

TESTIMONY OF RON DAVIS

EXECUTIVE BOARD MEMBER MARITIME TRADES DEPARTMENT

PRESIDENT, MARINE ENGINEERS' BENEFICIAL ASSOCIATION

SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION
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HEARING ON LICENSING AND DOCUMENTATION OF MERCHANT MARINERS

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Thank you Chairman LoBiondo and Ranking Member Filner, and thank you to the rest of the Subcommittee for allowing me to speak before you today. I would specifically like to thank you for allowing us the opportunity to discuss the unique issues in regard to merchant mariner credentialing faced by those of us in maritime labor.

My name is Ron Davis, and I am the President of the Marine Engineers' Beneficial Association. I am here today to speak on behalf of maritime labor as an Executive Board Member of the Maritime Trades Department (AFL-CIO). The Maritime Trades Department represents 5 million workers in the maritime trades. These comments reflect the opinions of the seagoing maritime unions, including MEBA, the Seafarers' International Union of North America and its affiliates, the International Organization of Masters, Mates and Pilots, and the American Maritime Officers. The following testimony shall cover mariner documents and credentialing for both licensed and unlicensed seafarers; licensing of officers; points to consider on Transportation Worker Identification Credentials ("TWIC"); and how the TWIC implementation will be affected by proposed international credentialing regulations from the International Labor Organization (ILO).

The U.S. Merchant Marine is America's fourth arm of defense – a title given to us during World War II, but one which we have earned since this nation's earliest days. We are proud to fulfill that role in Operations Enduring Freedom and Iraqi Freedom and in any other theaters to which we are called. Our unions completely support strong security measures that protect our vessels and our ports. We have demonstrated that support in many ways, including widespread participation in various committees across the country as well as international bodies (such as the International Maritime Organization and the International Labor Organization) that are tasked with examining and improving shipboard and port security.

However, in the best interests of all concerned, we strongly believe that the recently proposed rules for implementing the Transportation Worker Identification Credential (TWIC) must be changed where they apply to seafarers. In short, we propose allowing the existing U.S. Merchant Mariner Document (MMD) to serve as both a TWIC (once a biometric component has been added to the MMD) and mariner credential (reflecting qualifications). Essentially, we propose keeping the MMD "as is" with the exception of adding a biometric identifier as mandated in the Maritime Transportation Security Act of 2002 for all U.S. mariners. Additionally, for purposes of displaying and verifying

qualifications, officers would be required to possess their U.S. Coast Guard license (the physical document itself).

On a personal note, I come from a long line of merchant seaman, with family members sailing in both licensed and unlicensed capacities. I have been a licensed merchant mariner for almost thirty years. I originally began my sea-going career in the US Navy, where I served during Vietnam. Following my service, I attended the Calhoun MEBA Engineering School where I sailed as an unlicensed seaman and then earned my 3rd Assistant Engineers' license. I continued my career for the next twenty years, moving up through the various billets. I currently hold a Chief Engineers' License, Steam, Motor and Gas Turbine Unlimited, which – coincidentally – is up for renewal as we speak.

The members of our maritime unions serve in a variety of shipboard and shoreside capacities in all aspects of the Merchant Marine. As a result we work very closely with the United States Coast Guard on nearly every maritime issue. I must say that without the exemplary dedication, hard work and patriotism that the Coast Guard demonstrates on a daily basis, our jobs would be much more difficult. Much can be said about the effectiveness and efficiency of the federal government, but when it comes to the US Coast Guard, there isn't another agency of our government that has consistently performed as well and with such limited resources. No matter what they are asked to do, the Coast Guard has performed, taking on new mission after new mission with the same "can-do" attitude we have come to expect from them.

While I have the opportunity to do so, I would like to personally thank the members of the Coast Guard, Commandant Thad Allen in particular, for the Coast Guard's response during Hurricanes Katrina and Rita. My commendation of the Coast Guard's performance has a very personal touch because prior to being elected President of the MEBA, I served as an official in the Gulf, working out of New Orleans, and living in Metairie, Louisiana. For all of us in maritime labor, the Gulf Coast is a major hub for maritime commerce and we represent more than a sizeable amount of seafarers in the region.

As we all know, and many of us watched on television, the response to Hurricane Katrina was one of the largest search and rescue operations in US history. The Coast Guard was able, using a variety of assets, to rescue nearly 35,000 people, including almost 10,000 hospitalized individuals and medical personnel. During the period, nearly 4,000 Coast Guard personnel were used in a variety of ways to respond to the crisis. It was a Herculean effort and would have been nearly impossible for any other branch of the government to have successfully undertaken. But that has always been the hallmark of the Coast Guard – doing the impossible. We must also recognize that it was the U.S. Merchant Marine – maritime labor – that weathered the storm and provided berthing, logistics and communication services for federal, state and local governments during and after the hurricane. Indeed, it was the combined effort of the private sector Merchant Marine and the U.S. Coast Guard that swung immediately into action—without any questions asked. This is the professional partnership that we enjoy.

Over the years, the Coast Guard has taken on a variety of difficult missions, not the least of which includes disaster response, drug interdiction, maritime border patrol and immigration enforcement, anti-terrorism and other national security missions, and port security both at home and abroad. This has made it much harder for traditional missions within the Coast Guard, like maritime security and merchant mariner credentialing, to gain the spotlight. I am pleased that we are able to discuss things like merchant mariner credentialing at the level of an oversight hearing, and I am happy to be able to present our concerns with the process here today.

Every US merchant mariner is required to obtain any combination of up to four credentials: the Merchant Mariner's Document (MMD), Merchant Mariner's License (License), Certificate of Registry (COR), and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) Endorsement. Unlicensed seafarers usually possess an MMD which serves as his or her identification and qualification credential. An officer typically has a MMD which also serves the same dual purpose. Officers also possess a U.S. Coast Guard License, which is a qualification certificate issued to ship deck and engine officers. In addition, merchant mariners apply for, and pay for, STCW endorsements to show that we meet international standards and serve aboard vessels to which STCW applies.

The primary issue that most seafarers have when it comes to the current process of obtaining merchant mariner credentials is the time factor. However, the Coast Guard has begun to take steps to address this concern. Recently, the Coast Guard has begun allowing merchant mariner credentials to be processed in Regional Examination Centers (RECs) outside of the mariners' immediate area. This has been especially helpful in dealing with the backlog of MMDs being issued out of the Baltimore REC – a key center, with three of the maritime unions' schools being within that jurisdiction. I also understand that the New Orleans REC, the largest and busiest in the country, will be reopening on July 28th.

Maritime labor recognizes that if the TWIC rule goes into effect, we would be subject to multiple credentialing processes, including the STCW, MMD, COR, TWIC and licensing for officers. All of this credentialing, except for the TWIC, would be under the jurisdiction of the Coast Guard, while the TWIC would be under the control of the Transportation Security Administration (TSA).

In response to the mandates of the MTSA, the Department of Homeland Security (DHS) has issued a notice of proposed rule-making to streamline and consolidate the current merchant mariner documents into one Merchant Mariner Credential (MMC). Maritime labor disagrees with the consolidation of merchant mariner documents. Also, as mentioned, for the purposes of transparency and ease of inspection, we believe it necessary to maintain a license for deck officers and engineers that can be easily displayed in a public area onboard the vessel.

Maritime labor believes that this Transportation Worker Identification Credential adds a layer of bureaucracy on the current merchant mariner system that is unnecessary. Under the current system, merchant mariners are already subject to some of the strictest scrutiny in any private industry, with criminal background checks and various types of testing, including random drug and alcohol tests. Indeed, the recent DHS Notice of Proposed Rule-making states "As credentialed U.S. mariners pose less of a security risk due to the successful completion of security and safety background checks, they have been identified as a population who could potentially be lower on the priority list for receipt of the TWIC." To put this in perspective, 97% of the cargo entering the United States is brought into our country on non-US-Flag vessels using non-citizen crews who are not subject to such a thorough vetting and would not be subject to any of the rules regarding merchant mariner credentialing we are discussing today.

Maritime labor believes that it is critical that we not add an expensive and unnecessary duplication of effort between the Coast Guard and the TSA when it comes to credentialing for Merchant Mariners. The Coast Guard already performs much of the work that TSA would be required to do in order to issue a TWIC. Therefore, maritime labor strongly recommends that the TWIC and the MMC be combined so that merchant mariners only need one document that is usable as both a MMC and a TWIC, and only go through one background check that satisfies the criteria of both documents. Again, this could be achieved using the existing MMD system, with slight revisions. This revised merchant mariner document would serve the dual purposes of identification and qualification.

Maritime labor also firmly believes that the Coast Guard should continue to perform all vetting and background checks, and the process be accepted by the TSA as equivalent to the background checks required for issuance of a TWIC, and the results entered into the TSA TWIC database as an accepted document. To reiterate, such action would require an unlicensed mariner to apply for and carry one document, the MMD. Officers would be required to carry the MMD and a license for shipboard display.

As proposed by DHS, the TWIC is focused more on the shoreside rather than the shipboard worker, unlike our current merchant mariner document. TSA will have its hands full overseeing the documentation for port workers who were never required to obtain a federal identification card in the past. As we have stated, the Coast Guard already has functioning regulations and practices in place for merchant mariners.

Keep in mind, merchant mariners are unique in that we are the only group of persons under the proposed TWIC regulations that actually work in both national and international waterborne commerce – a sector that is, has been and should continue to be solely regulated by the Coast Guard. To this end, we strongly urge the committee to review the various provisions of law regarding the TWIC implementation to remove TSA's role in the credentialing process for merchant mariners.

Notwithstanding the rights of individual states, it is a critical federal responsibility to create and regulate a uniform system that both ensures national security and does not

hinder interstate and international commerce. A federally issued merchant mariner credential issued by the U.S. Coast Guard must be a validly accepted identification credential for entrance into any port in the United States. A merchant mariner who has been thoroughly vetted and cleared by the Coast Guard for shipboard employment should not be turned away at a port facility because the mariner credential is not recognized in that particular State for port access. Such an obstacle fails to understand the transitory nature of the merchant marine. In that same vein, port access and control procedures proposed for mariners far exceed the internationally required norms set out in international agreements such as the Safety of Life at Sea (SOLAS) Convention and the International Ship and Port Facility Security Code (ISPS).

Further related to the TWIC, the International Labor Organization adopted Convention C185 – Seafarers’ Identity Document Convention (Revised), 2003 that establishes requirements for an internationally accepted identification credential with a biometric identifier that would comply with the Maritime Transportation Security Act of 2002. A tripartite delegation from the U.S. participated in the crafting of the ILO Convention. In fact, it would not be an overstatement to say that the U.S. was the driving force behind its adoption. Maritime labor strongly urges the Coast Guard and TSA to ensure that the new MMC and the TWIC - or as we propose, a revised merchant mariner document – comply with Convention 185. This would ensure that these documents would be acceptable to confirm our compliance with the convention, even if the United States does not intend to ratify. It would be foolish to expend the time and energy on revising the MMD only to have it fail to meet international scrutiny.

The Notice of Proposed Rule-making by DHS will also allow mariners to renew their MMC entirely through the mail. This can be done under labor’s proposed MMD process as well. This option will reduce the backlog and provides convenient service to mariners regardless of how far they live from the nearest Coast Guard REC.

Our roles and responsibilities as Americans changed in light of 9-11. That’s true for America’s Merchant Marine, and it is certainly true for the U.S. Coast Guard – a premiere agency within our Department of Homeland Security. I’ve seen a change in the Coast Guard -- they truly have risen to the occasion when it comes to regulating our industry in the most efficient, safe and productive manner. Certainly the focus on security is to be expected and we understand that. But I have also seen a change in attitude from the Coast Guard with regard to the way it regulates merchant mariners. The Coast Guard remains tough and firm in enforcing the rules, but they are also listening better than ever to our concerns. And, when possible, the Coast Guard has modified proposals to better account for the impact their rules have upon merchant mariners. I think there is a new understanding between the Coast Guard and labor, one that I hope will continue far into the future.

Again, thank you for the opportunity to speak before you concerning the issue of Merchant Mariner Credentialing and allowing maritime labor to provide input into this process. I am happy to answer any questions you may have. Thank you.