



The Marine Assistance Industry Journal

A Quarterly Newsletter - Volume 42- January 2021



Chairman's Address

Like each of you, despite everything the universe could throw at us, we have emerged from 2020 strong and determined to charge into the new year.

Mindful that progress marches on, C-PORT has continued to maintain our relationships, albeit virtually. Our presence has continually been noted by those in command positions, and our relationships are strong both with fellow industry and government representatives.

With most Government offices closed, and staff working remotely, our ongoing relationships and universal familiarity with our association has been a great asset. One of the bigger issues faced by our members has been NMC credentialing delays. We have been active in updating our members on the continually changing guidance issued by the Coast Guard, and offering assistance with our members caught in the delay of renewing licenses and credentials. If you can take one thing away from this, please note that we don't expect the backlog to clear up as we enter into 2021. The Coast Guard is limited by statute to how long they can extend licenses past their renewal date. As of right now, that statute states they have one year. As a result, they must attend to those credentials that are closest to the time limit. As such, PLEASE submit your renewal packages as early as possible.

C-PORT also worked hard throughout the various government-imposed shutdowns to clarify and ensure our status as essential workers. This was of paramount importance in remaining operational when many other industries were shut down. We were also able, through relationships and communications, to ensure our members were armed with the latest laws, executive orders, and local ordinances. Through this effort, many marinas, fuel docks, boat ramps, and towing companies were able to stay running despite closures all around them.

Though the landscape has undergone changes, the principles we were founded upon over thirty years ago remain the very same. We are the Conference of Professional Operators for Response Towing. Our membership is comprised of those professional companies that aspire to be better than average, and strive to surpass the minimum requirements.

On a personal note, and on behalf of the entire Board, I want to extend both thanks, and our wishes for a safe and successful 2021.

Fair winds and following seas,

Phil LeBlanc
C-PORT Chairman

C-PORT held its 34th Membership Meeting in a virtual format on January 6, 2021. The meeting was well attended and committee chairs presented their reports. Highlights of C-PORT’s 2020 accomplishments and tasks include:

- The 2020 USCG/C-PORT Partnership Meeting was held on January 20, 2020. Attending from US Coast Guard were LT Derek Wallin, CO Station Ft Lauderdale; CDR Aurora Fleming, USCG Office of Search and Rescue; and CDR Michael Keane, USCG Office of Boat Forces. Keane transferred to USCG Shore Forces shortly after the meeting. The 2021 C-PORT US Coast Guard Partnership Meeting will be scheduled sometime later in the year, hoping to safely accommodate an in person setting for all involved.
- C-PORT worked closely with US Coast Guard during the Covid-19 shutdowns providing guidance documents for our members to use both asserting that our industry fell into the essential workers category to assure our ability to remain open and conducting business.
- USCG Regional Exam Centers (REC) were closed for a time and eventually reopened for testing only. USCG National Maritime Center (NMC) adjusted during the early days to provide for online testing. C-PORT sent bulletins to our members to help them understand the problems and to provide them with documentation needed to continue to work under their licenses during their renewal time. C-PORT urges everyone submit their renewals as soon as they are eligible to renew. The backlog of credential renewals remains and by statute, a credential can not be extended beyond one year.
- Tina Cardone, C-PORT executive director, attended MERPAC and TSAC meetings via Zoom. The definition of “Occasional Towing” was discussed during TSAC. C-PORT went on record asking USCG to remember that a Master of Towing credential is not the only document that allows for towing. The marine assistance credential needs to be considered valid when defining the manning requirement for occasional towing.
- On the state front, Maryland and Florida are clarifying their respective derelict vessel statutes. The changes caused concern for C-PORT in regards to the proposed definitions of derelict vessel. Working closely with our members in MD and with our FL FWC partners, all parties openly discussed their concerns and support and agreement with the statute language was reached.

When You're Ready, Red is Ready



- The EPA is promulgating their Vessel Discharge regulations. Cardone attended a virtual public meeting to make sure industry vessels were not being added to the regulations. EPA was clear they were following the statute and commercial vessels under 79’ without ballast water are not included in these regulations.

- The majority of C-PORT’s efforts in 2020 were in helping members navigate the numerous pandemic executive orders. These orders changed sometimes weekly and local orders didn’t always follow state orders. We tracked them, reading the actual orders rather than depending on news or other such statements, and provided that guidance to members dealing with conflicting information.

- Maintaining and developing relationships is the hallmark of C-PORT’s work for the betterment of the marine assistance industry. With in-person meetings canceled in 2020, C-PORT supported our members and partners through virtual meetings. Along with MERPAC, TSAC, and EPA, C-PORT attended ABC, American Boating Congress, hosted by NMMA, NASBLA, National Association of State Boating Law Administrators conference, MLA, Maritime Law Association Spring meetings, and ASA, American Salvage Association membership meeting.

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The C-PORT Membership Meeting continued with Chris Day, Programs and Education chairman, reporting on the status of C-PORT programs. C-PORT offers a number of programs for the benefit of their members in creating a safe and professional work environment. Included in these programs are:

- Marine Assistance Company Guideline which includes management policy and processes, company operating procedures, various record keeping forms and reference materials focused specifically for the marine assistance industry.
- A growing risk management course library is offered to members and industry professionals. These courses focus on the risks confronted by the marine assistance towing and salvage industry and provides best practices and lessons learned guidance.
- C-PORT provides a hands on training program, Boat Operators Search and Rescue for Commercial Assistance. This program was developed through C-PORT’s partnership with the NASBLA BOAT Program. Class content and instructors are all approved by NASBLA.
- ACAPT, Accredited for Commercial Assistance And Professional Towing, was created by C-PORT in its infancy as a way to promote the professional company that strives to be above average. ACAPT recognizes the marine assistance company that has taken the initiative to measure their own qualifications against industry consensus criteria and government regulations. During the meeting, Day encouraged all members to participate in the ACAPT program, completing the process as his company recently did.

The meeting continued with announcements and an open forum. Included in the announcements were:

- A new risk management module, “Normalization of Deviance” will be uploaded to the C-PORT website soon! Members are asked to watch their emails for more information on this class.
- The 35th C-PORT Conference and Membership Meeting will be held in January 2022 in Savannah GA. Details will be posted as the date nears.

During the company member’s open forum, the C-PORT Board of Directors held a general Q&A period fielding member’s questions and provided a free exchange of ideas among member peers. A survey will be sent to all company members in the upcoming days seeking information and input from the membership as C-PORT moves into 2021.

The meeting adjourned with hopes for a safe and successful 2021.

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for 34 Years of
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the Professionals of the
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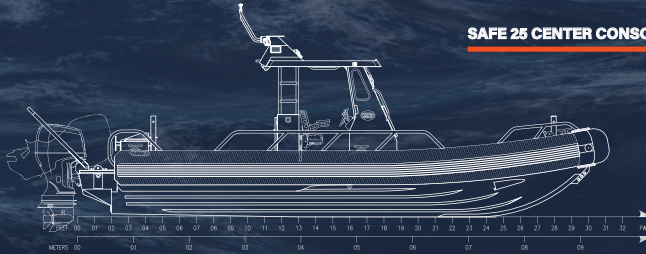
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Employment Practices, Insurance and the Pandemic

The U.S. Equal Employment Opportunity Commission (EEOC) and other State Employment Regulation bodies make it easy for employees to file a complaint against their employer. Employees can file a complaint in person, via mail or in some cases over the phone with no legal representation required. The process of filing an administrative matter is almost effortless and increases the likelihood of a Claim against the company. Even volunteers can file discrimination charges against the entity in which they are serving.

The various employment related litigation exposures created the need for Employment Practices Liability (EPL) insurance. According to a recent Chubb survey, 65% of responding companies indicate they currently purchase EPL insurance. Further, one in four private companies reported experiencing an EPL loss in the last three years. The average reported loss was just over \$100,000.

In short, an EPL policy is written to:

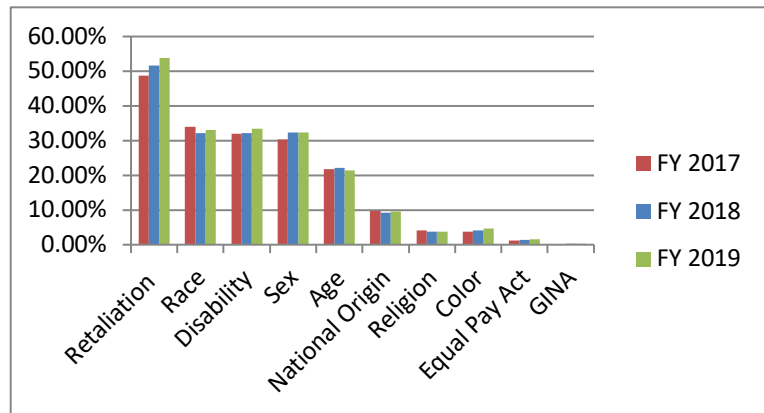
- Protect the entity against damages for events relating to their workforce, including but not limited to; wrongful terminations, harassment, discrimination, defamation and unfair hiring/firing practices; and
- Provide defense costs associated with responding to employment related lawsuits.

EPL Filed Complaints and Charge Receipt Statistics (EEOC Data)

In 2019, claimants filed 72,675 charges with the EEOC:

Current & Anticipated Claims Trends

- ✓ Pregnancy discrimination under the ADA
- ✓ Religious discrimination
- ✓ LGBT-related discrimination
- ✓ Equal pay laws
- ✓ Workplace bullying
- ✓ Recruiting & hiring practices with systemic impacts
- ✓ Race & national origin discrimination



COVID-19 Implications:

The pandemic has changed the employment landscape for many employers overnight. Companies had to quickly roll out or amend “work from home” policies, adjust employee’s schedules, furlough or layoff portions or all of their workforce. All of these actions create additional employment litigation exposure.

While we are less than a year into the pandemic, employment practices claims are being reported to insurance carriers. Common claims include the following underlying questions:

- Did you discriminate when you conducted layoffs or made other changes?
- Did you ask too many questions about employee’s health, family health or personal travel?
- Did you take appropriate steps to ensure a safe workplace?
- Did you treat employees that contracted COVID-19 differently than those that did not contract the virus?
- Did you penalize any employees for taking “too much” sick time or needing additional time out of the office?

To combat the current influx and anticipation of additional claims, insurance carriers are asking additional questions on their renewals regarding the impact COVID-19 and increasing their rates and retentions accordingly.

We have always strongly recommended the purchase of EPL insurance, now we feel it is even more important. While rates have increased, it is still a valuable and recommended risk management tool.

Linda J. Wagner,
 Assistant Vice President - Marine Program Manager, Starkweather & Shepley Insurance
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C-PORT Elects 2021 Board of Directors - During the C-PORT Membership Meeting, the membership elected its 2021 C-PORT board of directors and named the 2021 C-PORT executive board.



Reelected to the board was Harold "Smitty" Smith of Miller's Towing & Salvage/TowBoatU.S. Sandy Hook. Smith, better known in the industry as Smitty, lives in Middletown, NJ with his wife Sissy of 35 years. They have 3 grown children, with their first grandchild born in April 2018. They are lucky enough to live on an 11 acre farm where they house their horses.

Smitty has been working on boats all of his adult life and has had his USCG credential for more than 30 years. He holds a 200 ton masters license and a master of towing credential. Smitty started right out of high school working on tug boats in NY Harbor. After starting a family, the schedule was tough. Smitty went to work for the Fast Ferry industry becoming a senior Captain, and stayed there for 10 years. In 1998, he joined Millers Launch, the largest oil spill response company in NY Harbor as a supervisor. When they acquired TowBoatU.S. Sandy Hook, Smitty took the management lead running the day to day operations.

Smitty brings vast amounts of experience in the towing and salvage business to C-PORT. He is a member of the American Salvage Association and has been involved with the incident command system for oil spills, as well as managing a marine assistance towing and salvage company in a busy port. Smitty feels his knowledge and understanding of the challenges we all face will help him be a positive force on the board, helping the industry to keep regulations in check. Smitty has served as C-PORT Secretary since 2019. He serves on a number of C-PORT committees including Government and Legislative Affairs, Programs and Training, and the C-PORT US Coast Guard Focus Group.



Also reelected to the C-PORT board was Richard Paul of Marine Towing & Salvage of SWFL/TowBoatU.S. Cape Coral. Rich's desire to work on the water is a dream come true. Growing up in Florida, and spending endless weekends on Little Gasperilla Island, he knew his love of the water would eventually lead to a career on the water. In 2005, Rich received his 50 ton Masters License with a Towing Endorsement. While attending the Captain school, he learned the local TowBoatUS company was for sale. After a 25 year career, Rich retired from Publix Supermarkets and bought TowBoatUS Cape Coral, where he began a new career on the water. For the last 15 years, Rich has been very dedicated and committed on working to change the perception of the marine towing and salvage profession. He said, "We are professional business owners, not a band of pirates." Rich serves on the C-PORT Government and Legislative Affairs Committee and the Programs and Training Committee.



Newly elected to serve on the C-PORT board of directors is Chris Day, Georgia Boat Safety and Training/TowBoatU.S. Lake Allatoona. Chris started his on the water career after spending 11 years in Law Enforcement Criminal Interdiction. He was looking for a change from the fast pace life of a narcotics officer. Chris remarked that little did he know, responding to an ad for a deckhand in Tybee Island, GA would turn into a new and exciting career. Chris started Georgia Boat Safety and Training in 2016 with a target audience of public safety professionals. They have trained several agencies in boat operations in and around Georgia. Shortly after starting his company, Chris was approached by the previous owner of the TowBoatU.S. Lake Allatoona area. Chris purchased the company in 2018 and began to build his brand in the area by giving back to the local community. Chris serves as the Water Safety Coordinator for SafeKids Barow/Cherokee County, hosts an annual fundraiser every year to support a local family on the lake, and participates on the Lake Allatoona Water Safety Task Force. It was no surprise when Chris volunteered to

chair the C-PORT Programs and Education Committee this year. His boating experience expands from near coastal to inland waters, working in both the private and government sectors. "I have served on many committees and boards in my Law Enforcement career from city to federal government," Chris said. "I feel I can bring a much needed voice to C-PORT for Inland towing companies." Along with his duties as Programs and Education chair, Chris serves on the C-PORT Government and Legislative Affairs Committee, and the C-PORT US Coast Guard Focus Group.

In announcing the 2021 C-PORT board of directors, Tina Cardone, executive director remarked, "C-PORT continues to represent the professional marine assistance towing and salvage companies throughout the nation. These individuals bring decades of experience and vision to the board."

Serving on the 2021 C-PORT board of directors and executive committee are:

- Phil LeBlanc, Safe Sea/TowBoatU.S. Narragansett Bay; Chairman
- Harold "Smitty" Smith, Miller's Towing & Salvage/TowBoatU.S. Sandy Hook; Vice chairman
- Chris Day, Georgia Boat Safety and Training/TowBoatU.S. Lake Allatoona; Treasurer
- Dale Plummer, Baltimore Marine Recovery/TowBoatU.S. Baltimore; Secretary
- Robert Butler, Big Bay Marine/TowBoatU.S. San Diego
- Jake Dunfee, Rescue Marine/TowBoatU.S. Port Clinton
- Richard Paul, Marine Towing & Salvage of SWFL/TowBoatU.S. Cape Coral



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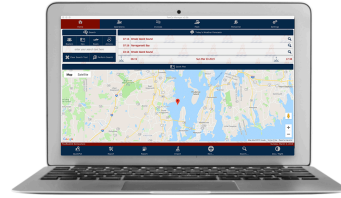
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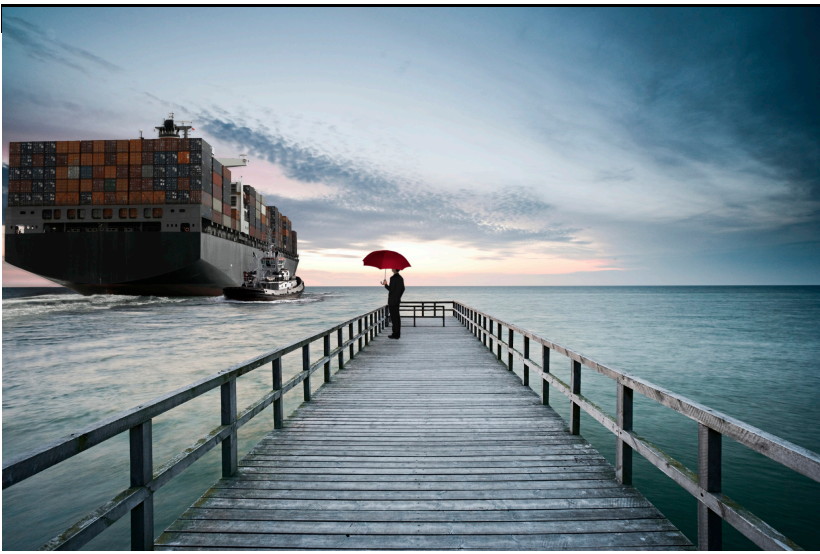


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Risk Management Training Courses are available on the C-PORT website, www.cport.us. The program centers on these concepts:

- 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, www.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 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 www.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.



C-PORT was founded in 1986 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 www.cport.us.

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