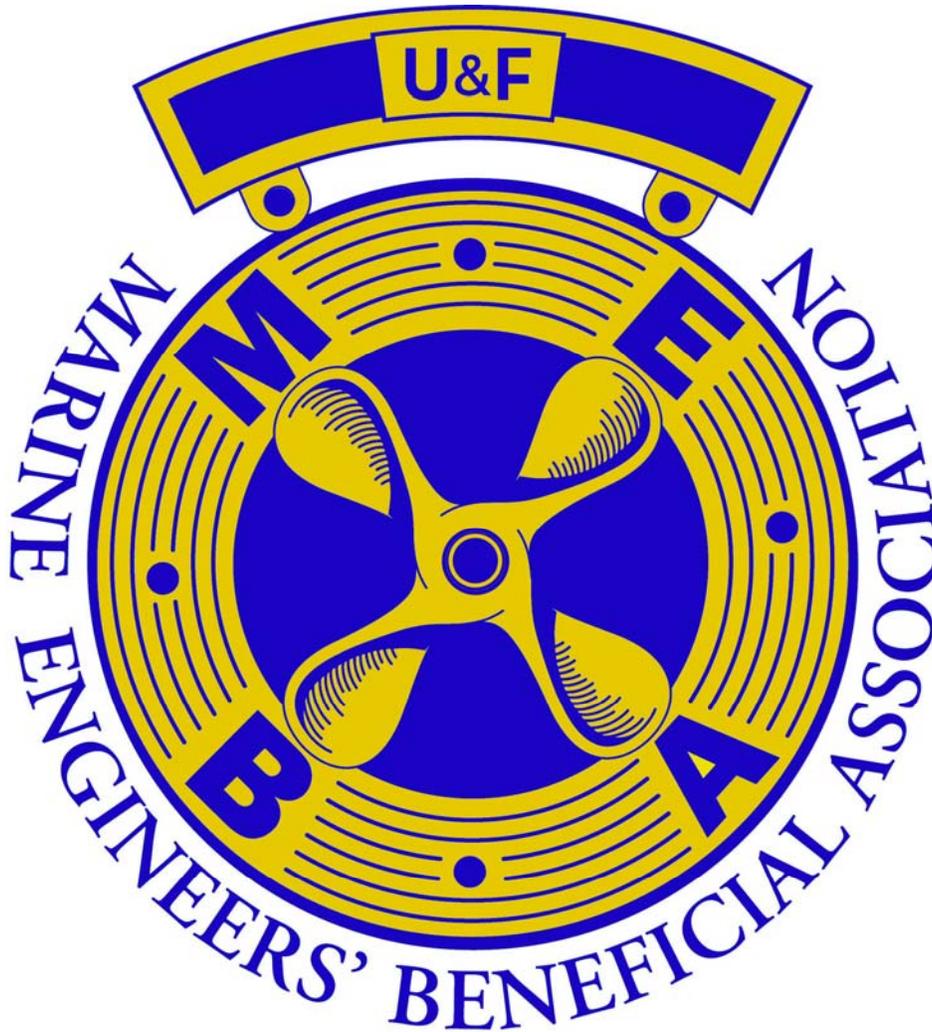


**HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION**

**HEARING ON CHALLENGES FACING THE COAST GUARD'S MARINE SAFETY
PROGRAMS**



**TESTIMONY OF WILLIAM P. DOYLE
DIRECTOR OF GOVERNMENT AFFAIRS AND DEPUTY GENERAL COUNSEL**

**MARINE ENGINEERS' BENEFICIAL ASSOCIATION
444 NORTH CAPITOL STREET, NW SUITE 800
WASHINGTON, DC 20001
(202) 638-5344**

AUGUST 2, 2007

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Thank you, Mr. Chairman and the members of the Subcommittee, for allowing me the opportunity to testify before you today. The challenges facing the Coast Guard's Marine Safety programs are challenges that affect the entire maritime industry, and I am pleased to see the committee focusing its attention on this key portion of our regulatory regime.

My name is William Doyle, and I am testifying today on behalf of the Marine Engineers' Beneficial Association. I am the Director of Government Affairs and Deputy General Counsel for the Union, and I am a Coast Guard licensed officer with over a decade of experience on a variety of vessels in our merchant marine. Founded in 1875, MEBA is the nation's oldest maritime labor Union, representing Coast Guard licensed deck and engineering officers in nearly every sector of the maritime industry, both international and domestic. In our 132 years of advocating for our members, we have worked side by side with all of the previous incarnations of the Coast Guard: the Steamboat Inspection Service and the Bureau of Navigation, the merged Bureau of Marine Inspection and Navigation, and finally the United States Coast Guard to provide for the safety of our mariners as they operate their vessels across the oceans and inland seas and rivers of the world.

The United States Coast Guard has been, and continues to be, one of the most effective agencies of the Federal Government. Its search and rescue capabilities, its law enforcement efforts, from drug interdiction to patrolling our maritime borders, its response to domestic natural disasters like Hurricanes Katrina and Rita and its efforts supporting our military around the globe demonstrate the Coast Guard's professionalism and excellence. Every day they demonstrate that their motto, Always Prepared, is not just a motto – it is their mission.

Perennially understaffed and underfunded, since September 11th the Coast Guard has been spread even further. With increased focus on their law enforcement and terrorism prevention missions, new requirements for vessel security and port security plans both at home and abroad, and with major programs like the Transportation Worker Identification Credential and the Deepwater program on their plate, it is understandable that traditional missions, like marine safety, may not be receiving the attention that they once commanded.

The economic and national security of our country is founded upon our ability to move commerce quickly and efficiently and to be able to project our power across the globe. Both of

those areas demand a strong, safe and secure merchant marine. The challenges that face our merchant marine are numerous and far too complex to get into at this hearing. But the Coast Guard's marine safety programs do play a major part in the efficiency of the merchant marine and its long-term viability.

There are a number of issues that currently face the Coast Guard in the successful application of their responsibilities in regards to marine safety. Some of these are internal, structural challenges, and some of them are external. None are easy to remedy, and will require a willingness to change entrenched ideas that may be difficult to accept and implement. I am confident, however, that none of these challenges are insurmountable, and the entire maritime industry, both labor and management, are ready and willing to assist in this process.

In terms of structural challenges, these challenges come from the Coast Guard's establishment as a military service. 14 United States Code Section 1 states that "The Coast Guard as established January 28, 1915, shall be a military service and a branch of the armed forces of the United States at all times." As such, the Coast Guard adopts many of the norms associated with the military. While these norms are useful in a variety of situations, particularly in their security and law enforcement postures, they can often be more stifling than supportive when it comes to marine safety.

For example, the current tour of duty system ensures a constant rotation of personnel among the various sectors and offices within the Coast Guard. This is common in the other uniformed services. However, this does not allow for uniformed personnel to obtain the necessary on-the-job expertise that they need to effectively fulfill the mission. Many of the actual vessel inspection teams are led by younger Coast Guard officers, many of whom have spent little time at sea and have little experience with commercial vessels. Yet they are often responsible for ensuring the safety and regulatory compliance of hundreds of vessels within their sectors. And, by the time they become comfortable with their responsibilities, they are rotated out to their next duty assignments. We feel that extending these tours of duty will ensure stability and consistency across sectors and allow for greater expertise and experience for the Coast Guard officers assigned to those billets.

Another is the reliance upon uniformed personnel in many of the technical aspects of the marine safety program. This, coupled with the tour of duty system, often places individuals with differing levels of expertise in the same position and impairs consistency. We would recommend that the Coast Guard increase the number of civilian positions within the marine safety program, particularly in areas dealing directly with mariners, such as merchant mariner documentation and vessel inspection. Maritime labor has thousands of retired but still working-age mariners with decades worth of experience who would be eager to return to sea in this capacity. Experienced mariners would be able to provide better customer service and require less training.

A number of the issues that the Coast Guard faces are a result of external pressures, primarily arising from new missions given to them since 9/11. We remain concerned about the implementation of the Transportation Worker Identification Credential, but as that program is jointly administered between the Coast Guard and the Transportation Security Administration, the solutions to those issues are not completely within the Coast Guard's jurisdiction. However,

in the areas they do control, the Coast Guard has made great strides. This is particularly apparently in their work on improving the merchant mariner credentialing process, and their proposal for creating a new merchant mariner credential, which is moving in the right direction.

In an agency where the focus of the past few years has been on the relatively new mission of terrorism prevention, it is all too easy to short-change core functions that have been fundamentally part of the Coast Guard since its inception, and part of the federal government's responsibilities for over 150 years. The Marine Safety area must be given the attention that it deserves. As one of the oldest core functions of the Coast Guard, it has the largest impact of any of their core functions when one looks at the economic impact of the maritime industry domestically. This attention should come both in terms of its budget, but also in terms of personnel, and the rank given to those personnel. And while neither the Coast Guard nor Congress can make this decision, MEBA would welcome a Coast Guard Commandant that came from the ranks of the Marine Safety area.

Consistency is another major challenge. The decisions the Coast Guard makes, especially in terms of shipbuilding and other areas that require significant capital investment, can have far ranging influence over business practices and financial planning for ship owners, ship operators and ship managers. It is critical that the Coast Guard's decision making process take these factors into account and be as consistent as possible. Our industry is extremely competitive, and a Coast Guard ruling that changes a long standing policy or provides a new interpretation of what had been considered settled policy can have a wide impact on our industry. It is imperative that the Coast Guard be as consistent and transparent as possible when it makes decisions that will impact the industry's competitiveness.

The industry's competitiveness is basis for the most often cited challenge facing the Coast Guard's marine safety programs. This is the ongoing challenge of balancing safety and security with economic efficiency and ensuring the timely flow of commerce. The Coast Guard has a dual role as both regulator and law enforcement officer for the merchant marine. This often creates an adversarial climate that is unfortunate. Quite often, the Coast Guard, in their zeal to make the U.S.-Flag and U.S. maritime industry the world's safest and most secure, make it extremely difficult for that industry to compete internationally. While the United States is part of the global maritime community, and a charter member of the International Maritime Organization, quite often you will find U.S. Coast Guard standards that are much higher than those adopted by IMO and in use throughout the rest of the maritime world. By holding ourselves to a higher standard than the rest of the world, we often find ourselves handicapped when competing against those global competitors.

This issue is highlighted most clearly in the debate over the aforementioned Transportation Worker Identification Credential. The TWIC requirements will only apply to American mariners, not foreign mariners. Considering the fact that less than 2% of the cargo entering and leaving American ports is carried on U.S.-Flag vessels with U.S.-citizen crews, the TWIC seems to be just another layer of bureaucracy imposed for security's sake on the already heavily vetted American merchant marine. Both the TSA and the Coast Guard have stated that they do not intend to make the TWIC card compliant and compatible with the international standard for

seafarer's identity documents as well. These kinds of decisions are hard to understand, but highlight the difficulties that we face as an industry when trying to compete internationally.

It is critical that our government not create barriers to our effective competition internationally. This is by far the biggest challenge confronting the Coast Guard's marine safety programs.

There are no easy answers to any of these challenges, and many of these same challenges have been expressed by those of us in the industry for decades. It is critical that the Coast Guard work with, not against, the maritime industry in implementing common sense and practical solutions to these issues.

As a Coast Guard licensed marine engineer, I must thank the Coast Guard for everything that they do every day to keep my fellow mariners safe, and to protect our homeland. I am confident that all of us working together – the Coast Guard, Congress, maritime labor and industry – can come up with the solutions that will overcome these and any future challenges that we face together.