



# West Coast Sailors

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Friday, January 25, 2019

## Practices of Department of Defense contractors skirt U.S. Military Cargo Preference Act to the detriment of the U.S. Merchant Marine

The Military Cargo Preference Act of 1904 is crucial to the survival of the U.S. Merchant Marine. The law provides that only U.S.-flag ships “may be used for the transportation by sea of supplies bought for” the military services, thereby providing an essential base of preference cargo that sustains the private U.S.-flag fleet in times of peace. However, drawdowns in U.S. forces stationed overseas have resulted in a significant decline in the availability of these preference cargoes. Furthermore, the 1994 Federal Acquisition Streamlining Act (FASA), which some claim exempted “commercial items” from the U.S.-flag requirement, inadvertently exacerbated the problem.

Defense agency contracting officials are now allowing Department of Defense subcontractors to use foreign-flag ocean transportation for the shipment of vast amounts of cargo that is clearly identifiable to a Department of Defense contract at the time of shipment. This violation of the intent of the 1904 Military Cargo Preference Act is being justified by the contracting

officials’ interpretation of Department of Defense contracting regulations adopted after the passage of the FASA.

The result has been a destructive erosion of the U.S.-flag national defense sealift fleet that is essential to project U.S. military power overseas. Facing decreased government cargoes, the peacetime commercial viability of these vessels is undermined, vessels are scrapped, and mariner jobs are lost. In 2017, U.S. Transportation Command (TRANSCOM) Commander, General Darren McDew testified: “Without cargo preference, our maritime industry is in jeopardy and our ability to project force is in jeopardy.”<sup>1</sup> Furthermore, General McDew stated “cargo preference laws, because of the impelled cargoes they generate, help maintain U.S.-flag ship capacity and the qualified mariners necessary to crew the U.S. Maritime Administration’s (MarAd) Ready Reserve Force and the Military Sealift Command Surge Fleet,” and “a higher cargo preference requirement may incentivize increased government use of existing U.S.-flag vessels and stem the current decline of the fleet.”<sup>2</sup>

In 1990, there were over 200 U.S.-flag vessels engaged in international commercial trade. Today there are approximately 80, and MarAd has also recently estimated that there is a shortage of approximately 40 ships needed to sustain our warfighters.<sup>3</sup> Since 2012, 26% of the fleet has disappeared.<sup>4</sup> The vessel shortage is only the precursor to an even greater problem – erosion of the U.S. civilian citizen mariner base. MarAd has repeatedly warned that the number of mariners available for sustained sealift operations is at the crisis point. The U.S. Maritime Administrator recently testified: “[T]he mariners themselves.

They are a strategic national asset. That is what allows us to provide national security. If there were any other workforce sector that supported national security, that had experienced a 20% reduction in the number of people, there would be a public outcry. This is a crisis in the making and we’re not talking about it.”<sup>5</sup> As recently as March 2018, MarAd Administrator Rear Admiral Buzby testified before Congress that a shortfall of approximately 1,800-2,000 mariners currently exists for full mobilization of the Merchant Marine, and the problem is getting worse, not better.<sup>6</sup> As one U.S. Navy official testified in 2016, “So what we’ve described is a catastrophe in the making, as the quality of the mariner pool begins to shrink, as the numbers shrink, the people that are going to be on the pointy end delivering Marine Corps and Army equipment are going to be at risk.”<sup>7</sup>

So-called “commercial items,” which are items Department of Defense buys but are commercially available civilian products, have been exempted from some Federal procurement rules to make Federal contracting more appealing to civilian commercial manufacturers. However, some requirements—including cargo preference— have historically been deemed too important to waive even for commercial items.<sup>8</sup> Nevertheless, the FASA loophole discussed above has resulted in many Department of Defense contractors and subcontractors moving Department of Defense commercial items on foreign-flag carriers, accelerating the decline of the U.S.-flag fleet. Over time, the FASA loophole has been creatively interpreted by contractors so expansively that the adverse impact has been magnified and the fleet’s viability undermined exponentially. In particular, subcontractor-furnished com-

mercial item component parts that go into Department of Defense purchases (e.g., steel, nuts, bolts, chairs, beds, flooring, computer screens, and lights installed in a vessel) are shipped on foreign-flag ships by suppliers who have evaded cargo preference for too long using the FASA loophole.

For example, Department of Defense contractors recently hired subcontractors to purchase \$280 million of unassembled cubicles in Asia. The products shipped on foreign-flag vessels because the prime contractor nominally assembled the cubicles in the U.S., and asserted that the unassembled cubicles were commercial items at the time of shipment, with the contractor adding value in the U.S. by assembling the components.

In addition, a recent Department of Defense contract executed by a prime contractor entailed using a foreign subsidiary to purchase dozens of “commercially available” military-grade helicopters manufactured abroad. These helicopters were shipped using a foreign-flag carrier to the U.S. where the prime contractor outfitted the helicopters with communications equipment. This “value added in the U.S.” enabled the prime contractor to avoid using U.S.-flag ships to carry the aircraft, thus diminishing the U.S. merchant marine expertise in shipping helicopters as well as undermining supply-chain integrity.

This type of short-sighted cost cutting undermines national defense sealift capability and threatens to require much larger expenditures by the Department of Defense to ensure reliable U.S.-citizen controlled and operated sealift, if not reversed in the near term.

Additionally, robust cargo preference enforcement bolsters the overall Defense Department supply chain integrity—a critical bulwark against foreign actors’ steady attempts to exploit vul-

nerabilities within the military’s commercial sector and defense industrial base. As state and non-state entities increasingly attempt to impact national security by use of asymmetrical efforts including cyberintrusions and industrial espionage, maximizing use of U.S.-flag carriers—owned, operated, and crewed by U.S. citizens—allows Department of Defense to manage and minimize the cyber threat to supply chain resiliency. Closing the FASA loophole will both shore-up national defense sealift capacity and secure its integrity from foreign influence and cyberattacks, according to the reliable maritime industry sources.

<sup>1</sup>Hearing Before the Subcomms. On Readiness and Seapower and Projection Forces, H. Armed Servs. Comm., 115th Congo (Mar. 30, 2017) (Statement of Gen. Darren McDew, Commander, U.S. Transportation Command) (emphasis added).

<sup>2</sup>Letter from Darren McDew, Commander, U.S. Transportation Command, to Rep. John Garamendi (Feb. 20, 2018)(emphasis added).

<sup>3</sup>Logistics and Sealift Requirement: Hearing Before the Subcomm. On Seapower and Projection Forces, H. Armed Servs. Comm., 115th Congo (March 22, 2016) (Statement of Paul N. Jaenichen, United States Maritime Administrator).

<sup>4</sup>Logistics and Sealift Requirement: Hearing Before the Subcomm. On Seapower and Projection Forces, H. Armed Servs. Comm., 115th Congo (March 22, 2016) (Statement of Paul N. Jaenichen, United States Maritime Administrator); Hearing Before the Subcomm. on Livestock and Foreign Agriculture, H. Agriculture Comm., and Subcomm. on Coast Guard and Maritime Transportation, H. Transp. & Infrastructure Comm., 114th Congo (Nov. 17, 2015) (Statements of Paul N. Jaenichen, United States Maritime Administrator, and David J. Berteau, Assistant Secretary of Defense, logistics and Material Readiness, Department of Defense).

<sup>5</sup>Logistics and Sealift Requirement: Hearing Before the Subcomm. On Seapower and Projection Forces, H. Armed Servs. Comm., 115th Congo (March 22, 2016) (Statement of

continued on page 2

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# DOD contractors skirt U.S. Military Cargo Preference Act

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Paul N. Jaenichen, United States Maritime Administrator) (emphasis added).

<sup>6</sup> Hearing on Mobility and Transportation Command Posture Before the Committee on Armed Forces, Subcomm. on Seapower and Projection Forces and Subcomm. on Readiness, 115th Congo (2018) (statement of U.S. Maritime Administrator Adm. Mark Buzby) (“Because of the historically low number of ships in the U.S.-flag, oceangoing fleet over the past several years, I am concerned about the availability of a sufficient number of qualified mariners with the necessary endorsements to operate large ships (unlimited horsepower and unlimited tonnage) and to sustain a prolonged sealift mobilization beyond the first four to six months .... One of the contributing factors for this projected shortfall is the declining pool of U.S.-flag ships that employ these mariners.”)

<sup>7</sup> Logistics and Sealift Requirement: Hearing Before the Subcomm. On Seapower and Projection Forces, H. Armed Servs. Comm. 115th Congo (March 22, 2016) (Statement of Scott Delisio, Strategic Mobility / Combat logistics Division, U.S. Navy) (emphasis added). See also Hearing Before the Subcomms. On Readiness and Seapower and Projection Forces, H. Armed Servs. Comm., 115th Congo (Mar. 30, 2017) (Statement of Gen. Darren McDew, Commander, U.S. Transportation Command) (“The mariner force we have today is insufficient to - to go to war for an extended period of time .... I think the first [limiting factor] we’ll have is the mariners will fall short of the mariners. So 11,280 by merit, is what we need. But that has some assumptions that all of those mariners will be available right when we need them. I’m not sure that’s an assumption we can \_ we can hold to.”); Hearing Before the Subcomm. on Readiness, H. Armed Servs. Comm., 115th Congo (Mar. 15, 2016) (Statement of Gen. Darren McDew, Commander, U.S. Transportation Command) (“On the mariners-without the mariners we don’t have the capability.”)

<sup>8</sup> See, e.g., Federal Acquisition Regulation 52.215-5(b)(i)(xx). Additionally, the Government office that sets overall Federal contracting policy, the Office of Federal Procurement Policy (OFPP), has determined that the 1904 Act should not be waived routinely for the acquisition of commercial items for the commonsense reason that doing so is not in the best interests of the Government. Federal Acquisition Regulation; FAR Case 2000-305, Commercially Available Off-the-Shelf (COTS) Items, 74 Fed. Reg. 2713 (Jan. 15, 2009).

# Two missing after workboat accident on Mississippi

Two crewmembers from the spill response vessel *Louisiana Responder* are missing after a small boat accident on the Mississippi River near Bootheville, Louisiana.

On the morning of January 18, a 32-foot launch from the *Responder* was towing a boom when it capsized, with the two crew going overboard. The vessel subsequently sank. The crewmembers –identified as Katelyn Carlisle and Rueben Arellano– remain missing.

Boat and helicopter crews from the U.S. Coast Guard, Louisiana Wildlife and Fisheries, the Branch Pilots and the local

sheriff’s office conducted a search for 27 hours. The Coast Guard suspended its search operation after covering about 130 square nautical miles of territory.

“Suspending our search is never an easy decision to make,” said Commander Michael Wolfe. “The Coast Guard, along with local and state responders, spared no efforts over the past day, but unfortunately we did not locate the missing individuals. Our prayers and condolences are with the families of the missing individuals.”



## A look astern . . .

### 70 years ago—West Coast Sailors—May 1948 What Makes Them Tick?

More puzzling than Einstein’s theory on relativity is the mate that insists on doing sailors’ work. What makes them that way?

We don’t know about the hereafter, but there certainly is no earthly reward for the mate who insists on scabbing on the sailors. His organization, the Masters, Mates and Pilots, has a standing \$50 fine for those characters who insist on doing our work. His employer’s representatives, the Pacific American Shipowners Association, have repeatedly sent out letters instructing their officers not to do sailors’ work.

That’s what makes everything so puzzling. What do these characters gain by finking on the sailors? First of all, they lose the respect of the men who are working under them. Secondly, they receive a fine and black eye, in their own organization, the Masters, Mates and Pilots. Last but not least, their employers, instead of hanging a medal on them “for actions above and beyond the call of duty,” will eventually tie the can to them for being a constant source of irritation and making relationship between the employers and Sailors’ Union more difficult.

Because of the good relationship between the Masters, Mates and Pilots and our organization, we have more or less left it up to them to discipline their own members. However, the instances of mates doing sailors’ work have become increasingly more flagrant. Inasmuch as neither their organization nor their employers seem to have any influence over these animals, we will have to take our own action to protect our work.

The sad part about these characters who insist on doing our work, when they drop their paint brushes, or whatever tools they happen to be finking with, they are very quick to notify you they are “officers and gentlemen” and demand to be treated as such.

In our books, anyone who is not a member of the Sailors’ Union and who does sailors’ work is a scab and is to be treated as such. For those mates who insist on doing our work, we have only one answer. We intend to keep the pressure on your employer, on every instance of your violation, until he ties the can to you. Then you can go digging ditches or the like, and get all the manual labor you want.

## Final Departures

**Clarence Crabbe**, Book #3673. Born in Hawai’i in 1921. Joined SUP in 1944. Died in Hawai’i, December 8, 2018. (Pensioner)

**Michael Soper**, Book #7520. Born in Hawai’i in 1949. Joined SUP in 1999. Died in Hawai’i, November 29, 2018. (Active)

**Edward Rey, Jr.**, Book #3161. Born in Minnesota in 1937. Joined SUP in 1966. Died in Nevada, December 7, 2018. (Pensioner)

## SUP Meetings

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

	Hdqtrs.	Branch
February	11	Tues. 19
March	11	18
April	8	15
May	13	20
June	10	17
July	8	15
August	12	19
September	9	16
October	Tues 15	21
November	Tues 12	18
December	9	16

## West Coast Sailors

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# U.S. hasn't finalized National Maritime Strategy to address challenges to U.S.-flag fleet

The U.S. Department of Transportation is yet to finalize national maritime strategies that were called for in two separate mandates by Congress in 2014, delaying providing decision-makers the information they needed to address challenges facing the U.S.-flag fleet, the Government Accountability Office (GAO) said in a report.

The strategy, which was originally due to be completed in 2015, is intended to address how to make U.S.-flag vessels more competitive in the international market, as well as how to ensure the long-term viability of U.S.-flag vessels and U.S.-citizen mariners.

The Department of Defense (DOD) counts on U.S.-citizen mariners that work on U.S.-flag vessels to crew the government-owned reserve fleet during a crisis or military activation.

In an August 2018 report, GAO concluded that by not completing the strategy or establishing a timeline for completing it, the Department of Transportation (DOT) had delayed providing decision-makers the necessary information to address challenges facing the U.S.-flag fleet, and recommended that the DOT expeditiously finalize the mandated report.

Subsequently, with the passage of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Congress extended the deadline for the strategy to February 2020, which DOT have indicated they will be able to meet.

**Stakeholders GAO spoke with for its August 2018 report identified two primary challenges to ensuring that the U.S.-flag fleet would continue to meet DOD's national defense needs.**

**The first challenge identified by the GAO is maintaining the financial viability of the U.S.-flag fleet, which is threatened by the increasingly**

**higher costs of operating U.S. vessels compared to foreign-flag vessels and a decrease in government cargo being shipped internationally. The second challenge is the potential shortage of U.S. citizen mariners available to support defense needs, in part due to the declining numbers of U.S.-flag vessels that employ these mariners.**

According to the GAO, DOT officials have identified some options that address these challenges, but the GAO says DOT officials are not ready to assess their feasibility or formally propose these options.

For example, to address the challenge of maintaining the financial viability of U.S.-flag vessels, DOT has identified options such as changing regulations to decrease the costs of bringing a ship under the U.S. flag and requiring that certain energy export commodities, such as oil or liquefied natural gas, be carried on U.S.-flag vessels.

Additionally, in order to address the potential shortage of U.S.-citizen mariners, the DOT convened a working group to determine how many mariners would be needed to meet defense needs. The working group estimated a shortage of over 1,800 U.S.-citizen mariners in the event of a sustained military activation, although it also recommended data improvements to increase the accuracy of the count of available mariners.

The working group further identified two actions that could help increase the number of U.S.-citizen mariners, including developing a reserve program to identify and support qualified mariners willing to sail to support defense needs during an emergency, as well as expanding programs and requirements that support U.S.-citizen mariners, such as requirements that government agencies must ship certain cargo on U.S. flag vessels.

## Congressman John Garamendi introduces the Merchant Mariners of World War II Congressional Gold Medal Act of 2019

On January 15, Congressman John Garamendi (D-California), introduced the Merchant Mariners of World War II Congressional Gold Medal Act with Representatives Don Young (R-Alaska) and Susan Brooks (R-Indiana) joining as original cosponsors. This legislation would award a Congressional Gold Medal, one of the highest honors in the United States, to Merchant Mariners who sustained our armed forces during World War II.

"Throughout the Second World War, our armed forces relied on the Merchant Marine to ferry supplies, cargo and personnel into both theaters of operation, and they paid a heavy price in service to their country," said Garamendi. "The Merchant Marine suffered the highest per capita casualty rate in the U.S. Armed Forces during World War II. An estimated 8,300 mariners lost their lives, and another 12,000 were wounded, to make sure our servicemembers could keep fighting. Yet, these Mariners who put their lives on the line were not even given veteran status until 1988."

"Last year, I got the chance to meet with three World War II Merchant Mariners: Charles Mills of Texas, age 97; Eugene Barner from Kansas, age 92; and Robert Weagant from Illinois, age 92. These mariners put their lives on the line for this country, braving German and Japanese submarines in their Liberty Ships as they delivered critical supplies to our servicemembers in the European and Pacific theaters. Unfortunately, their sacrifice is commonly overlooked. A Congressional Gold Medal would give them the recognition they deserve, and that's why I've introduced this bill: to give these veterans and their families the honor and respect they are owed."

The Merchant Mariners of World War II Congressional Gold Medal Act was introduced in the Senate simultaneously by Senator Lisa Murkowski (R-Alaska).

The bill is currently awaiting action by the House Financial Services Committee.



SUP gang in the APL Saipan from the left: Bosun Manny Rezada, deck delegate Filemu Pule Unutoa, Pims Orosz, Tara Quinn, and Bruce Lepule. Not in the photo Sale Ugaitafa.

## California ports post record container volumes in 2018

### Los Angeles

Container throughput at the Port of Los Angeles rose to a record 9.45 million TEUs in 2018, solidifying Los Angeles' spot as the Western Hemisphere's top port for containerized cargo.

In total, the Port tallied 9,458,749 Twenty-Foot Equivalent Units (TEUs) during 2018, up 1.2% more than 2017's record-breaking year. The year marked the third consecutive year of record volumes, setting a new record for the most cargo moved annually by a Western Hemisphere port.

"Los Angeles is open for business and engaged with the world, and now, we have another record year at the Port of Los Angeles to show for it," said Mayor Eric Garcetti. "Our port helps make Los Angeles a global hub for commerce, and it continues to drive our economy forward by creating jobs and expanding opportunity across the city."

At least part of the growth can be attributed to the United States' trade war with China, as retail and businesses stocked up on inventory ahead of tariffs imposed by the Trump Administration.

"2018 was marked by a robust economy coupled with tariff-induced surges of cargo headed to U.S. retail and manufacturing sectors," said Port of Los Angeles Executive Director Gene Seroka. "These extraordinary volumes highlight the need for continued stakeholder collaboration on methods to maximize supply chain efficiency."

In December, the port processed 903,258 TEUs, the busiest December in the Port's 111-year history and a 15.9% jump compared to the previous year. It was the sixth consecutive month of volumes exceeding 800,000 TEUs.

### Long Beach

Cargo volume continued to rise at the Port of Long Beach in November, setting the stage for a second consecutive calendar year record.

The port handled 621,835 TEUs of container cargo during the month, a 1.5% increase compared to November 2017. Last month's performance pushed 2018's total TEU count to 7,349,377, making it virtually certain the port will eclipse its record of 7,544,507 TEUs set last year. For the year-to-date, volumes have risen 7.3%.

Imports continued to outpace goods shipped overseas, Inbound cargo hit 319,877 TEUs, an increase of 0.2%, while exports shrank 8.4% to 115,774 TEUs. Empties returned to Asia swelled 11.4% to 186,183 TEUs.

### Oakland

The Port of Oakland announced this month that its container volume reached an all-time high in 2018, handling the equivalent of 2.55 million TEUs during the calendar year.

That figure was up 5.2% from 2017 volume and represented the second consecutive year of record volume at the Port of Oakland.

According to figures published by the port, 2018 import cargo volume increased 5% while exports declined 3.5%. The volume of empty containers returned to origin destinations for future import loads increased 19.7%

The port said multiple influences were at work in 2018 shaping cargo flows, including a China-U.S. trade dispute that prompted shippers to accelerate import orders ahead of anticipated tariffs; a strong dollar that made U.S. exports costlier overseas; and a buildup of empty containers in the U.S. that required repositioning to Asia because of the import surge.

# In Memoriam

## Final Departures of SUP members reported in 2018

**Charles Andrade**, Book No. 3187. Born in Hawai'i in 1918. Joined SUP in 1939. Died in San Francisco, California, August 20, 2018. (Pensioner)

**Wilfredo Angala**, Book No. 19424. Born in the Philippines in 1964. Joined SUP in 2014. Died on September 23, 2018. (Active).

**Kianoosh Barkhordar**, Book No. 5754. Born in Iran in 1946. Joined SUP in 1994. Died in California, December 17, 2017. (Pensioner)

**Gilbert Bio**, Book No. 19495. Born in the Philippines in 1963. Joined SUP in 2015. Died in Diego Garcia aboard the *USNS Watkins*, May 27, 2018.

**Michael Bogdonoff**, Book No. 5275. Born in California in 1923. Joined SUP in 1944. Died on March 14, 2018. (Pensioner)

**George Braid**, Book No. 5603. Born in Ohio in 1927. Joined SUP in 1952. Died in Columbus, Ohio, January 16, 2018. (Pensioner)

**Richard C. Cychowski**, Book No. 4724. Born in Pennsylvania in 1927. Joined SUP in 1953. Died in Pennsylvania, October 31, 2017. (Pensioner)

**Gene Davis**, Book No. 2718. Born in Washington in 1926. Joined SUP in 1966. Died in Seattle, Washington, February 8, 2018. (Pensioner)

**Barry Fisher**, Book No. 1944. Born in California in 1926. Joined SUP in 1945. Died in Long Beach, California, February 12, 2018. (Pensioner)

**James Flaherty**, Book No. 1991. Born in California in 1925. Joined SUP in 1945. Died in Concord, California, January 11, 2018. (Pensioner)

**Robert Gall**, Book No. 2917. Born in Wisconsin in 1925. Joined SUP in 1944. Died in Heber City, Utah, December 17, 2017. (Pensioner)

**Donald Gossett**, Book No. 2874. Born in 1921 in Washington. Joined SUP in 1947. Died in Bellevue, Washington, April 9, 2018. (Pensioner)

**Rex Harper**, Book No. 5808. Born in California in 1929. Joined SUP in 1967. Died in Boulder City, Nevada, May 16, 2018. (Pensioner)

**Sedek Idris**, Book No. 882. Born in Malaya in 1933. Joined SUP in 1968. Died June 18, 2018. (Pensioner)

**Anthony J. Ingegneri, Jr.**, Book No. 365. Born in Massachusetts in 1925. Joined SUP in 1943. Died on March 28, 2018. (Pensioner)

**Romero Jalomo**, Book No. 4290. Born in California in 1929. Joined SUP in 1957. Died in California, March 19, 2018. (Pensioner)

**Tonci Jaram**, Book No. 19323. Born in Croatia in 1959. Joined SUP in 2010. Died in Colton, California, November 17, 2017. (Active)

**Torgeir Kateraas**, Book No. 3017. Born in Norway in 1925. Joined SUP in 1948. Died July 19, 2018. (Pensioner)

**Garlan Kennedy**, Book No. 3131. Born in North Dakota in 1935. Joined SUP in 1957. Died in Vancouver, Washington, May 11, 2108. (Pensioner)

**Melvin Kessler**, Book No. 3049. Born in Minnesota in 1928. Joined SUP in 1953. Died on February 9, 2018. (Pensioner)

**Jacob Kipperberg**, Book No. 2975. Born in 1923. Joined SUP in 1946. Died in Everett, Washington, April 4, 2018. (Pensioner)

**Alberto T. Laurel**, Book No. 4109. Born in California in 1941. Joined SUP in 1967. Died November 15, 2018. (Pensioner)

**William Scott**, Book No. 7151. Born in Missouri in 1922. Joined SUP in 1946. Died September 15, 2018. (Pensioner)

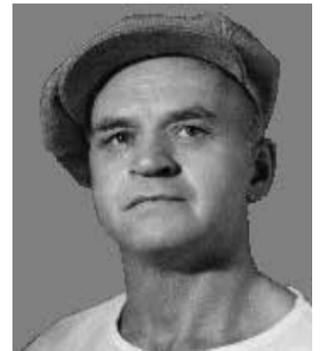
**Eugene Souza**, Book No. 7098. Born in California in 1928. Joined SUP in 1944. Died in Tulare, California, December 29, 2017. (Pensioner)

**Donald Steffens**, Book No. 7380. Born in Colorado in 1928. Joined SUP in 1951. Died on February 9, 2018. (Pensioner)

**Richard Walsh**, Book No. 3426. Born in Massachusetts in 1927. Joined SUP in 1947. Died in Scarborough, Maine, March 19, 2018. (Pensioner)

**Roy Yates**, Book No. 206. Born in Arkansas in 1923. Joined SUP in 1948. Died in Stockton, California, August 15, 2018. (Pensioner)

### Lest We Forget



**HARRY LUNDEBERG**  
MARCH 25, 1901-JANUARY 28, 1957

## Tanker explodes off Hong Kong

The Vietnamese product tanker *Aulac Fortune* exploded and caught fire off Lamma Island, Hong Kong on January 7, killing at least one crewmember and injuring four.

The *Aulac Fortune* arrived on the morning of the 7th in Hong Kong for a bunkering stop after delivering a cargo of gasoline in Dongguan, China. The explosion occurred at 1130 hours at a position about one nautical mile to the south of Lemma Island, an outlying residential district of the city. Multiple cargo tanks were affected, including serious damage to a tank just forward of the house. Residents reported that the blast was forceful enough to rattle windows on several nearby islands.

The crew abandoned ship, and Hong Kong first responders rescued 23 survivors, including four injured crewmembers who were hospitalized. One crewmember is confirmed dead, and an additional two remain missing. Three fireboats, one dive boat, one helicopter, a police response vessel, 14 ambulances and about 140 fire and rescue personnel were involved in the casualty response.

The *Aulac Fortune* took on a 30 degree list after the blast, but was not believed to be in danger of capsizing. Salvors towed her to another location for an assessment and repairs, after the vessel cooled.

The root cause of the casualty is still under investigation.

## U.S. Army to divest a majority of its watercraft and maritime capability

U.S. Army Maritime capabilities will be radically reduced this year as the service deactivates and divests itself of numerous vessels, watercraft equipment, watercraft systems, Soldiers, and Units. At least 18 of its 35 Landing Craft Utility (LCU) will be sold off or transferred to the Defense Reutilization and Marketing Office. Landing Craft Utility (LCU), a versatile 174-foot landing craft capable of carrying 500 tons of cargo, personnel and containers, is the workhorse of the Army Watercraft field.

Joint Logistics Over the Shore (JLOTS), a combined service capability to ensure U.S. military units are able to offload personnel, supplies, equipment, fuel, and water in austere environments, depends heavily on Army LCUs and the U.S. Army's Watercraft command and control capability. Army Harbormasters, LSVs, LTs, LCMS, and its dedicated Watercraft Soldiers, specifically trained as mariners, are essential to the functioning of JLOTS for both military and humanitarian missions.

Eight Army Reserve Watercraft Units and their civilian maintenance facilities are listed for closing. These units represent hundreds of Active Reserve, TPU (Reserve), and Civilians. These units presently support, train, and deploy Army Watercraft Soldiers throughout the world, and maintain dozens of watercraft, from 70-foot Small Tugs to 315-foot LSVs and Barge Derrick Cranes.

As stated in the Army's memo initiating this decision, "Army Watercraft Transformation Through Divestment of Capability and Force Structure by Inactivation of Units", the intent is to "eliminate all United States Army Reserve and National Guard Bureau AWS (Army Watercraft Systems) capabilities and/or supporting structure."

There appears to be no discussion on how the U.S. Army plans to support their present maritime operations, and possible future commitments while eliminating nearly 80% of its present force, which resides in the U.S. Army Reserve. Soldiers who are now in the maritime field, and who have spent their careers training to be Army Mariners, will be "assessed into units where they can best serve the needs of the Army Reserve while also being gainfully employed".

Army officials are also removing watercraft positions within the assignment system, to ensure soldiers in the future cannot be assigned to maritime duties, indicating there is no plan by the Army to reconsider their actions, or bring back a watercraft capability should the world situation change. A final line in the Army's plan to eliminate watercraft is the instruction: "Remove all markings prior to turning in systems and vessels." A sad ending to a capability, which has existed since World War I.

Our questions include asking how the Army now plans to respond to military and humanitarian aid in remote and austere locations, where ports and harbor infrastructure do not exist?

## U.S. Navy: No more bread-and-water punishment

Changes to the U.S. Navy's Uniform Code of Military Justice from January 1, will mean that sailors can no longer be fed bread and water as a non-judicial punishment for minor offenses on board.

*The New York Times* notes that, in its current form, the practice is limited to a maximum of three days, but in years gone by, it could have been up to 30 days and was used as a more "humane" punishment than flogging.

Congress outlawed flogging in 1862, but naval commanders could still call for a sailor to be shackled while on bread and water rations. In 1909, the 30-day limit was reduced to seven days, and the option of shackles was banned. By the 1980s, reports *The New York Times*, a medical examination was required before the sentence could be imposed. Sailors are also allowed three unlimited servings of bread each day.

The punishment, although contro-

versial, has been used in recent times. Under the command of Captain Adam M. Aycock, several sailors on board the *USS Shiloh* reportedly received the punishment in 2015 and 2016 for offenses that included curfew violations and underage drinking. The ship became known informally as the *USS Bread and Water*.

The U.S. Navy and Coast Guard call non-judicial punishment captain's mast or admiral's mast – from the days when it could involve being tied to the mast and flogged. The term mast can also refer to when a commanding officer makes themselves available to hear complaints or requests from the crew. Traditionally, on a naval vessel, the captain would stand at the main mast of that vessel when holding mast. The crew, who by custom did not speak to the captain, could do so at these times. In modern times, a meritorious mast refers to the commanding officer praising a member of the crew.

# Oceans warming faster than predicted, scientists say

The oceans are warming faster than previously estimated, setting a new temperature record in 2018 in a trend that is damaging marine life, scientists said this month.

New measurements, aided by an international network of 3,900 floats deployed in the oceans since 2000, showed more warming since 1971 than calculated by the latest U.N. assessment of climate change in 2013, they said. And “observational records of ocean heat content show that ocean warming is accelerating,” the authors in China and the United States wrote in the journal *Science* of ocean waters down to 2,000 meters (6,600 feet).

Man-made greenhouse gas emissions are warming the atmosphere, according to the overwhelming majority of climate scientists, and a large part of the heat gets absorbed by the oceans. That in turn is forcing fish to flee to cooler waters.

“Global warming is here, and has major consequences already. There is no doubt, none!,” the authors wrote in a statement.

Almost 200 nations plan to phase out fossil fuels this century under the 2015 Paris climate agreement to limit warming. U.S. President Donald Trump, who wants to promote U.S. fossil fuels, plans to pull out of the pact in 2020.

Data due for publication will show “2018 was the warmest year on record for the global ocean, surpassing 2017,” said lead author Lijing Cheng, of the Institute of Atmospheric Physics at the Chinese Academy of Sciences. He told *Reuters* that records for ocean warming had been broken almost yearly since 2000.

Overall, temperatures in the ocean down to 2,000 meters rose about 0.1 degree Celsius (0.18F) from 1971-2010, he said. The 2013 U.N. assessment estimated slower rates of heat uptake but did not give a single comparable number.

A separate study this month, by the European Union’s Copernicus Climate Change Service, said 2018 was the fourth warmest year for global surface temperatures in records dating back to the 19th century.

Ocean temperatures are less influenced by year-to-year variations in the weather. It can take more than 1,000 years for deep ocean temperatures to adjust to changes at the surface.

“The deep ocean reflects the climate of the deep and uncertain past,” Kevin Trenberth, of the U.S. National Center for Atmospheric Research and a co-author of the study said.

# Oakland reports more ships than ever plugging into grid

Port of Oakland officials said more ships than ever are switching to landside electricity at the port to curb emissions.

The port said this month that 75% of all ships visiting Oakland in 2018 used shore power. That was up from 68% the year before.

The port said 1,543 ships tied up in Oakland last year. Of those, 1,157 plugged into the landside grid to power onboard systems. The upshot, according to the port, is that vessels could turn off auxiliary diesel engines and eliminate tons of diesel exhaust.

Shore power use reached an all-time high of 82% in December, the port said, adding that it is working with ocean carriers to increase plug-ins even more. California mandates that shipping lines employ shore power at its six largest ports, including Oakland, but not all carriers have achieved the required level of usage yet.

“Shore power is the most effective way we know to reduce vessel emissions,” said Port of Oakland environmental planner Catherine Mukai.

# Pirates kidnap mariners off Africa

Mediterranean Shipping Company (MSC) has confirmed a successful pirate attack on the sub-Panamax container ship *MSC Mandy* off the coast of Cotonou, Benin.

The 2,700 TEU *Mandy* was underway in the Gulf of Guinea on January 2, when she was attacked and boarded at a position about 55 nautical miles offshore. Six crew members have been reported missing.

According to MSC, the vessel was quickly secured after the attack, and the safety of the other seafarers on board has been assured. The *Mandy* diverted to an anchorage off Lagos, Nigeria after the incident.

The attack was first reported by the Maritime Domain Awareness for Trade – Gulf of Guinea (MDAT-GoG), a NATO partnership operated by the French and British navies. MDAT-GoG collects daily voluntary reports from vessels under way in the Gulf of Guinea, an area with high piracy risk.

Maritime piracy, particularly kidnapping, is a serious concern in the Gulf of Guinea. According to Oceans Beyond Piracy, 100 seafarers were kidnapped in the waters off the Gulf of Guinea in 2017, and EOS Risk Group counted 35 more in the first half of 2018 alone. Last month, the IMB ICC piracy reporting center was informed of one attempted attack on a chemical tanker and one successful boarding of an OSV underway, both off Nigeria. Millions of dollars have been spent on additional maritime security measures for the region, but local authorities have had only limited success in interdicting and foiling attacks.

In a concerning trend, the reach of Nigerian pirates has expanded from the historic center of activity off the Niger River Delta to include waters off Benin and Ghana, well to the west. Despite this expansion, most attacks are still concentrated in the vicinity of the petroleum hub of Bonny Island, with pirates searching out vessel targets as far as 100 nautical miles from shore.



SUP standby gang Bosun Noel Itsumaru, at the top of the gangway aboard Matson's new Aloha-Class container ship *Daniel K. Inouye* in Oakland this month.

# Shifting north magnetic pole forces unprecedented navigation fix

Rapid shifts in the Earth's north magnetic pole are forcing researchers to make an unprecedented early update to a model that helps navigation by ships, planes and submarines in the Arctic, scientists said.

Compass needles point towards the north magnetic pole, a point which has crept unpredictably from the coast of northern Canada a century ago to the middle of the Arctic Ocean, moving towards Russia.

“It's moving at about 30 miles a year. It didn't move much between 1900 and 1980 but it's really accelerated in the past 40 years,” Ciaran Beggan, of the British Geological Survey (BGS) in Edinburgh, told *Reuters* this month.

A five-year update of a World Magnetic Model was due in 2020 but the U.S. military requested an unprecedented early review, he said. The BGS runs the model

with the U.S. National Oceanic and Atmospheric Administration.

Beggan said the moving pole affected navigation, mainly in the Arctic Ocean north of Canada. NATO and the U.S. and British militaries are among those using the magnetic model, as well as civilian navigation.

The wandering pole is driven by unpredictable changes in liquid iron deep inside the Earth. An update will be released on January 30, the journal *Nature* said, delayed from January 15, because of the U.S. government shutdown.

“The fact that the pole is going fast makes this region more prone to large errors,” Arnaud Chulliat, a geomagnetist at the University of Colorado Boulder and NOAA's National Centers for Environmental Information, told *Nature*.

# U.S. high court rules against forced arbitration in Calif. port trucker case

In a decision that could have a broad impact on trucking companies contracting with owner-operators, the U.S. Supreme Court decided this month that motor carrier New Prime cannot force a driver suing the company into arbitration, upholding an appeals court decision that allowed the plaintiff to pursue wage and worker classification claims in federal court.

That could lead trucking companies to reconsider language in their contracts, or how they contract independents. The decision may also affect other disputes over whether drivers are correctly classified as owner-operators or actually are employees. Drivers and groups seeking to represent them may find it easier to take such cases to court as a result of the ruling.

The Supreme Court didn't rule on Dominic Oliveira's complaint that New Prime, which does business as Prime, treats independent contractors as employees and fails to pay the statutorily due minimum wage. The high court's decision focused only on whether Oliveira would have to pursue those claims through arbitration or would have access to the courts.

The Supreme Court justices ruled 8-0 in favor of Oliveira and against New Prime, deciding that exemption language in the Federal Arbitration Act that covers “seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce,” covers owner-op-

erators, while independent contractors still have a “contract of employment” with motor carriers.

The decision holds that a trial court should determine whether the arbitration law's exclusion for disputes involving the “contracts of employment” of certain transportation workers applies to a case before ordering parties into arbitration. The ruling effectively overrides mandatory arbitration clauses commonly found in motor carrier contracts with owner-operators.

**The potential impact wasn't lost on the International Brotherhood of Teamsters. “This is a great victory for all workers in the transportation industry, including employees, legitimate independent contractors, and drivers misclassified as independent contractors who are suffering egregious wage theft,” Fred Potter, Vice President at large and Director of the Teamsters Port Division, said in a statement on January 15.**

The ruling “makes it clear that employers cannot and should not require drivers to waive their right to their day in court through binding arbitration agreements,” Potter said. The Teamsters are part of a coalition in arguing port drayage drivers have been misclassified as independent contractors rather than employees, which prevents their organization as Union members.

# Worldwide piracy increased last year

Maritime piracy increased across the globe in 2018, especially in West Africa as attacks against ships and crews continue to pose danger to seafarers, the International Chamber of Commerce's International Maritime Bureau's (IMB) said in its latest annual piracy report.

Worldwide, the IMB Piracy Reporting Center (PRC) recorded 201 incidents of maritime piracy and armed robbery in 2018, up from 180 in 2017.

The Gulf of Guinea remains increasingly dangerous for seafarers, the IMB said.

Reports of attacks in waters between the Ivory Coast and the Democratic Republic of Congo more than doubled in 2018, accounting for all six hijackings worldwide, 13 of the 18 ships fired upon, 130 of the 141 hostages taken globally, and 78 of 83 seafarers kidnapped for ransom.

In the last quarter of 2018, the region saw a significant new spike in violence. The IMB said vessels have been boarded by pirates well outside territorial waters, with crew kidnapped and taken into Nigeria where they are held for ransom.

"There is an urgent need for increased cooperation and sharing of intelligence between the Gulf of Guinea's littoral states so that effective action can be taken against pirates, both at sea and on-shore where their operations originate and end," an IMB spokesman said. "There has been some improvement in the estimated number of unreported attacks in 2018 but at around 48% there is still a long way to go."

## Nigeria

In the last three months of 2018, 41 kidnappings were recorded in waters off Nigeria alone. On October 27, 2018, 11 crew were kidnapped from a container vessel 70 nautical miles off Bonny Island, Nigeria. Two days later, Nigerian pirates in a speedboat hijacked a tanker underway 100 nautical miles off Point Noire, Congo. Eight of the 18 crew were kidnapped. These are just two recent examples of how armed criminals are reaching further out to sea and targeting a wider variety of ships: bulk carriers, container vessels and general cargo vessels in addition to local attacks on tankers, oil industry support vessels and fishing vessels.

## Somalia

Although no ships were hijacked in the region in 2018, pirates fired upon a suezmax tanker and product tanker in the Gulf of Aden, as well as a capesize bulk carrier more than three hundred miles from the Somali coastline. As a result, the IMB continues to urge masters to maintain high levels of vigilance when transiting these waters and to follow the latest BMP recommendations. This also highlights the requirement for the continued presence of the European Union and international navies around the Horn of Africa.

## Indonesia

Patrols by the Indonesia Marine Police have seen the number of incidents drop for the third successive year. The majority of the 36 Indonesian reports were low level opportunistic thefts, however, six crew were taken hostage and threatened, indicating the need to be vigilant, the IMB said.

## Malaysia

Attacks off Sabah, eastern Malaysia continue to be a cause of concern with five crew from two fishing boats reported as kidnapped. Separately four attackers in a speedboat fired on a tug, and the master was shot in the leg, according to the IMB.

## Philippines

Ten incidents have been reported from the Philippine islands – down from 22 in 2017. Batangas anchorage accounts for five of these. In one attack, suspected militants fired upon a general cargo ship, but prompt action of the crew and the Philippine Coast Guard ensured the vessel's safety, although a crewmember was injured by gunfire. "The alerts broadcast by the PRC on behalf of the Philippine authorities provide valuable information to Masters and Chief Security Officers (CSO), helping deter militant attacks," the IMB stated.

# Cruise passenger may face legal action after jumping overboard

Nick Naydev, a 27-year-old passenger from the Bahamas-flag Royal Caribbean cruise ship *Symphony of the Seas*, has been banned from the line's fleet for life after jumping off his 11th-deck balcony into the sea. The stunt was captured on video and posted to Instagram on January 11, and it has received over 200,000 views.

"This was stupid and reckless behavior, and he and his companions have been banned from ever sailing with us again," said Royal Caribbean in a statement to media. "We are exploring legal action."

Naydev estimated the height of the drop at about 100 feet, but he emerged largely unharmed, except for several days of difficulty walking. The *Symphony* was moored at Nassau, and Naydev was quickly pulled from the water by a passing boat.

Once Naydev was safely ashore, the ship's security staff told him that he would have to find his own way home. They removed his friends from the vessel as well.

"I did not think this through before I jumped. My idea was this would be a good laugh for my friends and I would just swim back to shore and continue my vacation and never thought this would be this serious," he said in a social media post. "Local police . . . were called in to pick us up from the ship, but fortunately the police thought the whole situation was amusing and did not proceed to file any legal actions."

On the same day that Naydev posted the video, a teenage passenger from the Royal Caribbean vessel *Harmony of the Seas* died after falling from the ship onto the pier at Labadee, Haiti. The victim, 16-year-old Laurent Mercer, fell while attempting to climb between two balconies; he did not have his room card, and he was trying to get in via the adjoining cabin, according to the local medical examiner.

According to researcher Ross Klein of the Memorial University of Newfoundland, about 314 people have gone over the side in cruise / ferry man-overboard incidents since 2000, based on published reports for major operators. The rescue rate averaged about 17%.

# Ocean alliance to revise global shipping network

Members of the OCEAN Alliance - a space sharing agreement between liner carriers CMA CGM, Evergreen Line, COSCO Shipping and Orient Overseas Container Line (OOCL) - have agreed to extend their cooperation through 2027 while announcing revisions to the network that will take effect in April 2019.

When the OCEAN Alliance was formed in 2017, its members said it would have a five year-life, with an option for a five-year extension. CMA CGM said the decision at a meeting in Hainan, China this month to confirm the 10-year duration of the partnership "reflects the trust and high-quality working relationship" between the members.

Meanwhile, the OCEAN Alliance's revised network taking effect in April will involve the deployment of approximately 330 containerships with a carrying capacity of around 3.8 million TEUs on 38 services. CMA CGM said it will operate 111 of the ships.

Data from BlueWater Reporting's Capacity Report shows the OCEAN Alliance currently deploys 319 containerships with a carrying capacity of around 3.52 million TEUs on 35 services.

CMA CGM referred to the OCEAN Alliance's upcoming revisions to its service network as its "Day 3" product; it called the revisions made in the spring of 2018 the "Day 2" offering.

The OCEAN Alliance's revised network will include:

- 19 services in the TransPacific, with 12 to the West Coast of North America and seven to the East Coast of North America;

- Seven services between Asia and North Europe, one more than today;

- Four services between Asia and the Mediterranean;

- Two TransAtlantic services linking North Europe to the East Coast of the United States and the Gulf of Mexico, with COSCO offering a third TransAtlantic service that will not be part of the Ocean Alliance;

- Four services between Asia and the Middle East; and
- Two services between Asia and ports on the Red Sea.

"This new agreement with our Asian partners will enable us to propose to our customers an unrivaled and competitive service offering. It is a milestone in our development strategy," said Rodolphe Saadé, chairman and chief executive officer of the CMA CGM Group.

## Ready Reserve Force Wage Rates for Matson Navigation Company\* and Patriot Contract Services effective January 27, 2019

*Cape Henry\*, Cape Horn\*, Cape Hudson\*, Admiral William Callaghan, Cape Orlando,  
Cape Taylor, Cape Texas, Cape Trinity, Cape Victory, Cape Vincent*

### Reduced Operating Status (ROS)

Rating	Weekly Wage	Daily Wage	Overtime Rate	Daily Money Purchase Plan
Bosun	\$1,638.72	\$234.10	\$40.11	\$10.51
AB	\$1,246.45	\$178.06	\$34.25	\$10.51
GVA (OS)	\$1,006.37	\$143.76	\$20.47	\$10.51

Weekly wages shall be divided by seven when determining daily wages for unlicensed crew who work less than a full week, provided, however, that no unlicensed crewmember shall be paid less than the weekly wage listed above when employed Monday through Friday and the vessel remains in Reduced Operating Status throughout the subsequent weekend.

The overtime rates specified above shall apply to all work performed in excess of eight (8) hours, Monday through Friday and for all hours worked on Saturdays, Sundays and holidays.

All ratings shall earn two (2) days of vacation leave for each thirty (30) days employed in ROS.

### Full Operating Status (FOS)

Rating	Monthly Wage	Daily Wage	Monthly Supple. Benefit	Overtime Rate	Penalty Time	Daily Money Purchase Plan
Bosun	\$5,281.78	\$176.06	\$2,640.89	\$40.52	\$22.98	\$10.51
AB	\$4,203.56	\$140.12	\$2,101.78	\$34.58	\$17.59	\$10.51
OS	\$2,893.90	\$96.46	\$1,446.95	\$20.67	\$13.94	\$8.65

The overtime rates specified above shall apply to all work performed in excess of eight (8) hours, Monday through Friday and for all hours worked on Saturdays, Sundays and holidays.

## Captain of sunken tanker ordered to pay massive fine for 2002 disaster

In a legal case that has been winding its way through courts in Europe for well over a decade, Captain Apostolos Mangouras was ordered in December by the Supreme Court of Spain to pay billions of euros in damages.

His ship, the Bahamian-flag, single-hulled oil tanker *Prestige*, sank off Spain's northwestern coast in 2002 in a violent storm after authorities in several countries had denied it a port of refuge.

The resulting fuel oil spill affected thousands of miles of coastline in what is considered one of Europe's worst environmental disasters.

Criminal and civil suits against the now 83-year-old captain have continued for almost 20 years.

In 2016, despite testimony that he and the chief engineer had done everything possible to avert the disaster, he was sentenced by Spain's Supreme Court to two years in prison for "recklessness." In last month's decision, the same court ruled that the captain and the insurers of the ship are to pay Spain 1.6 billion euros (\$1,823,507,200) in damages and France 61 million euros (\$69,509,317).

The maritime industry has united in defense of the captain, calling the case a clear example of "criminalization."

The European Transport Workers' Federation (ETF) and the European Community Shipowners' Association (ECSA) issued a joint statement on the criminal case, calling it an example of "judicial harassment."

A Provincial Court in Galicia in 2013 had found Mangouras innocent, saying that he and the chief engineer had "bravely fulfilled" their professional duties in attempting to save the ship. When the hull was breached, Mangouras, the Chief Engineer and the Chief Mate remained on board the damaged tanker, risking their lives. The *Prestige* eventually broke in two and sank.

We "cannot accept that seafarers should have to pay such a heavy price whilst the Maritime Authority, who had been exempted from any liability, ordered the vessel away from any port of refuge, with well-known catastrophic effects upon the natural environment," the ETF and the ECSA said when the captain was ordered to prison in 2016.

"It is beyond dispute that seafarers are too often used as easy scapegoats upon whom to shift all the responsibility for possible environmental damages, and unfairly sued, sometimes in flagrant breach of their fundamental rights."

## USS Fitzgerald's deficiencies were worse than acknowledged

According to a new report released by the *Navy Times*, the U.S. Navy's public assessment of the *USS Fitzgerald* collision did not disclose the full extent of the deficiencies on board the ill-fated destroyer.

In the early hours of June 17, 2017, the *Fitzgerald's* bridge team was transiting southwards in heavy traffic on the approaches to Tokyo. Due to a series of human errors, she collided with the merchant vessel ACX Crystal, causing hundreds of millions of dollars in damage to the destroyer and killing seven sailors.

According to the Navy's public report, *Fitzgerald's* bridge team did not maintain a proper lookout in the hours prior to the collision, nor did they broadcast AIS, properly tune their radar or follow VTS lanes. They also failed to communicate effectively with other vessels or with their own ship's Combat Information Center (CIC), even in extremes, and they did not sound the general alarm until after the collision.

While these factors were concerning enough to prompt the Navy to remove all personnel involved, the new report suggests that there were other underlying factors.

A separate Judge Advocate General investigation was conducted in parallel with the fact-finding inquiry, and its confidential report was used for the Navy's own legal and disciplinary purposes. Its contents were not intended for publication. According to this second report, written by Rear Admiral Brian Fort and first made public by *Navy Times*, the *Fitzgerald's* state of readiness had reached unusually low levels prior to the casualty.

Upon boarding the *Fitzgerald* in Yokosuka, Rear Admiral Fort found the destroyer's CIC in a foul-smelling state of disarray, filled with personal items, workout gear, trash, food waste and bottles of urine. Key components of its high-tech equipment were broken, and the work orders for repairs had gone unfilled for months. On the bridge, the AIS system and the radar's auto-track (ARPA) feature were so unreliable that *Fitzgerald's* watchstanders did not use them.

Based on interviews with *Fitzgerald's* crew, Fort concluded that morale was low and discipline was lax. "Procedural compliance by bridge watchstanders is not the norm onboard FTZ, as evidenced by numerous, almost routine, violations of the CO's standing orders," he wrote.

**Fort's team also administered Rules of the Road tests to *Fitzgerald's* officers and found that they averaged about 60%; three out of 22 scored above 80%. The minimum passing score for licensed American mariners is 90%.**

Fort also noted that Commander Bryce Benson was not on the *Fitzgerald's* bridge at the time of the collision, even though he had only been in command for a few days and had never sailed the *Fitzgerald* out of the busy waters off Tokyo. "It is inexplicable that neither Benson nor [his XO] were on the bridge for his first outbound Yokosuka transit as CO, at night, in close proximity to land, and expecting moderately dense fishing and merchant traffic," Fort wrote.

## Automation and the future of work in transportation

Every year 62.7 trillion ton-miles of cargo are transported around the world, and looking to the future, the International Transport Workers' Federation (ITF) and the World Maritime University (WMU), based in Sweden and founded by the International Maritime Organization (IMO) have released the first ever, independent and comprehensive assessment of how automation will affect the future of work in the transportation industry.

The forward-looking assessment, produced by WMU, investigates how the global transport industry will change as a result of automation and advanced technologies, forecasting and analyzing trends and developments in the major transport sectors – seaborne, road, rail and aviation – to 2040 with an emphasis on the implications for jobs and employment for transport workers.

### Seafarers

Foresight simulations conducted for maritime transport show that the introduction of highly automated ships will reduce the growing rate of demand for seafarers globally by 2040 compared to baseline projections based on current technology. The introduction of highly automated ships could reduce the global demand for seafarers by 22%. The simulations show that such effects are not compensated for by the increase in volume of seaborne trade projected for 2040. This reduces the effect of automation 8%.

Despite the percentage decline, in absolute terms, the number of seafarers required by 2040 is expected to be significantly higher now. What technology is expected to do is to slow down the increase in the number of seafarers needed to carry out global trade.

### The Pace of Change

The report concludes that the introduction of automation in global transport will be "evolutionary, rather than revolutionary," and that "despite high levels of automation, qualified human resources with the right skill sets will still be needed in the foreseeable future."

Technological advances are inevitable, but will be gradual and vary by region. This will make their effects on employment predictable. Low and medium skilled workers will be exposed to the high risk of automation. However, the pace of introduction and diffusion of technologies will depend on differences in the development stage of countries and their comparative advantages.

### Changing Trade Patterns

The report states that China's growth rate may decrease with time. Another factor is that growth rates for many of the developed countries may differ. France and Germany, for example, will decrease their current level of transport demand, while demand in others, like the United States, is expected to grow until 2040. Emerging economies, such as those of Mexico and India, may enjoy higher growth rates since trends in transportation follow trading patterns.

New and emerging patterns of transportation routes will be reflecting the volume in global trade; seaborne transport will still remain the dominant mode of transport for world trade. Today, seaborne transport accounts for more than 80% of international trade in terms of ton-miles. Deep-sea cargo-carrying ships dominate transport services, and four-fifths of vessel traffic is currently deployed in the northern hemisphere serving the West-East trade routes.

In line with the new pattern of transportation routes, vessel traffic will see an increase in the Indian and the Pacific Oceans, and seaborne transport growth is likely to be focused in the Asia and Indian Ocean regions, thereby highlighting the importance of Asian trade. Because of the changes in trade routes resulting in the growth of Asia's share in global trade, the transport services facilitating this trade will also increase in volume in those regions.

In the European Union, the percentage share of inland waterway navigation together with rail transport in the transport sector is forecast to increase as a result of the development of technology, emission control policies and renewable energy policies. For instance, by 2040, the inland waterway transport system is expected to increase up to 14.4% in 2040 compared to 4.3% in 2015.

### Training

IMO Secretary-General Kitack Lim has highlighted the need to consider seafarer training and standards as shipping faces increasing levels of technology and automation. Speaking at IMO Headquarters at the launch of a new report *Transport 2040: Automation, Technology and Employment - the Future of Work*, Lim set out key questions that will require focus from all stakeholders: "How will the seafarer of the future manage the challenges related to an increasing level of technology and automation in maritime transport? How will the new technologies impact on the nature of jobs in the industry? What standards will seafarers be required to meet with respect to education, training and certification to qualify them for the jobs of the future?"

## 270 containers go over the side

On January 2, the Panama-flag *MSC Zoe* lost 270 containers in heavy weather in the English Channel with some of the boxes washing up on the shores of Germany and the Netherlands.

Swiss-owned Mediterranean Shipping Company vowed to search the sea for containers which from the 19,224 TEU ship and remove all debris from Dutch and German coastlines.

## Giving shipping containers a second life

CMA CGM, the parent company of SUP-contracted American President Lines, is supporting the financial and industrial development of Agricoool, a company specializing in urban agriculture, in order to enable it to launch its industrialization phase.

Founded in 2015 in Paris, Agricoool aims to create urban farms in recycled containers. With its agricultural model, the young company wishes to produce fruit and vegetables without pesticides, picked and sold on the same day. Several containers are currently being tested.

In Paris, Agricoool grows strawberries and saves on water and nutrients by 90% compared to classical agricultural methods. The system uses renewable energy only. The strawberries contain an average of 20% more sugar and 30% more vitamin

C more than retail store strawberries.

In the Fall of 2018, the CMA CGM Group provided its first concrete support to Agricoool by offering technical and logistical support for the delivery and installation of a "cooltainer" in Dubai.

In December, Agricoool completed a €25 million (\$28 million) fundraising campaign to finance the industrialization of its innovative project. At the time, CMA CGM acquired an equity stake in the company through its investment fund, CMA CGM Ventures.

In parallel, CMA CGM wants to support Agricoool's development by providing it with its industrial and logistics expertise. The Group thus becomes the main supplier of containers and the primary logistics and supply partner for the company.

## Deltamarin to oversee regulation compliance for the *Titanic II*

Blue Star Line has contracted Deltamarin to continue with the design of *Titanic II*. The company will oversee design and project management, including compliance with regulations including SOLAS 2020 and the Energy Efficiency Design Index.

The project, led by Australian billionaire Clive Palmer, will see *Titanic II* mimic the design of the original *Titanic*. Blue Star Line will create an authentic *Titanic* experience, providing passengers with a ship that has the same interiors and cabin layout as the original vessel, while integrating modern safety procedures, navigation methods and 21st century technology.

She will carry almost exactly the same number of people on board - 2,400 passengers and 900 crew. Her first voyage will start in Dubai and then take the same North Atlantic route from Southampton

to New York as was planned for the original vessel. After that, she will sail other global routes.

"Millions have dreamt of sailing on her, seeing her in port and experiencing her unique majesty. *Titanic II* will be the ship where those dreams come true," Palmer said.

The vessel, being built in China, is due to sail in 2022, 110 years after the original *Titanic* hit an iceberg and sank in 1912.

Palmer's company Blue Star Line has been working on the \$700 million *Titanic II* project since 2012 and recently resumed construction of the replica after the project stalled due to financial disputes.

In December last year, Palmer announced the appointment of V. Ships Leisure as the official ship management services partner.

## USCG doubles minimum random drug testing rate

The U.S. Coast Guard has set the calendar year 2019 minimum random drug testing rate at 50% of covered crewmembers – double the 2018 rate of 25%. The agency said that it increased the minimum random drug testing rate as a result of Drug and Alcohol Management Information System (MIS) data indicating that "the positive rate" for the most recent reporting year was greater than 1%. Regulations require the Commandant to set the minimum random drug testing rate at 50% when the positivity rate for drug use exceeds 1%. The Coast Guard requires marine employers to establish random drug testing programs for covered crewmembers. Every marine employer must collect and maintain a record of drug testing program data for each calendar year, and submit this data to the Coast Guard in an annual report. Each year, the Coast Guard publishes a notice reporting the results of random drug testing for the previous calendar year's MIS data and the minimum annual percentage rate for random drug testing for the next calendar year.

## Membership and Ratings Committee

Met on January 3, and found the following members eligible for advancement in seniority and rating stamps in the various departments:

<u>Name and Membership Number</u>	<u>Seatime</u>	<u>Rating</u>	<u>Seniority</u>
Rodney Cho 4826	6 Years	A.B.	A
John Springfield 19594	1 Year	A.B.	B
Editho Barraca 19595	1 Year	A.B.	B
Mark Ramon 19596	1 Year	O.S.	B
Henry Andreasen 19597	1 Year	A.B.	B
Alfred Aquino 19598	1 Year	A.B.	B
David White 19599	1 Year	A.B.	B
Lisa Stelpstra 19600	1 Year	O.S.	B
James Pierce, III 19601	1 Year	O.S.	B
Robert Hubbard C2770	30 Days	A.B.	C
Heath Heller C2771	30 Days	O.S.	C

Membership and Ratings Committee's Report: M/S to concur in the Committee's report. Carried unanimously. Membership and Ratings Committee: Rocky Casazza #19356, Jesus Hermosillo #5885 and Michael Smith #13502.

## Welfare Notes January 2019

### Kaiser Prescription Drug Copayment Reimbursement Procedures

All prescription copayment receipts submitted to the Welfare Plan for reimbursement must indicate the name of the patient. Due to patient privacy considerations, Kaiser of Northern and Southern California has discontinued providing this information on prescription receipts without authorization from the Plan participant. Therefore, when SUP Members pickup prescriptions from Kaiser they should request and complete a form entitled "Authorization for Use and Disclosure of Pharmacy Information." With this information on file, Kaiser will provide the Plan participant with a detailed print-out of prescriptions purchased which includes all the information necessary for the Plan Office to process the participant's claim for copay reimbursements.

If the participant forgets to request and complete the "Authorization for Use and Disclosure of Pharmacy Information" form, a photo of the prescription bottle label showing the participant name, drug name and prescription number may be submitted with the prescription receipt for reimbursement.

### Reimbursement for Vision Care

The vision care benefit for active participants is allowed once in a 24-month period. The \$200.00 maximum includes the exam and glasses. The cost of tints is not included in the reimbursable amount. The vision benefit is for members only and does not include dependents. An itemized bill must be submitted to the Plan office within 90 days of the service. The bill must indicate the name and address of the provider of services, the patient's name, date of service, and an itemization of the charges.

The vision care allowance for pensioners is included in the \$1,500.00 maximum of the Pensioners Annual Allowance for medical, dental, and vision co-payments. Glasses are an allowable expense once in a fiscal year. The fiscal year runs from August 01 to July 31 of the following calendar year. The Member and the covered spouse are both eligible for the vision care benefit under the Pensioners Annual Allowance.

### Unfit for Duty

It is important to inform the SUP Welfare Plan office when you become Unfit For Duty and have doctor's documentation of your Unfit For Duty sent to the Plan office. The Plan office should be notified and documentation sent when the Unfit For Duty occurs. Contractual obligations require the Plan to act in a timely manner. Any delay may limit our ability to make corrective actions to help you. Updated information should be sent as your situation progresses.

### Termination of Coverage and Reestablishing Coverage

If coverage is terminated, you must enroll in a Plan again after you have worked the required time for new eligibility. Re-enrollment in a Plan is not automatic when you begin working again.

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

Patty Martin MPP & 401(k) Plans, Death Benefits

[martinpatty59@sbcglobal.net](mailto:martinpatty59@sbcglobal.net)

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

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

Training Representative Berit Eriksson 206-551-1870

[berittrainrep@sbcglobal.net](mailto:berittrainrep@sbcglobal.net)

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

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

SIU-PD Pension 415-764-4987

SIU-PD Supplemental Benefits 415-764-4991

Seafarers Medical Center 415-392-3611

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

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**San Francisco CA 94105**

# Last two Australian iron ore carriers taken out of service – 80 Aussie mariners lose their jobs

The Maritime Union of Australia (MUA) has accused large multinational companies BHP and BlueScope Steel of using the January holiday period to quietly fire nearly 80 Australian seafarers and replace them with \$2 an hour exploited foreign labor on the Australian coast.

MUA National Secretary Paddy Crumlin said the Union has been informed that the *MV Mariloula* and *MV Lowlands Brilliance* would be taken out of service immediately – the last remaining Australian ships that have serviced BHP and subsequently Bluescope steelworks in this country for more than 100 years.

“This is a national disgrace,” Crumlin said. “Many, many Australians have known someone who worked on the famous fleet of BHP iron boats, yet the company wants to end more than 100 years of proud trade by sending a couple of sneaky emails in early January. One in eight merchant seafarers died defending this country in two world wars and their legacy deserves a lot more than this treacherous, underhanded attempt to dump Australian workers ahead of a federal election.”

Crumlin said the two vessels move iron ore from BHP’s mining operations in Port Hedland to BlueScope’s steelworks in Port Kembla, then run coal to China before returning to Port Hedland and qualify as cabotage trade.

The Union has written to the company demanding answers.

“It is with great surprise and regret we received notice from BHP informing the impending removal of the *MV Mariloula* and *MV Lowlands Brilliance* from freight services contracted to BlueScope and consequently, their removal from Australian coastal and international trade,” the correspondence says. “The decision has the potential to devastatingly affect Australian seafarers and will see BlueScope’s supply chain effectively removing Australia labor from the local Australian industry, being replaced by highly exploited foreign crews paid as low as \$2 per hour.”

Crumlin said the MUA remains deeply concerned with BlueScope’s lack of consultation and discussion prior to the announcement by BHP, as well as the fact BlueScope is planning to shut down a trade that has run successfully for more than 100 years when alternatives are available.

“The Union understands there to be considerable availability of Cape Size Bulk vessels suitable for the BlueScope freight task currently performed by the *MV Mariloula* and *MV Lowlands Brilliance*,” the letter says. “We urge BlueScope to utilize Australian seafaring labor in its local supply chain. Australian seafarers have serviced BHP and subsequently Bluescope steel works in this country for more than 100 years.”

Crumlin said the MUA had historically worked constructively with both BHP and Bluescope to meet cabotage requirement, including pay freezes during periods of economic downturn. “This contribution to the company by Australian seafarers deserves ongoing certainty of their employment in BlueScope’s shipping supply chain. We note that during the period of wage freeze by workers including seafarers the Company made a \$1.6 billion profit,” the letter says.

Crumlin said the move was particularly galling given the current shipping arrangements do not expire between BHP and Bluescope until June this year and that his brief discussions with company management had shed no light on the reasons behind the decision.

**Support the Sailors’ Union Political Fund**



**UNITED STATES COAST GUARD**  
U.S. Department of Homeland Security

**MARINE SAFETY ADVISORY**  
Inspections and Compliance Directorate

January 16, 2018  
Washington, DC

Safety Advisory 01-18

**Expansion of Department of Transportation Drug Screening to Include Semi-Synthetic Opiates**

This Marine Safety Advisory (MSA) is to ensure mariners, marine employers, and sponsoring organizations are informed of recent changes to the Department of Transportation (DOT) Drug Testing requirements that are found in 49 CFR Part 40. As the U.S. Coast Guard requires DOT 49 CFR Part 40 drug test per 46 CFR 4.06-20-(b) and 46 CFR 16.201(a), this MSA seeks to broadly communicate important changes effecting mariners, marine employers, and sponsoring organizations.

The DOT promulgated its final rule ([82 FR 52229](#)) amending the drug-testing program regulations to add hydrocodone, hydromorphone, oxycodone, and oxycodone (the most common prescription drugs of abuse) to the “Opioids” section of the drug-testing panel. Beginning January 1, 2018, in addition to the existing DOT drug testing panel that tests for marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates, mariners in safety-sensitive positions will also be tested for the four additional semi-synthetic opioids named above. Some common names for these semi-synthetic opioids include OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, Exalgo®.

If a mariner tests positive for any of the semi-synthetic opioid drugs after December 31, 2017, then as with any other drug test result that is confirmed by the laboratory, the Medical Review Officer (MRO) will conduct an interview with the mariner to determine if there is a legitimate medical explanation for the result. If the mariner has a valid prescription, it must be provided to the MRO, who will then determine if the prescription is valid. If a legitimate medical explanation is established, the MRO will report the result to the marine employer as a negative. If not, the MRO will report the result as positive.

When a marine employer or sponsoring organizations receives a positive drug test result from an MRO, the marine employer or sponsoring organizations is required by 46 CFR 16.201(b) to remove the mariner from performing regulated safety-sensitive duties and provide a list of qualified Substance Abuse Professionals (SAP) to the mariner. In accordance with 46 CFR 16.201(c), marine employers and sponsoring organizations are required to report positive test results of credentialed mariners to the U.S. Coast Guard.

For marine employers and sponsoring organizations there is no need to make any changes if their current drug testing policies that refer to adhering to “DOT 49 Part 40.” However, if the marine employer or sponsoring organizations lists the sub-categories of drugs tested under the 5-panel are listed “Opiates (codeine, heroin, & morphine)” and/or “Amphetamines (amphetamine, methamphetamine, MDMA, MDA, MDEA), then the marine employers or sponsoring organizations needs to change “Opiates” to “Opioids (codeine, heroin, morphine, oxycodone, oxycodone, hydrocodone, hydromorphone)” and “MDEA” will need to be removed from the list under Amphetamines. Likewise, if cut-off levels are listed in current policies, employers must update those cut-off levels. Again, employers may simply delete the cut-off levels completely and be in compliance if the DOT policy refers to adhering to “DOT 49 Part 40.”

Mariners should also consult with their prescribing physician to discuss their safety-sensitive responsibilities in order to determine if continued use of these medications is appropriate. Mariners should ensure their prescribing physician knows what type of regulated, safety-sensitive work the mariner performs and discuss whether prescribed medications could impact transportation-related safety-sensitive work.

Mariners, marine employers, and sponsoring organizations may find additional information and guidance regarding these changes by DOT at: <https://www.transportation.gov/odapc/frpubs>.

This Safety Advisory was developed by the U.S. Coast Guard Office of Investigations and Casualty Analysis. Questions or comments should be sent to: [DAPI@uscg.mil](mailto:DAPI@uscg.mil)

## Charcoal smuggling finances Somali terrorist groups

Terrorists are making over \$7 million a year by smuggling charcoal illegally out of Somalia, according to estimates by Britain’s Royal Navy.

Terrorist organizations like Al-Shabaab in Somalia, where there has been a United Nations Security Council ban on exporting charcoal since 2012, tax and smuggle an estimated 3.5 million bags of charcoal a year, which is often marketed as legitimate to buyers in Gulf nations.

At a conference for the multinational maritime security coalition Combined Maritime Forces (CMF), Royal Navy Commodore Steve Dainton said the estimated wholesale value of smuggled Somalia charcoal is in the range of \$150 million a year.

“It is important we stop the illegal trade in charcoal,” Commodore Dainton said. “Not only will that cut off a source of funding to Somali terrorists, but it will also slow down the deforestation of part of Somalia.”

If charcoal smuggling continues unabated, it is possible that there will be no trees left in Somalia by the year 2060. One-and-a-half million acacia trees are felled in the loosely-governed nation every year.

The conference discussed ways the CMF can disrupt the illicit trade and seize suspicious dhows, a type of vessel common to the Middle East.

A second conference called Shared Awareness and De-confliction (SHADE) was also held looking at anti-piracy and the illegal smuggling of narcotics and weapons.

“SHADE provides the perfect opportunity for the maritime community to meet and discuss the on-going

and combined efforts of our counter piracy operations,” said Commodore Dainton. “Information sharing and collaboration are key to ensuring maritime security.”

The Royal Navy destroyer *HMS Dragon* was involved in four drugs busts last month, including two in 48 hours, along an area of the Gulf known as “Hash Highway.” The warship seized a total of 13.3 tons of drugs during the first three months of her deployment.

## Two killed, four missing as cargo ship sinks in Black Sea off Turkey

At least two people are dead and four others were missing after a Panamanian-flagged bulk carrier sank in the Black Sea off Turkey’s coast on January 7.

The Turkish Coast Guard received up a distress signal from the ship *Volga-Balt 214* with 13 crew members as it was approximately 80 miles off the coast of Samsun in northern Turkey. Search and rescue crews arrived on scene and were able to rescue seven crew members from the water. So far the bodies of two have been recovered.

The crew consisted of nine Ukraine nationals, two Azerbaijan nationals and two Russians, the Samsun governor’s office said.

The vessel was reportedly sailing from to Samsun from the Russian port of Azov with a cargo of coal. The cause of the sinking is unknown at this time, but media reports indicate that weather may have been a factor.



# SUP PRESIDENT'S REPORT

January 14, 2019

## GOVERNMENT LOCKOUT

As of today's meeting, over 800,000 federal workers have been locked out of their jobs for 24 days due to President Trump's failure to sign legislation passed by both the Senate and House of Representatives to fund certain agencies of the federal government. His refusal is based on his self-manufactured "crisis" on the southern border with Mexico and his petulant fetish to construct a wall or barrier.

The lockout has both immediate and possible long-term consequences for membership.

The U.S. Coast Guard's Regional Examination Centers (REC's) and the National Maritime Center (NMC), are –except for their websites, chat systems and call centers– completely shut down. This means that new or renewal licenses, credentials and certificates will not be processed, jeopardizing the livelihoods of U.S. merchant mariners.

The National Maritime Center issued an update this month that granted a limited extension until March 19, of Merchant Mariners Credentials (National endorsements only or Medical Certificates that expired in December 2018 or January 2019). For those that are eligible, the update comes with an extension letter and should be carried by the mariner with the credential.

It is important to note that the short window of extension applies only to domestic qualifications and not the international STCW qualifications required by SUP contracts with American President Lines, Chevron Shipping Company, Matson Navigation Company and Patriot Contract Services.

Moreover, should the lockout persist, funding for the Maritime Administration's Maritime Security Program (MSP), which is part of the Department of Transportation's budget, is at risk. The Maritime Administration is presently using reserve funding to maintain the 60 vessels enrolled in MSP, including the nine vessels operated by APL.

In February, if the government is still not funded, the Maritime Administration will run out of money for MSP and carriers, after 60 days, will have the option to flag-out their ships.

The lockout's effect on mariner credentialing, as well as the inevitable delay and backlog when the lockout ends, will put further readiness pressure on an already strained mariner workforce base.

Finally, although the impact to the Maritime Administration's Ready Reserve Force is unknown at this time, the Military Sealift Command contracts including the Watson-Class vessels, come under the Department of Defense which is exempt from the lockout.

## CHEVRON SHIPPING COMPANY

In accordance with 2017-2020 Agreement between the SUP and Chevron there shall be a 2.5% increase in wages and wage-related items (overtime, vacation pay, etc.) effective February 1.

## READY RESERVE FLEET

In accordance with the Memoranda of Understanding between the SUP, Matson Navigation Company and Patriot Contract Services covering the Ready Reserve Fleet (RRF) vessels *Cape Henry*, *Cape Horn* and *Cape Hudson* (managed by Matson) and the *Cape Taylor*, *Cape Texas*, *Cape Trinity*, *Cape Victory* and *Cape Vincent* (managed by Patriot), there shall be a 2% increase in Total Labor Costs (wages, overtime, contributions to the various benefit plans) for vessels in Reduced Operating Status (ROS) effective January 27.

For those vessels in Full Operating Status (FOS) there shall be an increase of 2.5% increase in Total Labor Costs effective January 27.

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

## SUP ELECTION

The two-month secret mail balloting for the 2019-2022 term for officers of the Sailors' Union concludes on Thursday, January 31.

On Friday, February 1, the Balloting Committee elected at the September 2018 Headquarters meeting will turn-to at 8:00 A.M. and accompany representatives of UniLect Election Services –the Impartial Balloting Agent selected by the membership to conduct the election– to retrieve the ballots from a San Francisco Post Office Box used by the Balloting Agent. If members elected to the Committee are not available, their replacements will be shipped off the hiring hall deck as per past practice.

Once back at Headquarters, the Committee will verify the eligibility and standing of those members voting in accordance with Article XII, Section 10, of the SUP Constitution.

As per Article VIII, Section 1, of the SUP Constitution: "Members with A and B seniority who are in good standing may vote in all Union elections. Members with C seniority who have ninety (90) days seetime within the preceding year and have been in good standing for that year shall be eligible to vote in all Union elections." SUP members on pension are allowed to cast ballots for Union officers.

If for any reason a member in good standing does not receive a ballot, they should contact:

UniLect Election Services

Attention: SUP

P.O. Box 3026

Danville, CA 94526

email: [info@unilect.com](mailto:info@unilect.com)

Fax: 1-925-833-8874

Toll free (U.S. only) 1-888-864-5328

International: 1-925-833-8660

After Union standing and eligibility are determined, UniLect Election Services employees will count the ballots in the presence of the Committee and those members interested in observing the process in the Headquarters Library. Once the tally is completed, the election results will be posted and sent to all SUP halls.

Those elected will assume office on March 1.

## CALIFORNIA LABOR FEDERATION

As a Vice President of the California Labor Federation, AFL-CIO, attended an Executive Council meeting on January 8, in Sacramento.

Executive Secretary-Treasurer, Art Pulaski, reviewed the Federation's massive electoral efforts in the November mid-term elections which resulted in the ousting of many anti-Union members of Congress and in the state legislature.

Also discussed was the Federation's aggressive legislative agenda for the coming year, from health care to worker safety.

On a bittersweet note, Angie Wei, Brother Pulaski's Chief of Staff and the Federation's former Legislative Director, announced that she was leaving her post to join Governor Newsom's administration to work on policy. Sister Wei has aided all affiliates of the Federation including the SUP. Her heart is truly with the labor movement. She will bring labor's perspective and position on all issues of concern to labor to the Governor's policy initiatives.

## UNION MEETING DATES

The 2019 dates, for monthly SUP Union meetings published in the December issue of the *West Coast Sailors*, were incorrect but will be corrected in the January issue. They are correct online and in November's *West Coast Sailors*.

The next Headquarters meeting is on Monday, February 11, and the next Branch meetings are on Tuesday, February 19.

## QUARTERLY FINANCE COMMITTEE

In accordance with Article XVII, Section 2 of the SUP Constitution, a Quarterly Finance Committee shall be elected at today's meeting to review the finances of the Union for the fourth quarter of 2018, and report back to the membership at the February Union meetings. In the event the Committee cannot be filled today, or is short-handed when it convenes, recommend that Committee members be shipped off the hiring hall deck as per past practice.

The Quarterly Finance Committee will meet at Headquarters at 8:00 A.M. on Monday, February 11.

## HOLIDAYS

**Lincoln's Birthday:** This holiday falls on Tuesday, February 12, in accordance the agreements with APL, Chevron, Matson and the San Francisco Bar Pilots.

**Presidents' Day:** All SUP halls will be closed Monday, February 18, in accordance with the Agreements with APL, Foss, Matson and Patriot Contract Services. Due to the holiday, Branch meetings will be held Tuesday, February 19.

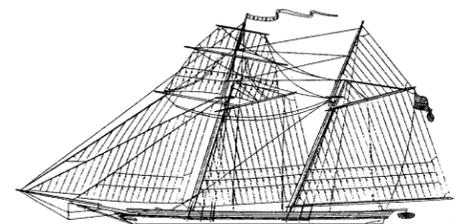
**Washington's Birthday:** This holiday is observed under the Agreement with Chevron Shipping Company and all Marine Personnel and Dispatchers employed by the San Francisco Bar Pilots on Friday, February 22.

## ACTION TAKEN

M/S to elect a Quarterly Finance Committee. Nominated and elected are: Haz Idris, Sam Worth, Jesus Hermosillo, Noel Itsumaru and Dave Larsen. Carried unanimously.

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

Gunnar Lundeberg



## British destroyer seizes \$100 million in hashish

The Royal Navy warship *HMS Dragon* has seized and destroyed ten tons of hash worth nearly \$100 million in a record-breaking drug bust in the Persian Gulf.

In a productive 48-hour window, the Type 45 destroyer intercepted two dhows carrying a haul of illicit drugs on the notorious drug smuggling route known as the "Hash Highway." It marks the biggest seizure of illegal narcotics ever recorded in the history of the Combined Maritime Forces, the multinational organization in charge of policing this stretch of sea.

These are the third and fourth smuggling-dhow busts for the \$1.3 billion air defense destroyer in the space of a month, taking the total quantity of drugs seized to 13.3 tonnes during the first three months of the ship's deployment.

*Dragon's* sailors and Royal Marines launched fast boats to halt the two dhows in two separate missions over a demanding two-day period. After barding and searching the boats, the service members removed hundreds of sacks of narcotics worth more than \$95 million.

# How big is the Jones Act fleet?

The U.S. merchant marine has always enjoyed bipartisan support. It's also the case, however, that its opponents have come from across the ideological spectrum. Prominent among them are the extreme free-marketeers ideologically opposed to any kind of protectionist laws for any reason. The tip of the spear for those free-market Jones Act opponents is the Cato Institute, a libertarian think tank.

Never mind that historically, there has never been any such thing as a "free market" in shipbuilding or maritime commerce. Even a Cato study admits, "Most governments have some form of cabotage restrictions. In fact, only Gambia, Dominica, Guatemala and Belize do not." When a maritime country stops supporting its merchant fleet, as Britain did, it surrenders it to foreign shipbuilders and competitors.

The free-marketeers enjoy the perennial support of some interests that believe the Jones Act hurts them: Hawaii and Puerto Rico, which both depend heavily on seaborne commerce, and the oil industry, which would love to be able to use cheaper foreign-flagged vessels in the U.S. coastal market. After 2017's Hurricane Maria and its aftermath, the anti-Jones Act voices rose to a crescendo.

The decline of the U.S. blue-water merchant marine has many causes. Jones Act opponents love to cite its decline. In 2016 the Grassroots Institute of Hawaii repeated this argument: "Ironically, the Jones Act has done the opposite of some of its original goals. ... In 1947, the total U.S. flag seagoing merchant fleet—America's commercial shipping industry—was comprised of 3,696 ships. As of 2015, that number has dropped to just 167." Sounds dire, right? Especially to non-maritime readers.

Emphasizing the shrinking number of blue-water ocean-going ships allows Jones Act opponents to claim that it protects only a small group of politically connected insiders. Marc Melitz, a Harvard economist who co-authored an anti-Jones Act study titled "The Jones Act and the Cost of Shipping Between U.S. Ports," told *The Street* in October 2017, "That's just the typical story for a lot of these protectionist measures. They protect a small group of people that are...very concentrated, so it means they are very politically involved both in terms of lobbying and political donations."

Even Jones Act defenders sometimes imply that the total Jones Act fleet is shrinking in order to dramatize the decline in the support the blue-water merchant fleet can offer to the military. In May of last year, a piece that appeared in several media outlets titled, "Dwindling Merchant Marine Fleet Crimps U.S. Ability To Wage War" includes the line, "The U.S. Merchant Marine has declined from 1,288 international trading vessels in 1951 to 81 today."

A June 2018 Cato study titled, "The Jones Act: A Burden America Can No Longer Bear," does at least acknowledge that the total Jones Act fleet is around 40,000 vessels (actually closer to 41,000, according to an October 2018 study), but it argues, "Of course, the primary objective of the law was to ensure a vibrant shipping industry as a pillar of U.S. national security. If vibrancy and fleet size were synonymous, Americans might sleep well knowing that the U.S. fleet consists of more than 40,000 vessels. However, we might choose to sleep with one eye open after learning that barges operating primarily on the Mississippi River alone account for 55% of that number. In fact, nearly nine of every 10 commercial vessels produced in U.S. shipyards since 2010 have been barges or tugboats."

**The focus on overseas military sealift support can lead to a kind of blue-water myopia. What's missing from this picture? Not just fishing boats, dredging vessels and oil platforms (which are technically "vessels" that must be flagged). The biggest omission is the entire inland waterway sector, whose vessels today make up the bulk of the Jones Act fleet.**

**That fleet is certainly not declining. While inland vessels may not be directly relevant to overseas military sealift capabilities, they should not be left out of Jones Act discussions.**

The 2017 report "Economic Contribution of the U.S. Tugboat, Towboat, and Barge Industry," prepared for The American Waterways Operators shows that "in 2014 the U.S. tugboat, towboat, and barge industry generated revenues of \$15.9 billion, directly employed 50,480 workers, and paid out \$4.7 billion in compensation (including wages and salaries and benefits), an average of \$93,835 per worker. The industry also contributed \$9 billion to U.S. gross domestic product and invested nearly \$2.2 billion in property, plant and equipment, including its purchases of vessels."

Why shouldn't inland vessels count? Jones Act opponents (and even some defenders) leave out the brown-water fleet or fail to consider what would happen to it in the event of a Jones Act repeal. National security involves more than overseas operations. The Jones Act also ensures that only American companies can operate on our inland waterways and only American citizens can crew their vessels. That requirement may create difficulties for foreign vessel operators seeking to enter the U.S. inland market, as Viking found out in the course of introducing its European-style longboat passenger vessels to the Upper Mississippi. But does anyone really want to see that change?

Both friends and foes of the Jones Act should never forget that the Jones Act fleet is alive, well and strong on our inland waterways.

*Editorial published in the Waterways Journal, January 18.*

## Nichols Brothers to build Foss tugs

Foss Maritime of Seattle, which had earlier decided not to build a series of Dutch-designed tugboats at its now-closed yard on the Columbia River, has ordered a series of four 90-ton bollard pull tractor tugs from Nichols Brothers Boat Builders of Freeland, Washington, with an option for six more.

The 100-foot by 40-foot Z-drive tugs will be built to a design drawn up by Jensen Maritime Consultants of Seattle and will be completed to USCG Subchapter "M" regulatory standards with ABS loadline certification and UWILD notation.

Power will be provided by twin MTU series 4000 main engines meeting Tier 4 emission standards and driving Rolls-Royce US255 azimuth thrusters.

Deck equipment will include Markey winches. The tugs are to be delivered beginning in the winter of 2020 for operation along the West Coast.

## VICE PRESIDENT'S REPORT

January 2019

**APL Gulf Express:** Ben Aston, delegate. Large deck maintenance project nearly complete and already paying substantial inspection dividends. Bosun Chris Go in control on the Persian Gulf loop.

**President Truman:** Janan Johair, delegate. Rusty water problem brought to the attention of management. Investigation revealed engineers identified certain valves as the likely source and had set about replacement. Other safety measures in place.

**President Eisenhower:** Warlito Sapin, delegate. Along with relief agent Mark Hurley and San Francisco Business Agent Roy Tufono investigated harassment claim against the bosun that was subsequently withdrawn. Working with other unions and management, new steam tables have been ordered for each of the recently re-flagged APL ships towards mess deck safety and food service improvements.

**Mahimahi:** Arsenio Purgannan, delegate. Clarification on time back. In good shape.

**Daniel K. Inuoye:** Jim Clay, delegate. Boarded in Oakland to inspect and as part of inaugural event. High quality work done under direction of Bosun Paul Fuentes improves safety and lowers shipyard cost, preserving future work.

**Cape Hudson:** Jonnell Hodges, delegate. San Francisco Business Agent Roy Tufono squared away various crew issues before sailing. FOS re-assignment of GVA and GUDE to OS to be memorialized in the discharge and counted day for day toward upgrading. Individual restriction to ship in overseas port investigated. Company working on solutions with Agent Tufono. Funding authorized for continued mission activity through July. Ready Reserve ships in general are so far unaffected by government shutdown. See President's Report on page 10.

**Moku Pahu:** Randy Cruz, delegate. Prior contracts with previous operators generally inapplicable and not binding in present day operations. Demanded immediate repair of safety items associated with port mooring winch overspeed and air conditioning unit malfunction. Management eventually responded with detailed investigation and repair plan. Departed Jacksonville for Houston and then ports in Central America before another Food for Peace voyage to Africa.

**USNS Watson:** Eduardo Rojas, delegate. Off the Cape of Good Hope enroute forward base deployment delegate snared a connection to report most things okay. Minor issues taken up with the Company. Arrived forward base without incident and routine reliefs underway. This class of pre-positioned ship funded via Department of Defense and is not presently subject to cutbacks related to the partial government shutdown. See President's Report on page 10.

**USNS Charlton:** Lisa Stelpstra, delegate. Relief request follow up expertly handled by the delegate. Various questions on partial government shutdown answered: no immediate impact to Watson-Class budget but new and upgraded credentials from USCG will probably be delayed.

**Mississippi Voyager:** John McAuliffe, delegate. Agent Roy Tufono made the ship at RLW and found most things okay. Company recently re-delivered Oregon Voyager to charterer temporarily reducing the fleet by one ship until its replacement is secured. Management will not reduce unlicensed pool but shorter tours of duty and longer vacations are likely for permanent hires as well as a temporary status freeze for casual hires. Delivery of new ship expected by year's end.

**San Francisco Bar Pilots:** Mike Koller, delegate. In good shape despite rough weather and the steady increase in workload.

**Foss Maritime Company:** JD Rymel, delegate. Assisted member with medical issues. New tankerman, Ian Curry, cleared training designed and administered mostly by other SUP members. Kudos to all for making a tough, high-standards program achieve the admirable goal.

*Vice President*

## New Senate panel to deal with maritime issues

The Senate Commerce Committee has combined jurisdiction over the Maritime Administration, the Coast Guard and merchant marine issues into a new Subcommittee on Security,

The new Senate subcommittee, created under the direction of Senate Commerce Committee Chairman Roger Wicker (R-Mississippi), will be chaired by Alaska Republican Senator Dan Sullivan. Massachusetts Democrat Senator Ed Markey will be the Ranking Member.

The remaining members of the subcommittee have not yet been named.

The new Subcommittee on Security will have primary jurisdiction in the Senate over the Maritime Security Program, U.S.-flag cargo preference shipping requirements and the Jones Act.

**ATTEND YOUR MONTHLY  
SUP UNION MEETINGS!**

# SUP BRANCH REPORTS

## SEATTLE

December 17, 2018

Shipping: Matson called for 1 steady AB Day job, going to an A member; an open APL AB Watch billet went to a B card; 1 Patriot AB and OS job filled by 2 B members; and 7 Matson standbys filled by 5 A, and 2 B cards.

Registered: 3 A cards for a total of 6; 8 B cards for a total of 13; 1 C cards for a total of 7; and 1 D cards for a total of 5.

Long time members making the Hall have been voicing a concern about the lax manners of the newer members. Principally the wearing of hats and the sleeveless shirts that is now increasingly appearing in the Mess Deck. It has been reported that when members have been asked to remove their hats it has been met with venom. If that is you, you are misguided. Chow time for sailors is the one time of the day they can employ the civilities and manners practiced on "The Beach". If for some reason you are opposed to removing your cover during meal hours, consider the fact that you may be deeply offending some of your Brothers and Sisters that are vested in a long tradition of mutual respect. As for sleeveless shirts, the Stewards department has no interest in serving your short hairs with an entrée. We all have different values, and just because some seem quaint does not make them irrelevant. Union members are your family, so please treat them accordingly.

Many members are still not checking their documents. Six months from the day of sign-on is the rule of thumb for most. If you can't get to a Hall for any reason, scan your docs and email them to me so I can check them out.

The SUP attended the swearing in of newly elected Washington State Labor Council President Larry Brown. President Brown was formerly the Aerospace Machinist Union Legislative Director and is a fierce advocate for the Jones Act. He has always supported freight mobility issues in Washington State and always stood with the ILWU and the Sailors' Union when those Unions were the only

voices heard in front of state, county, city councils, and legislative bodies.

The SUP attended the Washington State Maritime Blue rollout. The SUP was an original "Advisory Council Member" appointed by Governor Jay Inslee and continues to play an important role in environmental progressive innovation within Washington State's maritime community.

Branch Agent

## WILMINGTON

December 17, 2018

Shipping: Bosun: 2, AB: 10, AB/D: 6, OS/STOS: 1 and GVA/GUDE: 1. Also shipped 84 standby, for a total of 79 jobs shipped.

Registrations: A: 32 B: 46 C: 12 D:6

### Ships checked

Daniel K. Inouye, Manukai, Moki-hana, Manulani, Maunawili, President Eisenhower, President Wilson, President Cleveland, President Kennedy

Shipping has slowed this month due to bad weather; ship's are arriving late. Crewing jobs are rotating as usual. The number of standby jobs have declined since last month.

Thanks to all who volunteered to set up and breakdown for holiday luncheon.

Attended meetings of Maritime Trades Department .

Eli Wegger, has been holding classes on seamanship are here at the hall on Fridays. Also check out the DVD's on the history of Unions and labor.

Keep your dues current and be sure to check your documents, before you are ready to ship, make sure all documents are current in order to be dispatched. If you receive new documents, come in to update your records.

Participate in your Union meetings keep informed, we need a quorum in order to vote the union is only as strong as its members.

Branch Agent

## HONOLULU

December 17, 2018

Shipped the following jobs in the month of December: 1 Bosun steady, 1 Bosun return, 5 AB Day steady, 5 AB Watch steady, 1 AB Maint., and 1 OS Day. The shipping jobs were filled by 2 A cards, 7 B cards and 5 C cards. Shipped 42 standby jobs. The standby jobs were filled by 0 A cards, 10 B cards, 18 C cards, and 14 D cards.

Registered in Honolulu: 8 A cards, 19 B cards, 7 C cards and 5 D cards.

### Ships checked

I visited the R.J. Pfeiffer, Manukai, Maunawili, Manulani, Maunalei, Manoa, Mokihana, Mahimahi, Matsonia, Kamokuiki, Daniel K. Inouye, and the Paint and Rigging gang. All are running with few or minor beefs.

APL Guam- no major beefs

APL Saipan- no major beefs

USNS Charlton- no major beefs

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

Congresswoman Tulsi Gabbard (D-HI) is running for U.S. President in 2020 and I have no idea of who else is running against her (besides Trump) so it should be an interesting couple of years of campaigning.

Shipping was great in November and December for all members, but now the books and the permits are back in the hall after the first of the January and we are back to you need a good card to make a ship. I am just letting everyone know that while you missed the good times to ship out of Honolulu this year it will be the same next year. If you have LMSR training you can get out anytime. Come on down.

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

Mahalo,

Branch Agent

## BUSINESS AGENT'S REPORT

January 14, 2019

Mississippi Voyager- In at Richmond Long Wharf back on the West Coast via Singapore shipyard. Then on coastwise run El Segundo, San Pedro, Richmond Long Wharf. In good hands with Romulo Racoma, Bosun, Terry Igot, Delegate.

Florida Voyager and Texas Voyager- These ships are operating out the Gulf of Mexico between Houston, Pascagoula, Florida.

Matsonia- At Oakland #62. Sailed for Honolulu with no beefs. In good hands with Relief Bosun Mark Pfaff and Gabriel Sipin, Delegate, handling the sheets.

Manoa- Oakland #62. After a week long layover in Seattle to get back on schedule on the steady Northwest run. Running smooth with Relief Bosun Hussein Ali and Duke Maringer, Delegate.

Daniel K. Inouye- In and out of Oakland #62 on the Southern Triangle working out the kinks to bring her up to SUP standards. Decks non-skid and other safety issues. Nothing the gang can't handle. Last trip was one of our own thinking light duty means you're a passenger. There's no light duty. Basically the ship was shorthanded. Paul Fuentes, Bosun and Jim Clay, Delegate.

Mahimahi- In and out with no beefs. Short stay due to weather; trying to get back on schedule. Mike Worth, Bosun, Arsenio Purganan, Delegate.

President Truman- In and out Oakland#58 still working on the potable water issues. Sailed with little or no beefs, with Dave Frizzi, Bosun and Mark Accord, delegate.

President Wilson-Sailed for the Far east with little or no Beefs Rolando Mendez, Bosun. New Delegate to be elected.

President Cleveland and President Eisenhower -Checked in with these ships with little or no beefs.

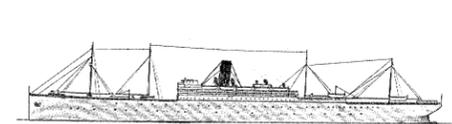
Cape Orlando- Working hard with the Ordinaries on board training them to become ace ABs. Jim Linderman, Bosun.

Admiral Callaghan- Routine with the gang with Robert Leeper, Bosun.

Cape Horn- Keeping up with the maintenance work on here just in case they might activate. Haz Idris, Bosun

Cape Hudson- Ship sailed last month for Seattle to pick up some cargo and bulker for Guam. Received a call from the delegate. They were in Honolulu sailing for Guam and from there to Thailand for a week according to the ship schedule subject to change. Isagani Cruz, Bosun, Jonnel Hodges, Delegate.

S.F. Business Agent



## SUP members join pension ranks

The following SUP member joined the rank of pensioner, bringing the total number of SUP members to 142:

Samuel L. Scott, 67, Book No. 2930, joined SUP in 2001, 15 years seatime.

## Boom to tame the Great Pacific Garbage Patch broken by the sea

A trash collection device deployed to corral plastic litter floating in the Pacific Ocean between California and Hawaii has broken apart and will be hauled back to dry land for repairs.

Boyan Slat, who launched the Pacific Ocean cleanup project, said that the 2,000-foot long floating boom will be towed 800 miles to Hawaii. If it cannot be repaired [here, it will be loaded onto a barge and returned to its home port of Alameda, California.

The boom broke apart under constant wind and waves in the Pacific. Slat said he is disappointed, but not discouraged and pledged that operations would resume as soon as possible.

"This is an entirely new category of machine that is out there in extremely challenging conditions," the 24-year-old Dutch inventor said. "We always took into account that we might have to take it back and forth a few times. So it's really not a significant departure from the original plan."

Previously, Slat said the boom was moving slower than the plastic, allowing the trash to float away. A ship towed the C-shaped barrier in September from San Francisco to the Great Pacific Garbage Patch - an island of trash twice the size of Texas. It had been in place since the end of October.

The plastic barrier with a tapered 10-foot-deep screen is intended to act like a coastline; trapping some of the 1.8 trillion pieces of plastic that scientists estimate are swirling in the patch while allowing marine life to safely swim beneath it. Slat has said he hopes one day to deploy 60 of the devices to skim plastic debris off the surface of the ocean.

## Dispatcher's Report

Headquarters—Dec. 2018

Deck	
Bosun.....	3
Carpenter.....	0
MM.....	5
AB.....	14
OS.....	5
Standby.....	27
Total Deck Jobs Shipped.....	54
Total Deck B, C, D Shipped.....	41
Engine/Steward	
QMED.....	0
Pumpman.....	0
Oiler.....	0
Wiper.....	0
Steward.....	0
Cook.....	0
Messman.....	0
Total E&S Jobs Shipped.....	0
Total E&S B, C, D Shipped.....	0
Total Jobs Shipped - All Depts.....	54
Total B, C, D Shipped-All Depts.....	41
Total Registered "A".....	24
Total Registered "B".....	39
Total Registered "C".....	6
Total Registered "D".....	18