

C-PORT (Conference of Professional Operators for Response Towing) Best Practices: Marine Assistance Deferment

DEFER - to yield to another; pass off to another or yield in judgment to a higher authority.

From time to time it may become necessary to pass an existing or potential marine assistance case to another marine assistance provider, to the United States Coast Guard or a state or local agency. The proper term is to “defer” and should be used when appropriate to advise the other party that you are giving them the responsibility for the case and will not be responding.

The decision to defer is typically based upon risk and safety to all parties including the casualty. The following describes the recommended industry approach for the appropriate action based on the facts present in a case:

1. The casualty is within sight - Respond to scene, and complete the case or defer.
2. MARB or 3rd party referral - Complete the case or defer back to the originating party or the United States Coast Guard.
3. First person request for assistance - Complete the case or take one of two actions:
 - a. If determined “non- distress” - Ask if casualty wishes to have United State Coast Guard notified or provide the Coast Guard contact information directly to the boater. If this is desired, further monitor to ensure that contact has been made between the two parties. If this is not desired, maintain communication with the casualty to ensure the situation does not deteriorate.
 - b. Distress - Notify USCG immediately, regardless of whether or not you will be responding.

The decision usually comes down to the responder’s abilities, the assistance towing vessel’s capabilities and/or the overall response time. For example, if the response is going to endanger the captain’s life or the assistance towing vessel due to weather and sea conditions, create a situation that would force the assistance towing vessel to go farther than the crews capabilities allow, whether it be due to distance or crew fatigue, deferring to the United States Coast Guard or a state or local agency (if United States Coast Guard is not present in your area; this applies predominately to inland areas) is the most prudent option for the assistance towing provider and the boater needing assistance.

Most marine assistance operators understand the previously described rational for deferring a case. The problem occurs when the assistance towing provider can safely respond but the disabled boater, for purely economic reasons, does not wish to pay for

commercial services. While the assistance tower may not wish to respond until financial terms are agreed to and met, this may not always be the most prudent course of action. This is critical; as we all know on-the-water situations are dynamic and can easily go from ordinary non-distress to distress very quickly. It may be prudent for the commercial responder to maintain communications with the disabled boater to ensure that the situation does not deteriorate, regardless of whether or not financial arrangements have been made.

The same applies when an assistance tower receives a telephone call from a disabled vessel that is not at a safe port. The assistance tower may not simply hang up the telephone if the boater refuses their service. An assistance towing provider is not obligated to respond; you are, however, obligated to report the incident to the United States Coast Guard if:

- The safety of the disabled boater is in question;
- A reasonable time has passed and no financial agreements have been reached;
- You are unwilling or unable to maintain communication with the disabled party.

Remember, an assistance tower should not expect the Coast Guard to stand down and not respond if a boater is deemed to be in distress. Their primary mission is to save lives and property. Following this simple procedure will promote the continued professionalism and reliability of the marine assistance industry and ensure the safety of the boating public, our customers.