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**Comments
Of
American Maritime Officers
On
Seafarers' Access to Maritime Facilities
Docket No. USCG-2013-1087
RIN 1625-AC15**

The American Maritime Officers represents licensed deck and engine officers in foreign trade, coastal trade, the Great Lakes and inland waterways.

The proposed regulation on Seafarer's Access to Maritime Facilities will affect all of our members and we appreciate the U.S. Coast Guard's effort in preparing this document. We also appreciate the many stakeholders who submitted comprehensive comments supporting this regulation.

We are generally satisfied that the key elements are addressed guaranteeing access to seafarer's, welfare and labor organizations, and other persons conducting legitimate business with a vessel. However, we continue to be concerned about the interpretation of "timely access without unreasonable delay" and "at no cost" and will discuss them further in our answers to the specific questions asked in the notice.

Answers to the specific questions asked in the notice are:

1. **Implementation.** We concur that 1 year to implement is appropriate. While we would prefer to see changes immediately, we recognize the time involved to rewrite FSPs and for the Coast Guard to approve them.
2. **Individuals Covered.** We feel the "Individuals covered" as proposed for 33 CFR 105.237 (b) is generally sufficient, except the restriction that allows a only seafarer's family members to visit them. We believe seafarers should be able to have visitors in general with the responsibility for vetting placed on the Vessel Security Officer. One has to put themselves in the position of the seafarer on a vessel away from home and family for long periods of time. A visit from a friend, or friend of the family, in an unfamiliar or foreign port can be a tremendous morale booster and adds to the quality of life that we need to promote in order to recruit and retain seafarers



3. **Timely Access.** As noted earlier, we have a specific concern about the phrase “timely access without unreasonable delay.” First, the phrase, “without unreasonable delay” is wide open to interpretation even when using the “application of factors” and we foresee waiting times trending to the two-hour limit rather than 30 minutes. We believe it should be clearly stated that 30 minutes is the goal for “timely access” and that a MTSA regulated facility would need to prove to the COTP why an exception to this goal is necessary. We would not even agree with a one-hour waiting time except in the most extreme circumstance. Even a vessel in port for longer than normal still has seafarers with duties that restrict their time ashore.
4. **Methods of Access.** The methods of access proposed in 33 CFR 105.237(d) are adequate when paired with a reliable and verifiable backup plan. However, we take issue with the statement in Table 2—Cost Matrix, paragraph 105.237(e) that Stipulates “at no cost to the Individual.” Under Costs and Benefits it states, “Costs may be passed to the vessel.” This statement needs clarification specifying that the costs of providing access are not to be a separate line item in the billing of the vessel. These costs must be rolled into a general tariff charged to all ships, otherwise vessel owners will bring pressure on the Master and crew not take shore leave, which is a de facto denial of shore leave that is almost impossible to track or prove. Furthermore, we would strongly encourage facilities to have formal arrangements with local welfare organizations, where available, in order to facilitate their participation. These organizations provide tremendous value for relatively little cost.
5. **Non-Compliance Rate.** We believe the 10.3 percent non-compliance rate used in this analysis is low. However, we have not collected definitive data and only have anecdotal information on which to base our opinion.
6. **Implementation Costs.** While we cannot make any substantive comments about the costs to implement this proposal, we believe this action is long overdue and cost should not be factor when correcting a serious omission from the Facility Security Plans.
7. **Alternative Methods.** We do not agree with the four alternative methods of implementation. We feel the Coast Guard’s proposed method of implementation properly addresses an issue that has not been solved by less direct methods over the past 10 years.

In addition to our comments above, we strongly support an informal proposal made in the public meeting, that we need a Navigation and Vessel Inspection Circular (NVIC), crafted with industry partners, to provide practical guidance and promote industry best practices on facility security to accompany this regulation.

Best Practices should address training, vetting and vehicle clearance procedures. Every facility has a different regimen to qualify a visitor for access. Best Practices could provide confidence to a facility so they do not feel the need for layering or overlapping procedures to convince regulators that they are safe.

Our last comment addresses a common industry practice where a MTSA regulated facility requires a ship's agent to act as sponsor for all individuals going to or from to a ship. This is often a real impediment to welfare and labor organizations that often visit more than one ship, but the vessels are serviced by different agents. Legitimate personnel should be cleared on to a facility and the Ship's Security Officer should control their access to the individual vessel.