

**National Towing Vessel Safety Advisory Committee (NTSAC)**  
**Spring 2023 Public Meeting**  
**Crowley Headquarters – 12 April 2023**

**I. Opening**

0800 – Start

Opening Remarks – Mr. Matt Layman  
Mr. Tom Crowley

**First Presentation: Crowley Presentation**

Supporting the wind farms, expressed concern regarding manning the fleet to support this shift. RSVs and LNG bunker barges are under construction. Urgent issue for crewing the vessels.

**Present Committee Member Introduction**

Steve Huttman – Representing  
Laura Wilcox – Representing credentialed engineers  
Eric Johansson – Representing  
Lindsay Price – Representing barge and towing industry  
Johnathon Steinburg – Representing masters of ship docking  
John Arenstam – Representing general public  
Doug Covil – Representing masters of towing vessels and offshore services  
Andrew Gauthier – Representing barge and towing industry  
Robert Keister – Representing public  
John Hazel – towing industry  
Angie Fay – Representing shippers  
Joy Terral – Representing ports terminals and facilities  
Mark Sawyer – Representing tug and barge industry  
Brian Khey – Representing shippers

Ms. Price – a motion to amend the agenda. Typo for AM vs PM and numbering

Joy Terral – second that motion

All say “aye” to accepting that motion and approval of the agenda with the requested amendments

**Coast Guard Leadership Remarks – CAPT Jerry Butwid**

- Extend this meeting to two days. Public working meeting on day one. Public meeting day two.
- Hot topics include Vessel Autonomy
- Maritime personnel and the future of Mariner Credentialing

**II. Administration**

**Fall 2022 Meeting Minute Approval**

Motion to accept September 2022 meeting minutes

Motion to approve – Gauthier

Discussion/Amendment – “Johansson” and “C-Port”

Discussion/Amendment – Steinburg name

All approved with recommended amendments

### III. Old Business

#### Current NTSAC Subcommittee Tasking Update

- *Task #21-03, Towing Industry Forecast.* Report on the anticipated challenges expected to impact the towing vessel industry. Mr. Mark Sawyer on behalf of Mr. LaGarde and Mr. Richmond
  - Evaluate things that could potentially impact the towing industry.
  - Current Issues
  - Ongoing Issues
  - Future Concerns
  - Unforeseen Future
  - Moving bridge operator qualification
  - Regulating bodies keeping up with technology
  - All operators taking advantage of potable water system to accept an alternative of annual reporting. Acceptable to all operators.
  - Drydock concerns – frequency of boots on deck and also drydock availability
  - *Consider additional tasking to some of these concerns.*
  - No questions for Mr. Sawyer.
  
- *Task #21-04, Report on the challenges faced by the towing vessel industry as a result of the COVID-19 Pandemic. Ms. Angie Fay*

CDC Guidance and Marine Safety Bulletin (MSIB) and the implementation of the provided guidance  
Remove the word “Inland” from the document. Broad look at the industry, not just “inland”

  - Joy expects this to be finalized by the September meeting for approval.
  - Caitlin Stewart AWO – The Coast Guard put out a lot of MSIBs during this time to ensure continuity of the supply chain. Within the scope to look into the other MSIB’s to note what worked well. So the Coast Guard can leverage the lessons learned and the CG can institutionalize the lessons learned.
    - The report looked at many different aspects and the uniqueness of the industry and how they had to adapt and persevere.
    - Joy is saying this may be covered in a different task. Inland and Coastwise did an amazing job of adapting the crew changes. How we kept the numbers down in this industry was amazing.
  - Mark Sawyer: Evident that the MSIBs were driven by the CDC mandates. Found that these were often broad-brushed and not necessarily applicable to the Towing Vessel Industry.
  - Peter Something from Crowley: A bit of a lag between the CDC pushing out recommendations and the Coast Guard putting out guidance. What do we want to follow here?
  - Michael Block: Harbor service and PTSD, requested expansion on that.
    - Angie’s response: The way the harbor sector changed their crew change was the reason for increased susceptibility to this response.

- *Task #22-01, Recommendation to the Coast Guard for Rulemaking Improvements to Subchapter M. Mr. Brian Khey*
  - What can a TPO do?
  - Third party inspectors.
  - Subchapter N (limited quantities of combustibles), incorporations by reference. More clarification, hydros, inspections etc.
  - Fresh water / salt water routes. Twice in five.
  - Andrew Gauthier – highlighting firefighting regulations (NIOSH approved SCBA) but not designed for firefighting. Must also be NFPA approved.
  - Steve Huttman: Timeline?
    - Final spreadsheet for redlining process at September 2023 meeting. Fall 2024 for final report.
  - Andrew Gauthier – provide a timeline of inspection delays.
  - Caitlin Stewart of AWO: Prove that there is a problem. Cannot say there is a problem without showing that there is a problem.
- *Task #21-04, Crewmember training. Recommendation for Training and Instruction for Crewmembers Working About Subchapter M Inspected Towing Vessels. John Arenstam.*

Converted the Subcommittee Tasking into 2 parts

  - Recommendations for changes to training requirements in Sub M
  - Items to consider when developing a successful training program

#### **USCG Regulation Development – Mr. Mike Blair**

- Angie Fay – Provided better insight, expressing appreciation
- Eric Johansson – Anchorage discussion. How do you weigh the comments that are irrelevant? Form letters, recognition.
- Mr. Blair Response: Different interest in those comments. Balance it against what we want to achieve. Distill the comments
- John Arenstam (response) – there are very few bridge openings that are regulated that are in the regulations. Most of these openings/closings do go through a similar process of public comment. But it is not a regulatory notice process. Local notice to mariners. Similar process, but not a regulatory process. Provides flexibility. Different from reg writing process.
- CAPT Butwid – When is the Coast Guard is able to talk about aspects of a rulemaking as it progresses?
- Mr. Blair (response) – the input from NTSAC is helpful to support a project. Once a project is published in the unified agenda, it can be discussed. Once the public comment period starts, there are different rules that come along with that. Would look for more of a legal input.
- Caitlin Stewart – Frustration with the concept of regulation by policy. Because so much of the Coast Guard directives that provide parameters come from NVICs, Policy Letters, Work Instructions can get away from what is laid out in regulation. Those are not open to public comment. Talk about decision making when it comes to leveraging these different tools.

- Mr. Blair (response) – while we develop these different instructions, we are careful to not regulate by policy. These are done quicker, but sensitive to not regulating by policy. Significant policy gets vetted by DHS to make sure we stay within the bounds of not regulating by policy. It depends. If there is a policy of substance, will put out a notice of availability to get public comment.
- Al Cook (Moran Towing) – how many rule making projects can the office handle at one given time and how many can happen simultaneously?
- Mr. Blair (response) – between 30-40 regulations at one given time.
- CAPT Butwid – the program offices have the SMEs working on the regulatory projects on top of the standard workload.
- Mark Sawyer – Not a federal regulation, and the Coast Guard is not trying to use policy, what amount of feedback can the CG obtain so that it is optimal for industry and Coast Guard? Industry doesn't need to see the drafts, but if CG is going down the policy route, it would be beneficial to garner the industry to make a more advantageous product.
- CAPT Butwid – After the initial seed is planted, a lot of this happens behind closed doors.
- Mr. Blair – Major policy changes can leverage public comment
- John Arenstam – Outside of the regulatory process. Understood these take specific routes. However, others that are outside of the regulatory process are more flexible. The public in the maritime industry have access to the LNTM, requesting to add attachments to the public through this avenue. Having these draft issues out there to the general public through the mechanism that the maritime community is looking at on a weekly basis.
- Mr. Huttman – AWO is working on these interpretations (regarding terminology). Used TPO guidebooks for Subchapter M feedback from industry to Coast Guard. The problem identified problem is that Policy Letters have gone out without feedback from industry.
- Matt Layman – FACAs are constrained by what they are allowed to do through the formal FACA process. Not that it can't be done, but according to the bylaws, we have a responsibility to represent the industry as a whole.
- Mr. Arenstam – With the FACA process, there are rules and bylaws. But when the government is developing policy, the CG is going down the alternative means. So what restrictions are in place for sharing proposed policy through the LNTM. This process is leveraged for ATON. Is there something that prevents the one arm of prevention to leverage the other arm of prevention.
- Mr. Blair – As long as things are documented, these discussions can happen. Public participation makes this process work and something we don't want to avoid, but also balancing the timelines and expectations.
- Caitlin – NTSAC is a wonderful tool and opened to the public. Thinking back to the Subchapter M implementation timeframe, a lot of those questions were brought to NTSAC. Model of developing reports that can take time, but there are alternatives that can be used if we are looking for timeliness.

**Lunch 1150 – 1300**

#### **IV. Information Sessions**

**USCG Sector Jacksonville – LCDR Steve Lewis**

## **CG-ENG, Autonomous Vessels – LT Carmine Faul**

- Mr. Huttman – Is the Coast Guard engaging with Congress (Statutory)?
- Ms. Wilcox – Is there any expectation for an autonomous vessel FACA?
- Mr. Arenstam – Are we not using U.S.C. 3 for the definition of a “vessel”? Seems to be pretty established in law, but it seems straightforward.
- Mr. Covil – Your opinion, do you think we’ll see in the next 5, 10 years we will see survey vessels?
- Mr. Khey – What is the training discussion for Marine Inspectors?
- Ms. Terral – Rules of the road and how are the vessels to interact in the MTS?
- Collective Response: Yes, the Coast Guard is engaged with congress as required by the space pilot program created by the 2023 NDAA. There are current discussions at HQs and proposed language in the next authorization act to formalize and autonomous FACA. We are merely at the start of exploring remote and autonomous operations. We can only expect the expansion of this capability in the future.

## **National Maritime Center – Mr. Jeff Brandt**

- Ms. Fay – is the USPS a cause of serious delays?
- Mr. Brandt (response) – Unsure.
- Mr. Steinburg – What are the instructions that the RECs are getting?
- Mr. Jason Wisimski – Under the understanding that the companies cannot submit on behalf of the mariner.
- Mr. Brandt (response) – Companies can absolutely submit on behalf of the mariners.
- Mr. Arenstam – Is the checklist being updated?
- Mr. Sawyer – We really need to take a look at it (notion for a task statement). Master Credential is more than qualified to...
- Mr. Arenstam – not the number of days doing, adding days and a position when maybe that same person had been doing another position. Some of the tasks you don’t need to be underway for. Interpretation is telling them that they are unqualified.
- Mr. Hazel – Do you have similar data points for the rejections /denials for DEs.
  - Mr. Brandt (response) – No.
- Mr. Hazel – Have there been changes in the last few years on how the DEs are evaluated?
  - Mr. Brandt (response) – No.
- Mr. Arenstam – 14 months from first signature to last signature on tour submissions.
  - Mr. Brandt (response) – If you look in the DE NVIC, it specifically speaks to the timeline and process.
- Mr. Huttman – There are not clear cut ways on how to conduct the QA training. Need to address that the students coming out of the Maritime Academies that have a certification that they did the appropriate action items.
- Michael Block – what is the role of the regional exam center?
  - Mr. Brandt – intake process for the application, administering the test and course oversight of the auditing process.
- Mr. Arenstam – if everyone that is getting a license needs these tasks, why is it on the TOAR again?
  - Mr. Brandt (response) – You tell me?

- Michael Block – 55% of the applications are returned because they are inaccurate or incomplete?
  - Mr. Brandt (response) – That is correct.

**V. NTSAC Committee Discussion**

- Steve Huttman: This has been a premier meeting, thank you to Mr. Layman. You heard the concerns and brought the appropriate people in to discuss the relevant issues.

**VI. Public Comments**

- Caitlin Stewart – American waterway Operators – Appreciate the working sessions being public moving forward. Include the public and appreciate the transparency.
- Steve Huttman – Thanks to Andrew and Crowley and allowing us to use the facility. Bringing us back together while under the TSAC hat.

**VII. Adjourn (1630)**

- Motion to adjourn. No abstentions.