

**Comments of the  
International Organization of  
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**Before the  
Department of Homeland Security**

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**In the Matter of  
Voyage Data Recorder (VDR) Study  
DOT Docket – USCG-2006-26416**

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**February 6, 2007**

Our organization, the International Organization of Masters, Mates and Pilots (MM&P), represents licensed deck officers on U.S. flag commercial vessels sailing offshore and on the inland waterways and Great Lakes, and on civilian-crewed ships in the government fleet; state licensed pilots; marine engineers; unlicensed seafarers; and maritime industry shore side clerical and service workers. MM&P is the marine affiliate of the International Longshoremen's Association (ILA), AFL-CIO.

Our United Inland Group represents the masters, mates and pilots on many of the ferries that would be covered under any regulation that may be developed as a result of the VDR study that is the subject of these comments. It is our understanding that the requested comments pertain only to the scope of the study mandated by Congress and any possible future mandatory VDR carriage requirements would be the subject of a rule making process with a separate opportunity for specific comments on the proposed rule.

It is our view that the study should address the following issues:

**Potential benefits**

It should be borne in mind that a VDR has very limited use in the prevention of accidents. Its main role is to preserve data for post accident investigations. While it can be argued that the lessons learned from accident investigations could play a possible role in safety, unfortunately under our regulatory and legal system accident investigations are

primarily focused on determining culpability of personnel and financial liability for damages after an accident. Consideration should be given to putting the probable costs of a VDR to better use by requiring the carriage of advanced navigation technology that has the potential to avoid accidents, not merely recording them, while at the same time preserving a history trail that could serve much the same function as a VDR. It has been seven years since the decision was made at IMO to require VDR's on SOLAS ships. During those seven years there has been significant progress in the availability and application of advanced navigation technology.

New integrated navigation systems (INS) incorporating Electronic Chart Display and Information Systems (ECDIS) that have a radar overlay and utilize both Digital Global Position System (DGPS) for own ships position, course and speed and Automated Identification Systems (AIS) for other ships position, course and speed are available with past history features that permit playback of the situation leading up to an accident. When used in conjunction with a course recorder and engine bell logger the accident investigator has a very complete record of what occurred measured against a very accurate timeline.

At the present time the USCG is recording AIS data transmitted by ships as part of its domain awareness program. In addition private companies are recording the same AIS information and making it available to the legal community to assist in recreating what occurred prior to an accident. While the ship board carried equipment has more complete data, the recording of AIS data by shore side facilities provides a useful backup system for the accident investigator. Unlike the SOLAS ship that is operating on the high seas, the non-SOLAS vessels that are the subject of this study are in domestic trades close to shore and under both USCG and private AIS surveillance that is recorded.

There is a tendency to equate the requirements of the air transport industry with the requirements of the maritime industry. In the air transport industry serious accidents often lead to situations where there are no surviving witnesses and the black box is the only available means of determining what occurred. SOLAS ships on the high seas can go down in deep water with all hands, but such occurrences are extremely rare. Unlike the air transport industry, the overwhelming majority of serious accidents in the maritime industry still leave the ship and its equipment reasonably intact with surviving witnesses. On the inland ferries that are the subject of the study it is difficult to imagine a scenario where the equipment and witnesses would not survive the accident and be available to post accident investigators.

It is questionable if the SOLAS VDR carriage requirements would have been adopted in 2000 if currently available advanced navigation technology with playback features were available at the time. The study should address the issue of what additional data or benefit could be provided by a VDR in inland or coastal waters and what the cost benefit ratio would be for that information. And it is also questionable if installation of a VDR is the best use of limited resources when more useful and effective navigation technology is available that also provides a comparable history trail.

### **Ownership and access to data**

There is a concern about the “Big Brother” aspects of recording all wheelhouse conversations and VHF radio communications, particularly private conversations on public correspondence channels, and having them available on an unrestricted basis to shipping company management or to the public through legal process. There will be a reluctance to discuss any problems in the wheel house dealing with matters that may reflect unfavorably on shipping company management which could affect the overall safety of the vessel. It would also have a chilling effect on reporting any deficiencies or problems to the USCG, on any potential whistle blower activity, or communications with labor union officials. If VDR’s are to be fitted to non-SOLAS vessels in domestic trade consideration should be given to applying the airline industry procedures of confidentiality of communications between crew members. Recorded conversations should only be accessible to accident investigators after an accident with an established chain-of-custody procedure for access and transference of such information to investigators.