My thanks to all of you who have sent me articles. I have reduced the copy size of many of these articles in an attempt to minimize the overall size of the newsletter. As this is my first newsletter please pass along any recommendations you might have.

I believe, like our annual meeting, the newsletter offers an opportunity for all of us to share our unique experiences (equipment, personnel, operational, etc.). These experiences do not have to wait until the annual meeting to be passed along. If you have something you feel will be of interest, send it to me and I will include it.

Best Regards, Paul

Update from the Chairman, RVOC

During the first three months of this year I have attended one UNOLS Council meeting and a workshop on the future of Coastal Marine Science. The UNOLS Council meeting focused quite a bit of attention on the size of the UNOLS fleet and the amount of funding available to support it. The Council was concerned that continued funding cuts, such as were required in 1993, could lead to potential safety and maintenance problems. The end result of that discussion was for the Council to recommend to the funding agencies that they form a "Blue Ribbon Panel" to address the issues of fleet size, fleet distribution, and future funding levels. The tasking to this panel could include:

a. Making projections for science programs for the next 5-10 years.

b. What ship mix can best support these programs, considering economics and scientific capabilities?

c. What can be done to insure that ship funds are commensurate with projected scientific needs?

d. Can short term lay ups continue to be used to correct budget deficiencies? Are there more effective ways to approach the problem?

e. Does the current and projected "fleet problem" warrant the long term down sizing of the fleet? What criteria and procedure should be used?

f. Is the current geographical distribution of ships appropriate?

The panel would be made up of knowledgeable individuals that do not have any personal or institutional stake in the outcome, if their recommendations are followed. As you can see, if the funding agencies form this panel and follow their recommendations the results could have a significant impact on some or all operators.
At the UNOLS Council meeting I presented the RVOC letter on Federal funding of ship operations and the draft guidelines for inspection of chartered vessels. No action was taken on either item. There was some discussion of the charter inspection checklist with a strong bias towards keeping it structured as "guidelines" to be used as a tool by the person inspecting a chartered vessel rather than a stringent checklist. I will keep you posted on any further action taken with regards to either item.

Flowing from this subject was some discussion about the responsibilities and liabilities of a Chief Scientist. The Council decided to form a panel to review this subject and make recommendations. Joe Coburn will represent RVOC on this panel. Joe will also serve as the RVOC liaison to the Fleet Improvement Committee with Ron Hutchinson as the alternate.

The Fleet Improvement Committee sponsored a workshop on the Future of Coastal Marine Science to which I was invited, as a representative of RVOC. The only other marine superintendent attending was Steve Rabalais. The meeting was oriented around researchers in the Coastal Marine Sciences who were charged with identifying the scientific needs for this region over the next decade and then identifying the resources needed to meet those needs. The first day started with various keynote speakers, followed by work sessions with the conference divided into four work groups. The four assigned areas were: Time Series, Synoptic Studies, Multi-Disciplinary Studies, and Data Management/Communications. I did not fit into any of these categories so I ended up in the last one. The second day started with a summary report from each group followed by breaking into four new groups to look at resources needed. Those groupings were: large ships, non-ship facilities, small ships, and instrumentation. I was in the small ship group. The third day was limited to summary reports from the second work groups. This workshop was very ambitious in the amount of territory that they were trying to cover during the time. A thorough report of the workshop will be generated over the next few months and will be available later this year.

There were some highlights of this workshop that I can pass on prior to seeing the report. One is that within this community there are a lot of potential new ship users that have been accustomed to using small boats and chartered vessels. If they receive adequate funding many would like to use more capable vessels. There was a certain amount of discussion about designing and building new vessels that would meet some of their "unique" requirements. One of the parameters that seemed to be important was the ability to work in very shallow water and still be a stable and sea kindly platform in rough weather. Defining these parameters will obviously determine the type of platform and platforms that work best. In addition, daily cost is an important factor for many of the people in this community because they are used to working with small and less expensive vessels and they usually get their funding from sources that cause them to pay ship time directly from their own budget. In the small ship workshop, Woods Hole presented preliminary plans for a SWATH vessel under 100 feet that would be capable of year round work in the New England area. The University of Miami presented plans for a catamaran, also around 100 feet, that would work in shallow reef areas and have enough speed and stability to transit the Gulf stream quickly. Both institutions also have as part of their planning goals a daily operating cost around $3,000. It was also clear that many of the existing vessels are capable of meeting the needs of Coastal Marine Science as they are or with some modification in equipment. It will be interesting to see how clearly the future needs of this community can be presented in the final report and even more interesting to see to what extent funding agencies will be willing and able to support their desires.

Regards to all, Mike
The annual meeting is now slated for 26, 27, 28 October and will be hosted by Dean Letzring and Texas A & M University in Galveston, Texas. Dean will have packages mailed out in August. In the meantime, we have begun to put together an agenda.

**Suggested Agenda Items:**

At the end of last year's meeting the following items were suggested:

- **Bottom Paints**
- **FCC or industry representative on communications equipment**
- **ECDIS**
- **Science program coordination (workshop)**
- **Crew training(workshop)**

Since that time the following Discussions, Reports, Workshops, or Speakers have been suggested:

- **ADCP's**
- **Americans with Disabilities Act (ADA)**
- **Automation/Alarm Systems(Presentations or Reports)**
- **Crew Compensation( Charge from Don Heinrichs, workshop)**
- **Crew Training and Pooling( Workshop or Discussion)**
- **Winches and/or Cranes( panel of speakers from manufacturer's)**
- **FCC Speaker, GMDSS Kathryn Hosford(Speaker)**
- **Future R/V Needs(Workshop)**
- **GMDSS Equipment and Standards(Presentation or Report)**
- **GPS p-codes(Discussion )**
- **Hazardous materials Update(Report)**
- **Inspection of chartered vessels(Discussion or workshop)**
- **Liability and Responsibility of the Chief Scientist**
- **Master of a SWATH Vessel(Speaker)**
- **Medical Advisory System and the competition(Report or discussion)**
- **Modern Paint Coating Systems(Potential Speaker)**
- **New navigation systems(ECDIS) and equipment**
- **OPA 90(Report/ Discussion)**
- **Sea Water Piping, Gallionella, the bug that eats steel( Robert Hinton)**
- **Ship Operations Funding for ONR**
- **Precision Depth Recorders**

Please review the agenda items and send an E-Mail to RVOC.OPERATORS before May 30, or sooner if you can, that lists your top six items in order of priority. If you want to suggest additional items to be considered by everyone else, please put out an E-Mail message to RVOC.OPERATORS right away describing your suggestion. As always, any comments on how to improve our meetings are welcome. If you are suggesting speakers please be as thorough as possible in identifying the person and how to get in touch with them.

**Safety Training Tapes**

In the clippings is an article from the March-April 1993 issue of the Proceedings of the Marine Safety Council on video tapes available for safety related training. These tapes are
available from GMG International (703-620-6000) at a cost of $10.00 each. While portions of these tapes are geared to the Military Sealift Command safety program the instructional portion on safety related practices is pretty well presented. The longest tape is 20 minutes although most of them are under 15 minutes.

RVOC Directory

Appended is an RVOC Directory. Please take the time to review it. If any of the information needs to be updated please pass the updated information along to me, Paul Ljunggren.

GMDSS and The Radio Officer Act of 1993

There are two bills circulating in Congress relating to GMDSS and the requirement for Radio Officers sponsored by Senator Inouye. One recognizes that there is no longer a requirement for a radiotelegraph and therefore the radio officer. The other bill recognizes GMDSS, but seeks to require the onboard capability of someone to maintain the equipment. I have enclosed copies of the bills in the clippings section.
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Dramatic videos drive safety home

By LCDR Paul Comolli

Scene 1: Merchant seaman Half-Bit whistles happily as he paints a 40-foot tall ship stack. When he reaches over for some fresh paint - horror of horrors - he is not wearing a safety harness!

Scene 2: Poor Half-Bit drops to the deck - a terrible accident which need not have happened.

Scene 3: A video camera is dropped 40 feet, simulating how one would feel once "it's too late."

These are scenes from one of 15 Military Sealift Command's safety training video tapes for civilian crews on USNS ships.

Why video?
"A picture is worth a thousand words" in the old adage the Military Sealift Command interpreted as, "a thousand pictures is worth a million words," as it is the most effective method of impressing crew members with the importance of safety measures and how to carry them out.

To put across their training mission of "Readiness through Safety," the Command relied on the medium of audio-visual communication, producing dramatic, realistic videos to provide required on-board training.

A safety team based their efforts on a 1986 pilot program funded by the Military Sealift Command and carried out by the Naval Sea Systems Command, that resulted in a library of training videos for various systems on T-AO-187 class fleet oil tankers. These videos insured that the operation, maintenance and repair information provided to the first crew of each new ship would no longer be transmitted by simple word-of-mouth to subsequent crews, but be stored on tape for the life of the ship. Moreover, computer graphics and animation were able to demonstrate complex processes in easy-to-understand lessons.

Safety training tapes
The first two Military Sealift Command safety videos were produced in 1987. They described the Naval Occupational Safety and Health (NAVOSH) Program to crew members on one tape and to supervisors on the other. The crew version opens with a simulation of a swinging chain fall about to strike a crew member, realistically portraying what it feels like to know you are about to be hit.

Subsequent videos on occupational safety and health include, "Back injury prevention," which demonstrates proper lifting techniques, "Slips, trips, falls and working aloft," which deals with the causes of many shipboard accidents, and "Military Sealift Command electrical safety." The last tape highlights the dangers of electricity.

Recent videos feature a cartoon character called, "Half-Bit," who demonstrates improper safety practices which result in injury. The character portrays dangerous stunts that would be prohibitive for a live actor, such as in the scenes depicting what happened to the stack painter without a safety harness. During Operation Desert Storm in 1990, the Military Sealift Command produced an 18-minute video on the proper donning of chemical, biological and radiological defense protective suits, and procedures for administering antidotes for chemical or biological weapons.

The latest occupational safety and health series consists of tapes on, "Personal protective equipment," "Heat stress," "Respiratory protection," "Sight and hearing," and "Shipboard asbestos safety." These and all Military Sealift Command safety training videos are accompanied by lesson plans to augment shipboard instruction. Videos on underway replenishment, safety training and the handling of hazardous materials have been requested by ship's crews and are under consideration, along with safety updates on regulation changes.

Copies of safety training video tapes may be obtained by contacting the Military Sealift Command.
DOD AND DOT SIGN MEMORANDUM OF AGREEMENT
FOR CIVIL USE OF THE GLOBAL POSITIONING SYSTEM (GPS)

The U.S. Departments of Defense (DOD) and Transportation (DOT) have signed a Memorandum of Agreement which establishes policies and procedures to ensure an effective working relationship between the Department of Defense and the Department of Transportation regarding the civil use of the Navstar Global Positioning System (GPS).

As described in the background section of the Agreement, national policy prescribes that the standard positioning service (SPS) of the GPS shall be available worldwide for international civil use for the foreseeable future. U.S. policy also provides for access to and use of the GPS Precise Positioning Service (PPS) by the U.S. DOD and authorized foreign military users and for selective access to PPS by elements of the U.S. and foreign civil (government and private) sectors.

Among responsibilities assigned to DOD is that of providing DOT a GPS SPS Signal Specification for civil distribution and apprising DOT when the GPS has achieved initial operational capability (as defined in the 1992 FRP) and operation in accordance with the signal specification.

The DOT has agreed to serve as the primary interface within the U.S. Government for all civil GPS matters and to disseminate some GPS status information to military users. Within DOT, the focal point for intermodal issues is the Research and Special Programs Administration (RSPA/DRT-20); the DOT focal point for aviation issues is the Federal Aviation Administration (FAA/ASSD-1) while GPS is in and R&D status (and FAA/AVR-1 after DOD declares GPS operational); the DOT focal point for civil GPS interface is the U.S. Coast Guard (USCG/G-NRN).

Among responsibilities assigned to DOT is that of maintaining a civil information center to make GPS operational status information provided by DOD available to the U.S. and foreign civil user community and to respond to requests for information and concerns submitted by the U.S. and foreign civil user community. The U.S. Coast Guard Civil GPS Information Center has been established as the U.S. government's civil GPS information center.
UNITED STATES COAST GUARD PLANS TO DISCONTINUE
500 KHZ DISTRESS WATCHKEEPING AND ALL MORSE CODE SERVICES
IN THE MEDIUM FREQUENCY RADIOTELEGRAPHY BAND

By Notice of Intent published in the Federal Register, and issuance
of a Notice to Mariners the United States Coast Guard has the intent
to discontinue effective August 1, 1993 watchkeeping on the distress
frequency 500 kHz by all U.S. Coast Guard communication stations and
cutters as well as all morse code services in the medium frequency
radiotelegraphy band.

In its notice the Coast Guard cites the ongoing worldwide
implementation of the Global Maritime Distress and Safety System
(GMDSS) and the options within that system for handling distress
alerts and maritime safety information.

Questions or comments should be directed to Lieutenant Commander
Frank Irr, Telecommunications Operations Division (G-TTO), Office of
Command, Control and Communications, U.S. Coast Guard, 2100 Second
Street S.W., Washington, D.C. 20593-0001, telephone 202-267-1348,
telefax 202-267-4106 or telex 892427 (COASTGUARD WASH).

FCC APPROVES HIGHER POWER FOR 121.5 MHZ
HOMING BEACONS INTEGRAL TO 406 MHZ SATELLITE EPIRB'S

By Order, and in response to a request by the United States Coast
Guard to assist aircraft homing, the U.S. Federal Communications
Commission (FCC) has issued a waiver to Part 80 of its Rules to
permit 406 MHz satellite EPIRB's to transmit a homing signal on 121.5
MHz of not less than 25 mw ERP, without a maximum power limit.

FEDERAL COMMUNICATION COMMISSION EXTENDS COMMENT
PERIOD FOR MAJOR INQUIRY INTO U.S. RULES
CONCERNING MARITIME TELECOMMUNICATIONS

By Order, and in response to petitions filed by the U.S. Coast
Guard and RTCM, the U.S. Federal Communications Commission (FCC) has
extended the comment period to June 1, 1993 and reply comment period
to July 15, 1993 for its major NPRM/NOI inquiry reported in the
November 1992 issue of the RTCM Newsletter.

RTCM will develop views on the issues through an AdHoc Committee
working primarily by correspondence. Work will begin shortly on an
initial draft document which will be mailed to AdHoc members, refined
through their inputs, and further discussed at the 1993 Annual
Assembly Meeting in San Diego. RTCM members are encouraged to
participate in the AdHoc Committee by submitting their views in
writing to the Future Non-Compulsory Rules Ad Hoc Committee. Those
submitting comments will be placed on the mailing list for copies of
draft documents as they are developed. Comments may be transmitted by
fax to 202-347-8540 or by mail to RTCM, 655 Fifteenth Street, NW,
Washington, D.C. 20005.

January 1993

-2-

RTCM Newsletter
Nautical charts change to metric

Carolşık says the marching orders for the change came first from two pieces of federal legislation, the Metric Conversion Act of 1975, and the Omnibus Trade and Competitiveness Act of 1988. Both laws cite metric weights and measurements as the preferred system and require federal agencies to convert their activities as quickly as practicable.

More recently, he says, he's pointed to the Executive Order 12770. Issued in mid-1991, the executive order directed federal departments and agencies to use the metric system in their procurements, and that "all use of measurement units in agency programs and functions related to trade, industry, and commerce." The metric version of the charts still relies on nautical miles. But all other designations, from depths and depth curves to bridge clearances and tidal information are in metric units.

Regarding implications for commercial fishing and other marine operations, Carroll says he is not aware of any assessment that was made regarding potential impacts on safety. He feels the change shouldn't present much of a problem to commercial fishermen. He says he is not aware of any assessment that was made regarding potential impacts on safety.

"We've been working on it since about 1990 and even earlier," says Dr. C. Carroll of NOS. The man who's in charge of the National Charting Office. Most of the early work, he says, dealt with charts of areas near the Canadian border.

The plan is to replace all metric measurements in feet and fathoms with those in meters, decimeters, kilometers and so on as nautical charts are routinely revised and updated. Carroll says there's no set timetable for converting regions by specific dates. However, the charting office promises to "convert charts in logical groupings so that mariners' gauges will require minimal shifting between the two measurement systems."

OQA: Train-wrecks and designated jaiies

CONGRESSIONAL staffers who remember the last go-round don't relish the possibility, but it looks very much as though Congress will have to reopen OQA, the Oil Pollution Act of 1990. The only question is whether some needed changes can be slipped rapidly through the congressional process as "technical corrections," or whether a whole slew of new, "environmentally-incorrect" congresspersons will want to reopen the whole can of worms. If they do, there's no telling what might happen.

Oil companies, in particular, are fearful that the new law could be liabilities for cargo owners as well as ship operators in the event of a collision or explosion.

The big unresolved issue is, of course, Certificates of Financial Responsibility (COFRs), but the requirements for Vessel Response Plans also seem to contain a provision that has the potential for being problematic.

At press time the Coast Guard had still to publish its final rule on COFRs. But the indications are that Congress would look much like the proposed rule. If so, the result could well be the so-called "train-wreck" scenario: A self-imposed tanker embargo of the U.S. because tanker owners would not be allowed into U.S. waters without a piece of paper that nobody, repeat nobody, could give them.

Recently developments appear to have rendered traditional methods of analyzing marine underwriting obsolete. Similar to solving simultaneous equations or calculating probabilities, risk rating programs must be accomplished by an effective program of rating premiums according to merit.

With respect to liability, such obsolescence has been attributed to excessive jury awards; environmental legislation; and the increasing volume of illusory claims. Aggravated that their environment and process, serving as both exposure and as a means of appraisal and underwriting, must be established by the public.

The underwriters' assessment must now focus on how efficiently each customer (the shipowner) manages and operates his shipping interests, both shore-based and shipboard, in order to compensate for this erosion of traditional methods. This requires an intimate familiarity that would appear unattainable as underwriters have been observed to have limited expertise in shipping technicalities, concentrating more on the ratio of claims. The Assessment will be reliant on someone within the customer's organization. The customer's insurance and Claims manager must be familiar with the function and knowledge of each and every department, as well as with the underwriter's language and concepts.

A leading authority on marine insurance and underwriting practice is not the greatest defense process, serving as both catalyst and interpreter. Utilizing the underwriter and Claims manager, the underwriter can identify the superior, as opposed to inferior, management. Exemplary performance and management can not only be awarded relative to losses premium, but enhanced by way of premiums charged to the cargo owner. (MB)
OSHA defines its jurisdictional boundaries within a state to include its territorial waters which extend three nautical miles from the coastline, except in the Gulf of Alaska where the territorial waters extend three statute leagues or approximately nine miles (Seattle Regional Instruction CPL 26A dated August 12, 1992).

The scope of the Act, however, was limited by Section 4(b)(1), (29 USC 653(b)(1)), which states:

Nothing in this chapter shall apply to working conditions of employees with respect to which other Federal Agencies . . . exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

Thus in the case of vessels, OSHA would have jurisdiction if there is one employee, the vessel was within the geographic area of jurisdiction, and no other federal agency had preempted them under the 4(b)(1) section.

The Coast Guard is another federal agency which may exercise occupational safety and health jurisdiction and thereby preempted OSHA on vessels. Note that before preemption occurs, another agency not only has to have jurisdiction, but must exercise that jurisdiction.

At this point, several definitions must be understood. An “inspected vessel” means one that the Coast Guard has inspected and has issued a current Certificate of Inspection. The routine boarding of a vessel by the Coast Guard to assure compliance with certain laws does not make the vessel an “inspected vessel”.

Common classes of vessel normally “inspected” are passenger vessels carrying more than six passengers, tankers, and cargo vessels.

“Uninspected vessels” are defined in 46 USCA 2101(43) as those vessels not subject to inspection and not issued a Certificate of Inspection by the Coast Guard and which are not recreational vessels. Common classes of vessels which are “uninspected” are tugs under 300 GT, inland dredges, inland barges, fishing vessels, fish tenders under 500 GT, and fish processors under 5000 GT.

A table setting forth the requirements for inspection is found at the beginning of many of the Subchapters of 46 CFR. One such table is 46 CFR Table 24.05-1(a) found in Subchapter C, Uninspected Vessels.

In order to clarify the regulatory status of some vessels, OSHA and the Coast Guard entered into a Memorandum of Understanding (MOU) published in the Federal Register, Vol 58, No. 54, March 18, 1993. This MOU acknowledged that the Coast Guard had preempted OSHA with respect to “inspected” vessels. It did not address “uninspected” vessels although by their omission, it can be read that this class of vessels remains under OSHA jurisdiction.

An interesting side to the issue of who has jurisdiction is the ongoing attempt by the Washington state Department of Labor and Industries (WISHA) to regulate the Washington “inspected” ferries operated by the Washington Department of Transportation. By memorandum to Jim Arvan, WISHA Chief Compliance Officer from Thornton Wilson, Assistant Attorney General, dated April 1, 1986, it was opined that since the Coast Guard regulations did not relate directly to employee safety, the Coast Guard rules did not limit the department’s authority under WISHA. A similar opinion was issued in a memorandum to Dale Check, Director Division of Labor Standards and Safety, State of Alaska from Wilson L. Condon, Attorney General, State of Alaska, dated January 16, 1982 with regard to that state’s owned and operated vessels. However, those opinions were overturned by the OSHA/Coast MOU in 1983.

Subsequently, in the State of Washington, the Department of Labor and Industries issued seven violations against the Department of Transportation for failure to comply with WISHA standards relating to asbestos and noise aboard their ferries. An appeal was filed before the Board of Industrial Insurance Appeals, Washington State Department of Labor and Industries (WISHA) and which the Washington “inspected” vessels remained under the Coast Guard. However, the Board ruled that WISHA had been preempted by the United States Coast Guard and lacked jurisdiction.

That matter has not yet ended since WISHA is seeking jurisdiction as an employer through the state legislature.

With respect to “uninspected” vessels which agency has occupational and health jurisdiction has not always been clear. Early court decisions favored Coast Guard preemption of OSHA even on “uninspected” vessels because the Coast Guard clearly regulated even “uninspected vessels”.

Continued on next page
OSHAPossesses statutory authority to regulate the working conditions aboard uninspected vessels.

The factory areas of processing vessels, which apply to fishing industry vessels and are unreported Under Alaskan case, Barbara Munson v. Ultra-Alaska, Case No. MO-81-914IC, filed in the Superior Court for the State of Alaska, Third Judicial District at Kodiak, and in the cases involving the processing of fish processing vessels, there was an implicit intent to preempt the federal government from regulating fishing vessels. However, the extent of preemption may be determined by the court.

The fishing industry regulations promulgated under this Act were published in the Federal Register on August 14, 1991 as 46 CFR Part 28. This Part falls in Subchapter C, Uninspected Vessels. It is clear that the "inspected" un inspected vessel classification is no longer the dividing line between Coast Guard and OSHA authority. Although a new MOU has not been published, OSHA's Seattle Regional Administrator has published guidelines with respect to the division of jurisdiction (Seattle Regional Instruction CPL 26A). The division between OSHA jurisdiction and Coast Guard jurisdiction will depend on whether the hazard or condition is regulated by the Coast Guard in 46 CFR Part 28.

In summary, with the exception of the fishing industry vessels, OSHA has been preempted by the Coast Guard on inspected vessels but retains jurisdiction on unreported vessels within the territorial waters of the states and territories. On fishing industry vessels, each agency has asserted jurisdiction over some of the vessels. OSHA is clearly preempted in those areas regulated under 46 CFR 28. However, the extent of preemption may go further.
Pirate Attacks Spoiling South-east Asia's Image

The rising incidents of piracy in South-east Asian waters is spoiling the region's image in international shipping circles. The piracy problem in the region is far more serious than estimated previously, with more than 200 cases reported last year.

A special report released by the United Kingdom-based International Maritime Bureau (IMB) has identified the waters stretching from the northern tip of Sumatra through the Malacca and Singapore Straits, Philip Channel and beyond as the single most dangerous stretch of water internationally.

A Special task force will be set up by the London-based International Maritime Organisation (IMO) to halt the surge of piracy in South-East Asian waters.

According to IMB, the region's waters have the most concentrated incidence of piracy attacks in the world. While they may not involve a great deal of money, they pose a great potential for disaster should a collision or grounding occur.

From accounts of the various attacks, the report said in most cases the average raid took about 30 minutes and the average haul from the ship's sale was about US$7,000. The report also focussed on the problems of piracy in the South China Sea and in particular, the increased number of attacks in the Singapore Straits. It included an annex describing attacks on more than 100 ships in a 32-KM stretch of the Philip Channel, the southern half of the waterway between Singapore and Indonesia, the pirates' favourite stretch of water.

It also identified the lack of comprehensive and consistent reports of attacks as a major stumbling block for investigations by local law enforcement agencies.

One solution, the report said, is that while sea patrols of the area may deter attacks, the thrust of efforts should be on land.

Although efforts are generally commended ashore, the pirates themselves must have a shore base. With efforts concentrated on gathering intelligence both before and after an attack, it should be possible to catch criminals in possession of property stolen from vessels. Other suggestions include closed-circuit television cameras installed on all ships - trained on the safe - to help identify the pirates.

IMB will launch an anti-piracy centre in Malaysia, in September, to co-ordinate intelligence and reporting of piracy incidents and to disseminate this to the various law enforcement agencies and ship-owning bodies.

The IMO said piracy problems warrant draconian measures to prevent and suppress them. Rescue teams must cooperate and coordinate all moves with the respective authorities cracking down on pirates. The teams must also recommend the use of Inmarsat satellite communications.

Past efforts to contain the piracy problem in South-East Asian region were hampered by political sensitiveness and jurisdictional concerns. A number of proposals have been tossed about but no concrete solution has emerged so far.
FRP UPDATE - WHAT TO EXPECT IN THE 1992 U.S. FEDERAL RADIONAVIGATION PLAN

In a recent briefing on the draft 1992 U.S. Federal Radionavigation Plan as it has been developed to this point, highlights of interest to the maritime community included:

- For the Global Positioning System:
  - Initial Operating Capability (IOC) will be attained when 24 GPS satellites (Block I/II/IIA) are operating in their assigned orbits and are available for navigation. This is planned to occur in mid-1993.
  - U.S. Coast Guard and FAA will notify civil users when the system is approved for navigation.
  - Standard Positioning Service (SPS) will be available at IOC to all users worldwide without direct charge. SPS will provide horizontal accuracy within 100 meters (2drms, 95%) and 300 meters (99.99% probability) and vertical accuracy within 140 meters (2sigma) and timing accuracy within 340ns (95% probability).

- For Maritime Differential GPS (DGPS):
  - U.S. Coast Guard plans to provide DGPS service, free of charge, for harbor/harbor approach phase of maritime navigation utilizing maritime radio beacons to transmit differential corrections.
  - USCG DGPS will be operational by 1996 with an accuracy better than 10 meters 2drms.

- For Omega:
  - U.S. does not expect to terminate Omega operations before the year 2005 (also depends on partner nation agreements).
  - Operation after 2005 depends on requirements not met by other systems.

- For Loran-C:
  - To remain part of radionavigation mix through 2015.

- For Transit:
  - To terminate and discontinue system operation in December 1996.

- For Radiobeacons:
  - Differential GPS corrections to be carried by some maritime radio beacons; non-DGPS beacons may phase-out after 2000.
U.S. SECRETARY OF TRANSPORTATION SUGGESTS EXPEDITIOUS ACTION TO CHANGE COMMUNICATIONS ACT OF 1934

In a letter to the Chairman of the U.S. Federal Communications Commission, the Secretary of the U.S. Department of Transportation has noted that the U.S. Communications Act of 1934 contains requirements that are inconsistent with the provisions of the 1988 Global Maritime Distress and Safety System (GMDSS) Amendments to the Convention for the Safety of Life at Sea; that the FCC rulemaking action implementing the Amendments in the United States did not indicate plans for seeking an amendment to the Communications Act; and that the Secretary of Transportation supports FCC initiatives to reform expeditiously the Communications Act of 1934.

Copies of the letter are available to RTCM members on request to the RTCM Office by facsimile to 202-347-8540, by telephone to 202-639-4006 or by mail to the address listed on this Newsletter. Request Document ALFA JULIETT ALFA.

FCC AMENDS RULES TO PERMIT USE OF FACSIMILE AND DATA EMISSIONS ON MARINE PUBLIC CORRESPONDENCE CHANNELS IN THE 156-162 MHZ BAND

By Report and Order (R&O) the U.S. Federal Communications Commission (FCC) has amended Part 80 of the Commission's Rules (47 CFR 80) to permit the use of facsimile and data communications on marine public correspondence channels in the 156-162 MHz band (marine VHF) for communications between public coast stations and ship stations. The amendment is substantially in conformance with the Notice of Proposed Rule Making released in October 1991 and reported in the RTCM Newsletter previously.

The rule changes permit the use of the additional communication modes under existing ship or coast station licenses provided mutual arrangements have been made between licensees. Transmitters type accepted before January 1, 1994 for G3E emissions under Part 80 of the Commission's Rules will be authorized to transmit F2C, F3C, F1D and F2D emissions indefinitely without modification of type acceptance. Transmitters type accepted after January 1, 1994 will be authorized to use F2C, F3C, F1D and F2D emissions only if they are type accepted for those emissions under Part 80 of the Commission's Rules (47 CFR 80).

Copies of the Report and Order are available to RTCM members on request to the RTCM Office by facsimile to 202-347-8540, by telephone to 202-639-4006 or by mail to the address listed on this Newsletter. Request Document ALFA JULIETT BRAVO.

ARE YOU A 1993 RTCM ASSEMBLY MEETING EXHIBITOR?

To have your listing included in the 1993 RTCM Assembly Meeting Program, deadline for receipt of Exhibitor Registration Forms by RTCM is October 30, 1992. If you did not receive exhibitor registration packet, fax request to RTCM at 202-347-8540.

September 1992 -2- RTCM Newsletter
The Honorable Alfred Sikes  
Chairman  
Federal Communications Commission  
Washington, DC 20554  

Dear Mr. Chairman:

As a component of the Administration's effort to develop a new maritime policy, we have identified laws and regulations that inhibit U.S. ship operators' ability to compete effectively with foreign-flag ships. The Communications Act of 1934 contains requirements that are inconsistent with the provisions of the 1988 Global Maritime Distress and Safety System (GMDSS) Amendments to the Convention for the Safety of Life at Sea effective February 1, 1992.

Under new regulations, the option of using duplicate equipment and/or shipboard maintenance in place of a radio officer would be accepted as adequate for compliance with GMDSS; however, ships that carry radiotelegraphy equipment must continue to carry radio officers until the Communications Act is amended. U.S. ships that meet the GMDSS technical criteria are nevertheless subject to additional requirements that do not apply to foreign-flag ships implementing GMDSS. Furthermore, the incentive to invest in a safer communications system is essentially eliminated if the operator must continue to comply with outdated statutory requirements. The notice published in March 1992 did not indicate what plan your agency may have for seeking an amendment to the Communications Act of 1934.

As you determine your course of action, I want you to know I support initiatives taken by FCC to reform expeditiously the 1934 Act to permit U.S. ship operators to use the options available under GMDSS.

Sincerely,

Original signed by
Andrew H. Card, Jr.

Andrew H. Card, Jr.
Commandant Note 16722 reiterates and clarifies Coast Guard policy concerning those who test positive for dangerous drugs. The statute (46 USC 7704) requires the administrative law judge (ALJ) to permanently revoke the seaman’s papers for those found to have used dangerous drugs. By regulation, failing a drug test leads to the presumption of use.

The only exception to this revocation is the case where the seaman can show cure. Criteria for showing cure are being established in case law, the most recent being Commandant Decision on Appeal No. 2535 (Sweeney).

The Coast Guard maintains an active campaign against the use of dangerous drugs in the merchant marine. A sanction of REVOCATION will be pursued by investigating officers prosecuting dangerous-drug-use cases before the ALJ.

Voluntary deposits of licenses and documents will not be accepted. The mariner faced with a failed drug test has two options: 1) voluntary permanent surrender of the document, or 2) be charged to a hearing before an ALJ. Again, should the ALJ find the charges PROVED, his only option under law is to revoke the document unless the holder provides satisfactory proof that he is cured.

Good faith deposits, which are used by the mariner to guarantee his appearance at the hearing, will continue to be accepted. Such agreements are made only after the seaman has been charged to a hearing.

Once a document is surrendered or revoked the only chance a merchant seaman has to obtain a new document would be to apply to the Commandant for administrative clemency. There are time limitations and application procedures which must be met before a clemency board is convened. Details are contained in 46 CFR Part 5, Subpart L.

Marine employers, unions, charterboat associations, etc. are urged to make this article available to all merchant seamen and to emphasize that drug use is incompatible with service in the merchant marine and will ultimately lead to loss of employment in this industry.

PRE-EMPLOYMENT DRUG TESTING REQUIREMENTS

Persons who have passed a pre-employment test for his current marine employer or another marine employer, or a periodic test for dangerous drugs, within the previous six months are not required to undergo pre-employment testing again within that period. Persons who have been subject to a random drug testing program meeting the criteria under this regulation during the previous 12 months, have not failed a chemical test for dangerous drugs, and have not refused to participate in required chemical tests are also not required to undergo pre-employment testing.

The only exception to random drug testing requirements is for those individuals not having any duties or functions related to the safe operation of the vessel. With the nature of uninspected passenger vessel operations it is virtually impossible for a mate not to have some effect upon the vessel’s safe operation. This means that if a mate does, or is ever likely to do, as much as mind the helm while the operator leaves to use the head, handle a mooring line while docking or undocking, or assist or instruct a passenger in the event of an emergency, that mate is required to be subject to random drug testing for the duration of his employment aboard.

Masters operating a vessel with mates or crew not in compliance with regulations for chemical testing as above are subject to administrative action against their licenses.
Tired of burning money?
12 steps to cut workers' comp costs

By Phillip M. Perry

When Giancola Construction took on the services of a self-employed electrician, Joseph A. Giancola never figured he would have to pay workers compensation premiums on the man. But the Rutland, Vermont-based company was told by its insurance company to break open its wallet. Because the subcontractor received check regularly, the company had to shell out $2,000 annually in additional premiums.

"That was a very difficult situation for me," says Giancola. "And no wonder. Like many other contractor firms, Giancola hires a large number of independent contractors. All of these workers' comp insurance eats into profits.

Giancola's unsuccessful efforts to reduce his worker's comp costs represent only one obstacle in the construction industry's ongoing battle with soaring insurance costs.

When you're thinking about the costs of your business, there's another major headache: rapidly escalating workers' comp premiums.

The average cost of a workers' comp claim has more than tripled over the past 10 years, increasing in 50 percent or faster than the boom in overall health care costs. In many states the problem has reached crisis proportions, with businesses laying off workers or considering closing shop altogether.

Contractors face the highest workers' comp premiums of any major industry, according to the National Council on Compensation Insurance (NCCI), Boca Raton, Fla. Some states assign rates of 70 percent of more to high risk job categories in the construction field. "It's gotten to the point where the employer is paying almost as much in workers' comp premiums as for the payroll," says Edward Fucile, a senior analyst with the organization.

Workers' comp premiums come to an average of 11 percent of payroll for participants in a pool insurance program in Kansas and Missouri. Companies in other states are facing far higher bills. Among the hardest hit states are California, Texas, New Mexico, Illinois, Louisiana, Rhode Island and Maine.

The challenge for contractors becomes apparent when their workers' comp premiums - expressed as a percentage of payroll - are compared with the 2.1 percent nationwide average for all industries as calculated by the NCCI.

To be sure, hydraulic lift equipment has gone a long way toward reducing accidents that lead to workers' comp claims. "Aerial lifts and similar type machines, and other lift equipment has not only been more efficient for saving man hours but also has provided a much safer work environment," says Bill Rogers, executive vice president and general manager of S & R Equipment, Perryburg, Ohio.

Automatic equipment also conserves the energies of workers to concentrate on the work and cut costly accidents. "Using equipped equipment, workers would have to use physical movement to climb up," says John Lynch, director of international sales and marketing at Calabas, Waco, Texas. "With modern equipment, workers are less fatigued."

Contractors with higher than average accident record are saddled with higherthan average premiums. And those who get hit with one or two big medical bills after serious accidents must pay premiums that can make them uncompetitive in their region.

"Your workers' comp costs can spell the difference between being in business and closing your doors," says Dave Neely, general manager of Sandia Construction Company, Houston, Texas.

The medical bills are only the first step in the long financial march. "Hidden costs usually come to five times the amount paid in bills," says Douglas F. Miller, president of Employers' Risk Insurance Management, Birmingham, Ala.

Not least, says Miller, is the expense on an experienced employee when an accident occurs. You must assign a less skilled individual to perform the work, and that may involve overtime.

There are the administrative costs of filling paperwork and keeping up with the claim. Then there is the time required for following up with the employee and seeing how he is doing.

How can your make your workers' comp costs? Twelve consultants from around the country offer the following techniques:

1. Form an association with other employers
2. Join a mutual fund
3. Join the National Construction Association
4. Join the American Society of Gynecology
5. Join the American Society of Gynecology
6. Join the American Society of Gynecology
7. Join the American Society of Gynecology
8. Join the American Society of Gynecology
9. Join the American Society of Gynecology
10. Correct clerical errors
11. Shop for a carrier
12. Join a drug program.

Note: The legality of some steps will vary by state.

Some companies report excellent results from their participation in pools. One example is S & R Equipment, a Perryburg, Ohio, lift equipment retailer which joined a pool two years ago. The blended rate coverage meant that our workers' comp premiums came to only 40 percent of what it would have been if we had been on our own," said executive vice president and general manager Bill Rogers. "I would recommend that anyone join a group, if they are able to do so."

There's the rub. Not everyone can do so. If a contractor's experience modification is too high the pool may not allow entry. And if the company's modifications are too good, it may actually end up paying a higher premium if it joins the group which blends the experiences of poorer-performing contractors.

Other contractors can't join a pool simply because they are operating in a region with a population too small to support one. "Our premiums are going up every year, and a pool might be in one solution," says Giancola. "But there's no chance for an association in Vermont." Giancola is located in the state's second largest city, which has a population of only 18,000 people.

The largest of contractors have another option: self-insurance. It's legal for employers to self-insure in 24 states, according to the United States Chamber of Commerce. You must give proof to the state that you have funds to do it successfully.

How do you know when you are big enough to self-insure? There are many variables, and you need to consult a specialist in the area. But if a business is paying over $500,000 in annual premiums, it is almost always in its interest to self-insure. Depending on the state and many other variables, self-insurance may also be a viable alternative if the business is paying as little as $100,000. If premiums are less than that, self-insurance is seldom viable.

Work With Your Employees
1. Institute a safety program "The
one person the job of safety coordination. He reports
directly to general manager Neely. "And on any job of any
size we assign a full time safety person to report to the
top safety individual," says Neely.
Safety committees should include personnel from all
levels. "Bring in the workers to identify hazards," says
Donald Marano, president of Industrial Health, Inc., Salt
Lake City, Utah. "Because they are on the line every day,
they know about more problems than management."
Then structure a hazard self-inspection done
periodically on a surprise basis. Detect and
abate those hazards before they cause loss.
Safe operation of lift equipment is critical.

The operating and safety manual, given out
with the sale of each piece of equipment, should be read
and signed for by each operator," says Lynch of Calvar.
Free suggests getting computer prints outs from your
carrier that show a history of claims. Identify accidents as to
type: slip and fall, back injuries from lifting, vehicle
collisions, wrist injuries from repetitive motions, or other.
"See what's causing your losses and then make the
workplace safer," he says.
It's not enough to post signs about safety. Their effect
wears off rapidly. In contrast, studies show that workplace
accidents are reduced by any activity that reminds workers
of the need for safety. These activities can be as simple as
a periodic lecture on the right way to lift cartons or use
ladders, to elaborate incentive programs.
3. Explain the problem. Having a safety
committee or a top safety executive isn't enough.
Successful companies are developing techniques to drive
home the critical need for safety to employees.
One company that has done this successfully is Taylor
Crate and Rigging, Cochrane, Kan. "We have a safety
meeting every Monday Morning," says company president
Jim Taylor. The meetings start at 7:00 a.m. and
usually last from 30 minutes to an hour and a half. The group talks
about any accidents that have occurred the previous week.
And minor accidents are not ignored, because, Taylor says,
they can turn into work stoppages.
And "near misses" are discussed at a lot of these meetings.
How did the near-miss happen? What can be done to avoid
it in the future? "We have a form for accidents and another
for near-misses," says Taylor. The employee fills it out after
the accident occurs. One copy goes to the file, another to the
supervisor and a third to the employe."It's hard to get employees to fill out the near-miss
forms," Taylor admits. "They don't want to admit they had one." Taylor claims that the weekly meetings have paid off.
"Now we really have guys working on safety as a team," he says. "They work together better than any small company I have seen."
And here's the bottom line: Last year we worked 45,000
man hours without a lost time accident. We expect that to
be the same this year, and we attribute it to the safety
program.
Sanland Construction is particularly careful about new or
part time employees. "While upper supervisor levels stay
the same from job to job, we generally hire foremen level
people for specific jobs," says Neely. "They may not be
familiar with our safety practices. It's deadly if you don't
bring such people into the picture."
The temporary employees are instructed on the
same techniques that everyone else used. "All of the employees
are motivated when they understand that the people
in charge of the organization feel safety is a key issue," he
saws. "I make sure the people who work for me get that
message and pass it down. Everyone has to be singing the
same song."
Consultants suggest telling your employees how workers
comp-premiums are impacting the amount of your
insurance. Get them on your side. They need to realize that
what hurts the employer hurts the worker and can even
derogate continued employment. Knowledgeable
employees are apt to support safety programs.
"Make the relationship as cordial as possible, so that when
the employee is hurt they feel they are supported by their
employer," says Ruth Gastel, director of issues analysis at
the New York Insurance Information Institute. Employees
who feel good about their employer are more apt to be
going along with recommendations regarding early return to
work.
Too employees should be informed about the no-fault
nature of the state workers comp laws. "Workers who know
their rights are less likely to hire attorneys to represent
them, which drives up costs for employers," says
Gastel.
4. The incentives. Incentives reward
employees when workplace accidents are few. They can be as simple as having
a company-sponsored party every time
that the business goes a certain number of
days without an accident. Other employers design
point systems that award bonuses for a string of
safe days.
"The best pre-accident behavior you can
elicit is the reduction of hazards," says Albert A. Margole,
director of customer training and loss prevention for service
retail industry, at Liberty Mutual Insurance Group, Boston.
licensed by writer workers comp policies in 48 states. "If you
can put your employees in a condition where each other for
the reduction of hazards, that would be a tremendous way to
reduce loss."
This might involve a suggestion program that is
added to a basic safety program in which an employee
consume identifies and eliminates hazards.
Theodore Crane and Rigging, for example, is planning to
launch a new incentive program shortly. Any employee
who works for a quarter without a lost time accident will
receive a reward, which may be cash, or clothing such as
safety boots or gloves.
"The whole idea is to get the safety awareness level up,"
says Seth Marshall, president of Safety Pays, a Santa
Monica, Calif., company that licenses use of an incentive program. "A company's workers comp dilemma begins and
ends with its employees. So the solution must come from
the inside."
Marshall's program employs a bingo card technique for
encouraging employees to work
safely.
Incentives work because they reduce injuries by raising the awareness of
workers about safety. They focus the attention on the problem. But they
must be changed from time to time. "Don't be repetitious," warns
Michael Nicholas, president of California Loss Control, San
Dimas, Calif. "Change the program around. Maybe instead of cash awards you
give away soccer tickets. But find out
what the employees want by asking them."
5. Respond quickly to accidents. "Too many employers do not respond
quickly enough when there is an
accident," says Gibson. "You have to
get involved immediately."
Immediate reporting is critical, he says. So is the medical management
of the claim, the indemnification
management to avoid unnecessary
legal activity, and working closely with
the insurance company.
Facilitate the injured worker getting the proper medical attention quickly.
"Employees who see that
management is concerned about their
safety feel better about their
company," says Fite. "People want to feel as though they are part of
the company, not that the employer just uses them to make money
and doesn't care if the problem hurt."
Call the worker at home to express your concern about his well being.
"Get a dialogue going," says Fite.
"Ask the employer how the accident happened and what the business
can do to keep it from happening again.
Rossiny of Kaufman Construction
takes a proactive approach toward
talking to employees.
"We have auditors in the company follow the man's progress," he says. "We call the man to ask how he is all right and to encourage him to
come back to work as soon as he can."
You want to make sure that the worker understands that you do not
resent the accident. Such feelings on
the part of the employee can lengthen recovery times and drive up
workers comp costs.  

6. Plan transitional work
positions. Like other construction
firms, Giancola Construction has
instituted a transitional work program
for employees who cannot return to
the work place but cannot perform their
old jobs for awhile. Prior to accident
injuries, plan for transitional work
positions. These are jobs that injured
workers can do so that they are not
sitting around at home recuperating.
"The number one way to save
workers comp money is to reduce
time lost," says Norman
Peterson, president of
his own consulting firm
in Ashland. Ore. "From
60 to 63 percent of all
injury costs represent
teachability to employees for work
time lost, not medical bills. Everyone
concentrate on the medical, but few
concentrate on the indemnity.
"Refraining early return to work
will save from 20 to 30 times what
other strategies will save," says

Write in 3000 on inquiry card

December-January 1993 Lift Equipment 21
Worker's comp, from page 22

Solution: "Insist that your insurance agent give you a full copy of the class code book that has the entire description for each code class and the class code numbers, and the corresponding rate for each class," says Robert J. Will. "See if you can find codes that relate more closely to what your employers do."

It works for Giancola Construction. "We spend a lot of time with classifications," says Giancola. "We do a lot of arguing." In some cases, a worker will be doing more than one kind of work and that confuses the issue. For disputed categories, the company shows the auditors the actual jobs, using job cost sheets to back up the company stand. These job sheets often list the names of the employees and how many hours they worked on what type of duty.

But it's not easy. "We bring in the agent as well as the auditor if we have to," says Giancola. "We have been successful in reclassifying some workers, but it doesn't come easily. It takes a lot of negotiations, and sometimes we are not successful."

9. Pay small claims yourself. If legal in your state, you should consider paying small claims yourself. Typically, an employer will pay the first $250 or $500 toward the medical for each accident. The idea here is to save on your premium, in the same way that a deductible reduces your fire insurance premium. "We try to pick up expenses on the small injuries," says Giancola. "We would just as soon handle them in-house to get a larger deductible."

"There is money to be saved in taking a deduction," says Will. "Also, if the employer tells workers that the business is paying a deductible, the worker is less likely to file a bogus claim because they know their employer will have to pay for it, not some billion dollar insurance company."

But this is a tricky area legally. "You need to be careful to make sure your payments are officially sanctioned by state law," cautions Tom Iverson, branch manager for the Portland, Ore., office of Employers Benefit Insurance (EBI Cos.), which writes workers comp insurance in over a dozen states.

Caution: In many states if you pay a deductible you will no longer be able to contest the accident as being work related, even if you discover evidence to the contrary. The result can be a big spike in your premiums for an accident that occurred outside the work place.

In most states, the insurance company pays the deductible amount to the medical facility, and you reimburse the insurance company. Don't try to keep your premiums from going up by failing to file papers that report the accident to your carrier. That's the most dangerous thing you can do. "If you fail to report an accident to your insurance carrier, you may be subject to severe fines and penalties," says Iverson.

Moreover, what looks like a small medical problem at first may change for the worse. "Every carrier in the country can show files that started out as a small medical bill and ended up as total disability," cautions Iverson. If a small medical problem mushroomed into a big one, your attempt to hide the accident in the beginning will be discovered. And the insurance carrier may well contest paying the bill.

10. Find and correct clerical errors. You should review all of the paperwork relating to your insurance to locate errors that can be inflating your premiums.

"There is a high risk of clerical errors," says Bonnie Brook. "Audited payroll information can get transposed incorrectly. A line might read $1 million instead of $100,000."

Here is some paperwork that Brook suggests reviewing:

- Once a year, have your broker provide you with your experience modification work sheet. This shows the calculations which resulted in your premiums due to experience. Are the figures accurate?
- Quarterly, have your broker assist you in putting a loss run from your carrier. This is a printout of all claims against

WORKERS COMP RESOURCES


COST CUTTING IDEAS. A 300 page book entitled How to Control Your Workers Comp Insurance Costs is available for $295 including shipping and tax, from Robert J. Will, president, Rate Consultants, Inc., 160 North Crystal Bay Road, Long Lake, MN 55356. 612-476-1409.

Also, a series of booklets about workers comp cost reduction is available from Liberty Mutual Insurance Group, 175 Berkeley Street, Boston, MA. 02117. 617-357-9300; ask for the public relations department.

INCENTIVE PROGRAMS. Information about starting and running an incentive program is available from Seth Marshall, president, Safety Pays, P.O. Box 1885, Santa Monica, CA 90406. 310-917-9178.

CONSULTANTS. A free list of members of the Society of Risk Management Consultants can be obtained from the association’s public liaison director David Warren, 58 Diablo View Drive, Orinda, CA 94563. 510-234-9472.
your business for the past three years, with pertinent information such as date of injury, type of claim, and reserves. Check the accuracy of all information. See if loss-reserve amounts are correct. See if certain claims that should have been closed are still open.

Six months into your renewal date, check with your broker and carrier to make sure the reserves on outstanding cases are appropriate to the activity.

Employers should not abdicate the responsibility for case management to insurance companies, because "insurance companies do not have the financial incentive, in the way the premiums are calculated, to manage the cases quickly and assertively," says Brook. "They become very reactive, concentrating on administering the cases very well. But they do not take a proactive stand in terms of strategizing individual cases."

In utilization reviews, an outside medical expert reviews all of your medical bills for errors and appropriateness of expenses. Amounts are also compared to the published fee schedules in the 17 states which stipulate methodology reimbursement amounts for workers' comp bills.

Review the ways that cases are handled from beginning to end. Were cases referred to appropriate medical facilities early enough? Were payments made on a timely basis to avoid fines?

11. Shop for the best carrier. "We've had competitive pricing in Michigan for 10 years now, but we still find that some companies don't shop around," says Welch of the University of Michigan. "The premium spread can vary as much as 25 percent to 50 percent."

Those numbers speak for themselves. But remember to shop for factors other than premium. "The cheapest is not always the best," says Peterson. He suggests you consider the quality of the work that the carrier does. A carrier may offer cheaper premiums because there are fewer claims examiners on staff. "How many files are there for each claims examiner?" he poses. "If there are too many, he is likely to miss something."

Suppose a carrier takes three months to follow up on a medical report not received. Says Peterson, "During that time the worker may get $2,000 a month in time loss, so you end up spending $6,000 more."

How proactive is the insurance carrier's loss control division, which provides assistance to clients who want to reduce workplace accidents? Some carriers provide plenty of advise others simply go through the motions of what is mandated by state regulations.

12. Join drug testing programs. "In Florida and some other states, you get a 20 percent reduction in your premium if you join a drug testing program," says Gamble of the U.S. Chamber of Commerce. "I think this will spread to additional states because a fair proportion of accidents are caused by drug related activities."

Work this out with your insurance carrier.

Find out if your state allows premium reductions for safety programs. While few states do right now, it seems to be growing in popularity.

Most of the consultants emphasized a key point: the most effective way to reduce workers comp costs is to encourage your employees to make safety a top of mind concern. Let them know that you are concerned about their safety and about containing workers comp costs.

"You have to care for your employees," says Douglas F. Miller, "If you take care of your people they will take care of you."

Common Safety Points

So many workers compensation claims result from back strain that consultants have a special recommendation: require that anyone who lifts a carton wear a back brace belt. This is simple to put on, and helps protect against strain.
1. THE BELOW LISTED RADIOBEACONS HAVE BEEN MODIFIED TO TRANSMIT EXPERIMENTAL DIFFERENTIAL GLOBAL POSITIONING SYSTEM (DGPS) CORRECTIONS.

- PORTSMOUTH HARBOR, NH N43 04.20, W70 42.50
- MONTAUK POINT, NY N41 04.03, W71 51.64
- CAPE HENLOPEN, DE N38 47.15, W75 05.90
- CAPE HENRY, VA N36 55.58, W76 00.45
- GALVESTON, TX N29 19.73, W94 44.1
- ARANSAS PASS, TX N27 50.30, W97 03.54
- WHITEFISH POINT, MI N46 46.27, W84 57.45

The carrier of these radio beacons is modulated with a GPS correction (differential) signal, which may be used to greatly improve the accuracy of GPS. Mariners should see no degradation in the usability of the radio beacon signal for direction finding, although a warbling of the identification tone may be noticed. Aviators should be cautioned that some direction finding equipment used aboard aircraft, may not operate properly with DGPS-modified radio beacons.

2. COAST GUARD DGPS CORRECTIONS ARE BEING BROADCAST TO TEST AND EVALUATE VARIOUS EQUIPMENT CONFIGURATIONS. IN FEBRUARY 1993, THE BROADCAST BIT RATE OF THE FIRST SIX SITES LISTED IN PARA ONE WILL BE CHANGED FROM 50 BITS PER SECOND TO 100 BITS PER SECOND.

3. SOME DGPS USER RECEIVERS MAY REQUIRE REPROGRAMMING OR ADJUSTMENTS TO ACCOMMODATE THE CHANGED BIT RATE. THIS MAY REQUIRE CONSULTING TECHNICAL MANUALS OR RECEIVER MANUFACTURERS.

4. USE NOTICES TO AIRMEN (NOTAMS) AND NOTICES TO MARINERS (NTMS) TO NOTIFY APPROPRIATE COGNIZANT AUTHORITIES AND USERS, INCLUDING FAA REGIONAL OFFICES. AS WITH THE BASIC GPS, DGPS IS STILL EXPERIMENTAL AND IS CURRENTLY A USE AT YOUR OWN RISK SERVICE.

5. CURRENT STATUS OF DGPS BROADCASTS MAY BE OBTAINED FROM THE COAST GUARD GPS INFORMATION CENTER (GPSIC) AT (703)-866-3806.

Navy Utilizes CD-ROM Technology
For Hazardous Material Control/Disposal

As far as hazardous wastes and computers are concerned, the U.S. Navy has seen the future and it is in compact disks. The Navy has a CD-ROM on hazardous material control and management sent to more than 7,000 military, government, and commercial sites, according to a report in Computer Digest.

The HMCM CD-ROM is popular, according to Navy officials, and has spawned other projects for the Navy—including a medical disposal instruction (CD-ROM) developed at the request of the U.S. Army. This request, and other services, come from the Naval Computer and Telecommunications Area Master Station (Atlantic), Norfolk, Virginia.

The hazardous material control CD-ROM system contains information required for safe and legal procurement, distribution, storage, use, and disposal of hazardous materials needed in daily operations of Navy commands. NCTAMSLANT Team Leader Lexine Langley described why CD-ROMs are a good fit for the Navy: "When you're on a ship you can't just pick up the phone and call somebody." The cornerstone of the HMCM CD-ROM is the Hazardous Material Information System, which is the Department of Defense repository of material safety data sheet information. The program also contains the ships hazardous material list, used to maintain an inventory of onboard chemicals and hazardous substances.
Extra Safety Measures

"Safetyn is taking on a new meaning for members of the marine community as state and local regulatory authorities increasingly treat their industry just like any other. For that reason, workboat builders and operators will need to invest in new technology and training.

"The maritime industry, of course, has always had safety, health and environmental problems," said Frank Parker, vice president of operations at Environmental Technologies Inc., a Magnolia, Texas-based supplier of health and safety equipment. "What's happening now, though, is that the Coast Guard has begun taking a more aggressive position, and so are the maritime industry's customers."

As a result, Parker said members of the marine sector are "looking for the same kind of services we provide to petrochemical plants and manufacturing plants."

Workboat operators and their suppliers cite three areas where the action is heaviest:

- Confined spaces. Regulations just published by the Occupational Safety and Health Administration will force companies to spend an estimated $200 million a year on a variety of equipment, from breathing apparatuses to devices that test compressors feeding air to workers in enclosed spaces.

- Noise control. Regulatory pressure is aimed at reducing onboard noise. In practice, this is being accomplished at both the design stage and by retrofitting existing vessels with materials that deaden sound.

- Injury-prevention. Preventing worker injuries with equipment and training has become a priority as marine insurance rates continue to soar.

Confined-space concerns

Many of the most sophisticated and costliest safety devices manufactured today are an outgrowth of regulations governing work performed in confined spaces and handling benzene, a known carcinogen.

Recognizing a hazard existed, OSHA issued stringent new rules concerning confined spaces (Regulation 1910, Section 146) on Jan. 14. OSHA estimates its confined-space rules will prevent 54 fatalities yearly and save a significant number of workdays lost to illness. The maritime industry got a bit of a break; rules directly relating to it won't be official for a few months. But they're coming.

What will spur the purchase of new equipment is the regulation's requirement for increased monitoring of enclosed spaces. Available products measure the presence of potentially toxic gases or explosive contaminants.

"Business is outstanding," said Suzanne Khan, marketing communications analyst for Gas Tech Inc. The Newark, Calif., company's most popular unit for marine use is the Model 432000. The 8-lb. detector monitors four types of gases, is equipped with an internal sample-drawing pump, operates via two controls and verifies at regular intervals that the unit is working properly.

The company's Model GX-86 also monitors four gases. It attaches to the user's belt and features a detachable sensor head. Gas Tech's four-model Safe T Mate line was designed for extreme portability, being roughly the size of a cassette-player. Prices range from $945 to $2,100.

Another manufacturer is BioSystems Inc., Middlefield, Conn. "Our instruments are used for monitoring a lack of oxygen or excess oxygen in an area," said BioSystems Product Manager Jeff Emond. The devices also alert users to LEL (lower explosion limit) conditions and detect the presence of nine different toxic gases. Among them are carbon monoxide, hydrogen sulfide, ammonia, chlorine and nitrogen oxides.

BioSystems' units sell for between $1,000 and $2,500, depending on their ruggedness and the options a customer chooses. The firm's most maritime-oriented product is the Cannonball II, designed for outdoor use. The company also offers the PhD, a portable unit that monitors four gases simultaneously.

Tony Seideman is a freelance writer living in New York City.
On April 19, Senator Inouye introduced S785, which concerns policy regarding an on-board ship distress system. He also introduced S786, which concerns exempting certain ships from complying to requirements to carry radiotelegraph equipment.

S785, The Radio Officer Act of 1993, strengthens the rules concerning the upkeep of an on-board distress system. The Global Maritime Distress and Safety System (GMDSS) is not currently required on United States ships. Provided that the GMDSS is made mandatory on ships of over 1600 tons, Senator Inouye’s S785 would require that on these ships, there be on board a person qualified to maintain and repair the GMDSS. Under current GMDSS operating procedure, if there is a GMDSS system on board, shipowners are not required to have GMDSS maintenance capability on board. Testing for competency to maintain and repair the GMDSS would be carried out by the FCC in the form of an updated radio officer and operator examination. Following is the text of the bill and Senator Inouye’s statement regarding the bill.

CQ’s WASHINGTON ALERT 04/23/93

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS
(CRTEXT 04/19/93 p.S4632)
*Senate bills introduced*

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (by request):

S785. A bill to require the Federal Communications Commission to promulgate rules pertaining to the use of the Global Maritime Distress and Safety System if such system is required on board United States ships; to the Committee on Commerce, Science, and Transportation.

Special typefaces used in this bill version:
// \ Italic
|| || Bold roman

103D CONGRESS
1ST SESSION
S 785

To require the Federal Communications Commission to promulgate rules pertaining to the use of the Global Maritime Distress and Safety System if such system is required on board United States ships.

IN THE SENATE OF THE UNITED STATES
April 19, 1993

Mr. INOUYE (by request) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

== A BILL ==

To require the Federal Communications Commission to promulgate rules pertaining to the use of the Global Maritime Distress and Safety System if such system is required on board United States ships.

//Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,\/

SECTION. 1. PROMULGATION OF RULES PERTAINING TO USE OF GMDSS.

If the Federal Communications Commission (hereafter referred to as the "Commission") requires the use of the Global Maritime Distress and Safety System (hereafter referred to as the "GMDSS") on board United States ships of more than 1,600 gross tons, the Commission shall require, by rule--

(1) that one individual tested and certified by the Commission as competent shall be capable of on-board maintenance and repair of the GMDSS; and

(2) that testing and certification standards for radio officers and operators on board such ships be upgraded to include competency standards for at-sea operation, maintenance, and repair of the GMDSS.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (by request):

S785. A bill to require the Federal Communications Commission to promulgate rules pertaining to the use of the global maritime distress and safety system if such system is required on board U.S. ships; to the Committee on Commerce, Science, and Transportation.

RADIO OFFICER ACT OF 1993

Mr. INOUYE. Mr. President, the FCC issued its rules to implement the global maritime distress and safety system [GMDSS] on March 16, 1992. In that
rule the Commission permits shipowners to pick any two of three options for ensuring that GMDSS equipment is properly maintained: First, duplication of equipment, second, on-shore maintenance at the next port, or third, on-board maintenance capability. For cost reasons, shipowners are likely to select the first two options. The rule requires that there be a person on board who is qualified to operate GMDSS equipment, but having someone on board who can maintain and repair the equipment is optional. The FCC has yet to decide the qualifications for the GMDSS operator.

Current law already requires ships greater than 1,600 tons to have certain radio telegraphy equipment on U.S. ships and radio officers on board qualified to operate it. The FCC examination for radio officers has not been updated since 1961 and the FCC concedes that it should be updated. Representing radio officers, the American Radio Association petitioned the FCC to update the exam.

Mr. President, this bill would require that any mandate for GMDSS for ships over 1,600 tons would include a requirement to have someone on board who is qualified by FCC examination to maintain and repair that equipment at sea. In addition, the bill would require the FCC to update the radio officer exam to include competency in at-sea maintenance, repair, and operation of GMDSS.

Given the harsh sea environment and the increased complexity of electronic equipment on modern seagoing vessels, safety may be compromised if no on-board personnel can maintain and repair that equipment.

The logical approach may be to upgrade the radio officer’s exam to include GMDSS maintenance and repair, especially since current law requires the radio officer’s presence on-board anyway.

Mr. President, GMDSS will require over a decade to be fully implemented. The presence of a radio officer, trained in GMDSS maintenance and repair, will provide a safe transition.

Senator Inouye, along with Senator Akaka, also introduced S785, the Communications Act of 1934 Amendment Act of 1993. The Act would amend the Communications Act to exempt United States flagships from being required to have radiotelegraph equipment and radio officers on board. This technology, Morse Code, is currently being replaced by the new GMDSS safety system. Thus, if these flagships have the GMDSS and are operating under the guidelines for GMDSS usage, they would no longer be required to have the older equipment on board. Following is the text of the bill along with a statement by Senator Inouye concerning the bill.
To provide for an exemption for certain United States flag ships from radio operator and equipment requirements.

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IN THE SENATE OF THE UNITED STATES

April 19, 1993

Mr. INOUYE (by request) (for himself and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation.

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A BILL

To provide for an exemption for certain United States flag ships from radio operator and equipment requirements.

//Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,\n
//SECTION 1. EXEMPTION FOR COMPLIANCE WITH GMDSS PROVISIONS!!

Section 352(a) of the Communications Act of 1934 (47 U.S.C. 352(a)) is amended--

(1) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) a United States ship operating in accordance with the Global Maritime Distress and Safety System provisions of the Safety Convention;".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS -- By Mr. INOUYE (for himself and Mr. AKAKA) (by request):

S786. A bill to provide for an exemption for certain U.S.-flag ships from radio operator and equipment requirements; to the Committee on Commerce, Science, and Transportation.
Mr. INOUYE. Mr. President, on behalf of the American Institute of Merchant Shipping (AIMS) I am introducing legislation which would amend part II of title III of the Communications Act of 1934. AIMS is a national trade association representing 24 U.S.-flag carriers which own or operate about 12 million deadweight tons of tankers, dry bulk carriers, container ships, and other oceangoing vessels in the domestic and international trades of the United States.

Specifically, the bill would amend section 352 of the Communications Act to exempt U.S.-flag ships from the requirement to carry radiotelegraph equipment and radio officers provided the vessels are operated in accordance with the global maritime distress and safety system (GMDSS) provisions of the Convention for the Safety of Life at Sea, and Federal Communication Commission (FCC) rules concerning GMDSS.

As the former chairman of the Merchant Marine Subcommittee and the current chairman of the Communications Subcommittee, I am aware that this proposal has its supporters and opponents. There is merit on both sides of the issue, and it is an important issue which can only be resolved by Congress. For that reason, I regard this measure as a vehicle for hearings so that members may have an opportunity to hear all interested parties-the Coast Guard, the FCC, U.S.-flag carriers, and maritime labor. Then we will be in a position to decide whether the legislation is necessary.

Mr. President, as with most maritime matters, the issues are somewhat complex and have their roots in longstanding laws and practices. In addition, the most dynamic technology of the 20th century—telecommunication—is added to the mix. The issues have become even more difficult.

In 1914, almost 80 years ago, following the sinking of the Titanic, the first International Convention for the Safety of Life at Sea (SOLAS) was adopted. It required that certain ships maintain a continuous Morse code radiotelegraphy listening watch to ensure that calls from a ship in distress would be received. The same requirement applied to coastal stations during their hours of service.

Until 1988, the use of Morse telegraphy as the primary international distress and calling system for ships at sea remained relatively unchanged since 1899, according to the Coast Guard. In 1988, however, the global maritime distress and safety system amendments to the Safety of Life at Sea Convention were adopted.

According to the FCC, GMDSS differs from the current distress and safety system in several ways. First, communication equipment are based primarily on the areas in which the ship operates, rather than the size of the ship. Second, the GMDSS is primarily a ship-to-shore system, designed to communicate with rescue authorities on shore, where the current system is primarily ship-to-ship. Finally, the GMDSS will ultimately replace the current manual Morse telegraphy system with satellite technology and digital selective calling radios. This equipment uses voice and automated narrow-band direct printing telegraphy for communications, and the key to GMDSS is that it is based on automated equipment.

Under GMDSS, all SOLAS cargo vessels over 300 tons must be able to perform nine crucial communications functions:

Ship-to-shore distress alerting;

Shore-to-ship distress alerting;
Ship-to-ship distress alerting;
Search and rescue coordination;
On-scene communication;
Transmission and receipt of locating signal;
Transmission and receipt of maritime safety information;
General radio communications; and
Bridge-to-bridge communications.

In 1992, the FCC amended its rules dealing with maritime radio services to implement the GMDSS, and noted that the GMDSS system will ultimately change international distress communications from manual ship-to-ship system based on Morse code telegraphy to an automated ship-to-shore system based on the aforementioned satellites and digital technology. The FCC expressly stated, however, that the changes in its rules,

...do not relieve ships from the requirements specified in the Communications Act of 1934, as amended. Ships that carry radiotelegraphy equipment must continue to carry radio officers until the Communications Act is amended.

The measure I am introducing would amend the Communications Act and provide such an exemption.