



# The NAMS Global eNews

November, 2019

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Phil Peterson, eNews Editor  
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## The President's Corner

Howdy...

Happy Fall Y'all. Christmas decorations appeared before the Halloween decorations I spoke of in our last newsletter were sold off the shelves. The temperature has finally dropped back into the 'seasonal' range. Fall should be time to slow down, but it brings its own myriad of activities; it's a busy time of year. Children are back in school. There are kids and grandkids events to attend. Monthly holidays and conferences aplenty. Shorter days! And then there is still that thing called work. It's time to tidy up those loose ends of 2019 and get our minds ready for the holiday season and 2020.



My tenure as your National President will come to an end at the next national meeting (more on that in moment) and now is the time to vote for our new National President and National Vice President. Certified and Life Time Members should have received an email on November 1 with information about the candidates and link to an electronic ballot. The email would have come from our organization data management site Memberclicks and would show a return email address of [nams@memberclicks.net](mailto:nams@memberclicks.net). The office monitors the election progress and, as of this writing, only 29 members have cast a vote. If you have not done so, open the email and cast your vote.

**Gregon Gant, President**

Also, on the first of November the office sent out the 2020 dues notice. If you did not receive it, or cannot find it, please contact the National Office.

Our conference committee has selected the Higgins Hotel in New Orleans as our 2020 National Conference venue. The Higgins Hotel is a new property owned by the National WWII Museum and is located directly across from the museum at 1000 Magazine Street. The hotel opens to the public in December. It is a Hilton property so you will accrue your Hilton reward points. The conference will be held on March 29 – 31 2020.

The Higgins is named after Andrew Higgins the father of the Higgins Boat (LCVP) used extensively in amphibious landings during WWII. The hotel has a nostalgic look of the 40's and the Art Deco era with all the electronic niceties of the 21<sup>st</sup> century. Our program will again feature speakers in all NAMS surveyor disciplines to allow you to focus on topics of your interest and maximize your continued learning.



We have seen an increase use of the “NAMS” or “NAMSGlobal” logo or other references to our Association by non-members on their web sites and correspondence. If you run across this, let the National Office know. We will take action to protect the integrity of your NAMS certification.

Remember, each time you sign a letter, report, or email and include the “NAMS-CMS” moniker, you are representing the professionalism that is NAMSGlobal!

See you in New Orleans March 29. 2020  
Gregon Gant

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## View From the Helm of The NAMSGlobal eNews

It is always interesting to peruse through back issues of our eNews publication, which has been a great resource whenever I need guidance to see how Greg Weeter put prior issues of the eNews together. Take a few minutes to go back, and you are bound to find an article of interest.

And Joe Derie ,Chair, NAMS Ethics Committee, has a information on a powerpoint program on ethics that can be used at regional meetings for one hour of credit for ethics training. Information is the NAMS section below.

Phil Peterson, NAMSCMS  
Editor, NAMSGlobal eNews

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## Applicants/Members Change in Status

Name	Applying For	Region	Sponsored By
Garreth Fernandes	CMS	East Gulf	Hipolito Almoite
Thomas Fuller	Associate	West Gulf	Robert Hanson
Kuhrt Wieneke	CMS	North Pacific	Richard Blomquist
Jay Sousa	Associate	New England	Neil Rosen
Udayakumar Jayachandran	CMS	West Gulf	Chitti Morampudi
Basil Karatzas	CMS	New York	Steven Hale
Nicholas Salazar	Cargo	West Gulf	Felix Holder
Kevin Wakefield	H&M	East Gulf	Robert Keister
Erika Weber	H&M	North Pacific State	Thomas Laing Jr.

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## Crossed The Bar

### Ted Crosby, Ft. Lauderdale, FL

Ted Crosby, AMIM, NAMS-CMS  
Crosby Marine Services  
February 18, 1943 to September 14, 2019

Ted's father [John Theodore Crosby] was a U.S. Navy pilot during WWII. He became an ACE while serving in the Pacific. Ted attended college on a U.S. Navy scholarship.

He was a staff surveyor for CIGNA and later ACE insurance before being an independent surveyor. He joined the Fort Lauderdale Mariners Club the year it was formed and was a member for thirty years.

He served on the Marine Insurance Seminar Committee for over twenty- five years. He contributed to the success of the Marine Insurance Seminar as master of ceremonies, working with the speakers on their topics and CV, and was a speaker at the seminar. He also contributed by suggesting potential topics to be discussed as well as suggesting speakers for the topics. He also edited and proofed our seminar book of speaker's biographies and talks. As an experienced surveyor he assisted the company underwriters to understand the role of a surveyor. He also worked with the underwriters and marine adjusters on how to read surveying reports to assist them in reaching a decision as whether they should insure the vessel, boatyard or marina. Ted was very knowledgeable, and was often asked to be an expert witness, and litigation consultant for admiralty attorneys in south Florida. Ted also contributed his time to cook at the club picnics over the years.

Ted always had a story to tell about his surveying experiences. A Lloyds underwriter may consider his personality a bit "prickly"! He was always direct and you knew where you stood with Ted. In today's business environment to many are prone to dance around difficult topics, this was never the case with Ted. He had a good sense of humor and a sharp wit.

Ted was honored as Mariner of the Year in 2015.

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# Upcoming Educational Opportunities

## \* NAMSGLOBAL \*

Dec. 6 – 7, 2019, Virginia Beach, VA

Central and Mid Atlantic Marine Surveyors Regional Meeting

<https://www.namsglobal.org/calendar/2019/12/6/central-and-mid-atlantic-marine-surveyors-regional-meeting>

March 29 – 31, 2020, NAMSGlobal National Conference

Higgins Hotel, New Orleans

Save the Date

## NAMS ETHICS TRAINING POWERPOINT

"A powerpoint entitled "NAMS Ethics Guidelines and Grievance Procedures" is available for use at regional seminars. Presentation of the powerpoint counts as 1 hour of ethics training.

RVPs or other persons desiring a copy of the powerpoint should contact the Chair, NAMS Ethics Committee, Joe Derie, 503-236-6818 or [joederie@comcast.net](mailto:joederie@comcast.net)."

## \* INTERNATIONAL ASSOCIATION OF MARINE INVESTIGATORS \*

Nov. 13-14, 2019, Henderson, NV, IAMI Regional Training Seminar-as Vegas

<https://www.iamimarine.org/event-3426143>

Mar. 1-4, 2020, Charleston, SC, IAMI's 30<sup>th</sup> Annual Training Seminar

<https://www.iamimarine.org/event-3330946>

## \* INTERNATIONAL ASSOCIATION OF MARINE SURVEYING \*

### Marine Events & Conferences

<https://www.iims.org.uk/events/categories/whats-on/marine-events-conferences/>

## \* Mike Wall and Associates \*

Dec. 1 – 3, 2019, New Orleans

Marine Survey Company Marketing and Business Management

Contact Mike Wall: [mikewallassociates@gmail.com](mailto:mikewallassociates@gmail.com)

**\* LLOYDS'S MARITIME ACADEMY \***

A list of courses here:

<http://www.lloydsmaritimeacademy.com/filter>

**\* AMERICAN INSTITUTE OF MARINE UNDERWRITERS INTRO CLASSES \***

AIMU has a number of distance learning programs, including webinars and e-learning:

<https://aimu.org/edprograms.html>

**\* AMERICAN BOAT AND YACHT COUNCIL \***

ABYC's course listing:

[https://abycinc.org/events/event\\_list.asp?](https://abycinc.org/events/event_list.asp?)

**\* NORTHWEST SCHOOL OF WOODEN BOAT BUILDING \***

Week long classes in Electrical Systems and Corrosion at this time:

<https://www.nswsb.edu/systemsintensives/>

**\* TOWING VESSEL INSPECTION BUREAU \***

No classes listed at this time.

Go to TheTVIB.org "News & Events" then scroll down to "training" for updates.

<https://www.thetvib.org/category/tvib-training/>

**\* SOCIETY OF ACCREDITED MARINE SURVEYORS \***

Nov. 21 & 22, 2019 Canadian Regional Meeting, Whitbey, Ontario

<https://www.marinesurvey.org/wp-content/uploads/2019/10/2019-Regional-Meeting-Flyer-CDN-2.pdf>

Nov. 14 & 15, 2019, Seabrook, TX , Gulf Regional Meeting

<https://www.marinesurvey.org/wp-content/uploads/2019/10/GULF-REGION-NEW-Flyer-Rev-4-Updated.pdf>

Feb. 10 & 11, 2020, San Diego, CA, Pacific Regional Meeting (Save the Date)

Mar. 3-5, 2020, Cornelius, NC, Mid-Atlantic Regional Meeting (Save the Date)

**\* INDEPENDENT MARINE CONSULTANTS AND SURVEYORS\***

Courses listing here:



<https://imcs-training.eu/>

**\* AMERICAN SOCIETY OF APPRAISERS \***

Course listing here:

<https://www.appraisers.org/Education/national-asa-courses/eLearning>

**\* WORKBOAT WEBINAR \***

Nov. 14, 2019, 2:00 PM – 3:00 PM ET

**Manage Sub M Audit & Survey Training Requirements**

[https://www.workboat.com/resources/webinars/meeting-sub-m-audit-and-survey-compliance-training-requirements/?mkt\\_tok=eyJpIjoiWVRrMU1ESmtNMIU0TmJMSlInQm9udHdHVWR6cDNCYSStuVnJORmImbStvcTYwQVN1MlpCK1B2b3hSUWJFZldQUh5OTIJanFPblhjRG8zWE5Cd0hDWVBrWk8zQnVIRkIY21vdCszM0ZuV2ROdFRkR0JsZnBJd0JoQzhSOVwvT3h6UEJoa2VsYVVpUGQ0VnRNbThiRG4ifQ%3D%3D](https://www.workboat.com/resources/webinars/meeting-sub-m-audit-and-survey-compliance-training-requirements/?mkt_tok=eyJpIjoiWVRrMU1ESmtNMIU0TmJMSlInQm9udHdHVWR6cDNCYSStuVnJORmImbStvcTYwQVN1MlpCK1B2b3hSUWJFZldQUh5OTIJanFPblhjRG8zWE5Cd0hDWVBrWk8zQnVIRkIY21vdCszM0ZuV2ROdFRkR0JsZnBJd0JoQzhSOVwvT3h6UEJoa2VsYVVpUGQ0VnRNbThiRG4ifQ%3D%3D)

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## **NAMSWorthy Articles of Interest**

### **Boating Safety Circular #93 Now Available**

The Fall 2019 Boating Safety Circular (BSC #93) from the U.S. Coast Guard is now available for viewing from the Office of Auxiliary & Boating Safety's website at:

<https://uscgboating.org/library/boating-safety-circulars/Boating-Safety-Circular-Fall-2019-s.pdf>

This BSC contents include:

- Gear Weight – The Forgotten Number
- Composite Boat with PWC Powering
- From the Archives
- Bare Hulls: What Are They?
- Manufacturer Identification Codes
- USCG Boat Testing Policy Guidelines
- Reminder to Update Your MIC
- BSC Index 2000 - 2019
- Calendar of Events
- Notice of Defects or Non-Compliances

Thanks to Matt Knoll for sharing this link.

46 CFR SUB-CHAPTER M AND THE  
EXCEPTED VESSEL EXCEPTION  
CAPT Joe Derie, NAMS-CMS; AMS, SAMS; CMI  
Co-Chair, NAMS FV Technical Committee  
Chair, NAMS Ethics Committee  
Southwest Passage Marine Surveys, LLC

46 CFR Subchapter M requires all towing vessels greater than 26' in length, with certain exceptions, to have a Certificate of Inspection. One of these exceptions, "*excepted vessel*," is found in 46 CFR 136.110 *Definitions*, which defines *excepted vessel* as "a towing vessel that is subject to this subchapter but is excepted from certain provisions contained within this subchapter." The definition goes on to state that to be an excepted vessel it must be:

(1) Used solely:

(i) Within a limited geographic area, as defined in this section;

(ii) For harbor-assist, as defined in this section; or

(iii) For response to an emergency or a pollution event; or

(2) Excepted by the cognizant OCMI for purposes of some or all of the requirements in §§ 142.315 through 142.330, 143.235, 143.265, and subpart C of part 143 of this subchapter, based on consideration of those requirements and on reasons submitted by the vessel owner or managing operator as to why the vessel does not need to meet these requirements for the safe operation of the vessel.

Further definitions from 46 CFR 136.110 *Definitions* and comments are:

"A *Limited geographic area* means a local area of operation as determined by the local COTP." This area is usually within a single harbor or port. The key word here is "limited." Discussions with USCG personnel and personal knowledge working with tugboat companies that have desired such a determination, indicate that a bay, unless very small, would not fit this definition.

"*Harbor-assist* means the use of a towing vessel during maneuvers to dock, undock, moor, or unmoor a vessel, or to escort a vessel with limited maneuverability." Many of these vessels are in class and are inspected regularly anyway. The question arises is how far a harbor-assist tug, without a COI, could escort a vessel with limited maneuverability? When, and under what circumstances, would the USCG require an escorting tug to have a COI?

Neither emergencies nor pollution events are defined in 46 CFR 136.110 *Definitions*. These terms can then be understood in their general marine definition.

The exceptions noted in paragraph (2) above refer to:

46 CFR.315 – 46 CFR142.330. These sections refer to additional fire-extinguishing equipment requirements; fire pumps, fire mains and fire hoses; and fire-detection system requirements.

46 CFR 143.235 refers to general alarms.

46 CFR 143.265 refers to additional fuel system requirements for towing vessels built after January 18, 2000.

46 CFR subpart C are requirements for new towing vessels.

To date there has been no guidance provided by the USCG as to under what circumstances such exceptions would be granted. However, it is expected that these exceptions would be listed on the vessel's COI.

Questions concerning the specifics for determining whether a vessel meets the criteria of an *excepted vessel* based upon either the *Limited geographic area or Harbor-assist* criteria, or the criteria in par (2) above, should be directed toward the OCMI with jurisdiction over that vessel. If exceptions are required, they would have to be requested in writing from the USCG and be well documented to be approved. It is recommended that preliminary discussions be conducted with the USCG prior to sending a letter request. If the USCG is forthright and doesn't see the exception being approved, there is little reason to request such an exception.

Vessels that respond to emergencies or pollution events are easy to identify. However, it is recommended that their duties be documented, and exceptions be requested from the OCMI with jurisdiction over that vessel, to document and avoid any confusion over the vessel's USCG requirements.

When surveying excepted vessels that do not require COIs, surveyors should note specifically the requirements of 46 CFR Subchapter C. These vessels are also required to meet OSHA standards per OSHA Instruction, Directive Number: CPL 02-01-04, effective date: 02/22/2010, Subject: *OSHA Authority Over Vessels and Facilities on or Adjacent to U.S. Navigable Waters and the Outer Continental Shelf (OCS)*. Experience has shown that cranes on these vessels are almost never properly inspected as required by OSHA 29 CFR 1919 *Gear Certification*. Experience has also shown that these vessels' electrical systems and shore power ties frequently do not meet the industry (ABYC or NFPA) standards and should be surveyed closely.

As always, I hope anyone who wants to discuss this column or has questions about commercial fishing vessels or ethics will contact me at 503-236-6818.

Thanks to Joe Derie for sharing this article

## Subchapter M, a 'milestone in marine safety'

Fifteen years in the making, Subchapter M, the Coast Guard's sweeping regulations regarding previously uninspected towing vessels, has now been in effect for over a year.

Late last month, about 100 policymakers, operators, consultants and suppliers spent time hashing out just how the regs have worked and what needs to fix at a two-day conference hosted by the **Maritime Institute of Technology and Graduate Studies (MITAGS)** at its conference center in Baltimore.



Thomas Allegretti, president & CEO of the **American Waterways Operators (AWO)**, kicked off the conference with a look back to the inception of Subchapter M, which he calls, "A singular milestone in marine safety." The intent to prioritize safety of people and protection of the environment drove industry to form a unique partnership with the Coast Guard. From the beginning, the Coast Guard relied upon industry, using the AWO's Responsible Carrier Program as a template for the new regulation. Fast forward to the present, and after a year of living with it, Allegretti sums up the new rule this way, "Subchapter M is not perfect, but Coast Guard mostly got it right. The challenge is to fix any mistakes and create a culture of safety and not a culture of compliance."



The acronyms and the questions started flying later as the people who actually crafted the rules put themselves on the hot seat.

Cmdr. Andrew Bender, supervisor of the Coast Guard National Center of Towing Vessel Expertise, brought news of the success of the first year of phase in and a warning. Of the 5,808 recognized



*Tom Allegretti of AWO (left) and Glen Paine of MITAGS. KRR Photo Ltd.*

towing vessels in the U.S., some 1,144 Certificates of Inspection have been issued so far. This number is very close to 25% of July 2020, there will be nowhere to hide for the operators who have eluded compliance. Next year, all single vessel operators will be required to have their COI as well as 50% of any multiboat operation.

Bender was joined by Erik Johnson, National Towing Vessel Coordinator for the Coast Guard, and Lt. Scott Arbeiter, staff engineer in the Hull Division of the Coast Guard Marine Safety Center. Bender and Johnson addressed technical questions about the regs. One was why an operator from Alaska with two sisterships, receiving COIs from different Coast Guard sectors,

received two different manning requirements. (Hopefully that got ironed out later). Arbeiter took on the newbuilds, asking for patience as the plan reviews (required under Sub M) of the complex systems on tugs can take time.

Perhaps the most interesting comments came from the “boots on deck” types. Jeff Brown, Baltimore’s OCMI, spoke about the vagaries of interpreting some of the rules. An auditor and a surveyor shared their notes from the field, distinguishing their roles and explaining the wide variety of misconceptions operators have about compliance. The **American Bureau of Shipping** (ABS) sent their Subchapter M coordinator to explain that getting buy in from the crew on the tug or towboat is critical to ensuring a culture of safety.

Grady Garrison, a third party organization (TPO) surveyor with **Sabine Surveyors Ltd.**, travelled from Houston to attend the conference. He found it useful to be able to spend time with the Coast Guard. “I just want to get a feel for what they are seeing in the field as the process evolves.”

Everyone at the conference seems to have acknowledged that Subchapter M is here to stay and for good reason. As Allegretti reminded the group: In the 1990s, there were, on average 25-30 mariners (a year) who lost their lives on the job. Today, that number is three or four. “That means about two dozen people are home with their families who might not be. If we achieve nothing else, those people’s lives are worth it.”

The above article is from WorkBoat

## **Safer Seas Digest 2018 Lessons Learned from Marine Accident Investigations**

An excellent summary of marine investigations, published by the NTSB:  
<https://www.nts.gov/investigations/AccidentReports/Pages/SPC1901.aspx>

Thanks to Greg Weeter for sharing this link

### **WILDFIRES LIKELY TO LEAD TO HIGHER REINSURANCE COSTS: A.M. BEST**

Losses arising from the latest California wildfires, including the Kincade Fire in Sonoma County and the Getty Fire near Los Angeles, are likely to result in higher reinsurance costs for primary insurers and a tightening of terms and conditions, ratings agency A.M. Best Co. Inc. said Tuesday in a report. While 2019 has not been as active as the record-breaking 2018 and 2017 seasons, with the number of acres burned well below last year's levels through October, the "new normal" trend of more severe wildfires continues to challenge insurers, regulators and government agencies, Best said. "As was the case in recent years, we expect to see an uptick in reinsurance pricing in loss-affected areas," Oldwick, New Jersey-based Best said in the report.

While it is too early for loss estimates resulting from the 2019 wildfires, larger national insurers hold much of the market share in California, Best said.

These insurers have "significant capital" to manage the peril and effective risk management strategies, including robust reinsurance programs, the ratings agency said.

"Given the activity of the last several years, many companies have heightened their focus on managing this risk with pricing, re-underwriting, and improved risk scoring matrices," Best said. But changing books of business may take years to implement, according to the report.

"As insurers look at the last three years, the sheer number of events and their severity will undoubtedly lead them to continue their re-examination of this peril," Best said.

Insurers' enterprise risk management frameworks will be challenged, and they may have to reexamine their risk appetites, capital management strategies and reinsurance partnerships, it added. Best said it will continue to monitor the situation through its ongoing dialogue with rated insurers that have a significant presence or concentration in the region. (Business Insurance, 10/29/2019)

### **NTSB MARINE ACCIDENT BRIEF: ENGINE ROOM FIRE ABOARD TOWING VESSEL JACOB KYLE RUSTHOVEN**

Executive Summary: About 1005 local time on September 12, 2018, a fire broke out in the engine room of the towing vessel Jacob Kyle Rusthoven while it was pushing nine barges southbound on the Lower Mississippi River at mile 673.8, approximately 6 miles north of West Helena, Arkansas. As the fire spread, three of the barges broke away from the tow, and one rolled over and lost its cargo. All six crewmembers abandoned the vessel onto the barges, from where they were rescued by a Good Samaritan vessel. Due to smoke inhalation, the crew was later sent to the hospital and discharged the same day. No pollution was reported. The Jacob Kyle Rusthoven, valued at an estimated \$1.5 million, burned completely.

Probable Cause: The National Transportation Safety Board determines that the probable cause of the engine room fire on board the towing vessel Jacob Kyle Rusthoven was an engine lube oil leak that ignited off a hot surface near the starboard main engine turbocharger. Contributing to the severity of the fire was the lack of crew measures to activate the engine fuel supply shutoffs and secure open

doors ventilating the engine room. (NTSB Wire, 10/31/2019)

## Legal Stuff

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### NAMS eNews November 2019

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2. Each submission must be confined to one topic and must be less than 300 words in length.
3. If the editor responds by expressing interest in your submission, save your submission in Rich Text Format (.rtf) and send it as an email attachment to [petermarinesurvey@gmail.com](mailto:petermarinesurvey@gmail.com). Be sure to include your full name, contact information, (address, telephone number, and email address- to be used only by the editors) and a short bio in the body of the email.
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