

PRESIDENT'S REPORT – MARCH 2022

GOVERNMENT MATTERS

Solidarity with Ukraine: In a formal letter to President Biden, the SUP with other maritime unions together denounced the brutal attack on Ukraine and the Ukrainian people by Russian forces and stood with the Republic of Ukraine. The AFL-CIO announced its opposition and strong condemnation and the International Transport Workers' Federation (ITF), which represents seafarers and other transport workers around the globe, also called for an immediate ceasefire and especially for the strict adherence to international humanitarian and human rights law. The war is salt on the wound of pandemic stress piling on seafarers now being trapped and endangered in ways not seen in many years and not limited to the Black Sea.

In his State of the Union before Congress Biden walked the line, noting resistance without commitment to war. He said, "our forces are not engaged in conflict with Russian forces in Ukraine." In diplomatic terms that is correct. But when there is an invasion and armies clash, when civilians become targets, it is war. It is not, as the Russians claim, "a special military operation" to free Ukraine from militarization and Nazification. On the war's raging information front, the doublespeak proliferates. SUP members and all American mariners, so important to American and NATO military logistics, have a right to know what is going on and what it means. That's why we wrote the letter to the President: to call it what it is, to go on record against the unprovoked belligerence, and to remind everyone that we are standing by to do our part. Since the American Revolution our trade has done its part, in peace and war. Now we shoulder not only the tough sanctions against Russia, but also America's massive sealift necessities, so traditional and so suddenly relevant. The letter of the unified maritime labor movement is available at www.sailors.org and in the March issue of the *West Coast Sailors*.

State of the Union for Union Members: On a March 11 call with the White House, part of a State of the Union follow-up, the Director of Labor Engagement Erika Dinkel-Smith reiterated two key points: support for Ukraine, and support for Unions. Joined by AFL-CIO President Liz Schuler and Secretary of Labor Marty Walsh, together they listed the pro-Union accomplishments in both legislation and executive orders. At the forefront was the American Rescue Plan brought America back from the brink of COVID collapse and contained much needed financial support for Unions and working people. The White House also created Union Organizing Task Force which identified 70 ways to improve the position of American workers in the economy, and the President supported the critical labor reform bill called the PRO Act and its right to organize as the best way raise wages and fix income inequality.

Federal Budget and Maritime: In the maritime legislative arena, because of Union political power, the evidence of Administration support is clear: the federal budget that just Congress (1.5 trillion Omnibus spending bill) holds and builds the funding for the merchant marine. It funds at the full request \$318 million for the Maritime Security Program and \$60 million for the new Tanker Security Program (TSP). Because the TSP is a new program, it was authorized but could not be funded under a Continuing Resolution (CR), which happens in the absence of the political will to approve a budget and prevents any new funding. Now, for a major new program of support for the U.S. merchant marine, which is what the TSP is, to reach budget

confirmation and establishment is a major victory for the U.S merchant marine. It provides a platform for SUP job expansion and ranks high in the historical legislative advancements of the merchant marine. This budget also includes a strengthening and expansion of the Ship American (cargo preference) laws. Biden's support for the Jones Act is incontrovertible, his funding of the MSP did not waver, he created the TSP, and strengthened and expanded cargo preference renaming it Ship American. Already one of the most pro-Union Presidents ever, Biden has become like Franklin D. Roosevelt as a great champion of the U.S. merchant marine as well.

Enemies Foreign and Domestic: With reliable consistency the ferocious and shameless enemies of the American maritime labor and shipping seized on the war in Europe to push the old goal: repeal or temporarily diminish the Jones Act. The same tools of doublespeak at work in Ukraine – distortion, disguise, falsehood, misinformation, disinformation, and outright fact reversal – were in full display by the usual suspects in Washington. Sen Mike Lee introduced legislation called “Stopping Hindrances to Invigorate Ports and Increase Trade (SHIP IT) Act,” which among other things would suspend the Jones Act entirely for any reason of congestion or backlog as a matter of national security, not to mention force automation of terminals, and allow for wide-open offshore lightering of all cargo. Rep Ed Case, representing Hawaii's First Congressional District, introduced a bill to waive the Jones Act for all Hawaii-bound oil products because refiners there have sometimes imported Russian crude. “I join the vast majority of the people of Hawaii in support of your decision to ban imports of Russian oil and other fossil fuel products,” Case wrote to Biden. However, waiving the Jones Act he said is a “necessary and unavoidable action if we are to implement the full range of available sanctions against Russia for its unprovoked and unjustified war on Ukraine.” But nothing in the Administration ban on Russian oil extends to other foreign-sourced imports of oil, and no waiver of the Jones Act will punish Russia. An American law that reserves for Americans the nation's domestic trade somehow aids Russia? Defective arguments based on the false equivalencies are commonly hatched when people have different agendas what they can publicly espouse. Case can't say, for example, “I want to make my rich business friends even richer by trying to reduce their transportation costs through a misrepresentation of American law using the Ukrainian war as a justification.” Only the morally deficient can comfortably deploy the doublespeak that it is patriotic to weaken the American supply chain by waiving the Jones Act. We can be more direct: our livelihoods exist by American law. Those who attempt our legislative annihilation will meet with our vigorous resistance.

TANKER SECURITY PROGRAM

The Maritime Administration (MarAd) and the U.S. Transportation Command (TRANSCOM) held a meeting on the design of a Voluntary Tanker Agreement (VTA) program along the lines of the Voluntary Intermodal Sealift Agreement (VISA) Program as part of the new the Tanker Security Program (TSP) implementation. Vice-Admiral Mewbourne for TRANSCOM presided along with Acting Maritime Administrator Lucinda Lessley with senior advisor Kevin Tokarski, and many companies and unions. I participated on behalf of the SUP.

Previous studies confirmed in prior National Defense Authorization Acts (NDAA) identified a shortage of tankship capacity as a major strategic shortfall of the American military. The meeting was directed at companies and unions as a program launch discussion. A wide

range of impact was envisioned including the recruitment and training and roll out of specially trained tanker crews and using specialized equipment, such as the CONSOL modular systems that converts and adapts conventional tankers to underway replenishment operations. Some of the training would be done through the MSC school at Port Hueneme, California. The ships would be entirely clean product Medium Range tankers of 30,000 to 60,000 deadweight tons capable of carrying 250,000 barrels. More to come on this as it and the TSP develops.

MATSON SHORE LEAVE

On February 21, Matson issued COVID-19 Update #54, which reinstated shore leave for all crewmembers, subject to any local government restrictions. However, crews must continue to follow the COVID-19 prevention best practices including the following:

1. Wearing a face mask at all times while aboard the ship except in your stateroom.
2. Wearing a medical-grade or N95 face mask if available. Bandanas or other poor-quality masks are ineffective and unauthorized for use.
3. Remaining more than six feet away from crew, vendors, etc. when possible.
4. Washing hands and/or using hand sanitizer frequently.

New or returning crew may also avail themselves of shore leave. However, all new and returning crewmembers shall quarantine in their room outside of work hours, take meals in their rooms, social distance, and wash hands frequently for five days upon reporting and returning to the ship. The company is coordinating booster shots for crews in certain ports. Urge all hands to get the booster for safety and readiness, since it is widely acknowledged by medical experts as the most effective method of preventing infection of COVID-19. This particular round of restrictions had been in place since January 6, 2022.

Meanwhile, the Coast Guard on March 11, 2022, issued MSIB Number 02-21 Change-4 that reiterated and clarified the federal policy on ships and made no changes. Specifically mariners on “non-passenger carrying commercial vessels operated by a team of mariners who all live on the vessel” are exempt from wearing a mask. A mask will still be required when the vessel receives persons who are not a part of the team of mariners that live on the vessel. Though the CDC is no longer requiring masks wear in outdoor areas, operators of conveyances and transportation hubs” masks are still generally required. The Coast Guard mask policy exempts only children under the age of 2, a person with disabilities that prevent it, or a person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by the relevant workplace safety guidelines or federal regulation. The Coast Guard also noted that details of mask use should be provided by the Company and said that no blanket policy to exempt all from mask wearing is approved.

APL NEGOTIATIONS

The Offshore Agreement between the Union (acting both as the Sailors’ Union of the Pacific and a member of the Seafarers International Union-Pacific District) and American President Lines, (APL Marine Services, APL Maritime) will expire on September 30th, 2022. We intend to bargain a new agreement and have made informal notification and discussions with

management of that fact. Management will be formally contacted later but has given a preliminary response of the same intent. The schedule is to be determined, but in the meantime, members are encouraged to consider proposals and submit same in writing for contract improvements. All such proposals shall be collected by the Union and can be mailed to SUP HQ at 450 Harrison St., San Francisco, CA 94105 or emailed to dave@sailors.org or matt@sailors.org for referral to the SUP Negotiating Committee. The Offshore Agreement includes the General Rules, the SUP Work Rules, and associated appendices as well as the maintenance agreements. More information will be forthcoming as the schedule develops.

GOVERNMENT SHIP DISPATCH INCENTIVE

Our industry had structural mariner recruitment and retention problems long before the pandemic, but that slow moving disaster and its many additional requirements, contingencies, and dispatching headaches made it all much worse. Like every union and employer, the SUP has had to work double-time to ship qualified sailors and fill open positions. Every billet is important and every relief is critical, but the freedom of our rotary shipping system makes some positions are harder to fill than others. That liberty to work or not and to migrate between employers is essential to our conditions and our identity, but it comes with a responsibility to fill the billets. If members decline to take open jobs, it works like sand in the rotary gears, while the Union still holds a continuous responsibility to provide crew for all the ships. We have taken a range of mitigation measures including recruitment and training and other things too numerous to list but the problem persists, particularly in certain military ships. The membership has acknowledged the problem both in meeting actions of the past, and an obvious fact of jobs hanging. There are not many tools available to the Union in these conditions, but seniority acceleration is one we've uses successfully in the past.

Because the strength of all our Union contracts and benefit plans depend on performance, I recommend a temporary and mild acceleration of seniority accrual for all members serving in Patriot military ships, except the Ready Reserve. The membership has already recognized and approved the limited use of this tool in two previous occasions, most recently in October of 2021 in *Haina* and *Pax*, our Patriot shallow draft tankers. The dedication of our members employed in government ships today measures up well against the incredibly high standard of our forerunners and their famous history of delivering the goods. And then as now our performance in meeting our defense contract obligations has high consequences for the Union and all its members, commercial and government. This limited incentive seniority improvement recognizes the contribution of SUP government ship sailors. It comes with an unrestricted debt of gratitude.

To be clear, the Membership and Ratings Committee shall consider a one-and-a-half-day accrual for each day employed aboard Watson-class ships, or 1.5 times the normal day-for-day rate, as applicable to seniority upgrades for all existing and future Watson-class crew members for six months through August 31, 2022, unless extended by the membership. The same termination date shall apply to *Haina* and *Pax* as well but not to the Ready Reserve Force. The Membership and Ratings Committee shall take in to account all circumstances including among other things an applicant's service record as per the SUP Constitution and Shipping Rule No. 4.

Mr. Chairman, recommend a six-month time-and-a-half seniority accrual in *Watson-class, Haina Patriot, and SNLC Pax*.

SAN FRANCISCO BAR PILOTS

SUP contracted employer San Francisco Bar Pilots Port Agent John Carlier notified the Union of a sharp downturn in revenue producing container traffic in the Port of Oakland and shipping in the San Francisco Bay generally. In discussion management considered alternatives but insisted that a temporary layup the P/V Pittsburg was the only effective response, beginning on March 9, 2022. Management among other things agreed that negative effects of the layup would only be borne by the least senior casual employees, and that the temporary status would not yet trigger a wider layoff situation. In coordination with Dock Bosun Leo Moore, there will be a reassignment of Pittsburg personnel among the run boat crews. Management also agreed to continuously monitor the situation, restore the Pittsburg to service as soon as possible, and to keep the Union informed.

HOWARD TERMINAL

Along with other maritime unions such as the MFOW, MMP, MEBA, SIU, IBU and the ILWU the SUP has opposed building a 12-billion-dollar luxury residential project with a ballpark attached at Howard Terminal in Oakland. It will eliminate irreplaceable industrial waterfront land, close forever a rare maritime terminal, and end any chance of restoration as an SUP workplace. Even without ships Howard's helps with container overflow capacity the Port needs to function. As a member of the East Oakland Stadium Alliance, we supported a new ballpark built at the existing Coliseum site where everything works and nothing is broken. The waterfront site, on the other hand, has problems of transportation, safety, dislocation of underprivileged people, and seaport compatibility. But on February 18, 2022 the Oakland City Council voted to approve the Environmental Impact Report anyway, and the project moved forward. There is still at least one major regulatory hurdle to clear, but Oakland's elected officials have now formally turned their backs on its maritime roots, economy, and workers. As the congestion and blank sailings of the pandemic persist but normalize, so too will major carriers keep skipping the Port of Oakland and its delays. This is how a great American port is relegated to backwater status in favor of tourism and real estate tycoons. Early in the process a highly paid lackey of the billionaire owners called to ask what could be done to get the SUP to support the project? On behalf of the membership, it was my pleasure to hang up the phone.

CALIFORNIA LABOR FEDERATION

Executive Secretary Treasurer Art Pulaski called on affiliates to attend a virtual Pre-Primary Convention on April 6, 2022, to lay the groundwork for the primaries in June and the general election in November. Mr. Chairman, I nominate SUP Vice-President Matt Henning and myself and such others as may be necessary to be shipped off the deck as per past practice to attend on behalf of the SUP.

TABLETOP BREAKOUT EXERCISE 2022

The latest in a series of annual tabletop exercises called Strategic Sealift Command Post Exercise (CPX) Breakout 2022 Plan is set to get underway on April 13, 2022. The exercise simulates the activation crewing of the MARAD Ready Reserve Force and MSC Surge Fleet on short notice. No members will be actually dispatched, and no ships will be activated for this exercise. Yet another burden put upon SUP dispatchers, the exercise nevertheless measures readiness and is important to decisionmakers in Washington and therefore it is important to us. It is conducted at the direction of Commander, U.S. Transportation Command (USTRANSCOM). Urge all hands to participate and have asked SUP VP Matt Henning to again coordinate the Union's efforts. Please contact any SUP agent to register for the tabletop roster.

HOLIDAYS

Harry Bridges Memorial Day: The Honolulu Hall will be closed on Wednesday, March 30, 2022, in observance of Harry Bridges' Memorial Day, which is an ILWU Local 142 holiday.

Cesar Chavez' Birthday: West Coast SUP halls will be closed on Thursday March 31, 2022, in observance of Cesar Chavez' Birthday, which is a longshore holiday under the ILWU Master Agreement and recognized by SUP agreements with APL and Matson ships while in West Coast ports. It is not a holiday at sea.