



# West Coast Sailors

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Friday, July 19, 2019

## 85th commemoration of the Big Strike on Bloody Thursday



Sailors and longshoremen gathered at the ILWU Local 10 hall on July 5, 2019, organizational descendants of strikers 85 years after deadly violence and massive direct action during the Big Strike of 1934 changed the course of history. Back left is SUP Vice President Matt Henning, unidentified Longshore Brother, AFSS instructor Dave Larsen, Robert Leeper, Paul Fuentes and Dave Frizzi.

Within the memory of the humiliating nationwide maritime strike of 1921, in which shipowners imposed the open shop, set against the degrading backdrop of the Great Depression, and in the time of the fink book and the fink hall that officially oppressed seamen with blacklisting, bribery, and fear -- there arose an organized working-class fury

that the world had never seen before. It would become known as the Big Strike of 1934 and it reached its apex and crescendo on July 5, Bloody Thursday.

After a quiet holiday on July 4, 1934 the employers of the Industrial Association tried to open the port of San Francisco, shut down by a general strike later known as the Big Strike. The goal was to move previously offloaded cargo from the piers

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## Supreme Court rules against punitive damages for seafarer injury claims

The U.S. Supreme Court ruled against a seafarer who sought punitive damages from his employer after a hatch blew open and injured his hand, finding that punitive damages - that is, extra money awarded to the plaintiff as an additional punishment for the defendant - are not available under an unseaworthiness claim.

Under the general maritime law of unseaworthiness, a seafarer who is injured due an unseaworthy condition may state a claim against the vessel and its owner for damages due to the injury, according to leading

## House of Representatives passes National Defense Authorization Act

The full House of Representatives passed its version of the Fiscal Year 2020 National Defense Authorization Act (NDAA) on an unprecedented strictly party-line vote. The policy bill, which provides lawmakers a means for detailing their defense-related priorities, gives funding and regulatory guidance to the Pentagon. It also contains the reauthorization of the Maritime Security Program. The bill passed July 12 on an 220-197 vote, with no Republicans supporting the measure.

The legislation includes a number of provisions relating to the Maritime Security Program (MSP). Specifically, it would extend MSP for an additional ten years, through Fiscal Year 2035.

It authorizes \$5.2 million per ship in Fiscal Years 2022-25, eliminating the reduction in funding to \$3.7 million per ship that is authorized for each of these four years under current law. The legislation also authorizes additional funding for the new 10-year period.

In addition, it creates a new tanker security program modeled after MSP. The new program would be comprised of petroleum product tankers necessary to meet Department of Defense requirements.

The House-passed defense legislation must now be considered by the Senate and then committees from both chambers

must meet in conference. No action in the Senate is expected until Congress returns from its summer recess after Labor Day.

Despite a polarized Congress, the party-line vote was somewhat surprising. "For the previous 58 years, the NDAA process exemplified the bipartisan tradition and collaboration envisioned by the Founding Fathers. This year however, has been different," Congressman Adam Smith (D-Washington), the chairman of the House Armed Services Committee, said in a statement. "While the bill reflects the values of our new Democratic majority, the ultimate focus is - and will always be - securing a strong national defense and supporting the men and women who defend our nation. House Democrats did not lose sight of that fact throughout this process," he added.

House Republicans were concerned with the level of funding authorized by the Fiscal Year 2020 NDAA. The House version approved \$733 billion in defense spending for Fiscal Year 2020. The Senate version, which already passed, authorizes \$750 billion. Specifically, Republicans are concerned with what they consider cuts to personnel accounts, programs to deter Russia and China and programs to improve readiness. "Normally the NDAA is a product of bipartisan consensus that allows Congress to execute our most important

constitutional duty. Unfortunately, partisan provisions in this bill have robbed it of bipartisan support. Through this bill, House Democrats are forcing our troops to pay the price for their political disputes with the president," Congressman Mac Thornberry (R-Texas), the HASC ranking member, said in a statement.

The next step is for members of the House and Senate to meet in a conference committee to iron out differences between the two versions of the Fiscal Year 2020 NDAA. "As we now move to conference with our colleagues in the Senate, I am hopeful that our work can return to the bipartisan tradition that distinguishes the Armed Services Committees," Smith said in his statement. "I look forward to working with my colleagues as we continue to refine this legislation so that it not only honors our oath to protect and defend, but it also - and most importantly - continues to take care of the single most valuable asset in our national defense strategy: our service members."

Todd Harrison, Director of Defense Budget Analysis at the Center for Strategic and International Studies, says that he does not think the vote "indicates that Republicans are going to do something that would ultimately block the passage of the NDAA this year—that's not how I would

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# SUP Honor Roll

Voluntary contributions from the membership to the following funds:

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Leo Moore ..... 100.00  
Leo Endries. .... 50.00

## West Coast Sailors

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## AFL-CIO: NAFTA won't help working families

The Trump Administration's proposed North American trade deal will not win labor's support without major changes, says AFL-CIO President Richard Trumka.

The original North American Free Trade Agreement (NAFTA) cost over one million Americans their jobs, a number that does not include thousands of jobs lost this year and last at companies like General Motors that have shifted work abroad.

Unions believe the administration's proposed replacement, "the U.S.-Mexico-Canada agreement," or USMCA for short, is just as bad.

The "proposed new NAFTA doesn't live up to the massive structural problems facing our country," says Trumka, who has embarked on what the federation calls "a major trade tour," hosting town halls with union members in Great Lakes states.

"NAFTA needs to be ripped out by the roots and replaced with something dramatically different," he said at his first stop in Pittsburgh.

One big problem with the administration's proposal, unions say, is lack of enforcement mechanisms.

"In the current draft, when corporations break the rules, they will have the power to block any investigation into their actions," Trumka says. "Without a way to hold corporations accountable, the deal isn't worth the paper it's written on."

United Steelworkers (USW) International President Leo Gerard echoed the criticisms in a June 17 opinion piece entitled, "NAFTA Old and New: Deals by the Rich for the Rich."

The "new NAFTA" and its predecessor were both negotiated by "self-dealing corporate honchos and fancy-pants corporate lobbyists," he says, "... when they opened their mouths, only the word 'profit' emerged."

Gerard says some provisions in the new agreement seem positive. One example:

a requirement that workers earning an average of \$16 an hour produce 40% of car and truck parts by 2023 to get tariff-free treatment.

But Gerard says the auto companies have refused to release data to evaluate the impact of this provision, adding "It may help retain jobs in higher wage countries like the United States and Canada but is unlikely to increase wages or move jobs [back]."

"More significant to preventing a new NAFTA from failing workers like the old NAFTA would be enforcement of Mexico's labor laws," he says.

"As it is now, labor unions in Mexico frequently are fakes, created and controlled by corporations. New laws, passed in Mexico in April [to lay a foundation for passage of USCMA], empower Mexicans to form their own worker-controlled labor unions..."

"Realistically, however, free unions aren't going to pop up overnight in hundreds of thousands of Mexican workplaces," Gerard notes.

"Unions must be formed, voted in and certified, then would have to successfully negotiate labor agreements at factories where owners will dig in their heels to remain in control."

"For workers to get real unions and labor agreements, the Mexican government will have to actively assure workers' rights... But right now, Mexico has no budget for implementation and has not even started to hire the hundreds of judges and inspectors that the new law requires..."

"If the Trump administration insists on rushing through its flawed agreement without common-sense improvements, our movement will mobilize an unrivaled, nationwide organizing network to ensure that the U.S.-Canada-Mexico trade agreement never sees the light of day," says AFL-CIO President Trumka.

"But if President Trump can produce a truly pro-worker deal, we are ready and eager to win its passage in Congress."

# West Africa is becoming the world's new piracy hotspot

Amid growing fears of a military clash between the United States and Iran, the strategic Strait of Hormuz has swiftly become one of the most dangerous regions on the planet for commercial shipping. Following alleged attacks on two tankers by the Islamic Revolutionary Guards Corps, the U.S. and Iran confirmed the shooting down of a sophisticated American surveillance drone. As tensions soared in the Persian Gulf, a report about a growing threat to shipping in another part of the world largely flew under the radar.

OneEarth Future released its ninth annual State of Maritime Piracy report on Monday which shows incidents of hijacking, kidnapping, robberies and boarding attempts in different maritime regions. While East African shipping routes near Somalia used to be notorious for pirates, the number of incidents has fallen dramatically in recent years, primarily due to a series of effective international naval operations. In 2017, East Africa experienced 54 incidents of piracy or robbery and that fell to just nine last year. The Malacca Strait also gained a reputation for maritime hijackings and extortion but steady progress is also being made there. There were 199 attacks recorded across Asia in 2015 falling to 98 by 2018.

Meanwhile, West Africa is becoming the world's new piracy hotspot with 54 incidents occurring in 2015, 95 in 2016, 97 in 2017 and a worrying 112 in 2018. The increase has occurred for a number of reasons including poverty, political instability, a lack of proper law enforcement and a long list of lucrative targets. The last point is true of Nigeria which experienced the most attacks due to an increase in "petro-piracy" which has targeted vessels involved in oil and gas transportation. The downward trend in other regions, particularly East Africa and Asia, adds to West Africa's rise.

Publication of 2018's State of Maritime Piracy report marks the ninth year that One Earth Future (OEF) has assessed the human cost of maritime piracy. With the main goal being to explain and quantify the magnitude of these crimes and the profound impact they have had on stakeholders and, most importantly, the victims.

### Key Findings:

- In 2018, The Gulf of Guinea was the area worst affected by piracy and maritime robbery of vessels worldwide. The number of incidents increased by 15% over 2017. The number of attacks where crew members were held for ransom on hijacked vessels or kidnapped for ransom from vessels was alarmingly high.
- No hijackings were reported in the Western Indian Ocean in 2018, including Somalia, the Gulf of Aden, or the Red Sea, in spite of pirate groups retaining the capabilities. This was the result of efforts on land by international agencies, coastal communities, and maritime authorities preventing safe haven for pirate groups. Additionally, the implementation of Best Management Practices by crews and onboard security teams and the efforts of the European Union Naval Force (EUNAVFOR) and Combined Maritime Forces (CMF) and other navies all contributed to decreasing the number of attacks.
- Incidents in Latin America and the Caribbean increased by 20%. Anchorages off the Windward Islands remained armed robbery hotspots.

## Membership and Ratings Committee

The Committee met on July 3, and found the following members eligible for advancement in seniority and rating stamps in the various departments:

Name and Membership	Number	Seatime	Rating	Seniority
Raul Guillen	3041	6 yr.	A.B.	A
Hever Carranza-Ramirez	19624	1 yr.	O.S.	B

Membership and Ratings Committee's Report: M/S (Carter-several) to concur in the Committee's report. Carried unanimously. Membership and Ratings Committee: Terrence Lane #4107, Lee Bolden #19623 and Joel Tetrault #19612.

## Final Departures

Joseph O'Connell #5771. Born in Rhode Island in 1925. Joined SUP in 1958. Died in San Diego, California, June, 16, 2019. (Pensioner)

Paul Herriott #5771. Born in Illinois in 1936. Joined SUP in 1957. Died in Torrance, California, June 21, 2019. (In-Active)

## SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2019:

	Hdqtrs.	Branch
August	12	19
September	9	16
October	Tues 15	21
November	Tues 12	18
December	9	16

## West Coast Sailors

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## Maersk seeks logistics profit growth

The world's biggest commercial shipping operator plans to add extensive new capacity—but it won't be on the water.

Danish shipping giant A.P. Moller-Maersk AS instead wants to buy warehouses, container terminals and customs brokerage firms to boost its logistics-services capabilities, part of a strategic shift toward a landside business the company hopes will produce half its revenue in two years.

"Today up to 80% of our earnings comes from container shipping," Maersk Chief Executive Soren Skou said in an interview. "Hopefully a couple of years from now will be much closer to a 50-50 scenario between ocean and nonocean services."

Mr. Skou's plan would extend a transformation of the 115-year-old maritime business that began when he became CEO in 2016. Since then, the sprawling Danish conglomerate has disposed of its oil and tanker businesses to focus more closely on building a singular company with container shipping at its center that provides transportation and logistics services to big customers like Walmart Inc.

Mr. Skou said the stronger focus on inland logistics comes as the company continues to feel the aftereffects of the 2008 financial crisis, which dealt a blow to global trade, and as the Maersk Line container ship operator faces new challenges from the growing trade dispute between the U.S. and China. "To put in perspective, in 2011 our turnover as a group was around \$60 billion and in 2016 our turnover had declined to around \$35 billion, so we were not in a good trajectory," he said.

Maersk Line has around 70,000 customers at sea, moving around 20% of all container capacity. Clients include a range of businesses, from U.S. retail chains and car makers to furniture suppliers, electronics companies and clothing importers.

But less than a quarter of those customers use the company to move their goods from ports to warehouses and distribution centers.

For Maersk and some of its oceangoing rivals, the business of managing goods before and after they move on ships is looking especially attractive after several years of sagging freight rates have eaten away at profit margins.

## Supreme Court rules against punitive damages for seafarer injury claims

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same suit against the ship operator, who may bear greater responsibility but is protected against punitive damage claims in injury cases.

Finally, Alito ruled, "allowing punitive damages would place American shippers at a significant competitive disadvantage and discourage foreign-owned vessels from employing American seamen." Evan Tager, a partner with Mayer Brown's Supreme Court and appellate practice, said that this element of the decision is significant, as the court recognized that ruling for Batterton would have hampered U.S. shipowners' competitiveness "vis-à-vis vessel owners from other countries, the vast majority of which do not allow punitive damages."

In a side note, Alito's ruling appears to move away from the court's traditionally protective stance in favor of seafarers: His opinion describes the "special solicitude for the welfare of seamen" found in admiralty case law as a "paternalistic" product of 19th century court rulings. "A minor point, but one that may be troubling to maritime plaintiffs' attorneys in the future, is the Court's apparent rejection of the traditional treatment of seafarers as the 'wards of admiralty,'" Winston & Strawn advised.

Admiralty lawyer John Kimball of Blank Rome also noted that the new ruling applies to a large docket of cases regarding asbestos exposure. "Although punitive damages were rarely awarded even before [Dutra v. Batterton], there are thousands of pending asbestos cases against ship owners in which the threat of being held liable for punitive damages has now been removed," Kimball said.

France's CMA CGM SA, the world's fourth-largest container ship operator, this year bought Switzerland-based freight services provider Ceva Logistics AG for \$1.7 billion. Chinese shipping heavyweights Cosco Shipping Holdings Co. and China Merchants Shipping and Enterprises Co. have poured billions over the past decade into terminals, rail links and road infrastructure as part of Beijing's One Belt, One Road initiative to control supply chains from Asia to Europe.

Maersk is faced with a market "that ultimately views its services as commodities, so it's got to find a way to add value to make sure it's a shipping line of choice," said Nick Bailey, the head of research at U.K.-based Transport Intelligence Ltd. "Providing a service which appeals directly to shippers, potentially as an alternative to forwarders, seems to be its solution to this."

Maersk's APM Terminals unit operates a network of 76 ports in more than 100 inland cargo-handling locations around the world. In North America, it runs along with Damco, Maersk's freight forwarding unit, 20 warehousing and distribution facilities in places such as California, New Jersey, Texas and Georgia.

By contrast, global logistics providers such as Switzerland's Kuehne + Nagel International AG, Deutsche Post AG's DHL Supply Chain and Denmark's DSV A/S typically have hundreds of warehouses around the world. Ceva Logistics says it has 1,000 logistics facilities worldwide and 130 in the U.S. and Canada.

Those companies handle business for big customers such as Walmart, Amazon.com Inc. and Home Depot Inc. that source goods from scores of vendors across Asia, which are delivered to warehouses in China and then packaged and shipped to the U.S. and Europe.

It is a sign of the challenge in turning around a business that grew from a company formed early in the 20th century that grew into an umbrella group overseeing investments from ships to supermarkets. Mr. Skou says the business now needs to approach its corporate customers "with one sales force and one customer-care office and one delivery organization."

He said he plans to complete Maersk's makeover by 2021.

## LA City Council votes down automation permit at Pier 400

The Los Angeles City Council on Friday voted 12-0 to veto the harbor commission's approval of a construction permit for an automation project at APM Terminals' Pier 400, a remarkable policy reversal, and adding to the confusion surrounding a project that would introduce a new form of port automation in North America.

Hundreds of longshoremen and representatives from communities around the port attended the City Council meeting and dozens spoke against granting the permit. Many were longshoremen or had dockworkers as relatives and friends, and others were local business owners concerned that a loss of jobs would hurt the surrounding community. In addition to those in the City Council chamber, others gathered outside City Hall.

Gary Herrera, vice president of ILWU Local 13, said unlimited automation at the port would destroy jobs and hurt the surrounding community. He and others interpret broadly the California Environmental Quality Act, saying that the economic impact of job losses at the facility on the surrounding community should be taken into account as part of the "environmental impact" of the changes APMT wants to make at Pier 400.

"The issue of automation is bigger than the ILWU-PMA contract," says Gary Herrera, "it's about the community, the economy and ultimately the future of the middle class."

**"Robots do not pay taxes, robots do not shop in our communities, robots do not pay rent, they don't buy homes, they don't lease office space, they don't deposit money,"** he said. **"Robots do not vote,"** he added.

County Supervisor Janice Hahn has criticized APMT for pushing the automation plan based on the assertion that it will benefit the environment by substituting electric vehicles for trucks.

"We don't have to decide between good jobs and clean air," she says, "we can have both."

Taking note of the crowd, Herb J. Weson Jr., the president of the City Council, said that he respected the work of the harbor commission, which is made up of volunteers appointed by the mayor and confirmed by the City Council. But, he added, "sometimes we have to let people know that we are elected and they are selected (the harbor commissioners) and it is important that we do the job the people hired us to do."

Councilman Joe Buscaino, who brought the motion to veto the permit before the City Council, said the Board of Harbor Commissioners did not have all the evidence they needed to properly decide whether to grant the permit.

Meanwhile, Ray Familathe, president of International Longshore and Warehouse Union Local 13 (ILWU Local 13), said the Southern California local intends to continue negotiations with APM over a

## National Defense Act clears the House

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read this at all. It is really more of a symbolic protest vote, because they knew that the bill would still pass and go to conference committee."

Whatever the motivation of the Republican boycott of the bill, Harrison said that "what really matters is how the Republicans vote when the bill comes out of conference and back to the floor for a final vote. Then I would expect to see bi-partisan support, and that may be easier to get if whatever comes out of conference implies a slightly higher top-line

plan he feels would lead to an arrangement dockworkers could accept because it would reduce the number of job losses that normally result from automation.

**"Longshoremen don't like automation, but let's come up with a plan that's more socially responsible,"** Familathe told JOC.

An APM spokesperson on Friday released a statement in which the company said it is disappointed by the city council's decision, but added, "We hope the situation will be resolved in the near future."

APM was ready to move forward with its plans to automate a 100-acre portion of its 440-acre terminal in the Port of Los Angeles six months ago, but ILWU Local 13 objected, primarily because of the dockworker jobs that would be lost. In its 2008 coastwide contract, the union agreed to accept automation in return for pension benefits of more than \$95,000 a year.

After several public hearings, the Los Angeles Board of Harbor Commissioners on June 20 approved the construction permit by a 3-2 vote. A Los Angeles city councilman then elevated the issue to the city council, which oversees harbor commission decisions.

APM plans to introduce unmanned auto-straddle carriers for horizontal transportation. The auto-strads would replace the manned yard tractors that are used to move containers from the ship-to-shore cranes to the stacks for delivery to truckers. Since terminals deploy eight to 10 yard tractors against each of the five or six ship-to-shore cranes that work the vessels, introduction of the auto-strads would eliminate 50 or more positions on each work shift.

Longshore unions find the auto-strad model especially troublesome because the capital investment required is about one-half to one-third of the capex at the automated Long Beach Container Terminal and the TraPac terminal in Los Angeles. Those high-volume facilities are designed to handle 2 million to 3 million TEU a year. An auto-strad terminal could achieve an adequate return on investment handling less than 1 million TEU a year, so it would be scalable for most terminals on the West Coast.

In a letter on Monday to Los Angeles city councilman Joe Buscaino, Wim Lagaay, chair of APM Terminals North America, said that no matter how the city council ruled, the project would move forward in one form or another. The construction permit APM is seeking is to install recharging stations for the auto-strads. The auto-strads come equipped with diesel chargers, so if the permit is denied, APM would re-charge the auto-strads using polluting diesel fuel. APM prefers to use electric chargers because they would comply with the 2030 goal of zero-emission cargo-handling equipment that the ports have established in their joint Clean Air Action Plan.

that is more in line with the Senate-passed version of the bill."

As a policy bill, the NDAA does not appropriate any funds and therefore doesn't necessarily set the DoD budget. However the 17 billion dollar funding gap between the House and Senate versions will come under considerable debate in the next step. The next step is the meeting in a conference committee to hammer out compromises that will lead to identical language that will then go back to both floors for a final vote.

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# More cargo on bigger ships in Port of Oakland

Bigger ships are challenging the Port of Oakland with never-seen-before container volumes. The Port said today that vessels on average load and unload the equivalent of 1,767 20-foot boxes each time they visit here. It's the highest container move count in Port history, up 9% from 2018 and 50% over 2009.

The Port said higher move counts result from shipping lines consolidating more cargo on bigger ships. It added that bigger loads test the Port's cargo-handling capacity but that cargo continues to move briskly.

"Ships still depart within 24 hours of arrival and harbor truckers are usually getting in and out with their container loads in less than 80 minutes," said Port of Oakland Maritime Director John Driscoll. "It's a tribute to the marine terminal operators who've stepped up to meet our cargo demand."

The Port said Oakland terminals - where vessels load and unload - keep big ships on schedule thanks to high productivity. The best example: Oakland ship-to-shore cranes can move as many as 30-to-40 containers per hour. That's the highest productivity level on the U.S. West Coast, the Port added.

Higher vessel move counts are no surprise, the Port said. That's because Oakland set a record in 2018 by handling the equivalent of 2.55 million 20-foot

cargo containers. Volume is up another 5.5% so far, this year. But the impact of all-time high volume is being magnified by greater ship size, the Port said.

The Port explained that as bigger ships discharge more containers than in previous years, cargo-handling intensifies. A greater number of exports must be loaded to vessels while simultaneously, more imports are taken off. Meanwhile, harbor truckers are arriving in greater number to haul containers to final destinations.

Big ships load and unload as many as 2,500 containers on Oakland visits, the Port said. That's less than some ports where move counts can surpass 10,000 boxes per vessel. It's nevertheless an unprecedented challenge.

Earlier in this decade, ships carrying 4,000 to 8,000 cargo containers were standard in Oakland. Today, ships able to handle 10,000-to-14,000 containers are commonplace.

"It's a matter of economics," explained Mr. Driscoll. "By loading more cargo on bigger ships, the shipping lines can actually reduce the number of vessels they deploy."

Oakland vessel calls have declined 9.3% this year, the Port said, despite record volume. That's good for two reasons, the Port explained: there's less crowding at vessel berths and ship emissions are down.

## Analysis and recap: Dutra case

On June 24, the United States Supreme Court issued its decision in this landmark case concerning punitive damages. The six justices in the majority opinion reversed the Ninth Circuit and resolved a circuit split on this issue. The question presented was whether punitive damages may be awarded to a Jones Act seaman in a personal injury suit alleging a breach of the general maritime duty to provide a seaworthy vessel. Justice Alito wrote the majority opinion, joined by Chief Justice Roberts, Justices Thomas, Kagan, Gorsuch, and Kavanaugh. Justice Ginsberg dissented, joined by Justices Breyer and Sotomayor.

The plaintiff, a Jones Act seaman employed by Dutra Group, was injured on the defendant's dredge vessel on the West Coast. A hatch blew open and crushed his hand. The district court denied the defendant's motion to strike the punitive damages claim; the Ninth Circuit affirmed. This decision set up a split in the circuits, because three years earlier the en banc Fifth Circuit in *McBride v. Estis Well Service*, 768 F.3d 382 (5th Cir. 2014) held that punitive damages were not available under the rationale of an earlier Supreme Court case, *Miles v. Apex Marine*, 498 U.S. 19 (1990).

Justice Alito's opinion focused on an historical approach that found an absence of punitive damage awards in unseaworthiness cases. Accordingly, the opinion notes that once the Jones Act was passed by Congress in 1920, legislative remedial schemes for seamen should be the watchword for courts sitting in admiralty. The Jones Act negligence action allows only compensatory damages; its twin, general maritime law's unseaworthiness cause

of action, should not overstep legislative limitations. Thus, the uniformity principle expressed in *Miles* prevailed with its admonition that courts should not exceed legislative limits. The opinion distinguishes the *Atlantic Sounding v. Townsend* case, in which a 5-4 majority opinion (written by Justice Thomas) ruled that punitive damages were available to a Jones Act seaman whose employer arbitrarily and capriciously fails to pay the injured or ill seaman maintenance and cure. In contrast to unseaworthiness, there was an historical record of punitive damage awards in the maintenance and cure context. Finally, Justice Alito noted that policy considerations disfavor allowing punitive damages for unseaworthiness, because many competitor shipping nations do not have punitive damages. Affirmance of the Ninth Circuit view would harm American shipping interests.

In dissent, Justice Ginsberg wrote that *Atlantic Sounding* controlled, because there was a long history of punitive damages awards as part of the general maritime law, albeit a paucity in the specific context of unseaworthiness. While the Jones Act provided a new negligence cause of action, Congress did not curtail preexisting remedies, including punitive damages. Statutory and historical analysis contains "not a hint" that the Jones Act limited seamen's remedies already in place. In her policy analysis, Justice Ginsberg countered that punitive damages' availability in maintenance and cure actions has not created a "tidal wave" of such actions; instead, she writes, punitive damages for wanton and willful creation of an unseaworthy condition in a vessel will deter such conduct.

# Autonomous ships bring new risks

By Commander David Dubay, USCG

The world will never see fully autonomous transoceanic commercial cargo ships. In fact, autonomous vessels are likely to operate in only very limited situations. In recent years, the prospect of fully autonomous vessels has become a hot topic for commercial shipping. The same fast-paced advances in technology that have led to projects to automate vehicles in every other sector of the transportation industry have also found their way to the shipping industry. Advances in camera technology, sensors, electromechanical actuators, and satellite technology appear to promise a world in which ships will soon traverse the oceans without a human on board. The International Maritime Organization (IMO) and the Comité Maritime International (CMI) are already exploring how autonomous vessels would fit into the existing framework of international maritime law.

Yet, while it is laudable to plan for the future, autonomous vessels operated by computers and remote operators quite simply pose too many vulnerabilities and they likely will prove too expensive to replace today's manned vessels. The professional merchant mariners who operate ships today are the crucial on-scene decision makers, repairmen, and physical security providers who make commercial shipping secure, efficient, and inexpensive. Once we get past the promises and hyperbole, the risk of collisions, legal liabilities, and environmental calamity will ensure that some critical number of humans will persist onboard ships. Advances in technology will continue to make shipping safer and more efficient, but they will not eventually replace the human masters and crews that serve on today's commercial vessels.

Despite all the excitement, the benefits of autonomous ships are still very much up for debate. For shipping companies, a switch to autonomous vessels promises cost savings from not having to pay for a master and crew, and perhaps from increased safety. But scores of new operators and technicians would be required to make a system of autonomous vessels work. The equipment to automate a ship will be extremely expensive and would introduce many new potential points of failure into commercial shipping. Autonomous vessels may reduce the number of accidents caused by human negligence, however, the relative safety of autonomous vessels versus manned vessels is pure speculation at this point. Autonomous ships could potentially be more efficient if the space for the crew could be dedicated to additional cargo. But ships will still likely need to have systems and controls in place to allow them to be operated with human master and crew when there are system failures. Autonomous vessels may result in better working conditions overall in the shipping industry as they would eliminate the need to find workers to fill the many difficult and hazardous jobs at sea. But the elimination of merchant mariner jobs would be a tremendous financial blow to those workers in those jobs today.

Recent articles have proclaimed that autonomous vessels are here or just on the horizon and seem to take the adoption of autonomous vessels as a certainty. At an initial glance, the future of autonomous vessels appears very promising. For small vessels the technology that is needed to automate a vessel is here today and is available enough that even a hobbyist can build an autonomous vessel. In 2017,

SEA CHARGER, a small solar powered and unmanned home-built boat successfully completed a trip from California to Hawaii using GPS and a satellite modem for guidance and connectivity. And companies in the shipping industry are already using technologies that could eventually be used to automate larger vessels. The newest vessel of the the Red and White Fleet, a San Francisco charter boat company, is a hybrid diesel electric with a 160 kilowatt lithium ion battery pack that provides enough power for the ship to do a one-hour Golden Gate cruise on battery power alone.

One present obstacle for automating larger vessels is battery technology. At the outset, today's batteries simply do not have the energy density necessary to power larger commercial vessels. Higher capacity and more powerful electric batteries that are powerful enough to move larger ships will likely be developed in the future. However, current battery technology has limitations. Lithium ion batteries, the type used for automated vehicles and aircraft, can explode if overcharged and further, large lithium ion batteries need to be temperature controlled to work properly.

Even more challenging obstacles to the success of autonomous vessels will be the expense and complexity of designing such systems. The technical challenge of operating a large cargo ship autonomously on the open oceans for days or weeks at a time will require a command and control system that does not exist today and may be impractical to build. Seamanship and navigating a ship safely is a challenge with a full complement of crew members on board. Automated ships will require command centers, computers, advanced satellite communications systems, other electronic devices, remote operators, and other technicians. Autonomous vessels would save money by not having a crew, but shipping companies will in many cases be simply replacing merchant mariners with other workers, most likely more expensive technical workers, who will work in offices on land or will be on call to assist autonomous ships across the oceans. Shipping companies will likely need multiple redundant command centers to provide the robust level of connectivity required for the safe and secure operation of these ships.

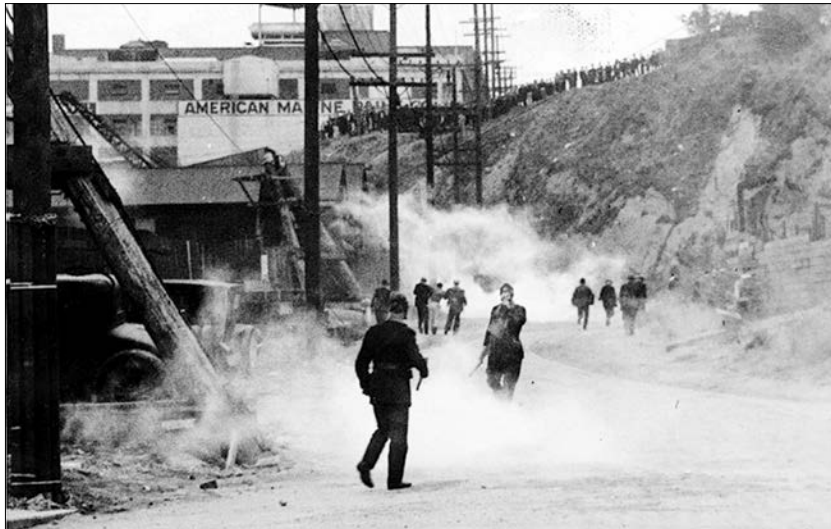
All of this advanced technology will be very expensive and much of the expense will be the cost of designing and operating a system capable of providing the propulsion, navigation controls, and stopping power necessary to operate a ship continuously in the harsh ocean environment. Weather, wind, waves, fog, obstructions, marine mammals, salt water, weather, birds, other ships, sounds, and almost anything else imaginable is encountered out on the open ocean. An autonomous ship will require incredibly complex technology to withstand the chaos of the ocean environment and enable a ship to respond remotely to any incident or emergency. It is still an open question whether today's controls and communications technologies are sufficiently robust and capable so as to be relied on for commercial shipping in place of a human crew.

The most serious concern regarding autonomous vessels is the one that will very likely keep them from ever being employed: the risk of exploitation by adversaries, hackers, terrorists, criminals, and other malign actors. Autonomous vessels' dependence on the electromagnetic

**DEFEND THE JONES ACT  
SUPPORT THE SUP POLITICAL FUND**

*continued on page 11*

Thursday, July 5, 1934



## BLOODY THURSDAY

*continued from page 1*

to warehouses further inland. "The Industrial Association resumed moving goods from Pier 38 at 8 a.m." said one newspaper account in the Chronicle. "A few hundred strikers were out, but were held back at Brannan." Held back of course by the police. Strikers converged on the spot, hurling rocks and getting beaten and gassed in return. They moved quickly to the flashpoints, descending from, and returning to the central refuge of Rincon Hill. There were battles at the foot of Brannan, at Bryant and Main, at Third and Townsend, at Main and Harrison, and especially at Steuart and Howard. Said one newspaper account "Don't think of this as a riot. It was a hundred riots, big and little, first here, now there. Don't think of it as one battle, but as a dozen battles." At Steuart and Main a longshoreman name Howard Sperry, and Nick Bordoise, a marine cook and seaman who had volunteered at the ILA soup kitchen were shot and killed. That moment and its long aftermath, starting with the funeral parades that drew worldwide attention, was a turning point in both the strike and in labor history.

There are only a few moments of positive direct action in U.S. labor history that don't involve legislation and that can be said to have truly and unequivocally advanced the interests of working people. There's the Haymarket Riots for the eight hour day in 1886, the Homestead Strike 1892, the Coal Strike of 1902, the Triangle Shirtwaist Factory Fire in 1911, the Lawrence and Lowell textile mill strikes, the great steel strikes including Centralia in 1919, and the Oakland general strike in 1946. But the Big Strike in 1934 was unique in part because it led to the creation of the Wagner or National Labor Relations Act which made it legal to form or join a union. As a result many Unions can trace their legal genetics to the event.

That legislation came from the national sensation that like it or not organized labor was a force to be reckoned with. The remarkable and unprecedented solidarity of many different workers was unavoidably

powerful, as seamen, longshoremen, teamsters, mechanics and many others stopped working together.

The strike was about improving wages, working and living conditions, especially the eight hour day, but most importantly it was about a fair and transparent method of gaining work, work that would someday, in their dreams, be democratically assigned through Union hiring halls. They failed on every count since the tangible gains were next to nothing. In the end, Andrew Furuseth and sailors up and down the Coast made a statement that would last as a down payment on the next few years as they made a ritualistic bonfire of the hated fink books. The SUP historian Ottlie Markholt in her book *Maritime Solidarity* summed up Bloody Thursday and the Big Strike like this:

"In retrospect maritime workers would recognize the 1934 strike as the great watershed between the fink hall years and the years of union strength. But what had they to show for the eighty-three day strike as they prepared to return to work Tuesday morning? They had embarrassed the New Deal to the point of forcing their employers to recognize and arbitrate with their unions. Beyond that, on paper, they had nothing -- no hiring halls, no improved wages, working or living conditions. On paper they gained no victory to celebrate--just a grim standoff that moved the struggle from the picket lines to hearing rooms. But union strength is determined more by each member's concept of unionism than it is by written documents. The maritime workers knew that together they were strong and they remained as determined as the day they struck to use that united strength to achieve their aims."

Over the next few years it was this belief in the strength of Unions, this "concept of Unionism," shared with other Unions, that allowed sailors to stage a series of "quickie" strikes that produced the practical gains that still form the foundations of SUP contracts today.



The Maritime Administration welcomes back MV Cape Hudson, who was a part of a mobility operation for U.S. Army Pacific called Pacific Pathways 19-1. From left: Wilfredo Aquino, Edgar Juluat, Octavio Oretaga, Ronald Brito, Dario Pratt, Kim Dulay, Bosun, Ian Serra, Albert Rossi, Jonnell Hodges, delegate. Photo by: Roy Tufano

## Details emerge in massive drug bust

A massive cocaine bust in the Port of Philadelphia last month, revealed an elaborate scheme involving members of the ship's crew who used the ship's crane to load the drugs during high-seas rendezvous's with small boats. The cocaine bust on board the *MSC Gayane* at Packer Marine Terminal in Philadelphia has blown up into one of the largest drug busts in U.S. history.

Authorities boarded the ship on arrival where they discovered some 16.5 tons of cocaine, worth an estimated street value of more than \$1 billion, hidden inside shipping containers. While there, they arrested two of the ship's crewmembers, Forofaavae Tiasaga, an able seaman, and Ivan Durasevic, the Second Mate, who admitted to their roles in the scheme in interviews with authorities. The details of the interviews were contained in a criminal complaint which included an affidavit by Homeland Security Special Agent Eric Mooney.

The affidavit revealed that Durasevic and Tiasaga, along with three other crew members, stood to be paid about \$50,000 each for their respective roles in helping load and hide the drugs. It also showed that the ship was met by multiple small boats on at least two separate occasions during the ship's previous voyage, and the drugs were loaded using the ship's crane.

The vessel was leaving Peru when Durasevic got a call from the chief officer to come down to the deck. There, he saw nets on the port-side stern by the ship's crane, according to the affidavit.

Durasevic said he and others, some of whom were wearing ski masks, pushed the nets containing blue or black bags with handles toward the ship's holds. "Durasevic stated that he knew the bags contained drugs, but he was unaware of what type," the affidavit said. While talking to agents, Durasevic identified Tiasaga as one of the crew members who assisted in loading the cocaine.

Tiasaga "admitted to his role in bringing the cocaine onboard the vessel and helping to conceal it within legitimate cargo," adding that Durasevic enlisted him into trafficking, the affidavit said.

The *MSC Gayane*, a Liberian flagged ship, took on drug cargo in open waters as it traveled between Central and South America, investigators said they learned from Tiasaga. As the vessel proceeded southbound between Panama and Chile,

it was approached by six boats during the night.

"Durasevic operated the crane to bring on numerous bales of cocaine that were wrapped in netting. Along with bales of cocaine were replacement seals, which would be utilized on the containers in which the cocaine was concealed," the affidavit said.

Then, as the ship made its way northbound between Chile, Peru and Panama, another eight boats approached with cocaine to load onboard, according to the affidavit.

"All of the drugs, including what had previously been loaded onto the vessel, were taken below deck and concealed within containers."

Both Durasevic and Tiasaga are accused of knowingly and intentionally conspiring to possess with intent to distribute approximately 16.5 tons of cocaine, a Schedule II controlled substance.

The drug bust at the Packer Marine Terminal in Philadelphia netted 17.5 tons of cocaine worth an estimated street value of about \$1.1 billion, making it the largest cocaine seizure in the 230-year history of U.S. Customs and Border Protection.

The bust began June 16 when a multi-agency boarding team in Philadelphia, detected anomalies while examining seven shipping containers. In addition to the cocaine, CBP agents seized another \$56,330 found on the vessel that was believed to be linked to the drugs. Prior to arriving in Philadelphia, *MSC Gayane* made port calls in Chile, Peru, Panama and the Bahamas.

Mediterranean Shipping Company said in a statement that it "takes this matter very seriously" and is "grateful to the authorities for identifying any suspected abuse of its services."

For the Port of Philadelphia, last week's drug bust follows an incident in March in which a multi-agency team intercepted more than a half-ton of cocaine – the fourth largest recorded cocaine seizure in the history of the port. CBP's previous record cocaine seizure in Philadelphia weighed 1,945 pounds and occurred on May 23, 1998.

*MSC Gayane* remained at the Port of Philadelphia first as part of the investigation and then as a formal seizure. On July 15 the operator posted a \$50 million bond, including \$10 million in cash and U.S. authorities released the ship. The ship is still subject to possible forfeiture if the investigation links senior crew members with the contraband scheme. Eight crew members have been charged and remain in custody.

# Analysis Strait of Hormuz: the risk of escalation

The Strait of Hormuz, the narrow shipping lane between Iran and Oman named after the fabulously wealthy ancient kingdom of Ormus, has fascinated oil traders since the Iranian revolution in 1979. Iran has periodically threatened to close the strait to enemy shipping, while the United States and its allies have pledged to keep it open and maintain freedom of navigation, by force if necessary.

The strait has become a symbolic flashpoint in the region-wide confrontation and indirect conflict between Iran on one side and the United States and Saudi Arabia on the other.

"The Strait of Hormuz is the world's most important chokepoint" for oil, according to the Energy Information Administration (EIA), the independent statistical and analysis arm of the U.S. Department of Energy.

Roughly 30% of all the world's seaborne flow of crude and products passes through the strait each year, so closure could result in a major disruption of global oil supplies ("World transit chokepoints", EIA, July 2017).

During the Iran-Iraq war (1980-1988), both countries targeted tankers - with Iraq attacking vessels loading around Iran's Kharg island in the northern Gulf, and Iran targeting ships further south and in the strait itself.

In the tanker war, the United States, the United Kingdom and several other countries responded by pledging to protect shipping in the central and southern parts of the area and arranging naval convoys.

The strait itself is only 21 miles wide at its narrowest point, and tankers are confined to an even narrower shipping lane just two miles broad in each direction, with a traffic separation scheme to reduce the risk of collision.

The limited room for manoeuvre substantially increases the vulnerability of slow-moving tanker traffic to attacks from either the shore or hostile vessels within the strait itself. In practice, as the tanker war illustrated, the theatre of operations is much wider, including the entire Gulf, the strait and the neighbouring Gulf of Oman, Arabian Sea and the southern Red Sea.

Iran has several options for targeting enemy shipping, including mines, coastal missile batteries, submarines, navy vessels, and a fleet of small fast and highly manoeuvrable boats operated by the country's revolutionary guard.

In the tanker war, most of the damage was done by mines, shore-based Silkworm missiles and speedboat attacks employing rocket-propelled grenades and gunfire ("The Tanker War", U.S. Naval Institute, 1988).

Despite Iran's threats, and thousands of pages of analysis published on the country's capability to close the strait, it is unlikely the country could block the strait to shipping for more than a few days or a couple of weeks. Efforts to close the strait would be interpreted by the United States and its allies as an act of aggression and draw an overwhelming military response.

Given U.S. aerial and maritime superiority in the area, the United States would probably be able to suppress onshore missile batteries as well surface and submarine naval activity and speedboats.

Assuming the United States and allied naval forces are willing to provide convoy protection again, Iran would not be able to attack escorted tankers without coming into direct conflict with U.S. warships.

Concern about armed conflict in the strait is really concern about uncontrolled escalation between the United States and

its allies and Iran.

For the moment, the United States is publicly committed to a policy of controlled escalation, employing progressively tighter economic sanctions to force Iran to negotiate on nuclear and other issues.

Senior U.S. officials have reassured their counterparts in Europe, Russia and China that controlled economic escalation is a viable alternative to military confrontation.

U.S. diplomats tend to refer to this approach as "coercive diplomacy" and present it to sometimes sceptical foreign audiences as an alternative to inevitable war.

(U.S. sanctions on Iraq in the 1990s and the run-up to the 2003 Iraq War provide a fascinating and controversial case study of whether coercive diplomacy is a genuine alternative to war or simply a prelude to armed conflict.)

But coercive diplomacy requires exquisite calibration of the degree of pressure to ensure controlled escalation does not spiral into uncontrolled escalation.

Dramatic economic escalation has been followed by a series of attacks on shipping that have been blamed by some on Iran; a missile attack in Baghdad; intelligence reports of hostile activity aimed at U.S. forces; and the deployment of additional U.S. troops to the region.

The abrupt escalation of tensions seems to have caught at least some policymakers on all sides unprepared and led to a recent scramble to de-escalate.

The United States has publicly disavowed regime change as an objective, offered negotiations without preconditions, and highlighted the small number of additional troops being sent to the region.

Iran has stated it does not want war and has released a previously detained U.S. resident, both of which appear to be confidence-building measures. Diplomats and top policymakers from Switzerland, Germany and Japan all appear to be involved in efforts to mediate between the two sides.

Right now, the United States is committed to keeping economic pressure in place, while avoiding an outbreak of direct armed conflict.

That means convincing allies to maintain sanctions while calculating that Iran will continue to abide by most of the provisions of the nuclear agreement and avoid military provocations. De-escalating the military confrontation while leaving the economic pressure campaign in place.

But in such a tense environment, there is always the risk that a minor incident or accident will escalate in ways not planned by top policymakers.

Top leaders may not have full control over subordinates, proxies and allies, and could find themselves pushed towards a conflict they insist they do not want.

Iran may not have full control over the militias it has armed in Yemen. The United States may not have full control over hawkish elements in Saudi Arabia, the United Arab Emirates and Israel that want war with Iran.

In the current state of high tension, hawkish elements in both the U.S. administration and the Iranian government may exploit any incident to push their respective leaders to escalate. The vulnerability of tankers in the Strait of Hormuz is precisely the sort of incident that could spark an unplanned and uncontrolled escalation.

Hormuz is not important because of the volume of oil that flows through the strait daily, but because it is an ultra-tense flashpoint that could spark a much broader conflict both sides insist they do not want.

## U.S. issues new warning on international regional conflicts

The authorities have issued U.S. Maritime Advisory 2019-007 on violence due to regional conflict and piracy in the Red Sea, the Gulf of Aden, the Arabian Sea, the Gulf of Oman and the Indian Ocean.

The advisory states as follows:

Regional conflict and piracy threats continue to pose potential risks to commercial vessels operating in the above listed geographic areas.

Conflict in Yemen continues to pose potential risk to U.S.-flagged commercial vessels transiting the southern Red Sea, Bab al Mandeb Strait and Gulf of Aden despite the current cease-fire between the Houthis and the Saudi-led Coalition in the vicinity of Al Hudaydah, Yemen. Since 2016, this conflict has threatened Coalition navy and logistics vessels.

In May 2018, a missile or rocket damaged a Turkish-flagged bulk cargo vessel at anchor in the Red Sea awaiting entry into As-Salif, Yemen. Potential attacks continue to pose a direct or collateral risk to U.S.-flagged commercial vessels operating in the region. Additionally, piracy continues to pose a threat in the Gulf of Aden, Arabian Sea, Indian Ocean, and Gulf of Oman. Specific case details are available at the Office of Naval Intelligence's Worldwide Threat to Shipping and Piracy Analysis and Warnings website at <https://go.usa.gov/xUa5p>.

With regard to the conflict in Yemen, U.S.-flagged commercial vessels are advised to avoid entering or loitering near Yemen's Red Sea ports. Vessels at anchor, operating in restricted maneuvering environments, or proceeding at slow speeds should be especially vigilant. U.S.-flagged commercial vessels transiting the conflict area should conduct a pre-voyage risk assessment and incorporate appropriate protective measures into their vessel security plans.

Threats may come from a variety of different sources including, but not limited to, missiles, projectiles, mines, small arms or waterborne improvised explosive devices. Vessels in the conflict area should report hostile activities immediately and

contact coalition naval forces on VHF Channel 16.

Prior to entering the conflict area, U.S.-flagged commercial vessels should also contact the U.S. Fifth Fleet Naval Cooperation and Guidance for Shipping detachment via the Fifth Fleet Battle Watch Captain at phone: +011 973 1785 3879 or email: [cusnc.ncags\\_bw@me.navy.mil](mailto:cusnc.ncags_bw@me.navy.mil).

Suspicious activities and incidents are also required to be reported by U.S.-flagged commercial vessels to the U.S. Coast Guard National Response Center at phone: 1-800- 424-8802.

Vessels operating in this region are also advised to establish contact with the United Kingdom Maritime Trade Operations (UKMTO). UKMTO advisories, warnings, and contact info are available at [www.ukmto.org](http://www.ukmto.org).

With regard to piracy, the newly released Best Management Practices to Deter Piracy and Enhance Maritime Security in the Red Sea, Gulf of Aden, Indian Ocean and Arabian Sea (BMP5), and Maritime Global Security website at: [www.maritimeglobalsecurity.org](http://www.maritimeglobalsecurity.org) (which contains BMP5) provide excellent security recommendations and should be consulted prior to operating in the above listed geographic areas.

U.S.-flagged commercial vessels operating within High Risk Waters (HRW), as defined in U.S. Coast Guard MARSEC Directive 104-6, are required to comply with its requirements due to the risk of piracy, kidnapping, hijacking, and armed robbery in the HRW. Vessels are further advised to:

- Navigate at least 200 nautical miles from the Somali coast to the extent practicable
- Follow the guidance in Best Management Practices 5, BMP5 [www.maritimeglobalsecurity.org](http://www.maritimeglobalsecurity.org); an
- Comply with their Coast Guard approved Vessel Security Plan annex on counter piracy.

Mariners operating near this area are also advised to consult Department of State Travel Advisories at: <https://go.usa.gov/xUa5F>.

## Researchers capture first images of giant squid in American waters

Researchers aboard the *R/V Point Sur* have recorded the second video ever made of a giant squid in the deep (and the first ever in the U.S. EEZ).

On a two-week voyage aboard the *Point Sur* in the U.S. Gulf of Mexico, lead scientists Dr. Nathan Robinson, Dr. Sonke Johnsen and Dr. Edie Widder used a purpose-built lure to attract an appearance of the elusive *Architeuthis* - a deep-dwelling, mythical creature that was only photographed in the wild for the first time in 2004. Until recent decades, the giant squid's existence was primarily known through the discovery of deceased specimens on beaches, in trawl nets and in the stomachs of sperm whales, their main predators.

Robinson and Widder were on the team that made the first ever video of a giant squid in a sighting off Japan in 2012, and they told media that they were delighted to find it once again off the U.S. Gulf Coast. The team encountered the squid at a position near Shell's Apomattox deepwater platform, about 100 nm from shore.

After five deployments of the team's purpose-built lure, researcher Nathan Robinson began to review footage from the camera. The squid appeared twice in the background, circling, then returned to attack the lure with its tentacles.

"We all proceeded to go slightly nuts," Widder told CNN. "We know so little about how these animals survive in the depths . . . this helps us learn something more about how they hunt and their energy budget, but we need to know a lot more."

In a post on NOAA's Ocean Explorer blog, Johnsen and Widder described the team's excitement at finding and helping to demystify a mythical beast of the deep. "Most importantly, we did not find a monster," they wrote. "The giant squid is large and certainly unusual from our human perspective, but if the video shows anything of the animal's character, it shows an animal surprised by its mistake, backing off after striking at something that at first must have seemed appealing but was obviously not food."



The Ready Reserve Force ship *Cape Hudson* returns to San Francisco layberth after a nearly 7 month deployment in service to government missions in the western Pacific. Delegate Jonnell Hodges, brought in a clean ship.

## Crew member loses life due to weak safety culture

A general cargo vessel was berthed and stevedores were discharging the vessel's cargo of packaged timber from the holds. Once the discharging of cargo had been completed a dockside crane was used to lift the ship's cargo slings back on board. Deck crew, including the cook-deckhand who had come forward to announce that lunch was ready, decided to stow the slings in the fo'c's'le stowage space before eating.

Two officers, an AB and the cook-deckhand began the work. The cook-deckhand walked around the starboard side of the open stowage space hatch cover and the AB then walked around the port side. Each then removed the locking pin from the hatch cover hinge closest to them.

Then, as the crane hook was being lowered, the cook-deckhand climbed up the inside of the hatch cover, using the framing as hand and foot holds, and reached up to grab the lifting slings. As he did so the hatch cover fell forward, trapping him between the hatch cover and the hatch coaming.

## 10 tips to stay healthy at sea

Sandra Welch, Deputy CEO, Wellness at Sea program is part of the Sailors' Society, an international charity organization based in London UK

### 1. Share your problems

Talking about your feelings is a positive step towards good mental health. Try to talk to people you trust about your experiences and concerns. If all else fails, try to write your emotions in a diary and keep track of previous days and your general mood.

### 2. Eat healthy

There is a strong link between what we eat and how we feel. Make sure that you are comfortable with your diet and be on the lookout for food that triggers certain emotions.

### 3. Stay in touch

Friends and family can make you feel included and cared for and offer you a different view. It's sometimes difficult to keep in touch when you are at sea, so write a letter about what you are experiencing and post it in the next port. Make 'remember notes' on important stories you want to tell your loved ones.

### 4. Be comfortable in your own skin

Some of us make people laugh, some are good at maths, while others cook a fantastic meal. We are all different and that's what makes each of us a unique human being.

### 5. Keep fit

Regular exercise not only keeps you physically fit but can boost your self esteem and help you concentrate, sleep, look and feel better. Many exercise pro-

grammes exist that are specifically aimed at helping you keep fit on board. Work out a routine that fits in with your shifts on board and with life at home between contracts.

### 6. Have a rest

A change of scene or pace is good for your mental health. It could be a five-minute pause from the task you are busy with or a half hour lunch break in a different location on the ship. A few minutes can be enough to de-stress you.

### 7. Watch your alcohol intake

We often drink alcohol to change our mood or to deal with fear or loneliness, but the effect is only temporary and can have long-term effects on our physical and mental health.

### 8. Do something you enjoy

Enjoying yourself helps beat stress and boosts your self esteem. Make sure you take an activity you like with you on board.

### 9. Ask for help

None of us are superhuman. We all get tired or feel overwhelmed at times. If things are getting too much for you and you feel you can't cope, ask for help. There are many organisations that are there to help you.

### 10. Look out for others

Caring for others is an important part of keeping up relationships. Reach out and give a helping hand where you can.

## At USMMA graduation, Peter Navarro states preference on cargo rules

A top White House trade official said at the U.S. Merchant Marine Academy graduation ceremony that he favors requiring that all U.S. government cargo be carried on U.S.-flag ships.

The remarks were by Peter Navarro, the director of the Office of Trade and Manufacturing Policy, who is outspoken in his belief that “economic security is national security” — a phrase he repeated during his address to the 202 graduates.

The Cargo Preference Act of 1954 requires that at least half the volume of U.S. government cargo be transported on commercial ships registered under U.S. law, as long as “such vessels are available at fair and reasonable rates.”

“Through this policy, cargo preference pumps essential lifeblood into the maritime industry,” Navarro said.

Then, departing from prepared remarks, he said, “I’d personally love to see us go to 100% on the U.S. government nonmilitary cargo.”

A White House spokesman did not respond to an email Saturday as to whether President Donald Trump shares Navarro’s sentiments.

A separate 115-year-old U.S. law requires that all military cargo be transported on U.S.-flag ships.

Navarro’s support for extending that to all government cargo as well is in line with his pro-tariff, protectionist positions.

Navarro also denounced calls to repeal the Jones Act, which mandates that all

cargo shipped between U.S. ports be on U.S.-built and -registered vessels, with primarily U.S. crews.

Opponents of the law say it increases shipping costs and consumer prices.

In an October opinion piece in *The Hill*, Mark Perry, a scholar with the pro-free-market American Enterprise Institute, wrote that “the Jones Act keeps otherwise uncompetitive elements of the American shipping industry afloat” and that rescinding it would, for example, allow transportation of petroleum products on foreign ships for about a third of the cost of U.S. vessels.

The law came under fire after Hurricane Maria, because opponents said it led to higher recovery costs and less access to goods for Puerto Rico.

Navarro said repealing the law “could devastate our domestic maritime industry and leave ourselves unarmed against global competition — and likely unprepared to meet our military’s sealift demands or respond to domestic crises, like the next major hurricane.”

The United States already has a shortage of U.S. mariners to mobilize in case of war, he said. Repealing the Jones Act requirements would worsen that situation, Navarro said.

Navarro’s address, which also lauded Trump’s steel and aluminum tariffs and increases in military spending, came before 200 students received their bachelor of science degrees and two were awarded a master of science in marine engineering.

## Indian seafarers released by Nigerian pirates

Five Indian seafarers have been released after being kidnapped from the product tanker *Apecus* and taken to Bonny Island in Nigeria on April 19.

The seafarers, Sudeep Chaudhary, Ankit Hooda, Chirag Yadav, Avinash Reddy and Moogu Ravi, have been taken to safety, says India’s shipping minister Mansukh Mandaviya, and will be repatriated soon. Both the Ministry of Shipping and the Ministry of External Affairs have worked to secure their release.

The latest quarterly piracy report published by IMB shows that in the first quarter of 2019, the Gulf of Guinea accounted for all of the worldwide crew kidnappings; 21 crew members were kidnapped across five separate incidents. Incidents were reported in Benin, Cameroon, Ghana, Ivory

Coast, Liberia, Nigeria and Togo.

But IMB’s statistics also show that whilst Nigeria has been a hotspot for piracy incidents over the past decade, the country experienced a decrease in reported piracy incidents during the first quarter of 2019 - 14 incidents of piracy for Q1 2019, compared to 22 incidents in the same quarter last year.

“These results confirm the Nigerian Navy’s increased efforts to actively respond to reported incidents by dispatching patrol boats,” IMB said.

Piracy expert Professor Bertrand Monnet, who has interviewed pirate gangs in the Niger Delta, estimates that there were approximately 10 groups of pirates that were responsible for the majority of attacks in the area and they were well organized and motivated.

Editor’s Note: To receive the *West Coast Sailors* via first-class mail it’s \$25 per year U.S. mail; \$50 per year international.

## Welfare Notes July 2019

### Pensioners Annual Allowance

The Pensioners Annual Allowance currently provides up to \$6,500.00 in total benefits for pensioners and their spouses. Some Pensioners may receive a reduced Annual Allowance.

The Benefit Year Maximum for expenses incurred on or after August 01, 2019 will be:

Medical Premiums \$4,000.00

Prescription Drugs \$1,000.00

All other Expenses (medical,dental,vision) \$1,500.00

The fiscal year for the Pensioners Annual Allowance runs from August 01 through July 31 of the following year.

A medical, dental, or vision expense is considered to be incurred on the date you receive treatment or the date of the visit giving rise to the expense. For prescription drugs, the incurred date is the date you paid for the prescription drug. For medical premiums, the expense is incurred on the due date for the premium being paid, not the date of your premium payment.

Claims for reimbursement must be submitted to the Plan office within 90 days of the date of incurring the charge or within 90 days of Medicare processing the claim. The patient’s name, date of services, a description of the services, and the amount charged for services must be indicated by the provider of services on the statement submitted for reimbursement.

If you have any questions, please contact the Plan office.

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

Patty Martin, MPP Plan, 401(k) and Death Benefits [martinpatty59@sbcglobal.net](mailto:martinpatty59@sbcglobal.net)

Gina Jew, Claims [gina@marinersbenefits.org](mailto:gina@marinersbenefits.org)

Michael Jacyna Eligibility [mjacyna67@sbcglobal.net](mailto:mjacyna67@sbcglobal.net)

Training Representative Berit Eriksson 206-551-1870 [berittrainrep@sbcglobal.net](mailto:berittrainrep@sbcglobal.net)

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

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

SIU-PD Pension 415-764-4987 SIU-PD Supplemental Benefits 415-764-4991

Seafarers Medical Center 415-392-3611

## Secretary Elaine Chao designated next Admiral of the Ocean Sea

The United Seamen’s Service has announced that U.S. Secretary of Transportation, The Honorable Elaine L. Chao, will receive the 2019 Admiral of the Ocean Sea Award based on her career-long commitment to the maritime industry. The other, previously announced recipients are James Given, President of the Seafarers International Union of Canada; Anil Mathur, President and CEO of Alaska Tanker Corp.; and Joseph Pyne, Chairman of the Board of the Kirby Corporation.

The maritime industry’s most prestigious award will be presented at the 50th annual AOTOS gala at the Sheraton New York Times Square Hotel, New York City, on November 1, 2019. During this event, a number of American seafarers will receive recognition for specific acts of bravery and heroism while at sea.

In announcing Secretary Chao’s selection, Lieutenant General Kenneth Wykle, USA, (Ret.), AOTOS Committee Chairman, said, “We are honored that Secretary Chao will attend the AOTOS event and personally accept the award.”

Secretary Chao assumed her office on January 31, 2017. She was previously Secretary of Labor under President George W. Bush.

Secretary Chao was raised in Queens, New York and subsequently earned her MBA from Harvard Business School. Early in her career, she specialized in transportation financing in the private sector. She began her executive career in public service working on transportation issues at the White House. She then served as Deputy Maritime Administrator, U.S. Department of Transportation; Chairman of the Federal Maritime Commission; and, Deputy Secretary of the U.S. Department of Transportation.

As U.S. Secretary of Transportation,

Secretary Chao has been one of the strongest advocates for the U.S. maritime industry in Department history. She has consistently reiterated the need for a modern U.S.-flag fleet, crewed by skilled U.S. Merchant Mariners, as an important component of U.S. national security. To that end, more funding for MARAD has been requested than in any previous Administration’s budgets—\$682M for FY 2020. She also advocated for additional new school training ships. And as a signal of her unprecedented support for the U.S. maritime industry, within the first six months of her tenure as U.S. Secretary of Transportation she visited the Ready Reserve fleet in Beaumont, Texas and toured two American flagged vessels. She also gave her first commencement speech as Secretary to the graduating class of the U.S. Merchant Marine Academy on June 17, 2017.

“Secretary Chao brings to AOTOS her background in transportation, non-profit work, labor and a macro-view of all the sectors that apply to the mission of USS,” said General Wykle. “We look forward to greeting her on November 1.”

SIU President Michael Sacco described Secretary Chao as “someone who not only understands our industry, but also truly cares about the American worker. She is a tremendous leader and is universally respected, admired and trusted throughout our industry.”

The AOTOS Award commenced in 1970 and has honored more than 80 industry leaders, while the USS marks its 77th anniversary this year. USS President Edward Morgan noted, “Whether operating 144 service centers in 1942 to look after American seafarers and the military or ensuring we honor our true industry leaders as Admiral of the Ocean Sea, USS has continued to be an important presence in the American maritime industry.”

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## THE ANDREW FURUSETH SCHOOL OF SEAMANSHIP TRAINING TRUST

### Training Benefit Guidelines

Revised and Amended June 19, 2019

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

The School is charged with the responsibility of administering the Training Trust Benefit. The mission of the School is to assist all eligible participants in identifying and accessing the appropriate training to fulfill all existing regulatory requirements and remain active in the industry as required by SUP collective bargaining agreements. While the School has final decision-making authority over all training, training provider arrangements and bookings, reimbursements, and other training related issues, the Board of Trustees of the Andrew Furuseth School of Seamanship Training Trust (the "Board") has delegated day-to-day responsibility for administering the School to an Executive Director – this includes the discretionary authority to make initial determinations of eligibility to participate or the availability of benefits from the School. The School is responsible for the selection and identification of the training needs of Plan participants, the selection of training providers and the rules governing all aspects of the training process. While this document sets forth the terms and conditions for receiving benefits from the School, it is subject to the terms of the Andrew Furuseth School of Seamanship Training Plan Trust Agreement, as amended, any other policies adopted by the Board and applicable bargaining agreements.

### Eligibility Requirements

1. Must have completed application on file with Andrew Furuseth School of Seamanship that has been approved by the School. All applications will expire one (1) year after receipt of application. Applications may be completed and received at any time, but eligibility is subject also to availability in terms of both ability to attend and responses to notification of eligibility for requested and open training billets. In general, this means that without a favorable response from the applicant within a reasonable period of response time subject to the practicalities of booking arrangements, etc., eligibility will expire. Subject to certain reasonable exceptions required by manning and other requirements as determined by the School or the Executive Director on behalf of the School, present employment of candidate is a generally understood to be an eligibility disqualifier on a prospective basis.

2. SUP member with Class A, Class B or Class C seniority, or a registered applicant subject to conditions outlined below.

3. Must be registered with the SUP, and current with all fees and dues.

4. Must be eligible for the SUP Welfare Plan medical benefits coverage through covered employment or be designated as an apprentice who the trustees believe will be covered by a collective bargaining agreement between a contributing employer to the School and the SUP following completion of training.

5. Applicants for training shall possess a valid U. S. Merchant Mariner Document.

6. Must be fit for duty and able to pass a sign on physical within one month of scheduled training.

7. In order to attend any government training required by SUP contract a participant must be able to pass a Military Sealift Command physical examination within one month of the scheduled commencement date. For military or government training with MSC physical requirements a self-certification of fitness for duty (CL-7 form) must be completed and trainees may be subject to pre-training physicals as required by the qualifications in the contract or RFP requiring the training. Any potentially disqualifying conditions related to the physical qualifications may require medical clearance by a doctor in advance of training. 8. Candidates otherwise eligible for government training must also be without felony convictions or open charges, nor can any candidate be convicted (or have pending charges) of domestic violence offenses. A valid and good faith completion of form DD-2760 and LAWDADD is also required. 9. In order to apply for and attend any government training required by SUP contract a participant must present a negative TB test document no older than one month and be able to pass a Military Sealift Command physical examination and have no felony or domestic violence convictions. 10. Selection criteria for certain training may depend on a variety of factors including but not limited to seniority, date of application, availability at the time of training, eligibility for benefits, employability in the job that requires the training, eligibility for all required modules of training, dues and registration status.

### Training Approval

The School must approve all individual training plans in advance. The failure to receive prior approval of the School shall result in the withdrawal of funding for the training and/or the rejection of any School responsibility for reimbursement of the costs of training (this means that a trainee may be responsible for the cost of such training he has received without prior approval). As the entity responsible for all training and training related issues, the School reserves the right of final approval of all training arrangements. This is done to allow the School to control the costs associated with training, maintain compliance with various reporting standards, and protect the individual participant from making inappropriate training decisions. The School will advise and assist all participants with every aspect of the training process to ensure the best options available are selected. In addition, the School will handle all the arrangements for any approved training if a participant wishes it to do so. However, in order for the School to properly fulfill its mission, individual participants shall inform the School in advance of their training plans and be willing to work with the School to reach a mutually acceptable solution in normal training events and in the event of any problems.

### Training Categories Covered by the Training Benefit

**Mandatory Training:** Training that is required for all mariners under either Domestic or International regulations. In addition, mandatory training includes all training that is specified as required in applicable existing Sailors' Union of the Pacific collective bargaining agreements over and above the minimum that is required for possession of a Merchant Mariner Credential and for work under SUP contract. Generally speaking, entry-level mariners will be required to conduct and provide their own entry-level training for Basic Training, Security Awareness, or Vessel Personnel with Designated Security Duties. Some types of mandatory training are recognized below:

1. STCW 95 Basic Training
  - a. Basic Training including
    - i. Basic Fire Fighting, ii. Basic First Aid, iii. Personal Survival
    - iv. Personal Safety and Social Responsibility
  - c., d., e. Basic Training Revalidation (1 or 2 days) Basic Training Refresher (3 days)
  - f. Basic Training Revalidation (1 or 2 days) Basic Training Refresher (3 days)
2. Government Vessel Training (Military Sealift Command (MSC) Training or Maritime Administration training for the Ready Reserve Force):
  - a. Chemical, Biological, Radiation Defense Warfare
  - b. Basic Damage Control
  - c. Vessel Familiarization
  - d. Anti-Terrorist Briefing
  - g. Small Arms Handling and Safety
  - h. Security Reaction Team/Force
  - i. Basic and Advanced Security Watchstanding
  - j. Helo Fire-fighting

- e. Basic Forklift Operations
- f. Basic Explosive Materials Handling

- k. MSC Environmental Protection
- l. Landing Signal Enlisted

### Discretionary Training:

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

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

### Funding Policy - Funding Provided for Training

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

### Funding Provided for Discretionary Training

1. In situations where tuition reimbursement is request only training courses that are approved by the School will be considered.
2. The School will offer all the assistance it can to any eligible Plan participant who wishes to upgrade his documents. This includes assistance in locating training providers, scheduling and enrollment.
3. Failure to attend or complete training will require prompt reimbursement to the School of all costs incurred including any pre-booked airfare or lodging or other unrecoverable costs. Failure to reimburse School costs can render ineligible any trainee's future training requests or pending reimbursements until the School has been fully reimbursed. A report of failure to complete the training will be delivered to the Sailors' Union of the Pacific.

### Funding Provided for Transportation to Mandatory Training Classes Approved By the School

1. In order to qualify for transportation payments a participant must live at least 100 miles from the nearest training facility. Within that geographic area participant trainees are expected to make their own arrangements for transportation.
2. The Training Fund will provide round trip airfare from the major airport nearest to the participant's U. S. mailing address to the training facility. This will be based on a 21-day advance purchase, coach fare.
3. The Training Fund may provide van or shuttle transportation at the destination to take the Plan participant to and from his hotel on arrival and departure.
4. The Training Fund will not cover any additional costs resulting from the action or inaction of the participant. All additional costs are to be borne by the participant.

### Funding Provided for Lodging

1. Lodging will only be provided if a Plan participant lives at least 100 miles from the nearest training facility.
2. The Andrew Furuseth School of Seamanship will only cover the cost of the room. All additional charges of any kind are the responsibility of the Plan participant.

### Allowance for Meals

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

1. Alcohol
2. Sundries including miscellaneous food items not directly related to a meal.
3. Gratuities
4. Entertainment
5. Room Service
6. Transportation (i.e. taxi or bus fare) except as authorized by the Andrew Furuseth School of Seamanship.

### Reimbursement Requirements

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

7. Travel Costs
8. Lodging Costs
9. Subsistence Costs
10. Tuition Costs

In order to receive a reimbursement the participant must be attending pre-approved training, along with a copy of his or her certificate of course completion and all receipts related to out of pocket expenses to the School in a timely manner. All receipts must be itemized and contain the following information to be considered for reimbursement:

1. Name of the establishment at which the expense took place.
2. The date of the expense.
3. A clear delineation between the various items on the receipt so that the Plan can make an accurate determination of which are suitable for reimbursement.
4. The Plan will reimburse participants for the dates of the training. Travel days expenses are reimbursable upon pre-approval.
5. In the case of an airline ticket a copy of the ticket, a credit card receipt or a canceled check will suffice as proof.

### Course Completion Requirement

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

### Appeal Process

If for any reason a trainee is dissatisfied with a reimbursement or selection or eligibility decision, he or she can appeal the matter to the Executive Director within 30 days of receipt of a denial of reimbursement or an application to attend a training class provided by the School. If the Executive Director denies the first level appeal, the trainee can file a second level appeal with the Board of Trustees for the Andrew Furuseth School of Seamanship Training Trust within 30 days of receipt of a denial by the Executive Director. All appeals must be in writing addressed to the Executive Director or the Board of Trustees as applicable, Andrew Furuseth School of Seamanship Training Trust, 450 Harrison St., San Francisco CA, 94105. Any appeal to the Board will be determined at its next regularly scheduled Board meeting unless received within 30 days of such meeting in which case, such appeal will be heard at the second meeting following its receipt of the appeal.



# SUP PRESIDENT'S REPORT

## HOWARD TERMINAL DEVELOPMENTS

On June 21 the SUP joined a letter that requests immediate initiation of the formal maritime stakeholder process for "Howard Terminal Housing and Stadium project" as required by previous action of the Oakland Board of Port Commissioners. This process came about as part of a compromise required to pass the project at the commission level and before the pending and ongoing debate at the City Council level. Specifically, that action was to add the "Seaport Compatibility Measures" to the Howard Terminal Term Sheet (Attachment D) which directs port staff to negotiate measures with the Oakland A's on the basis that no future project can "impact or interfere with the Port's use or operations" in four key areas. Those areas are:

- 1) the current or future use of the Port by users of maritime facilities,
- 2) the health and safety of Port labor and operators,
- 3) protections from future claims by Howard Terminal residents and users and
- 4) reduction of congestion and avoiding conflict on cargo truck routes.

Those conditions are not easily met, and so it is a significant step forward for those that view the primary role of a Port is to maintain and grow its maritime services, its infrastructure, and its seagoing capability. It is an attempt to work with the Port of Oakland in the "spirit of a mutual commitment to the growth of the maritime business as the principal and primary priority with respect to all future developments at the Port, including any proposal at Howard Terminal."

We joined in the letter with the Marine Firemen's Union, the Inlandboatmen's Union of the Pacific, Marine Engineers' Beneficial Association, the Transportation Institute, the International Longshore and Warehouse Union, Locals 10, 6, 34 and 91 and many maritime-related operators and business groups. The letter is consistent with our previous positions on the issue and evidence of the ongoing fight. [See joint letter in Attachment 1]

## COAST GUARD EXTENDS MMC EXPIRATIONS CAUSED BY GOVERNMENT SHUTDOWN

On July 1, the United States Coast Guard issued its sixth extension of validity for expired or expiring credentials not renewed due to the processing problems associated with the federal government's lack of appropriations and related government shutdown earlier this year. Update 6 makes valid any Merchant Mariner's Credential that expired in December of last year or later and keeps it good through August 31 of this year.

This does not apply to expired international STCW endorsements and only applies to national endorsements and the STCW medical certificate on a national basis. Members should continue to apply for renewals as much as a year in advance of expiration. Members with expired or soon-to-expire credentials are advised to carry a copy of the signed letter of authorization from Capt. K.R. Martin, United States Coast Guard Commanding Officer of the National Maritime Center, together with the expired credential. Copies of the letter are available at the National Maritime Center's website at [https://www.dco.uscg.mil/national\\_maritime\\_center/](https://www.dco.uscg.mil/national_maritime_center/) and at all SUP union halls.

## GOVERNMENT SHIPPING RULE RECAP

With the successful mission completion of the Cape Hudson, a Ready Reserve ship and in the context of pending new RRF activations as well as the shipyard rotations of the Watson-class ships, a review of the existing Shipping Rules for members employed in all the Union's government ships is timely. Our time-tested and successful crewing method has centered on hiring hall control and rotary shipping, where jobs are dispatched according to seniority and qualifications. A clarification of the LMSR application of these rules that applied to the first "surge" group or Bob Hope-class of ships in 2001 was incorporated with newer Agreements and the

regular Shipping Rules themselves, and together have served well as the written basis for the fundamental Union principles of fairness, transparency, rotation, and readiness/performance.

Beginning with the length of assignment, SUP government contracts now and in the past have mostly centered on a minimum four-month and a maximum of six-month tours of duty. That tour is confirmed by language in our Agreements and consistent with our Shipping Rules, especially our "shuttle ship" Rule No. 8. In the Ready Reserve Force, the tour of duty set by the Agreement is similar: four to six months in Full Operating Status (FOS) and in Reduced Operating Status (ROS) the assignment is for eight to twelve months. These rules apply all the time to all the ships but only to the extent not in conflict with the mission readiness and completion and other terms of the Agreement.

All jobs are called in the halls. Members are advised that the Union works to relieve on time, with the rights of both the relieved sailor and his replacement in mind. No member is dispatched for work in excess of 180 days unless authorized by the Union and required by unavoidable operational necessity.

In the Watson-class ships operated by Patriot Contract Services for the Military Sealift Command, this four to six-month tour of duty applies in Full Operating Status (FOS) or in Reduced Operating Status (ROS). Within that 60-day relief window between 120 and 180 days, and everything else equal, the requested relief date is selected by the member and is subject to the normal operational and crewing considerations. Not completing the minimum assignment can result in a range of negative consequences beginning with a transportation deduction from wages. Relief requests should be lodged with the captain and the delegate. Delegates take note: inform the Union when any member of the SUP deck gang reaches the five month mark in the tour -- independent of any other notification.

The readiness doctrine that is the purpose of ROS jobs, recognizes ROS crew as vanguard leaders to the FOS joiners on activation. As a result, members of the ROS crew are always required to sail with the ship on activation. The original ROS crew will be relieved according to the normal process and based on the original ROS dispatch assignment, subject to operational considerations. When an ROS ship activates to FOS and returns to ROS the original or relieving ROS crew will remain on board until their time is up or properly relieved. New ROS jobs will be called at the Halls where the jobs for that ship originate. In rare cases of open jobs after activations, where ROS crew must be derived from FOS crew, those crew members with the most seniority in terms of time aboard shall be the first entitled to the job in order of cascading preference, or shall be determined by random selection, (i.e., cut cards, roll dice, draw straws), if shipped the same day. When a ship lays up, members can register to return subject to the same rules as commercial ships.

Finally, replacement crew in government ships will be dispatched to qualified members first from the hiring hall where the ship is, or if not in a port or jurisdiction of a port where the SUP maintains a hiring hall, then jobs are called first in the hall where jobs for that ship originate by designation. Supplementary support for unfilled jobs comes as necessary from the other halls.

## TRUSTEE MEETING: NEW HEALTH BENEFITS AND PENSION UPDATE

The Trustees of the SUP Welfare Plan (for the employers that's Thomas Percival for Matson and Tim Windle and Bob Stephens for APL; Matt Henning and myself for the Union) met in late June and later approved two new benefits for HealthNet participants aimed at improving low or no cost access to basic health care along the same lines as are mostly already provided by Kaiser. These new benefits are not a replacement for anything, nor do they cut or change existing benefits: they are : an additional no-cost easy-to-access option available for treatment of urgent or non-emergency situations (for emergencies call 911).

The first is a "Teladoc" service which enables free 24/7

access to U.S. board-certified and state-licensed doctors via the web, phone or app. This service can be quickly accessed anytime and basically anywhere (depending on phone and internet access) – from home, on the road, on board ship (again depending on the connection). It's designed for when members are considering treatment for cold and flu symptoms, allergies, sinus or skin problems, for short-term prescription re-fills, and many other common medical conditions and health care problems. It should also useful as resource to get qualified professional answers to specific health questions outside of normal business hours or on weekends and holidays when primary doctor's offices are closed or too distant to visit. The contact information is as follows: call 1-800-Teladoc (835-2362), or go to [Teladoc.com/hn](http://Teladoc.com/hn), [Teladoc.com/mobile](http://Teladoc.com/mobile), [Facebook.com/Teladoc](http://Facebook.com/Teladoc), or get the Teladoc app at the Apple App Store, or on Google Play, or contact the SUP Welfare Plan at 415 778 5490.

The second benefit improvement, called MinuteClinic, also for HealthNet members, is a walk-in health care service, staffed by nurse practitioners and physician assistants, available mostly in CVS pharmacies. This service is designed for when you want to see a health-care professional for non-emergency care but when a doctor is not immediately available. You don't need an appointment or prior authorization or a referral from your doctor or physician group. The MinuteClinics may be of particular value when you are traveling out of state. There are 54 of them in California and 1,190 nationally. Regular doctor co-pays apply, however, but are reimbursable to the member (primary participant). If referral to a specialist is necessary, and if you approve, the clinic staff will send a written summary (also subject to your approval) to your doctor or physician group for specialist referral. The clinics can also physically treat minor injuries, illnesses, and skin conditions as well as handle vaccinations, and health condition monitoring for conditions such as asthma, diabetes, high blood pressure, high cholesterol, weight evaluations, to name a few. If you have questions you can call 866-389 ASAP (2727) or check out the website at [www.cvs.com/minuteclinic](http://www.cvs.com/minuteclinic).

Kaiser enrolled participants already have access to a successful 24/7 care and advice system that includes phone email, video and in-person appointments both at Kaiser doctor's offices, hospitals, and many urgent care clinics. Nevertheless, Kaiser has also started a "retail" clinic access system, presently available only in Southern California, called "Target Clinics." These clinics are located inside Target stores and provide the same kind of convenient but professional care for a wide range of services including care for minor and chronic illnesses, injuries, child and adolescent care, video consultations, vaccinations, women's health service and basic dermatology. Additional Kaiser sites may include other stores and pharmacies. More information is available at [www.kp.org/sca/targetclinic](http://www.kp.org/sca/targetclinic). These benefits are designed to take advantage of a recent trend toward the "retailization" of basic health care to provide low-cost convenience to members while retaining regular services.

At the June meeting Plan benefits consultant Kirsten Schaffer also reported to the Trustees the premium increases for existing health care providers, as well as replacement options. National health care plan offerings remain extremely limited in the context of the high and variable costs that for Taft-Hartley plans like ours must function separate from the ACA exchanges. There some pending legislative possibilities that are premature but that we will continue to review and evaluate. Essentially, the cost, the benefit and cost control guarantees of a national plan remain insurmountable obstacles as the industry, Congress and the nation struggles with issue.

Closer to home, over the last five years Kaiser Hawaii had an average annual premium increase of 4.3%. Kaiser Washington (formerly known as Group Health Cooperative) saw an increase of 2.7% over the same period, while Kaiser Oregon had an increase of 4.8%, Kaiser Southern California increased 5.9%, HealthNet HMO went up by 5.6% and Kaiser Northern California saw a decrease 1.8%. The overall 5-year average increase for all Plan providers was 2.6% but the average annual cost adjusts up to 5.7% when the most recent renewals effective August 2019 are factored into the total cost.

Finally, the Trustees of the Pension Plan met and

received the report of the actuary Greg Pastino. The Plan at the time of the actuarial "snapshot" (August 1, 2018) had a market value of assets of \$105,757,360 against a Present Value of Vested Benefits of \$89,755,731 for a funded status of 117.83%. This is an important measure of financial health which among other things led the Pastino to declare the Plan in the "green zone" and likely to maintain it for at least the next Plan year beginning on August 1, 2020. The maximum monthly benefit is now \$2,375.

**QUARTERLY FINANCE COMMITTEE**

In accordance with Article XVII, Section 2 of the SUP Constitution, a Quarterly Finance Committee shall be elected at today's Headquarters meeting to review the finances of the Union for the second quarter of 2019, and report back to the membership at the August coastwise meetings.

In the event the Committee cannot be filled today, recommend that when the quarterly audit is completed, in about three weeks, necessary Committee members be filled off the hiring hall deck as per past practice. The Quarterly Finance Committee will turn to on Monday, August 12, 2019.

**HOLIDAYS**

**Longshore Holiday**

SUP Halls will be closed on Monday July 29 in observance of an ILWU holiday.

In accordance with our collective bargaining agreements with APL and Matson it is a holiday for all company vessels, except Ready Reserve vessels, in West Coast ports, and for sailors employed under the APL and Matson Maintenance Agreements in the West Coast. It is also a holiday for run boat operators employed by the San Francisco Bar Pilots. It is not a holiday at sea or in port in Hawaii.

*M/S/C to concur in the balance.*

**VICE PRESIDENT'S REPORT**

July 2019

I represented the SUP at the Alameda Labor Council delegates meeting, Bloody Thursday service hosted by the ILWU, and at the State Capital for a rally in support of AB5 in conjunction with the AFL-CIO and Alameda Labor Council.

**USNS Sisler**- Anthony Wylie, delegate. No major beefs. Ship is leaving dry dock in Bayonne, NJ and will stay on the east coast for helicopter exercises. A job well done by all SUP crew during the yard period. Jon Clark, bosun.

**USNS Watkins**- Brian Eaton, delegate. Arrived in New Jersey awaiting dry dock in Bayonne shipyard after a successful off load. Gearoid De Cleir, bosun.

**USNS Dahl**- Charlie Wood, delegate. Ed Zepeda, bosun. No major beefs.

**Matson Maunalei**- Nick Manessiotis, delegate. Clarification regarding watchmen's overtime as well as short-handed pay.

**APL Gulf Express**- Cerilo Sajonia, delegate. No major beefs. Husein Ali, bosun.

**APL President Eisenhower**- Brian Burns, delegate. No major beefs. Brian Ranking, bosun.

**APL President Cleveland**- Corey Burton, delegate. Inquiries regarding short-hand pay. Joe McDonald, bosun.

**APL President Wilson**- Cory Edgil, delegate. Clarifications on call outs and delayed sailing. Dmitri Seleznev, bosun.

**Mississippi Voyager**- Chris Thorsen, delegate. Continuing west coast run from El Segundo to Richmond Long Warf. Ken Dooley, bosun.

**Florida Voyager**- Jonah Cross, delegate. In and out of Richmond with little or no beefs. Clarifications regarding training re-imburement. Bob Turner, bosun.

**Cape Hudson**- Jonnell Hodges, delegate. Returned from a seven-month mission June 28th. Back in ROS status with Kim Dulay, bosun. A job well done to all dispatched the ship during the mission.



Wilmington Branch Agent Leon Gandy with member Leo Martinez preparing for the busy Friday job call in Los Angeles on July 12, 2019.

**Matson Navigation Company**

**Wage Rates**

Effective July 1, 2019

071, Roll-On/Roll-Off, C-8, C-9, CV-2500, CV-2600

Aloha-Class, Kanaloa-Class

Rating	Wages		Supp. Benefit Base		Supp. Benefit		Money Purchase Pension Plan
	Monthly	Daily	Monthly	Daily	Monthly	Daily	
Bosun	\$6,818.20	\$227.27	\$7,026.27	\$132.73	\$3,981.90	\$25.00	
A.B.	\$4,808.82	\$160.29	\$5,250.46	\$99.18	\$2,975.40	\$25.00	
O.S.	\$3,691.38	\$123.05	\$4,125.76	\$77.93	\$2,337.90	\$18.51	

**OVERTIME AND OTHER RATES**

The hourly over time rate for all ratings except the Ordinary Seaman shall be..... \$39.14  
 Ordinary Seaman (overtime rate)..... \$29.34

**CARGO RATES**

The hourly cargo rate for all ratings shall be:  
 Straight Time..... \$48.36  
 Overtime..... \$48.36

**SHORTHANDED (SECTION 7. SUP Work Rules)**

Bosun..... \$66.18  
 A.B..... \$66.18

**STANDBY RATES (Section 43 SUP Work Rules)**

**Bosun**  
 Straight Time..... \$45.80..... \$25.00  
 Overtime..... \$74.29

**A.B.**  
 Straight Time..... \$37.73..... \$25.00  
 Overtime..... \$62.18

**SHIFT SHIP GANGS (Section 44 SUP Work Rules)**

**Bosun**  
 Straight Time..... \$33.15..... \$25.00  
 Overtime..... \$55.09

**A.B.**  
 Straight Time..... \$31.11..... \$25.00  
 Overtime..... \$52.62

**DECK PORT WATCHES (SECTION 55. SUP Work Rules)**

**Bosun**  
 Straight Time..... \$44.53  
 Overtime..... \$66.80

**A.B.**  
 Straight Time..... \$33.57  
 Overtime..... \$50.33

**FUEL OIL SPILL CLEANUPS**

All Ratings: Straight Time..... \$22.79

**SHOREGANG: MAINTENANCE AGREEMENT**

**Working Bosun**  
 Straight Time..... \$45.34..... \$25.00  
 Overtime..... \$74.29

**General Maintenance**  
 Straight Time..... \$37.28..... \$25.00  
 Overtime..... \$62.18

Spraying, Sandblasting enclosed spaces: additional per hour \$2.27

**SHOREGANG: EXTRA MAINTENANCE AGREEMENT**

**Standby Bosun**  
 Straight Time..... \$48.50..... \$25.00  
 Overtime..... \$74.29

**Standby AB**  
 Straight Time..... \$37.73..... \$25.00  
 Overtime..... \$62.18

**Autonomous ships bring new risks**

*continued from page 4*

spectrum and cyberspace infrastructure coupled with the lack of any human on-scene responders will provide an opportunity for others to interfere with these ships and potentially use them as weapons or for profit. The challenge for system designers is that the characteristics or features that make an automated system feasible for commercial application, such as standardization, continuous communications, and periodic updates, also provide exploitable opportunities for bad actors. Autonomous commercial cargo vessels would provide too easy a target of opportunity for theft, misuse, interference, or worse.

Conclusion: Some reality must be injected into the debate over autonomous ships. It is a truism that electronic and mechanical systems will eventually fail.

For vital applications where human lives are at risk such as for aircraft, system engineers design in wide tolerances, safeguards, and multiple levels of redundancy to ensure an adequate margin of safety. The challenge in designing autonomous vessels is building both a safe and secure system that will function effectively in all ocean and maritime conditions without human beings on board and one that is not capable of being exploited by bad actors. Such a system, even if possible to build, would likely be too expensive for companies to build and operate compared to human crew. As a result, autonomous vessels are extremely unlikely to displace the human network of maritime professionals that have always made the maritime transportation system safe and secure.

# SUP BRANCH REPORTS

## HONOLULU

June 17, 2019

Shipped the following jobs in the month of June: 1 Bosn steady, 1 Bosn relief, 2 AB Day steady, 2 AB Day relief, 5 AB Watch steady, 1 AB Watch relief, 1 AB Watch return, 2 AB Maintenance, and 1 OS Watch. The shipping jobs were filled by 4A cards, 10 B cards and 2 C cards. Shipped 26 standby jobs. The standby jobs were filled by 3 A cards, 11 B cards, 10 C cards, and 2 D cards.

Registered in Honolulu: 12 A cards; 21 B cards; 6 C cards; 5 D cards.

**Ships checked:** I visited the *RJ Pfeiffer, Manukai, Manulani, Maunalei, Manoa, Mokihana, Mahimahi, Matsonia, Kamokuiki, DK Inouye, Kaimana Hila*, and the Paint and Rigging gang. All are running with few or minor beefs.

*APL Guam*-no major beefs, *APL Saipan*-no major beefs, *USNS Charlton*-no major beefs, *USNS Watson*-no major beefs.

I represented the SUP at the Hawaii Ports Maritime Council meeting, and the Hawaii AFL-CIO executive board meeting.

Remember to check your documents and anything with less than six months to expiration you should start the renewal process.

*Michael Dirksen, Branch Agent*

## SEATTLE

June 17, 2019

Patriot called for 1 AB, 1 OS, and 1 GUDE, filled by 2 B's and a D registrant. 1 AB/W shipped to Matson; filled by an A member. 8 Standby AB's, filled by 2 A, and 5 B cards.

Registered: 6 A card for a total of 10; 11 B cards for a total of 24; 1 C cards for a total of 4; 2 D cards for a total of 4.

Recently there has been some misguided proposals and plans put forward by the Port of Seattle to transform Terminal 46 by removing the cranes to better accommodate cruise ships during their short Northwest tour season. As outlined in their letter made public on June 24th, The Seattle Branch fully supports the ILWU's intent to keep Port of Seattle's Terminal 46 as a fully functional container vessel berth.

I encourage all members to pay attention to posted Land Use Proposals in your area and speak out against Industrial Land repurposing. Once these lands have been claimed by developers, access to good paying Blue Collar jobs will be lost forever and your property taxes will likely begin to displace you from your neighborhoods.

Please stay current on your documents! Patriot sailors; remember to check the date of your BST cert to be sure it will be valid for your next jobs duration. If you need BST renewal don't go it alone, schedule through the SUP Training Director Berit Eriksson.

*Brendan Bohannon, Branch Agent*

## WILMINGTON

June 17, 2019

Shipping: Bosun: 3, AB/W: 12, AB/D: 3, OS/STOS: 1, GVA/GUDE: 1, and standby: 52 for a total of 72 jobs shipped.

Registered: A: 20 B: 39 C: 5 D: 6

**Ships checked:** *Maunalei, D.K. Inouye, R.J. Pfeiffer, Mokihana, Manulani, Manoa, President Roosevelt, President Truman, President Cleveland, President Kennedy.*

All ships sailing in and out occasional clarifications. Shipping has picked up for junior members during the summer months. When your dispatch is complete, clean your room before leaving the ship.

Keep your dues current and be sure to check your documents, dues and document must be current to ship. When you get new documents let me know so I can update your records. This is your Union participate, come to meetings, read *The West Coast Sailors* and stay informed.

*Leighton Gandy, Branch Agent*

## BUSINESS AGENT'S REPORT

July 8, 2019

**Matsonia:** Allen Gonzalez, Delegate, Isnin Idris, Bosun. In at Oakland#63. The company cut off overtime for maintenance work. Unfortunately we have no control over that. Being a passenger is an adjustment. Watching movies and reading books helps pass the time. Is this what retirement feels like?

**Mahimahi:** Mick McHenry, Bosun, Phil Romei, Delegate. In and out Oakland#62 for a short stay. Sailed for Honolulu running steady on the Northern Triangle with no beefs.

**Kaimana Hila:** Lymwel Gador, Delegate, Phil Coulter, Relief Bosun. In at Oakland#60. Sailed for Long Beach. This ship has been on the Southern Triangle. There's scuttlebutt about this ship switching over to the China run in the middle of July. It's always a subject.

**Daniel K. Inouye:** Jim Clay, Delegate, Paul Fuentes, Bosun. In at Oakland#62. Sailed for Long Beach on the Southern Triangle. We caught this Mate doing sailors more than once. There's been no issues since this ship came out of the dry dock. But another one(Ch/Mate) came wanting to make a name for himself, snuck around doing our work and wanting us to cut deals on the washdown. That's NOT happening.

**Cape Horn:** Cody Clark, Bosun, Kenneth Carridine(gva), Thai Hoang(gude). They will be activating in August for the shipyard repairs for a couple of weeks.

**Cape Hudson:** Jonnell Hodges, Delegate, Kim Dulay, Bosun. In at Pier#50. After a seven long month mission, running between the Philippines, Thailand, and Japan, reports from Matson and the Government officials said they were very pleased with the overall performance of the SUP gang. There's talk about another mission happening some time in December.

**Cape Henry:** Chris Bunheriao, Bosun. At San Francisco Pier 96. I spoke with Bosun scuttlebutt about activating in September to run to Alaska to pick up cargo to Honolulu.

**San Francisco Bar Pilots:** Leo Moore, Dock Bosun. Running smooth with Big Mike Koller.

Reminder if you are upgrading in seniority please send COPIES only when the process is complete we share everything. Worked in the front office.

## Dispatcher's Report Headquarters—July 2019

Deck	
Bosun.....	2
Carpenter.....	0
MM.....	0
AB.....	9
OS.....	19
Standby.....	14
Total Deck Jobs Shipped.....	44
Total Deck B, C, D Shipped.....	32
Engine/Steward	
QMED.....	0
Pumpman.....	0
Oiler.....	0
Wiper.....	0
Steward.....	0
Cook.....	0
Messman.....	0
Total E&S Jobs Shipped.....	0
Total E&S B, C, D Shipped.....	0
Total Jobs Shipped - All Depts.....	44
Total B, C, D Shipped-All Depts.....	32
Total Registered "A".....	23
Total Registered "B".....	43
Total Registered "C".....	8
Total Registered "D".....	6

# Promoting gender diversity in the maritime sector

The maritime world is changing - and for the better. With help from the International Maritime Organization (IMO), exciting and rewarding career opportunities are opening up for women and a new generation of strong and talented women are responding.

They are proving that, in today's world, the maritime industries are for everyone. It's not about your gender, it's about what you can do.

"We see more women involved in different departments within the maritime industry, we don't see them in the conventional roles anymore, where cooks and clerks, we see them in engineering, we see them going to sea, you see them in the radio rooms and communications, and intelligence, so it's definitely improved," says Lieutenant Alma Pinelo, an officer in the Belize Coast Guard. Lieutenant Pinelo is one of hundreds of women who have benefitted from IMO's Women in Maritime programme.

The programme, initiated in 1988, supports the United Nations Sustainable Development Goal 5: Achieve gender equality and empower all women and girls. The programme supports the participation of women in both shore-based and sea-going posts, under the slogan Training-Visibility-Recognition, through a wide range of gender-specific activities.

IMO Member States are encouraged to open the doors of their maritime institutes to enable women to train alongside men and acquire the high-level of competence that the maritime industry demands. Today, female graduates from IMO's training institutes, the World Maritime University (WMU) and the IMO International Maritime Law Institute (IMLI) hold positions of responsibility across the maritime world.

WMU counts more than 1,000 female graduates to date, while IMLI was the first UN body to include a requirement that 50% of its places be reserved for women.

"I applied to the World Maritime University, I got the fellowship and since graduating from the World Maritime Uni-

versity my career has really skyrocketed," says Deniece Aiken, Lawyer, General Counsel, Jamaica.

As well as training opportunities, IMO has facilitated the establishment of seven regional associations for women in the maritime sector across Africa, Asia, the Caribbean, Latin America, the Middle East and the Pacific Islands, some 152 countries and dependent territories and nearly 500 participants.

These associations support women by providing mentoring and networking opportunities, and many are working to promote careers in maritime to younger people.

"Now, there are students in high school that are finding out about the maritime industry now and that's all because of the Women in Maritime Association, Caribbean (WiMAC) and the IMO," says Rikki Lambey, Port State Control Officer, Belize.

Studies show that diversity matters. It's better for teamwork, better for leadership - and better for profits. Apart from the social imperative to promote diversity in the 21st century, supply and demand in the labour force dictate that the industry simply cannot afford to ignore women - a huge potential workforce.

"We need to be more sustainable; we cannot continue leaving aside 50% of the population," acknowledges Juan Carlos Croston, President, Caribbean Shipping Association.

There are still barriers to overcome and IMO's Women in Maritime programme is helping to address those challenges and work towards diversity and sustainability.

"In my opinion, there's never been a better time to close the gender gap, and I would encourage all to get on board with gender equality," says Helen Buni, Focal Point for IMO's Women in Maritime Programme.

Today, young women and girls have strong role models in the maritime sector.

"It's a good job. It's a creative job," says Elizabeth Marami, Maritime Pilot, Kenya. "And everything is possible. That's all I can say. So, go out to sea!"



Able Seaman Luis Rosas in Wilmington before shipping out in a sudden activation of the ro/ro Cape Vincent as part of the U.S. Merchant Marine's Ready Reserve Force.