



# West Coast Sailors

Official Organ of the Sailors' Union of the Pacific

Volume LXX No. 10



583

SAN FRANCISCO, CALIFORNIA

Friday, October 19, 2007

## Transportation Workers' ID credential implemented

The required documentation for professional mariners just got a lot tougher.

In the largest change in maritime credentialing since the onset of STCW 95, the Transportation Security Administration finally began the implementation phase of the Transportation Workers' Identification Credential, also known as the TWIC. For the first time in history, most waterfront workers in the United States will be subject to background checks and various other restrictions. As a result, this enormous and anti-worker undertaking will have immediate and far reaching effects that will, once again, forever change the American waterfront.

Beginning in the port of Wilmington, Delaware, (a state and a port not coincidentally famous for its business-friendly history), the program officially began on October 16. Pre-enrollment begins one week before that. Workers there are encouraged to pre-enroll online at [www.tsa.gov/twic](http://www.tsa.gov/twic). Although the exact dates for the next phase of affected ports are still uncertain, the TSA listed 11 ports for enrollment beginning some time in mid-November. Notably included on that list were Tacoma, Washington; Honolulu, Hawaii; and Oakland, California.

All merchant mariners and other individuals who need unescorted access to secure areas of ports, facilities, or vessels regulated by the Maritime Transportation Security Act (MTSA) will need to obtain a TWIC. The deadline for acquisition of a TWIC is September 25, 2008. The TWIC will cost \$105.25 for merchant mariners and \$132.50 for all others. It is payable by credit card, money order or certified check. No cash or personal checks will be accepted.

The key to compliance appears to be pre-enrollment. Pre-enrollment will begin for Wilmington, Delaware port workers on October 9, or one week before the start of the program. If it is successful in Delaware, the program could initiate pre-enrollment in Oakland, Honolulu, and Tacoma as early as November 6. Pre-enrollment entails the completion of a form filled out online which will then generate an appointment for completion of the application at an enrollment center. At the enrollment appointment a mariner will be required to present two types of identification, sign the previously submitted application, be fingerprinted and photographed, and pay the fee. The two types of identification must include one each from two separate lists (see page 8 for the lists).

Most frequently the identification presented will be a passport and a driver's license, or a Merchant Mariner's Document and Merchant Mariner's License. A return appointment to pick up the TWIC will be arranged after enrollment via email or telephone. Once notified, mariners must return to their original enrollment center to pick up their TWIC. Enrollment center locations are not known at this time. But the TSA and the Coast Guard has indicated that there will be a permanent, fixed enrollment center in every major U.S. port including all of those where the SUP

maintains hiring halls and in many other West Coast and Hawai'i ports.

### SUP opposition

The Sailors' Union has vigorously objected to the TWIC from its inception. These objections can be generalized to a single point: real concern for security against terrorism must be balanced against fairness for maritime workers. A costly and restrictive credentialing program that severely impacts American workers, especially low-risk American merchant mariners, while ignoring gaping holes in much riskier areas, such as container screening or foreign mariner identification, lacks focus, is imprudent, and wastes valuable national security resources.

In particular, the SUP has routinely and publicly doubted the rule's presumed connection between certain types of past criminal activity with increased risk of terrorist activity. In particular, we have contended that forcing the HAZMAT commercial driver rules (from which the regulatory substance for the TWIC is derived) onto the maritime community is both imperfect and inappropriate. Disqualifying offenses are overly broad and not relevant to terrorism risk and the TWIC waiver and appeal process by its complexity and potential for delay will unnecessarily unhinge the maritime careers of some innocent or reformed workers. The Union has soundly rejected the provision that forces financially burdened maritime workers to shoulder the cost of yet another credentialing program, especially one that, for merchant mariners at least, is in some ways redundant. Finally, in light of the government-led erosion of basic privacy rights in recent years, the SUP finds no comfort in the rulemaking from potential further abuses in this area.

There is no proven link between history of domestic criminality and increased risk of terrorism, yet the TWIC fixates on that postulated nexus. None of the 9/11 hijackers had U.S. criminal records. Other plots since then were not discovered

by criminal background checks. Indeed, there is some evidence that criminal background could be a contra-indicator of terrorism risk, as revealed in the program investigation of the July 2005 London bombers. In any case, the connection between crime and terrorism is uncertain at best, and so if the true goal of the is security, i.e., protection against terrorism, then threat assessment of American maritime workers should not depend so heavily on criminal records.

### Legislative background

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

alone is insufficient grounds for denial of a TWIC under the MTSA. In the rulemaking, however, the TSA failed to make that distinction.

That failure is wrong on a multiple of levels. First, it discriminates against lower wage workers who are statistically more likely to have criminal records yet who have no connection to terrorism and are also more likely to die for their country in American wars.

Second, it unfairly selects low-risk mariners for additional screening despite the fact that they have already been vetted—in many cases repeatedly. Each mariner undergoes criminal background checks and threat assessments every five years at a minimum. But with checks now being done not only on renewals but also for duplicate and upgrade credentials, and when combined with background checks required for work under military contracts, security threat assessments for mariners are nearly continuous.

The Sailors' Union rejected the contention that the waiver process will smooth over the program's rigid application of the new disqualifying offense standard. Merchant mariners are veterans of the government credentialing process, and their experience gives them a unique perspective on the TWIC, since they are the only group subject to the TWIC but who have also been subject to similar processes

*continued on page 8*

## Candidates declare for biennial SUP election

Thirteen Sailors' Union members have declared their candidacy for the upcoming biennial election of Union officers by accepting the nominations made at the September coastwise meetings.

The Committee on Elections/Candidates met at Headquarters on October 15, to verify the eligibility of those accepting the nomination and to select an Impartial Balloting Agent to conduct the election as required by the SUP Constitution.

The Committee's report is on page 4 and is subject to membership approval at the November coastwise meetings.

The secret mail balloting for SUP officers for the 2008-2010 term and one Constitutional amendment will begin on December 1, 2007, and continue through January 31, 2008.



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

# SUP Honor Roll

Voluntary contributions from the membership to the following funds:

## Organization/ General Fund

## West Coast Sailors

Dave Connolly ..... 20.00*	Archie Aki ..... 50.00
Bob Greene ..... 50.00	Ray Barrena ..... 25.00
Rex Harper ..... 35.00	Hugh Crandall in memory of
Duane Hewitt ..... 20.00	Jack Stasko ..... 25.00
Isnin Idris ..... 20.00	Douglas Crute ..... 25.00
Knud Jensen ..... 50.00	John Gladstone ..... 25.00
Monte Kalama ..... 20.00	Clinton Gregg ..... 80.00
Michael Koller ..... 50.00	Rex Harper ..... 25.00
Terry O'Neill ..... 20.00	Romero Jalomo ..... 10.00
Ricky Pangan ..... 50.00	Vern Johansen ..... 40.00
Randy Runyan ..... 30.00	Hans Lilledahl ..... 25.00
Gary Rymel ..... 20.00	Tonny Nielsen ..... 10.00
Ernest Stimach ..... 20.00	Ronald Pittman ..... 25.00
William Sullivan ..... 20.00	Robert Porteous ..... 25.00
John Svane ..... 40.00*	Javier Riano ..... 25.00
Pat Weisbarth ..... 20.00	Rizal Rillo ..... 25.00
Steve Zombro ..... 30.00	William Sharp ..... 25.00
*In lieu of dues increase.	
	Carl Ziegeler ..... 20.00

## Political Fund

David Connolly ..... 50.00
Richard Crowell ..... 30.00
Lymwel Gador ..... 30.00
Bob Greene ..... 50.00
Rex Harper ..... 35.00
Tim Hill ..... 10.00
Isnin Idris ..... 20.00
Noel Itsumaru ..... 50.00
Jan-Peter Johnsson ..... 20.00
Monte Kalama ..... 50.00
Michael Koller ..... 50.00
Jereld Komoto ..... 40.00
Gunnar Lundeborg ..... 100.00
Duke Maringer ..... 20.00
Mike Orosz, Jr. .... 70.00
Ricky Pangan ..... 50.00
David Partikian ..... 25.00
Randy Runyan ..... 40.00
Michael Soper ..... 10.00
Tom Tynan ..... 40.00
Eric Weintraub ..... 20.00
Steve Zombro ..... 40.00

## Dues-Paying Pensioners

Robert Copeland	Book #4763
Romaine Dudley	Book #2593
William Henneberry	Book #5815
Duane Hewitt	Book #5748
Knud Jensen	Book #3940
John Jewett	Book #4291
Tony Jones	Book #4305
Kaj E. Kristensen	Book #3120
Eli Lalich	Book #4062
James K. Larsen	Book #4055
John McKeon	Book #6456
Keith Miller	Book #6497
Joseph Napier	Book #2299
John Pedersen	Book #3834
John Perez	Book #3810
Cliff Rouleau	Book #3144
Ralph Senter	Book #7323

# In memoriam: Richie Miyashiro: sailor, Union man, stand-up guy



Sadao "Richard" Miyashiro (1918-2007) in Matson's s/s *Monterey*, 1964, while aground on coral reef in Bora Bora. It was New Year's Eve when the *Monterey* went aground because the captain was drunk. She was stuck for three days. Richie was Bosun's Mate that trip.

## Final Departures

**Valentine Swegel**, Book No. 7184. Born in Pennsylvania in 1926. Joined SUP in 1948. Died in Redmond, Washington, August 21, 2007. (Pensioner)

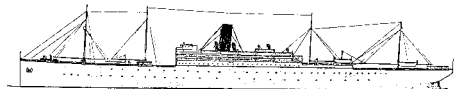
**Sadao "Richard" Miyashiro**, Book No. 4975. Born in Hawai'i in 1918. Joined SUP in 1941. Died in Daly City, California, September 12, 2007. (Pensioner)

**John "Jack" Stasko**, Book No. 7430. Born in New York in 1939. Joined SUP in 1963. Died in Florida, September 18, 2007. (Pensioner)

**Zolen Heine**, Book No. 5777. Born in Kentucky in 1922. Joined SUP in 1956. Died in Portland, Oregon, September 23, 2007. (Pensioner)

*West of the sunset stands my house,  
There ...and east of the dawn;  
North to the Artic runs my yard;  
South to the Pole, my lawn;  
Seven seas are to sail my ships,  
To the ends of the earth... beyond;  
Drifters' gold is for me to spend,  
For I, am a Vagabond!*

Submitted by Carl Schou in memory  
of George Jackson.



## SUP Meetings

These are the dates for the regularly scheduled SUP meetings in 2007:

	Hdqs.	Branch
November	13*	19
December	10	17

\*Tuesday

**UNITED STATES POSTAL SERVICE** Statement of Ownership, Management, and Circulation (All Periodicals Publications Except Requester Publications)

1. Publication Title: WEST COAST SAILOR'S  
 2. Publication Number: 6 7 5 - 1 8 0  
 3. Filing Date: 9/5/07  
 4. Issue Frequency: MONTHLY  
 5. Number of Issues Published Annually: 12  
 6. Annual Subscription Price: VOLUNTARY DONATIONS ONLY  
 7. Complete Mailing Address of Known Office of Publication: 450 HARRISON ST. ROOM 108 SAN FRANCISCO, CA 94105  
 8. Complete Mailing Address of Headquarters or General Business Office of Publisher: 450 HARRISON ST. ROOM 108 SAN FRANCISCO, CA 94105  
 9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor: GUNNAR LUNDEBERG, 450 HARRISON ST. RM 108 SAN FRANCISCO, CA 94105; TERESA ANIBALE, 450 HARRISON ST. RM 108 SAN FRANCISCO, CA 94105  
 10. Owner: SAILORS' UNION OF THE PACIFIC, 450 HARRISON ST. RM 108 SAN FRANCISCO, CA 94105  
 11. Known Bondholders, Mortgagees, and Other Security Holders: None  
 12. Tax Status: Has Not Changed During Preceding 12 Months

13. Publication Title: WEST COAST SAILOR'S  
 14. Issue Date for Circulation Data: SEPTEMBER 2007  
 15. Extent and Nature of Circulation: Average No. Copies Each Issue During Preceding 12 Months: 4,500; No. Copies of Single Issue Published Nearest to Filing Date: 4,500  
 16. Publication of Statement of Ownership: Publication not required.  
 17. Signature and Title of Editor, Publisher, Business Manager, or Owner: Gunnar Lundeborg, PUBLISHER, Date: Sept 5, 2007

## Blue whale advisory issued by Coast Guard

The Coast Guard issued an advisory on September 28, to mariners transiting through the Santa Barbara Channel off the coast of Southern California to be alert and aware of blue whales feeding in the channel and shipping lanes.

The National Marine Fisheries Service reports that blue whales are currently distributed throughout Southern California waters. The whales are expected to be present in feeding groups through the middle of November.

"Mariners should exercise caution, keep a sharp look out, and operate at a safe speed when traveling through the

Santa Barbara Channel and in and out of Los Angeles and Long Beach harbors," said Lt. Commander Peter Gooding, Chief of the Waterways Management Division for Coast Guard Sector Los Angeles/Long Beach.

Since September 8, three dead whales have been found off of the coast. Blue whales are an endangered species and protected under federal and international law.

Collisions with whales or sightings of dead floating whales should be reported to the National Oceanographic Atmospheric Administration (NOAA) at (562) 980-4017 or U.S. Coast Guard.

## Danish Seamen's Union demands compensation for ship hijacking

Danish Seamen's Union is pursuing a claim of \$1.8 million in compensation against H. Folmer & Company, the owner of cargo ship *Danica White*, which was hijacked off Somalia in June. This ship's five Danish crew (two officers and three seamen) were taken hostage and held captive for 83 days. The Union is claiming back pay and compensation for the experience suffered by the three crewmen who are Union members.

Union spokesman Morten Bock said, "The Union alleges that the shipmaster's actions allowed the ship to be hijacked. These acts were sailing too close to the Somali coast, not posting a lookout and having a pirate alarm on board that did not work. If we do not receive any money, we will go to court."

The *Danica White* and the hostage seafarers were only free in August, after the pirates were reported to have received a \$1.5 million ransom.

## Singapore seeks changes to United States 100% container checks

Singapore is proposing changes to United States requirements to scan all containers bound for the country according to former Prime Minister Lee Kuan Yew. "The Americans are proposing the containers are scanned and cleared at the last port of call, which could prove an immense burden to the last port of call," said Minister Mentor Lee in Singapore.

Under legislation passed by Congress and signed by President Bush, all containers bound for the country will have to be scanned in the last foreign port of call for nuclear materials by 2012. The city-state which is home to the world's single largest transshipment hub is instead hoping to persuade the United States to spread the burden of scanning boxes throughout the supply chain.

"We are counter-proposing to have the responsibility shared right along the line so that the burden is not always on the last port of call," Lee said. He did not explain how Singapore would like to see the burden spread or what the details of its counter proposal were. Singapore is concerned that the scanning of all U.S.-bound containers will hold up global trade flows and he noted, "It is a highly technical business how to detect fissile material." He said that unilateral security measures such as this "will slow down the flow of trade." Lee stated, "A balance must be struck between ensuring security and facilitating trade, if we are to preserve the efficiency of shipping and cargo operations to flourish."

## West Coast Sailors

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

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## Italian shipowners train Filipino mariners

Italian maritime interests have set up their own training center in the Philippines. The new Italian Maritime Academy Phils (Imapil) says it aims to "assess and further enhance the competency of Filipino seafarers in carrying out responsibilities assigned onboard ships, dealing with international and national regulations and fulfilling the management requirements of charterers."

Imaphil, which was formed with the backing of Italian shipowners association Confitarma and its classification society RINA, invested an initial \$280,000 for training equipment such as simulators and facilities for classrooms and offices in Manila. The move was prompted by the shortage of qualified officers coupled with an increase tonnage in the Italian-controlled fleet, Imaphil training director Captain Teofilo Nieto, Jr. said on September 24.

Maritime sources say that there are about 20,000 Filipino seafarers already working on Italian-controlled vessels, with further requirements for another 10,000 to man newbuilds.

## Maersk Line official calls security measures "ill-conceived" and a threat to shipping business

The fear that terrorists might smuggle a nuclear weapon into the United States hidden inside a shipping container has led to "ill-conceived" security measures that fail to grasp the way transportation systems worldwide are interconnected, a senior shipping industry executive said.

"This highly efficient supply chain network-of-networks is critically dependent on a transport system that is in perpetual motion," said Stephen Carmel, senior vice president of maritime services at Maersk Line Ltd. A stoppage anywhere will propagate effects through the system and quickly become a stoppage everywhere."

Carmel spoke at a Washington conference in September, organized by the Institute for Foreign Policy Analysis and the International Security Studies program at Tufts University's Fletcher School. He highlighted the "100 percent scanning requirement" of a recently enacted bill to implement unfilled recommendations of the 9/11 Commission.

The White House initially opposed the scanning provision, but President Bush still signed the bill. The law requires all U.S.-bound shipping containers to be scanned by radiation detection equipment at foreign ports by 2012.

Critics contend that technology to scan the more than 11 million shipping con-

tainers that arrive at U.S. seaports every year is not available. They also say the requirement would result in costly bottlenecks and would unduly burden some nations with ports too small to install the scanners.

"It's a concern because we haven't seen the details," Carmel said. "Done wrong, it would be catastrophic." Any maritime or homeland security strategy that puts a "chink in the supply chain" will do more harm than good, he said.

Today's global economy and business practices such as just-in-time delivery demand a hyper-efficient system to transport both final products and intermediate parts, Carmel said. He characterized the supply chain as a web of interlocking conveyor belts that has no tolerance for stoppages, and warned that industry and jobs would flee the United States for less regulated locations if burdensome security measures hobble the transportation system.

Carmel added that nearly every maritime strategy he has seen describes shipping lanes as under threat and in need of protection to ensure the unimpeded flow of goods. "I do not see a threat," he said. He dismissed the menace of piracy as a coastal waterways affliction that does not affect ocean-going supertankers and container ships.

## Deeper dredging needed for bigger ships

Port directors in the United States have been urged to dredge deeper as even larger ships are predicted for the future.

The advice came from two top industry consultants on October 2, during the annual American Association of Port Administrators convention in Norfolk. "What we know today will surely be different tomorrow," was the message from TransSystems founder John Vickerman, who said the global trade in containers is expected to swell to 243 million a year by 2024. He also said the trend is for more boxes on fewer ships, and that ports must get ready to accept the new vessels that will be prompted by growing Chinese exports.

Dan Allen of Moffatt & Nichol, said that the previously advised draft for the next generation of ship should now be 55 feet. He was using Long Beach as a model for that advice, which also included admonitions to strengthen wharves and to prepare for heavier crane loads from further off the dock. While Allen said that widening channels to 490 feet for one-way, and 1,000 feet for two-way traffic could reasonably be done, he said the greater expense and trouble would come from expanding the size of turning basins to 1,500 feet. He said the rethinking of depths has resulted from post-Panamax vessels being upgraded from 10,000 to 12,000 TEU capacity.

## Ship lines calling Burma make international labor's dirty list

The International Transport Workers' Federation (ITF) has condemned the Burmese military junta over its treatment of democracy protestors, and promised worldwide protest action to exert pressure on the controlling elite. But as Burma's government reportedly detains thousands following this month's bloody crackdown on pro-democracy protestors, shipping companies continue to maintain services and investments, despite being listed on a pro-democracy campaign's dirty list.

The International Trade Union Confederation and other global unions have also joined in the condemnation of the violence and called for union protest action. In a statement, ITF General Secretary David Cockroft stated that it was time for the ruling junta, "a government in name only," to go. He warned that trade unions' ongoing campaign to isolate the government would be stepped up. "In the next few days, trade unionists around the world will take their protests to Burmese embassies and once again pledge their support for all those fighting for democracy in that country. Their bravery is an example to us all."

The ITF's Burmese affiliate, the Seafarers' Union of Burma, has pledged full backing for the "people's demonstration" and their fight for "democracy, freedom and peace."

Shipping companies that are on the United Kingdom-based Burma Campaign dirty list include Maersk Line, Hapag-Lloyd, Ben Line Agencies, Mitsui OSK Lines, NYK Lines and Hutchison Port Holdings.

# SAILORS' UNION OF THE PACIFIC

## COMMITTEE ON ELECTION 2007-2008

In accordance with the SUP Constitution, Article XII: Nomination, Election and Term of Officers, the Committee on Election convened at 0900 on October 15, 2007, at Headquarters.

The Committee is charged with "...preparing the ballot" and selecting an Impartial Balloting Agent for membership approval.

The Committee recommends the Pacific Election Services, Inc. be used for this election. Pacific Election Services, Inc. will print, mail and count the ballots in accordance with the SUP Constitution. The approximate cost will be \$8,350.00.

Also, the Committee has the duty to verify the eligibility of candidates for office. In accordance with Sections 3, 4, and 5 of Article XII, all candidates duly nominated (as per Section 2 and published in the September 21, 2007 edition of the *West Coast Sailors*), who had returned acceptance letters (as per Section 5) were found eligible.

The following candidates accepted the nomination and will appear on the ballot:

### President/Secretary-Treasurer

Paul Herriott

Gunnar Lundeberg

### Vice President/Assistant

### Secretary-Treasurer

David Connolly

### San Francisco Business Agent

William Berger

Arthur Kardinal

### Seattle Branch Agent

Norman Christianson

Michael Dirksen

Vincent O'Halloran

### Wilmington Branch Agent

Robert Burns

Paul Calais

### Honolulu Branch Agent

Michael Duvall

Patrick Weisbarth

### SUP Building Corp Trustees

William Berger

Paul Calais

Norman Christianson

David Connolly

Michael Dirksen

Paul Fuentes

Paul Herriott

Arthur Kardinal

Gunnar Lundeberg

(Five to be elected)



Fraternally,

*Kaj E. Kristensen*  
Kaj E. Kristensen #3120

*Rafael Cooper*  
Rafael Cooper #4687

*Romaine Dudley*  
Romaine Dudley #2593

*Thomas C. Koppel*  
Thomas C. Koppel #3169

*Frank Portanier*  
Frank Portanier #3835

The membership will vote on the Committee's report at the November coastwise meetings.

Candidates for office are entitled to submit a photograph and a statement of 100 words or less regarding Union issues for publication in a special election supplement to the *West Coast Sailors* that will be published in November. The statements and photos should be sent to the editor of the *West Coast Sailors* prior to November 7, for inclusion in the election supplement.

Each candidate may also post campaign material on a bulletin board to be set up in each SUP hall for that purpose. The candidate shall be allotted space for one legal-size page (8½" x 14") on a first-come, first-served basis.

## India frees shipwreck survivors

After three months of confinement in a hotel in Mangalore, all 21 sailors of the ill-fated vessel *Denden* left India for their home countries at the end of September.

The ship sank off New Mangalore Port on India's west coast on June 23. Of the 24 sailors, 21 survived the tragedy, which included 13 Eritreans, three Ghanaians, three Pakistanis, one Sudanese and a Sri Lankan.

The port had come under fire for holding them as guarantors until payment for the salvage operation was made. An unrepentant senior port official blamed the Eritrean government and the shipowner for the crew's hardships, pointing to a delay in executing an indemnity bond. The wreckage will be cleared after the monsoon season is over.

## Government petitioned to limit ship emissions

California Attorney General Jerry Brown and a coalition of environmental groups on October 3, called for federal regulation to curb heat-trapping emissions from the worldwide fleet of about 90,000 oceangoing ships.

The regulations, sought in separate petitions to the Environmental Protection Agency (E.P.A.), would apply to United States territorial waters.

Only six countries generate more emissions of greenhouse gases than the world's oceangoing vessels, said Michael Hirshfield, a senior scientist with Oceana, an ocean-protection organization.

The group's petition, whose participants included the Center for Biological Diversity and Friends of the Earth, argues that "the sheer number of these ships, coupled with operating practices that use fuel inefficiently and poor government oversight, results in carbon dioxide emissions" equal to the emissions of 130 million to 195 million cars. Marine vessels are responsible for nearly three percent of the world's greenhouse gases with ship emissions projected to grow by more than 70 percent by 2020 as global trade expands, according to the petitions.

California air-pollution regulators, both statewide and in the Los Angeles area, have for several years focused on conventional pollutants from ship engines, which contribute 50 percent of the smog-related sulfur dioxide emissions in the greater Los Angeles area, according to Peter Greenwald, a senior policy adviser with the South Coast Air Quality Management District.

But a federal district court judge blocked a recent effort by the state to require ships to use low-sulfur fuel when they come within 24 miles of the California coast. The requirement, the judge said, impermissibly pre-empted the federal Clean Air Act.

In the new petitions, Attorney General Brown and the environmental groups argue that a Supreme Court decision last year opened the door for the E.P.A. to regulate greenhouse gases under the Clean Air Act. They are asking the agency to do the same for emissions from large marine engines. "In terms of the law, E.P.A. can act" in territorial waters, Brown said.

"If the U.S. is to do its part in reducing the threat of global climate disruption, then E.P.A. must limit the global warming emissions from ships that enter the ports of the United States," Brown added.

The idea of unilateral regulation of an international industry drew quick criticism. Joe Angelo, the deputy managing director of Intertanko, a group representing independent tanker operators, said the best approach was "to reduce emissions worldwide —universally— not just unilateral action in the United States or the European Union."

The environmental groups suggested two ways to cut ship-generated emissions: forcing ships to curb their speed and to change to a higher-grade fuel than the thick "bunker" fuel that is commonly used. But T.L. Garrett, a vice president of the Pacific Merchant Shipping Association, said greenhouse gases created by distilling the thick bunker fuel into higher grades would probably exceed the amount kept from the atmosphere by reductions in emissions.

## Medicare premium will rise 3.1% in 2008

The Bush Administration announced on October 1, that the standard Medicare premium would rise to \$96.40 a month in 2008, an increase of \$2.90 a month. As a comparison, Medicare premiums were \$45.50 in 1999-2000.

The standard premium for Medicare Part B is what most of the 43 million beneficiaries pay, which covers doctors' services, outpatient hospital care, x-rays, laboratory services and other diagnostic tests.

Approximately five percent of beneficiaries, with annual incomes exceeding \$82,000 for individuals and \$164,000 for couples filing joint tax returns, will pay higher premiums on a sliding scale. The maximum will be \$238.40 a month for the most affluent, individuals with annual incomes exceeding \$205,000 and each member of a couple reporting combined income of more than \$410,000. For an individual with annual income from \$102,000 to \$153,000, the premium will be \$160.90 a month. Most beneficiaries pay separate premiums for Medicare coverage of prescription drugs on top of the standard premium. The drug premiums typically range from \$25 to \$40 per month.

The increase in the standard Part B premium was less than many experts had expected, in part because officials decided to correct an accounting error. As a result of the error, money for certain hospice benefits was inadvertently drawn from the Part B trust fund rather than a separate trust fund that pays hospital costs. The money will be paid back in the coming year.

In addition, the premium for 2008 is artificially low because it assumes that Medicare payments to doctors will be cut about 10 percent next year, as required by law. Congress has usually stepped in to avert such cuts, and the cost is passed on to beneficiaries in subsequent years.

The chief Medicare actuary, Richard S. Foster, said, "The low increase in premiums is good news for 2008," but added that it was probably a one-time phenomenon.

The annual deductible for doctors' visits and other Part B services will be \$135, up from \$131. The deductible was fixed at \$100 a year from 1991 to 2004. It now increases to reflect the growing average cost of Part B services for beneficiaries 65 and older. For a beneficiary admitted to a hospital, the deductible will be \$1,024 next year, up from \$992.

AARP's Director of Government Relations, David P. Sloane, said increases in Medicare premiums were "eating away at the cost-of-living adjustment" made each year in Social Security checks. As a result, Mr. Sloane said, "it is becoming more difficult for older Americans, especially those on fixed incomes, to afford their health care."

Kerry N. Weems, acting administrator of the Centers for Medicare and Medicaid Services, said one factor contributing to the increasing premiums was an increase in payments to private Medicare Advantage plans. Beneficiaries in these plans appear, on average, to be sicker than in the past, Weems said.

## Council of Global Unions schedules organizing summit

Leaders of trade Unions from all over the world will be gathering December 10-11 at the George Meany Center/National Labor College outside Washington, D.C., for the first ever "global organizing summit," according to a Union leader involved in the planning.

The summit, which is being hosted by the AFL-CIO, is being organized by the Council of Global Unions, a group of 10 labor federations around the world that are the international representatives of Unions organizing in specific industry sectors or occupational groups.

The conference is expected to draw hundreds of participants including members of affiliates of both the AFL-CIO and the Change to Win federation, according to Guy Ryder, the general secretary of the International Trade Union Confederation, a worldwide Union network that has more than 304 affiliated union federations in 153 countries and territories, with a total membership of 168 million workers.

During an interview at the AFL-CIO Executive Council meeting August 8, Ryder said the conference will look at strategies for both organizing and union recognition on a global basis. He acknowledged that there currently is some global organizing taking place, but said "we detect a need to work together better."

AFL-CIO Organizing Director Stewart Acuff said the summit will attempt to reach a consensus among attendees on the "crisis" workers all over the world are experiencing because of declining union densities. Acuff attributed this decline to a "deliberate strategic assault" on workers' rights by both businesses and "right wing and center-right government."

The delegates will be talking about "collective strategies" to fight back, Acuff said. "It's crazy to fight these fights by ourselves." He added that the U.S. Unions "want to do this in a way that respects" the Unions in other countries and their national cultures.

Larry Cohen, president of the Communications Workers of America and chair of the executive council's organizing committee, said that the United States has the lowest Union density of any of the 40 countries that belong to the Organization for Economic Coop-

eration and Development. "This is an issue everywhere, but this is a crisis here," he said.

Cohen said the conference will focus on the provision of the International Labor Organization's Declaration on Fundamental Principles and Rights at Work that calls for member countries to "effectuate realization of the right to collective bargaining." According to Cohen, some countries, including the United States, are not living up to their responsibilities to make sure workers have the right to bargain.

American labor Unions are planning to begin a dialogue with elected officials in the United States and with the American people that links the right to collective bargaining to the issue of workers being stymied in organizing efforts, Cohen said. The number of Union members is a "secondary issue," he added.

Ryder said the conference will not just be a discussion about organizing, but about making sure that employers recognize Unions as partners and negotiate collective bargaining contracts with them. He added that Unions must appeal to governments to take the responsibility for ensuring workers' collective bargaining rights.

The conference is being held in the United States because December 10 is International Human Rights Day, and the American labor movement will be continuing its campaign to press for the rights of workers to organize, according to Ryder. Since 2003, the AFL-CIO has used December 10 as a day of mobilization to restore the freedom to form Unions and bargain collectively.

"We want to contribute" to what the Unions are doing in the United States, Ryder said, adding that if U.S. employers "place restrictions on the rights of their workers," so can employers in other countries.

Ryder said that there is "incredible interest" from the leaders of the global Unions in attending the conference, and the group may be faced with turning people away. "We want it to be a working conference," he said, adding that he expects at least 80 leaders of international Unions will attend in addition to hundreds of other participants.

## Government seeks to know Union affiliation of European air travelers to the United States

Labor leaders have sent a letter of protest to the Department of Homeland Security (DHS) over the fact that the government, as part of its anti-terrorism campaign, has laid the framework to begin collecting information on whether airline passengers flying to the United States from Europe belong to labor Unions.

Under the terms of an agreement between the United States and the European Union, European air carriers must collect and forward to DHS personal data on all passengers flying to the United States. The information that is collected can be used by DHS in its counterterrorism investigations.

AFL-CIO President John J. Sweeney and Edward Wytkind, president of the AFL-CIO's Transportation Trades Department (TTD), wrote a joint letter to DHS Secretary Michael Chertoff expressing their concerns on October 11. "We agree with the department's objective to identify those representing a genuine threat, but we categorically reject the notion that Union membership has any bearing on this determination," Sweeney and Wytkind wrote. "Even the suggestion that Union membership is somehow indicative of a threat to security is offensive to the millions of workers we are proud to represent," the letter says. The two say they are "extremely troubled" by the fact that data on Union affiliation is being collected. They asked DHS Secretary Michael Chertoff to go on record as stating that DHS will stop collecting this information.

Unions are particularly concerned by the fact that DHS intends to make the European agreement a blueprint for future counterterrorism data-sharing agreements with other countries.

## SUP sailors featured in Foss Maritime publication

In the September issue of its monthly publication *Tow Bitts*, Foss Maritime Company ran a feature article on its bunkering operation in San Francisco Bay and the SUP sailors that keep it humming.

Safety and the environment are the top priorities for the tankermen who operate the most advanced fleet of bunkering barges on the U.S. West Coast. But they also are aware that the best equipment is no substitute for common sense and staying focused when they are transferring oil.



All photos and text courtesy of Foss Maritime Company.

SUP member, Mike Potenti, tankerman on one of Foss' new double-hull barges.

"Our equipment has definitely taken a step up," said Mike Potenti recently before taking a watch on the FDH 26-1, the newest double-hull barge in the Foss fleet. "But no matter how much technology you have, you still have to stay on top of your game.

You have to be alert and attentive.

"The bottom line is you're still in control," he added. "If all else fails, you shut down and you assess the situation."

Foss now has four double-hull bunkering barges on San Francisco Bay. In addition to double-hull construction, the Bay Area barges have computer driven gauging systems equipped with

alarms that sound when tank levels reach 95 percent and overfill alarms that sound at 98 percent capacity.

"We have first-class equipment and we keep it that way," said tankerman Eric Partika, noting that he and his co-workers are responsible for maintaining the barges that can pump up to 6,000 barrels an hour, each barrel being 42 gallons.

Foss tankermen take pride in their experience and training, they say. Potenti, for example, has been on the job 20 years and Partika 30. Every year, tankermen go through five days of training. Initial training also covers hazardous materials and first aid.

While their primary goal is oil-spill prevention, tankermen also focus on customer service. And that aspect of their job is often difficult because crews on many ships speak little English.

"You have to have patience," said Dennis White, a 20-year tankerman. "They might not be aware of the regulations so you have to make them aware of them." Good communications also are a key part of maintaining safe operations. "Communications have to be good and they have to be respectful or an operation can become unsafe and you shut it down," Partika said.

Tankerman Harold Presswood, a 30-year veteran, says the business "has all changed for the better," particularly the increased emphasis on safety by both Foss and its principal Bay Area customer, Fuel and Marine Marketing, the marine fuels division of Chevron. "With Famm and Chevron, if you can't do it safely, don't do it at all," Presswood said.

Longtime SUP tankerman Harold Presswood steadies a hose through which oil will be pumped to a cargo ship at the Port of Oakland.



Longtime SUP tankerman Harold Presswood steadies a hose through which oil will be pumped to a cargo ship at the Port of Oakland.

## ESU Office Assignments

For the month of November, Leo DeCastro will be in the Seabrook office and Tommy Thompson will be in the Benicia office.



OCTOBER 2007

Official Publication of the Exxon Seamen's Union

# Medical and dental insurance coverage to change in 2008

The ESU Executive Board met with representatives from Blue Cross/Blue Shield (BC/BS) and SeaRiver Maritime October 2, in Seabrook, Texas, to review the 2007 claims experience for both the medical and dental plans available to ESU members. The Union was shocked to learn that BC/BS would be proposing enormous increases to the medical plan that would result in unacceptable premium rates to the members for calendar year 2008.

Since 1967 SeaRiver has maintained a contract with Blue Cross/Blue Shield (BCBS) for an indemnity medical plan (non-HMO/non-PPO) for the members of the Exxon Seaman's Union. Through the years the medical benefits have remained relatively unchanged except for a modified prescription drug benefit program that was implemented in 2005.

The goal for continuing the BC/BS plan has always been to keep it financially stable and to provide benefits that were superior to the ExxonMobil Medical Plan (EMMP), as long as the premiums for participants were acceptable. Claims experience for 2007, year to date have been significantly higher than any other year. Since January the BC/BS plan has used approximately seventy-five percent of the available plan reserves for claims and will likely exhaust available reserves by year end.

In an effort to maintain the plans best features the Executive Board suggested a number of modifications to the policy that would serve to cut some medical costs to the plan, but still serve to provide for considerably better medical coverage than the ExxonMobil Medical Plan. At the conclusion of that meeting the BC/BS representatives committed to reviewing the cost cutting suggestions and submitting new numbers based on their calculations. However, two days later BC/

BS informed the company and Union that they would not be able to significantly reduce the proposed increases.

As a result of the higher claims experience, BC/BS had proposed renewing the plan at premium rates that would more than double the current participant rates. Therefore, the Company proposed to the Union to move BC/BS plan participants to the core ExxonMobil Medical and Dental Plans.

Converting to the ExxonMobil Medical Plan and ExxonMobil Dental Plan would result in a premium increase for participants over current levels for 2008, but considerably less than the rates proposed by BC/BS.

The Executive Board weighed all options before agreeing to move the represented employees into the ExxonMobil Medical Plan. Employee premium increases of approximately \$280.00 per month (\$3,350.00 per year) for employee +2 coverage was of particular concern to the Board. By remaining with BC/BS such an increase would occur to the employee contribution under the "family plan". The monthly amount would increase from \$187 to \$465.25. An increase of this size could very possibly put some members in jeopardy of no longer being able to provide health care coverage for their families. Additionally, the BC/BS plan for 2008 would have seen increases in the employee and employee +1 of approximately \$1,200.00 and \$2,400.00 annually.

Among issues that the Executive Board needed to consider was uncertainty over the ability of the plan to be able to stabilize premium increases paid by members in future years, even if the Union agreed to the sizable premium increase for 2008. Company contributions to the plan are not increasing for 2008 and very possi-

bly may not increase in 2009, which means the membership would absorb all of the increase in premiums. This thought is based in part on the fact that ESU Company contributions to premiums are already higher than the Company contribution to ExxonMobil Medical Plan since the Company was blocked by the ESU Contract from reducing their contributions to the total premium last year. Which means any increase for the Officers group would not be applied unless it exceeds the current levels that the ESU group presently receives.

Additionally, the plan appears to have become too small to absorb catastrophic medical claims by members without significant impact to the plans premium rates as a whole. The decline in the number of plan participants is roughly equal to the lesser number of employees required to man today's six-ship fleet compared to the unlicensed manning levels needed in 1987, when nineteen ships were manned by ESU represented employees. For 2007 the BC/BS plan experienced seven large-case costs of more than \$50,000, costs that weighed heavily on the proposed large increase to premiums by the insurer.

Faced with unacceptable increases for 2008 and reasonable expectations that members would continue to see, based on group size, company contributions and the effect of claims instability to premium rates going forward, the Union concluded that a change regarding our insurance plans was the only reasonable option available. It is believed that inclusion in the ExxonMobil Medical and Dental plan, with its large number of participants will provide the membership with acceptable health care coverage, as well as stable and affordable premiums in the coming years.

The Union, after reviewing the costs and coverage of the ExxonMobil Dental

Plan in respect to the present BC/BS Dental Plan agreed to switch dental care coverage, as well. Plan premiums are identical and side-by-side comparisons of the two plans show that the ExxonMobil Plan provides better overall benefits. Payments in the ExxonMobil Dental Plan will be calculated on 90% of reasonable and customary charges nationwide instead of 70% of reasonable and customary charges in Texas, a formula that will generally result in cost savings to the user. Other improvements over the existing BC/BS Dental Plan are increases in the annual maximum of \$250 (total \$1250), and \$500 (total \$1500) allowable lifetime for orthodontic procedures.

The decision by the ESU's Executive Board to agree to terminate the benefit rich BC/BS indemnity medical policy was made after considerable thought and consultation with both the Union's attorney Sharon Groth and the consulting firm of Chapman/Schewe, Benefit Counseling. Further details of the ExxonMobil Medical and Dental Plans and 2008 rates will be mailed to the member's home address in ample time for health care elections to be selected. Further information on the new medical and dental coverage will also be published in the November *ESU News/West Coast Sailor*.

The upcoming enrollment period, which at press time was still to be determined, will require close attention from members to Company communications. The communications plan is to send individual packages to employees regarding their new medical and dental coverage options (including local plans for available areas). Members can expect information to arrive about the open enrollment and available options soon.

No medical or dental plan changes will go into effect until January 01, 2008!

# DHS agencies announce progress on TWIC program

(The following press release was released on October 3, 2007)

WILMINGTON – On October 16, port workers, longshoremen, truckers and others at the port of Wilmington, Del., will become the first workers in the nation to enroll in the Department of Homeland Security's (DHS) Transportation Worker Identification Credential (TWIC) program. The program ensures that any individual who has unescorted access to secure areas of port facilities and vessels has received a thorough background check and is not a security threat.

The announcement of the enrollment date was one of a number of details about the program released today by the Transportation Security Administration (TSA) and the U.S. Coast Guard. Other developments include the release of the next 11 ports where enrollment will begin in November, publication of an updated port site list with additional enrollment locations, and a revised final rule that lowered the credential fee to \$132.50.

"These developments reflect progress

toward the implementation of this important port security measure," said TSA Administrator Kip Hawley. "TWIC is one of the world's most advanced interoperable biometric systems and has a lot of moving pieces. We are now seeing those pieces come together."

Workers at the port of Wilmington will be able to pre-enroll for TWIC starting October 9. A link to the pre-enrollment Web site will be available on the TSA Web site. Pre-enrolling online speeds up the process by allowing workers to provide biographic information and schedule a time to complete the application process in person. This eliminates waiting at enrollment centers and reduces the time it takes to enroll each individual.

The revised TWIC rule, posted to the Federal Register on September 28, made a few minor changes to the program. One that will impact every applicant is reducing the fee for obtaining a standard TWIC by nearly \$5, which will now cost \$132.50. The credential is valid for five years and the fee is below the federal

government's original estimate for the credential. The fee includes the cost of the threat assessment, program management, card production and issuance. Workers with current, comparable background checks, including a hazardous materials endorsement on a commercial driver's license, Merchant Mariner's Document or Free and Secure Trade (FAST) credential, will pay a discounted fee of \$105.25.

Along with the start date for enrollment at Wilmington, TSA and the Coast Guard also announced the next 11 ports that will begin enrolling in November. They are:

- Early November
  - Corpus Christi, Texas
- Mid-November
  - Baton Rouge, Louisiana
  - Beaumont, Texas
  - Honolulu, Hawaii
  - Oakland, California
  - Tacoma, Washington
- Late November

- Chicago/Calumet, Illinois
- Houston, Texas
- Port Arthur, Texas
- Providence, Rhode Island
- Savannah, Georgia

The order of ports is based on a variety of factors including risk, geographic location, size and contractor resources. Specific dates for these ports will be released later this month along with information on other major ports.

More information on the TWIC program is available on TSA's Web site and more information on port security is available at the Coast Guard's Homeport site, <http://homeport.uscg.mil>, by clicking on the Maritime Security link.

### Holidays in November

Veterans Day: Monday, Nov. 12\*  
Thanksgiving: Thursday, Nov. 22  
\*Veterans Day is recognized contractually on the day after the nationally recognized date, which falls on a Sunday.

## ESU News

## 2007 election of ESU officers underway

Ballots for the 2007 ESU election of Union officials were mailed to the membership in early October. Up for election this fall are two primary Board of Governors' positions, Deck, Engine, and Steward Department Trustee positions and two Ship Representative positions. The voting period began on October 15, and will conclude on December 14, when the ballots are due at the American Arbitration Association office in New York. Following notification to the ESU Seabrook office on December 14, the results will be promptly announced to the membership.

On the official ballot, all candidates are listed in alphabetical order. This year John Straley ran unopposed for the office of Vice President and Leo DeCastro ran unopposed for the office of Secretary Treasurer. Likewise, William Ackley ran unopposed for the office of Engine Trustee and Kurt Kreick ran unopposed for the office of Steward Trustee. Pat Campbell and Michael Harrison are running for the office of Deck Trustee.

There are two Ship Representative positions up for election. Rudy Benavides and Allen Bostwick are running for the Ship Representative position for the *S/R American Progress*. No one ran for the Ship Representative position on the *S/R Long Beach*. Consequently, as required by the Constitution and Bylaws the Executive Board will need to appoint a Ship Rep at the conclusion of Joe Graca's term.

Ballots were addressed individually to each eligible voter and should be arriving about the time this edition of the ESU News is released. Remember, an eligible voter is one whom has been a member in good standing at least 90 days prior to the start of the election.

The ESU thanks all the candidates involved for their support and willingness to serve the membership. At a minimum, their willingness to serve should be recognized by every member casting a ballot during this important election for our Union. All ESU members are encouraged to participate in the elective process and strive for 100% voter participation in this election. PLEASE VOTE!

## Three promotions: Doucet; Gilbert; Jenkins

Effective October 16, ESU member Earl Doucet has been promoted to the Pumpman Seniority List. Additionally, Brian Gilbert and Edward Jenkins have been promoted to Fleet Chef and Cook, respectfully. The Pumpman promotion became necessary as a result of the previously announced retirement by Charlie Pollard. Steward Department promotions were also required due to a vacancy when Fleet Chef Cheryl Bond unexpectedly separated from the company in September (more information to follow in the November ESU News).

Earl, Brian and Edward have all demonstrated their abilities to perform the job duties required in their new positions proficiently and competently during numerous step-up assignments to the higher ratings. The three promotions were contractually mandatory to satisfy the minimum 2.0 manning level that is required to be maintained in each rating. A review of the current rating Seniority Lists indicate that with these promotions satisfy the minimum manning level, and any decrease in the number of members on these lists will require further promotions to maintain the 2.0 requirement. The Union congratulates Earl, Brian and Edward for their well deserved promotions!

## Ship reports

## S/R American Progress

The *American Progress* shifted from the dry dock on October 7, to a lay berth where repairs will continue until the vessel leaves Gdansk later this month. Temporary Ship Rep Pat Campbell has called in frequently and reports the yard is going well. No beefs.

## S/R Baytown

The vessel discharged her cargo from Point Tupper, Nova Scotia on October 6, in Nederland, TX. Reid Decker has been filling in as Temporary Ship Rep. The Baytown will make another trip Nova Scotia for delivery to a US Gulf port.

## Kodiak

ESU Executive Board member visited the ship at the Richmond Long Wharf on October 6, 2007. Ship Representative Timothy William has been discharged to paid leave and AB Aaron Rathbun has stepped-up and accepted the Temporary Ship Representative's job in Tim's absence. No beefs reported. The vessel will continue on her ANS Puget Sound trade route for the foreseeable future.

## S/R Long Beach

The *Long Beach* completed her repairs in Port Angeles the first week of October. She is now fully integrated

back into the ANS trade where it is hoped she will stay until she is OPA'd out in late 2009. Ship loaded her first ANS load since her return from foreign service the second week of October with discharges scheduled for Long Beach and the San Francisco Bay Area. As previously announced, Joe Graca, longtime ESU Ship Representative will not be returning as Representative for the ship. See article: "*S/R Long Beach* Ship Rep position open to appointment".

## Sierra

The *Sierra* is completing a two week stay at Cascade Shipyard in Portland, Oregon. AB Tony Curtis has been filling in as Temporary Ship Representative. Ship Representative Thor Floreen will return late October. Tony and the Union have worked a MOA shipyard overtime concern. The vessel is scheduled to return to her Alaska/West Coast trade mid-October.

## S/R Wilmington

The *Willy* continues her yard period at Jurong shipyard Singapore and is scheduled for departure soon. Mike Gore is filling in as Temp Rep and reports no beefs. From all reports the yard period has been and enormous but nevertheless successful challenge for the crew. The vessel will backload a cargo for her return to the United States.

## ESU members continue to participate in Dangerous Liquid Cargo training



The final DLC course of 2007 was held in Vallejo, California September 24-28. Future DLC training, as well as Deck and Engine Advance Training Courses for 2008 have yet to be determined. Pictured (from left to right) are the ESU member that participated in the latest training session: Stephen Altubar, Steve Baugh, Lonnie Bloomquist, Freddie Domapias, Don Bacon, "Tuna" Joe Goulart, Jonathan Blackwell, Ernie Evangelista and Sam Smith.

## S/R Long Beach Ship Representative position open to appointment

Ship Representative Joe Graca previously announced his intentions not to seek reelection to the position of Ship Representative to the *S/R Long Beach*. His current term will end December 31, 2007, and in view of the fact that no member was nominated for this position the Executive Board is required to make an appointment in accordance with the ESU Constitution and By-laws, Article V, Section 4(a).

The Union requests that all members interested in being considered for an appointment contact either ESU office and request consideration for this position. If you are interested in serving as the Regular Ship Rep on the *Long Beach*, please contact either Union office no later than November 30, 2007. The appointment will begin on January 1, 2008 and will run through the end of 2010 or until the vessel is taken out of service due to its OPA 90 drop dead date.

The Union encourages all members to consider stepping forward to serve the Union and the membership.

SeaRiver to hire more entry level seamen  
(Correction)

Last month the ESU published an article that SeaRiver Maritime plans to hire up to 10 entry level Maintenance Seamen by the beginning of next year. In last month's article the fax number to send resumes was incorrect. Interested parties can send their resume and/or letter of application with any work history, references and personal information to Ms. Helen Wright at (414) 231-8408. To contact SeaRiver by phone, please call 1-877-290-1422 followed by prompt 1 for Fleet Manning, then prompt 3 for Helen Wright. Current plans are to hold interviews for the positions during the first week of December and to conduct the corresponding new hire orientation class sometime in early 2008.

## ESU NEWS on the Internet

If you would like to view the *ESU NEWS* on the Internet, the newspaper is available at the Sailors' Union of the Pacific website. The website is [www.sailors.org](http://www.sailors.org). The current edition is posted the day the newspaper is published, usually the third Friday of every month. Additionally, past editions are archived and can be accessed.

## EXXON SEAMEN'S UNION

Founded March 28, 1941

Affiliated with the Sailors' Union of the Pacific

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Vice President John Straley

Secretary/Treasurer Leo DeCastro

Recording Secretary Thomas Thompson III

Deck Trustee Michael Harrison

Engine Trustee William Ackley

Steward Trustee Joe Pereira

**TWIC** continued from page 1

for years. Mariners have also recently experienced fundamental change to the established credentialing and certification system, in both the MTSA response to 9/11 and before that in the implementation of the STCW '95 Convention. That experience clearly indicates that despite the promises of government agencies, responsiveness, consistency, and reliability of process is elusive in initiatives of this nature. While the bugs are worked out of a system-wide change to a maritime credentialing, and when the agency charged with administration of the new system has very limited experience in real implementation of new credentials, then the income, health, and retirement security of American merchant mariners—who are already understood to be a minor risk—is unnecessarily jeopardized.

There will be inevitable procedural problems: the agency that makes the determination is not only different than in the past (TSA vs. USCG), but also unfamiliar with the behavior and history of the mariner population. Also the change in standards of disqualification (MTSA vs. HAZMAT) and in the methods of disqualification and appeal are common factors in the creation of administrative snags. Even if things don't go wrong, TSA could be overwhelmed, creating delays that accumulate into bureaucratic paperwork jams. The recent problem with passport issuance delays, and there within far more well-established process, is a case in point. Delay in the issuance of a credential, is a life-and-death matter for mariners. For example, a simple matter such as an inaccurate court record or the "disposition of arrest status," (acknowledged in the rule as a trigger for interim disqualification), could become a career-ending event for ratings as they seek work elsewhere to pay the bills. And unlicensed mariners are more likely as a group to have had such problems in the past, and

so will unfairly experience any potential administrative delays at a higher rate.

Although the Union's main objections were ignored, as this program is launched the SUP can claim some minor victories in certain areas. In its original form the program would have allowed final appeals on denied credentials only within TSA itself without recourse to a theoretically impartial third party such as an Administrative Law Judge (ALJ). Today, final appeal is to an ALJ. Also, the cost of the TWIC for merchant mariners who have had a recent background check was lowered to \$105.25 from \$135.25. Other costs incurred by mariners in the acquisition of a TWIC, such as travel expenses, may be somewhat reduced by the wide coverage of a large number of both permanent and temporary enrollment centers. Finally, the TSA adapted a much smaller version of the SUP proposal for an interim credential for those that must work while a TWIC application is pending.

But the greatest effect the SUP and maritime labor had during the regulatory process was in preventing the programming from becoming far worse. On several occasions there were amendments that would have made waterfront picket lines illegal, and then later would have allowed picket lines but anyone who participated in one could later be prevented from obtaining the TWIC. There was another initiative that would have prevented merchant mariners with disqualifying offenses from ever obtaining the TWIC despite the seven year sunset on charges (five years on incarceration) effectively destroying the appeal and waiver processes.

For more on the TWIC see the President's Report on page 9.

**Documents needed for TWIC application**

**List A**

(Any 1 of list below)

- Unexpired U.S. Passport
- Unexpired Permanent Resident Card or Unexpired Alien Registration Receipt Card with photograph
- Unexpired Foreign Passport with one of the following:
  - I-551 Stamp;
  - Attached INS Form I-94 indicating unexpired employment authorization;
  - Unexpired Employment Authorization Document (I-766);
- OR with one of the following Unexpired Visas: E-1, E-2, E-3, H-1B, H-1B1, L-1, O-1, TN, M-1, C-1/D
- FAST (Free and Secure Trade) Card
- Merchant Mariner Document (MMD)

**List B**

(Need 2, and 1 must be a government-issued photo ID)

- U.S. Certificate of Citizenship (N-560, 561)
- U.S. Certificate of Naturalization (N-550 or 570)
- Driver's license or ID card issued by a State or outlying possession of the U.S.
- Original or certified copy of birth certificate issued by a State, county, municipal authority, or outlying possession of the United States bearing an official seal
- Voter's Registration Card
- U.S. Consular Report of Birth Abroad
- U.S. Military ID or U.S. Retired Military ID
- Military Dependent's Card
- Expired U.S. Passport
- Native American Tribal Document
- U.S. Social Security Card
- U.S. Citizen Card I-197
- U.S. Military Discharge Papers DD-214
- Department of Transportation (DOT) Medical Card
- Civil Marriage Certificate
- MML (Merchant Mariner License) bearing an official raised seal, or a certified copy

**Welfare Notes**

October 2007

**REIMBURSEMENT FOR EXPENSES**

Invoices that state "This is not a bill" and proposed treatment plans are not adequate proof of loss for reimbursement under the Pensioner's Annual Allowance. Please submit itemized bills that include the name of the patient, the name and address of the provider of services, charges, and the dates of service. Medicare explanations of benefits and itemized prescription bills with the above information are also acceptable.

Auditors have advised the Plan office that itemized receipts submitted for reimbursement must be original receipts. If you are unable to submit the original bills, please contact the Plan office at 1-800-796-8003.

Medical claims submitted under the Direct Payment Plan must include the above information and the diagnosis.

**TIMELY FILING OF CLAIMS**

Reimbursement for co-payments and other eligible medical, dental, vision, or prescription charges must be submitted to the Plan office within 90 days of the dates of invoices. This time limit for filing claims includes eligible expenses for active employees and pensioners covered under the Pensioners' Annual Allowance.

**MEDICARE PART B PREMIUM INCREASE**

The standard Medicare Part B premium will go up from \$93.50 to \$96.40 starting in January 2008. The Medicare Part B premium amount is reimbursed to pensioners on their pension check and deducted from their Pensioners' Annual Allowance.

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

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**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**

**Quartermaster trainee was at helm of doomed Canadian ferry that sank**

A ferry that sank with the loss of two lives in Canada last year was under the control of an unaccompanied trainee quartermaster, with designated bridge officers not at their posts, operator BC Ferries has conceded. The admission contradicts earlier accounts from the company, which had previously maintained that there was at least one officer present at all times.

A report from the company, published in March, cited autopilot, malfunction of *Queen of the North*, with the vessel sailing on the wrong course for 14 minutes before hitting Gil Island. But BC Ferries has been forced to revise its version of events, after being contacted by two other seafarers following the publication of the document. Both said that the woman at the helm had tearfully told survivors clambering into a lifecraft that she had been left alone in charge of the ship.

This is at odds with the testimony trainee quartermaster Karen Bricker herself gave to the internal investigation. At

that time, she insisted that a senior officer, Karl Lilgert, was on the bridge and ordered a dramatic course correction in a loud voice. She also stated that she could not find the autopilot switch to turn it off, a point that the inquiry found "difficult to reconcile."

Some 101 people were onboard *Queen of the North* when it sank on the night of March 22, 2006, near Harley Bay, British Columbia. The ship was serving its regular route of Prince Rupert to Port Hardy, which is popular with tourists. Formally, the cause of the accident is still under investigation by Canada's Transportation Safety Board, which is expected to release its report by the end of the year.

BC Ferries chief executive David Hahn told the Canadian media that Ms. Bricker was preparing to take a watchkeeping examination, she should not have been on the bridge of a large passenger ferry without a qualified officer in charge.

**Record of SUP Shipping  
September 2007**

	Hdq	Seattle	Wilm	Hono	Total
Bosun	5	1	2	2	10
Maint. Man	2	0	0	1	3
A.B. Dayworker	0	0	4	5	9
A.B.	4	8	9	1	22
O.S.	2	0	2	0	4
Standby	11	12	56	39	118
<b>TOTALS</b>	<b>24</b>	<b>21</b>	<b>73</b>	<b>48</b>	<b>166</b>





# SUP President's Report

October 9, 2007

## TRANSPORTATION WORKERS' IDENTIFICATION CREDENTIAL

On October 3, 2007 the Transportation Security Administration (TSA) announced that it would begin the initial enrollment of waterfront workers for the Transportation Workers' Identification Credential, or TWIC. The first port will be Wilmington Delaware, on October 16. The next group of ports will include Oakland, Honolulu and Tacoma in mid-November.

This implementation phase of the TWIC marks the beginning of another new era in maritime credentialing. It means that merchant mariners must pay \$105.25 for a card that will not secure access to marine terminals, that might unfairly keep them from working, and that cannot be used as a Seafarers Identity Document in foreign ports.

The implementation begins over the strong and continuous objections of the Sailors' Union of the Pacific and most maritime labor and industry organizations. At every phase of the rulemaking the Union objected to the process and content of the TWIC. We have repeatedly argued that the present design of the TWIC oversteps the bounds of Congressional intent, especially as regards its focus on criminality as opposed to risk of terrorism. We have targeted many flaws in the program, from cost to privacy concerns to international compatibility to issues related to federal preemption of state or port security cards. In some areas, such as cost we had minor successes. In other areas, such as extending the deadline of September 25, 2008, the government has been deaf to our objections. We have also worked to prevent various legislative efforts that would have made the card even more restrictive than it is today.

Despite the problems, in order to maintain access to the ports wherein we are employed, we have no choice but compliance and members are urged to obtain the TWIC as soon as it becomes available. The key to the enrollment process is pre-enrollment, which is done via the internet at [www.tsa.gov/twic](http://www.tsa.gov/twic). Sailors who pre-enroll will submit all the relevant information and secure an appointment to finalize the application thus bypassing the lines of other applicants. Between pre-enrollment and enrollment, sailors should gather their identification documentation, using a minimum of two types of ID. Then at the enrollment appointment sailors submit the verifying ID, get photographed and fingerprinted, sign the application and pay the fee. The final part of the application process is the return to the same enrollment center to pick up the TWIC.

The October issue of the *West Coast Sailors* will contain more specific instructions on how to obtain a TWIC and the locations of the enrollment centers which are not known at this time except that there will be permanent centers in all of the major ports including those where the SUP maintains hiring halls. Obtaining a TWIC is a mariners individual responsibility, however, the Union will assist as necessary.

## FOOD AID IN U.S.-FLAG SHIPS

As reported in last month's *West Coast Sailors*, the Sailors' Union and others have been actively engaged to scuttle the Bush Administration's ill-advised Fiscal Year 2008 budget proposal to divert 25% of food aid shipments from the United States to cash under Public Law (P.L.) 480 Title II Food for Peace program.

The Maritime Food Aid Coalition, which the SUP is a member, was successful in blocking the inclusion of the proposal when the House of Representatives passed the Farm, Nutrition and Bio-Energy Act of 2007 on July 29.

The Senate Agriculture Committee, chaired by Tom Harkin (D-Iowa), is now in the process of formulating its own agriculture bill which contains draft language that would establish a "pilot" program for local and regional purchases of food aid. The draft authorizes \$25 million coming out of P.L. 480 Title II each year for four years to fund the "pilot" program.

Concerned that the "pilot" program would have negative consequences for the transportation of food aid in U.S.-flag vessels, the SUP, AMO, MM&P, MEBA, ILWU and SIU sent the following letter to Senator Harkin on October 1:

Dear Mr. Chairman:

As you are aware, we are deeply concerned about and strongly oppose any proposal that would shift U.S. in-kind food aid to cash grants to purchase food in other nations—whether the Administration's budget proposal or the "pilot" program which, we understand, you have under consideration.

In its FY08 budget sent to the Congress, the Administration proposed the use of up to 25 percent of P.L. 480 Title II funds to be diverted to cash for local and regional purchase of emergency food aid to assist needy nations. The Administration has been advocating cash instead of "in-kind" food aid for three years (FY06, FY07, and FY08), and it has faced stiff opposition in the Congress. This opposition has been based on a number of major concerns with cash food aid. Although the United Nations has operated an extensive cash food aid program for many years, there is little evidence to support its purported strengths of increased efficiency, effectiveness, and speed of delivery. Indeed, experience has shown that cash food aid risks increased costs and pervasive corruption. It would divert American taxpayer dollars away from purchases of agricultural products and transportation that benefit the American economy and American jobs. And it would threaten public support for this program so vital to millions in need around the globe.

The current Food for Peace program has been the policy of the U.S. government for over 50 years and has provided every Administration since President Eisenhower with a key asset for our Nation's foreign policy as well as a visible symbol of America's generosity. Emergency and non-emergency food aid programs are more important than ever to U.S. leadership in today's world of shifting alliances, global terrorism, resource shortages, and political strife in developing countries.

The success of the Food for Peace program stems from the combination of the American people's compassion and generosity, the unparalleled productivity of our farmers and processors, the dedication of those who administer, transport, and distribute the humanitarian assistance, the benefits it provides at home to jobs and our economy, and the direct link, under American oversight, from a farm here at home to, for example, a desperate refugee camp, school lunch, or a nutrition program for people with AIDs.

P.L. 480 Food for Peace is critical to the many working men and women who grow the commodities, bag and store them in our plants, warehouses and terminals, and transport them on our country's railroads, barges, and U.S.-citizen crewed vessels—many of which ships and crew members are also assisting our Armed Forces in Afghanistan and Iraq. These workers and this domestic constituency—agriculture, maritime, as well as private voluntary organizations—have been an invaluable ally in the efforts of Congress to sustain and increase food aid funding year after year.

The Administration's proposal or a "pilot" program, at any level of funding, would confer legitimacy on a bad idea. Furthermore, such funding would be the "camel's nose under the tent," with more requests for increased cash aid in subsequent years and with them a rapid withering of support for a U.S. food aid program at anything near its current size.

When your Committee marks up the trade title to the farm bill in the near future, we strongly urge that no provision be included that would shift in-kind food aid to cash.

Thank you very much for your consideration of our views on this important matter.

Sincerely,

Thomas J. Bethel, American Maritime Officers;  
Captain Tim Brown, International Organization of

Masters, Mates and Pilots; Ron Davis, Marine Engineers' Beneficial Association; Gunnar Lundberg, Sailors' Union of the Pacific; Robert McElrath, International Longshore and Warehouse Union; Michael Sacco, Seafarers' International Union

It is anticipated that the Senate Agriculture Committee will resume work on its bill after the Columbus Day recess. The Maritime Food Aid Coalition will continue to press for the retention of the provisions of the Food Security Act of 1985 which requires that 75 percent of all cargoes generated under P.L. 480 Title II are shipped in U.S.-flag vessels, crewed by American merchant mariners.

## WOODSIDE NATURAL GAS: SOUTHERN CALIFORNIA LNG PROJECT

In response to the Maritime Administration's request for comments on Woodside Natural Gas, Inc.'s OceanWay Secure Energy Liquefied Natural Gas Deepwater Port License Application as published in the September 14 *Federal Register*, SUP Vice President Dave Connolly and your secretary attended and testified at a public hearing in Los Angeles on September 26.

As the membership will recall, MarAd under the Deepwater Port Act of 1974, as amended, is tasked to issue licenses to those who wish to establish a deepwater port. Under the Act, a deepwater port is a fixed or floating manmade structure other than a vessel, or a group of structures, located beyond State seaward boundaries and used or intended for use as a port or terminal for the transportation, storage, and further handling of oil or natural gas for transportation to any State.

Maritime Administrator Sean Connaughton has taken this process one step further by granting priority status for license applicants who employ U.S. merchant mariners in LNG vessels. On July 30, Woodside Natural Gas agreed to employ U.S. mariners in the operation of the proposed OceanWay deepwater port located approximately 28 miles southwest of Los Angeles International Airport, and to register two (as yet to be built) LNG regasification vessels under the U.S. flag.

The hearing itself—hosted by MarAd, the Coast Guard and the City of Los Angeles—was to receive public input on the project itself, including what should be included in an environmental impact report.

Of the approximately 300 people that attended the hearing, almost all that testified were vehemently opposed to not only the Woodside project but any project that would import fossil fuels (petroleum, LNG, etc.). The tenor of these folks, primarily from beach communities north of LAX, was hostile to every aspect of the project based, in your secretary's judgment, on irrational and unfounded grounds. One speaker suggested that the Union building trades workers and merchant mariners that would be involved in this project would be better served if they installed solar panels on every building in Southern California! Other speakers were just as off the wall.

The Sailors' Union testified and submitted the following comments for the record:

September 25, 2007

Department of Transportation

Docket Management Facility

1200 New Jersey Avenue SE

West Building, Ground Flr, Room W12-140

Washington DC 20590

**Re: Statement of the Sailors' Union of the Pacific on Woodside's OceanWay project off Los Angeles (Docket No. USCG-2007-26844)**

The Sailors' Union of the Pacific supports and endorses the Woodside OceanWay project. In essence, there are three aspects of the project that bring about this endorsement. The first is that California needs new sources of energy. The second is that any such sources must be clean and safe with minimal envi-

*continued on next page*

## President's Report continued

ronmental impact. And the third is that it will provide good well paying jobs for American mariners. **New sources of environmentally friendly energy**

With tensions in the Middle East and other oil-producing regions continuing to put pressure on the reliability of the nation's energy supply, the development and support of alternative sources are critical to the security of the national economy. The natural gas involved in this project originates in Australia, a democracy and a reliable ally of the United States. Further, according to the U.S. Energy Information Administration, demand for natural gas will grow by nearly 40 percent by the year 2025. In order to meet that demand, California, and in particular the City of Los Angeles, must take the appropriate first steps to develop multiple new sources of energy. This project is that first step which will increase the feasibility of other sources; even, conceivably from Alaska or other U.S. owned or controlled fields.

### Environmental Impact

The OceanWay project will transport liquefied gas from Australia to California aboard specially designed tankers and convert the frozen liquid back to natural gas aboard a specially designed U.S. flag tanker, and then pump natural gas directly into the existing on-shore pipeline system. While at the offshore deepwater port facility, the ships will be powered entirely by natural gas, greatly reducing overall air emissions.

The state-of-the-art re-gasification technology of the OceanWay project will not require the use of seawater for engine cooling which means there will be little or no impact on marine life. Additionally, the ships will use ambient air to warm the liquefied natural gas into its natural gaseous state, significantly minimizing air pollutants and meeting both state and federal emissions standards. These features will produce a remarkably small environment footprint. In our opinion, the OceanWay project is the most environmentally-friendly energy project of its kind ever introduced in the United States.

### Safety

The project cannot proceed if it is not safe. It should first be noted that the Woodside project, in both construction and operation will comply with all applicable, international, national, state and local laws and regulation. Furthermore, it is well-known that the LNG industry has an enviable safety record in that it is essentially without an incident in 30 years of operation. The operation of the OceanWay project would capitalize on that record.

The majority of California residents are not aware of the constant activity of ships just offshore. Day and night, twenty-four seven, ships of all kinds pass through the Santa Barbara Channel. Conventional tankers operate continuously in offshore moorings in Santa Monica Bay, pumping both crude and refined petroleum ashore in an assortment of pipelines. Many of our members serve aboard those ships and routinely exercise the highest standards in safety and environmental protection. Accordingly, the ships utilized in the operation of the OceanWay project would clearly not cause an appreciable increase in marine traffic or lead to further congestion in the crowded land-based port facilities of Southern California. (Because the LNG carrier would transfer the LNG to the re-gasification ship twenty-seven miles southwest of Los Angeles International airport, the operation is not only distant from any populated center but also safely outside of the most heavily traveled sea lanes.) In our professional opinion, as the representatives of a California-based maritime union, the OceanWay the project does not create a threat or a hazard to safe and efficient marine transportation and will actually enhance overall public safety by creating greater waterborne transportation efficiencies.

### Employment for U.S. mariners

First, Woodside has agreed to register the two re-gasification vessels under the U.S. flag with full U.S. citizen crews. This is important for a number of reasons. U.S. mariners are the most highly trained, most tightly regulated, and most meticulously screened mariners in the world. Rigorous back-

ground checks combine with continuous training to produce a workforce that is safe and professional and helps secure the cargo of these ships. By contrast, training and oversight in many foreign-flag registries is virtually non-existent, and stowaways on foreign-flag ships are a serious security problem that is significantly reduced by U.S.-flag operations.

Second, all merchant mariners are part of the national defense sealift manpower pool delivering supplies and equipment to our troops overseas. Indeed, the U.S. Congress has acknowledged the importance of growing the job base in the merchant marine and has specifically identified the LNG industry as an appropriate place for that growth. Under the law, those companies that agree to flag their ships under the U.S. flag are afforded priority application processing.

Finally, many of our members reside in California, particularly Southern California, and will benefit from the inexpensive and clean source of energy, jobs, and efficiencies associated with this project.

For all of these reasons, we urge swift license approval and fully support the construction of Woodside's deepwater port OceanWay project.

Sincerely,

**GUNNAR LUNDEBERG,**

President/Secretary-Treasurer

Representatives of the MM&P, AMO and SIU-A&G also testified in favor of the project as well as Art Pulaski, Executive Secretary-Treasurer of the California Labor Federation.

It is anticipated there will be more public hearings over the coming year with the SUP fully participating.

## GOVERNMENT VESSEL BIDS

### USNS Hayes and USNS Waters

As reported in April, Patriot Contract Services responded to the Military Sealift Command's Request for Proposal (RFP) to operate and maintain the *USNS Hayes* (T-AG195) and *USNS Waters* (T-AG45).

Patriot notified the Union on September 11, that the company had made it to the "best and final" stage of the MSC's bidding process and that Patriot's final proposal is due on October 18. It is anticipated that the successful bidder will assume operation of the vessels in the first quarter of 2008.

The *Hayes* is a 247-foot-long acoustic research ship that conducts surveys in support of the Navy's submarine noise reduction program. This catamaran has a crew of 19 plus 7 Navy personnel and 30 scientists. The *Hayes* is homeported at Port Canaveral, Florida.

The *Waters* is a 457-foot-long special mission ship that supports submarine navigation system testing and provides ballistic missile flight test support services. When fully operational she has a crew of 32 mariners and 59 military and scientific personnel. The *Waters* is currently homeported at Pearl Harbor.

Both vessels are currently operated by 3PSC of Reston, Virginia, an SIU-A&G-contracted company.

### Watson-class LMSRs

As reported last month, the SUP and MFOW met with Matson Navigation Company in August to discuss the MSC's RFP for the operation and maintenance of eight *Watson*-class Large Medium Speed Roll-On/Roll-Off (LMSR) vessels.

Since August, the SUP and MFOW in conjunction with the SIU-A&G have met with Matson and Patriot to formulate proposals that remove labor from the competitive aspect of the bidding process. On October 1, both companies submitted bids to operate the LMSRs.

Will keep the membership fully informed of the status of the *Hayes/Waters* and the LMSR bids.

## PENSION INCREASE

Pension Plan Administrator Michelle Chang notified the Union on September 25, that the 2.65% pension benefit increase negotiated with APL and Matson in July for those members who retired prior to July 1, 2007, at or after age 55 with at least 20 years seetime, will be reflected in the October pension checks. The

checks will also include a retroactive payment covering July, August and September.

Eligible SUP pensioners should contact the Plan office if their checks do not reflect the increase.

## SUP WELFARE PLAN

In accordance with the collective bargaining agreements between the Pacific District Unions (SUP, MFOW, SIU-Marine Cooks), and APL Marine Services, the contribution rate to the respective welfare plans shall be increased on the anniversary date of the agreement (October 1) by the percentage increase in the medical care services component of the Consumer Price Index (United States City average for Urban Wage Earners and Clerical Workers) during the most recent previous 12-month period for which such index has been calculated by the Bureau of Labor Statistics of the Department of Labor (DOL).

According to the CPI data published by the DOL on September 19, the annual increase in the medical care services component of the index was 5.6%. Therefore, the Offshore Agreement contribution rate for APL increased to \$85.61 from \$78.23 per day; the Maintenance Agreement rate to \$61.47 from \$55.37; and the Extra Maintenance Agreement rate to \$29.43 from \$25.03 per day.

## UFCW LOCAL 5

In accordance with collective bargaining agreement between the Sailors' Union and the United Food and Commercial Workers Union, Local 5, notified the UFCW on October 5, that the SUP was prepared to negotiate a new agreement. The current agreement, which expires on December 1, covers the five Union Representatives and Organizers that formerly belonged to UFCW Local 870 before that local merged with other UFCW locals in the San Francisco Bay Area to form UFCW Local 5.

The SUP has represented the UFCW Union Representatives and Organizers in the former Local 807 since 1996.

## SUP ELECTION

As per Article XII of the SUP Constitution, all members nominated for elective office at the September coastwise meetings and who desire to become candidates for the 2008-2010 term of office shall have their acceptance in the office of the Committee on Candidates at Headquarters (450 Harrison Street, San Francisco, CA 94105) prior to midnight, October 14, 2007.

The acceptance shall be by letter which shall be dated and shall contain the following: (a) The name of the candidate; (b) His/her home address and mailing address; (c) His/her membership number; and (d) The title of the office or other position sought, including the name of the Port in the event the position sought is that of Branch Agent or Business Agent.

No one may be a candidate for more than one office with the exception of the position of Trustee of the SUP Building Corporation.

Nominees who shall fail to comply hereinwith shall be regarded as having declined the nomination.

The Committee on Candidates/Election Committee will turn-to at Headquarters at 9:00 A.M., Monday, October 15, to verify the eligibility of the candidates, select and recommend for membership approval an Impartial Balloting Agent and otherwise prepare the ballot. The Committee's report will be acted upon at the November coastwise meetings.

Candidates for office may request and require the Union to distribute campaign literature at the candidate's request, provided that the candidate makes such request at least five working days prior to the intended date of mailing and/or distribution and provided that the candidate pay the actual cost of mailing and/or distribution at the time of each

*continued on next page*

## President's Report continued

request. The cost of mailing and/or distribution shall be at the hourly rate of Office and Professional Employees International Union (OPEIU) Local 3. Campaign literature that the candidate requests to be mailed must be ready for mailing: stamped; envelopes stuffed and sealed; or flyers stamped, folded, and sealed.

Candidates for office are entitled to submit a photograph and a statement of 100 words or less regarding Union issues for publication in a special election supplement to the *West Coast Sailors* that will be published in November. The statements and photos should be sent to the editor of the *West Coast Sailors* prior to November 7, for inclusion in the election supplement.

Each candidate may also post campaign material on a bulletin board to be set up in each SUP hall for that purpose. The candidate shall be allotted space for one legal-size page (8½" x 14") on a first-come, first-served basis.

The secret mail ballot election of officers for the 2008-2010 term and referendum on a proposed amendment to the SUP Constitution will begin on December 1, 2007 and end on January 31, 2008.

### 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 third quarter of 2007, and report back to the membership at the December coastwise meetings. In the event the committee cannot be filled today, recommend that when the quarterly audit of the Unions funds is completed, which will be in about three weeks, necessary committee members be shipped off the hiring hall deck as per past practice.

The Quarterly Finance Committee will turn on Friday, November 9.

### HOLIDAY

Since Veterans' Day falls on a Sunday this year, it will be observed under most SUP agreements on Monday, November 12. On that date, all Union halls will be closed. Veterans' Day is not a holiday under the Ready Reserve Force agreements with Matson and Patriot Contract Services.

Due to the holiday, the Headquarters meeting will be held on Tuesday, November 13.

### ACTION TAKEN

Quarterly Finance Committee: Sonny Cooper, Romaine Dudley, Paul Fuentes, Tom Koppel, and Kaj Kristensen.

M/S to concur with the President's Report. Carried unanimously.

*Gunnar Lundeberg*

## Philippine court rules on mariner disability

The Philippine Supreme Court has ruled that a seafarer who is unable to work for more than 120 days is deemed permanently disabled. Deciding on the appealed case of Mars Palisoc vs. Easways Marine, the court recently held that the Labor Code provision that "temporary total disability lasting continuously for more than 120 days" is covered "permanent total disability" is applicable to seafarers.

The ruling contradicts a previous decision (Crystal Shipping vs. Deo Natividad) in February that it should be the grade given by a physician and not the number of days a seafarer is ill or injured as a measure of disability claims.

Palisoc, a fourth engineer of the *Dragon Sentosa*, was repatriated after becoming ill with gallstones. He sought the opinion of his own doctor, who categorized him with an impediment of Grade 6, for which the National Labor Relations Commission (NLRC) awarded \$25,000. The Court of Appeals sustained the NLRC decision, but the Supreme Court reversed the decision. The Supreme Court did not grant a Grade 1 disability grading to the seafarer but instead remanded the case back to the labor arbiter. The 120-day disability claim provides for a minimum of \$60,000 compensation to the affected seafarer.

## U.S. Court rules in favor of punitive damages in some maintenance and cure cases

In a case of great importance to all U.S. merchant mariners, the 11<sup>th</sup> Circuit Court of Appeals has ruled that companies which arbitrarily fail to pay maintenance and cure obligations to sick and injured seamen are liable for punitive damages. In *Atlantic Sounding Co. v. Townsend*, WL 2385928 (August 23), the 11<sup>th</sup> Circuit panel of judges ruled that punitive damages are recoverable under general maritime law upon showing a willful and arbitrary refusal to pay maintenance and cure wages.

The same court had previously ruled that punitive damages were payable in limited circumstances. Most courts, however, have ruled that punitive damages are not available under maritime law, in keeping with U.S. Supreme Court precedent in which the Court held that punitive damages were not recoverable for loss of society in a Jones Act suit. Many circuits have interpreted that decision as barring them from allowing punitive damages in any maritime claim. In the August 23 ruling, the court carved out an exception in a case in which a company acts in a willful and arbitrary manner to deny maintenance and cure. Given this ruling and the apparent disagreement with other courts, it is likely that the issue will not be resolved until the Supreme Court weighs in. Until that time, should you be denied maintenance and cure for no apparent reason, a claim for punitive damages should be made.

# Vice President's Report

October 2007

In addition to the routine duties of the front office, I attended a "public scoping" meeting on an LNG project in LA, met the *President Adams* in New York, handled various grievances, and worked on the LMSR bids of Patriot and Matson. Also checked the following ships.

### Ships Checked

**Manulani:** Email from the Bosun Paul Barbour for support clarification on Bosun duties. Under Section 36(e) of the Work Rules the Bosun shall not be assigned to navigational duties until the operational requirements of the deck are complete. The general intent of that new (2002) language in 36(e) was that when there is work to do on deck, the Bosun should be on deck. If the Bosun is scheduled to stand a bridge watch during docking, undocking, anchoring, etc., he should assign a sailor to cover his bridge watch so that he can be on deck.

**Moku Pahu:** Delegate John Duran. Email from the Bosun Teo Rojas indicates Company refused to pay for garbage handling on the dock. The Union produced the 1968 clarification from the *Morgantown Victory* and eventually won the beef: anytime we handle garbage on the dock it is payable at low cargo rate on straight time hours and overtime on overtime hours. Ship expected to make another steel run to Korea.

**Arizona Voyager:** Delegate Jenn Corner. Solid Union crew with Thor Erikson as Bosun. Cleaning tanks before the yard in Mobile. Planning to visit the ship in the last week of October.

**Mississippi Voyager:** Delegate Anton Seraveisear. The Delegate is the supreme on-board interpreter of the Agreement. Nobody is authorized to interpret the Agreement for him—not the Captain, not the C/M, not the Bosun, nor any other seaman. They can disagree with our interpretations, but they cannot tell us what to think about our Agreement.

**President Adams:** Delegate Ramiro Montoya. Made the ship in New York. Carpenter's time for carpenter's work collected after much back and forth with the Company. The primary test for legitimate carpenter work is the use of carpenter's tools under Section 34 of the SUP Work Rules. Baggage claim under investigation.

**APL China:** Delegate William DeBenedictis. Infectious disease scare required the preliminary and secondary testing of some crew as well as the dispatch of additional "insurance" crew to Yokohama. Upon investigation the additional Company precautions to safeguard the health of the crew appears appropriate and are at this time satisfactory to the Union.

**Cape Gibson:** Bosun Danny Foster preparing to go to the shipyard next month. No beefs.

**Cape Jacob:** Delegate Mark Reed. This crew under the direction of serang Sam Scott set a new record for cargo lifts breaking the old record (set in Guam) of 119 lifts in 5.5 hours to 178 lifts in Okinawa in eight hours at a rate of 32 per hour. Not only was it done with speed and safety but it also came after gang successfully disengaged from "quick sling" method of rigging live ordnance. Unilateral policy on email charges over a certain quota stopped until data and context can be presented by the Company to the Union.

**USAV Worthy:** Delegate Doug Olney. Called back crew after three-week layup for missile tracking operations off Kauai. Will probably return to Kwajalein in November or December.

**Foss Maritime Company:** Delegates Mike Worth, Tom Tynan, and Mel Jackson. Investigated safety policy violation, training, and job bid rules as per Section 25.

**San Francisco Bar Pilots:** Delegates Steve Ross and Louie Urbano. Continuous training is required for deckhands. Thanks to all operators who train, evaluate and document.

*Dave Connolly*

**Make sure your current address is on file at Headquarters.**

## AFL-CIO Executive Vice President retires

AFL-CIO Executive Vice President Linda Chavez-Thompson stepped down to return home to San Antonio, Texas, and be with her family, effective September 21, President John Sweeney announced.

Chavez-Thompson is the first person to hold the office of executive vice president and the first person of color to hold one of the top elected offices at the AFL-CIO. She was elected in 1995 after serving in a series of leadership roles in AFSCME and on the AFL-CIO Executive Council.

Though most of her time will be spent with her children and grandchildren, Chavez-Thompson will remain active in the cause of social and economic justice. Under the AFL-CIO Constitution, she will become the AFL-CIO's first executive vice president emerita.

Sweeney said he has asked the AFL-CIO Executive Council to support his recommendation of Arlene Holt-Baker, who currently serves as assistant to the president, to fill the remainder of Chavez-Thompson's term. Holt-Baker, who has more than 30 years of experience in the labor movement, came to the federation in 1995 as the executive assistant to Chavez-Thompson. At the AFL-CIO, Holt-Baker led the efforts to mobilize a labor movement response to Hurricane Katrina in 2005. In 2004, she was executive director of Voices for Working Families, a 527 organization that mobilized working people around core economic issues.

# SUP Branch Reports

## Seattle

September 17, 2007

Shipping for the period: 6 Able Seaman jobs shipped: 4 A-cards to steady jobs, 1 relief filled with an A-card and 1 steady to a B member; 12 standbys filled by 8 A, 1 B and 3 C members for a total of 18 jobs shipped.

Registration for the period: 7 A cards for a total of 24; 7 B cards for a total of 26; 2 C cards for a total of 5.

### Ships Checked

President Polk called in New York with Brendan Bohannon as the deck delegate and Dan Gabaree as the Boatswain; the delegate reported a good trip on the new run. President Jackson in New York after shuttling in Far East. Big turnover in crew with top man paying off with 940 hours of overtime; very happy ship. Matson ships *Manoa* and *Kauai* in twice and running smoothly.

Along with the ILWU, the King County Labor Council and the King County Building Trades; we joined several maritime industry leaders in the Mayor's office to hear the Port of Seattle's plans for their Interbay area in North Elliot Bay (Piers 90 and 91). The Port of Seattle wants to develop this property and all of us in the room vigorously opposed this. The Mayor's office is now responsive to labors direction. Funny what happens in an election year?

I attended the King County Labor Council's Delegates meetings; a meeting on retaining the Alaska Way Viaduct; a meeting with State Senator and co-chair of the Washington State Transportation Committee Ed Murray regarding Industrial Land use; and I represented the SUP at a Department of Homeland Security press conference regarding a pilot program for detection of nuclear devices in ships entering into the Puget Sound.

The SUP stood and marched with the Teamsters Union Local 252 in support of the workers at a National Frozen Foods Corporation plant in Chehalis, Washington. The company's headquarters is in Seattle and is one of the five largest frozen food vegetable processors in the country. The Chehalis plant is a Union represented operation since 1945 employing over 200 workers and a new manager has waged a campaign against these folks seeking dramatic concessions in health care costs and pension contributions. Talks have been at an impasse for quite a while. The march proceeded from Pioneer Square down to Pier 46 where the gate manager on the dock then turned away trucks carrying this company's containers.

Vince O'Halloran, Branch Agent

## Wilmington

September 17, 2007

Shipping: 2 Bosuns, 14 ABs, 3 ABDs, 2 OSs, and 54 standbys for a total 75 jobs.

Registration: 24 Class A, 23 Class B, 6 Class C.

### Ships Checked

*Maunalei, Korea, Lihue, Mahimahi, Thailand, Manukai, Singapore, Manulani, Philippines, Maunawili, China, Matsonia*

Brothers, some things never change. From time to time you will come across a third mate that likes his so-called authority and may be taking out his childhood shortcomings under the protection of his license. Give him time just like a first trip cork fender. If he does not grow out of it, he will be buried by his own actions. Always put safety first.

Some confusion on the *Cape Jacob* when a sailor signs on a ship on the shuttle, he's not the captain or the mate; has the option to stay four or six months (see SUP Shipping Rules, Rule #8). Under no circumstance can this four or six month rule be used to coerce or intimidate a sailor to compromise anything.

Brothers, we need to be able to stand on the quality of our work. Put pride in to your work and be proud to be in the SUP, one of the last of the truly democratically run Unions. Peace be with you,

Yours in struggle

Paul Calais, Branch Agent

## Honolulu

September 17, 2007

During the month of August, dispatched the following: 1 bosun return, 1 ABD, 2 ABD returns, 2 ABW, 2 ABW reliefs and 1 AB maint. filled by 5 A members and 4 B members. Also shipped 50 standby jobs filled by 4 A members, 12 B members, 21 C members and 13 D registrants, for a total of 59 jobs shipped.

During the month of August 2007, registered the following: 9 A members, 6 B members, 5 C members and 1 D registrant. Registration to date: 14 A members, 15 B members, 9 C members, and 2 D registrants for a total of 40 registered.

### Ships Checked

*Mahimahi, Manoa, Manukai, Maui, Matsonia, Lurline, Kauai, Maunalei, Manulani, Lihue and Maunawili.* All with few or no beefs. R.J. Pfeiffer gang flew to China shipyard September 16. *Mahimahi* through Honolulu on way to China yard stay.

Paint & Rigging gang running smooth with Monte Kalama as bosun.

President Lundeberg was in Honolulu for the September 17 Branch meeting. Together we boarded the *m/v Manukai* and talked to the deck gang about the scope of work violation that occurred aboard her when the port lifeboat fall was renewed. At the meeting, Gunnar was made reading clerk and made a concise presentation on the items in the Headquarters minute and later fielded questions from members on other pertinent issues. His visit was much appreciated by the Honolulu gang.

On September 19, attended the Hawaii Ports Maritime Council meeting. Discussions on TWIC issues, the Hawaii Superferry and The Boat, a new commuter ferry service serving West O'ahu. These later vessels are all managed by Hornblower Marine Services.

On September 20, the SUP assisted ILWU Local #142 in a support rally for the 450 workers of the Pacific Beach Hotel facing job loss this December due to managerial change. Good turnout of members, would like to thank all who picketed. Good practice for upcoming contracts. Threw a post picket party at the Aku Bone, good time had by all.

Mike Duvall, Branch Agent

## San Francisco Business Agent

September 9, 2007

Visited and paid off the following ships:

**Kauai**— Greg Schauf, new delegate; Bob Ferguson, new bosun: No disputes, coastwise.

**Manoa**— Randy Runyan, delegate: Coastwise to Honolulu. No disputes; in good shape.

**Maui**— Christopher Cotterman, delegate: Island run; no disputes.

**APL China**— William DeBenedicts, delegate: Voyage pay off. No disputes.

**APL Korea**— Sedek Idris, delegate: Voyage pay off. No disputes. Good crew including top side.

**APL Philippines**— Louis Frazier, delegate; Mick McHenry, bosun: Voyage pay off. Running smoothly; no beefs.

**Washington Voyager**— Ron Gill, delegate; John Svane, bosun: Running a good ship.

Bill Berger

### Attend your Union meetings

## Veterans' Day cruises slated for East Coast World War II merchant marine vessels

Two East Coast-based World War II ships have announced upcoming cruises taking place on Veterans' Day weekend. The *s/s American Victory*, built in 1945, and berthed in Tampa, Florida, is doing its annual Salute to Veterans Cruise taking place on Saturday, November 10. The vessel is the only restored Victory Class merchant cargo vessel on the East Coast and one of only two Victory ships of the original 534 that are still sailing (the other is the *Red Oak Victory* based in Richmond, California.) Special ceremonies will honor America's lost merchant mariners, veterans of all wars and active duty servicemen and women. Those who want to take part in the cruise will witness heart-pounding vintage aircraft flyovers, touching memorial services, great vistas of Tampa Bay and participate in shipboard routines like marking time on the ship's bell and ending Morse Code radio messages around the world. Boarding takes place at 7:30 A.M. that day and wraps up around 5:00 P.M. Departure is from the dock behind the Florida Aquarium, 705 Channelside Drive, Tampa. Parking is available in the Florida Aquarium Parking Lot or Port Authority Parking Garage. Tickets are \$99 each and include continental breakfast, box lunch, entertainment, self-guided ship tours, World War II re-enactor weaponry and uniform demos and much more. Go online at [www.americanyictory.org](http://www.americanyictory.org) for more information or call (813) 228-8766.

The *s/s John W. Brown* will also honor veterans on Saturday November 10, when she cruises Baltimore Harbor during her annual Veterans' Day Celebration. The Liberty ship *John Brown* is a 441-foot troop/cargo vessel that made eight missions to Europe during World War II. Recently she returned from a "very successful" three-week voyage up and down the East Coast drawing 12,000 visitors. The nonprofit ship's honored guests will be four former prisoners of war and four Gold Star Mothers who lost sons or daughters in battle. The registration deadline is October 31, 2007.

Passengers make reservation by filling out forms and mailing them to Project Liberty Ship. These applications are located on the PLS Website [www.libertyship.com](http://www.libertyship.com) or by calling PLS at (410) 558-0164 and asking for forms to be mailed to prospective passengers. The completed reservations cost \$20 per person (veteran and one companion). Finished forms and check or money order should be mailed to: Project Liberty Ship, P.O. Box 25846, Highlandtown Station, Baltimore, MD 21224-0546. Checks should be made payable to "Project Liberty Ship." For port security reasons, all reservations must be received by Project Liberty Ship by Wednesday, October 31, 2007. This includes passengers and media.

## Dispatcher's Report

Headquarters—Sept. 2007

<b>Deck</b>	
Bosun .....	5
Carpenter .....	0
MM .....	2
AB .....	4
OS .....	2
Standby .....	11
<b>Total Deck Jobs Shipped .....</b>	<b>24</b>
<b>Total Deck B, C, D Shipped .....</b>	<b>4</b>
<b>Engine/Steward</b>	
QMED .....	0
Pumpman .....	0
Oiler .....	0
Wiper .....	0
Steward .....	0
Cook .....	0
Messman .....	0
<b>Total E&amp;S Jobs Shipped .....</b>	<b>0</b>
<b>Total E&amp;S B, C, D Shipped .....</b>	<b>0</b>
<b>Total Jobs Shipped - All Depts. ...</b>	<b>24</b>
<b>Total B, C, D Shipped-All Depts. ...</b>	<b>4</b>
<b>Total Registered "A" .....</b>	<b>63</b>
<b>Total Registered "B" .....</b>	<b>57</b>
<b>Total Registered "C" .....</b>	<b>6</b>
<b>Total Registered "D" .....</b>	<b>5</b>

## L.A. terminal bosses fined for graft

TransPacific Container Terminal in Los Angeles and two of its executives have been fined \$20,000 for money laundering that involved payments to a city political election.

Frank Pisano and Scott Axelson, vice-presidents, were fined \$4,500 and the company \$15,500 by the city's Ethics Commission for making seven payments from 2003 to 2005, when the terminal operator was re-negotiating its lease with the city. The money went into the campaigns of former Mayor James Hahn, Councilman Tony Cardenas and City Attorney Rocky Delgadillo and actually came from the company, but the two executives were listed as the contributors.

Los Angeles city regulations for political contributions forbid payments being made under a name "other than the name by which they are identified for legal purposes". The ethics commission said in a statement that contributions under assumed names are considered serious violations of the law because they can circumvent the city's campaign contribution limits.