

July 30, 2009

The Honorable Elijah Cummings, Chairman
Subcommittee on Coast Guard and Maritime Transportation
United States House of Representatives
Washington, DC 20515

RE: Supplemental Material Regarding the National Maritime Center and
Mariner Credentials Hearing, July 9, 2009

Dear Mr. Chairman and Members of the Subcommittee:

America's maritime officers unions appreciated the opportunity to bring our concerns over the implementation of new medical review and mariner credentialing procedures at the Coast Guard's National Maritime Center (NMC) before the subcommittee. The administrative agencies that implement the laws of Congress work best when there is active oversight by Congressional committees.

As we stated in the written testimony we submitted to the subcommittee on July 9, merchant mariner licensing and documentation, and medical review procedures, are critically important administrative functions. They are essential to ensure that mariners who are qualified and medically fit to serve aboard vessels in every maritime sector are able to do so. However, as we stated during the Subcommittee's hearing, we believe very strongly that the Coast Guard has fallen terribly short in meeting its responsibilities to administer these functions fairly, efficiently, and in a timely manner.

Unfortunately, there are those within the Coast Guard who still do not understand that their failure to manage their licensing and documentation and medical review missions properly has a direct impact upon the ability of American merchant mariners to continue in the maritime profession and to provide for their families. As we pointed out in our testimony, maritime labor and others repeatedly warned the Coast Guard over a period of four years that the Coast Guard's proposals in these areas would result in the loss of jobs for mariners. We continually warned the Coast Guard that their proposals were unfair, overly costly, and unnecessary. We continue to be puzzled by the Coast Guard's stubbornness and are forced to conclude that the Coast Guard either chose to ignore these warnings or the agency simply considered the impact of its proposals upon mariners as less important - placing a greater priority on economies of scale, output metrics, and centralization.

We regard this "centralization" of mariner licensing and documentation as a failure by Coast Guard leadership to effectively disseminate policy and guidance to the seventeen (17) Regional Exam Centers. It is impossible to understand, in the era of instant communications, why the Coast Guard is unable to communicate effectively with its offices around the country. At a time when businesses throughout the country and around the world are able to delegate decision making throughout their organizations, we have questioned and continue to wonder why the Coast Guard feels the agency needs to pull back and place critical decisions in the hands of people who could hardly be more removed from the public they are employed to serve.

We strongly believe a new approach to the evaluation and certification of medical conditions and professional qualifications is needed. We respectfully request that careful consideration be given to the following comments.

The Medical Review Process

As all available evidence clearly indicates, the Coast Guard's newly-implemented medical review process is not functioning as originally envisioned. It is a misguided and impractical attempt to evaluate and monitor changes in the medical condition of over 200,000 mariners through an extremely small staff of medical evaluators at a central office. Therefore, medical evaluations are now based solely on a stream of paperwork between the NMC, the mariner, and examining professionals.

The possibility of backlogs like those the Coast Guard caused late last year and early this year provides incentives for the agency to place the blame for delays on mariners. For example, mariners who call the NMC helpdesk are frequently told their applications may not proceed until the mariner provides more information for medical evaluators.

We must note for the record that the Merchant Mariner Personnel Advisory Committee to the Coast Guard (MERPAC) rejected the Coast Guard's concept for the current system of medical review. Therefore, it is necessary to qualify the Coast Guard's assertions that the agency consulted with industry by saying that the consultations did take place, but the agency dismissed the industry's advice.

Fortunately, guidance on a reasonable approach to medical review standards exists in the recently adopted International Labor Organization (ILO) Maritime Labor Convention of 2006 that is well on its way to ratification as the accepted international standard. The International Maritime Organization (IMO) also has medical standards for mariners on its work program. Our organizations support the international medical standards and the international system for documenting medical fitness as far more practical and realistic than the procedures put in place by the Coast Guard.

The Professional Qualification Evaluation Process

The licensing and documentation process, particularly for officers, is very complex. Not only must merchant marine officers comply with Coast Guard regulations, they must achieve endorsements under the IMO's International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW). The number of endorsements that a mariner must achieve to work aboard all sorts of ships under STCW continues to grow and, to make matters more complex, Coast Guard regulations are not always compatible with the requirements of STCW.

In order to work aboard merchant vessels, maritime officers must possess both Coast Guard-issued licenses and STCW endorsements. Therefore, when mariners send their license renewal applications to the NMC, their employability and their livelihood are on the line. If the documents are returned to the mariner from the Coast Guard with mistakes or without all the appropriate STCW endorsements, the individual is unemployable aboard a U.S.-flag merchant vessel until the matter is resolved.

NMC personnel and helpdesk operators are not familiar enough with the maritime industry to properly interpret Coast Guard regulations and STCW convention requirements. This is not surprising because the evaluators and helpdesk personnel are

contractors drawn from outside the maritime industry. Knowledge and the ability to serve mariners were lost when the Coast Guard chose to “centralize”. We strongly doubt that the necessary capabilities will be regained under the present system.

Authority to Extend Mariners’ Licenses and Documents

Misinformation provided by the NMC, inefficiencies that are built into the “centralized” system and the lack of discretion on the part of medical practitioners are serious problems for mariners as their licenses and documents reach their expiration dates. As stated by the Coast Guard during the hearing, the agency has no authority to extend the duration of a credential beyond the five year statutory period.

Consequently, we ask that consideration be given to legislation that would allow an individual’s license or document to be extended for a specified period beyond the current five-year expiration date. In this way, it is our hope that individual mariners would no longer be victimized – would no longer lose their ability to work – as a result of mistakes made in the licensing and documentation process through no fault of their own.

Conclusion

The mariner licensing and documentation system put into place by the Coast Guard does not serve the nation nor does it serve the mariners it is meant to regulate. It has proven to break careers and throw hard working Americans into economic hardship to the extent that they must apply for government assistance or live on their credit cards.

We know of no other maritime nation in the world that is experiencing the kind of delays in processing applications for the renewal of licenses and documents that we have in the United States. Efficient, effective, and fair models exist in several industrialized nations, but the Coast Guard seemingly is resisting developing its processes along those lines.

Our organizations respectfully request the subcommittee to:

Continue vigorous oversight over the Coast Guard’s licensing and documentation processes. This is critical toward ensuring that mariners are treated fairly and will no longer be prevented from working because of poor or incorrect decisions by the Coast Guard.

Support legislation that ensures that medical practitioners who examine mariners for fitness for duty have full professional independence in exercising their medical judgment. A registry of qualified medical practitioners would conduct medical examinations and issue medical certificates as trusted agents of the USCG.

Consider a system of “trusted agents” to certify the professional qualifications of mariners after approved training and a demonstration of competency. Maritime academies and union training facilities are staffed with experienced mariners who have a personal interest in maintaining high standards within our industry and who are familiar with licensing and STCW endorsement requirements. Consideration should be given to additional legislation that would authorize and encourage the USCG to pursue this goal as a solution to the present problem.

Our maritime labor organizations again thank you and your Subcommittee for your efforts in behalf of America’s merchant mariners and we look forward to working

with you and your subcommittee to develop a fair and effective system for the regulation of merchant mariners.

Sincerely,

American Maritime Officers

International Organization of Masters, Mates & Pilots

Marine Engineers' Beneficial Association