

# Lowered tugboat bar may spell spill

Rule change sets standard too low, mariners charge

By Erik N. Nelson, STAFF WRITER [02/17/2008](#)

With 15 years as a tugboat master, Dave Gore is in charge of 18 times the amount of bunker oil that spilled into San Francisco Bay from the wayward Cosco Busan in November. At the helm of Royal Melbourne, he routinely pushes the 21,500-barrel Pebble Beach oil barge to a fuel terminal in Richmond and delivers that fuel to ships up and down the Bay.

But the Alameda-based Gore and many of his fellow captains who spend most of their time pushing or pulling barges are worried that a virtually unknown process deep in the bureaucracy of Washington, D.C., could further befoul Bay waters while hurting their business and reputations.

The rule change being written by Coast Guard regulators seeks to bolster the ranks of aging barge-towing captains and mates by slashing from 30 months to 30 days the experience needed to qualify for a federal barge towing endorsement on a master's license. Mariners have organized opposition to the change, but so far, few outside of the towing industry have paid attention.

"If they do this, you can expect a lot more of those kinds of accidents," said Joe Dady, a New York Harbor tug captain who's been towing barges for 32 years. "You can't learn how to do it in 30 days."

The rule sets requirements for standing watch aboard larger vessels, up to 200 tons (based on cargo capacity). Meeting those requirements would yield a towing endorsement on a master's license, similar to a motorcycle endorsement on a driver's license.

The rulemaking process was so little noticed that many mariners who captain towing tugs were unaware of it, said Joel Milton, a New York-area towing tug captain who writes a column for the trade magazine *Workboat*. He is one of the few people who pays close attention to tug operator rules, "and I barely got my comment in on time."

From across the nation, only 14 people commented on the change, most of them supportive letters from towing companies and industry groups, while a few working towboat captains such as Milton registered their opposition.

Coast Guard regulators appear ready to go ahead with writing the new regulation after a 90-day comment period that ended in December. It's unclear whether it will be significantly changed, however, and a Coast Guard official involved in the process said the agency is prohibited from commenting between receiving comments and the release of the new rule.

"We looked at every one of them and we took their suggestions," said Gerald Miente, assistant executive director in the Coast Guard's Office of Operational and Environmental Standards. "We often change the proposed rules if they make a good case."

But Dady, who serves on the Coast Guard Towing Safety Advisory Committee that vetted the proposed rule, said the 16-member panel routinely dismisses the concerns of its two mariner representatives.

The committee is weighted with industry representatives, seven from the barge owners and several others representing allied sectors such as shippers and suppliers to the offshore oil industry.

"Most of the people on the committee have never steered a boat," Dady said. "They work in an office (and) their main concern is manning their boats."

Tug captains say the change is symptomatic of a regulatory system that bends to the will of the industry unless a recent major towing accident has diverted the public spotlight in their direction.

Milton points to the Coast Guard's failure to impose sleep requirements on mates and masters who control the towboats nine years after the National Transportation Safety Board urged such regulation.

The rationale for changing licensing requirements is also industry-generated. The change would help the towboat industry combat a shortage of qualified mariners to pull their barges through coastal waters or push them through inland waters like the Bay or Sacramento-San Joaquin Delta.

Some blame the shortage on a boom in the oil industry's activity in the Gulf of Mexico, and in fact, the rule change was proposed by a Louisiana tugboat captain, Eric Verdin.

A mariner with 24 years of experience on various types of vessels, Verdin explained that he petitioned for the change to enable experienced mariners to switch from another type of similar-sized vessel to a towing tug operation.

Under the current system, a veteran wheelhouse officer would "virtually have to go work as a deck hand on a towing vessel and work his way from there," Verdin said. "He would have to take a pay cut."

That progression is codified in current Coast Guard regulations. The agency requires an apprentice mate to spend a total of 30 months on the water, pass a battery of written tests and demonstrate proficiency under various conditions including high winds and strong tidal currents.

Those requirements haven't been around for long, however. As recently as the early 1990s, steering a tug towing barge could be done without common navigational aids, let alone sophisticated training for a lowly mate.

In 1993, an inexperienced mate, navigating through a fog while his captain slept (as is still the practice with 12-hour shifts), struck a bridge in a bayou near Mobile, Ala. Moments later, Amtrak's Sunset Limited derailed into the waterway, killing 47 passengers in the worst accident in the national railroad's history.

That led to new requirements that those who stood watch in towboat wheelhouses be certified to read radar — something the ill-fated mate had trouble with. Subsequent towboat accidents, such as one that killed 14 when it collapsed an Interstate 40 bridge in Oklahoma in 2002, led to tightening of training and experience requirements.

"We would like to see things left alone for a while, let things settle out a bit," said Jordan May of the three-year-old Master of Towing Vessels Association.

The group sent a letter to the Coast Guard and the Congressional subcommittees that govern the agency, expressing concern that there could be a regulatory backlash if an unqualified mate caused another major accident.

"These USCG regulations were not written just to be changed when the industry is short by a few people and ready to lobby," the letter says. "There are between 10,000 and 12,000 towing endorsements currently in the U.S. , only a small percentage of which are being utilized."

Proponents argue that the rule change would maintain the testing and proficiency requirements, documented on the Coast Guard's Towing Officer's Assessment Record. The American Waterways Operators, the industry group that spearheaded the change, cites this as one of several safeguards against barges being towed by unqualified mates.

And the proposal would also require mariners entering the alternate approval process to be masters with three years' of experience, rather than simply an apprentice mate as is currently required, said Jennifer Carpenter, AWO vice president. Carpenter served on the towing advisory committee with Dady until her term ended recently. A more significant incentive to keep experience levels high, she added, is the threat of crushing liability that comes with a major oil spill or fatal accident.

Mariners critical of the rule change seem to agree that while most companies operating towboats are responsible and take pains to make sure their mates know their job, they worry that some might take advantage of the eased requirements. "The expedient route is they're going to tell the captain, 'Here's your new mate,' and the captain's going to say, 'He doesn't know anything,' and they're going to say, 'Too bad,'" Milton said.

And just because someone has a master's license to operate vessels up to 100 tons, the mariners argue, doesn't mean they are ready for the much more complicated towing operations involving barges that can carry 80,000 barrels, or 3.3 million gallons.

Chatting over the galley counter aboard the Royal Melbourne, tied up at Alameda , Gore compares towboat operation to flying aircraft: Both involve a high degree of risk if the person piloting isn't experienced.

Living in the Seattle area when he's not working on the Bay, Gore said he thinks about this when he commutes by air:

"If the FAA issued pilots' licenses the way the Coast Guard issues masters' licenses, I would drive."

Contact Erik N. Nelson at [enelson@bayareanewsgroup.com](mailto:enelson@bayareanewsgroup.com).