



The Marine Assistance Industry Journal

A Quarterly Newsletter - Volume XXXVI- July 2020



Chairman's Address

By the time everyone reads this, we'll be knee-deep in the summer of 2020. I don't know about you, but I looked at my wife a while back and said "What a year this week has been." The last six months haven't gone anything like we foresaw since we were all together in January. But like good salvors, we've buckled down forged ahead.

With many things being different this season, and life generally being upside down, I've had to make a special effort to write myself a reminder list every day, and ensure I check off tasks as I complete them. This exercise has gotten me thinking.

I believe it's safe to say that none of us got in this business because we looked forward to the day we could sit at a desk making lists, updating records, and filing paperwork. However, if there's ever an accident or incident, those records and files may be the most important thing we have.

In the past, I've talked a lot about training. But just as important as proper training is ensuring you have proper records of that training. When you get a new captain, do you have them show you they can do the job? Do you have a standard list of tasks they have to complete before you hand over the keys and set them loose? Is it the same for every captain, regardless of previous experience?

Now, if there's ever an accident, do you have proof that you did all this? Is there a document dated and signed by both you and the captain that shows what you've done? Can you provide that document to an investigator or opposing council to prove you engaged in training?

I have a friend who's an attorney, and he's told me numerous times "If you didn't write it down, it never happened."

I hate paperwork as much as the next guy, but if my back is ever against the wall, I'll feel a lot better knowing I can reach into that file and pull out something I can use as a shield.

Fair winds and following seas,

Phil LeBlanc
C-PORT Chairman

SAVE THE DATE!

34th C-PORT Conference and Membership Meeting

November 15- November 16, 2020

Hilton St. Petersburg Bayfront, St. Petersburg, FL

Over the last few months, we have been monitoring the COVID-19 crisis at all levels, national, state, and conference site. As states are reopening, uncertainty remains. Our venue is committed to having their facility meet the safety requirements to safely host our program and keep our participants safe. We encourage you to save the date as we cautiously move forward.

GAO Report - Vessel Safety - The Save Our Seas Act of 2018 mandated an audit of the “implementation and effectiveness” of the US Coast Guard’s role in monitoring and compliance of safety management systems. The Coast Guard pointed to CVC-WI-004(1)-U.S. Flag Interpretations on the ISM Code to be used by industry when assessing risks. Regardless of regulatory requirement, all marine assistance companies are urged to have a safety management system properly implemented for their operation. The founding principles of an SMS are listed below:

From USCG CVC-WI-004(1):

- 1) Companies should ensure that their SMS meets the objectives of the ISM Code and is structured in such a manner that different levels of management with the company, both ashore and onboard vessels, have the appropriate level of knowledge and awareness. The cornerstone of good safety management is commitment from the top of the company. In matters of safety and pollution prevention, it is the commitment, competence, attitudes, and motivation of individuals at all levels of the company that determine the result.

- 2) An SMS should support and encourage a “safety culture” to address issues of human error and human omissions while continually improving compliance with the applicable regulations. A “safety culture” is the sum of what an organization is and does in the pursuit of safety. A strong safety culture promotes an environment where all employees share the responsibility for safety in the workplace and the company has an established policy to protect employees from retribution for speaking up to prevent a hazardous occurrence.

- 3) Notwithstanding the objectives or functional requirements of a SMS provided in the Code, an effective SMS can be reduced to a simple philosophy: *Say what you do, do what you say, and be able to prove it!*

- 4) The SMS should include provisions to ensure that applicable U.S. federal laws and regulatory requirements are incorporated and understood by personnel responsible for complying with them.



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NTSB completed its investigation of a contact accident between a towed crane barge and overhead power lines. This case has interest to the marine assistance towing and salvage industry due to air draft considerations and the findings of fault resulting from a lack of an implemented company safety management system.

On June 20, 2019, a crane barge with 3 persons onboard was being pushed by a towing vessel, also with 3 crew members. The crane struck overhead power lines resulting in over \$226,000 in damages. A number of errors occurred before and during the transit. The NTSB report may be read here: [NTSB Report](#)

Findings of particular interest include:

- The captain of the towing vessel did not have a valid MMC, nor any evidence of receiving formal towing training. The company did not verify his credential prior to hiring him.
- In this case, a navigation assessment is required by regulation. There was no written evidence the assessment took place. The captain stated they had a pre-transit discussion, but there is no evidence that air draft and potential hazards along the route were discussed.
- Regulation (Subchapter M) requires a towing safety management system or a towing vessel record. The company had neither, and no written policies and procedures were found onboard.
- The crane boom’s angle indicator reading post accident indicated it was 43 feet higher than the charted power line height. The captain was made aware of pending power lines, yet permitted the crane boom to be raised. NTSB stated the captain “did not conduct effective voyage planning because he did not consider all overhead obstructions and identify his tow’s air draft restrictions for each along the intended route prior to getting under way.” NTSB continued by stating: “Had the company established a TSMS that included voyage planning with requirements for calculating a tow’s air draft and identifying all operational restrictions along the route, the crew would have been less likely to raise the boom while transiting.”

The NTSB concluded that the probable cause of the accident was “the tow’s captain not identifying the risk of raising the boom as the tow approached the powerlines due to the lack of company oversight, demonstrated by the company not implementing a towing safety management system or hiring a properly credentialed mariner to operate the vessel.”



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and Promoting the
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Industry.**



- The Safe/Sea Crew

CDC and OSHA provide Covid-19 Guidance for Businesses and Employers on their websites. While the marine assistance industry is not specifically named, there is informative guidance to be gleaned from the other maritime industries and professions specifically listed. Going to this CDC webpage and following the various links will also lead you to OSHA guidance documents and information.

It is recommended that all businesses and employers implement and update as necessary a plan that is specific to your workplace, identifies job tasks and areas with potential Covid-19 exposure, and measures to eliminate or reduce the risk of exposure, and sharing the information with crew.

Having a healthy work environment is important in preventing and reducing employee transmissions. Some suggestions include:

- Actively encourage sick employees to stay home. This includes employee who may be well but have a sick family member at home.
- Consider conducting daily in-person or virtual health checks. This link has a Q & A section to help employers understand what steps to take if they suspect or have confirmed Covid-19 cases in the workplace: [CDC Business FAQ](#)
- Identify where and how workers might be exposed to COVID-19 at work.
- Take action if an employee is suspected or confirmed to have COVID-19 infection. Follow the CDC cleaning and disinfection recommendations. This includes using products that meet the EPA criteria for use against coronavirus. That list is extensive and includes many household cleaners. The list may be found here: [EPA Disinfectants](#)

Educate employees about steps they can take to protect themselves at work and at home. Guidance includes:

- Wash their hands often with soap and water for at least 20 seconds or to use hand sanitizer with at least 60% alcohol if soap and water are not available.
- Cover their mouth and nose with a tissue when you cough or sneeze, or use the inside of their elbow. Throw used tissues into no-touch trash cans and immediately wash hands or use hand sanitizer containing at least 60% alcohol.
- Practice routine cleaning and disinfection of frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, and doorknobs. This translates to the vessel and all touch points in the wheelhouse and structure. Clean and disinfect them before and after use.
- Practice social distancing by avoiding large gatherings and maintaining distance (at least 6 feet) from others when possible.

More detailed information is available at the CDC website: [CDC Businesses and Employers](#)

OSHA also has a guidance document to help businesses and employers maintain a healthy workplace during this pandemic. The document may be viewed here: [OSHA Guidance on Preparing Workplaces for Covid-19](#). OSHA echoes the CDC advice in workplace preparedness. This includes developing a preparedness and response plan. Stay aware of state and local health notices. The plan should address the level of risk by considering:

- Where, how, and to what sources of SARS-CoV-2 might workers be exposed
- Non-occupational risk factors at home and in community settings.
- Workers' individual risk factors (e.g., older age; presence of chronic medical conditions, including immunocompromising conditions; pregnancy).
- Controls necessary to address those risks.
- OSHA also recommends employers to implement basic prevention measures which include:
 - Promote frequent and thorough hand washing and/or provide alcohol-based hand rubs containing at least 60% alcohol.
- Encourage workers to stay home if they are sick.
- Encourage respiratory etiquette, including covering coughs and sneezes.
- Maintain regular housekeeping practices, including routine cleaning and disinfecting of surfaces, equipment, and other elements of the work environment.

The suggested guidance in this article are not inclusive. Company owners and operators are urged to follow the links provided to benefit from the full guidance provided by these agencies. Taking the necessary precautions to safeguard your place of business, including your vessels, trailers, and vehicles, and your crews are part of maintaining a healthy workplace.

At the time of this publication, many states, counties, cities and towns are updating their Covid-19 requirements for businesses and individuals. It is important to stay abreast of the latest developments in your local areas. C-PORT is available to help you through the guidance. Call us at 954-261-2012 or email tcardone@cport.us.



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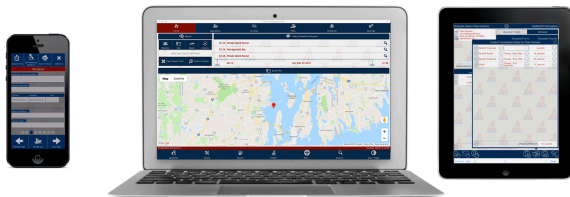
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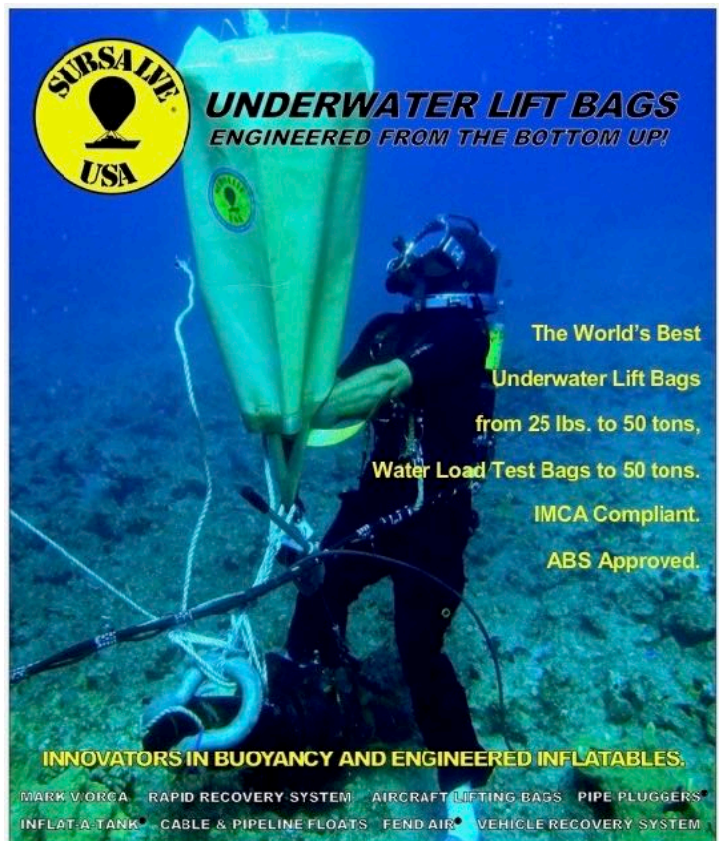
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Business Interruption and Covid-19

As we continue through this challenging time, it is of utmost importance to communicate and collaborate. This variability and uncertainty can bring about a mix of challenges, concerns, as well as the potential to grow and change.

One question that my colleagues and I have been fielding multiple times a day is, “Will my Insurance Policies cover my Loss of Income due to the shutdowns or stay at home orders?” Unfortunately, there is no easy answer. In most standard policies, there would need to be

physical damage to Covered Property for Business Income (or Business Interruption) Coverage to respond. Also, most policies contain a virus exclusion. Because the situation is variable, it is recommended that you discuss your specific situation with your trusted Insurance Professional to learn more about the current state of affairs.

As businesses re-open and a semblance of the “new normal” emerges, we are here to assist with your insurance questions and needs. Remember, we are in this together.

As a benefit of your C-PORT Membership, Starkweather & Shepley will provide a free consultation and review of your current insurance program to ensure completeness of coverage.

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C-PORT, Conference of Professional Operators for Response Towing, is seeking nominations for a number of prestigious awards to be presented at the 34th C-PORT Conference and Membership Meeting scheduled to be held on November 15-16, 2020 at the Hilton St. Petersburg Bayfront Hotel, St. Petersburg, FL.

AFRAS Lifesaving Award - AFRAS (Association for Rescue at Sea) will continue its program to annually recognize a deserving member of C-PORT for their rescue efforts. 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. The Award will be conferred on a C-PORT member 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

C-PORT Distinguished Service and Meritorious Service Awards - These awards honor C-PORT members who demonstrate the professional standards 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.

Nominations for all awards may be emailed to tcardone@cport.us or mailed directly to the C-PORT office at 4251 NE 27th Avenue, Lighthouse Point, FL 33064. "Nominations may be sent at any time so long as they are received no later than September 15, 2020," stated Tina Cardone, C-PORT executive director. "This allows sufficient time for the vetting of the nominations."



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The US Coast Guard has issued a marine safety information bulletin extending Merchant Mariner Credentials, medical certificates, and course approvals. The Coast Guard made the following announcements:

Regional Exam Centers and Monitoring Units will remain closed until further notice. Questions are to be posed through NMC by calling, emailing, or the online chat system.

National Endorsements: Merchant Mariner Credentials (MMC) and Medical Certificates (National Endorsements only) that expire between March 1, 2020 and September 30, 2020 are extended until December 31, 2020. If your credential is expired, you must carry the expired credential and a copy of this notice.

STCW Endorsements: MMCs with STCW endorsements that expire between March 1, 2020 and September 30, 2020 are extended until December 31, 2020. Mariners who are actively working on expired credentials that meet the expiration criteria must carry the expired credential with a copy of this notice.

STCW Medical Certificates: STCW Medical Certificates that expire between March 1, 2020 and September 30, 2020 are extended until December 31, 2020. Mariners who are actively working on an expired medical certificate that meet the expiration criteria must carry the expired certificate with a copy of this notice. Coast Guard cautions that those with qualifying medical conditions do not sail.

Additional administrative measures: The following items that expire in between March 1, 2020 and September 30, 2020 are extended until December 31, 2020: Additional Information letters, Qualified Assessor letters, Designated Examiner letters, Approval to Test letters, and mariner training course completion certificates.

Pilot annual physical examinations and course and program approvals are also addressed in the bulletin. Coast Guard also alerts everyone that this will cause a backlog of processing and mariners are urged to submit their applications as early as possible to avoid a lapse.



LT Derek W. Wallin, Commanding Officer, Station Fort Lauderdale, USCG is transferring to Washington DC. LT Wallin has been actively involved with the marine assistance industry through his safety, training, and communication focus. Those attending C-PORT conferences the last two years had the opportunity to spend one-on-one time with him. LT Wallin’s boat operations and training knowledge was evident in the Operational Risk Management-GAR 2.0 program he presented with the USCG Office of Boat Forces to the marine assistance industry. This training has reached over 200 marine assistance operators and continues to be viewed by company captains and crew throughout the industry. He exemplifies the true partnership between C-PORT and the United States Coast Guard. LT Wallin continues his service as he transitions to USCG Congressional Affairs as a Coast Guard Fellow in the Committee for Homeland Security. C-PORT looks forward to continued good works with LT Wallin in his new position, and we wish him fair winds and following seas in this next chapter.



The United States Coast Guard honored C-PORT member Paul Amaral with one of their highest civilian awards. Captain Paul Amaral, owner of Channel Watch Marine/ TowBoatU.S. Ventura & Channel Islands, received the USCG Meritorious Public Service Award. Noted as a consistently exceptional port partner, USCG Station Channel Islands held the surprise award ceremony on June 27, 2020, and presented Amaral the distinguished award for his “critical role in the response to the M/V Conception fire near Santa Cruz Island on September 2, 2019.” The citation stated that Amaral demonstrated “outstanding professional competence and bravery” as he towed the burning vessel to deeper water to allow the fireboats to gain access. When the vessel began to sink,

Amaral was given permission to use a grappling hook to secure the vessel and tow it to shallower water, resulting in “a monumental increase to the safety and effectiveness of the ensuing recovery and salvage operations”. He was also present for the recovery of a number of the deceased.

Amaral was honored by his industry peers at the C-PORT Conference in January 2019 for extraordinary initiative and heroic actions for his response to this tragic incident. “Circumstances do not make a man, they reveal him,” stated Phil LeBlanc, C-PORT chairman, during the presentation in January.



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 establishing standards for professionalism and 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 available.

Marine Assistance Company Operations Guideline, exclusively for C-PORT members. These guidelines promote safe operations and provide regulatory guidance. C-PORT 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- C-PORT has developed the ACAPT program to recognize the professional who is willing to adhere to standards of service, training, and equipment.

With the growth of the marine assistance towing and salvage industry has come a strong need for assurances of towing industry professionalism and expertise. The boating public, US Coast Guard, and state and local public agencies are often unsure of the qualifications of vessels offering assistance, sometimes leading to a reluctance to accept private assistance, and to a negative image of the industry being portrayed in the press. The ACAPT distinction recognizes the professional who is willing to adhere to high standards of service, training, and equipment.

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



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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