



# West Coast Sailors

Official Organ of the Sailors' Union of the Pacific

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Friday, March 19, 2004

## Sailors' Union's 119th Anniversary



The Sailors' Union of the Pacific this month observed the 119<sup>th</sup> Anniversary of its founding, March 6, 1885, on the old Folsom Street Wharf in San Francisco. With determination to gain through democratic collective action what could not be accomplished individually, began a record of achievement that set the standard for American sailors and continues to serve as an inspiration for seafarers around the world.

Recognition, respect, and improved conditions aboard ship did not come easy but with a militant membership and the dedicated and tenacious leadership of Andrew Furuseh (March 12, 1854) and Harry Lundeberg (March 25, 1901), obstacles were overcome and the Sailors' Union grew and developed with a lasting legacy of strength and integrity.

In addition to the anniversary of the organization of the Union and the birthdays of former secretaries Furuseh and Lundeberg, March also marks the 89<sup>th</sup> anniversary of the Seamen's Act which was signed into law by President Woodrow Wilson on March 4, 1915 after a 20-year struggle by Furuseh to free seamen from indentured servitude.

## Norwegians honor Andrew Furuseh

In brisk weather on March 12, hundreds of Norwegians gathered in Asbygda, Norway at noon, to celebrate the 150th anniversary of the birth of the Sailors' Union of the Pacific's crusading leader Andrew Furuseh.

Asbygda is the site where a bust of the Emancipator of Seamen stands outside of an old labor movement assembly house (Folkets Hus). The town is near Furuseh's birthplace of Romedal and is approximately 70 miles north of Norway's capital of Oslo in the municipality (or county) of Stange.

The ceremony itself was moving but festive as a brass band played and local school children sang a song about Furuseh that was composed by their teacher.

Jan Tyriberget, the Mayor of Stange, who organized the event, acted as master of ceremonies spoke of Furuseh's accomplishments and the pride the citizens of this rural area of Norway have in one of their own who sailed the globe, came ashore in San Francisco and changed conditions for American seamen and seamen throughout the world. Mayor Tyriberget added that Furuseh's



Pictured in front of a bust of Andrew Furuseh in Asbygda, Norway on March 12, are from left to right SUP President Gunnar Lundeberg, Jorgen Kosmo, president of the Norwegian Parliament (Storting) and Jan Tyriberget, Mayor of Stange.

life and work will be incorporated into the school curriculum.

Jorgen Kosmo, President of Norway's parliament (Storting), said that Furuseh's achievements made all of Norway proud. He recounted the brutal and feudal system of seagoing employment at the turn of the last century and the tenacity of

Furuseh to abolish the system with the passage of the Maguire Act, the White Act and finally the Seamen's Act of 1915. President Kosmo also cited Furuseh's participation in international forums that resulted in improved shipping conditions globally.

SUP President Gunnar Lundeberg, offered greetings on behalf of the membership of Furuseh's Union. Lundeberg told those gathered that, "Few people, most notably Abraham Lincoln, have the record of Andrew Furuseh. Almost single-handedly he freed seamen from centuries of bondage. His efforts in the United States and internationally less than a hundred years ago fundamentally changed conditions for mariners. It is important that his life and accomplishments be studied by this and future generations.

However, Lundeberg said "Andrew Furuseh, if he was here today, would be outraged at the conditions most of the world's mariners now work under. After having fought tirelessly and successfully for a bet-

## Cabinet members, military leaders laud importance of U.S. merchant marine in peace and war at maritime meeting

At the Executive Council meeting of the AFL-CIO's Maritime Trades Department's (MTD) meetings on March 4 and 5 in Hollywood, Florida, Bush Administration officials and high ranking U.S. military officers declared that operations in Iraq would not have happened without the U.S. merchant marine, crewed by highly-skilled U.S.-citizen mariners.

Treasury Secretary John Snow paid a ring tribute to U.S. merchant mariners and U.S.-flag carriers for their role in supporting U.S. operations in Iraq and Afghanistan.

Snow also emphasized the Maritime Security Program's (MSP) value to the military, and the importance of enacting a new and expanded maritime program. "MSP is a vital element of our military's strategic sealift and global response capability, so it was high time we got a bill through [Congress] expanding it...because this country needs you more than ever before," the Treasury Secretary proclaimed. "This is a program that services America well. It is a program that must be and will be preserved."

Transportation Security Norman Mineta told the gathering that "the heart and soul of our maritime system is its merchant mariners—the men and women who make this system work day in and day out. Mineta proposed that the government "carefully examine the tax burdens on our maritime industry and our mariners, with the goal of improving our fleet and worker's ability to compete internationally."

Mineta stated that "the Bush administration has great respect

MTD continued on page 4

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# SUP Honor Roll

Voluntary contributions from the membership to the following funds:

## Organization/ General Fund

\*In lieu of dues increase.

Howard Christian .....	50.00
Rafael Cooper .....	20.00*
Linda Cramp .....	20.00*
Sean Dougherty .....	20.00*
Mike Duvall .....	20.00*
Vernon Haik .....	40.00*
Mike Henneberry .....	30.00*
George Jordanides .....	10.00
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Gunanr Lundeberg .....	50.00
Dave Munroe .....	20.00*
Ted Ochoa .....	10.00
Ricky Pangan .....	50.00
Mike Potenti in memory of	
Joe Potenti .....	50.00
Thomas Riley .....	20.00*
Gary Rymel .....	20.00*
Jack Stasko .....	20.00*
Ernest Stimach .....	20.00*
Fred Trench .....	50.00
Gene VanKlinken .....	20.00*

## Political Fund

Durling Adric .....	30.00
Bienvenido Banzon .....	20.00
John Benson .....	100.00
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Gene Castano .....	25.00
Alexander Castillo .....	25.00
Kevin Conroy .....	25.00
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Keith Kamana .....	20.00
Art Kardinal .....	20.00
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Joe Lopez .....	5.00
Gunnar Lundeberg .....	50.00
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Joes McDonald .....	10.00
Josh Niles .....	70.00
Michael Orton .....	20.00
Ricky Pangan .....	50.00
Knut Rasmussen .....	40.00
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Greg Schauf .....	10.00
Bruce Smith .....	100.00
Jack Stasko .....	25.00
Richard Stinson .....	10.00
Bill Timmerman .....	20.00
Fred Trench .....	50.00
Robert Vandermey .....	20.00
Eric Weintraub .....	20.00
Elroy Wong .....	20.00
Stephen Zombro .....	35.00

## West Coast Sailors

George Boyeas .....	25.00
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Robert Palakiko .....	25.00
Ricky Pangan .....	10.00
Tonni Pedersen .....	25.00
Mike Potenti in memory of	
Joe Potenti .....	30.00
Ronald Reed .....	20.00
Lloyd Rust .....	40.00
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Chester Sherry .....	10.00
Bruce Smith .....	25.00
Jack Stasko .....	25.00
William Tice .....	25.00
Stephen Zombro .....	35.00

## Dues-Paying Pensioners

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 Lalach	Book #4062
Gunnar Larsen	Book #3516
Orson Larsen	Book #4095
John McKeon	Book #6456
Joseph Napier	Book #2299
John Perez	Book #3810
Ralph Senter	Book #7323

## SIU-A&G's George McCartney dies

George McCartney, former West Coast Vice President of the Seafarer's International Union-Atlantic, Gulf, Lakes and Inland Waters District, died in San Mateo, California, on March 19. He was 72.

McCartney became Vice President in 1981 following the merger of the Marine Cooks & Stewards into the SIU-A&G and served in that post until his retirement in 1998.

## Matson raises fuel surcharge

Due to sustained increases in fuel costs, Matson will raise its fuel surcharge in its Hawai'i and Guam/Commonwealth of Northern Mariana Islands services from 7.5 to 8.0 percent, effective March 14, 2004.

"While fuel prices impact virtually all businesses, as well as consumers, the costs are especially significant for transportation companies," said Dave Hoppes, vice president, ocean services. "Matson burns approximately 1.9 million barrels of fuel annually. For every dollar increase per barrel of bunker fuel, Matson experiences an approximate \$1.9 million increase in annual operating costs. We cannot continue to absorb these additional fuel-related operating costs. We will continue to monitor fuel prices and adjust the surcharge accordingly."

Historically, Matson has adjusted its fuel surcharges up or down based on established trends in oil prices.

Matson is a wholly owned subsidiary of Alexander & Baldwin, Inc. of Honolulu.

## APL parent NOL set for record earnings

Neptune Orient Lines (NOL) is set to announce record earnings when it reports its 2003 results. A year ago, NOL was reporting record losses. It had just lost its former chief executive, Flemming Jacobs, and it would be several months more before former PSA head and ex-government minister David Lim was installed as the new CEO.

According to consensus estimates, NOL is seen posting a net profit of \$109.4 million for its fourth quarter ended December 31, 2003. A full-year profit of some \$400 million from a net loss of \$330 million in 2002. Its biggest annual net profit so far was \$178 million in 2000. The 2003 profit would include an exceptional gain of about \$100 million mainly from the \$445 million sale of its U.S. tanker business American Eagle Tankers to Malaysia International Shipping Corporation.

## SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2004:

	Hdq.	Branch
April	12	19
May	10	17
June	14	21
July	12	19
August	9	16
September	13	20
October	12*	18
November	8	15
December	13	20

\*Tuesday

## Final Departures

**William F. Suddoth**, Book No. 7337. Born in Indiana in 1923. Joined SUP in 1951. Died in Portland, Oregon, February 23, 2004. (Pensioner)

**Orrin J. Hutchinson**, Book No. 5805. Born in California in 1926. Joined SUP in 1964. Died in Louisiana, February 22, 2004. (Pensioner)

**William E. Graff**, Book No. 2549. Born in Minnesota in 1920. Joined SUP in 1945. Died in St. Augustine, Florida, January 30, 2004. (Pensioner)

**Willard O. Beagle**, Book No. 5565. Born in Mississippi in 1911. Joined SUP in 1953. Died in Liberty, Missouri, February 12, 2004. (Pensioner)

**Abraham Baizman**, Book No. 5242. Born in Massachusetts in 1910. Joined SUP in 1942. Died in Reno, Nevada, February 13, 2004. (Pensioner)

**Donald Baker**, Book No. 5687. Born in Ohio in 1933. Joined SUP in 1954. Died in Laverne, Alabama, February 19, 2004. (Pensioner)

Support the  
SUP Political Fund

**Timely Reminder**  
Second quarter 2004  
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.

## West Coast Sailors

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## Norwegians honor Andrew Furuseth

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ter life for those who go to sea for a living, he would today bitterly observe the degradation of the seagoing profession in the 21st century.

*"The flag-of-convenience (FOC) system where shipowners essentially rent flags for silence and lax regulation, continues to oppress seamen with deplorable conditions and rock-bottom wages, while at the same time systematically and cynically denying them basic human and trade Union rights. The nature of the FOC system undermines and threatens the very existence of maritime Unions in the United States and the rest of industrialized world who through collective bargaining and industrial action have improved conditions for which Furuseth laid the groundwork."*

*"The practice of charging seamen for the costs of their own recruitment, as is common in FOC registers today, would inflame Furuseth, who would rightly see it as a revival of the days of the crimp and the boardinghouse master who ruled the lives of seamen less than 100 years ago."*

*"The deplorable practice of some shipping companies to go out of business and abandon their vessels and their seamen would madden Andrew Furuseth, who fought for accountability and responsibility among shipowners and seamen alike."*

*The depraved practice of understoring ships so that mariners are forced to supply their own food and drinking water would make Furuseth's stomach turn.*

*"The practice of working seamen 16 to 20 hours a day on FOC ships would infuriate Furuseth, since a nine-hour day was one of the major provisions of the Seamen's Act."*

*"The practice of berthing six or eight seamen in a cramped fo'c'sle, as is common in many cruiseships, would enrage Furuseth, as he fought for larger living spaces and reasonable berthing."*

*"The unethical practice of charging seamen for travel to a ship and then charging them again for their repatriation, and taking this expense from wages in such a way that forces seamen to work long periods of time for nearly nothing, revives the same conditions of indentured servitude that Furuseth decried and eventually abolished in the United*

*States. Furuseth would denounce with all his might this horrible revival.*

*"The efforts of world regulatory bodies to standardize the safety and training requirement for seamen continues the work of Furuseth. But Furuseth would be appalled to learn of the 'lowest common denominator' approach of the International Maritime Organization and would be aghast to learn that great maritime nations sit silent while FOC registers like Panama, Liberia, Vanuatu, etc. make a practice of exploiting mariners."*

*"Andrew Furuseth ultimately made decisions according to a moral compass that even conservative U.S. legislators and presidents responded to. Although the noble goal of standardization of conditions and skills that he so consistently reached for have not vanished, I submit to you that the moral compass he used to press these issues is lost."*

*"Today, the international shipping industry moves in an immoral world—guided by bottom-line capitalism. What is right, what is honorable, what is ethical and what is decent—these are not questions the maritime world as currently configured is designed to answer. On the contrary they are questions the maritime world is designed to evade."*

*"The challenge for us is to change that dynamic and to continue Andrew Furuseth's struggle to break the bonds that shackle most of the world's seamen."*

After the conclusion of the speeches, all present attended church services at a local chapel where the focus was again on Andrew Furuseth. Following the service a reception for over 200 invited guests was held at the Folkets Hus. Among the guests were 40 relatives of Furuseth, former Norwegian Prime Minister Odvar Nordlie, the governor of Hedmark, Kjell Berg, second vice president of the Norwegian Seamen's Union, and a representative from the U.S. embassy in Oslo. While more speeches were made, a light lunch was served with plenty of strong coffee. The guests were also entertained when Nils Rohne, head of the international department of Norwegian People's Aid sang the Ballad of Andrew Furuseth, written in 1974 by American folklorist Joe Glazer. The ballad is reprinted in this issue of the *West Coast Sailors* on page 9.

## Canada imposes tough new barriers to entry for seamen

In December of 2003, the Canadian government updated its immigration policies with new standards that bar entry to anyone with certain criminal histories. Using legal provisions that date back to an immigration law passed in 1982 and called the Immigration and Refugee Protection Act of Canada, the procedures only received full funding in January of this year. All persons seeking temporary or permanent entry into Canada are affected, including all mariners on board ships.

Canadian immigration officials confirmed to the Sailors' Union that the determination of inadmissibility is based solely on evidence of past criminality. The process begins with a database search of the names of mariners on crew lists required by the advance notice of arrival of a ship. Then, using a process called "equating the law," Canadian immigration will analyze the criminal history of the mariner. If the search of the database (based in Virginia) yields evidence of conviction for an offense that, if committed in Canada would be an indictable offense punishable by a maximum term of imprisonment of more than ten years, then the mariner may be denied entry until "rehabilitated."

Mariners with lesser offenses may also be denied entry. In most cases of lesser offenses, there is a five-year waiting period from the date of the completion of the sentence before a mariner is eligible to apply for rehabilitation. For example, a person was convicted on September 2, 2002 and received a jail sentence of two years, but served only nine months. Canadian officials would count the full two years of the sentence, which would have been completed on September 2, 2004. Then they would add five years to this date, making the mariner eligible to apply for rehabilitation on September 2, 2009.

Rehabilitation is defined by the Canadians as "removal of the grounds of criminal inadmissibility [and] the indication that you lead a stable lifestyle and are unlikely to be involved in further criminal activity." This process requires a visit to a Canadian consulate, application for a waiver, submission of all relevant documentation, and the payment of a fee. Depending on the severity of the criminal offense and the sentence

period associated with it, a mariner can only be eligible for rehabilitation once the sentence is served. For full details on the specific rules regarding different offenses, the Canadian government's publication "Rehabilitation for Persons Who Are Inadmissible to Canada Because of Past Criminal Activity" is the best source and is available at <http://www.cic.gc.ca/english/pdf/kits/guides/5312E.PDF>.

Depending on the individual criminal background, mariners may be granted a waiver of inadmissibility, before they are eligible for rehabilitation. Waivers are granted based on the number and nature of offenses, when they happened and the current situation of the mariner. Applications for waiver are available at a Canadian visa office or consulate.

Canadian officials also confirmed that anyone that attempts to enter Canada by any means is subject to the same review (not just mariners.) But if those mariners who are denied entry continue to return without rehabilitation, then the shipping company (APL, for example) must pay a fine of \$3200.00 U.S. per inadmissible crewmember. If the mariner continues to return despite the fine, or if Canadian immigration decides the risk is too great on a first-time entry, the ships of that company could be banned from Canadian port calls.

For mariners that have convictions that may trigger denial of entry, there are presently three options:

1) The first is to seek an individual entry waiver, independent from rehabilitation, from the nearest Canadian consulate or visa office. Based on the circumstances of every case, a member must go to the consulate, ask for the form, fill it out completely and truthfully, pay a user fee (which is not refunded if denied), and wait (possibly as long as six weeks) for a definitive answer. If granted the waiver, the mariner may enter Canada.

2) The mariner seeks rehabilitation of the record according to the rules described above and available on the internet.

3) The mariner seeks expungement of the record, which usually means eradication of the conviction because the conviction was in error.

4) The mariner delays shipping in those ships that call in Canada until one of the above remedies applies, or until the rules change.

The Sailors' Union of the Pacific, together with the Marine Firemen's Union, the Inlandboatmen's Union of the Pacific, and other Unions, is actively pursuing a reasonable accommodation with U.S. and Canadian government. Additionally, the SUP has registered its objection on several levels, and will keep pressing authorities to for a common-sense approach, possibly along the mutual recognition lines of STCW.

## U.S. to enforce individual visas for crew shore leave

The State Department has confirmed that it intends to press ahead with its controversial elimination of the crew-list visa as of June 16, and to require foreign mariners calling at US ports from that date to be furnished with individual visas.

Citing security reasons for the decision, and the need "to ensure that every effort is being made to screen out undesirable aliens". Seafarers' advocates have attacked the policy as imposing additional burdens on hard-pressed merchant mariners at a time when they are also being asked to be active participants in the war on terror.

In a interim final rule published in the *Federal Register* on March 18, the State Department expressly rules out the use of the International Labor Organization's proposed new seafarer identity cards, incorporating biometrics and specifically tailored to US requirements, as a substitute for the individual visas. At the same time, it appears to leave open the possibility of their acceptance in the future.

"While the department recognizes that a seafarer's ID containing biometrics could be useful," it states, "it is likely to take years for such a document to be developed and adopted widely." It adds that: "One of the principal reasons for requiring individual visas is the need, for security purposes, for a consular officer to personally interview each applicant. Adoption of the new ID card will not address the need for interviews."

The State Department will continue to take comments on the rule until May 17, and will use the remaining month before its deadline to consider "if any additional steps, including a possible extension of an additional 90 days, need to be taken to ameliorate effects on the shipping industry".

Seafarers' advocates took at least some encouragement from the state department's comments, with Doug Stevenson of the New York-based Center for Seafarers' Rights noting that "there is a hopeful sign in that they have

not dismissed the idea that the ID card could eventually be used as a substitute for a visa". He added: "Hopefully they will come to understand that the personal interview that takes place at the border every time a seafarer enters the US should be more than sufficient, and certainly more up-to-date as a security measure than a consular meeting that may have taken place years before."

In its published comments, the State Department addressed the main concerns about its policy expressed in the 82 written comments it received. However difficult it might be for crew members to obtain individual visas, it said, "The security of the U.S. demands individual crew visas despite the dislocations that the requirement may cause initially." Shipowner fears that the system might cause expensive delays were met with a similar argument.

Commenting on the State Department's position, SUP President Gunnar Lundeberg said that other countries could retaliate against American mariners.

Halls closed  
March 31  
in observance of  
Cesar Chavez'  
Birthday

## Aging flag-of-convenience ships claim 50 lives in 2004

Aging cargoships, registered under flags-of-convenience, succumbing to heavy weather in accidents, claimed dozens of seafarers from developing countries, since the beginning of the year.

In the most recent disaster, the 29-year-old, 11,900-dwt general cargoship *Hera* went down off Istanbul, claiming 20 of its 21 crew. The accident happened during unexpectedly harsh winter weather in the region last month.

The Cambodian-flag ship was crewed by Bulgarians and Ukrainians. It is registered as owned by Maestro Shipping of Bulgaria and traded mostly in Eastern Europe.

The vulnerability of cargoships to weather is something that is being looked into by the International Maritime Organization (IMO). Just before he left the organization, former IMO secretary general William O'Neil, said: "I am concerned that in the 21st century ships still succumb to weather. More than 30 percent of accidents occur in heavy weather. This is unacceptably high."

One specialist involved in the recent efforts to improve bulker safety said: "Ships should be able to survive this type of weather. We are not talking about giant rogue waves or fantastic storms but the sort of conditions ships generally expect to face."

Another life was lost when the 46,000-dwt *Solar Europe* (built 1998) collided with the 2,000-dwt general cargoship *Marl* (built 1970) in snow storms that hit the Dardanelles in February. The cargoship sank as a result of the accident.

Weather was also blamed for the loss of the 7,000-dwt general cargoship *Dury* (built 1990), which went down off Kunsan, South Korea, with its crew of 18 Vietnamese seafarers in January. The Panama-registered vessel was loaded with a cargo of steel when it got into difficulties.

This incident was preceded by that of the Comoros-registered, 8,400-dwt cement carrier *Kephi* (built 1975), which sank off Crete January 30, again in heavy weather. Its owner, Amyndas Club of Piraeus, said it was in "tip top" condition.

In the only exception to the trend, 18 seafarers were lost when the 26,000-dwt bulker *Rocknes* (built 2001) capsized near Bergen in relatively calm conditions while carrying a full load of gravel.

### Inadequate watchkeeping blamed for accident

A collision between the bulk carrier *Star Sea Bridge* and the fishing vessel *Sue M* off the New South Wales coast has been attributed to inadequate watchkeeping on both vessels. According to last month's Australian Transport Safety Bureau's (ATSB) report, the accident, which occurred in June 2000, resulted from failure to keep a proper lookout by the bulker's second mate and the two-man crew of the fishing vessel. It added that the bulk carrier's navigation lights were probably not on at the time of the collision. The prawn trawler's skipper died in that accident.

The ATSB recommended that ships' masters and fishing boat skippers should ensure a proper lookout is kept at all times and that officers and crews of all vessels take note of the limitations of radar.

### Maritime Trades Department

*continued from page 1*

for the role of the merchant marine and tremendous confidence in its future," which is reflect in the new Maritime Security Program.

Maritime Administrator Captain William Schubert expanded on Mineta's remarks when he reaffirmed the government's support for MSP, the Jones Act, Cargo Preference and short-Sea shipping. Schubert said, "The time to enhance our merchant marine and our shipbuilding capability."

General Gary Hughley, Deputy Director of the U.S. Transportation Command (USTRANSCON) stated that "the legacy of the U.S.-flag fleet in deploying and maintaining our war fighters cannot be overstated."

More than 260 ships formed a "steel bridge," if laid bow to stern would have stretched some 34 miles during Operation Iraqi Freedom, that was maintained by U.S. merchant mariners "who sailed in harm's way to deliver America's power on distant shores, and who stand ready to repeat that accomplishment anytime, anywhere," Hughley said.

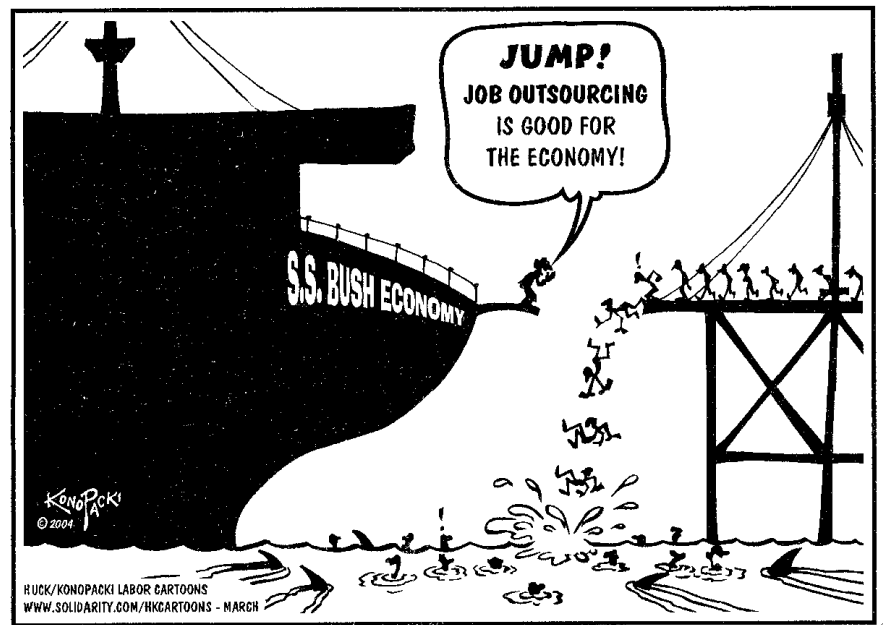
Vice Admiral David Brewer, Commander of the Navy's Military Sealift command (MSC), saluted the U.S. maritime industry as "America's greatest and most vital industry."

He also paid tribute to U.S. maritime unions as the "unsung heroes of...our national defense team. Without the mariners, boilermakers, sheet metal workers, shipping company clerks, longshoremen, and all the other highly skilled workers who bring the industry to life, we at the MSC could not complete our mission," the MSC Commander declared.

Others who addressed the gathering were Congressmen James Clyburn (D-SC) and Gene Green (D-TX); AFL-CIO President John Sweeney; retired United Food & Commercial workers President Douglas Dority; Steven Van Dych, chairman of Maritrans, Inc.; Thomas Mackell, Managing Director of the Kember Group; and Stephen Cotton, head of the Special Seafarers' Department for the London-based International Transport Workers Federation.

In addition to the speakers, the MTD delegates passed policy statements regarding workers rights, health care, the Maritime Security Program, American shipbuilding, cargo preference, port security, tonnage tax, maritime services, short-sea shipping, and maritime cabotage policy.

The Maritime trades Department is composed of 29 international Unions and 24 port maritime councils in the United States and Canada representing 6.5 million workers.



### Seafarer dies as cargoships collide

A member of the P&O Nedlloyd *Finland* crew died March 1, when he fell overboard as his vessel came into contact with the boxship *Cosco Hamburg* on the River Elbe. A spokesman at Brunsbottel traffic control said the seafarer was only reported missing from German-flagged 500 TEU container feeder ship 15 minutes after the collision and was retrieved from the icy water half an hour later. Emergency services managed to resuscitate him but he died in transit to the hospital.

The P&O Nedlloyd *Finland* had been pulled in by the wake of the 5,250 TEU *Cosco Hamburg*, which was passing on its way into Hamburg. Damage to the *Cosco Hamburg* was said to be minor, but the P&O Nedlloyd *Finland* will need repair work. Both vessels are now in Hamburg.

### NCL waiver given green light

The United States General Accounting Office (GAO) has given its 'thumbs-up' to Norwegian Cruise Line's U.S.-flag Hawai'i venture. The GAO was happy that it would have "little impact" on how the Passenger Vessel Services Act (PVSA), U.S. vessel documentation laws, or the Jones Act is administered or interpreted.

Senator John McCain, a vocal critic of the law allowing NCL to sail in Hawai'i with foreign-built ships, had initiated the GAO probe. On the overall subject of future waivers to the PVSA, the agency said, "it is unclear how many cruise lines would choose to enter" given higher labor costs. NCL's labor costs for

its U.S.-flag operation will be 100-150 percent higher than for its foreign-flag operations, while overtime laws will require more crew members to handle the same work level. Nevertheless, two foreign-flag companies have told the GAO they might consider such U.S.-flag programs, either in Alaska or along short coastal routes, if new waivers were passed.

Traditionally, the U.S. shipbuilding lobby has blocked such attempts, and the GAO admitted that with further changes in the law, "the potential for the U.S. shipbuilding industry to regain a share of the cruise-vessel market would be negated."

### Philippine mariners face loss of seamen's papers due to strike

More than 100 mariners employed by the Philippines domestic shipping operator Sulpicio Lines are facing revocation of their seaman's papers for their act of "insubordination and misconduct" related to the strike action launched during the week of March 8.

In an order issued on March 17, the Maritime Industry Authority asked why seafarer identification record books belonging to the 127 sailors should not be suspended or revoked for allegedly "defying the return-to-work order issued by the Department of Labor and Employment (DOLE)."

The officers and crew are members of Seafarers Union of Sulpicio Lines and alliance of Nationalists & Genuine Labor Organizations-KMU. Maritime administrator Oscar Sevilla said the strike action was tantamount to insubordination and misconduct because the protest was launched before the expiry of a "cooling-off period". The stage is now set for the case to go to compulsory arbitration by DOLE. Sulpicio is said to have lost \$178,500 in revenues as a result of the four-day strike.

### 17 missing, 3 dead in tanker explosion

The United States Coast Guard has discontinued its search for 17 missing seafarers of the chemical tanker *Bow Mariner*, which exploded and sank on February 28, killing three. The Singapore-flagged tanker, owned by Norway's Odfjell Seachem, was carrying 11,570 tons of industrial ethanol between New York and Texas when it exploded 80km off the Virginia coast. Six of the Filipino and Greek crew have been rescued.

The USCG is not speculating about the cause of the accident, but there are reports of a fire on the ship just before the explosion. A distress call was placed from the ship shortly after 1800 hours

Eastern Time.

"We have not had any indication to suggest that it was something other than an accident," said USCG spokesman Petty Officer Krys Hannum. Ceres Hellenic, manager of the *Bow Mariner*, said in a statement the ship underwent two inspections last year. In October some minor deficiencies were found, all of which were corrected.

According to Chief Petty Officer Steve Carleton, the spilled ethanol is evaporated, but the fuel oil slick has spread over a large area. "It doesn't appear that the oil slick is going to impact the mainland," he said.

## The U.S.-flag liner shipping industry on the brink...

According to Raymond P. Ebeling, President and chairman of American Roll-on/Roll-off Carrier LLC in the *Journal of Commerce's Review & Outlook 2004 Executive Viewpoints*, "the U.S.-flag liner shipping industry is on the brink—either of growth and development, or decline and eventual demise. Which of these outcomes will occur will be determined in the next two to five years, and will result largely from maritime policy choices and funding priorities of the U.S. government. I take as a given an understanding that both our national security and economic security require a U.S. fleet, and an appreciation that maintenance of such a fleet requires some level of government support."

The article stated that, "the future of the international fleet depends on the recently approved and expanded Maritime Security Program and, as well, on the future of U.S.-flag preference cargoes. The new MSP program is certainly more robust than its predecessor, but it is also inherently unreliable, as it is dependent on annual funding decisions by Congress in a time of looming budget deficits. It is by far the most cost-effective way of providing maritime capability to the Defense Department, but it may be under funded. By comparison, the Reserve Fleet, which features 40-year-old ships that are not fully crewed, receives double the funding of the newer, fully crewed MSP fleet."

"Just as important is the impact of the dramatic reduction in U.S.-flag preference cargoes. MSP support only equalizes a U.S.-flag operator's operational cost compared to the foreign fleet. The real incentive rests ultimately with U.S. military and other preference cargo. That cargo is less than half its level 10 years ago, and Defense Department transformation initiatives will likely further reduce sustainment cargoes shipped to overseas bases. There will need to be increases in other cargoes and new programs."

"The domestic fleet, especially that serving the U.S. non-contiguous trades, is also at a tipping point. While the trades are generally stable, most vessels in the fleet are well over 30 years old, and a massive replacement program is required. Nips and tucks can delay the reckoning, but will only make it more dramatic when it comes. Title XI financing at far greater levels is required if the new ships are to be built in U.S. yards, as currently required by law."

"The true status of the U.S.-flag liner shipping industry has sunk far from the historical objectives of U.S. maritime policy—a U.S.-built, owned, crewed and flagged fleet. "U.S. built" is irrelevant for the international trades, and at risk in the domestic, absent major new funding initiatives. "U.S.-owned" is all but finished in the international fleet—today there are no U.S.-owned, U.S.-flag liner operators in the Atlantic or Pacific trades."

## PMA President Miniace resigns

Joe Miniace, president of the Pacific Maritime Association, resigned the post effective March 17. His successor is Jim McKenna, a former vice president of Horizon Line (formerly CSX Lines), who was hired as the employer association's chief operating office last year.

Under Miniace's tenure, the PMA locked-out the International Longshore and Warehouse Union (ILWU) in 2002 at all West Coast ports after failing to achieve the concessions it desired at the bargaining table. Agreement was finally achieved after a Taft-Hartley injunction was imposed and a federal mediator facilitated negotiations.

## Kvaerner splitting into three companies

Aker Kvaerner, the Norwegian industrial group, is splitting itself into three companies after reporting a net loss of \$142.6 million in 2003 compared with a year-earlier profit of \$125.3 million, largely due to the poor performance at the Philadelphia shipyard.

The new shipbuilding company, Aker Yards, will be the largest in Europe, and the fifth largest worldwide. It will group a dozen European yards—five in Norway, three in Finland, two in Germany and Romania, and one in Brazil.

Aker Yards will focus on container ships, roll on/roll off vessels, chemical tankers and cruise ships. The company's order backlog at the end of last year to-

talled \$2.6 billion and it made an operating profit of \$228 million on revenues of \$2.27 billion.

The Philadelphia yard, which has been hit by low productivity and cost overruns on two containerships under construction for Matson Navigation, was largely responsible for Kvaerner's loss last year, reporting a deficit of \$104 million. It is unclear how the restructuring will affect the vessels under construction.

The U.S. yard will be included in a group of loss-making operations, including the SeaLaunch satellite venture and British pension liabilities, in a new holding company.

## Coast Guard promises aggressive inspections of foreign vessels

The United States Coast Guard will board every foreign vessel arriving at a U.S. port with a security certificate issued under the ISPS code, U.S. Coast Guard Commandant Admiral Thomas Collins told a House subcommittee on March 11. Collins' comments came during a hearing when politicians sharply criticized the Bush administration for cutting its FY 2005 budget requests for the USCG.

On the ISPS, Collins said: "We're not going to just trust a piece of paper," adding that the USCG will follow a policy of "trust but verify." He said USCG officers will ask vessel operators about every aspect of security. "Do they have access control? Do they have perimeter security? Do they have a security officer? Does he know his job? Is the security alarm onboard?"

Asked what the USCG will do if it finds a "pattern of non-compliance" with a certain registry, Collins said: "We can deny entry. We could require certain actions to be taken before the vessel departs or comes in port and we're going to do that very, very aggressively." Opening the hearing, Rep Frank LoBiondo of New Jersey pointed out that Bush's 2005 request for port security grants is 40% less than the amount provided in 2004. "I am very concerned this level of funding is insufficient to meet the critical security needs at our ports," he said.

## Fire damages USNS Shughart in Kuwait

Fire broke out aboard Military Sealift Command's Large Medium-Speed Roll-On/Roll-Off (LMSR) vessel *USNS Shughart* in Kuwait in early March while the vessel was discharging cargo for the U.S. Army's 1st Cavalry Division. Three crew members apparently suffered smoke inhalation, and the ship's electrical system was heavily damaged, but all cargo was off-loaded and undamaged. The *Shughart* is managed by Patriot Contract Services and crewed on deck by the SUP.

Although the U.S. Coast Guard investigation continues, it appears that the fire originated in the auxiliary machinery room on the starboard side of the 950-foot LMSR ship midway between the water line and the main deck.

The *Shughart* was about 75 percent discharged when crew working in an area of the auxiliary machinery room smelled smoke. Upon investigation, they found thick black smoke coming from the auxiliary machinery room and used extinguishers and water hoses to tamp down what they thought was a fire and to cool the area. After about 90 minutes and with smoke still billowing, it was clear the technique was not working.

The crew secured the engine room ventilation system and all other systems they could reach, and left the space to muster for a head count. Once all crew members were accounted for, the ship's carbon dioxide fire fighting system was

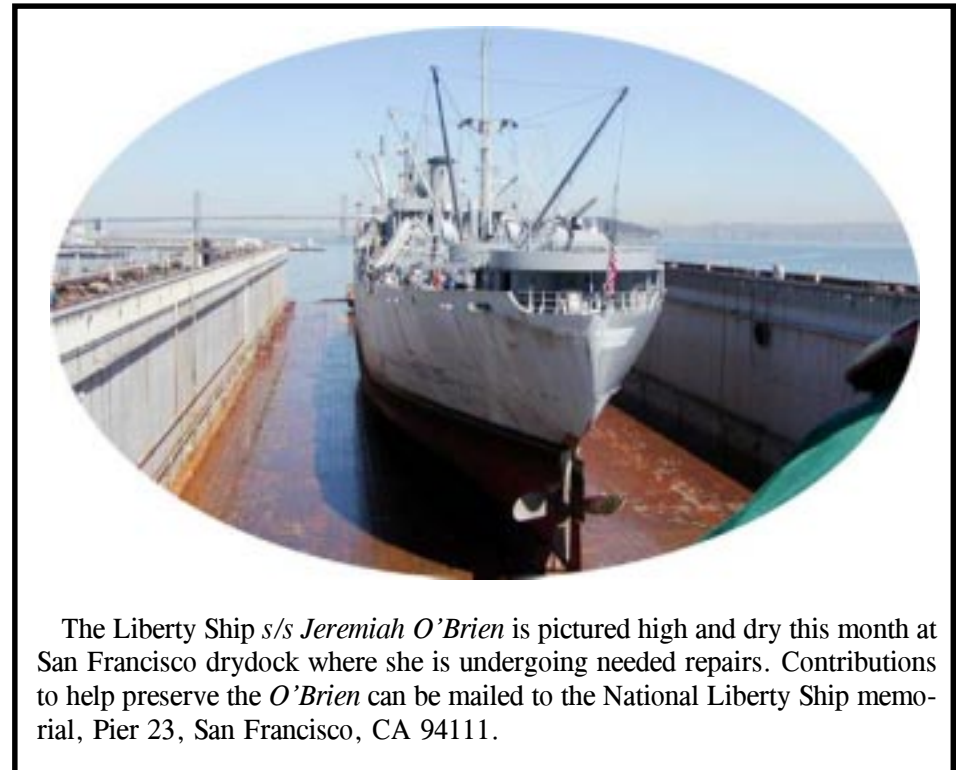
activated in the affected spaces. The system floods the area with carbon dioxide which depletes the oxygen in the space and extinguishes the fire.

At the same time, fire fighting assistance was requested from MSC sister ships *USNS Red Cloud* and *USNS Sisler* which were discharging in the port as well. Ready Reserve Force ships *MVCape Douglas* and *MV Cape Ducato* also sent members of their crew to lend a hand.

Fire trucks from the Kuwait port offices were driven aboard *Shughart* and began fighting the smoke and cooling the area. Along side, tugs sprayed water on the ship's hull in an attempt to cool the metal. About six hours from the time smoke was discovered, the fire was declared to be out, and the spaces were left to cool. Stevedores worked quickly to finish off-loading the remaining cargo.

Without warning, about 12 hours later, fire flashed again. It appears that the reflash may have come from fire in the electrical cables that penetrate the decks. Again, crew members and fire fighters sprang into action. Flames were now visible from the starboard side of the ship, the first time actual flames were seen. Smoke had been the culprit during the first battle.

Fire fighters decided that auxiliary machinery room was the likely epicenter of the fire, and getting foam in that space was crucial to extinguishing the fire.



The Liberty Ship *s/s Jeremiah O'Brien* is pictured high and dry this month at San Francisco drydock where she is undergoing needed repairs. Contributions to help preserve the *O'Brien* can be mailed to the National Liberty Ship memorial, Pier 23, San Francisco, CA 94111.

## Oregon sends message to Chief Engineer

A U.S. federal court in Oregon has handed down a \$2 million fine to the owner of the 46,640 dwt bulk carrier *Spring Drake* for dumping oily waste and falsifying discharge logs—the largest fine for ocean pollution ever issued by the state, according to local reports. In addition, Japanese shipowner, MMS Co., will be forced to undergo a court-supervised compliance plan, while the ship's Indian chief engineer, Shashank Pendse,

will serve one month in prison.

Judge Michael Mosman, who handed down the ruling, was quoted as saying the verdict "sends a message" to chief engineers: if they violate environmental laws, they will end up in U.S. jail cells.

According to U.S. attorney Bob Ross, the *Spring Drake* prosecution was just the latest in the serious of "increasingly aggressive" efforts to police compliance with MARPOL regulations.

## Carlyle Group seeks to dump Horizon Lines

Washington D.C.-based Carlyle Group is reportedly seeking a buyer for Horizon Lines, the U.S. flag carrier that operates between the U.S. mainland and Puerto Rico, Alaska, Hawaii, and Guam. Carlyle, a privately held company known for tapping former politicians to make money investing in government-regulated industries, bought the former CSX Lines in 2003 from CSX Corp. for roughly \$300 million. CSX said at the time it wanted to concentrate on its core railroad business, but retained a stake in the company.

A report in the March 5 issue of *Trade Winds* said sources said "buoyant markets" have accelerated Carlyle's plans to sell Horizon, and that it has retained Goldman Sachs to handle the sale. The article did not name a prospective buyer.

Horizon also operates Horizon Services Group, a software provider that assists companies in container loading, inland operations, and other activities, as well as an internet-based system for shipping vehicles.

## ESU Office Assignments

For the month of April, Jerry Patterson will be in the Seabrook office and John Straley will be in the Benicia office.



MARCH 2004

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## 2004 ESU officers election

This fall the ESU will be conducting an election for Executive Board positions and Ship Representatives, as outlined under the ESU Constitution and By-Laws. Everyone is encouraged to participate in the election process. See your Ship Representative for Nomination forms or give either ESU office a call. The various positions up for election this year are as follows:

- Vice President
- Secretary Treasurer
- Engine Trustee
- Deck Trustee
- Steward Trustee
- Ship Representative S/R American Progress
- Ship Representative S/R Charleston
- Ship Representative S/R Long Beach
- Ship Representative S/R Hinchinbrook
- Ship Representative S/R Puget Sound

According to the Constitution and By-Laws under Article V the requirements for nominations are as follows:

- Nominations for candidate for President, Vice President, Secretary-Treasurer, Recording Secretary and Ship Representative can be from any department. One trustee is to be elected from each department (deck, engine and steward's).
- Nominations for candidates for the Union Officers must be received in the Union office by October 1 of the year preceding January 1 beginning term of office.
- A nomination form must designate which one Union officer position the candidate is seeking and denote which de-

partment the candidate is in.

- Signatures of twenty-five (25) members in good standing are needed for a nomination to any position on the Executive Board. Fifteen (15) signatures of members in good standing are required for a nomination to Ship Representative.
- The nomination form should be mailed by certified mail to the primary Union office (Seabrook) if there could be any question concerning the timely receipt of the nomination.
- To be eligible for nomination a member must have his dues paid through the month in which the nomination is made.
- To be eligible for election to the Executive Board, nominee must be a qualified driver possessing a current, valid auto driver's license.
- Each member in good standing in the fleet who has at least two (2) years of continuous service in the Company, and who has been a member of the Union for at least one (1) year may stand for nomination to the Executive Board.
- Each bona fide candidate for office is requested to provide a campaign statement that will be presented to the membership in a mail out from the Union office. The statement must be in a finished state, ready for copying and no longer than two legal size pages. No slanderous accusations of other members will be accepted and any such questions that arise will be decided by rule of the Executive Board.

All members are encouraged to participate and vote in the election process. A Union's strength is measured by the grass roots willingness of its members to participate.

## Disability underpayments corrected

During the first part of March the Company mailed notification letters to unlicensed employees that have been on Disability since mid-2002. The letter explained that an adjustment would be made on the March 15, 2004 paycheck for an underpayment of wages while on Disability. The Company will not be sending letters or making any adjustments for those individuals who were not underpaid. Should you have any questions about your letter, please feel free to call the ESU office or Chris Matteson at 800-752-1271 (option 2).

## Ship Representative Conference 2004

The annual Ship Representative Conference for this year has been confirmed for the week of April 26-30, 2004, in San Antonio, Texas. The Union will again try to have as many of the Representatives as possible attend this meeting. The annual Ship Rep. Conference is a valuable training and educational tool for the Ship Representatives. It also provides an opportunity for the Executive Board and the Ship Representative to exchange information and ideas for making our Union better for all its' members. Please try to work your schedule so you can attend. If you need assistance in setting up your schedule so you can attend, please give either ESU office a call and we will try to work with Fleet Manning on your behalf. Additional information about this meeting will be communicated soon.

## New Benicia office e-mail address

Please note that the ESU Benicia office has a new e-mail address. The new address is: [esuben@sbcglobal.net](mailto:esuben@sbcglobal.net) We are in the process of changing our internet providers and expect a change will also occur in the Seabrook office.

## Arbitrator denies refusal of assignment grievance

Recently, the ESU received the arbitrator's decision pertaining to the refusal of assignment grievance that was filed on behalf of union brother Bill Burton. The Executive Board felt we had a good case to arbitrate and made a strong argument but unfortunately, AAA arbitrator, Kathy L. Eisenmenger ruled in favor of the Company.

At issue in this case was whether or not a member has the contractual right to refuse an assignment to a vessel without being disciplined. The Union's case was based on specific Contract language and a past practice of other employees not being disciplined for the same action that was taken by Mr. Burton. The Union argued that the grievant should not have received any discipline and that the Company should have followed Article VII, of the Agreement and placed him in on "off pay" status.

The Union referred to Article VII, Sections 6 and 7 of the Agreement to support our position. The arbitrator thought that the Agreement's provisions do not immunize the grievant or other

employees in similar situations from discipline when they refuse a vessel assignment under the circumstances that happened in this case.

The Union provided direct testimony and supporting documentation to support our past practice position. In addition, the Union submitted testimony from a prior arbitration case whereby a former Fleet Manning Head and a current Fleet Manning Personnel Administrator testified that an employee could refuse one ship a year. The testimony was used to support the Union's position that management understood and agreed with the past practice. Despite our best effort, the arbitrator did not believe the Union provided enough evidence to support the existence of a past practice between the Company and the Union that employees have the right to refuse a vessel assignment one time per year without suffering the consequences of discipline.

Ultimately, the arbitrator decided the warning letter was issued for just cause and is a reasonable form of discipline under the circumstances in this case.

## Ship reports

### S/R American Progress

Vessel visited on March 16 in Beaumont, TX at the ExxonMobil dock. Ship Representative, Chuck Bell reports everything is going well. The vessel continues in the Gulf running between Texas and Florida.

### S/R Baytown

Ship continues to trade between Valdez and the Puget Sound terminals. Ship Representative Mark Myser has returned from paid leave. Thanks to Amador Almanza for filling in during Mark's absence. Amador did a good job of communicating with the office on Union issues.

### S/R Charleston

Executive Board visited the ship on March 11 at the ExxonMobil Dock in Baytown, prior to the vessel departing for probably its last trip to the West Coast. And possibly the "Charley's" last voyage. Regular Ship Representative Bob Knight on board, reports everything running smoothly.

### S/R Columbia Bay

Executive Board Officer boarded ship on March 13 at Valero Dock in Benicia, CA. Regular Ship Representative Thor Floreen on board and reports all going well. Question about the order of reliefs which was resolved ship-board.

### S/R Galena Bay

Vessel has been reactivated earlier than expected from lay-up at Cascade General Shipyard in Portland. Vessel loaded in Valdez for discharge in Los Angeles. Expect some repair time in

Port Angeles before loading again in Valdez. Mike Harrison filling in as Ship Representative here.

### S/R Hinchinbrook

Vessel continues on ANS trade between Valdez and Puget Sound terminals. Temporary Ship Representative, Mario Guarcello communicating regularly with the Union office. Reports everything currently going OK here.

### S/R Long Beach

Executive Board visited vessel on March 4 at Valero Dock, Benicia, CA. Regular Ship Representative Joe Graca on board and keeping things in order. Crew looking for several reliefs next discharge port.

### S/R Mediterranean

The ship is still trading in the Far East. Regular Ship Representative Frank O'Malia on board and in contact with the Union Office via e-mail reports everything going well. The ship still, as of printing, should be running until July 2004.

### S/R Puget Sound

Vessel continues in the Gulf/Florida gasoline trade between Corpus Christi, TX, and Tampa Bay, FL. Board member plans to visit the ship next time in TX.

### S/R Wilmington

Vessel was visited at the ExxonMobil Dock, Baytown, Texas, on March 13. Marvin Marcum is filling in as Temporary Ship Representative and reports everything is going well. The vessel continues its regular routes, crew staying busy getting ready for an upcoming shipyard period in July.

## New interim rules for MMD renewals

On March 2, 2004 the ESU was invited by the SUP to attend a meeting of the Ship Operating Cooperative Program (SOCP) being hosted by ConocoPhillips Marine in Houston, Texas. SOCP is an industry-government partnership that was formed in 1993 to share resources in the development and evaluation of technologies, training, reliability and productivity for its members in an effort to improve the competitiveness of the U.S. maritime industry. The membership makeup includes ship owners, labor organizations, academies and various training schools.

Part of this meeting focused on discussion of maritime safety programs and their impact and effectiveness on the maritime industry and mariner recruitment and retention activities.

Another issue that was also talked about was an interim rule from the Department of Homeland Security on MMD Renewals describing enhancements to the application procedures for Merchant Mariner Licensing and Documentation program under CFR 46 Part 12. This interim rule became effective on January 6, 2004. These enhancements are intended to improve maritime safety and promote the nation security interests of the United States.

Under this rule the Coast Guard will now conduct a criminal record review and a safety and a security check of the applicant in accordance with applicable law. An application or MMD may be rejected if the criminal record review and safety and security check leads the Coast Guard to determine that the applicant's criminal record or character and habits of life demonstrate that the applicant is not a safe and suitable person. This rulemaking provides new definitions of the terms "conviction", "safety and security check" and "safe and suitable person". New definitions for the terms are as follows:

**"Conviction"** means the applicant for a merchant mariner's document has been found guilty by judgment or plea by a court of record of the United States, the District of Columbia, any State, territory, or possession of the United States, a foreign country, or any military court, of a criminal felony or misdemeanor or of an offense described in section 205 of the National Driver Register Act of 1982, as amended (49 U.S.C. 30304). If an applicant pleads guilty or no contest, is granted deferred adjudication, or is required by the court to attend classes, make contributions of time or money, receive treatment, submit to any man-

ner of probation or supervision, or forgo appeal of a trial court's conviction, then the Coast Guard will consider the applicant to have received a conviction. A later expungement of the conviction will not negate a conviction unless the Coast Guard is satisfied that the expungement is based upon a showing that the court's earlier conviction was in error."

**"Safe and suitable person"** is one whose character and habits of life are such as to support the belief that his or her presence on board the vessels of the United States is not, or may not be, adverse to the security of the United States."

**"Safety and Security Check"** is the process or action taken by the Coast Guard to determine whether an applicant for, or holder of, a merchant mariner's document is a safe and suitable person to be issued such a document or to be employed on a vessel under the authority of such a document."

Members need to be aware that the new conviction definition includes misdemeanors and any convictions by a foreign country or military court. Apparently, for the first time, the Coast Guard will now be looking at misdemeanors during the renewal process to determine if a person is safe and suitable to work on U.S. vessels. Hopefully, it is not the intention of the Coast Guard to weed out mariners if they have been convicted of a misdemeanor.

The last two definitions above are vague and do not establish a criteria as to how they are applied. Without a clear criterion, determining whether a mariner is a "safe and suitable" person by the Coast Guard will be, as we all know, inconsistent from one Regional Exam Center to another.

Currently, there is a comment period being conducted on this interim rule until April 5, 2004. The ESU intends to submit comments about the parts of the interim rule that appear to be going too far.

As previously stated by the Union, it is imperative that members when applying for renewal of an MMD disclose all prior convictions on the application form. Failure to completely disclose a conviction may result in denial or additional delays in the processing of a new MMD. For complete and detailed information regarding the application and assessment process used by the U.S. Coast Guard, members are encouraged to research the Code of Federal Regulations, Title 46, Volume 1, Part 12, titled "Certification of Seamen".

## Physicals when going to paid leave

Recently, the Executive Board confronted SeaRiver management with a situation involving the Company not providing a relief to a member that was well over the 60-day sea tour, and in fact had been collecting the Extended Sea Tour Penalty pay. The company delayed this relief on a Saturday due to the fact that the member was scheduled for a physical on Monday, even though a relief was available on the day that the member arrived in port.

After discussion with the company on this issue, the Union received assurances from the company that this incident was inappropriate and was contradictory to their own written procedures regarding physicals. The Union was assured that this situation would not repeat itself.

As a reminder, members due a relief on the weekend should not have their reliefs delayed because of an upcoming appointment for an annual physical. The company may, even after discharge from the vessel, provide lodging to the member aboard the vessel while awaiting the scheduled physical.

The ESU News is written and edited by the Exxon Seamen's Union.

## AB to Fleet Chef!



On board the S/R Columbia Bay. Fleet Chef Gordon Gibau (pictured right) and Cook David Franklin take a minute to pose for the camera. Gordon, who sailed for many years as an Able Seaman, recently made a career change to the Steward's Department and has been promoted to Fleet Chef. Photo taken by John Straley.

## Mail order prescriptions

The Union has received a few reports from members in regard to our Mail Order Prescription program provided through Advance RX, that they have had difficulties with getting some of their maintenance prescription drugs processed.

It was reported in the February Ship Representative letter and still is the case, that there has been no change to the current level of coverage. Maintenance medications are still available to the participants in the plan at a cost of \$5.00 for up to a 90-day supply of medication.

The Union has looked into the processing difficulties and we have found out that certain medications that are now available over the counter may not be available. However, it could be possible to continue your medication by having your physician provide a letter as to why it is medically necessary, versus an over the counter dosage. Insurance companies, including Blue Cross/Blue Shield, ordinarily revise their lists of prescription medications on a yearly basis and the availability of specific medications may be changed due to it being available over the counter.

A good idea for all members that take maintenance medications is to verify early each calendar year that their medication is still covered as per the BC/BS list of preferred drugs. This will avert ordering any medication that may not be filled because of a formulary change.

Some medications that still require a prescription but are not preferred may still be covered by the plan and may not appear on this list. To access this list you can find it on the Internet at BC/BS's website: [www.bcbstx.com](http://www.bcbstx.com). From the home page click on "Members" on the menu bar at the top of the page. On the next page click on "Pharmacy" in the menu at the top of the page and then click on "Member Preferred (Top 1500) Drug List 2004." This list covers the Top 1500 in utilization and most likely you will find your medication here.

Keep in mind that this list does not contain all prescription drugs that are covered by the plan. Non-preferred drugs are covered under the plan as well. Incidentally, the BC/BS website has other valuable uses including section on forms that can be downloaded (i.e. medical claim forms).

For prescriptions filled at a retail pharmacy, you need to pay in advance and submit receipts to BC/BS for reimbursement. Prescriptions are reimbursed at 90% of the total cost, less any deductibles. The form to use for reimbursement is a regular medical claim form, which states, "Claim Form to Pay Insured/Subscriber" in the upper right hand corner. The address for mailing, which is stated on the form is:

Blue Cross Blue Shield of Texas  
PO Box 660044  
Dallas, Texas 75266-0044

## EXXON SEAMEN'S UNION

Founded March 28, 1941

Affiliated with the Sailors' Union of the Pacific

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President Jerry Patterson

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

Deck Trustee Patrick Campbell  
Engine Trustee William Ackley  
Steward Trustee Gerard Nelson

# Sailors' Union of the Pacific/ Training Resources, Ltd.

## Schedule of Course Offerings for 2003/04

### STCW 95 Basic Safety Training

• Basic Fire Fighting	• Basic First Aid		
• Personal Survival	• Personal Safety and Social Responsibility		
Mar 22-26	May 26-30	Aug 2-6	Nov 1-5
Apr 5-9	Jun 7-11	Aug 23-27	Nov 15-19
Apr 19-23	Jun 23-27	Sep 6-10	Dec 6-10
May 3-7	Jul 12-16	Sep 27-Oct 1	Dec 13-17
	Jul 26-30	Oct 18-22	

### LMSR Vessel Training (MSC approved)

Apr 6-16	Jul 20-30	Sep 14-24	Nov 2-12
May 11-21	Aug 10-20	Oct 12-22	Nov 30-Dec 10
Jun 15-25			

### Small Arms Training (MSC approved)

Mar 22-24	Jun 28-30	Sep 27-29	Nov 15-17
Apr 19-21	Aug 23-25	Oct 25-27	Dec 13-15
May 24-26			

### Able Seaman (AB)

Apr 5-17	Jun 7-19	Sep 13-25	Nov 1-13
May 17-29	Aug 9-21	Oct 11-23	Nov 29-Dec 11

### Survival Craft (Lifeboatman)

Mar 29-Apr 1	May 31-Jun 3	Sep 27-30	Nov 15-18
Apr 19-22	Aug 23-26	Oct 25-28	Dec 13-16

### Training Information and Enrollment

#### Contacts

Rich Reed, SUP Welfare Plan Rep SUP Welfare Plan 450 Harrison St., San Francisco, CA 94105 Tel: (415) 778-5490 Fax: (415) 778-5494 E-mail: supwelfareprep@hotmail.com	Dave Connolly, SUP Vice President c/o Andrew Furuseth School of Seamanship 450 Harrison St., San Francisco, CA 94105 Tel: (415) 777-3400 Fax: (415) 777-5088 E-mail: daveconnolly@msn.com
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**West Coast Sailors**  
**450 Harrison Street**  
**San Francisco CA 94105**



# Welfare Notes

March 2004

## MEDICARE PRESCRIPTION DRUG COVERAGE

The current administration in Washington D.C. has enacted a new law that will make changes in the Medicare Program. Medicare will remain the national health care program and will be offering new benefits. These new benefits are voluntary, if you are not interested in the new options you can choose to remain on the regular Medicare plan you have today.

Medicare approved drug discount cards will be available in 2004 to help you save on prescription drugs. Medicare will contract with private companies to offer new drug discount cards until a Medicare prescription drug benefit starts in 2006. A discount card with Medicare's seal of approval may help you save on prescription drugs. You can enroll in this program as early as May 2004 and continue through December 31, 2005. Enrolling in this program is voluntary, Medicare will be mailing information soon with more details on how to enroll.

The actual prescription drug program will be added to Medicare and start in 2006. All people with Medicare will be able to enroll in these plans. Plans might vary, but in general this is how they will work:

\* You will choose a prescription drug plan and pay a premium of about \$35 a month. \* You will pay the first \$25 (called a deductible) \* Medicare will then pay 75% of costs between \$250 and \$2,250 in drug spending. You will only pay 25% of these costs. \* You will pay 100% of the drug costs above \$2,250 until you reach \$3,600 in out of pocket spending. \* Medicare will pay about 95% of the costs after you have spent \$3,600.

Some prescription drug plans may have additional options to help you pay the out of pocket expenses.

Extra help will be available for people with limited incomes. People with Medicare in the greatest need who have incomes below certain limits will not have to pay the premiums or deductibles for prescription drugs. The income limits will be set in 2005. If you qualify you will only pay a small co-payment for each prescription you need.

Once again these programs will be voluntary, you may decide which program is best for you. For more information on Medicare and the new options being offered you may go on line at [www.medicare.gov](http://www.medicare.gov) or call 1-800-MEDUCARE (1-800-633-4227)

### SUP Welfare Plan

450 Harrison Street, San Francisco CA 94105

#### Telephone Numbers:

Main ..... (415) 778-5490  
 Eligibility active members/dependents ..... (415) 778-5491  
 SUP Money Purchase Plan, SUP 401(k) Plan,  
 Pensioner Medical Benefits ..... (415) 778-5493  
**Toll Free Number ..... (800) 796-8003**

## Piranha dropped in Thames River

Last month, a Red Bellied Piranha was apparently dropped onto the *Thames Bubbler* by a seagull, which was moored at Halfway Reach in Daganham. The *Thames Blubber*, ironically, is an oxygenation vessel dedicated to keeping fish and aquatic life alive. Environment Agency Fisheries officers were called to identify the fish. The identity was confirmed by the Curator of the London Aquarium, Paul Hale, who said it was "definitely a Red Bellied Piranha". He continued to say that "it would not survive the low temperatures of the Thames, and we imagine that it was probably released and then floated to the surface where it was picked up by one of the ever hungry seagulls and deposited onto the boat."

Piranhas cannot survive in temperatures below 15 degrees Celsius for more than a few days and the water temperature in the Thames river is currently close to 10 degrees.

## Make sure Headquarters has a current mailing address on file.

## Record of SUP Shipping February 2004

	Hdqs .....	Seattle .....	Wilm .....	Hono .....	Total
Bosun .....	5	0	1	0	6
Maint. Man.....	6	0	0	0	6
A.B. Dayworker	0	0	6	0	6
A.B. ....	15	8	6	12	41
O.S. ....	0	1	2	2	5
Standby .....	24	9	45	45	123
<b>TOTALS .....</b>	<b>50</b>	<b>18</b>	<b>60</b>	<b>59</b>	<b>187</b>



# SUP and MFOW respond to proposed changes of Coast Guard physical standards for mariners

Responding to a draft Navigation and Vessel Inspection Circular (NVIC), the SUP and MFOW this month filed its opinion and analysis with the Coast Guard. Called the "Physical Evaluation Guidelines for Merchant Mariner's Documents and Licenses," the NVIC represents a significant departure from the physical requirements in 46 CFR 12.05-5 that have been in effect for many years.

Those requirements establish eligibility for a Merchant Mariner's Document based on a medical practitioner's expert opinion that, at the time of the examination, the applicant has an adequate capability perform the shipboard functions for which the document is issued. For unlicensed personnel such shipboard duties including firefighting and launching of lifeboats, of ability to living in cramped spaces in adverse weather, to climb and handle moderate weights. In the draft guidelines, however, by setting numerous, restrictive, and far more specific standards, the Coast Guard has recast the existing system of prospective compliance to toward preemptive compliance.

For example, under the proposed rules, a mariner with a cardiac condition, or has a pacemaker or bypass, or has any heart irregularity, or has hypertension (for renewals not to exceed 175/100 if over age 50 or 160/100 if under age 50), would probably be disqualified at the Regional Exam Center (REC) from renewing his or her credential. The mariner must then apply for a waiver with a medical review board at the National Maritime Center in Washington, D.C. In order to be eligible for consideration of a waiver, mariners must submit documentation demonstrating that the condition is not a risk to themselves or their shipmates and that they are capable of performing their duties under all conditions.

The same is true for diabetes. Mariners who take insulin, or who have poorly controlled non-insulin dependent diabetes, may be denied renewal at the REC. On appeal to the medical review board, those mariners must present the following information in order to be considered for a waiver:

- 1) Brief history of the disease including when first diagnosed;
- 2) The extent of the applicant's education about the nature and control of the disease;
- 3) Description of any hospitalization with the past 12 months;
- 4) Description of the applicant's control of the diabetes;
- 5) If insulin dependent, the applicant's ability to monitor blood glucose and adjust the insulin dosage;
- 6) A list of medications, dosage, and required dosage frequency;
- 7) Length of time on the present dosage;
- 8) Copies of medical record entries for the past 18 months;
- 9) The effects of the diabetes on the applicant's eyesight;
- 10) A recent HbA1c test, the results of which must not exceed 9.0.

The guidance also contains specific language against any prescription or over-the-counter medication that may affect a mariner's ability to perform his or her duties in either ordinary or emergency circumstances. It notes that some herbal supplements can interact with prescription drugs causing hazardous side-effects,

and could be reason for denial of issuance of a Merchant Mariner's Document.

The guidance also contains specific new standards for vision (correctable to at least 20/40 in each eye and uncorrected to at least 20/20 in each eye), for color vision, and for hearing. It contains specific prohibitions for certain medications such as anti-coagulants, systemic corticosteroids, and psychotropic medications. Any orthopedic condition, such as "arthritis resulting in impairment of motion or use of limbs or back" could be grounds for denial of renewal. Current or chronic alcohol abuse is also listed as potentially disqualifying, as is drug addiction, but the guidance does not supply the exact definitions for these conditions.

Although the guidance states that the new standards are not a substitute for applicable legal requirements, medical practitioners are instructed to use new Coast Guard forms containing the standards to report an examination. If they are not used then the medical practitioner should indicate that the new standards were considered while conducting the examination. Accordingly, specific prescriptive requirements such as the use of forms that dictate the standards indicates that the standards will be obligatory if not legally binding. In light of this, the Union in its commentary suggested that a method of alternative compliance schemes be described and included in the guidance. The Union also suggested that the among the alternative compliance methods the Coast Guard should include existing labor-management medical centers experienced in conducting mariner physical evaluations. The following comments were also submitted.

- The guidance may unfairly discriminate against older, often more experienced mariners in favor of younger mariners without medical histories. The readiness of the present day medical establishment and the sophistication of its technology to diagnose conditions and prescribe medication should not necessarily be a basis for denial of employment. Accordingly, the numerous medical reasons and processes for denial should be repeated in detail for all situations following denial, e.g., initial objection, appeal, application for waiver, rehabilitation, and reinstatement. In particular, we encourage the process of local REC waivers, and we respectfully suggest consideration of the application of these standards only for original MMD's and to exempt renewals.

- Unlicensed mariners are likely to be over-represented in MMD denials versus licensed mariners because of socio-economic factors, such as a higher likelihood of incomplete and sporadic medical care, for example. They may also experience a higher denial rate because of their ability to overcome an initial problem may be limited. Such ability could depend on understanding the new regulations, on having the financial means to protest or apply for a waiver, and on overcoming financial obstacles inherent in repeated access to the appropriate medical professionals.

- The guidance may also unfairly select out merchant mariners employed by private companies and favor government-employed mariners, whose physicals require much of the same detail as provided in the guidance. It may also unfairly disadvantage those mariners that have neither the wherewithal to remain

steadily under the care of a physician, (and therefore be able to provide the documentation required for appeal), and favor those mariners that are part of large health plans or who can afford private doctors. Moreover, the guidance dilutes the medical authority and individual flexibility of examining physicians by forcing compliance with standards that are administered outside the established maritime medical community. Put another way, and notwithstanding the medical doctors on the Medical Review Board, the guidance improperly endows Coast Guard REC evaluators with a medical decision-making authority for which they have neither the experience nor training.

- These new standards will in many cases require burdensome documentation and costly re-evaluations. Some mariners, despite being eligible for many years, may be forced to access, maintain and provide medical records to ensure ongoing employment. They may be required to make and keep appointments with doctors that are not covered under their health plans, if they have coverage at all. They may be required to take medical tests that are not covered by health plans, if they have coverage at all. And they will likely be disqualified only after they have invested considerable time and money in the renewal or original application process. If the REC must refer the application for a waiver to NMC, there will ensue a delay subjecting the mariner to an even greater opportunity cost. We respectfully suggest, as we did in the second point, that there is nothing wrong

with the present annual system of compliance, that the contemplated requirements should be applicable to original MMD applications only.

- The existing system is based on annual evaluations and clearances. The NVIC's guidelines makes a chronic condition the subject of special and ongoing review and places the burden of proof of fit for duty on the mariner's own documentation, (as well as financial and health care resources) on an ongoing basis. In so doing, the draft guidance makes elastic the present annual system of compliance and may unfairly discriminate against mariners whose careers began and have continued under a different set of requirements. To undermine the expectation for those mariners, many of whom have served their country in recent wars, is to do them an unnecessary disservice. Accordingly, all those mariners with recency as defined in 46 CFR should be exempt from all except present standards.

The Coast Guard, via the National Maritime Center, has responded to the Union's criticism. In particular, the NMC has indicated that it will modify for flexibility the rules so as not to discriminate against older, more experienced mariners. The Coast Guard did note, however, that all mariners must be physically and medically able to perform the duties required by their credentials, no matter what their age. Members should be aware that some form of a tough new medical review associated with original or renewal MMD applications will eventually be implemented.

## The ballad of Andrew Furuseth

By Joe Glazer

In the little town of Romedal in 1854  
Andrew Furuseth was born, the poorest of the poor.  
He left his home in Norway to sail upon the sea:  
Those were the days when a sailor's life was a life of misery.

He slept in a filthy hole in the ship with bedbugs all around  
The food was not fit for a dog the worst that could be found;  
The captain was a tyrant, the sailors were his slaves;  
Many a time they wished that they had died in a watery grave.

After many years of sailing the whole wide world around,  
Andrew Furuseth set foot in San Francisco town.  
He gathered up his comrades on every dock and pier,  
He said we'll build a union and we're going to start right here.

He crossed the land from coast to coast to every seaport town.  
He said we've got to stand like men don't let them grind you down.  
We'll build a seamen's union for every man that sails  
We'll build a seamen's union, if they put us all in jail.

They can put me in a dungeon and lock me in a cell  
But no prison that they put me in can be worse than a sailor's hell.  
They can lock me in that dungeon and throw away the key  
But they can't make me as lonely as the sailor on the sea.

This grand old sailor left this earth in 1938.  
Seamen mourned his passing from New York to the Golden Gate.  
His ashes were all scattered across the ocean deep.  
This restless son of Norway was finally asleep.

There's a little bit of Furuseth on Norway's rocky shore,  
And on the coasts of the USA where the mighty oceans roar.  
But I believe his restless soul still roams the seven seas,  
Till justice rules on every shore his soul won't rest in peace.

## Hunter to revive fight for "Buy America" provision in Congressional budget

House Armed Services Committee Chairman Duncan Hunt (R-CA) wants to include provisions in the fiscal year 2005 defense authorization bill similar to the "Buy American" language he proposed last year, which led to a critical deadlock in Congress that threatened passage of the Fiscal Year 2004 (FY-04) authorization bill.

In an interview with *Inside the Navy*, Hunter pledged to add the language to the defense budget the Pentagon delivered to Capitol Hill earlier this month, calling the provisions a "campaign we are going to continue to work on."

"I think from here on out we have to continue to make sure we have an independent American production base to make vital parts of our weapon systems without having to rely on people who may prove to be unreliable, or nations that may prove to be unreliable," he said. "I think that's part and parcel to national security."

Last year, Hunter proposed provisions in the House version of the FY-04 authorization bill that would have dramatically decreased the percentage of foreign content permissible in any military items and required certain products to be entirely American-made. He argued the legislation would protect the U.S. industrial base.

But Hunter's proposal was hardly met with open arms in Washington. The Bush administration threatened to veto the bill if the language was not removed. Hunter's counterpart in the Senate — Senate Armed Services Committee Chairman John Warner (R-VA) — expressed concern about the provisions, and U.S. and foreign defense contractors lobbied heavily to kill the effort.

Ultimately, after a lengthy stalemate, Congress passed and the president signed into law a watered down version of the "Buy America" language that called for a general preference for domestic manufacturers, but was not nearly as restrictive as Hunter's initial proposition.

Undeterred, Hunter said in the January 29 interview his committee is going to try to implement "the gains that we got last year." But he declined to specify further, remarking the committee has not yet put its "blueprint" together. A committee spokesman later said that although the congressman's "heart" was in the original "Buy America" concept offered last year, it was unclear whether Hunter would push for the same language or tone it down.

The problem getting the provisions adopted during the previous budget process, Hunter insisted, was that "the city was awash with lobbyists" from Germany, France and other countries he said were pushing for the language to be eliminated. And this year should prove no different.

"Being trading partners doesn't always translate into being military allies," he warned, adding the United States has a right to ensure the strength of its industrial base and the ability to defend itself.

"I think even the highest paid French lobbyist would concede that every nation has a right to defend themselves," he said. "We should not be in a position to have to rely on people who may not support [us] when the flag goes up."

But the Aerospace Industries Association, which represents every facet of the U.S. aerospace industry, also voiced strong opposition to "Buy America," telling Congress that U.S. manufacturing jobs would be lost, not gained, as a net result of Hunter's amendments.

Hunter said he has not been in discussions with the White House or the Pentagon about his plans to revive discussion on "Buy America." But he assured his committee has a good working relationship with Defense Secretary Donald Rumsfeld and his deputy Paul Wolfowitz and will "work on this together." Wolfowitz helped House lawmakers with a compromise agreement during last fall's stalemate.

Strengthening the industrial base to the point that the United States has the independent ability to defend itself will be a "fairly lengthy campaign," and could "take a number of years," said Hunter. But he added, "We are going to do what is necessary to make sure that occurs."



Campaigning for the Democratic Party's nomination for President on February 27, Senator John Kerry, took the Blue and Gold Ferry Company's Bay Flyer from San Francisco to Oakland to attend a rally at Teamster's Local 70. Flanking Senator Kerry aboard the vessel underway are from left: SUP President Gunnar Lundeborg, Art Pulaski, Executive Secretary-Treasurer of the California Labor Federation and Marina V. Secchitano, San Francisco Regional Director of the Inlandboatmen's Union, Marine Division of the ILWU.

## Southern California workers ratify grocery pact to end strike/lockout

Ending an exhausting 141-day strike and lockout at three Southern California supermarket chains, members of the seven affected locals of the United Food and Commercial workers overwhelmingly ratified a three-year agreement on February 29, and returned to work on March 5. The UFCW was strongly supported in its struggle by Unions across the country, including the SUP.

The contract covers more than 70,000 workers at 852 Albertsons, Ralphs, and Safeway-owned Von's stores throughout Southern California. The pact provides for a two-tier wage system for new hires and a lump sum payment for current workers in lieu of a wage increase for the term of the agreement.

Food clerks currently make \$17.90 per hour, while new hires in that category will start at \$8.90; it will take four years or more to get to a top scale of \$15.10. While a meat cutter makes \$19.18 per hour now, a newly hired meat cutter will start at \$11.18 and top out after four years at \$16.38.

Health care which was a mor point of contention between the parties, ultimately resulted in a two-tier system.

Current employees, those hired before the contract's ratification, will maintain their employer-paid coverage for the first two years. IN the third year they will pay up to \$5 a month for individual employee cover-

age, \$10 per month for employee plus children and \$15 per month for employee plus spouse with or without children. If after the first two years the money in the benefit fund is insufficient to cover the increased costs of health care, the contract allows the trustee to reduce the benefits offered. To help offset this, the employers will contribute \$190 million to rebuild the reserves in the fund that were depleted during the strike/lockout.

New hires, those employed after the contract ratification, will receive drastically less. The employers' contribution to the benefit fund for them will only be \$1.10 per hour (as opposed to \$3.80 for current employees) and they will have to pay 20 percent of their premium to retain coverage and will have higher co-pays as well. Also they will not be eligible for coverage until they have been employed for a year. They will have to work for two-and-a-half years before they can buy coverage for their dependents.

UFCW locals throughout North America will contracts expiring in the coming months watched the Southern California conflict closely. They are not conceding the conventional wisdom that the Southern California settlement set a pattern.

As Ron Lind, Secretary-Treasurer of UFCW Local 428 in San Jose, California stated, "We will not agree to a two-tier system or health care cuts."

## U.S. Coast Guard discovers merchant mariners with terrorist links

The U.S. Coast Guard and FBI have uncovered nine merchant mariners with possible terrorist links, raising renewed concerns that U.S. ships and ports are vulnerable to attack. Coast Guard spokeswoman Jolie Shiflet said that "Operation Drydock," prompted by national security concerns after the September 11, 2001, attacks, had also led to the arrest of about a dozen others whose active arrest warrants for crimes from minor misdemeanors to attempted murder had long gone unnoticed. The Coast Guard said it investigated the records of more than 200,000 people who hold U.S. merchant mariner credentials.

Shiflet would not disclose what had happened to the nine mariners suspected of possible terror links, only saying, "We've taken steps to mitigate the potential risks posed by these individuals."

She would not give the nationality of the nine, but said merchant mariners were required to be U.S. citizens or permanent resident aliens.

Almost 7 million containers and about 50 percent of all imports arrive in the 361 U.S. ports each year.

The 14-month investigation also involved the Justice and Defense departments and the U.S. intelligence community, and shows security officials are taking the threat to U.S. maritime interests seriously.

"The Coast Guard before 9/11 was not a full member of the intelligence community. We didn't even have a seat at the table, and now we do," Shiflet said.

Concerned about possible national security threats from fraudulent merchant mariner documents, the Coast Guard said it had strengthened its background checking process for commercial seamen and began issuing more tamper-resistant credentials in February 2003.





# SUP President's Report

March 8, 2004

## MILITARY SEALIFT COMMAND: LMSR BIDS

As reported for the past two months, the SUP, MFOW and SIU-AGLIWD/NMU having been working together regarding labor costs to respond to the Military Sealift Command's (MSC) Request For Proposals (RFP) for the operation of the 11 Large Medium-Speed, Roll-On/Roll-Off (LMSR) vessels currently operated by Patriot Contract Services.

After the three Unions achieved consensus on labor costs for each unlicensed job classification aboard these vessels in February, the SUP and MFOW met with representatives of Patriot on February 10, at MFOW Headquarters and agreed on a tentative Memorandum of Understanding (in conformity with the RFP) covering wages, wage-related items, supplemental benefits and benefit rates for health, welfare, training and Money Purchase Pension Plan.

In attendance for the Unions were MFOW President/Secretary-Treasurer Whitey Disley, MFOW Vice President Bobby Iwata, MFOW San Francisco Port Agent Tony Poplawski, SUP Vice President Dave Connolly and your secretary. The company was represented by Patriot and ASM Chief Operating Office Saunders Jones, Senior Labor Relations Manager Archie Morgan and company attorney Tim Gill.

Since Matson is also bidding on the LMSRs, the same tentative agreement negotiated with Patriot was agreed to by Matson. Both companies submitted their bids prior to the February 18 deadline set by MSC.

The agreements are tentative and not yet subject to membership action as the MSC will review all bids submitted—which incorporates labor agreements—and possibly recommend changes.

Patriot indicated the review process will begin in late March or early April. MSC will then request all companies responding to the RFP submit a "best and final" offer by late June or early July. The contract is tentatively expected to be awarded some time in late summer.

The current LMSR agreements with Patriot will remain in effect until September 30, 2004, with a 3% increase in wages and benefits due on July 23. The new contract award by MSC for the operation of the LMSRs will become effective October 1, 2004.

## SUP/MFOW EAST COAST OFFICE

Last month SUP/MFOW Norfolk representative Jack Stasko advised the Unions that he intended to retire effective February 29, citing health reasons. Brother Stasko was appointed Norfolk Representative in October 2000 in accordance with Article X and Article XIV, Section 2(j) of the SUP Constitution.

Starting from scratch in Norfolk, Jack did an outstanding job in representing both the Sailors and Firemen as well as recruiting qualified mariners to fill jobs in the LMSRs.

With the retirement of Brother Stasko, Bud Yost was appointed East and Gulf Coast representative for the SUP and MFOW, with the approval of MFOW President Whitey Disley. Brother Yost has sailed for the SUP for several years and brings unique qualifications to the job, as prior to joining the SUP, he was president of the Exxon Seamen's Union (an SUP affiliate) and handled beefs in all three unlicensed departments.

With the retirement of Brother Stasko and the appointment of Brother Yost, it was decided to close the Norfolk office and shift the operation to Jacksonville, Florida, to better access and service members in the LMSRs.

The Jacksonville office is now open and is located in the Masters, Mates & Pilots Hall at 349 East 20th Street, Jacksonville, Florida 32206. The telephone number is 904-598-9909. The fax number is 904-598-9910.

## FOSS MARITIME COMPANY

The SUP Negotiating Committee elected to bargain with Foss at the January Headquarters' meeting will caucus at Headquarters on March 29 and 30 at 8:00 A.M.

Members employed by Foss are urged to submit proposals for consideration by the Committee.

The Foss collective bargaining agreement expires on April 30.

## MARITIME TRADES DEPARTMENT

Along with MFOW President Whitey Disley, attended the Executive Council meeting of the AFL-CIO's Maritime Trades Department meeting in Hollywood, Florida, on March 4, and 5.

The Council approved several policy statements of interest to the membership. Several prominent people addressed the gathering including Transportation Secretary Norman Mineta, Treasury Secretary John Snow, Maritime Administrator Captain William Schubert, the Deputy Commander of TRANSCOM, former UFCW President Doug Dority and AFL-CIO President John Sweeney.

More information on the meeting will be published in the March *West Coast Sailors*.

## ANDREW FURUSETH

March 12 marks the 150<sup>th</sup> anniversary of the SUP's legendary leader Andrew Furuseth. To honor the legacy of the emancipator of seamen, a special edition of the *West Coasts Sailors* chronicling Furuseth's life and achievement will be published this week. The regular issue of the paper will be published on March 19.

Norway is also commemorating Furuseth's birth. In this regard, the Mayor of Stange, Norway has requested your secretary attend a ceremony celebrating Furuseth's birthday. Given the important role played by Furuseth

in the United States and internationally in freeing seamen from serfdom, plan to attend this ceremony pending membership approval.

## HOLIDAYS

### Cesar Chavez's Birthday

All SUP halls on the West Coast will be closed on Wednesday, March 31, in observance of Cesar Chavez's birthday, which is an ILWU holiday and, therefore, is a recognized holiday for SUP members working under the American Ship Management and Matson Navigation Company Shoregang Agreements on the Pacific Coast and for ASM and Matson vessels in Pacific Coast ports.

It is also a holiday for those working for the San Francisco Bar Pilots inside San Francisco Bay.

### Good Friday

In accordance with past practice, all SUP halls will close at noon on April 9, in observance of Good Friday.

Good Friday is a holiday under the collective bargaining agreements with Matson and ASM vessels in West Coast and Hawai'i ports shall be paid the overtime rate if required to work between noon and 3:00 P.M. The same applies to those employed under the shoregang agreements.

## ACTION TAKEN

M/S to accept Bud Yost as East and Gulf Coast Representative. Carried unanimously. M/S to approve moving East Coast office from Norfolk, Virginia to Jacksonville, Florida. Carried unanimously.

M/S to approve president's trip to Norway to represent the Union at Andrew Furuseth's memorial ceremony. Carried unanimously.

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

*Gunnar Lundeberg*

# Vice President's Report

March 2004

## Ships Checked

**USNS Shughart:** Mike English, delegate. Fighting an engine room fire that burned for 30 hours, the crew miraculously extinguished the fire and saved the ship without suffering a single casualty. Their faultless use of their training, their professionalism in extreme conditions, and their resolute commitment to duty sets these sailors apart and earns them a place in the pantheon of heroic SUP sailors serving their country during wartime. Clarifications on lodging, payroll, safety and shipyard procedures.

**Manoa:** Tom Larkin in charge. When a sailor on overtime does not return to work after coffee, the coffee time itself is not payable. Coffee break is by definition a break between two periods that is guaranteed under Section 42 of the SUP Work Rules. That section does not guarantee overtime for the break, however, and therefore it can only be payable overtime if it is continuous time, triggered by returning to work after coffee.

**Mahimahi:** Joe Moniz, Jr., delegate. Running smooth with Joe Moniz, Sr. as bosun.

**APL Philippines:** Tim Thomas, delegate. Clarification on pumping paint locker: no jurisdictional infringement. Food beefs brought up with the company.

**USNS Gilliland:** Clarification on watchstanding and mates doing sailors work. Maintenance of liferaft turnbuckles is sailors' work.

**USNS Brittin:** Kevin Sheen, delegate. Clean payoff in Jacksonville.

**USNS Gordon:** Clean payoff in Charleston. New

East Coast agent Bud Yost met the ship on arrival. Clarifications on night meals for cargo watch and travel payable at the termination of foreign articles.

**USNS Bob Hope:** Kirby Jamison, delegate. Despite our best efforts, Diego Garcia reliefs not yet agreed to by the company. We will persevere, and, as Roosevelt said after Pearl Harbor, "the inevitable victory is ours."

In addition to the routine duties of the front office, I helped develop the Union's position on the Coast Guard's new interpretation of medical standards of eligibility for a Merchant Mariner's Document. Although only a Coast Guard NVIC (Navigation and Vessel Inspection Circular), which functions legally only as guidance, there will be substantial changes to the medical review system that mariners have long depended on to gain and retain employment. (See page 9 for details.)

Also attended the Ship Operations Cooperative Project's meeting in Houston on March 2 and 3, to press the Coast Guard for clarification of their medical standards and to find out more about the Transportation Worker's Identification Card, (still in its development phases). At the same meeting, together with Berit Eriksson of the Pacific Coast Maritime Consortium, and Anthony Poplawski, S.F. Port Agent for the Marine Firemen's Union, we advocated for more reasonable rules in determining eligibility for a Merchant Mariner's Document, and for a national strategy regarding barriers to entry for mariners calling in Canadian ports. (see page 3 for details.)

*Dave Connolly*

# SUP Branch Reports

## Seattle

February 17, 2004

Shipped the following during the period: 1 boatswain to Navy ship, B-card; 18 ABs taken by 5 A-cards, 8 B-cards, and 5 C-cards; 12 of these berths were aboard Navy ships; 1 OS; C-card to Navy ship, and 12 standbys went to 6 A-cards, 4 B-cards, 1 C-card and 1 D-card registrant.

Registered during the period: 10 A cards for a total of 29; 12 B cards for a total of 29; 4 C cards for a total of 19.

### Ships checked

President Polk came in with safety concerns regarding the bunker-ship tie-up in Singapore. Bosun John McNeil along with the crew, Mark Hurley, Norm Christianson and the ships officers all worked together towards a positive answer for this situation. President Truman, minor clarifications for the gang; President Adams back from the Far East with little or no trouble. Maui and Kauai in twice with no beefs.

I attended the King County Labor Council and the YMTA meeting. Along with other Union members, I stood on the picket lines with Teamsters Local 66 Milk Drivers, Creamery and Dairy Employees, in their five-month battle with the Dairygold company. Five months is a hell of a long time to be out of work and these folks need all the help they can get. If you are in the Seattle area and on the beach, call Teamster picket captain Brett Clarkson at 206-391-2108 and ask how you can help.

We are also standing with Washington State UFCW members as they target stores with informational picket lines in solidarity with our union sisters and brothers in California who have been locked out of their places of work for far too long. All hands must get involved!

Vince O'Halloran  
Branch Agent

### SUP members join pension ranks

The following SUP members join the rank of pensioner, bringing the total number of SUP members to 868:

Edward M. Phillips, 56, Book No. 3857, joined SUP in 1982, 14 years seetime.

Paul A. Makarczyk, 57, Book No. 18289, joined SUP in 1996.

## Wilmington

February 17, 2004

Shipped the following during the period: 2 bosuns, 14 ABs, 8 AB mains., 2 OS, and 50 standbys for a total of 76 jobs shipped. Registration for the period stands at: 57 A members, 34 B members, 10 C members and 3 D members, for a total of 104.

### Ships checked

Mokihana, Manukai-Frank Faraola, delegate; President Adams-Bill Remoto, delegate; Lihue-Allen Gonzalez, delegate; R.J. Pfeiffer-Carl Ziegler, delegate; APL Korea, Ewa-John Rose, delegate; Manoa, President Polk-Sandy Earle, delegate; Matsonia-Rob Morgan, delegate; APL Philippines, Manukai, Mahimahi, President Truman-Duke Maringer, delegate; Washington Voyager, APL China, President Wilson, Ewa Matsonia, APL Thailand, President Grant.

Meetings attended: January 23: American Merchant Marine Veterans' Memorial (AMMVM). Met with the city planners again. Bottom line—there is still no proposal which includes the Memorial. January 26: another AMMVM meeting. We elected officers for another term. January 26: LA Federation of Labor meeting was all about support for UFCW. February 12: Maritime Trades Department (MTD) Executive Board Meeting. SIU Agent John Cox surprised us by bringing SIU and National MTD President, Mike Sacco, John Fay, Executive VP SIU, David Heindel, Secretary-Treasurer SIU, and Nicholas Marrone, VP West Coast SIU, to our meeting. They were very supportive and said they would help anyway they can. Also, we made Bill O'Brien MTD Vice President and John Cox a Board Member. Congratulations to both.

Congratulations also to Keith Miller, our new Wilmington Agent, Duane Nash, new to the Building Trustees, Bud Yost, our new Jacksonville rep, Gunnar and Dave and all our elected officials. We're lucky to have them. They are all fine men and I'm proud to have them represent us.

Last month I started thanking all who helped me and now realize it's impossible. However, I would like to particularly thank Gunnar, Dave, Bill, Andy and Rich for sharing their knowledge and experience. HQ's Toby, Patty, Teresa,

Martha and Brian who helped with the hundreds of day-to-day tasks. The gals at the Pension Office: Anna Marie, Michelle and Mrs. Hensley answered all of my questions.

Beside the MFOW, I would like to thank MM&P Agent Dave Boatner for all his help during these last three years and his secretaries, Bernadette and Wendy. Some other names I would like to drop in here and thank are John Pitts and the members of the AMMVC, Al and Mike, MEBA, Luisa Grats, ILWU Local 26, the Harbor Labor Coalition, Don Wright, Pile Drivers, Pete and Shannon, IBU, Charles Lester, LA Federation of Labor, Shannon Donato, Harry Bridges Institute, Sven, Ray, Bill and the rest of the gang on the s/s Lane Victory, George Jackson, Marlinspike Instructor, Ole, ILWU and Tom Riley for always pitching in and cleaning up at the Hall-Finally, I would like to express my appreciation to Inger Hensen from Memorial Maritime, who truly cares about us SUP boys and girls and treats us like she loves us. I know I left a lot of supportive people out from our Maritime Union Halls, Matson, ASM, Patriot and Chevron: thank you all.

Mark Hurley  
Branch Agent

## Honolulu

February 17, 2004

During the month of January, dispatched the following: 1 bosun return, 1 AB maint., 2 AB, 1 AB relief, 3 AB returns, 1 ABD, 1 ABD return and 1 OS. These jobs were filled by: 7 A members, and 4 B members. Also shipped 41 standby jobs to 12 B members, 22 C members 5 D registrants and 2 MFOW members, for a total of 52 jobs shipped.

During the month of January, registered the following: 5 A members, 6 B members, 6 C members, and 3 D registrants. To date, registered are: 8 A members, 6 B members, 9 C members and 7 D registrants for a total of 30.

### Ships checked

Matsonia, Maui, Lurline, Kauai, Ewa, R.J. Pfeiffer and Manukai. All with few or no beefs.

Lihue going to the Far East on a military charter; no problems; Audra Tasa delegate. USNS Pililaau in at Ford Island, P.H. for load out to the Near East. Draw problem; J. Benson delegate. Prize crew aboard her!

Paint and rigging gang checked daily; Keith Kamana bosun.

On February 7, Teamster Local #996 cement truck drivers went on strike largely due to the current corporate trend of attempting to roll back medical benefits. SUP supporting the Sand Island picket line.

On February 16, attended the opening ceremony of the Waianae Maritime Academy, affiliated with the Leeward Community College the first class of twenty students will start entry level training for deck and engine endorsements. Sixty more students are signed up for future classes. A much needed economic and morale boost for the west side of Oahu.

On February 17, Rich Reed, Welfare Plan Representative and Joan Steel, Columbia Management representative were in Honolulu for the Branch meeting. Both

did an excellent job of explaining the MMP transfer and 401(k) options to the membership. Much appreciated visit!

The February Hawai'i Ports Council meeting was cancelled, but got word from the Hawai'i chapter of the Maritime Cabotage Task Force (Captain Dave Lyman) that House Committee chairs will not hear any of the anti-Jones Act resolutions during this session. Must maintain constant vigilance with U.S. representative Case and his agri-business cronies.

Mike Duvall  
Branch Agent

## Jacksonville

### SUP/MFOW Jacksonville, Florida Office Now Open

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Bud Yost  
Union Representative

### Wear sunscreen

"Wear sunscreen" is the message Denis Howard, SUP member, wants to get across to all sailors. He recently was informed that the "freckle" on the back of his neck is Melanoma. Dr. Stein at Drumm Street in San Francisco was concerned about all of his moles which forced Kaiser to set up an appointment with a dermatologist. "Kaiser had previously refused to send me for a base line dermatology check-up," Howard said. "Don't knuckle under the tight fist of medical providers; demand the basics."

Howard recommends a hat that covers your face and neck and a sunscreen with an SPF of 32.

### Dispatcher's Report

Headquarters—Feb. 2004

<b>Deck</b>	
Bosun .....	5
Carpenter .....	0
MM .....	6
AB .....	15
OS .....	0
Standby .....	24
<b>Total Deck Jobs Shipped .....</b>	<b>50</b>
<b>Total Deck B, C, D Shipped .....</b>	<b>15</b>
<b>Engine/Steward</b>	
QMED .....	0
Pumpman .....	0
Oiler .....	0
Wiper .....	0
Steward .....	0
Cook .....	0
Messman .....	0
<b>Total E&amp;S Jobs Shipped .....</b>	<b>0</b>
<b>Total E&amp;S B, C, D Shipped .....</b>	<b>0</b>
<b>Total Jobs Shipped - All Depts. ...</b>	<b>50</b>
<b>Total B, C, D Shipped-All Depts. .</b>	<b>15</b>
<b>Total Registered "A" .....</b>	<b>79</b>
<b>Total Registered "B" .....</b>	<b>68</b>
<b>Total Registered "C" .....</b>	<b>11</b>
<b>Total Registered "D" .....</b>	<b>13</b>

## San Francisco Business Agent

Visited and paid off the following ships:

Kauai— John Savage, delegate: No disputes, good gang.

Lurline— Jim Clay, delegate: Problems with blower systems; need to be cleaned.

Maui— Mike Dirksen, delegate: Island run, no disputes.

Mokihana— Jim McGee, delegate: voyage pay off; no disputes.

Moku Pahu— Dale Gibson, delegate: Paid off Saturday; voyage for four months in Middle East and 14 days in Philippines; no disputes.

R.J. Pfeiffer— Carl Ziegler, delegate: Island run, no disputes.

President Grant— M. Pond, delegate:

voyage pay off; no disputes.

President Wilson— M. McDevitt, delegate: Capstan needs repair, otherwise in good shape.

APL China— Lou Frazier, delegate: No disputes, bosun Singapore Sid.

APL Korea— Voyage pay off; personality disputes between bosun and sailor.

APL Thailand— Dispute on lookout use to clear anchor, this can be on port preps.

ASM Shore Gang— All going well.

Washington Voyager— Mike Fox, bosun; Coastwise tanker.

Also worked in the front office during the month.

Bill Berger