

A Quarterly Newsletter Volume XXX- October 2017



# A Message from C-PORT Chairman, John Ward -

I hope everyone is getting back on an even keel. Hurricane season has definitely been a challenge for all of us this year. I hope everyone got through these storms okay. Please check in with us and let us know how you are doing. I am very proud of how our industry came together to help each other manage the response and bring aid to the affected areas. Please keep praying for the people in Texas, South Florida and the Caribbean that continue to struggle in the aftermath of these disasters. If you need help with anything please let us know. Stay safe.

# 31st C-PORT Conference and Membership Meeting January 15 - January 17, 2018 Wyndham Grand Jupiter at Harbourside Place, Jupiter FL Registration is Open! Don't miss this informative event!

# Speakers:

- CAPT Christina Davidson, Chief, Office of Search and Rescue, USCG
- CAPT Christopher Keane, Chief, Office of Shore Forces, USCG
- CAPT James (Brian) Rush, Chief, Office of Boat Forces, USCG- Invited
- Mr. Jeffrey Wheeler, Deputy Chief, Office of Boat Forces, USCG
- Mr. Steve Huttman, Chairman, TSAC (Towing Safety Advisory Committee)- Invited

# **Sessions:**

- "Claims Costs- How much insurance do you really need?"- Mr. Adam Phillips, Assistant Vice President/Marine Practice Group Leader and Ms. Linda Wagner, Assistant Vice President/Marine Program Manager, Starkweather & Shepley will lead a discussion using real claims data. Find out what it will cost should an injury occur? How exposed are you?
- "A Legal Perspective What is the Right Insurance Coverage for Marine Assistance Companies?"- Mr. Mark Houck, Esq. and Mr. Andrew Craven, Esq., The Chartwell Law Offices, will discuss insurance policies, the contract between you and your underwriter. What do the words mean? Does it matter where the coverage is found in the policy? This session will help you understand your insurance contract from a legal perspective.
- "How to Make a Bad Decision Risk Management for Marine Assistance Operators"- presented by Capt. Kent Dresser, Confident Captain/OceanPros. This is a new risk management module designed for the marine assistance industry.
- C-PORT Membership Meeting is open to all C-PORT members. Join us for updates from all C-PORT committees and panels, members' open forum discussion, and board of directors elections.

  Networking and Social Events:
- Vendor EXPO! Our vendor exhibits will be open throughout the C-PORT Conference beginning Tuesday morning, January 16. Browse the many products and services offered to our members by these vendors. Stop by their booths anytime during the event!

There is still space available for **Vendors**! Enjoy exceptional exposure for your products and services! Download the <u>Exhibitors</u> <u>Opportunity Brochure</u> or visit our website for more information.

C-PORT thanks our **Sponsors** for their support! Your financial contributions help C-PORT represent, promote, protect, and defend its member companies through communication, education, and government advocacy. Please continue your help by sponsoring at our conference. Download the <u>Sponsors Opportunity Brochure</u> or visit our website for more information.

The Attendance Registration form may be downloaded <u>here</u> and may be found at our website. The full agenda and hotel information is available on the C-PORT website - <u>C-PORT Conference</u>.



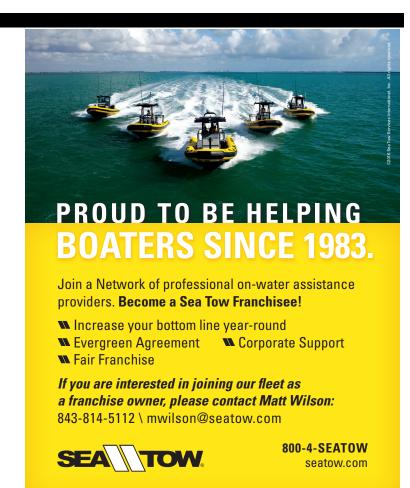
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Thank you C-PORT and Members for years of excellent service to boaters!



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# C-PORT Seeks Nominations for Prestigious Awards -

C-PORT, Conference of Professional Operators for Response Towing, is seeking nominations for a number of prestigious awards to be presented at the 31st C-PORT Conference and Membership Meeting being held on January 15- January 17, 2018.

AFRAS-C-PORT Lifesaving Award - C-PORT is pleased to announce that 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.

**C-PORT Compass Rose Award** - This award is presented to someone who is dedicated to making the marine assistance industry better through their hard work and desire to make boating an enjoyable experience for everyone. The recipient is a leader with true direction, high personal standards and will go above and beyond in any situation.

**C-PORT Advocacy Award** - Recognizes a deserving C-PORT member for their service to the association and to the marine assistance industry through advocacy and leadership. This award will be presented to the C-PORT member who demonstrates political involvement by actively promoting C-PORT to their Congressional leaders, to State and Local public agencies, and to the maritime industry. Nominees understand this is industry support rather than individual business elevation.

Nominations for all awards are to be emailed to tcardone@cport.us or mailed directly to the C-PORT office at 3640-B3 North Federal Hwy #136, Lighthouse Point, FL 33064. "Nominations may be sent at any time so long as they are received no later than October 31, 2017," stated Tina Cardone, executive director. "This allows sufficient time for the vetting of the nominations."

# US Coast Guard completes migration of all web content to a new, more secure server.

Navigating the new US Coast Guards sites has been challenging. The following are the most commonly used links for C-PORT members. Users are encouraged to update their bookmarks and shortcuts with the new links:

National Maritime Center (Mariner credentials)

http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/National-Maritime-Center-NMC/contact/

National Vessel Document Center

http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/National-Vessel-Documentation-Center/National-Vessel-Documentation-Center-Contact-Info/

**Navigation Center** 

https://www.navcen.uscg.gov/

Safety Alerts

http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Office-of-Investigations-Casualty-Analysis/Safety-Alerts/

# Why Your Lay-Up Is So Important

It's fair to say that most of us in this industry know what a lay-up is but not all may understand why it is so important and what its impact on your insurance program may be. As it relates to insurance policies, lay-up is typically the period of time when you will not be using your vessel, it must be stored in a safe berth or on land, and it must not be ready for immediate use, and may not be used for

living onboard. While lay-up is normally for vessels located in cooler climates where boats are not used in the winter months, it is not unheard of for underwriters to apply a lay-up to vessels in warmer climates as well.

It is important to note, lay-up is an agreement with underwriters that you will not be using your vessel. If you have a policy that includes a lay-up period be aware of the dates. Most of the time, the to/from dates are inclusive. Using your vessel during a lay-up period means that you will not be covered for any damage sustained to or caused by your vessel, this means both hull and liability coverages. It is also imperative to check your policy to see if it states whether the vessel needs to be on the hard during the lay-up period.

It is important to note that not all marine insurance policies are created equal. Make sure to check your policy for your carrier's specific wording. If you have any questions, or are unsure of how your policy's lay-up period works, please feel free to reach out to Starkweather & Shepley.

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. Please feel free to reach out to me directly:

Linda J. Wagner
Assistant Vice President- Marine Program Manager
Starkweather & Shepley Insurance
16 Broad Street
Westerly, RI 02891
P:(401)596-2212 Ext. 1416
F: (401) 431-9661
lwagner@starshep.com
http://www.starshep.com/wp/c-port/



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# Coast Guard releases Report of Investigation into loss of 33 mariners and U.S. cargo ship, El Faro

Posted by LT Amy Midgett, Sunday, October 1, 2017

The Coast Guard announced during a news conference in Jacksonville, Florida, Oct. 1, 2017, that it has released its Report of Investigation into the loss of 33 mariners and the U.S. cargo ship, El Faro.

On the morning of Oct. 1, 2015, as Hurricane Joaquin roiled the Atlantic Ocean east of the Bahamas, the Coast Guard received a distress alert from the El Faro. During the following week, Coast Guard assets searched 165,500 square miles in an attempt to locate the vessel and rescue the 33 mariners (28 U.S. and five Polish nationals) on board.

As the Coast Guard suspended the search, the Coast Guard convened a Marine Board of Investigation (MBI) to collect and analyze evidence and develop recommendations for further actions to improve safety and accountability. During the evidence collection phase of the investigation, Coast Guard investigators worked very closely with investigators from the National Transportation Safety Board to conduct a comprehensive discovery of information, including an underwater survey of the vessel's wreckage and salvage of the voyage data recorder.

Capt. Jason Neubauer, the Chairman of the MBI stated, "The publication of our report is the culmination of an extensive effort to determine the cause and identify actions to prevent future casualties. Our thoughts today are about the 33 mariners lost during the casualty and their loved ones. The personal impact of this tragedy was the driving force in our work."

The MBI concluded that the primary cause of the casualty was the decision to navigate El Faro too close to the path of Hurricane Joaquin. As the MBI expanded the investigation to explore other contributing factors, it uncovered evidence of an ineffective safety management system within the operating company, and failures by both the Coast Guard delegated representative and the Coast Guard itself to provide effective oversight of the vessel's compliance with safety regulations.

The report contains 31 safety recommendations to address issues determined to be contributing factors to the incident, including:

- 17 recommendations to strengthen regulations;
- 3 recommendations to improve competencies for delegated surveyors and Coast Guard marine inspectors;
- 3 recommendations to improve the efficacy of stability reviews and major modification determinations;
- 4 recommendations to improve Coast Guard oversight of functions delegated to third party certification organizations;
- 3 recommendations to improve search and rescue capabilities; and
- 1 recommendation to improve the processing and delivery of weather forecasts.

The report, its recommendations, and supporting testimony and appendices are available online for download from the El Faro's public information news website.

After reviewing the report, its recommendations and additional comments that may be provided by the Parties in Interest, the Commandant of the Coast Guard will publish a decision outlining the final agency actions that will be taken in response to the recommendations. Rear Adm. John Nadeau, the assistant commandant for prevention policy, will lead the Commandant's efforts in response to the recommendations.

"I want to express my deepest condolences to the families of the mariners who were lost in this tragedy," said Nadeau. "I would like to thank the Marine Board for their exhaustive efforts over the past two years. This has likely been the most transparent Board in Coast Guard history and the evidence uncovered during the investigation has spurred change within the Coast Guard and maritime industry. Going forward, we are committed to ensuring that the Coast Guard learns all we can from this casualty and takes action to improve our marine safety program. Further, I hope that all vessel owners and operators, classification societies, mariners, and other organizations and individuals who have responsibility for maritime safety will review the report and implement changes to improve maritime safety."





Congratulations to C-PORT on 30 Years as the Voice of the Marine Assistance Industry

- John, Pete, Phil & the Safe/Sea Crew





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### MEMBER PROGRAMS

*Risk Management Training Courses* are available on the C-PORT website, <u>www.cport.us</u>. The program C-PORT administers 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.

*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; <a href="https://linearcom.new.google.

*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 <a href="www.cport.us">www.cport.us</a> 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. Notify Tina Cardone at <a href="mailto:tcardone@cport.us">tcardone@cport.us</a> 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. 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 <a href="https://www.cport.us">www.cport.us</a>.