

April 22, 2009

The Honorable Frank Lautenberg, Chairman
Subcommittee on Surface Transportation
and Merchant Marine Infrastructure, Safety, and Security
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

On behalf of the undersigned American maritime labor and shipping organizations, we are writing to express our support for your legislation, S. 685, and in particular for those provisions contained in Section 4 of S. 685 relating to the establishment of a merchant mariner medical advisory committee, medical standards and medical requirements and those contained in Section 5 calling for a study of marine casualty causation. These provisions are extremely important to American merchant mariners and will, in our opinion, greatly enhance the health and well-being of American seafaring personnel and the safe operation of American vessels of all types.

As contained in section 4 of S. 685, the merchant mariner medical program would help standardize the training of medical examiners and the reporting of medical examinations in conjunction with the issuance and renewal of Merchant Mariner Documents (MMDs) and licenses. As proposed, it would, in our opinion, provide greater quality control as well as the more timely administration of the medical review process by establishing a national registry of examiners similar to what is already in place for other modes of transportation. Most importantly, through the implementation of the procedures contained in your legislation, we believe the quality and efficiency of the medical review process will be enhanced, as the physicians who actually examine the individuals will again be playing a key role in determining the physical fitness of those seeking to continue or pursue a career in the maritime industry.

As you may know, the medical review procedures unilaterally put in place earlier this year by the United States Coast Guard have led to unconscionable delays in determining the physical fitness of mariners. The Coast Guard has taken the decision-making responsibility away from the physician and placed it instead under the control of individuals who have no personal contact with the individual. For the individual mariner, this has led to demands for multiple medical specialty consultations, additional laboratory tests and procedures, and numerous evaluations for each condition noted by the physician during the physical examination. As a result, mariners who have heretofore been able to pursue their chosen career at sea upon a

clear demonstration and certification by their physician that their medical condition is not only controllable but poses no direct risk to the safety of the vessel, the crew or to himself are now subjected to multiple costly, time consuming and unnecessary medical interventions that are not deemed necessary by their examining physicians. For American mariners, the longer the delay in receiving merchant mariner documents or licenses, the longer they are literally unable to work.

All transportation modes rely upon the experience and discretion of "hands-on" medical examiners. In fact, the "hands-on" medical evaluation system that had been in place for the maritime industry prior to the current system implemented by the Coast Guard had served the maritime industry and the United States quite well. The previous system, and the system that will result through the enactment of your legislation, recognize that nothing can sufficiently replace the good judgment of a well-informed, knowledgeable physician who has the experience and the information necessary to evaluate and determine whether a mariner is physically able to work at sea. The physician will be able to obtain the individual's job description so he can better determine whether the individual is physically capable of performing his specific job functions and responsibilities. Equally important, the physician will be able to determine if and how individual's medical history and conditions are changing, whether he has been able to safely perform his job responsibilities while taking prescribed maintenance medications, and whether he can continue to work aboard ship. Relying on the individual's physician to do the fitness evaluation ensures that the individual's medical history will be given the attention and weight it should be given.

We do, however, have two proposed amendments to section 4 that we would ask you to consider during the mark-up of S. 685. First, notwithstanding our strong support for the provisions in S. 685 that establish a national registry of medical examiners and which specify that "only examinations by persons on the national registry of medical examiners" shall be accepted as valid, we recognize that there may be individuals who do not reside in or near a location which has a physician who is on the national registry. Insofar as the recruitment and retention of qualified American seafaring personnel is clearly in the national interest, and since an unintended consequence of S. 685 as presently drafted may be to preclude otherwise qualified individuals from pursuing a seafaring career, we recommend that S. 685 be amended to add a new section that allows an individual to be examined by a medical examiner who is not on the national registry. Such examinations would, as we propose, be subject to the same standards and specifications as those applicable to examinations performed by medical examiners on the national registry, and would be subject to closer review by the Coast Guard before being accepted.

Second, as you know, the Merchant Mariner Documents and licenses held by American merchant mariners represent their ability to pursue their chosen livelihood. Without a valid license or MMD the individuals we represent cannot pursue a career at sea. Consequently, any proceeding in which a mariner's license or MMD is at stake, including a medical review proceeding to determine the mariner's fitness to work aboard a vessel, must guarantee the mariner all appropriate rights. Consequently, we believe that section 4 of S. 685 should further be amended to provide that any individual found permanently unfit for duty aboard a merchant vessel, or who is found fit for only limited duty or restricted service or whose medical certificate is suspended for more than three consecutive months shall have a right of appeal to an independent medical referee who has been appointed by the medical review board.

With respect to section 5 of S. 685 relating to a study of marine casualty causation, we are especially pleased that the Coast Guard is specifically directed to gather information that would help it assess the role that workload, fatigue, and manning play in marine casualty causation. We have long argued that the failure on the part of the government to address such factors is, at best, shortsighted and dangerous. Dramatically reduced manning levels, including those resulting in a one-man bridge operation, and the resulting increased workloads and lack of adequate rest and sleep for mariners should no longer be ignored by the Coast Guard when determining the cause of marine accidents and when making recommendations to prevent similar accidents and incidents in the future.

Once again, we thank you for the leadership you have shown by addressing these important health and safety issues. We look forward to working with you and your staff on these and other issues important to America's merchant mariners.

Sincerely,

American Maritime Congress

American Maritime Officers

American Maritime Officers Service

Inlandboatmens' Union of the Pacific

International Organization of Masters, Mates & Pilots

Local 333, United Marine Division, ILA

Marine Engineers' Beneficial Association

Marine Firemen's Union

Maritime Institute for Research and Industrial Development

Sailors' Union of the Pacific

Seafarers International Union

Transportation Institute

cc: The Honorable John Rockefeller, Chairman, Committee on Commerce, Science and Transportation

The Honorable Kay Bailey Hutchison, Ranking, Committee on Commerce, Science and Transportation

The Honorable John Thune, Ranking, Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security

Members, Committee on Commerce, Science and Transportation