenda, with NOL recently signing a joint venture for rail freight

services in India.

Lim said that the company would not rule out the possibility of acquisition activity as NOL is "continually looking for opportunities."

APL's nine-vessel, U.S.-flag fleet is crewed on deck by the Sailors' Union.

As the *West Coast Sailors* went to press, NOL announced that David Lim will leave the company later this year.

Lim left a ministerial post in the Singapore government to take over the reins of NOL in 2003 after the firing of former CEO Flemming Jacobs. Jacobs was forced to leave after the government-controlled company suffered losses in excess of \$300 million for the financial year 2002.

The sale of American Eagle Tankers to Malaysia's MISC was pushed through by the board before Lim was brought in to steer the struggling company back into the black. Lim's arrival in July 2003 coincided with an upward shift of the shipping cycle. He brought with him a strong commitment to cut costs, maximize yield and a prudent investment strategy that saw NOL expand steadily without jumping on to the mega-containerships bandwagon. The last three years have seen NOL blaze the profit trail, although there are signs that the days of high profit are numbered. No reasons was given for Lim's departure.

Matson wins Coast Guard environmental award for achievement in marine protection

Matson Navigation Company has been honored with the U.S. Coast Guard's 2006 Rear Admiral William M. Benkert Marine Environmental Award for Excellence. The Benkert Award was created to recognize outstanding achievements in marine environmental protection that go beyond mere compliance with industrial and regulatory standards. Matson was the only containership operator recognized in the 2006 award process, which is conducted every two years. Other recipients of the 2006 award include Dow Chemical, British Petroleum, Marathon Petroleum and Todd Shipyard.

"The William M. Benkert Award is the premier national award that recognizes excellence in marine environmental protection," said Captain Michael B. Karr, U.S. Coast Guard, Chief, Office of Vessel Activities. "The evaluation process is competitive; standards are rigorous and demanding. This award was created to recognize vessel and facilities operators who have implemented outstanding marine environmental protection program — programs that far exceed mere compliance with industrial and regulatory standards."

Matson has had a zero discharge policy since 1993 and is still the only container vessel company that has such a program. In 2003, Matson's *s/s Chief Gadao* became the first U.S.-flag container vessel certified to the American Bureau of Shipping's Safety, Quality and Environmental Management (SQE) program. All of Matson's vessels now have the SQE certification, which requires a documented environmental management system focused on continuous improvement. In addition, the company's offices and terminals are certified to the ISO 14000 environmental management system standard.

"Matson has also established a Matson Environmental Protection Zone which voluntarily limits discharges from the onboard oil water separators in coastal areas even when it is permissible legally to do so," said Paul Londynsky, Matson's SQE vice president. "Last year, we installed additional filters on the discharge side of the oil water separators to further reduce the oil content below the 15 ppm limit."

Environmental Affairs Manager Lisa Swanson added: "Recent projects to reduce air emissions include a new generator and turbocharger retrofits on our C9-class vessels, a slide valve retrofit on the *m/v R.J. Pfeiffer*, and installation of boiler combustion hardware on two steamships. In order to minimize the potential introduction of invasive species from ballast water, Matson has maintained a long and successful partnership with the California State Lands Commission to demonstrate innovative technologies. An Optimar (TM) system was installed and tested on a Matson vessel in 2003, and we are now in the process of testing an Ecochlor (TM) system on the *ITB Moku Pahu*."

Matson and SSA Marine also recently signed a new "green port" lease with the Port of Long Beach, setting a new environmental standard for terminal leases. As part of the new agreement, Matson will retrofit five vessels in its current fleet to use shoreside electricity, known as code-ironing, or technology that is at least 90 percent as clean as cold-ironing. In addition, a class of older vessels will be retrofitted with technology that is at least 80 percent as clean as cold-ironing.

The Benkert Award is named in honor of Rear Admiral William M. Benkert (1923-1989) a distinguished Coast Guard officer widely known for his leadership and vision in marine environmental protection. Matson received the bronze award in the large business vessel category.

National Maritime Day Proclamation by the President of the United States of America

The United States Merchant Marine plays an important role in ensuring our national security and strengthening our economy. As we celebrate National Maritime Day and the 70th anniversary of the Merchant Marine Act, we pay tribute to merchant mariners and their faithful service to our Nation.

Since 1775, merchant mariners have bravely served our country, and in 1936, the Merchant Marine Act officially established their role in our military as a wartime naval auxiliary. During World War II, merchant mariners were critical to the delivery of troops and supplies overseas, and they helped keep vital ocean supply lines operating. President Franklin D. Roosevelt praised these brave merchant mariners for persevering "despite the perils of the submarine, the dive bomber, and the surface raider." Today's merchant mariners follow those who courageously served before them as they continue to provide crucial support for our Nation's service men and women. America is grateful for their commitment to excellence and devotion to duty.

In addition to helping defend our country, merchant mariners facilitate commerce by importing and exporting goods throughout the world. They work with our Nation's transportation industry to share their valuable skills and experience in ship maintenance, navigation, and cargo transportation. This past year, the

good work and compassion of merchant mariners also played an important role in hurricane relief efforts. Ships brought urgently needed supplies to the devastated areas, provided assistance for oil spill cleanup, generated electricity, and provided meals and lodging for recovery workers and evacuees.

In recognition of the importance of the U.S. Merchant Marine, the Congress, by joint resolution approved on May 20, 1933, as amended, has designated May 22 of each year as "National Maritime Day," and has authorized and requested that the President issue an annual proclamation calling for its appropriate observance.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, do hereby proclaim May 22, 2006, as National Maritime Day. I call upon all the people of the United States to mark this observance by honoring the service of merchant mariners and by displaying the flag of the United States at their homes and in their communities. I also request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.

George W. Bush

Merchant Marine medals awarded to *Cape Florida* crew by MarAd

The Merchant Marine Medals for Outstanding Achievement were authorized by then Acting Maritime Administrator John Jamian in 2002. Accord-



Symbolism: The ship's wheel, representing guidance and direction, symbolizes professional and leadership achievement while serving in the United States merchant marine. The stylized merchant ship refers to the maritime industry. The stars highlight the four oceans of the world (Atlantic, Pacific, Indian and Arctic) and underscore the worldwide scope of the maritime service.

ing to MarAd, the medal may be awarded to honor mariners who have shown professional and/or leadership achievement while serving in the United States merchant marine. This medal will be awarded to those mariners who have dedicated their expertise and service to bring honor and distinction to the United States merchant marine.

The Merchant Marine Medal for Outstanding Achievement may be awarded to recognize merchant mariners who have participated in an act or operation of a humanitarian nature directly to an individual or groups of individuals.

The Merchant Marine Medal for Outstanding Achievement may be awarded to those leaders in the maritime industry who have dedicated years of service or achievement and/or given an extraordinary valuable contribution or work to the maritime industry.

Along with the medal, a certificate that attests to its issuance is given the recipient. Below is a photo of the certificate given to SUP member Barbara (Bobbi) Shipley in the *s/s Cape Florida*.



Former Maritime Administrator to head Seaway Great Lakes Trade Association

John Jamian, former Acting Maritime Administrator of the United States Maritime Administration, has been appointed to lead and develop the newly created Seaway Great Lakes Trade Association (SGLTA).

As president of the Michigan-based not-for-profit organization, with additional offices in Washington, D.C., Jamian's role will be to promote shipping and maritime related interests in the U.S. Great Lakes and St. Lawrence Seaway System. Working in partnership with public and private organizations, Jamian will address the critical issues and challenges facing the System, while promoting cooperation and dialogue on the responsible uses and benefits of this unique environmental and commercial resource. Prior to his stint at MarAd, Jamian served for six years as elected representative to the Michigan legislature. He also served as Executive Director of the Detroit/Wayne County Port Authority, Co-Chairman with Edsel Ford of Ford Motor Company of Sail Detroit, Chair of the American Great Lakes Ports, and member of the Board of Directors of the American Association of Port Authorities and the Michigan District Export Trade Council.

While Jamian expects to expand the membership significantly as the Association develops its mandate, initial support for the Association will be provided by Federal Marine Terminals, Inc. (FMT), and the American Great Lakes Ports Association (AGLPA). FMT is the primary stevedoring and marine terminal operator on the Great Lakes and a subsidiary of Fednav Limited, a Montreal-based shipping group. The AGLPA represents the public port authorities on the U.S. side of the Great Lakes, working with public officials in both Washington and the state capitols to advance policies that foster maritime commerce. AGLPA member ports are Duluth, Minnesota; Burns Harbor, Indiana; Chicago, Illinois; Cleveland, Ohio; Detroit, Michigan, Erie, Pennsylvania; Green Bay, Wisconsin; Milwaukee, Wisconsin; Monroe, Michigan, Oswego, New York; Superior, Wisconsin; and Toledo, Ohio.

Abuse of merchant mariners *continued from page 1*

can be seen at the webpage listing ITF publications: www.itfglobal.org/infocentre/pubs.cfm

The report notes that: 'While there is much to celebrate in the maritime industry there is also room for improvement. For, despite the vision of a progressive, responsible industry at the cutting edge of scientific and economic developments and sensitive to twenty-first century environmental concerns, the maritime and fishing industries continue to allow astonishing abuses of human rights of those working in the sector.'

'The cases cited can sometimes be attributed to exceptional rogue elements within the industry, but more insidious are the routine exploitations that indicate severe failings in the international regulatory process.'

The report also notes that although bad things can be in the maritime transport field they are often worse on fishing vessels, as shown by the huge discrepancies in the take up of regulations applying to the two sectors. For example the International Convention on Standards of Training, Certification & Watchkeeping for Seafarers (STCW) has been ratified by 150 states and covers 98.78% of the world fleet. By contrast its fisheries equivalent, STCW-F, has been ratified by five states representing 2.84% of the world fleet and still needs 15 more signatories before it comes into force.

The International Convention for the Safety of Life at Sea (Solas) has been ratified by 156 nations, representing 98.79% of the world fleet. Its fisheries equivalent has been signed by only 12 countries, representing only 9.66% of the world fleet.

Among the cases of injustice in the report are: The *m/v Arabian Victory*. Crew stranded in port for 45 days in temperatures of 44 degrees C without supplies. Denied any assistance, the captain issued a 48 hour distress notice to the owner and sailed for a port of refuge in India. There the owner used his influence to have it turned away and the abandoned crew accused of hijack.

The *Capbreton I*. Crew remained on the ship when it was sold by the French owners to a Nigerian company who then asked them to remain on board and maintain it when it was detained for entering Nigerian waters without authorization. After seven months without wages or supplies things actually got worse when they were arrested and accused of having an illegal cargo of oil on board. They spent 21 months in prison in appalling conditions.

The *m/v Salus*. Some of the crew had not been paid for two years and were ordered to stay away from the ITF. They were warned by the managing director that two new arrivals would 'cut out their lungs and make them swim in their own blood' if they didn't cooperate. One crew member was assaulted and stopped from leaving the ship by the two new men, the managing director and his bodyguard. Alerted by the ITF the police arrived and found the man locked up with his face, arms and feet taped up. It took police five minutes to free him, by which time he could barely breathe.

Tasman Spirit. In July 2003 the oil tanker *Tasman Spirit* ran aground at Karachi. Salvors were called in but were unable to prevent an oil leak. Despite the fact that the ship had been under the control of a port pilot the ship's master, crew and the salvage tug's captain were arrested and held as political pawns for nine months. It took an international campaign to have them freed without charge.

The Worker Next Door

By Barry R. Chiswick

It is often said that the American economy needs low-skilled foreign workers to do the jobs that American workers will not do. These foreign workers might be new immigrants, illegal aliens or, in the current debate, temporary or guest workers. But if low-skilled foreign workers were not here, would lettuce not be picked, groceries not bagged, hotel sheets not changed, and lawns not mowed? Would restaurants use disposable plates and utensils?

On the face of it, this assertion seems implausible. Immigrants and low-skilled foreign workers in general are highly concentrated in a few states. The "big six" are California, Florida, Illinois, New Jersey, New York and Texas. Even within those states, immigrants and low-skilled foreign workers are concentrated in a few metropolitan areas—while there are many in New York City and Chicago, relatively few are in upstate New York or downstate Illinois.

Yet even in areas with few immigrants, grass is cut, groceries are bagged and hotel sheets are changed. Indeed, a large majority of low-skilled workers are native to the United States. A look at the 2000 census is instructive: among males age 25 to 64 years employed that year, of those with less than a high school diploma, 64 percent were born in the United States and 36 percent were foreign born.

Other Americans nominally graduated from high school but did not learn a trade or acquire the literacy, numeracy or decision-making skills needed for higher earnings. Still others suffer from a physical or emotional ailment that limits their labor productivity. And some low-skilled jobs are performed by high school or college students, housewives or the retired who wish to work part time. Put simply, there are no low-skilled jobs that American workers would not and do not do.

Over the past two decades the number of low-skilled workers in the United States has increased because of immigration, both legal and illegal. This increase in low-skilled workers has contributed to the stagnation of wages for all such workers. The proposed "earned legalization" (amnesty) and guest worker programs would allow still more low-skilled workers into the country, further lowering their collective wages.

True, the prices of the goods and services that these new immigrants produce are reduced for the rich and poor alike. But the net effect of this dynamic is a decline in the purchasing power of low-skilled families and a rise in the purchasing power of high-income families—a significant factor behind the increase in income inequality that has been of considerable public concern over the past two decades.

In short, the continued increase in the flow of unskilled workers into the United States is the economic and moral equivalent of a regressive tax.

If the number of low-skilled foreign workers were to fall, wages would increase. Low-skilled American workers and their families would benefit, and society as a whole would gain from a reduction in income inequality.

Employers facing higher labor costs for low-skilled workers would raise their prices, and to some extent they would change the way they operate their businesses. A farmer who grows winter iceberg lettuce in Yuma County, Ariz., was asked on the ABC program "Nightline" in April what he would do if it were more difficult to find the low-skilled hand harvesters who work on his farm, many of whom are undocumented workers. He replied that he would mechanize the harvest. Such technology exists, but it is not used because of the abundance of low-wage laborers. In their absence, mechanical harvesters—and the higher skilled (and higher wage) workers to operate them—would replace low-skilled, low-wage workers.

But, you might ask, who would mow the lawns in suburbia? The higher wages would attract more lower-skilled American workers (including teenagers) to these jobs. Facing higher costs, some homeowners would switch to grass species that grow more slowly, to alternative ground cover or to flagstones. Others would simply mow every other week, or every 10 days, instead of weekly. And some would combine one or more of these strategies to offset rising labor costs.

Few of us change our sheets and tow-

els at home every day. Hotels and motels could reduce the frequency of changing sheets and towels from every day to, say, every third day for continuing guests, perhaps offering a price discount to guests who accept this arrangement.

Less frequent lawn mowing and washing of hotel sheets and towels would reduce air, noise and water pollution in the bargain.

With the higher cost of low-skilled labor, we would import more of some goods, in particular table-quality fruits and vegetables for home consumption (as distinct from industrial use) and lower-priced off-the-rack clothing. But it makes no sense to import people to produce goods in the United States for which we lack a comparative advantage—that is, goods that other countries can produce more efficiently.

The point is that with a decline in low-skilled foreign workers, life would go on. The genius of the American people is their ingenuity, and the genius of the American economy is its flexibility. And throughout our nation's history, this flexibility, the finding of alternative ways of doing things, has been a prime engine of economic growth and change.

Barry R. Chiswick is head of the Economics Department at the University of Illinois in Chicago. Copyright 2006, The New York Times. Reprinted by permission.

Port earthquake risk to be assessed

A new five-year project led by the Georgia Institute of Technology will devise strategies to counter the serious risk to U.S. ports posed by earthquakes.

The \$3.6 million program is being funded by the National Science Foundation and will seek to help port authorities and other stakeholders manage seismic risk. Methods to prevent damage to wharves and cranes will be evaluated using large-scale tests to be held at four labs of the Network for Earthquake Engineering Simulation (NEES).

"Given the growth in international trade, we don't think seismic risks at ports have received the proper attention," said Georgia Tech professor Glenn Rix, who learned of significant economic fallout from disrupted port operations. West Coast ports in Oakland, Los Angeles/Long Beach and Seattle are at the greatest risk, but concerns have also been raised regarding East Coast ports in Charleston and Savannah.

When an earthquake measuring 6.9 on the Richter scale struck Kobe, Japan, in 1995, port repairs cost \$8.6 billion and took two years, with the port falling from the sixth largest in the world at the time of the quake to the 32nd largest by 2003.

According to Georgia Tech, ports are particularly vulnerable to earthquakes because wharves are often built on unstable ground prone to liquefaction, a process in which shaking ground causes soil to lose its strength.

Foreign-flag cruise operator ordered to pay \$6.25 million to settle overtime beef

Carnival Cruise Lines will pay \$6.25 million to thousands of current and former crew members who alleged in federal lawsuits they were not paid enough overtime, the workers' attorney said.

If approved by U.S. District Judge Marcia Cooke, the settlement would mean payouts of between \$100 and \$150 for nine named lawsuit plaintiffs and other amounts for as many as 39,500 people who worked on Carnival ships beginning in November 2001.

The Miami-based flag-of-convenience cruise line will not admit wrongdoing under the settlement but will establish a grievance and arbitration process for pay disputes, Tucker Ronzett, the attorney representing the crew members, said.

Officials at carnival, the world's largest cruise line and a subsidiary of Carnival Corp., declined to comment because the case is pending. A court filing said both sides have agreed to a settlement but did not specify an amount.

The lawsuits were filed in March and October by Carnival workers who said the cruise line failed to pay them for work more than their regular schedules, which are often 70-hour work weeks.

Bloody Thursday

Coastwise events—Wednesday, July 5

San Francisco: ILWU Local 10, 400 North Point St. at 10:00 A.M.: Speakers, music and food.

Seattle, Washington: ILWU Local 19 will host a barbecue at Vasa Park on Lake Sammamish, off of Highway 90, from 11:00 A.M. to 4:00 P.M.

Wilmington: There will be a picnic at Point Fermin Park in San Pedro from 10:00 A.M. to 6:00 P.M. The event is sponsored by the ILWU.

Drunken master denies charges

Greek captain Perikles Petridis, who was fired by Celebrity Cruises and jailed after failing a breathalyzer test aboard the *Mercury*, is claiming his innocence.

The *Seattle Times* quoted Petridis' lawyer as confirming that he was drinking, but asserted that he was off duty at the time.

When the Coast Guard boarded the ship docked in Seattle at 1230 on May 19, Petridis was "in his quarters for a nightcap and a nap" before his duty resumed at 1700.

According to court documents, USCG officials board the *Mercury* in response to a report of a hydraulic leak when they con-

tact Petridis. After smelling alcohol on his breath, two breathalyzer tests were conducted onboard, registering blood alcohol levels of 0.095 and 0.099. The legal U.S. limit for operating a vessel is 0.04.

After being brought to a police precinct, two subsequent tests (at 1743 and 1746, after the time the captain would have been at the helm, had the USCG not intervened) put Petridis' blood alcohol level at 0.181 and 0.176.

Petridis' lawyer questioned the test readings, arguing that the equipment may have malfunctioned. On May 23, a judge set Petridis' bail at \$100,000. The Greek citizen faces up to a year in prison.

Queen Mary 2 seafarer dies after fight

A 40-year-old Filipino crewmember received serious head injuries in a fight with another Filipino on board the cruiseship *Queen Mary 2* on May 12. He died while being airlifted to the hospital.

The incident occurred in a recreation area restricted to the crew, and it is reported that several other crewmembers witnessed the fight.

The 49-year-old suspect was detained by the ship's captain and was formally arrested when the ship arrived at Southampton, England, on May 17. No passengers were involved or saw the incident, and the cruise continued on to Norway.

Sailors' Union of the Pacific's position on TWIC and MMC *continued from page 1*

Despite our overall support for security against terrorism, and despite several positive changes for our industry in the Coast Guard's proposed rule for the Merchant Mariner's Credential (MMC), we must raise several objections to the TWIC rulemaking. These objections can be generalized to a single point: real concern for security from terrorism must be balanced against fairness for maritime workers. With this in mind, we think the TSA rule (Notice of Proposed Rulemaking) on TWIC overreaches in some areas and is not strong enough in others.

A costly and restrictive credentialing program that severely impacts American workers, especially low-risk American merchant mariners, while ignoring gaping holes in much riskier areas, such as container screening or foreign mariner identification, lacks focus, is imprudent, and wastes valuable national security resources. We also doubt the rule's presumed connection between certain types of past criminal activity with increased risk of terrorism.

In particular, we contend that forcing the Hazmat commercial driver rules onto the maritime community is inappropriate. We contend that some disqualifying offenses are overly broad and not relevant to terrorism risk. We further contend that the TWIC waiver and appeal process by its complexity and potential for delay will unnecessarily unhinge the maritime careers of some innocent or reformed workers. We reject the provision that forces financially burdened maritime workers to shoulder the cost of yet another credentialing program, especially one that, for merchant mariners at least, is in some ways redundant. Finally, in light of the government-led erosion of basic privacy rights in recent years, we find no comfort in the rulemaking from potential further abuses in this area. Each of these points we develop more fully below. We comment on both rules, but most of our criticism however is directed at the TSA rule, with separate comments on the Merchant Mariner's Credential (MMC) before the close.

Disqualifying criminal offenses

There is no proven link between history of domestic criminality and increased risk of terrorism, yet this rulemaking fixates on that postulated nexus. None of the 9/11 hijackers had U.S. criminal records. Other plots since then were not discovered by criminal background checks. Indeed, there is some evidence that criminal background could be a contra-indicator of terrorism risk, as revealed in the investigation of the July 2005 London bombers. In any case, the connection between crime and terrorism is uncertain at best, and so if the true goal of this rulemaking is security, i.e., protection against terrorism, then threat assessment of American maritime workers should not depend so heavily on criminal records.

The legislative background is important. Disqualifying offenses in the Hazmat program of Section 1013 of the USA Patriot Act gives the TSA wide authority to determine the crimes that will prevent someone from working in the Hazmat industry. But the TWIC for mariners and the maritime workforce is authorized in the Maritime Transportation Act of 2002, in Section 70105(c). That language puts a significant limitation on the Secretary of DHS regarding maritime credentialing. It specifically states that an individual may not be denied a credential unless the individual has been convicted within the past seven years or released from incarceration in the last five, of a felony "that the Secretary believes could cause the individual to be terrorism security risk to the United States." In other words, the MTSA attaches to the criminality standards of the threat assessment the prerequisite of terrorism risk; past criminality alone is insufficient grounds for denial of a TWIC under the MTSA. This rulemaking, however, fails to make that distinction, and we contend that that failure is wrong on several levels.

First, it discriminates against lower wage workers who are statistically more likely to have criminal records yet who have no connection to terrorism and are also more likely to die for their country in American wars. Second, it unfairly selects low-risk mariners for additional screening despite the fact that they have already been vetted—in many cases repeatedly. Each mariner undergoes criminal background checks and threat assessments every five years at a minimum. But with checks now being done not only on renewals but also for duplicate and upgrade credentials, and when com-

binated with background checks required for work under military contracts, security threat assessments for mariners are nearly continuous.

We reject the contention that the waiver process will smooth over this rule's rigid application of the new disqualifying offense standard. Merchant mariners are veterans of the government credentialing process, and our experience gives us a unique perspective on this rulemaking, since we are the only group having been subject to similar processes for years. We have also recently experienced fundamental change to the established credentialing and certification system, in both the MTSA response to 9/11 and before that in the implementation of the STCW '95 Convention. Our experience tells us that despite the promises of government agencies, responsiveness, consistency, and reliability of process is elusive in initiatives of this nature. While the bugs are worked out of a system-wide change to a system that is not only strained but in the midst of transformation, and when the agency charged with administration of the system has very limited experience in real implementation of new credentials, then the income, health, and retirement security of American merchant mariners—who are already understood to be a minor risk—is unnecessarily jeopardized.

If mariners have successfully undergone repeated screens in the past, why should there be any concern now? Part of the answer is that the likelihood of a terrorism security risk should have surfaced in those frequent checks, making redundant checks not only unnecessary but potentially discriminatory. But the larger concern is that without the requirement to establish a connection between criminality and terrorism risk, as laid out in the MTSA, and without recourse to an impartial Administrative Law Judge (ALJ), the TWIC as proposed changes the game. Now, the criminal record itself is a disqualifier, and disqualified applicants must appeal to the same agency that denied them the credential.

There are inevitable procedural problems: the agency that makes the determination not only different (TSA vs. USCG), but also unfamiliar with the behavior and history of the mariner population. Also the change in standards of disqualification (MTSA vs. Hazmat) and in the methods of disqualification and appeal are common factors in the creation of administrative snags. Even if things don't go wrong, TSA could be overwhelmed, creating delay. Delay in the issuance of a credential, as noted above, is a life-and-death matter for mariners. For example, a simple matter such as an inaccurate court record or the "disposition of arrest status," (acknowledged in the rule as a trigger for interim disqualification), could become a career-ending event for ratings as they seek work elsewhere to pay the bills. And unlicensed mariners are more likely as a group to have had such problems in the past, and so will unfairly experience any potential administrative delays at a higher rate.

This rulemaking should look to the MTSA for its statutory authority, in particular Section 70105, and not graft the Patriot Act's Hazmat driver provision on a population for whom it is neither intended nor wholly relevant. Merchant mariners, in particular, have little to do with direct control of the transportation of hazardous materials, and in any case are part of a crew with many levels of immediate oversight. They are not the case of the individual driver alone and unsupervised responsible for the safe carriage of a tank of hazardous materials. On the contrary, merchant mariners are far more likely to notice, contain, and be affected by a hazmat incident than to be in a position to initiate one. Accordingly, we contend that the convenient transfer of Patriot Act Hazmat language to this rulemaking for use as the TWIC standard is inappropriate and potentially unlawful since the TWIC has its statutory authority in the MTSA.

To rectify the situation we suggest the following ideas be adopted for the final rule:

1. Connect felony record to risk of terrorism. The rule should specifically include the conditional language for felony disqualification established in the MTSA as the overarching criterion for denials, i.e., a felony criminal record "that the Secretary believes could cause the individual to be terrorism security risk to the United States." (MTSA Section 70105)

2. Remove some felonies from interim disqualification. The rule should eliminate the automatic denial (interim disqualifying offenses) based on felony convictions for the drug distribution, unlawful possession of firearms, fraud, or conspiracy or attempt

to commit any of these crimes.

3. Make threat assessment transparent. The rule should be further revised to make transparent the proposed threat assessment process and techniques, especially the precise methodology for denial because of felony offenses. In particular, specific connection of felony denials to terrorism risk should be explained in detail, both in the rule generically, and specifically to the case of the denied individual. Although the rule mentions various databases that will be used in threat assessment, it does not elaborate on how those sources are compiled or verified. It also provides for the use of any database (in section 1572.107) including those not mentioned in the rulemaking, effectively allowing any information at all, from any source at all without discrimination of the validity of that source, to be used to deny a TWIC to a maritime worker. TSA should disclose those contemplated databases both individually and in the rulemaking.

4. Remove uncertain disposition of arrest from the threat assessment. The "determination of arrest status" section, 1572.103 (c) triggered when criminal record checks indicate a charge without disclosing the disposition of that offense, should be eliminated.

There are many reasons why some charges remain on a record without indicating disposition. Some are the result of clerical errors where charges were dropped but never deleted; others are left over from the plea bargaining process. In any case, an undetermined arrest status is legally meaningless: it is not a conviction as defined by courts of law. Yet to deny a TWIC on the basis of a *potentiality* of conviction is to levy the heaviest punishment (denial of employment) for the most uncertain of charges. Furthermore, the TSA should understand that recovery of court records from the distant past can be extremely difficult, costly, and time consuming. Indeed, many workers will be forced to seek other work and lack the resources to pursue resolution of the TWIC denial. Accordingly, the 60-day period allotted for proving the disposition of the charges is not reasonable and should be extended. If the requirement remains, the TSA should extend the period to prove disposition of the arrest to a minimum of 180 days from the Notice of Initial Determination of Security Threat. Finally, in such cases TSA should consider issuance of an interim credential as discussed below.

5. Allow final appeal to ALJ. The decision of the Secretary, to be effective must withstand the test of impartiality, and so should therefore be subject to appeal to an Administrative Law Judge (ALJ) as is presently available to merchant mariner license and credential holders. There is a phrase in Section 1572.103 where TSA "receives and adjudicates" the finding from the contractors and database providers. Most usages of adjudication include the concept of settling by judicial procedure, but it is clear that TSA's intent here is to make an administrative determination. As explained more fully below, TSA should properly name its internal process as an administrative determination and should leave adjudication to the courts.

Cost and Process

Maritime workers are already financially strapped by the cost of their own credentials. Forced to pay for drug screens, physicals, training and official documentation, our industry is among the most regulated in the world. We have for years undergone background checks at our own cost. We pay for the credential itself and the evaluations of our eligibility for the credential. Those costs are incurred at a minimum of once during five-year renewal period. But the reality is that the frequent delay in the processing of applications, and the circumstances of duplicates and upgrades, mean that the cost is more commonly incurred in 3 or 4 year periods. Forcing mariners to now pay again for yet another credential increases their hardship, and in the case of denials, adds insult to injury as they are forced to pay for their own exclusion. Financially, there is a discriminatory aspect to the rulemaking. Lower wage maritime workers and unlicensed mariners, in order to comply and continue working, will bear a disproportionately higher financial burden in percentage terms than higher-compensated workers.

It is important to remember that the associated cost is measurable in time and effort in addition to money.

continued on the next page

Sailors' Union of the Pacific's position on TWIC and MMC

There is a large investment of our non-compensated time required to acquire, re-issue, and renew the credential. In addition to physically going to the enrollment center twice, once for application and once for issuance, the expenditure of time in understanding the regulations, the process, and the fees is considerable. Far greater expenditures of time are possible in problem cases. The NPRM says that criminal background checks are normally performed in 30 days. We find that estimate puzzling and potentially misleading. It certainly does not reflect our present experience, if by background check the TSA means full clearance and issuance of the credential. If TSA is referring to the background check only, a 30 day estimate is essentially meaningless from the point of view of the maritime worker, since performing the background check does not by itself issue the credential. There are several steps in the threat assessment that are potential sources of delay, and several more steps in the issuance procedures that are further sources of delay.

We understand that with an initiative of this size and ambition, there must be an application process that attempts to positively identify all applicants and then vet their backgrounds. Notification of application status must be built into the system, and of course, there must be a reliable method for appeal and waiver. The proposed rule includes these provisions. Our concern about the process is generally not in its elements, however, but rather in TSA's ability to handle the sheer size of the undertaking. The number of applications may be far more than the rulemaking estimates, system overloads may cause long delays before tight deadlines, and the possibility for administrative mistakes is enormous. TSA has very limited experience in initiatives such as this, and the potential for unnecessary and unfair disruption to employment is considerable.

Moreover, the size and complexity of this project suggests a high likelihood of case-specific problems. The present process is already plagued by delays. We know some renewals of Merchant Mariner's Documents can take up to six months or more. Coast Guard Regional Exam Centers (REC's) have told our members to begin the renewal process as much as 12 months in advance. Adding complexity, additional requirements, and a larger population to a system of review that is not substantially different than the present system suggests a high probability of unnecessary delays that will put low-risk American mariners out of work. Finally, the rule contains no federal preemption of state, local, or company-specific credentials. We contend that in order for the credential to be effective, there can be no confusion and no duplication. There should be no port-by-port security clearances: possession of a TWIC should preempt all other qualifications

To help administer the process, and to rectify the cost burden, we suggest the rule be revised as suggested below:

1. Mariner exemptions. Beyond the February 1, 2003 background check exclusion, TSA should consider exempting all American merchant mariners from the cost of TWIC compliance first because of their extremely low security risk and second because of the many background checks they have undergone in the past.

2. Allow merchant mariners extended enrollment periods. Many mariners are deployed overseas for long periods of time. Compliance may be difficult, especially since it appears that foreign enrollment centers are not likely. Therefore, stretching out the compliance period for mariners generally would avoid a large source of potential problems.

3. Subsidization of cost for mariners. Although the MMC will reduce our usual Coast Guard costs, the TWIC will result in a net increase in total cost of credentialing. TSA should provide funding to subsidize the cost of the TWIC for low-risk American merchant mariners.

4. Expedited service. TSA should provide expedited or prioritized application service for American merchant mariners. Mariners are often absent for many months at a time, and when in the United States for short port calls, it is often difficult to find the time to handle even the most basic and standard personal administrative tasks. TWIC application and receipt will be more burdensome to them than other workers who remain fixed in a certain locale.

5. Interim credential. TSA should consider issuing a temporary credential for those individuals who are attempting to rectify a problem that surfaced in

the application process. That problem might stem from a case of mistaken identity or inaccurate court records. In other words, those who have been issued a Notice of Initial Determination of Security Threat, should also be issued an interim, temporary credential that will allow continued employment while court records are accessed, identification checked, or other problems resolved. If the problems cannot be resolved, the interim credential expires providing both a high-level of protection with fairness for workers.

6. Federal preemption. Possession of a TWIC should grant access to all secure areas in every port in the United States. Duplication of credentials specific to states, ports, and companies will undermine the effectiveness of the program by adding to the confusion.

Privacy

We understand that the TSA has in this rulemaking made assurances as to the privacy of the individual information used in the threat assessment. Unfortunately, such assurances do little to calm our anxiety about the privacy of personal information entrusted to the United States government. We have in recent months learned of the loss to criminals of a vast database of personal information on more than 26 million of the nation's military veterans. This followed cases of infiltration by hackers of a popular commercial database provider. Most recently, we learned from the Associated Press that the personal information in the nation's database on nuclear contractors working for the Department of Energy had been hacked. There is little evidence to suggest that either the federal government or its industry contractors have the inclination or the ability to keep the personal information of millions of maritime workers secure. After control problems, we are not convinced that there are appropriate processes in place for correctly analyzing the data. The nation's database program on immigration, for example, has according to the Washington Post been unreliable in distinguishing between legal and illegal immigrants. Of course, against the broader backdrop of the federal government's systematic use of warrantless wire-tapping, detention of U.S. citizens without charges, spying on protesters, and other civil rights abuses, we believe there is general cause for our skepticism. Accordingly, we urge adoption of the following points on privacy:

1. Information transparency. TSA should specifically outline the databases that are accessed. In the case of denials, TSA should name and provide to the denied individual access to the information sources that were used in the threat assessment process.

2. Reinforce data security measures. Although the process should be transparent, individual records should be safe from unauthorized access. Of course, reports of leaked or lost information, or hacked databases, will erode confidence in the program. But workers need to be convinced beforehand that reliable such measures are already in place. This proposal does little to convince us that anything except the usual protections will be employed.

3. Limit access to TSA and USCG officials only. Employers generally do not have a need to know the personal backgrounds of workers in their employ. That is the responsibility of the government. If a TWIC is denied, then the individual is denied access to the workplace: informing the employer is an additional and unnecessary step. Likewise, there should be no employer reporting to the TSA about suspicious activities with regard to the TWIC, because an objective, impartial process for such reporting is unlikely and easily compromised.

Foreign Mariners

By requiring low-risk American merchant mariners to acquire a new, more restrictive credential according to tough new criteria, the United States is again increasing the strength of its terrorism defenses where it is already strong and continuing to ignore her weaknesses. This strategy runs counter to the Coast Guard and DHS stated strategy of a risk-based approach to security. A risk-based approach would at least temporarily exempt low-risk, vetted American merchant mariners from this process and focus instead on foreign mariners. But the rule explains the exemption tersely: "the particular situation of foreign mariners makes it impractical to issue this population TWICs, and it has been determined that it is inappropriate to this rulemaking."

Surely the impracticality is not limited to foreign mariners as American mariners fund a process with their own time and money that could put them out of work for good. The Coast Guard goes further than that, however, by exempting some vessels that would be required to comply with the TWIC, since they are not covered by International Convention of Safety of Life at Sea (SOLAS) or the ISPS code. When our nation's security is at stake, why are we giving breaks to the riskiest part of the mariner population?

Foreign mariners comprise at least 95% of mariners in American ports at any one time. These mariners are neither known nor understood. Their identities cannot be verified, their backgrounds cannot be researched, and their training and professional qualifications cannot be assumed valid. Academic studies have revealed widespread fraud in worldwide mariner documentation. In terms of port security, foreign mariners are far more risky than American mariners, and the threat is palpable as they mass on the national borders of our ports every day. Indeed, there have been several cases since 9/11 of these mariners entering the country undetected (by jumping ship) despite being listed on watch lists. Yet this rulemaking not only exempts them from the TWIC and contemplates no action to address the problem, it instead raises the bar for compliance for American workers by comparison.

The effect is twofold. Foreign mariners increase their unfair and already substantial competitive advantage over American mariners who are held to tougher standards, and the American maritime industry is forced to bear another cost and hassle that the foreign competition evades. And despite the higher risk of foreign ships, we learned recently by reporting in the *New York Times* that the Coast Guard is notifying these ships in advance of compliance check boardings. Apparently responding to the complaints of shippers about the cost of delays, the Coast Guard's advance warning gives the foreign entities—individuals or companies—time to organize and prepare for a higher level of scrutiny. This seems like self-defeating security, like an advance notice for a pop-quiz. If port security is the real concern, why should the United States make it easier for foreign shipping companies who may or may not be complying with a far lesser standard?

The argument that the credentialing security of foreign mariners is protected by compliance with the International Ship and Port Security (ISPS) code, as suggested in the rule, is easily dismantled. Leaving alone the fact that foreign mariner documentation is often fraudulent, it must be understood that the privacy laws of most maritime nations prevent background checks on individual mariners. Moreover, most nations do not have the means to check the identification of applicants. Positive identification, that is the clear and reliable determination that a person is the same as that person indicated by his/her documents, is not a worldwide credentialing requirement. Essentially, "you are who you say you are" in the world of international maritime labor. Without background checks, and without reliable means of positive identification, foreign mariner credentials reflect the identity claim made by the applicant. This means, of course, that there is a very low level of certainty regarding the identities of foreign mariner in U.S. ports. When combined with the ease with which international credentials can be obtained (sometimes without the presentation of any documentation other than a payment) the obvious path of least resistance for a would-be terrorist would be entry into the U.S. by foreign-flagged ship. As long as his/her name does not surface on a terrorist watch list, entry is granted. Therefore, the credentialing required by the ISPS code, which depends on limitations of ILO 185, provides the United States with a security benefit that is negligible at best. At worst, the TSA blithe acceptance of the ISPS requirements as adequate with regard to foreign mariners projects a false sense of security and diverts attention and resources away from the areas that are known to be high-risk.

Of particularly high-risk is the large population of foreign mariners on cruise ships living and working much of the time inside the United States. To understand the risk, the Coast Guard and TSA must acknowledge the notoriously shifty and opaque maritime labor business. Manning agencies in one country—say Cyprus, employ mariners from a labor supply country—such as the Phil-

continued on page 10

ESU Office Assignments

For the month of July, Tommy Thompson will be in the Seabrook office and Kevin Conroy will be in the Benicia office.

ESU NEWS

JUNE 2006

Official Publication of the Exxon Seamen's Union

Documentation reminder

As previously reported by the Union, SeaRiver Maritime has adopted a policy that requires all employees to provide proof of sixty-days (60) validity on all required documents to be allowed assignment. Mariners that cannot meet this requirement will, without exception, not be allowed assignment, and members that have traveled to a vessel will be required to pay for their own transportation back to their "home port". In addition, any employee that does not possess proper documentation, after exhausting any paid leave pay, will be on an "off pay" status until the documentation is obtained, and have started an assignment.

Recently several members have found themselves with documents that were expired or scheduled to expire before a full sea tour could be completed. These instances have in some cases resulted in a member being on an "off pay" status for several weeks. The ESU strongly recommends that members start their application process with the USCG at least six (6) months prior to the expiration of any documents. Members should not rely on any anecdotal accounts of quick turnarounds at any Coast Guard REC. Response times from one REC to another in many instances vary greatly. Moreover, response times within the same REC can differ greatly depending on that offices workload at any given time.

Members that find themselves on an "off pay" status due to non-compliance with documentation requirements not only suffer the immediate financial loss, but can, in cases of prolonged non-documentation find themselves in jeopardy of losing health care subsidies and other benefit credits and could ultimately, if not able to accept assignment be separated from the company.

The Union encourages members to not only start early with the application process, but also be mindful of their existing documents expiration dates and contact the USCG to track the progress of the application if there are any concerns as to their response time. Additionally, it is advisable to keep Fleet Manning apprised of the status of the renewal process if there have been any problems encountered in obtaining the required documentation.

ExxonMobil heads list of underfunded pension plans

In a recently published article that appeared in Business Week magazine ExxonMobil was reported to have a pension fund deficit in excess of \$11 billion. This deficit is reported to be the largest amount of all US companies. Following ExxonMobil in respect to pension-funding shortfalls are Ford, Delta Airlines, Lockheed Martin and General Motors.

A pension fund is generally considered to be underfunded when its assets are less than its liabilities. Meaning that there are insufficient funds (assets) available to satisfy all outstanding retirement/pension obligations (liabilities), if those obligations were all to be paid at a given time.

ExxonMobil's presence among those companies with the largest shortfalls remains to some experts somewhat baffling, considering most of those listed are known to be experiencing serious financial difficulties and are cash strapped and unable to fund their plans up to an acceptable level at this time. However, that is not the case with ExxonMobil, reportedly with an excess of \$39 billion in cash. The company reported a net income of \$8.2 billion in its last quarter. This amount alone, earned in a 90-day period, would significantly reduce their pension deficit.

However, ExxonMobil media relations advisor Dave Gardner is quoted as stating; "We strenuously object to the use of the word 'underfunded' because we are not, [according to] the terms of the people that set the regulations." And concludes; "The company has the wherewithal to meet its funding obligations, period."

The laws and regulations governing pension plans are complicated and subject to differing legal interpretations. However, there are no claims against ExxonMobil suggesting that they are not funding their plan in compliance with existing law. Many such funds have found that their funding has fallen short,

particularly in the last five years, as low interest rates have adversely affected investment returns within the funds.

Critics of ExxonMobil's existing plan funding, though readily acknowledging the corporations financial solvency, argue that if bankrupt airlines, steelmakers, and auto parts suppliers had contributed extra cash to their pension accounts during good years, today's pension crisis probably wouldn't be nearly so severe.

The Pension Benefit Guaranty Corp. (PBGC) is the federal corporation that protects the pensions of more than 30,000 pension plans. Presently, the PBGC is administering some 3,500 failed plans, including such high profile pension plan failures as Enron and United Airlines. Retirement benefits paid out by the PBGC are usually significantly less than those that a retiree would have received under their company's promised retirement pension plan.

It is believed by some that companies are hesitant to make contributions to their funds that might conceivably result in a surplus if investment returns were to exceed expectations. Presently those companies are effectively barred from later reclaiming the surplus. The law was enacted to stop companies and takeover artists from raiding employees pension funds, such as occurred in the 1980's. Currently pension reform bills in both the House and Senate are being reconciled in an attempt by the government to get to 100 percent funding from the 90 percent that is currently required.

A comparison of ExxonMobil's pension plan funding in respect to its current financial standing seems to indicate that there is no need for concern by those vested in the plan. The company's ability to meet the plans financial requirements at this time is apparent. Though, members should keep themselves informed.

Training courses continue

Training course schedules for 2007 are now being considered and preliminary plans are being formulated as to the frequency and number of courses that will be offered going forward. In a recent meeting between the Executive Board and SeaRiver managers a review of members that have attended Advanced Deck Operation (ADO), Advanced Engine Operations (AEO) and the accompanying Dangerous Liquids Course (DLC) training indicates that the majority of members on the Pumpman seniority list have completed the training. However, more than eighty- (80) members in the deck and engine departments are still eligible for participation in the respective courses.

The Union encourages members to get in touch with their fleet manning contact or the SeaRiver Training Department and make their desire to attend these courses known. The number of courses scheduled will be determined greatly on the expressed need of the membership. Further training for the two departments will be developed and introduced upon the completion of participation in these existing courses.

The few Pumpman that have not yet completed AEO and DLC training are likewise urged to do so. Additionally, more billets for this rating are expected to become available in the Confined Space

Awareness Course. Both Pumpman Charlie Pollard and Engine Department Trustee Will Ackley have attended the course and have given very positive reports to the Union in respect to the training. The course is required to be attended by all deck officers, Chief Mates to 3rd Mates and 1st Assistant Engineers. However, Pumpman are being offered spots in the training, as well. As more spots become available and the deck and other engine ratings begin to reach maximum participation in the AEO/DLC/ADO courses those ratings will also be given an opportunity to attend this training.

In addition, more billets will be offered to those that attend firefighting to include not only Basic Firefighting (BFF), but also Advanced Firefighting (AFF). Members are likewise encouraged to contact the company if they have not attended a firefighting course in a number of years and want to be considered for BFF or both BFF and AFF.

Presently, the Union and management are discussing the need for further onboard training in conjunction with the training that has already been completed with instructor and longtime Fleet Chef Ayers Gonzales. The Union believes that more training should begin to be considered and will be working with Steward Trustee Joe Pereira to identify areas of need and develop the appropriate training.

Contract talk: Refusal of assignment

The Union will present, on a recurring basis, articles dedicated to providing to its members information that will aid them in gaining a better understanding of the labor Agreement between SeaRiver Maritime and the Exxon Seamen's Union (Affiliate of the Sailors Union of the Pacific, AFL-CIO).

Subject: Refusal of Assignment

Contractual Language: Article VII, Section 6

Through the years members many have heard that they have a right to refuse an assignment to a vessel or in some cases that they are allowed one refusal per year. Members should understand that there is **NO** contractual right or company policy at this time that would allow a member to arbitrarily refuse assignment to a vessel.

Contractually, the only mention of this issue is found in the above mentioned contract language. That language titled "Refusal of Assignment" reads in its entirety; *Any employee on standby with pay who refuses an assignment will go off pay until further assignment is arranged and will forfeit all Fleet reserve theretofore accrued.* This language refers directly to members that after expending their paid leave had still not been assigned by the company to a vessel and was placed on Fleet Reserve status, with pay. Contractually, a member on Fleet Reserve that subsequently refuses an assignment would forfeit all Fleet Reserve pay up to the time of refusal and future pay until which time that the member reported for assignment.

Further clarification of this issue came in an Arbitrator's decision handed down in March of 2004, when the ESU argued before the Arbitrator that a 'warning letter' issued to a member that refused assignment was inappropriate and that nothing in the Agreement permitted any actions other than that stated in Article VII, Section 6. The Union presented evidence of past occurrences of refusals that had not resulted in any form of disciplinary action and further offered into evidence excerpts of sworn statements in an earlier arbitration hearing from a former HR manager verifying that in the past the company did in fact allow employees one assignment refusal a year.

However, the Arbitrator ruled in favor of the company and in a lengthy written decision wrote in part; *The Neutral Arbitrator finds that the Agreement's provisions do not immunize the Grievant or other employees in similar situations from discipline when they refuse vessel assignments under the circumstances that happened in this case.* The decision continues; *The warning letter is a reasonable form of discipline under the circumstances in this case. The Grievant's conduct was intentional and negatively affected the efficient operation of the assignment scheduling process.*

Though the Union did not agree with the Arbitrator's findings in this matter, the Arbitrator's decision was final and clearly defined the companies right to discipline employees for refusal of assignment.

ESU News

Ship reports

S/R American Progress

A Board officer visited the vessel on May 25, at the Houston Fuel Oil Dock in Baytown, TX. Ship Representative Chuck Bell going home, Joseph Buffington filling in during Chuck's absence, and reports all is well. The current plans were for the vessel to go out to the Gulf and clean tanks for a couple days and return to her Texas to Florida gasoline run. The ship had a nice send off for FC Audrey McDaniels ahead of her upcoming retirement. The Board thanks "Buck" for filling in as Temporary Ship Rep.

S/R Baytown

Regular ESU Representative. Joe Bernavich onboard and communicates frequently with the ESU offices. Joe reports everything running smoothly. The vessel is on her way to Long Beach, CA, before heading to Singapore. Executive Board is planning to visit the vessel before it heads out for the long Pacific crossing.

S/R Galena Bay

The Galena Bay arrived in Galveston, TX, on the 24th of May, at which time a ESU Board Officer conducted a visit at the City Dock. AB Rudy Benavides filling in as Temp. Representative and reports no beefs to report. The crew has been tank cleaning since her departure from LA/Long Beach. She discharged the dirty cargo in Houston. At press time the vessel appears to be scheduled for turnover to OSG on approximately July 1. The Union appreciates Rudy's contributions to assuring ESU representation aboard the vessel.

Kodiak

The *Kodiak* continues in her regular

Valdez to Puget Sound trade. Regular Ship Representative. Timothy William is onboard and staying in touch with the ESU offices via his personal e-mail. Tim is conducting regular shipboard Union meetings and has conveyed Stewards Department concerns and questions on to the Executive Board.

S/R Long Beach

Long time Ship Representative. Joe Graca reports that everything is running routinely on the *Long Beach*. The ship continues her Valdez /LA /San Francisco Bay ANS trade route. As always, Joe is keeping in close communications with the Union.

Sierra

Vessel continues its major facelift in Singapore. First group of members departed the states for Singapore on June 9, followed by more on June 16. The newest addition to the fleet isn't expected to load her first cargo under the SeaRiver house flag until early September.

S/R Wilmington

The vessel was visited at the ExxonMobil Dock in Baytown, Texas on May 25. Representative Jeff Harris has recently returned to the ship from paid leave. Bob Ross filled in for Jeff and reported that there were no complaints. The vessel continues on her regular routes between the Gulf and East coast. The crew was staying busy as usual, but still found time to get a break to give FC Joe Pires an excellent retirement send-off, with a couple gifts and a nice dinner that Joe did not have to cook. Thank you Bob for filling in and coordinating the efforts for Joe's send off.

Pires retirement send-off on S/R Wilmington



The crew on the *S/R Wilmington* takes time from their busy schedule to give FC Joe Pires (Pictured: Front, standing) a nice retirement party. For the first time in many years Joe did not have to cook his dinner onboard a vessel.

Pires and Pumphrey retire

The Union has been notified that two longtime ESU members have elected to retire.

Joe Pires (Fleet Chef) – After nearly 30 years of Company service and membership in the ESU, Joe has decided that it was time to retire. Starting his career with the Company aboard the *Esso Seattle* in August of 1976, sailing as Utility/Messman. Joe's last ship was the *SeaRiver Wilmington*.

Joe is looking forward to retirement, as he'll be spending a lot of time in his native country of Cape Verde, taking it easy and putting the final touches on his new home.

George Pumphrey (Fleet Chef) – George took a medical retirement effective June 1, 2006 after 33 years of combined service with the Company. George started his career in April of 1973 with then Mobil Oil, 10 ½ years later he came to work for Exxon Shipping in January 1984 as a Utility aboard the *Exxon Washington*, his last vessel was the *Kodiak*.

George too is looking forward to a less stressful lifestyle.

Both Joe and George have been loyal and supportive members and their contributions will be missed by the Union and the membership. The ESU Board and membership extend to Joe and George a sincere, "job well done" and wish both of them a long and happy retirement.

Benefits Corner: Matching gifts and grants

The Union will present on a semi-regular basis articles such as this focusing on various benefits offered to members through either the ExxonMobil benefits package or SeaRiver specific benefits such as the Blue Cross and Blue Shield medical and dental plans.

Have you ever donated time, money or food to your local food bank, Red Cross, hurricane relief effort or other such charitable organization? Or how about your former college or your kid's college? If so, or if you plan to do so in the future your gifts could be supplemented by matching funds or with an outright grant from the ExxonMobil Foundation. As ExxonMobil employees ESU members are eligible to participate in these matching gift and volunteer grant programs. These programs provide company matching funds and grants to qualifying colleges, cultural institutions and community programs.

There are four different matching gift and grant sub-programs within the overall charitable contribution program.

The first and most generous of the programs is the Educational Matching Gift Program. This program is intended to encourage giving to higher education by

employees, retirees and surviving spouses. Each calendar year an eligible donor may have up to \$7,500 in gifts to U.S. colleges and universities and to certain consortia of minority colleges and universities, such as the United Negro College Fund matched by the ExxonMobil Foundation. The matching ratio is \$3 for every \$1 contributed by the individual. This would mean, for example, if you were feeling particularly generous and donated \$7,500 to your son or daughter's university you would be eligible for the ExxonMobil Foundation to match your contribution with \$22,500 for a total contribution of \$30,000. Of course, smaller contributions qualify as well.

There are guidelines for eligibility however. In order for your contribution to qualify you must have some sort of personal affiliation with the institution. Either you, your spouse or your children must have received a degree from, attended, or be currently attending the college or university, the school must be located in the United States and it must be an accredited degree granting institution. Contributions cannot be directed toward intercollegiate athletic programs.

Another program is the Cultural

Matching Gift Program. This program assists employees, retirees and surviving spouses in their personal giving to cultural institutions by providing a matching contribution of \$1 for every \$1 contributed by the individual. Each calendar year an eligible donor may have up to \$2,000 in gifts to cultural institutions matched by the ExxonMobil Foundation. Examples of qualified institutions are art, science and historic centers and museums; orchestras; choral groups; opera, theater and dance companies; libraries; public television and radio stations; zoos; aquariums; botanical gardens and historic preservation organizations.

The third and fourth sub-programs are

the Individual and Team Volunteer Involvement Programs. In the Individual Program a \$500 grant is awarded to a charitable, non-profit organization after a participant volunteers at least 20 hours of his time to the organization during a calendar year. In the Team Program, \$500 is awarded to a charitable, non-profit organization after a team of at least five eligible participants volunteer for a combined total of at least 20 hours on a specific project during a calendar year.

For more specific details and requirements for these programs go to www.easymatch.com/exxonmobil or call (877) 807-0204.

EXXON SEAMEN'S UNION

Founded March 28, 1941

Affiliated with the Sailors' Union of the Pacific

1320 5th Street, Suite A
Seabrook, TX 77586
Tel (281) 474-2430
Fax (281) 474-2463
E-Mail: esusea@sbcglobal.net

P.O. Box 792
Benicia, CA 94510
Tel (707) 746-5713
Fax (707) 746-7859
E-Mail: esuben@sbcglobal.net

President Kevin Conroy

Vice President John Straley
Secretary/Treasurer Leo DeCastro
Recording Secretary Thomas Thompson III

Deck Trustee Patrick Campbell
Engine Trustee William Ackley
Steward Trustee Joe Pereira

Sailors' Union of the Pacific's position on TWIC and MMC *continued from page 7*

ippines, who often have basic identification from another country—possibly Panama, and training certificates from yet another country, such as Greece, and can finally possess international certification (STCW) from still another country such as Norway. (None of that documentation is subject to either background checks or positive identification.) The U.S. cruise industry employs a huge population of these global mariners, on voyages that mostly originate in the United States and mainly carry U.S. citizens as passengers. As a target of terror, cruise ships have long been recognized as possessing unique vulnerability and there are few higher-risk maritime targets. Given the enormity of the risk, why should this rulemaking not only not address that vulnerability, but deliberately exclude it from consideration? Because it is impractical?

A similar high-risk target is Liquefied Natural Gas (LNG) tankers, manned by foreign mariners, transporting a very volatile fuel in larger and larger quantities to U.S. ports. As natural gas gains a greater and greater share of the U.S. energy market, these ships will make more frequent visits to U.S. waters. And these ships are extremely vulnerable to attack. The consequences of even minimal hull rupture are potentially cataclysmic. With large impact, comparative ease of targeting, and frequency, of course, comes a statistically significant increase in probability of attack. Nevertheless, these dangerous ships, now and for the foreseeable future, are manned by mariners about whom neither the Coast Guard, nor the flag state, nor the labor supply country, nor the classification society knows anything about. In light of this information, how can the TSA and the Coast Guard, in the midst of a rulemaking putatively designed to reduce vulnerability to terrorist attack, turn a blind eye to the foreign mariner credentialing problem aboard LNG ships?

By transferring the cost and restrictions of the TWIC to American mariners and companies, TSA has unfairly made the U.S. merchant marine less competitive with the foreign companies and mariners who are exempted. Accordingly, TSA should rectify the situation with any of the following revisions:

- 1. Do not exempt foreign mariners from the TWIC or an international equivalent. Make it the security policy of the United States to require all foreign mariners to possess a TWIC or its international equivalent because, though it may be impractical, it is the most effective means of threat assessment of the riskiest part of the marine**
- 2. Require all LNG ships in U.S. territorial waters to carry American crews.**
- 3. Require all cruise ships to carry licensed and unlicensed U.S. mariners, either as the sole and primary crew, or as a secondary oversight crew.**
- 4. Require a certain number American mariners on every ship at all times in U.S. territorial waters. U.S. mariners in the wheelhouse and on the wheel while underway, and at the gangway in port, is the most effective and least costly method of ensuring that the Coast Guard knows and can trust at least one mariner on every ship.**

Mental Incapacity

We agree that an applicant not of sound mental capacity should be denied a TWIC. We dispute, however, at least one of the criteria proposed as part of the method for making that determination.

Like the charge of terrorism risk due

to a disqualifying criminal offense, the charge of mental incapacity is a serious and socially stigmatic charge that no person or agency should make lightly. We recognize that the rule proposes involuntary commitment to a mental hospital or adjudication by a court of law of mental incompetence. But in 1572.109 2(c) it states that it is disqualifying if a person "is committed to a mental health facility...for lacking mental capacity, mental illness, and drug use." We oppose the criteria of involuntary commitments for drug use, which suggest that addiction is evidence of mental incapacity. Addiction is a disease and should not more disqualify an applicant for a TWIC than should diabetes. The disqualifier of commitment to a mental health facility should specifically exclude all drug and alcohol rehabilitation facilities, or any commitment that was made as the result of drug or alcohol offenses.

It is interesting to note that the use of the word "adjudicate" in this section has a different sense than the same word in other sections of the rulemaking. Here it implies the primary sense, that of a review by judicial procedure. Other usages, such as on page 34 in the discussion of threat assessment analysis, suggest that TSA shall do its own adjudication, in other words "to act as a judge," relying on the less common secondary sense. Indeed, TSA defines "adjudicate" in the rule as an "administrative determination of whether or not an applicant meets the standards in this subchapter, based on the merits of the issues raised." Such confusion about the use of "adjudicate," especially in the sensitive area of mental incompetence, should be eliminated. We suggest the following:

- 1. Redefine "adjudicate." Use adjudicate to mean action taken by the judicial review of an Administrative Law Judge.**
- 2. Replace all uses of adjudicate, except those with the intent of No. 1 above, with "administrative determination."**
- 3. Re-write the Mental Incapacity section to reflect whether or not TSA intends to make judgments on Mental Incapacity itself, or whether or not it is going to rely official determinations by qualified doctors or courts of law.**
- 4. The disqualifier of a commitment to a mental health facility should specifically exclude all drug and alcohol rehabilitation facilities, or any commitment that was made as the result of drug or alcohol offenses.**

Merchant Mariner's Credential

We welcome and endorse the Coast Guard's efforts to streamline the mariner credentialing process by combining the Merchant Mariner's Document, the STCW and the Merchant Mariner's License into a single credential. Although it is no panacea, and does not address several serious problems, creating a single document should ease the burden on mariners, reduce redundancy, and generally improve the mariner documentation situation.

We understand that the MMC rule will not be final until the TWIC rule is final. We also understand that there will be an 18 month enrollment period for the TWIC, at which time the MMC shall come into effect. Finally we further understand that the MMC will be integrated only on the expiration of the MMD over a five year period (not counting an additional one year administrative grace period.) We also note the positive effects of combining the STCW and the Merchant Mariner's Document into one credential, removal of the limitation on renewal periods, the reduc-

tion in fees paid to the Coast Guard, the ability to file for the credential by mail, leniency for incomplete applications, and especially that of a single expiration date for all endorsement. We also applaud the Coast Guard's efforts to protect privacy by shielding from the MMC social security numbers. These are all excellent provisions that will improve the documentation process for seamen.

Despite this endorsement, we have several concerns. Our main concern is not with the Coast Guard and the issuance of the MMC, it is its integration with the TWIC and that process. The significant interaction between the Coast Guard and the TSA that is necessary for the production of the MMC is a continuing source of anxiety. Those issues are addressed in detail above.

Although TSA shall take—and the Coast Guard will relinquish—responsibility for the security check, the Coast Guard will still perform a review of criminal records and the National Driver's Register to determine the safety review. As a result, mariners, unlike some other maritime workers, will undergo a second criminal record review, to determine whether or not their "character and habits of life" present a safety problem rendering them unsuitable for employment on the vessels of the United States. Holding mariners to a higher standard of review is nothing new, but in light of the TWIC changes it would be unfair for a mariner to satisfy the tougher requirements of the TWIC only to be denied an MMC on the less restrictive and poorly defined basis of "safety and suitability."

Furthermore, since TSA is conducting an expanded security review against tougher standards, the Coast Guard's definition of "conviction" should be revised. Currently, as printed on the application for an MMD, conviction means any adjudication at all—including traffic school or charges that could have led to a conviction. This overly broad definition unfairly but commonly ensnares mariners whose inaccurate court records from the distant past do not clearly indicate the disposition of an arrest. Unless TSA accepts our recommendation and changes that aspect of its rulemaking, mariners will be forced to rectify those court records for the TSA—they should not have to do it again for the Coast Guard. Moreover, to continue to apply it in the safety review is to impose a double jeopardy squeeze on the lowest-risk part of the maritime workforce. Finally, in the case of a duplicate MMC, unlicensed mariners will be subject to yet another criminal record review.

Accordingly, we make the following recommendations.

- 1. Explain the method for the "safety and suitability" review. In light of the TWIC security review change, we urge the Coast Guard to explain in greater detail how it conducts its own "safety and suitability review" and how that**

methodology is affected by the TWIC.

- 2. Revise the Coast Guard's definition of conviction. With TSA handling security, the Coast Guard no longer needs the expansive definition of conviction it presently uses. Present language should be deleted and replaced by the following: "a final judgment of guilty in a criminal case."**

- 3. Remove the criminal record self-disclosure requirement from MMC application. Since the criminal records of all applicants will be reviewed by both TSA and the Coast Guard, self-disclosure serves only as a flawed because inaccurate test of character. The memory of the particulars of a criminal proceeding in the distant past—especially given not only the broad definition of conviction used by the Coast Guard, but also the difference between the Coast Guard's definition and that of the criminal courts—is often imperfect. To continue insist on self-disclosure in this era of double and triple background checks is to engage in an unfair game of "gotcha."**

- 4. Exempt duplicate MMC's safety and suitability review. A mariner applying for a duplicate MMC has already had a minimum of one TSA security check including a criminal record review and one Coast Guard safety check including a criminal record review. The Coast Guard argues that "to protect the integrity of the mariner credentialing process, it has been deemed important for the Coast Guard to be able to re-review the criminal record of individuals who seek duplicate credentials to identify those who may be seeking additional credentials for improper use." But the security of the credentialing system now lies with the TSA, especially in terms of identification that might be used improperly. The MMC is a document attesting to qualifications. The need for a second, or third, or fourth criminal review as part of the Coast Guard's "safety check" is not established and therefore constitutes an additional unfair burden shouldered by mariners alone.**

Conclusion

American merchant mariners are an asset in the war on terror. Our credentials are proven, not simply in terms of documentation, but also in the ideals that have made America great. Our hard work, training, and patriotism are matters of record. We are the most vetted mariners in the world, and so the safest ship in a U.S. harbor is a U.S.-flag ship. We urge the TSA and the USCG to recognize the safety that American mariners provide, and acknowledge our contribution by expanding our industry. Thank you for the opportunity to comment. If you have any questions, or if there is anything we can do to assist, please do not hesitate to ask.

Record of SUP Shipping May 2006

| | Hdqs | Seattle | Wilm | Hono | Total |
|----------------------|------------|---------------|------------|------------|------------|
| Bosun | 9 | 3 | 2 | 2 | 16 |
| Maint. Man | 6 | 0 | 0 | 0 | 6 |
| A.B. Dayworker | 0 | 0 | 4 | 3 | 7 |
| A.B. | 14 | 8 | 12 | 3 | 37 |
| O.S. | 2 | 1 | 0 | 3 | 6 |
| Ship Util. | 0 | 1 | 0 | 0 | 1 |
| Standby | 28 | 20 | 25 | 40 | 113 |
| TOTALS | 59 | 33 | 43 | 51 | 186 |

Captain at fault for Hawai'i grounding

Negligence by the captain led to the February 2 grounding of the Hong Kong-flagged bulk carrier *Cape Flattery* off Barbers Point, O'ahu, according to a U.S. Coast Guard report.

The incident left a covering of the ship's cement cargo on a coral reef. Damage to the ship was put at \$21 million; damage to the reef won't be known until later this year.

The report was completed last month, but only became public this month when a copy was secured by the Honolulu press.

Among the captain's alleged errors that led to the grounding were that he failed to wait for a pilot as harbor rules require; didn't respond to pilot instructions over the radio to change course; didn't use

radar and failed to heed channel markers. The ship was also faulted for not having an operational echo depth sounder and investigators determined that an insufficient bridge crew was on hand to facilitate passage into the harbor.

The captain was only identified in the released version of the report as a Chinese national with over 12 years experience and a statement to the press by the ship's owner, Pacific Basin Shipping, said the company agreed with the Coast Guard conclusions adding that the company cooperated fully in the investigation. "We regret the accident was caused by an error on the part of the master and can confirm that the master is no longer employed by the company," the statement said.

Norway dumps Wal-Mart stock

The huge fund that's meant to preserve Norway's oil wealth for future generations is pulling out of shares that don't meet the government's ethical standards. Among them is the Wal-Mart discount store chain.

Norwegian Finance Minister Kristin Halvorsen announced on June 6, that two new stocks will be banned from the country's so-called "oil fund," which now is called the Norwegian Government Pension Fund-Global and currently is worth about \$250 billion. It ranks as one of the biggest pension funds in the world.

The ministry reported that it's excluding Wal-Mart Stores Inc., Wal-Mart de Mexico and Freeport McMoRan Copper and Gold Inc. from the fund "in line with recommendations from the Council on Ethics for the Fund."

Halvorsen's finance ministry officials cited "serious" and "systematic violations of human rights and labor rights" as its reason for pulling out of its Wal-Mart investments.

Another decision to dump shares in Freeport McMoRan was based on "serious environmental damage" incurred by the company.

Halvorsen was quoted in a government statement as saying that the exclusions "reflect our refusal to contribute to serious, systematic or gross violations of ethical norms in these areas through our investments in the Government Pension Fund - Global."

Investing in either Wal-Mart or Freeport, Halvorsen claimed, "entails an unacceptable risk that the Fund may be complicit in serious... violations of norms."

Wal-Mart's offenses

U.S.-based Wal-Mart, the world's largest retailer with revenues of nearly \$300 billion, has been harshly criticized for its labor practices. Norway's Council on Ethics claimed that an "extensive body of material indicates that Wal-Mart consistently and systematically employs minors in contravention of international rules, that working conditions at many of its suppliers are dangerous or health-hazardous, that workers are pressured into working overtime without compensations, that the company systematically discriminates against women in pay," and that attempts to organize workers into unions are stopped.

The council's assessments involve Wal-Mart's business operations in the U.S. and Canada and at its suppliers in Nicaragua, El Salvador, Honduras, Lesotho, Kenya, Uganda, Namibia, Malawi, Madagascar, Swaziland, Bangladesh, China and Indonesia.

The council and Norway's central bank wrote to Wal-Mart last fall, asking them to comment on the allegations of violations of human rights. The Norwegian Finance Ministry said Wal-Mart never responded.

Freeport's pollution

The Finance Ministry said that Freeport, which operates one of the world's largest copper mines on the island of New Guinea in Indonesia, is using a natural river system to dispose of 230,000 tons of tailings a day. This, claims the ministry, inflicts "extensive and serious damage on the environment" because the disposal releases large quantities... copper, cadmium and mercury into the watercourse."

The Council on Ethics found the environmental damage cause by Freeport's mining operations to be "extensive, long-term and irreversible," with "considerable negative consequences for the indigenous peoples residing in the area."

Freeport, Halvorsen's staff claimed, "gives no indication of intending to alter the way the company manages waste in the future, or initiating measures that will significantly reduce the damage to the environment," even though Freeport's management "has long been aware of the environmental damage caused by the company's practices."

Norway's central bank (*Norges Bank*) also asked Freeport to comment on the Council's assessments last December. Freeport responded on January 20. "While Freeport refutes the allegations levelled at the company, it chooses not to provide evidence in support of its position," stated the Finance Ministry.

Continuing to invest in Freeport, Halvorsen said, would leave Norway's pension fund with an "unacceptable risk of contributing to severe environmental damage."

Norway's disinvestment procedures gives Norges Bank two months to disinvest from a company before a decision on exclusion is made public. It sold off about NOK 2.5 billion worth of Wal-Mart stock and NOK 116 million worth of Freeport stock by the end of May.

Japanese sailors die after inhaling fumes

The Japan Coast Guard has confirmed that three crewmen onboard the Japan-flag 263 gross ton chemical tanker *Shuho Maru* died after an accident close to Haneda Airport in Tokyo Bay on May 23.

Shuho Maru had earlier discharged 500 tons of benzene at a terminal in Chiba and was enroute for Yokohama when the incident occurred.

The victims, all members of the same family from Iwate Prefecture, were overcome by benzene fumes during tank cleaning operations. Two of the dead were found inside the cargo tank, while the other man was found on deck.

Coast Guard officials are carrying out a formal investigation into the accident, which appears to have been the result of insufficient ventilation.

All Pakistan Seamen's Workers Union blasts "shipping master" for Union busting

The International Transport Workers' Federation (ITF) issued an emergency resolution on May 24, blasting Pakistan's Shipping Master for "a blatant case of Union busting."

The ITF called on the Pakistan National Shipping Corporation to lift the suspension of Continued Discharge Certificates of six officials of the All Pakistan Seamen's Workers Union who questioned the appointment of the Shipping Master.

Captain Nisim Ahmed, the Shipping Master, is also a manager for the Pakistani Shipping Company.

As a result of what Captain Ahmed termed the Union officials "indiscipline and misconduct," the company went to court and got injunctions against the Union and its representatives, preventing them from entering company property—including its ships.

The ITF demanded that the company recognize the Union's collective bargaining rights, lift the ban on the Union and its officials and desist from anti-Union practices. The ITF urged all affiliates to take "all lawful measures" to support the Union.

New York ferry official sentenced for lying

A former New York ferry official, whose failure to enforce rules contributed to the 2003 Staten Island ferry allision in which 11 passengers were killed, has been sentenced to a fine and probation for lying to investigators.

Former ferry Port Captain John Mauldin was sentenced in April to two years' probation, a \$5,000 fine and 200 hours of community service, in a Brooklyn federal court. Mauldin admitted that he lied to federal investigators during the probe into the tragedy. He told them that he strictly enforced a rule that required the presence of two pilots on the bridge whenever a ferry was underway. But later he changed his story, admitting that the "two-pilot rule" was often ignored.

That lapse proved critical on the day of the accident since there was no backup on the bridge of the *Andrew J. Barberi* when assistant Captain Richard Smith became incapacitated on the approach to the St. George Ferry Terminal.

Mauldin's lawyer asked the court for leniency, claiming his client's single lapse shouldn't cancel out a long career of diligent service. Several relatives of those killed in the accident also appeared in court to bolster the prosecution's push for punishment. Mauldin is the last to be sentenced in the matter as former ferry Director Patrick Ryan, Smith and Dr. William Tursi have already begun serving their sentences following guilty pleas to varying degrees of responsibility in the fatal allision.

NOAA forecasts another stormy season

The National Oceanic & Atmospheric Administration (NOAA) has warned that "a very active hurricane season is looming" in its official 2006 forecast.

NOAA administrator Conrad Lautenbacher predicted during a press conference that there could be 13-16 named storms in the Atlantic Basin, with 8-10 growing to hurricane strength, between four and six of which could be "major" storms of Category 3 strength or higher.

"Although NOAA is not forecasting a

repeat of last year's season, the potential for hurricanes striking the U.S. is high," said Lautenbacher.

The record-breaking 2005 season produced an astonishing 28 named storms, 15 hurricanes, and seven major hurricanes, four of which struck the United States. Hurricane season officially begins June 1, and extends until November 30.

Since the latest multi-decadal cycle of heavy hurricane activity began in 1995, only two seasons (1997 and 2002) have been below average.

Port of Baltimore renamed to honor Helen Delich Bentley

Maryland honored a longtime advocate and icon of the maritime industry by renaming its largest hub the Helen Delich Bentley Port of Baltimore.

The announcement was made earlier this month by Governor Robert Ehrlich at an event recognizing the 300th anniversary of the port.

"For more than five decades, the name of Helen Delich Bentley has been synonymous with the Port of Baltimore," said Ehrlich. "There has been no one who has championed the vital role the port

plays in both the global economy and our everyday lives more than Helen. Although she has enjoyed a spectacularly diverse career, from newspaper reporter to Congresswoman, she has always been known as the 'mother of the port'."

Bentley worked for 24 years as a maritime reporter for *The Baltimore Sun* and later in television. From 1969-1975 Bentley served as Chair of the Federal Maritime Commission. From 1985-1995 she served in the House of Representatives for Maryland's 2nd Congressional District, working on the Appropriations, Budget, Public Works & Transportation and Merchant Marine and Fisheries Committees.

In 1995 she formed Helen Bentley & Associates, Inc., and also worked as a consultant to the Maryland Port Administration.

Support the
SUP Political Fund

Egypt charges shipowner with manslaughter in ferry sinking

On June 5, Egypt began court proceedings against six people charged with the manslaughter of 1,033 passengers who died when the ferry *Al Salam Boccaccio 98* sank on February 2 in the Red Sea.

Among them is Mamdouh Ismail, owner of the ship which sank on its voyage from Saudi Arabia to Egypt. Ismail is in Britain, the Egyptian authorities say, and is being tried in absentia.

He is accused of failing to immediately inform the authorities when he was told of a problem on board the ship. His son, Amr, faces the same charges. He is also in Britain.

The captain of a ship which was sailing in the same area as the *Al Salam Boccaccio 98* is accused of failing to help rescue the passengers, who were mostly

Egyptians returning from Gulf countries where they had been working.

Mamdouh Orabi and Omar Abu Taleb, both executives in Ismail's firm El Salam Maritime Transport, are also charged with manslaughter, as is Nabil al-Sayed Shilbi, manager of the company's office at the port where the ferry should have docked. The trial was adjourned until July 3.

The government has frozen the assets of Ismail and his family and stripped him of his immunity as a member of the Shura Council, Egypt's upper house of parliament.

Of the 1,418 passengers who boarded the 11,799 gross ton, Panama-flagged vessel in Suba, Saudi Arabia, only 300 passengers survived plus 24 members of the crew.

Small boat terrorist threat warning

Admiral Thad Allen, who became Coast Guard Commandant last month, says the United States must close security gaps that would let small boats packed with explosives slip into ports and stage attacks.

Admiral Allen, said the government had to do more to help thwart such stealthy strikes, which could cause massive damage to ports, oil facilities, ports, cruise ships or tankers.

"Our own threat analysis and vulnerability analysis tell us there is a significant threat by vessel-borne improvised explosive devices," Allen told Reuters news agency. "We haven't put nearly as much thinking in science and technology and (general) thought into the small-vessel threat as we need to, and I think that's where we need to go next."

Allen is devising a new security strategy over the next few months which will look at issues such as the small-boat threats, as well as the feasibility of licensing a broader range of boats or imposing exclusion zones around some high-risk areas. He said the vulnerability to small-boat attacks stood out during a Coast Guard threat assessment of major U.S. ports.

Rotting cargo prompts SOS from sailors

Four Myanmar (Burmese) and four Indian mariners have been stranded on a Malaysian-flag ship off Johor, Malaysia's southern-most state, without pay for the past six months.

Malaysia's Trade Union Congress (MTVC) received an SOS from the sailors early this month when their health became seriously threatened by rotting soya beans in the cargo hold of the 9,000-dwt vessel *Pavujing*.

MTVC Johor Chairman Bosko Augustine said the Union's headquarters in Kuala Lumpur had requested the Johor

branch to assist after receiving a request from the crew members to appeal to the ship's owners to pay the back wages and repatriate them home.

Augustine said the rotting cargo was so bad that a doctor was sent aboard the ship to examine the crew.

The owner of the *Kuching*, Sarawak-registered vessel, could not be contacted by the maritime press for comment, but sources said a court order had the vessel remain in Johor waters for the last nine months due to an unspecified legal dispute.

Welfare Notes

June 2006

Reminder

The SUP Welfare Plan has an EAP (Employee Assistance Program) that offers counseling and assistance. The plan is administered through Health Management Center. Their phone line is open 24 hours 7 days per week. Your call is completely confidential and your privacy is protected. HMC's phone number is 1-888-215-8903.

The HMC Employee Assistance Program is a professional evaluation, counseling, and educational program. An EAP counselor will discuss the nature of the problem and outline a plan of action for consideration.

The SUP Welfare Plan also offers a program that will provide alcohol and drug abuse rehabilitation services for eligible members at a designated treatment center. Benefits are limited to one rehabilitation admission per active member not to exceed a period of 28 days of rehabilitation treatment during the member's lifetime. Pre-authorization from the plan office is required.

Chemical Dependency Services are also available through your medical plans such as Kaiser, Health Net, and Group Health. Contact your plan for information on treatments available to you or covered dependents.

SUP Welfare Plan
730 Harrison Street, Suite 415
San Francisco, CA 94107

Telephone: 415-778-5490 or 1-800-796-8003

Fax: 415-778-5495

Training Representative Terry O'Neill 415-957-1816

SIU-PD Pension 415-764-4987

SIU-PD Supplemental Benefits 415-764-4991

Malacca Strait pirates lay low

In a dramatic improvement of security in the Malacca Strait, no piracy incidents were reported in the first quarter this year, the International Maritime Bureau (IMB) reports.

"Not even a single incident was reported," said Noel Choong, regional manager of IMB's Piracy Reporting Center in Kuala Lumpur. Choong, however, added that a couple of "small" attacks involving fishing boats did occur in April. He credited Indonesia's increased sea and air patrols under "Operation Gurita," launched last year, for keeping the pirates at bay.

Most of the piracy attacks on commercial ships over the waterway have emanated and occurred in waters near the Indonesian archipelago.

"How long the situation will continue remains to be seen," Choong added, sounding a note of caution. Initiatives by littoral states such as coordinated patrols and the "eyes in the sky" policy involving air patrols have also contributed to curbing piracy. Asian ship owners have been clamoring for removal of the Malacca Strait from the Lloyd's Joint War Committee's list of enhanced insurance risk areas, citing the improved security environment following coordinated action by the Straits littoral states, Indonesia, Malaysia and Singapore.

Vice President's Report

June 2006

Transportation Workers' Identification Credential

The U.S. federal government's latest anti-worker initiative ironically began officially on May 22, 2006, National Maritime Day, when the proposed regulations for the Transportation Workers' Identification Credential (TWIC) were published in the Federal Register. This rule, as reported beginning on the front page of this issue, will change the credentials of U.S. merchant mariners forever. It will make it harder for us to go to work, and harder for us to stay employed. It will criminalize mariners who made mistakes in the distant past, and despite having already paid their debts to society, it will make them pay again with their jobs. In cases of mistaken identity, or inaccurate court records, the cost of the government's mistake is the workers' jobs. They also propose that you pay for the privilege of this service with the dollars you made from the job from which you will be denied. And despite our urging, and the urging of experts everywhere, they undertake this initiative while ignoring the most serious maritime security problems—container screening and foreign mariner documentation.

In his famous essay *Politics and the English Language*, George Orwell identified the problem that describes our age as much as his:

The great enemy of clear language is insincerity. When there is a gap between one's real and one's declared aims, one turns as it were instinctively to long words and exhausted idioms, like a cuttlefish spurting out ink. In our age there is no such thing as "keeping out of politics." All issues are political issues, and politics itself is a mass of lies, evasions, folly, hatred, and schizophrenia. When the general atmosphere is bad, language must suffer.

The stated purpose of the TWIC program is that "merchant mariners holding an

continued on back page

Cape Jacob sailors in Saipan observe Maritime Day



SUP members AB Steve Meyer, AB Joel Heath, OS Gabe Moreno, Bosun Dale Gibson, AB Emmert Holloway, and AB Glen Bosarge, pause to reflect after raising the four Merchant Marine flags on Saipan for Maritime Day. All were serving aboard the Ready Reserve Force ship *Cape Jacob* operated for the Maritime Administration by Matson Navigation Company.

The Andrew Furuseth School of Seamanship Training Benefit Guidelines

The Andrew Furuseth School of Seamanship Training Trust ("the School") provides a training benefit to all qualified participants and apprentices. The Training Benefit is funded through mandatory contributions as defined in certain collective bargaining agreements negotiated by the Sailors' Union of the Pacific and other sources such as government grants, etc. The purpose of the Training Benefit is to enable all qualified Plan participants and qualified apprentice registrants the opportunity to access training courses required under Domestic and International regulations to either become or remain an active mariner in the United States Merchant Marine.

The School is charged with the responsibility of administering the Training Trust Benefit. The mission of the School is to assist all eligible participants in identifying and accessing the appropriate training to fulfill all existing regulatory requirements and remain active in our industry. The School has final decision making authority over all training and training related issues. The School is responsible for the selection and identification of the training needs of Plan participants, the selection of training providers and the rules governing all aspects of the training process.

Eligibility Requirements

1. Must have a completed application on file with the Andrew Furuseth School of Seamanship.
2. SUP member with A, B or C seniority, or a registered applicant subject to conditions outlined below.
3. Must be registered with the SUP, and current with all fees and dues.
4. Must be eligible for the SUP Welfare Plan medical benefits coverage through covered employment or be designated as an apprentice who the trustees believe will be covered by a collective bargaining agreement between a contributing employer to the School and the SUP following completion of training.
5. Must be fit for duty and able to pass a sign on physical within one month of your scheduled training course.
6. In order to attend any government training required by SUP contract a participant must be able to pass an MSC physical examination within one month of the scheduled commencement date.

Training Approval

The School must approve all individual training plans in advance.

The failure to receive prior approval of the School may result in the withdrawal of funding for the training. As the entity responsible for all training and training related issues, the School reserves the right of final approval of all training arrangements. This is done to allow the School to control the costs associated with training and protect the individual participant from making inappropriate training decisions. The School will advise and assist all participants with every aspect of the training process to insure the best options available are selected. In addition, the School will handle all the arrangements for any approved training if a participant wishes it to do so. However, in order for the School to properly fulfill its mission, individual participants must inform the School in advance of their training plans and be willing to work with the School to reach a mutually acceptable solution in the event of a problem.

Training Categories Covered by the Training Benefit

Mandatory Training:

Training that is required for all mariners under either Domestic or International regulations. In addition, mandatory training includes all training that is specified in applicable existing Sailors' Union of the Pacific collective bargaining agreements. Some types of mandatory training are recognized below:

1. STCW 95 Basic Training
 - a. Basic Fire Fighting
 - b. Basic First Aid
 - c. Personal Survival
 - d. Personal Safety and Social Responsibility
2. Government Vessel Training (Military Sealift Com-

mand (MSC) Training or Maritime Administration training for the Ready Reserve Force):

- a. CBRD
- b. Basic Damage Control
- c. Vessel Familiarization
- d. Anti-Terrorist Briefing
- e. Basic Forklift Operations
- f. Basic Explosive Materials Handling
- g. Small Arms Handling and Safety

Discretionary Training:

This includes any training that is not required by either domestic or international regulations. In general, this is training intended to enable an individual to upgrade his or her United States Merchant Marine Document (USMMD). However, the candidate for training must be eligible for employment for a position under applicable SUP collective bargaining agreement where such training is required. Presently, this category of training includes but is not limited to the following courses:

1. Lifeboatman
2. Able Seaman
3. Tankerman Assistant
4. Tankerman P.I.C. (Person in Charge)
5. Rating Forming Part of a Navigational Watch
6. Other training as necessary by SUP contract.

Funding Policy

Course Completion Requirement

In order for a Plan participant to receive funding from the School he or she must successfully complete their training course. Failure to successfully complete a training course will result in the withdrawal of funding for the course in question as well as any future training courses. The participant will be required to assume responsibility for all the costs associated with the uncompleted course. This includes the costs of transportation, lodging and food along with the tuition for the course. In addition, all future training courses for a participant who has failed a course will be handled on a reimbursement basis. The only proof of successful completion that the School will accept is a valid certificate from the training provider attesting to the participant's successful completion of the course. No other form of proof will be accepted.

Funding Provided for Mandatory Training

1. Tuition
2. Transportation: Subject to the provisions outlined in the transportation section.
3. Lodging: Subject to the provisions outlined in the lodging section.
4. Per Diem/Meals: Subject to the provisions outlined in the section concerning meals and receipts.

Funding Provided for Discretionary Training

1. Tuition reimbursement only for training courses approved by the School.
2. For all Discretionary Training courses, the Plan participant is responsible for tuition and all additional costs. If the course is successfully completed the Plan participant is eligible for reimbursement of the tuition costs.
3. The School will offer all the assistance it can to any eligible Plan participant who wishes to upgrade his documents. This includes assistance in locating training providers, scheduling and enrollment. However, it remains the responsibility of the Plan participant to arrange all payments.

Funding Provided for Transportation to Mandatory Training Classes Approved by the School

1. In order to qualify for transportation payments a participant must live at least 100 miles from the nearest training facility.
2. The Training Fund will provide round trip airfare from the major airport nearest to the participant's mailing address to the training facility. This will be based

on a 21-day advance purchase, coach fare.

3. The Training Fund will provide van or shuttle transportation at the destination to take the Plan participant to and from his hotel on arrival and departure.

4. The Training Fund will not cover any additional costs resulting from the action or inaction of the participant. All additional costs are to be borne by the participant.

5. A participant may make his or her own travel arrangements. However, the Training Fund will only reimburse the participant up to the amount the School would have spent making similar but not necessarily the same arrangements in accordance with the above-mentioned travel policy.

Funding Provided for Lodging

1. Lodging will only be provided if a Plan participant lives at least 100 miles from the nearest training facility.

2. The AFSS will only cover the cost of the room. All additional charges of any kind are the responsibility of the Plan participant.

3. An AFSS trainee may make his or her own lodging arrangements but the Training Fund will only reimburse him or her for costs that are in line-with the amount which would have been spent if the School had arranged his accommodations. In addition, reimbursement requires the same receipts and certificates as travel.

Allowance for Meals

The Training Fund will reimburse those Plan participants attending training away from their homes for actual expenses evidenced by receipt up to the amount specified in the Offshore ASM and Matson Agreements, presently \$40.00 per day. This amount will only be paid for actual meals. This does not include:

1. Alcohol
2. Gratuities
3. Entertainment
4. Room Service
5. Transportation (i.e. taxi or bus fare) except as authorized by the AFSS.

Reimbursement Requirements

A participant will be reimbursed for certain out of pocket expenses associated with an approved training course. Depending upon individual circumstances these expenses may include:

1. Travel Costs
2. Lodging Costs
3. Subsistence Costs
4. Tuition Costs

In order to receive reimbursement the participant must complete a copy of the SUP Welfare Plan Trainee Expense Voucher and present it, along with a copy of his or her certificate of course completion and all receipts related to out of pocket expenses to the School in a timely manner. All receipts must be itemized and contain the following information to be considered for reimbursement:

1. Name of the establishment at which the expense took place.
2. The date of the expense. The Plan will only reimburse participants for the dates of the training. Travel days are not reimbursable.
3. A clear delineation between the various items on the receipt so that the Plan can make an accurate determination of which are suitable for reimbursement.
4. In the case of an airline ticket a copy of the ticket, a credit card receipt or a cancelled check will suffice as proof.

Appeal Process

If for any reason a trainee is dissatisfied with a reimbursement or selection decision, he or she can appeal the matter to the Board of Trustees for the Andrew Furuseth School of Seamanship Training Trust within 60 days of receipt of a denial of reimbursement or an application to attend a training class provided by the School. All appeals must be in writing addressed to the Board of Trustees, Andrew Furuseth School of Seamanship Training Trust, 450 Harrison St., San Francisco CA, 94105.



SUP President's Report

June 13, 2006

TRANSPORTATION WORKERS' IDENTIFICATION CREDENTIAL

As reported for several months, and published in the May issue of the *West Coast Sailors*, the Department of Homeland Security's Transportation Security Administration (TSA) has issued a Notice of Proposed Rulemaking that will eventually establish a new credential for all American maritime workers including merchant mariners called the Transportation Workers' Identification Credential or TWIC.

The TWIC will become mandatory for all persons, except foreigners, who require "unescorted access to secure areas" and will go into effect 18 months from the issuance of the final rule. The TWIC application will initiate a full "threat assessment," or background check, of the applicant. If disqualifying information is discovered, the TSA will issue an "Initial Determination of Security Threat." Under the proposed rule, the mariner will then have 60 days to appeal the decision, correct the record, prove identity (in cases where identity is mistaken), or apply for a waiver, depending on the circumstances. For mariners who have not had a background check associated with the renewal or upgrade of their Merchant Mariner's Document (MMD) after January 1, 2003, a new background check will be required. The Coast Guard will continue its own criminal background check as part of its safety and security review. Enrollment is to be made in person at enrollment centers around the country also requiring a physical return to the center to be issued the document. The cost for the credential will be in addition to the cost for the new Merchant Mariner's Credential (MMC).

In the judgment of your secretary, this rule makes American merchant mariners the unfair subject of further scrutiny. It discriminates against unlicensed mariners, who are more likely than licensed mariners to have had a brush with the law. It ignores the highest risk area of port security—foreign mariners and foreign flag shipping companies—and concentrates instead on low-risk American workers who are already screened and documented. Worst of all there is an implied criminalization of the American mariner and an unsubstantiated connection of that false criminalization to potential terrorism risk. The Union will formally lodge its opposition to the rule and make suggestions for revisions on the public docket before July 7, 2006. As a general overview, the SUP contends that the TSA should balance real concerns for security from maritime terrorism against fairness for maritime workers.

To make these points on behalf of the membership, and to offer suggestions for revision of the final rule, Vice President Dave Connolly testified at the only West Coast public hearing on the TWIC and MMC, in Long Beach on June 6, 2006. Those points and recommendations, all of which will be in the Sailors' Union commentary to the TSA and USCG docket, and published in the June issue of the *West Coast Sailors*. The key points are as follows:

1. The TSA should revise the rule to make a connection between history of criminality and the risk of terrorism. Past felonies should result in the denial of a credential only if there is a clear basis for a bona-fide risk of terrorist activity. TSA should disclose to the applicant the information that contributed to the decision immediately and completely.

2. The TSA should revise the rule to eliminate some criminal offenses as automatic disqualifiers. Felony drug distribution and fraud, for example, have an extremely weak connection to risk of potential terrorism and therefore should be deleted from the Interim Disqualifying Offenses list.

3. The TSA should revise the rule to provide for an interim credential in the case of interim disqualifications so that a mariner may continue to work while the government processes his or her appeal. In the alternative, understanding the difficulty of accessing court records from the distant past, etc., TSA should extend the period of appeal from 60 to 180 days.

4. The TSA should initiate new privacy and data

protection measures to ensure that mariners' personal information is not stolen, altered or compromised.

5. With regard to the Coast Guard's rule on the new Merchant Mariner's Credential (MMC), the SUP notes several positive changes (such as combining the STCW and MMD qualification into a single credential, removal of the limitation on renewal periods, the ability to file for the credential by mail, leniency for incomplete applications, and especially that of a single expiration date for all endorsements.) However, the rule should be revised to explain in greater detail the criteria and necessity for the safety and security review in addition to the TSA threat assessment. It should also relax the Coast Guard definition of conviction, and should remove the criminal record self-disclosure requirement from the MMC application process.

As the regulatory process advances, will keep all hands fully informed.

MATSON NAVIGATION COMPANY

In accordance with the 2003-2013 collective bargaining agreement with Matson Navigation Company covering the CV 2600 vessels (*Manukai*, *Manulani*, *Maunawili*) and the CV 2500 vessel *Maunalei*, currently under construction, wages and wage-related items (Supplemental Benefits, overtime, cargo time, etc.) are due to increase by 3.25% effective July 1, 2006.

In accordance with the 2005-2008 agreement with the company covering the *Kauai*, *Lihue*, *Lurline*, *Mahimahi*, *Maui*, *Manoa*, *Matsonia*, *Mokihana* and *R.J. Pfeiffer* and the Maintenance Agreement and the Extra Maintenance Agreement, wages and wage-related items are due to increase by 2.8% effective July 1, 2006.

Under the terms and conditions of these agreements, the Union has the right to allocate monies from the wage increases to the various benefit plans. Recommend that no allocation be made this year and that increases go strictly to wages and wage-related items.

New wage scales shall be published in the July *West Coast Sailors*.

As far as American President Lines is concerned, under the 2005-2015 collective bargaining agreement, the Supplemental Benefit shall increase from 14 to 15 days a month effective October 1, 2006.

SUP WELFARE PLAN

Health Care Premiums

As was reported last month and several times during recent years, the SUP Welfare Plan—along with similar plans across the country—continues to struggle with rising health care costs. Primarily responsible are the steady increases in all health care premiums which comprise approximately 70% of the Welfare Plan's monthly expenses. Other expenses are Medicare Part B reimbursements to SUP pensioners of approximately 16% of Plan costs and an average of 14% per month for administrative expenses (which includes consultant fees, actuarial fees, legal fees, and rent in addition to the salaries and benefits for the Plan staff). Although Plan expenses are continually monitored to reduce costs, the increases in health care premiums continue to outpace the contributions the employers are obligated to make under the various collective bargaining agreements.

At the June 8 Welfare Plan meeting, the Trustees, once again, were faced with premium increases that ranged from 5.4% to 15% over those for the 2005-2006 fiscal year. Although these increases are somewhat less than in previous years, which were often in the 20% range, they still present huge new costs to the Plan.

Naturally, the employer Trustees automatic response was to reduce costs by reducing benefits. The Union Trustees (Dave Connolly and your secretary) were able to convince the employers to approve the current increases, but were compelled by the economic reality of the situation to find ways to reduce premium costs. Accordingly, effective August 1, 2006, the *reimbursable* co-payments to members to the following health

care providers will go into effect:

- Kaiser Northern and Southern California co-payments will increase from \$0 to \$20 per office visit.
- Kaiser Hawai'i co-payments will increase from \$12 to \$14 per office visit.
- Kaiser Oregon co-payments will increase from \$0 to \$20 per office visit.
- Group Health Cooperative co-payments will increase from \$0 to \$20 per office visit.
- HealthNet co-payments will increase from \$0 to \$20 per office visit.
- Blue Cross/Blue Shield of Louisiana co-payments will increase from \$10 to \$25 per office visit.

It is important to note that the participant member will have to pay the amounts stipulated at the time of each office visit, but these payments will be reimbursed by the SUP Welfare Plan upon submission of proper receipts. Co-payments to spouses and dependents will not be reimbursable.

In addition, the Welfare Plan's out-of-area national health plan—Union Labor Life Insurance Company (ULLICO)—accounts for a proportionately much larger share of health care premiums costs than the other health plans despite a smaller number of participants.

Accordingly, participants enrolled in the ULLICO plan will experience increases in their annual deductible amount, effective August 1, 2006, from the current \$250 to \$750. In addition, the co-insurance percentage payment will rise from the current 10% to 30% for network Preferred Provider Organizations (PPOs) and from 30% to 50% for non-network providers. Present reimbursements under the ULLICO program, however, will stay the same.

The ULLICO program has an annual out-of-pocket maximum of \$10,000. Since the 10% co-insurance rate will rise to 30%, the overall annual out-of-pocket maximum expense will rise from the current \$1,000 to \$2,500 after the Plan's continued reimbursement to the participant of both the original \$250 deductible amount and the original \$1,000 of annual co-insurance expenses incurred.

There will be no change in the current \$10 office visit co-payment and drug plan co-payment, however, coverage will remain at 100% for annual medical expenses exceeding \$10,000.

Participant members in the ULLICO plan can enroll in other health care programs provided by the SUP Welfare Plan if at the time of enrollment they give an address where the Union maintains a hiring hall.

It is projected that the preceding changes should reduce Plan costs by approximately \$300,000 annually. However, given the fact that there appears to be nothing on the horizon to stop skyrocketing health care costs and zero inclination by the Bush administration to rein in those costs, let alone propose national health insurance, other plan changes may become unavoidable to maintain benefits.

Participants of the Plan will be notified of Plan changes by letter this month from SUP Welfare Plan Administrator Michelle Chang.

Special Pensioners Medical Benefit

The annual Special Pensioners Medical Benefit which was initiated after the sale of the parking lot adjacent to Headquarters in 1999, has been and continues to be of tremendous benefit to SUP pensioners. This \$4,000 benefit combined with the \$2,000 negotiated over the years with the shipowners has provided funds necessary to cover most medical premiums, prescriptions, dental work, etc. for retired members.

However, since this benefit has been used by pensioners, their spouses and widows of pensioners, the original \$13 million that was derived from the sale of the parking lot is projected to shrink to \$8.9 million by July 31, 2006. A recent actuarial study commissioned by the SUP Welfare Plan indicates the \$4,000 benefit will be completely depleted in a few years unless changes are made to the program.

In August, 2003, the total benefit increased to \$6,000 from \$5,000 and began to be available to spouses and widows of pensioners in addition to pensioners them-

continued on next page

SUP President's Report continued

selves. In 2005 payments made to spouses and widows amounted to almost 43% of the approximately \$1.7 million paid from the Special Pensioners Medical Benefit.

In order to maintain this benefit for those for whom it was originally intended—pensioners—the following changes to the benefit must be implemented:

- **The benefit for future widows shall be eliminated effective August 1, 2006.**
- **For widows currently receiving benefits, the maximum annual benefit shall be reduced from \$4,000 to \$2,000.**
- **New requests for the Special Pensioners Medical Benefit from widows of pensioners who died prior to August 1, 2006, must be received within 12 months from the pensioners death.**
- **All pensioners medical, dental, prescription and vision bills must be submitted within 90 days of the date the charges were incurred in order to be reimbursed by the SUP Welfare Plan.**

While it is difficult to make these changes, it is essential to do so to maintain this benefit, which as the membership knows is not funded by employer contributions. Will monitor this fund to ensure it is fiscally sound and that hopefully, based on experience, further changes will not have to be made. Also, in order to keep the Special Pensioners Medical Benefit afloat in the future, recommend that in negotiations with the San Francisco Bar Pilots this year, Chevron Shipping Company next year and the wage increases due under the Foss, Matson and APL agreements in 2007, monies be allocated from wages to fund this important benefit.

SUP BUILDING CORPORATION

As reported late last year, the City of San Francisco's Board of Supervisors approved the Planning Department's Rincon Hill Plan, which, in part, calls for areas of the Headquarters building to be used for community purposes and that \$2.5 million would be earmarked for retrofitting the building (elevator, etc.) funded by area developers.

Since that time, your secretary along with other Building Corporation Trustees have had several discussions with representatives of the Planning Department over when the funds for renovation will be forthcoming as well as prospective lease terms from City agencies for space in the building.

The major stumbling block is that the Planning Department contends that it cannot use so-called public funds to invest in a privately owned buildings. The Building Corporation has responded on several occasions that the issue had not been raised in the last three years and the City is obligated to comply with its commitment to the SUP. Both the City and the Building Corporation continue to work on this issue.

On May 9, the Building Corporation met with all Trustees being present except Paul Fuentes who was at sea aboard the *Lihue*. There was a discussion on what has transpired thus far in discussions with the City and a consensus that the Building Corporation continue to aggressively pressure the City to fund the retrofit of 450 Harrison.

Also discussed by the Trustees was the need for a new boiler at Headquarters. Installed in 1950, when the building was opened, the boiler was actually purchased used—having been built in 1939. After years of service and numerous costly repairs, the old girl finally gave out in February.

The Building Corporation solicited bids for a new boiler and after a thorough review of the offers with the assistance of Matson Chief Engineer George Thanash—son of SUP member Art Thanash—selected a bid submitted by Standard Sheet Metal. The cost of the new boiler is \$41,716, which happened to be the lowest bid submitted.

MARITIME DAY

At the request of Secretary of Transportation Norman Mineta, your secretary attended Maritime Day observances on May 22, at Transportation Department headquarters in Washington, D.C..

Honored at the event were representatives of the crews and operating companies of the Maritime Administration's Ready Reserve Force (RRF) vessels that supported recovery efforts in the wake of Hurricanes Katrina and Rita.

Among those receiving recognition was SUP member Barbara (Bobbi) Shipley who represented the unlicensed crew aboard the LASH (Lighter Aboard Ship) vessel *s/s Cape Florida* during her 52-day activation from mid-September to mid-November last year.

The *Cape Florida*, operated by SUP-contracted Patriot Contract Services, is home-ported in Orange, Texas—a small port near Beaumont—and was activated several days before Hurricane Rita hit. According to Sister Shipley, "initially the gang worked to secure two unmanned RRF vessels tied up nearby before Rita arrived, then we secured our ship and rode out the storm alongside the dock."

"The hurricane caused many empty LASH barges to break free from their moorings and drift into the Beaumont Ship Channel where several partially sunk," Sister Shipley said. In the storm's aftermath, all hands in the *Cape Florida* worked around the clock to recover the barges and clear the channel. Once recovered, the barges, along with others belonging to another LASH vessel, were returned to Beaumont. While there, the *Cape Florida's* crew assisted in additional hurricane recovering efforts.

Secretary Mineta and Acting Deputy Maritime Administrator Julie Nelson were effusive in their praise of the skill and conduct of the crew of the *Cape Florida* and the other vessels that participated in the unprecedented activation of RRF vessels for this domestic emergency. Not only was the value of the RRF validated, but more importantly the value of having a trained pool of U.S. merchant mariners at the ready was affirmed.

The membership should be justifiably proud of the tenacity shown by the sailors in the *Cape Florida*, as their actions exemplify the highest traditions of the SUP.

More information on the Washington Maritime Day observance and the *Cape Florida* will be published in this month's *West Coast Sailors*.

=====

While in Washington, also attended Maritime Day observances at the Washington Navy Yard hosted by Rear Admiral Robert Reilly, Jr., Commander of the

Military Sealift Command. Secretary of Labor Elaine Chao was the featured speaker and reaffirmed the Bush administration's support for the Jones Act and the U.S. merchant marine in general.

CALIFORNIA LABOR FEDERATION

The California Labor Federation AFL-CIO, will hold its 26th Biennial Convention at the Biltmore Hotel in Los Angeles on July 25, and 26. The Convention will endorse candidates and propositions for the November ballot and not on Federation policy statements and resolutions.

As a Vice President of the Federation and a member of its Executive Council, plan to attend this important meeting. Recommend that the remainder of the SUP delegation be comprised of Dave Connolly, Mark Hurley, Mike Freng, Duane Nash and Grant Wegger.

BANE & TULENKEN v. SUP

As first reported in September, 2005, SUP members Sefuluono F. Bane and Ruta A. Tulenken filed suit against the Union with the U.S. District Court for the District of Hawai'i., alleging race and gender discrimination against them in the dispatching process by the Honolulu Branch. The Union has repeatedly denied the charges.

SUP Attorney Charles K. Y. Khim reports that the case is still in the "discovery" stage. Thus far the Union has spent over \$20,000 to defend itself in this matter.

JOHN BATTLES

John Battles, who served with distinction as the Union's Seattle Branch Agent from 1978-1998, died on June 2.

After serving in the U.S. Army during World War II and a tour in the U.S. Coast Guard after the war, Brother Battles joined the SUP in Portland, Oregon, in 1949, and sailed for many years with Alaska Steamship Company, American Mail Line and other SUP-contracted companies before being elected Patrolman (Business Agent) of the Portland Branch in 1962. After serving a term, Brother Battles returned to sea. In 1966, Brother Battles bested two other candi-

dates and was elected Patrolman for the Seattle Branch—a job he held until 1978.

In the 1978 SUP biennial election of officers, Brother Battles was elected Seattle Branch Agent, succeeding Ed Coester who chose not to stand for re-election.

In the twenty years, Brother Battles served as Branch Agent, he represented the SUP in a first-class manner in the Pacific Northwest and was known for his integrity and honesty. In fact, he was nicknamed by many "straight-arrow".

In addition to his duties as Branch Agent, Brother Battles was elected to the SUP Building Corporation and as delegate to several SIUNA Conventions before retiring in 1998.

Brother Battles is survived by his daughter Kelly.

FOURTH OF JULY

All SUP halls will be closed on Tuesday, July 4, in observance of Independence Day.

BLOODY THURSDAY

The annual commemoration of Bloody Thursday will be held at ports up and down the West Coast this year on Wednesday, July 5. Details of the observances will be published in the June *West Coast Sailors*.

SUP members on the beach are urged to attend these events which mark a red letter day during the 1934 coastwise maritime strike.

ACTION TAKEN

M/S to allocate increase in Matson's collective bargaining agreement to wages and wage-related items. Carried unanimously.

M/S to allocate a portion of the 2007 increases from the San Francisco Bar Pilots, Chevron, Foss, Matson, and APL to the Special Pensioners Medical Benefit. Carried unanimously.

M/S to concur in the President's nomination of delegates to the California Labor Federation's 26th Biennial Convention. Carried unanimously.

M/S to concur in the President's report. Carried unanimously.

Gunnar Lundeberg

San Francisco Business Agent

June 13, 2006

Visited and paid off the following ships:

Kauai—Jonathan Goodwin, delegate: Island run. Michelle Chang, Administrator for the SIU-PD Pension Plan, was my guest aboard this vessel who answered a lot of questions and squared away a lot of concerns about the pension plan. Made twice during the month.

Lihue—Paul Fuentes, delegate: In from the shipyard in China. Going into lay up. Art Thanash relief bosun. Only complaint was that a chief mate was always doing sailors' work. Maybe he should join the SUP, then he could work for the bosun. Restriction to ship not payable.

Lurline—Anthony Labor, delegate; new bosun Frank Portanier: No disputes.

Mahimahi—Chris Bright, delegate: Island run; running smoothly with no disputes. Made twice during the month.

Manoa—Jose Angeles, delegate; new bosun Teolo Rojas: No disputes. It is customary to remove your caps when eating your meals in the messroom. Made twice: bosun had some questions.

APL China—Armando Martinez, delegate: Voyage pay off. Clarified a few questions with mate.

APL Korea—Bosun Steve Zachmann returned from a trip off. Bob Anderson was relieved. No disputes; good money maker.

APL Singapore—Don Bohle, delegate: Voyage pay off. Delegate squared away beefs before the Branch Agent came aboard down South.

Also worked in the front office.

Bill Berger

SUP Branch Reports

Seattle

May 16, 2006

During the period: 2 Boatswain berths shipped and both jobs taken by A-cards; 12 Able Seaman jobs shipped and filled by 3 A-cards and 8 B-cards; 2 Ordinary Seaman billets shipped and filled by a B-card and a registrant.

During the period registered: 15 A cards for a total of 25; 13 B cards for a total of 28; 1 C card for a total of 4.

Ships checked

Kauai and *Manoa* in twice and running smoothly.

Maui called back the crew after a six day lay-up. This is in the old Matson practice of keeping and laying up older ships and bringing them out when needed. Sometimes it can take several months to get your time in; and sometimes they tell you the ship will run for two weeks and its five months before they shut the steam off.

The *President Truman* and *President Jackson* called in Seattle after being deployed back to the Pacific Northwest. Both ships reported good trips with little or no problems.

I attended the Washington State Labor Council's COPE convention and the King County Labor Council Executive Board and Delegate's meeting.

I attended a briefing by the Washington State Department of Transportation regarding State Route 519 which is the proposed roadway for the movement of trucks to and from the Seattle dock areas and Interstate Route 5, and Interstate 90. SR 519 as originally planned is now facing stiff opposition from the Mayors office. The Port of Seattle is the fifth busiest port in the country and the Mayor along with his hotel and condo cronies want to shut it down. The ILWU and the SUP are leading the charge against this lunacy and we will keep the membership informed of our progress.

The SUP stood in solidarity with "Change to Win" Unions Teamsters

174; UFCW; SEIU; UNITE/HERE and the Laborers in a rally by Terminal 46 to bring to the publics attention the plight of independent truckers and the pitiful pay and conditions that these folks work under.

Vince O'Halloran, Branch Agent

Wilmington

May 16, 2006

Shipped during the period: 2 bosuns, 10 ABs, 3 AB maints., 1 OS and 54 standbys for a total of 70 jobs shipped.

Registration: None reported.

Ships checked

Mokihana, Korea, Truman, R.J. Pfeiffer, Mahimahi, Thailand, Manukai, Manulani, Maunawili, China, Philip-pines, and Matsonia.

When I ran for this job I wrote that I would work to regain the respect that was lost out here. Before we can get others to respect our Union we have to respect each other. We need to live and work as it is written in our Preamble.

In the years gone by we had skills that made us valuable and earned us our respect. But those facts have changed and we need to learn new skills like welding and more wheelhouse navigation skills. Brothers we need to advance our skills with the times.

So, Brothers, I am asking you again to read your preamble and talk to each other about what it says. Then live and work by it.

Paul Calais, Branch Agent

Honolulu

May 16, 2006

During the month of April, dispatched the following: 3 AB maints., 1 ABW, 1 ABD, 2 ABD reliefs, and 1 OS return. These jobs were filled by: 4 A members, 3 B members, and 1 C member. Also

shipped 42 standby jobs, filled by 8 A members, 17 B members, 6 C members, and 11 D registrants, for a total of 50 jobs shipped.

During the month of April, registered the following: 8 A members, 9 B members, 2 C members, and 5 D registrants. To date registered are: 11 A members, 18 B members, 9 C members and 6 D registrants, for a total of 44 members registered.

Ships checked

Manoa, Mokihana, Mahimahi, Kauai, Maui, Lurline, Matsonia, Manulani, R.J. Pfeiffer, Maunawili and Manukai.

Paint and rigging gang running smooth with Monte Kalama as bosun.

President Gunnar Lundeborg was in Honolulu for our May 15 branch meeting. Gunnar emphasized the importance of the deletion of the Foreign Mariner Provision of H.R. 889 (Maritime Transportation Act) for this year, although we must remain vigilant against this provision being pushed again. The president also emphasized the magnitude of the reelection of Hawaii Senator Dan Akaka over up-start challenger Ed Case, the Jones Act hating congressman. Together we met with Matson's paint and rigging gang, and with the *Manukai* deck gang. Always an appreciated visit!

On May 17, attended the Hawai'i Ports Maritime Council meeting. Discussions on the previously mentioned Senatorial election, the ominous TWIC proposals and the Maritime Memorial Day boat parade.

On May 21, represented the SUP at the joint sponsored (Propeller Club H.P.M.C.) Annual Maritime Memorial boat parade. This was the first boat parade organized without Captain Dave Lyman's influential coordination and it turned out nicely. Ms. Mary McAndrew and children Margret and "Johnny", spouse of SUP Bosun Bill McAndrew, and Ms. Lori Lyman, widow of "Captain Dave", were in attendance which made it a poignant ceremony. All participants joined up after the boat parade at an Aloha Towers watering hole to toast our departed brothers and sisters.

The following day, I was notified of the death of a good friend and shipmate John Gouviea, a pensioner and Union historian, at a local convalescent home. When air clears, will put his ashes aboard a Matson vessel for burial at sea. We all will miss you Old Timer! Smooth sailing, John!

Jim Savage is still at his apartment and is looking better every day. Still in intensive rehabilitation.

Mike Duvall, Branch Agent

Dispatcher's Report

Headquarters—May 2006

| | |
|--|-----------|
| Deck | |
| Bosun | 9 |
| Carpenter | 0 |
| MM | 6 |
| AB | 14 |
| OS | 2 |
| Standby | 28 |
| Total Deck Jobs Shipped | 59 |
| Total Deck B, C, D Shipped | 13 |
| Engine/Steward | |
| QMED | 0 |
| Pumpman | 0 |
| Oiler | 0 |
| Wiper | 0 |
| Steward | 0 |
| Cook | 0 |
| Messman | 0 |
| Total E&S Jobs Shipped | 0 |
| Total E&S B, C, D Shipped | 0 |
| Total Jobs Shipped - All Depts. ... | 59 |
| Total B, C, D Shipped-All Depts. . | 13 |
| Total Registered "A" | 72 |
| Total Registered "B" | 63 |
| Total Registered "C" | 9 |
| Total Registered "D" | 3 |

SUP member joins pension ranks

The following SUP member joined the rank of pensioner, bringing the total number of SUP members to 713:

Lewis E. Fitzjearl, 65, Book No. 2244, joined SUP in 1967, 13 years seetime.

Vice President's Report continued from page 12

active... Merchant Mariner's Document... who require unescorted access to secure areas at maritime facilities or on or vessels must undergo a security threat assessment, and, if found to not pose a security threat, obtain a Transportation Worker Identification Credential." Unescorted access, secure areas, maritime facilities, security threat assessment, and found to not pose a security threat—are unclear terms because there is an insincerity underlying each of them.

Today, there are few idioms so exhausted as the ones using the word "security." Anyone using the word "security" from a position of authority should be immediately distrusted because its overuse and broad application has emptied it of denotative meaning and packed it full of political agendas. The rule's security threat assessment, for example, ostensibly meant to protect against terrorism, is basically another enhanced criminal background check. The difference between this check and the ones mariners have already undergone for years is that commission of any of the listed felonies within the last seven years or incarceration for them in the last five will automatically disqualify a mariner

from getting a TWIC. That's not a protection from terrorism, its protection from ex-criminals. And as we argue on the docket, the idea that evidence of past criminality leads to an increased risk of terrorism is not only illogical it's a cover for the actual agenda—a waterfront anti-crime initiative that is also anti-worker.

Another example in the rule of a gap between the real and the declared aim is the political usage of the word "adjudicate." Normally, adjudicate indicates some kind of judicial review or decision by a court of law. In the rule it is actually defined as an "administrative determination of whether or not an applicant meets the standards in this subchapter, based on the merits of the issues raised." The Transportation Security Administration (TSA) will collect and analyze the information and then "adjudicate" or act as the judge of its own findings. If you disagree, you can appeal the decision—not to a real judge—only back to the TSA, the same agency that already "adjudicated" you out of a job. The declared aim is fair judicial review: the real aim is total control and denial of due process. This is an example of a federal agency attempting to do on a regulatory level

what it could not get done in Congress.

On the same day the President proclaimed that America must "pay tribute to merchant mariners and their faithful service to our Nation," and said that "America is grateful for their commitment to excellence and to duty," the TSA published this rule. There is no keeping out of politics. It's in the language, which is loaded with the freight of an anti-union political agenda. It is the type of language that is designed, as Orwell said "to make lies sound truthful and murder respectable and to give an appearance of solidity to pure wind."

Ships Checked

Cape Jacob: Steve Saganey relieved Mike Henderson as delegate. Clarification on holidays. Running smooth in the tropics.

APL Korea: clarification of relief trip rules.

APL Singapore: Don Bohle, delegate. Clarification on meal service. If you are in the messroom by 1730 you are entitled to service until 1800. Looking into CA SDI issues.

Colorado Voyager: Rocky Zwiemba, delegate. In at Richmond Long Wharf.

No beefs.

Washington Voyager: Scott Oliphant, bosun. Call from ship in Singapore shipyard on lodging issue. Pursuing it with the Company.

President Adams: Joe Marusak, delegate. Clarification on relief rules.

Cape Flattery: Barbara Shipley, delegate. Gang working in tandem with Florida crew on stripping the ship for deep lay-up.

Cape Florida: Sam Scott, bosun. Gang working on securing barges. Outstanding effort in tough conditions.

San Francisco Bar Pilots: Louie Urbano, delegate. Beginning caucuses to prepare for negotiations. All proposals are welcome.

Foss Maritime Company: Mike Worth and Tom Tynan, co-delegates. The only drug policy that is in effect is the Coast Guard's and the Company's. Until our questions are answered about add-on policies the membership is directed to refuse to sign. The Company has acknowledged our issues and position. Any problems should be reported immediately to the delegates or SUP HQ.

Dave Connolly