



The Marine Assistance Industry Journal

A Quarterly Newsletter — Volume 51- August 2023



Chairman's Address

I'm not going to lie. It's taken six reminders, three starts and stops, and two firm reprimands from our esteemed Executive Director for me to pen this issue's introduction.

Like everyone else, things are a little crazy right now, and I just couldn't find the time. I'm sure you all know how that feels. Between tows, salvages, invoicing, collections, and a million other small tasks and details, it just never quite made it to the top of the list.

So, that begs the question: What keeps you going through the busy times, and how do you fit it all in? More importantly, how do you prioritize it all, when everything is a priority?

The simple fact of the matter is that not everything can be a priority. We have to be masters of multi-tasking and time-sharing our brain and energy. For instance, I'm writing this between text messages from my on-duty dispatchers, while my daughter reads a book beside me in preparation for bedtime.

So, for all of you going in seven different directions at once, doing Mach 3 with your hair on fire, I salute you. We are, without a doubt, a different breed.

So find that thing that keeps you going, prioritize safety above all, and remember it's just a few short months until we can kick back together in St. Pete for this year's Annual Conference.

Fair winds and following seas,

P. LeBlanc

Registration is Open!

37th C-PORT Conference and Membership Meeting

November 6 - November 8, 2023

Hilton St. Petersburg Bayfront, FL

<https://cport.us>

C-PORT is seeking nominations for the prestigious AFRAS C-PORT Lifesaving Award.

The Association For Rescue At Sea (AFRAS) was formed in 1976 to foster traditional maritime search and rescue values through suitable recognition of deserving personnel, and to facilitate cooperation in search and rescue. In 2010, AFRAS expressed a desire to establish a program, in cooperation with C-PORT, to annually recognize a deserving member of C-PORT that has shown exceptional skill and determination to save lives during a rescue incident in the maritime environment. AFRAS and C-PORT are proud to continue this decade long program recognizing these heroic actions of C-PORT members.

The Award is conferred on an individual or group of individuals who perform exceptional acts in attempting to save life in the maritime environment. Instances where the rescuer places their own life at risk will be given highest consideration. The Award may be given posthumously.

Nominations are to include a full description of the circumstances and events giving rise to the nomination and include such factors as:

- Location of the incident
- Prevailing weather conditions
- Skill displayed
- Determination to conduct the rescue operation
- Exceptional courage demonstrated
- Degree of risk involved

Nominations may be emailed to tcardone@cport.us or mailed directly to the C-PORT office at 4251 NE 27th Ave, Lighthouse Point, FL 33064. Nominations may be sent at any time so long as they are received no later than September 15, 2023 to allow sufficient time for the vetting of the nominations. AFRAS will present the Award at the C-PORT Awards Banquet Gala on Tuesday, November 7, 2023.

C-PORT presents Distinguished and Meritorious Service Awards to members who demonstrate the professional principles that our association promotes. These marine assistance professionals go above and beyond their dedication to providing service to the boating public through extraordinary and exemplary actions. Nominations are to include a full description of the circumstances and events giving rise to the nomination and may be emailed to tcardone@cport.us or mailed directly to the C-PORT office at 4251 NE 27th Ave, Lighthouse Point, FL 33064. These award recipients will be honored at the C-PORT Awards Banquet Gala on Tuesday, November 7, 2023.

Calculator Policy for All Mariner Credentialing Examinations - National Maritime Center

To standardize calculator usage during U.S. Coast Guard mariner credentialing examinations, the National Maritime Center (NMC) is implementing the following:

Beginning January 1, 2024, all mariners testing at a regional examination center, monitoring unit, or federal/state maritime academy will be issued a Texas Instruments TI-30XIIS calculator to use during their examination(s). All mariners should become familiar with the use of this calculator prior to their scheduled examination. The TI-30XIIS operating manual may be reviewed at [TI-30XIIS Quick Reference Guide](#). After December 31, 2023, no other calculators will be allowed in the examination room.

Any questions, concerns, or feedback should be directed to the NMC Customer Service Center by e-mailing IASKNMC@uscg.mil or calling 1-888-IASKNMC (427-5662).

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**Thank You, C-PORT,
for 36 Years of
Preserving the legacy,
and Promoting the
future of the Marine
Assistance Industry.**



- The Safe/Sea Crew

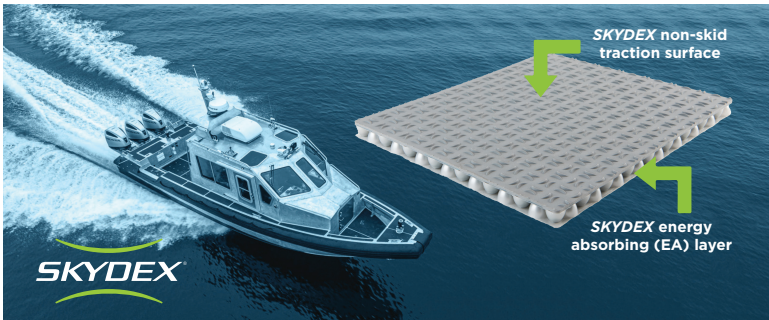
37th C-PORT Conference and Membership Meeting November 6 - 8, 2023 Hilton St. Petersburg Bayfront FL

Agenda highlights:

- The Heavy Lift - Salvage Techniques and Best Practices
- Vehicle Insurance - What do I need to do to safeguard my business and family?
- A Legal Perspective
- Neutral Buoyancy - What is it?
- U.S. Coast Guard partners on hand for conversation and Q&A
- C-PORT Reports. Members Speak.
- Exhibitors!
- Awards and Celebrations!
- Social time to relax with friends, food, and beverages!

Register today and book your room before the block sells out!

<https://cport.us/membership/conference/c-port-conference-2024>



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NMC continues to strongly urge everyone to apply for their credential at least 90 days in advance. Be sure to submit a complete application to avoid unnecessary delays in processing.

National Maritime Center

Keep 'em Safe, Keep 'em Sailing



(UPDATE) National Maritime Center Credential Production Delays Resolved

On April 7, 2023, the National Maritime Center (NMC) reported on technical difficulties with our credential production equipment. These equipment issues led to delays in issuing Merchant Mariner Credentials (MMCs).

These issues have been resolved, and we are pleased to announce that production and issuance times have returned to normal. Mariners who are approved to print can expect their credential to be produced and issued within **2-3 business days**.

As always, mariners can expect to receive a status update e-mail at each stage of the application, including upon issuance of their credentials. To check your status and get the most up-to-date status information, use our [online status tool](#), or contact us via [Live Chat](#) (scan the QR code below to open the chat website) or by calling 1-888-IASKNMC (427-5662).

If necessary, mariners can request expedited mailing of their MMC or medical certificate, which includes the ability to track the package. Full instructions detailing the expedited mailing process are provided on the [NMC website](#).

For a complete list of important announcements, see the NMC Announcements on the [NMC Home Page](#).

Sincerely,

/B. W. Clare/

Bradley W. Clare
Captain, U.S. Coast Guard
Commanding Officer

Questions? Scan the QR code to chat with us.



C-PORT Mentor Program is a resounding success! Just a year underway, the C-PORT Mentor Program has hosted a dozen virtual sessions. “C-PORT members will benefit from the longevity, direction, and history that is filled by the leadership of past C-PORT chairman,” stated Phil LeBlanc, C-PORT chairman. He added, “Topics are kept fresh and relevant by asking for board and member input. There is added value by inviting those who are not on the board or past chairman to speak when the topic is one in which they hold particular expertise or knowledge.”

C-PORT mentor program calls started in February 2022 and have included sessions that span contracts, both towing and salvage, hiring and retention challenges, equip the boat and the salvage trailer, salvage techniques, and more. These sessions are interactive, sharing experiences and building on industry knowledge.

Mentor program calls are topic specific and limited to an hour which includes time for Q&A and group conversation. By sharing the vast knowledge, skills, and experience of our members, C-PORT hopes to encourage safety within the industry, growth and development of our member companies, and enhance the financial security of our members. These virtual meetings are held on the second Tuesday of the month at 2:00 PM Eastern. Email notices go out to all C-PORT members. If you are not receiving these emails and want more information about the program, or if you have a topic you would like to see, please contact Tina Cardone at tcardone@cport.us or call 954-261-2012.

C-PORT met with Congressional members addressing a number of industry concerns. A few C-PORT members joined executive director, Tina Cardone, at the nation’s Capitol to talk with legislators about the challenges facing the marine assistance towing and salvage industry. Terry Hill, Richard Paul, and Jeff Dziejcz supported CPORT’s efforts to bring our concerns to the floor. It was a full two days of meetings with a diverse group of representatives, including congressional committee leaders. This interaction benefits our members and helps C-PORT bring our specific industry challenges to light.

One part of our focus was on workforce issues and availability and retaining crew. We asked for support through appropriations to the U.S. Coast Guard National Maritime Center modernization programs, to encourage and support Maritime Administration’s, MARAD, outreach programs and financing programs, and to review the standards used by DOT regarding drug testing to include impairment rather than use tests. Shortly after our meetings, we were pleased to see Vice Adm. Paul Thomas, Deputy Commandant for Mission Support, USCG, testify before the House Transportation and Infrastructure Committee- Subcommittee on Coast Guard and Maritime Transportation voicing many of our concerns. The hearing focused on recruitment and retention challenges in industry as well as in the US Coast Guard.

In addition to the shortage of mariners, C-PORT brought to the representatives’ attention the need for a consistent SAR policy across the country. Strides are being taken through C-PORT’s work with NENA (National Emergency Number Association) but without Congressional support, the policies and procedures being developed are merely suggestions. We asked for support in creating incentives for all public agencies to follow MSAP and the tried and true protocols set forth by the US Coast Guard.

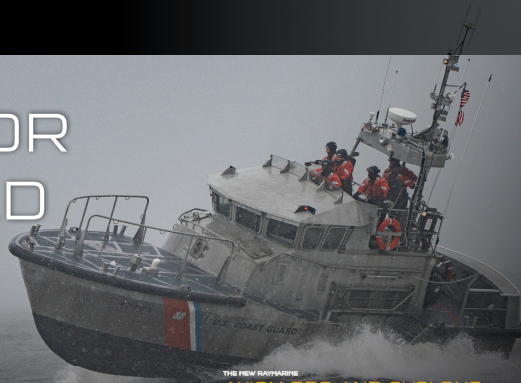
This discussion included the ambiguous language found in FEMA Port Security Grants. We asked that clear language be added so that these resources may not be used to unfairly compete with the private sector.

We addressed the ongoing concerns of State pre-emption of Federal Regulations, and the rapid zero-emissions movement inadvertently harming maritime businesses. We reminded them that what works on land does not necessarily work on the water, and asked that necessary studies and research be done in the field, while maintaining Federal rule over the maritime industry to prevent a patchwork of differing state requirements.

The conversation continues.



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Teredo Navalis – Don't Catch This!

Folks, you're camping on the last bit of legal frontier. The rest of the law is squared off, edged and trimmed like the suburbs and trust me, they're coming for you. All it takes is a bad decision or two for the law of salvage to start slip-sliding sideways leaving you with some sort of generous time and materials approach. Keep that from happening by being a professional and avoiding the dreaded Teredo Navalis! Here are some tips:

Tell them exactly how big the fish was, not how big you'll tell your friends it was. That is, slow down and let the actual facts and circumstances support your salvage claim. Don't push the size of the sea state or the freshness of the breeze. You know what I'm saying.

Just say no. Be nice and all, but don't take short money. Salvage claims are like homemade pickles, they get better with age. If your cash reserves allow, don't let the owner, adjuster, the surveyor (who likes to cram an adjuster's cap on his/her dome) or the insurer tell you what the salvage claim is worth. Talk to other salvors and talk to your maritime lawyer and if they support your demand, hold strong. It'll all work out just fine.

Know what you know and admit (at least to yourself) what you don't know. If you're new to the desk side of the salvage business, be a student. Learn what facts go into assembling a full value salvage claim, ride a claim through an arbitration to get a feel for how the system works and be careful with the values you assign a claim. That is, don't always be charging the net and have the patience to argue your claim from the vessel owner's side. Measure the strength of your claim by asking yourself: which side has the larger caliber ammo (facts, circumstances, etc.)?

Your word is good, but it's not going to win you anything. You can say this or that happened, but without evidence (pics, witness statements, video, chart excerpts, GPS track lines, etc.) you are going to leave money on the table. You need evidence to support your salvage claim. Evidence should be your number one thought – aside from safely salvaging the vessel. Evidence is gasoline and the more and better evidence you get, the higher the octane and the bigger the bang!

No one is your friend. I know that's harsh, but appreciate the difference between business buddies and your friends and family. A business buddy is the surveyor who bought you lunch and likes to lean in and maybe share something in "confidence." Yea, yea. Just be leery. Not everything you're told is right, correct or helpful. Don't ever rely on the word of a business buddy. Ask for a copy of the declarations page or bill of sale and ask for proof of the repair estimate being paid. There's nothing wrong with getting verification. You owe it to your office and staff.

And that's a great thing to remember. Even if you're steering the business ship, understand you owe an obligation to the ship. The ship is first. It's easy to ask for more information or reject small monies when you tell yourself: I have an obligation to my office (the ship) to present the best claim and get the best outcome.

And friends, if these approaches are respected, you'll almost certainly avoid the naval shipworm (Teredo Navalis) invading your ship's hull!

This article is provided for your general information, is not legal opinion and should not be relied upon. Always seek legal counsel to understand your rights and remedies.

By John K. Fulweiler

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Understanding Employment Practices Liability Insurance Coverage

Employment Practices Liability Insurance (EPLI) is a specialized insurance coverage that protects businesses against various employment-related claims made by employees or job applicants. In an increasingly litigious society, businesses face the risk of costly lawsuits related to wrongful termination, discrimination, harassment, or other employment-related issues. EPLI coverage helps mitigate these risks and provides financial protection for businesses facing such claims. This article aims to provide a comprehensive understanding of Employment Practices Liability Insurance coverage.

What Does EPLI Cover?

EPLI policies typically provide coverage for the following types of employment-related claims:

1. **Wrongful Termination:** If an employee alleges that they were terminated unlawfully, such as due to discrimination, retaliation, or breach of employment contract, EPLI coverage can help protect the business against related legal costs and potential settlements or judgments.

2. **Discrimination:** Claims of discrimination based on protected characteristics such as race, gender, age, religion, disability, or sexual orientation are common in the workplace. EPLI coverage can help cover legal expenses if a business is accused of discriminatory practices.

3. **Harassment:** EPLI policies often include coverage for claims of workplace harassment, including sexual harassment or hostile work environment. This coverage can assist in defending the business against allegations and provide financial protection in case of settlements or judgments.

4. **Wrongful Employment Practices:** This category covers various other wrongful employment practices, such as defamation, invasion of privacy, failure to promote, negligent evaluation, or negligent supervision. EPLI coverage helps protect the business from the financial consequences of such claims.

5. **Retaliation:** If an employee claims retaliation for engaging in protected activities, such as reporting illegal practices or participating in whistleblowing, EPLI coverage can provide assistance in defending against these allegations.

6. **Employment-related Misrepresentation:** EPLI policies may offer coverage for claims arising from false representations made by the business or its representatives during the hiring process, such as misrepresentation of job duties or salary expectations.

7. **Third-Party Claims:** Some EPLI policies extend coverage to third-party claims, such as claims made by customers, clients, or vendors, alleging discrimination, harassment, or other employment-related wrongdoing.

Coverage Limits and Exclusions: EPLI policies typically have coverage limits that define the maximum amount the insurer will pay for each claim or in aggregate during the policy period. It is essential for businesses to carefully review and evaluate their coverage limits to ensure adequate protection.

It's important to note that EPLI coverage generally excludes certain situations, such as intentional acts, criminal activities, and contractual disputes unrelated to employment practices. Each policy may have specific exclusions that businesses should be aware of, and it's recommended to review the policy terms and conditions to understand the scope of coverage and any limitations.

From the National Weather Service: "It's not the heat, it's the humidity". That's a partly valid phrase you may have heard in the summer, but it's actually both. The heat index, also known as the apparent temperature, is what the temperature feels like to the human body when relative humidity is combined with the air temperature. This has important considerations for the human body's comfort. When the body gets too hot, it begins to perspire or sweat to cool itself off. If the perspiration is not able to evaporate, the body cannot regulate its temperature. Evaporation is a cooling process. When perspiration is evaporated off the body, it effectively reduces the body's temperature. When the atmospheric moisture content (i.e. relative humidity) is high, the rate of evaporation from the body decreases. In other words, the human body feels warmer in humid conditions. The opposite is true when the relative humidity decreases because the rate of perspiration increases. The body actually feels cooler in arid conditions. There is direct relationship between the air temperature and relative humidity and the heat index, meaning as the air temperature and relative humidity increase (decrease), the heat index increases (decreases).

It surprises many people to learn that the heat index values in the chart above are for shady locations. If you are exposed to direct sunlight, the heat index value can be increased by up to 15°F. As shown in the table below, heat indices meeting or exceeding 103°F can lead to dangerous heat disorders with prolonged exposure and/or physical activity in the heat.

Classification	Heat Index	Effect on the body
Caution	80°F - 90°F	Fatigue possible with prolonged exposure and/or physical activity
Extreme Caution	90°F - 103°F	Heat stroke, heat cramps, or heat exhaustion possible with prolonged exposure and/or physical activity
Danger	103°F - 124°F	Heat cramps or heat exhaustion likely, and heat stroke possible with prolonged exposure and/or physical activity
Extreme Danger	125°F or higher	Heat stroke highly likely

How Much Water Do I Need to Drink?

1. Before work in the heat, make sure you are adequately hydrated:

- Drink water with meals to enhance fluid replacement.
- Recover for eight to 12 hours after working in the heat.
- Drink 16 to 20 fluid ounces four hours before work.

2. During work in the heat:

- Drink 8 to 12 ounces of fluids every 15 minutes.
- Plan on drinking more during very hot weather or difficult work.
- Drinking more than 1.5 liters per hour is not recommended
- Consider using a sports drink for difficult work over one hour.

3. After work in the heat:

- Drink 16 to 24 ounces for every pound lost at work.
- Post-work meals should include water.



U.S. Customs and
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Office of Human Resources Management

Publication Number 1552-0921

How to Protect Yourself from the Sun

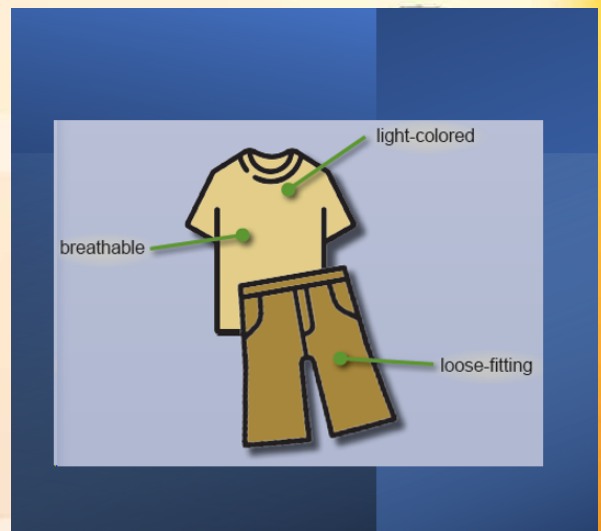
SUNSCREEN



- Wear sunscreen with SPF 30 or higher
- Apply sunscreen liberally (minimum of 1 ounces) approximately 30 minutes before sun exposure, and reapply it at least every two hours throughout the day
- Apply sunscreen approximately 30 minutes prior to applying any insect repellent
- Best applied prior to sweating

CLOTHING

- Use wide-brimmed hats to protect your eyes, head, and neck when authorized
- Wear light-colored, loose fitting clothing to cover your arms, legs, and torso when authorized
- Clothes made from tightly woven fabric provide the best protection



SHADE

- Work and rest in the shade when possible, constructing shaded areas if necessary
- Short shadow = seek shade! The sun's rays are strongest between 10 a.m. and 4 p.m. hours
- This doesn't mean that there is no risk outside of these time periods; sun risk can still be present in the early morning and later afternoon hours

EYEWEAR

- Wear sunglasses that block 99-100% of harmful UVA and UVB rays
- Use wraparound design eyewear if possible to protect against sun rays that come from the front and the side



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Risk Management Training Courses are available on the C-PORT website, <https://cport.us>. The program centers on these concepts:

- Risk: “possibility of loss or injury”
- Risk Management: “The identification, analysis, assessment, control, and avoidance, minimization, or elimination of unacceptable risks.

C-PORT is committed to encouraging its member’s growth and development through education and is dedicated to providing good business practices throughout its membership. With the increase in accidents and economic pressures facing our industry, many companies have lost sight of the importance of training and proper risk management skills. Our mission is to provide our members with programs that will enable their growth and development into the future, while minimizing the impact of looming USCG regulation in response to Congressional directive and safety records.

Contact Tina Cardone at tcardone@cport.us or 954-261-2012 with any questions regarding this program. Captain and crew special pricing is available.

Marine Assistance Company Operations Guideline, exclusively for C-PORT company members. These guidelines promote safe operations and provide regulatory guidance. C-PORT company members may obtain access to this document at the C-PORT website, <https://cport.us> or contact Tina Cardone at tcardone@cport.us or 954-261-2012.

Insurance Program for Marine Assistance Companies - Administered by Starkweather & Shepley Insurance Brokerage, Inc. - Designed and underwritten by Travelers for organizations dedicated to marine assistance and towing. This Program offers an extensive portfolio of quality insurance products and services to address a wide range of marine exposures. -800-788-8225; lwagner@starshep.com.

ACAPT- Accredited for Commercial Assistance and Professional Towing- The ACAPT program provides best practices guidance for the marine assistance towing and salvage industry. Participants are highlighted as having taken the initiative to meet or exceed their own company qualifications against industry best practice criteria and government regulations. Visit the C-PORT website at <https://cport.us> or contact Tina Cardone at tcardone@cport.us or 954-261-2012 with any questions regarding this program.

BOSAR for Commercial Assistance- Created through the support of NASBLA’s BOAT program and the USCG Office of Boat Forces, is designed for the marine assistance operator, providing reinforcement of knowledge gained by virtue of their captain's license and experience. It also enhances their ability to work as a true partner with local agencies and the US Coast Guard. This course is open to any marine assistance company who wants to host the training. Instructors and course materials are provided by C-PORT. Contact Tina Cardone at tcardone@cport.us or 954-261-2012 if you have an interest in hosting a class.

Mentor Program, exclusively for C-PORT company members. Virtual roundtable discussions with guest speakers. Second Tuesday of the month. Information is emailed to all company members prior to the sessions. If you are a member and not receiving these emails, contact Tina Cardone at tcardone@cport.us or 954-261-2012.



C-PORT was founded in 1985 to act as a liaison between the marine assistance industry and public agencies and organizations involved with boating safety, marine assistance, marine salvage and other marine-related operations. Its mission is to represent, promote, protect, and defend its member companies through communication, relationship development, and education. Our members are dedicated to providing prompt, professional and timely assistance to all boaters and to actively partner and cooperate with local law enforcement and U.S. Coast Guard. They are professionals, dedicated to the growth and development of their respective businesses and committed to furthering the advancement of our waterways and the boating community. For more information, contact C-PORT at (954) 261-2012 or visit <https://cport.us>.

C-PORT (Conference of Professional Operators for Response Towing)
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C-PORT is a 501(c)(6) organization.