

HR 676 reintroduced into the 112th Congress

On February 11, 2011, Congressman John Conyers, Jr. (D-Michigan) reintroduced Expanded and Improved Medicare for All (HR 676), the national single payer health care legislation, into the 112th Congress. With minor changes, such as the addition of oral surgery to the benefits, HR 676 is the same and will provide all medically necessary care to everyone through progressive public funding and elimination of private health insurance companies. There are no premiums, no co-pays, no co-insurance and no deductibles.

Congressman Conyers stated, "Millions of Americans are frustrated with rising health care costs, and have a deep mistrust of private health insurance companies. The for-profit medicine model has resulted in rationed care and has created undue stress and financial hardships for millions of Americans

across the nation."

"Americans are smart — they know improved Medicare for All works in other countries. They also know that our own Medicare program, although not perfect, is a proven and efficient method for providing health care to America's seniors."

"Improved and Expanded Medicare for All is inevitable in America — it is just a matter of time when it will happen. Single-payer health care systems have successfully contained health care costs and provided high quality health care in countries in Europe, Taiwan, Japan, and Canada. We can no longer continue to embrace the idea that private insurance companies and corporate-owned hospitals and clinics will bring down the costs of health care on their own," said Conyers.

"It is time for Congress, other elected officials, the medical com-

munity, health care policy experts, and the national media to begin to seriously examine how a Medicare for All program in America could contain growing health care costs, and provide quality and affordable health care for all. Our current health care system is simply not financially sustainable over the long run. The time has come for deep systemic change in our health care system and a large dose of common sense," Conyers concluded.

In addition to Conyers, HR 676 currently has 33 co-sponsors who are listed below. The co-sponsors of HR 676, all Democrats, as of March 8, 2011 are:

- Tammy Baldwin (Wisconsin)
- Michael Capuano (Massachusetts)
- Donna Christensen (Virgin Islands)
- Judy Chu (California)
- Steve Cohen (Tennessee)
- Danny Davis (Illinois)
- Norman Dicks (Washington)
- Michael Doyle (Pennsylvania)
- Keith Ellison (Minnesota)
- Eliot Engel (New York)
- Sam Farr (California)
- Bob Filner (California)
- Barney Frank (Massachusetts)
- Al Green (Texas)
- Raul Grijalva (Arizona)
- Maurice Hinchey (New York)
- Jesse Jackson, Jr. (Illinois)
- Dennis Kucinich (Ohio)
- Barbara Lee (California)
- Zoe Lofgren (California)
- Carolyn Maloney (New York)
- James McGovern (Massachusetts)
- Gregory Meeks (New York)
- Jerrold Nadler (New York)
- John Olver (Massachusetts)
- Chellie Pingree (Maine)
- Lucille Roybal-Allard (California)
- Robert Scott (Virginia)
- Paul Tonko (New York)
- Maxine Waters (California)
- Anthony Weiner (New York)
- Lynn Woolsey (California)
- John Yarmuth (Kentucky)

Comments on the policy regarding standard rules for the use of force for self-defense of vessels of the United States...see page 7

- HR 676 would institute a single payer health care system by expanding a greatly improved Medicare system to everyone residing in the U. S.
- HR 676 would cover every person for all necessary medical care including prescription drugs, hospital, surgical, outpatient services, primary and preventive care, emergency services, dental, mental health, home health, physical therapy, rehabilitation (including for substance abuse), vision care, hearing services including hearing aids, chiropractic, durable medical equipment, palliative care and long term care.
- HR 676 ends deductibles and co-payments. HR 676 would save hundreds of billions annually by eliminating the high overhead and profits of the private health insurance industry and HMOs.

Hotel workers and Hilton reach contract settlement in S.F.

UNITE HERE Local 2 and Hilton San Francisco Union Square recently announced a tentative agreement to end an eighteen-month labor dispute in San Francisco. The settlement comes as similar agreements were reached in Chicago and Honolulu, and signals a major breakthrough in citywide hotel negotiations.

"Hilton has shown itself to be a real leader in San Francisco's biggest industry," said Mike Casey, President of UNITE HERE Local 2. "With this agreement, workers and the company alike can look forward with confidence as the hospitality sector continues to emerge from the recent recession."

The contract settlement was reached during negotiations on March 3 and finalized over the weekend. It is a four-year agreement, back to August 2009 and forward to August 2013. It provides for continued, fully-paid health benefits, pension improvements, \$2.00 in total wage increases, and workload reductions.

With the settlement, UNITE HERE called an end to the boycott of the Hilton San Francisco Union Square and is encouraging customers to book events at this property.

The union continues to seek contract settlements with other employers in the hospitality industry and maintains a boycott at several Hyatt and Starwood hotels.

"This is a big step forward for us," said Guadalupe Chavez, a room cleaner at the San Francisco Hilton

and executive board member of Local 2. "I'm so glad the contract is settled with Hilton, but we're going to keep on fighting for our brothers and sisters at other hotels."

Summary of settlement terms between Local 2 and Hilton

Term — August 14, 2010 through August 14, 2013.

Health care — Maintains employer-paid health benefits for workers, their families, and retirees.

Pension — Improves retirement benefits to provide for a \$40 per-year-of-service monthly retirement benefit for workers who retire between January 2010 and December 2014, and \$35 thereafter. (For example, a worker who retires after 30 years will receive \$1200 per month pension benefits.)

Benefits — Additional funding for workers' legal and child/elder care benefits.

Wages — A total of \$2.00 wage increases over the four-year contract term, including a 40¢ increase retroactive to August 2010.

Vacation — Additional week of vacation for employees with 20 or more years' seniority.

Workload — Reduction of one additional room from housekeepers' workload when they have 10 check-outs.

Other — Language ensuring that audio-visual work (in addition to construction work) at the hotel is done with contractors who pay prevailing area standards. Language limiting the use of credit checks in hiring.

Halls to close

Cesar Chavez' Birthday — The MFOW hiring halls will be closed on Thursday, March 31, in observance of Cesar Chavez' Birthday. Cesar Chavez' Birthday is a longshore holiday and, therefore, is a recognized holiday for MFOW members working under the APLMS and Matson shoreside agreements and aboard APLMS and Matson vessels in Pacific Coast ports. It is not a holiday at sea.

Good Friday — In accordance with past practice, the MFOW hiring halls will close at noon on April 22 in observance of Good Friday. Under the APLMS and Matson Offshore and Maintenance Agreements, unlicensed personnel shall be granted a three-hour holiday between 12 noon and 3 PM when in port; and overtime shall be paid to members on vessels in West Coast ports when required to work during such hours on Good Friday.



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MFOW members at work



SS KAUI Wiper Theron Skewis, #3667, assisting with engine room repairs.



Electrician/Reefer/Junior Steven Villa, #3811, and wife aboard the MV APL KOREA.



Electrician/Reefer/Junior William "Killer" Miller, #3832, and Reefer/Electrician/Oiler Steve Ondreako, #3815 seen aboard the MV APL JAPAN.



SS KAUI Unlicensed Junior Engineer Europa Demont, JM-4826.



MV APL THAILAND Electrician/Reefer/Junior Glen Walton, #3575, inspecting the cold-ironing spool.

EPA proposes Astoria site for superfund list

The federal Environmental Protection Agency has proposed the Astoria Marine Construction Company site, located in Astoria, Oregon to the National Priorities List - the agency's list of the most contaminated sites in the nation. The site oc-

cupies approximately eight acres of low-lying land adjacent to tidal flats.

If listed as proposed, the site will be cleaned up under the agency's cleanup program known as Superfund. Sediments in the Lewis and Clark River and Jeffers Slough

have been contaminated along with soil and groundwater at the AMCC site by decades of shipyard activities. Site contaminants include petroleum, heavy metals, polycyclic aromatic hydrocarbons, and organotins.

If the site is added to the National Priorities List, EPA will work with tribes, as well as local, state and federal government agencies, to clean up the AMCC site. Cleanup of the site would also support the Columbia River Toxics Reduction Action Plan. The Lewis and Clark River and the Columbia River have been designated as critical habitat and migratory pathways for endangered or threatened fish and are important to sport and commercial fishing.

The AMCC site is a marine shipyard that has been active since 1924. The shipyard constructed wooden boats and ships, except for brief periods during World War II and the Korean War when the company constructed military vessels including minesweepers and tugs. Currently, AMCC conducts manufacturing and repair on small marine vessels.

A final decision regarding inclusion of the site on the National Priorities List will occur after consideration of public comments, which will be accepted for 60 days.

Port of Hueneme to curb ship-generated diesel pollution

A \$9 million utility power system is being developed at the Port of Hueneme to comply with new regulations requiring that ships anchored at California ports turn off their engines to limit emissions. In coming years, ships calling the port will plug into a land-based utility power system that will allow the vessels to shut down their diesel engines and keep nitrogen oxide and particulate matters out of the air.

Nitrogen oxide and particulate matters emitted at the port make up two percent of those overall emissions in Ventura County. About 64 tons of smog-producing nitrogen oxide are emitted into the Ventura County atmosphere every day and 1.2 tons come from the port, according to the Ventura County Air Pollu-

tion Control District.

But the real concern is the 0.09 tons of particulate matter that looks like black soot going into the air. The particulate matter is carcinogenic and the reduction in diesel particulate will result in public health benefits for residents who live as close as 400 meters to the berths.

The program is meant to bring the port into compliance with regulations approved in 2007 by the California Environmental Protection Agency Air Resources Board. The board calls for a reduction in emissions from diesel auxiliary engines on container, passenger and refrigerated-cargo ships while anchored at California ports, gradually slowing emissions through 2020, when they must be reduced by 80 percent.

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Jones Act facts and figures

From the American Maritime Partnership website

The movement of cargo between two points in the United States is governed by Section 27 of the Merchant Marine Act, 1920 (46 U.S.C. §55102). It is generally referred to as the Jones Act, in honor of its author, Senator Wesley Jones (R-Washington). The Jones Act is the continuation of laws to encourage a national flag fleet and allied industries that date back to our nation's founding. The other major cabotage laws and statutes are:

- Passenger Vessel Services Act (46 U.S.C. §55103)
- Dredging (46 U.S.C. §55109)
- Towing (46 U.S.C. §55111)
- Salvage (46 U.S.C. §80104)

The U.S. Merchant Marine, of which the domestic maritime industry is a vital part, is recognized as "The Fourth Arm of National Defense". A strong domestic fleet ensures the United States has world-class vessels to meet sealift needs; expert and experienced seafarers to man the U.S. government's organic surge sealift ships in times of national emergency; a modern shipyard industrial base that is critical to the nation's economic, military, and homeland security; and intermodal transportation systems available for defense use through the Voluntary Intermodal Sealift Agreement (VISA).

During Operations Enduring Freedom and Iraqi Freedom (2002-2010), U.S.-flag commercial vessels, including ships drawn from the domestic trades, have transported 63 percent of all military cargos moved

to Afghanistan and Iraq. The domestic fleet also provided fully half of the mariners needed to crew U.S. government-owned sealift vessels activated from reserve status. Those vessels carried an additional 35 percent of the total cargos delivered to the war zone.

The U.S. Navy's position is clear: repeal of the Jones Act would hamper America's ability to meet strategic sealift requirements and maintain and modernize our naval forces. Other facts that illustrate the domestic industry's contributions to national security include:

- 70 percent of the industry's oceangoing self-propelled vessels are militarily useful, a critical consideration, for 95 percent of the materiel our overseas forces require moves by water.
- The domestic oceangoing fleet represents 30 percent of all VISA capacity, 36 percent of all U.S.-flag commercial containerships, 35 percent of all U.S.-flag roll on/roll off ships, and 90 percent of all U.S.-flag product tankers.
- Vessels for domestic waterborne commerce represent 35 percent of all U.S. commercial shipbuilding opportunities for large, oceangoing vessels, which helps maintain the skills and shipyard capacity needed to build and repair military vessels.
- Nearly 9 out of 10 American professional mariners work in the domestic trades.

Overview of the Domestic Maritime Industry

With more than 40,000 vessels engaged in domestic waterborne

commerce, it is clear that this commercial armada is as diverse as the nation it serves. These vessels represent an investment of nearly \$30 billion. Here are some more facts and figures that illustrate the size and scope of the domestic maritime industry:

- Over billion tons of cargo annually, with a market value of \$400 billion.
- 100 million passengers annually ride ferries and excursion boats.
- 74,000 jobs on vessels and at shipyards.
- 500,000 jobs in total.
- \$100 billion in annual economic output.
- \$29 billion in annual wages spent in virtually every community in the United States.
- \$11 billion in taxes per annum.
- \$46 billion added to the value of U.S. economic output each year.

Major Cargos

- Grain, coal, and other dry-bulk cargos and crude and petroleum via inland rivers.
- Iron ore, limestone and coal across the Great Lakes.
- Refined petroleum products along the East and Gulf coasts.
- Supplies for Gulf offshore operations.
- Merchandise and construction materials to and from Alaska, Hawaii, Puerto Rico, and Guam.

The domestic trades serve 41 states and 90 percent of the population. America's domestic trades have been the birthplace of innovations that transformed waterborne commerce worldwide: Containerships, self-unloading vessels, articulated tug-barges, trailer barges, chemical parcel tankers, railroad-on-barge carfloats and river flotilla towing systems.

Safety is another benefit that flows from U.S. laws regulating domestic waterborne commerce. U.S.-flag vessels are built and operated to the world's highest safety standards. And no other nation sets a higher standard for mariner credentials.

Level Playing Field

The companies that move cargo between our ports receive no sub-

sidies. These companies succeed on their merits and competition is fierce. But it's a fair fight. Our laws — maritime, tax, and others — are applied equally to all, and knowing that everyone is playing by the same rules allows competition and innovation to drive the marketplace.

Domestic Shipbuilding Industry at the Heart of National Security

The Defense Department has consistently emphasized the military importance of maintaining a strong domestic shipbuilding industry, stating, "We believe that the ability of the nation to build and maintain a U.S.-flag fleet is in the national interest, and we also believe it is in the interest of the Defense Department for U.S. shipbuilders to maintain a construction capability for commercial vessels."

A study by the U.S. Department of Commerce, Bureau of Export Administration, reached a similar conclusion.

Domestic Maritime Industry Makes Our Homeland More Secure

America can never be secure without secure waterways. Fortunately homeland security is enhanced by the requirement that domestic commerce be conducted in American vessels in full compliance with U.S. laws and under the consistent oversight of the U.S. government.

Today Customs, Immigration, Homeland Security and other agencies swarm over foreign ships entering our harbors, but there is considerable uncertainty about what laws would apply if these vessels were allowed into our domestic trades. There is no precedent. However, it is certain that the task of monitoring, regulating, and overseeing potentially tens of thousands of foreign-controlled and foreign-crewed vessels in internal U.S. commerce would be difficult at best and fruitless at worst. Our inland rivers and waterways and Great Lakes go to virtually every corner of the country. Repeal or modification of the key domestic maritime laws would make America more vulnerable and less secure.

New Zealand coastal shipping industry highlights role after quake

The New Zealand Shipping Federation recently highlighted the role coastal shipping played in getting goods to Christchurch after the 6.3 magnitude earthquake on February 22. The industry has been battling to survive against road transport and rail but the federation said ships were quick to deliver goods after the earthquake.

Silver Fern Shipping made two fuel deliveries to the Port of Timaru to cater for fuel shortages when demand for fuel rose in the Christchurch area. Aviation fuel was delivered as soon as Port of Lyttelton opened.

Coastal shipping company Pacifica Shipping was the first containership operator to berth at Lyttelton

following the earthquake, delivering 100,000 liters of bottled water and medical supplies. Two Cook Strait shipping operators prioritized freight to enable emergency services, including ambulance, army, fire service, police, and search and rescue, to be across Cook Strait and on the ground in Christchurch by daylight the following morning. They continued to prioritize the movement of earthquake-related equipment.

A Shipping Federation official said she hoped the government would give due consideration to the needs of the industry in its current review of the National Infrastructure Plan, because New Zealand was reliant on shipping for both the domestic and international supply chains.

MarAd reaches agreement with DOE on cargo preference requirements

The U.S. Department of Transportation's Maritime Administration (MarAd) has successfully reached an agreement with the Department of Energy (DOE) on the application of cargo preference requirements to the DOE loan guarantee program. MarAd's cargo preference requirements allow for U.S.-flag ocean carriers, hiring U.S. crews, to bid on at least 50 percent of cargoes shipped as part of a federally-financed project. These requirements allow at least 75 percent for the case of food-aid cargoes, and 100 percent for military cargoes.

In an effort to resolve a difference of legal opinion, the two agencies engaged in a dialogue over a period of months to address the issue, and have agreed, as a matter of policy, to apply the cargo preference

requirements. As a direct result of the collaborative effort between the agencies, language posted on the DOE website is updated to clarify how the agencies will work together to apply the requirements and consider waiver requests should compliance be unachievable.

"We thank our partners at the U.S. Department of Energy for working with us to make sure this new business opportunity for U.S. companies will support American maritime jobs," said Maritime Administrator David Matsuda. "These crews are the same ones who respond in wartime or other national emergencies, so it is critical we keep that capability by allowing them to carry our nation's cargo, whether in support of wars abroad or America's clean energy economy."

Steve Earle releases songs to support unions

Grammy-winning artist Steve Earle has released songs in support of public worker unions in Wisconsin and their protests. The songs to be released are "Harlan Man" and "The Mountain", both of which appeared on Earle's 1999 bluegrass album, *The Mountain*.

"Unions are a fundamental component of democracy throughout the free world. All eyes are on Wisconsin," stated Earle.

Both tracks feature the life of a union miner, with "Harlan Man" lyrics thoroughly depicting union sentiments:

*I'm a union man
Just like my daddy and all my kin
I took a union stand
No matter what the company said
I got me two good hands
And just as long as I'm able I
won't give in*

All profits from the special two-track digital single will benefit The America Votes Labor Unity Fund through SaveWorkers.org. The America Votes Labor Unity Fund is an organization that contributes to activist campaigns in 11 states: Flori-

da, Indiana, Maine, Michigan, Missouri, Minnesota, New Hampshire, New Jersey, Pennsylvania, Ohio and Wisconsin. The organization also accepts donations from labor organizations and individuals.

In addition to releasing the special two-track digital single, Earle will release his 14th studio album later this spring.

Wisconsin public unions lose collective bargaining rights

Wisconsin Governor Scott Walker signed a bill on March 11 that takes away most collective bargaining for state employees. The state Assembly passed the bill on March 10 after Republicans in the Senate approved it on March 9 without 14 Democrats present. The vote in the Senate followed more than three weeks of dramatic protests that clogged the streets, hallways and meeting rooms of the state Capitol.

Walker has notified public employee unions that he's rescinding notices he sent last week that could have resulted in 1,500 layoffs. Walker said the layoffs would not be necessary since the bill, which includes \$30 million in concessions from state employees, had passed.



MFOW President's Report



By ANTHONY POPLAWSKI

MARAD BID

Back in March 2010, the U.S. Maritime Administration published solicitation DTMA8R09011 to procure services for the operation and maintenance of up to 11 Ready Reserve Force (RRF) and National Defense Reserve Fleet (NDRF) vessels. The vessels listed in the original solicitation were the SS ALGOL, SS ALTAIR, SS ANTARES, SS BELLATRIX, SS CAPELLA, SS DENEbola, SS POLLUX, SS REGULUS, MV PACIFIC COLLECTOR, MV PACIFIC TRACKER and SS CAPE JACOB. In April 2010, the solicitation was amended and the SS CAPE JACOB was removed from the bid.

In June 2010, the SIU Pacific District Unions, comprised of the Marine Firemen's Union (MFOW) in the Engine Department, the Sailors' Union of the Pacific (SUP) in the Deck Department and the Seafarers International Union of North America – Atlantic, Gulf, Lakes and Inland Waters District/National Maritime Union (SIU-AGLIWD/NMU) in the Steward Department, entered into a memorandum of understanding with Patriot Contract Services, and also with Matson Navigation Company, regarding the terms and conditions of employment for the operation and maintenance of the ten remaining vessels.

On February 15, 2011, the Union was notified by Tim Gill, of Patriot Contract Services, that the company would not be awarded the contract for the operation and maintenance of any of the ships. The following day, a Maritime Administration press release announced the contracts were awarded to Inter-ocean American Shipping Corporation of Moorestown, New Jersey for \$30.5 million; Keystone Ocean Shipping of Bala Cynwyd, Pennsylvania for \$30.2 million; and Ocean Duchess Incorporated of Houston, Texas for \$16.6 million.

Under the new contracts, Inter-ocean American Shipping will operate the ALTAIR, BELLATRIX, PACIFIC COLLECTOR and PACIFIC TRACKER; Keystone Ocean Shipping will operate the ANTARES, DENEbola, POLLUX and REGULUS; and Ocean Duchess Incorporated will operate the ALGOL and CAPELLA. The turnover date for the contracts was March 1; the award term runs through July 27, 2015. The SIU-AGLIWD/NMU will man the unlicensed positions under all three contracts.

The eight fast sealift ships — ALGOL, ALTAIR, ANTARES, BELLATRIX, CAPELLA, DENEbola, POLLUX and REGULUS — are reserve status cargo ships, part of the RRF. The two NDRF ships, PACIFIC COLLECTOR and PACIFIC TRACKER, are used to assist Missile Defense Agency operations.

SUPPLEMENTAL BENEFITS

On February 17, I participated in a subcommittee meeting of the SIU Pacific District Supplemental Benefits Fund. The subcommittee continued to explore reduction of plan administration costs.

MLC 2006

On February 17, I joined a teleconference working group on Title III of Maritime Labor Convention 2006 (MLC 2006). The participants discussed a Coast Guard-prepared gap analysis between MLC 2006 and existing U.S. regulations.

Title III topics include minimum standards for vessel accommodation and recreational facilities, such as design and construction, ventilation, heating, lighting, berthing, mess rooms, sanitary and hospital accommodation, and prevention of noise and vibration; and food and catering issues. Working group meetings to discuss Title IV and Title V of MLC 2006 will be scheduled later this year.

SS CAPE JACOB

On February 18, deactivation of the SS CAPE JACOB began at Alameda Point. Crew layoffs started on February 25. Some crew members will remain aboard through March to prepare the ship for retention at the NDRF at Suisun Bay.

Also on February 18, the ship was presented with the *Maritime Administrator's Professional Ship Award*. The award was issued "in recognition of outstanding sealift performance during the past 12 years of continuous operations for the Military Sealift Command and the United States Navy, from November 1998 to February 17, 2011, in the Far East and Iraq providing ready, reliable, safe and quality service by the Officers, Crew and Ship Managers."

The following MFOW members distinguished themselves as part of the final unlicensed engine department crew aboard the vessel:

Chief Electrician.....	Cassandra Burdett
Oiler.....	Carlito Episioco
Oiler.....	Joey Pineda
Oiler.....	David Thompson
Fireman/Watertender.....	Augustus Bunao
Fireman/Watertender.....	Jack Edie
Fireman/Watertender.....	Ruben Rivera
Wiper.....	Barry Jaborski

The deactivation of the SS CAPE JACOB, coupled with the shutout of Matson Navigation Company in Maritime Administration solicitation DTMA8R09011, marks the end of the company's government vessel management program.

PIRACY STATEMENT

On January 26, 2011, docket number USCG-2011-0012 was published in the Federal Register. The Coast Guard docket requested input from the public, industry and labor in order to determine if the current authorization in the United States Code provides an adequate framework for standard rules, regarding resistance of pirates, in the use of force for self defense of United States vessels.

On February 22, the MFOW received a draft letter from Jim Patti, President of the Maritime Institute for Research and Industrial Development (MI-

RAID), for joint submission by the seafaring unions. On February 25, a final draft was approved by the International Organization of Masters, Mates and Pilots (MM&P), Marine Engineers' Beneficial Association (MEBA), American Maritime Officers (AMO), the SIU, SUP and the MFOW.

The docket submission is printed on page 6 of this issue.

MTD EXECUTIVE BOARD

On February 24 and 25, at the invitation of Maritime Trades Department (MTD), AFL-CIO President Mike Sacco and Executive Secretary-Treasurer Frank Pecquex, I attended a meeting of the MTD Executive Board at the Buena Vista Palace Hotel in Lake Buena Vista, Florida.

Guest speakers on February 24 were David Matsuda, United States Maritime Administrator; Christopher Koch, President of the World Shipping Council; Jeffrey Lantz, Director of Commercial Regulations and Standards, United States Coast Guard; Mark Ruge, Director of the American Maritime Partnership; and Dale Lumme, National Executive Director of the Navy League of the United States. A video presentation was provided by Senator Mark Begich (D-Alaska).

President Sacco announced that Executive Secretary-Treasurer Frank Pecquex would retire effective April 1, 2011. It was motioned, seconded and carried to appoint Executive Director Daniel Duncan to the Executive Secretary-Treasurer seat for the remainder of the term of office.

After the February 24 session, representatives from the seagoing unions attended a luncheon with Maritime Administrator Matsuda, who gave a PowerPoint presentation on agency goals.

Speakers on February 25 were Rear Admiral Mark Buzby (USN), Commander, U.S. Military Sealift Command; Major General James L. Hodge, Commander, U.S. Army Combined Arms Support Command; Jim Gordon, President of the Cape Wind Project; Rear Admiral Kevin Cook, Director of Prevention Policy, United States Coast Guard; U.S. Representative Russ Carnahan (D-Missouri); Max Paxton, President of the Shipbuilders Council of America; and U.S. Representative Charles Rangel (D-New York). Video greetings were presented by Deputy Labor Secretary Seth Harris and Hawaii Governor Neil Abercrombie.

A wide range of topics were discussed at the two-day meeting and several resolutions were motioned, seconded and carried. The MTD, its affiliates and its Port Maritime Councils resolved to...

Cargo Preference

...vigorously promote and defend cargo preference legislation now and in years to come.

Title XI Shipbuilding Loan Guarantee Program

...call upon the U.S. Department of Transportation and its Maritime Administration to find out why dollars already approved for the Title XI Shipbuilding Loan Guarantee Program are not being spent to put Americans back to work, and assist in implementation of the valuable, effective and needed shipbuilding program.

ILO Conventions

...work toward the ratification of both ILO 185 and MLC 2006, because all mariners deserve safer and better working conditions.

Environmental Shipping Rules

...call upon the EPA and other government agencies to reconsider dates being planned for implementation of vessel Emission Control Area restrictions.

Jones Act

... educate elected officials, as well as the American public, about the importance and value of the Jones Act.

America's Shipyards

...press the Obama Administration and Congress to work together to ensure America retains its place as a global leader in shipbuilding and technology.

America's First Responders

...protect the brothers and sisters who make up our communities' fire fighters, police officers, emergency medical technicians and others who protect us day in and day out.

Attacks on Union Members

...stand behind union workers in all sectors and condemn the attacks on hard-working men and women across the country.

Support for Members of the Armed Forces and Veterans

...appreciate the jobs performed by America's armed forces—past and present.

Maritime Security Program

...call upon Congress and the Obama Administration to continue financial support for the Maritime Security Program.

Piracy

...urge the international community to do more to provide security to merchant mariners from all nations, including training for defensive tactics, funding for armed escorts and increased naval presence in the most dangerous areas.

America's Marine Highway Program

...push for enactment of the vital and valuable waterborne transportation program.

Port Modernization and Dredging

...highlight the importance of port modernization and the need for adequate funding for dredging and a streamlined regulatory process.

Jobs

...redouble efforts to end the recession that continues to plague American workers and the middle class.

STCW GUIDELINES

A handful of junior members wishing to upgrade have hit a brick wall with the Coast Guard because they took the improper Rating Forming Part of an Engineering Watch (RFPEW) practical demonstration assessment control sheets to the ship to be signed off while at sea.

On February 3, 2006, the Coast Guard issued Navigation and Vessel Circular (NVIC) Number 01-06, which provides guidelines for the assessment of proficiency for certification as RFPEW. NVIC 01-06 cancelled and replaced the practical assessment checklist and control sheets in enclosure (2) of Policy Letter 14-02, Qualifications for Deck and Engineering Ratings. The 14-02 RFPEW control sheets were made obsolete six months after the publication of NVIC 01-06.

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Vice President's Report

By William OBrien

Thank you very much to all those who supported me in the election. To the entire membership, I'll do the best I can. I don't always have the answer you want to hear and sometimes I'm wrong. But I'll never lie to you. Those who didn't support me, go chase yourselves.

My congratulations to all of our port agents. Your experience and knowledge are greatly appreciated. We're a good team. I look forward to joining with you in some good fights.

Shipping at Headquarters has been average for February. The registration list is very short. Come to the job calls. It will change your life.

I visited the APL JAPAN in New York this month. Lots of work for all hands; a real good feeder. The crew reported they were delayed at the Suez Canal due to the political turmoil in Egypt. They had no pirate sightings.

The APL shoregang continues to keep up production levels. All hands are working most weekends. Most of the current crew is looking to reship.

Patriot called for sea trial breakouts of the YANO and the SHUGHART. The pay is good on these LMSR's, so it's always sweet whenever they crew them up. It means two weeks' work for four Oilers and two Wipers per ship.

A reminder to those members considering sailing on Patriot-operated vessels. The application process and background check will take several weeks to complete and clear. Start early and check your training certifications.

An all-Seattle crew jumped on the YANO, with Headquarters and Wilmington filling positions on the

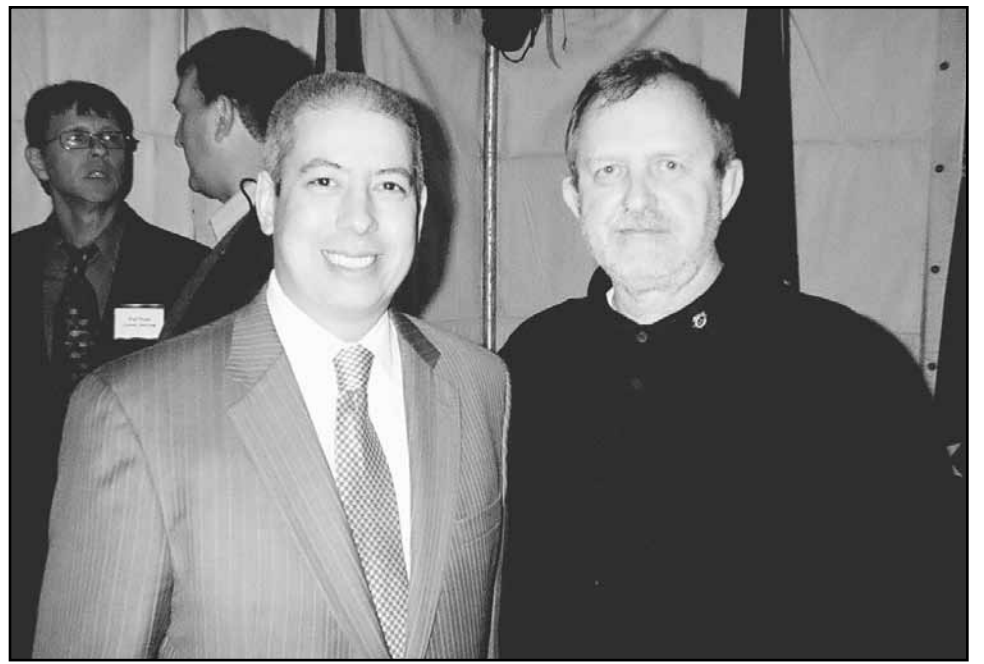
SHUGHART. I got a chance to board the SHUGHART in Bayonne, NJ. I met with the crew and then I met with the Chief and the steady engineers. They seem like a fair bunch. The house is a little dusty but the accommodations are top drawer. The engine room has been kept in fine shape. The vessel will sail for Violet, LA, where the crew will be laid off.

I attended the congratulations ceremony/layup of the SS CAPE JACOB at Alameda Point. Also in attendance were SUP VP Dave Connolly, SIU VP Nick Celona and new MEBA President Mike Jewell. It was a very nice dinner buffet, set up at a warehouse within walking distance from the gangway. It's always a sad day when they lay up such a great ship. Good crew, top to bottom.

Some of the noteworthy things that happened during the time Matsuda operated the CAPE JACOB are: It provided 76,000 mandays to the various unions; three Marine Firemen crewmembers got married; several members landed their first Electrician's job; and seven members sailed Wiper and got their endorsements. Member Joey Pineda returned to the ship a record seven times. Joey was always ready to show a new Oiler or Fireman his duties.

Attend your Union meetings. It's for your own good and it's important to stay informed. Check your documents, get your taxes done, and Happy St. Patrick's Day.

*May the sun shine warm
upon your face,
May the wind and rain
fall soft upon your back,
And until we meet again,
May God hold you
in the palm of his hand.*



Maritime Administrator David Matsuda and MFOV Vice President William OBrien.



Matsuda and members of the SS CAPE JACOB crew.



SS CAPE JACOB docked at Alameda Point.

More President's Report

Continued from page 4

This information was reported in my February 2006 President's Report and published in the February 2006 issue of *The Marine Fireman*. Unfortunately, the obsolete control sheets are still falling into the hands of some junior members, who think they have jumped through all the proper hoops, but end up experiencing grand frustration when the Coast Guard denies their application for STCW certification.

Members and applicants who are dispatched to initial Wiper billets through MFOV hiring halls should receive an updated MFOV RFPEW Work and Record Book. Any others may download the MFOV Work and Record Book from the MFOV website at www.mfow.org.

DUES DELINQUENCIES

Article XIII, Section IV of the MFOV Constitution provides that members more than three months in arrears in dues, assessments or unpaid fines (except during strikes of lockouts) shall be deemed in bad standing and shall be denied any of the privileges of membership in the Union. Members more than 12 months in arrears shall be automatically terminated from membership.

The provisions are not applicable to members who are in good standing at the time of their vessel's departure from the last port in the United States where an office of the Union is located or where an official is available to receive payment of dues. Such members shall be deemed in good standing until the vessel returns to the first port where the Union maintains a branch or an official is available to receive dues.

ANNUAL BOARD OF TRUSTEES MEETING

By General Letter, I have advised all MFOV trustees and port agents to make arrangements to attend the annual MFOV Board of Trustees meeting, which has been scheduled for March 24 and 25, 2011. We will review annual income and expense reports for each port, and the Union as a whole, and discuss suggestions for the good and welfare of the Union. The complete minutes will be posted along with a synopsis of the meeting, including trustee recommendations, for membership action at the April Headquarters and branch meetings.

As a reminder to those who are new to the Union, or those who have not yet grasped the general provisions outlined in the MFOV Constitution, the Board of Trustees meeting is not the same as the MFOV Convention. The Board of Trustees meeting is held annually to discuss the administration of the Union; the MFOV Convention is held only in years in which principle collective bargaining agreements are to be renegotiated. Therefore, even though collective bargaining agreement suggestions may be informally discussed at the Board of Trustees meeting, they will always be referred to the Convention and future negotiating committees. The next MFOV Convention will most likely take place in 2013.

Company may start Marine Highway service

American Feeder Lines says it will start East Coast short sea shipping operations in the second quarter of 2011. The company says its vision and mission is the "realization of America's Marine Highways." The company claims that its first service will involve a modern container feeder vessel with a capacity of 1,000-1,300 twenty-foot equivalent units in a weekly service connecting Boston, Portland and Halifax.

American Feeder Lines is a start-up company that last July was reported to have signed a letter of intent with Aker Philadelphia Shipyard to purchase five Jones Act containerships for American Feeder Lines Holdings L.P. and a similar letter of intent for five more containerships of the same design with an unnamed shipyard in Green Bay, Wisconsin. Its cofounders are Tobias Koenig and Percy Pyne IV of New York real estate investment and consulting firm Pyne Companies Ltd. Koenig is a major player in the Ham-

burg, Germany-based shipping investment market. His Koenig & Cie. GmbH & Co. KG has launched more than 80 closed-end funds, with a total investment volume of more than 4.2 billion Euros. Most of these funds are investments in ships, putting the company into the top quartile of all ship initiators in Germany.



Comments of the
International Organization of Masters, Mates and Pilots (MM&P)
Marine Engineers' Beneficial Association (MEBA)
American Maritime Officers (AMO)
Seafarers' International Union (SIU)
Sailors' Union of the Pacific (SUP)
Marine Firemen's Union (MFOW)

Before the United States Coast Guard

In the Matter of Request for Comments on
 Policy regarding standard rules for the use of force for
 self-defense of vessels of the United States

Docket No. USCG-2011-0012

February 25, 2011

The International Organization of Masters, Mates, and Pilots (MMP), the Marine Engineers' Beneficial Association (MEBA), the American Maritime Officers (AMO), the Seafarers' International Union (SIU), the Sailors' Union of the Pacific (SUP), and the Marine Firemen's Union (MFOW) represent substantially all the officers and crew of United States flagged merchant ships engaged in international trades. Our members serve on U.S. ships operating off the coast of Somalia and areas of the Indian Ocean subject to the scourge of piracy and are exposed to the risks of being held hostage under appalling conditions, with threats of bodily injury or death at the hands of pirates. In 2009, the MAERSK ALABAMA, manned by our members, was attacked off the Somalia coast and the ship's master was held hostage under threat of death until rescued by the U.S. Navy using deadly force. Shortly after the MAERSK ALABAMA incident, the U.S. flagged LIBERTY SUN, also manned by our members, was attacked with the stated intention of destroying the ship and its crew in retaliation for the action taken against the pirates in the MAERSK ALABAMA incident. Because of the continuing risk that piracy poses for our members and our paramount concern for their safety, we welcome this opportunity to comment on establishing a USCG policy regarding standard rules for the use of force for self-defense of vessels of the United States.

Overview

Any consideration of standard rules for the use of force for self defense of vessels has to take into account the ongoing situation off the coast of Somalia and the Indian Ocean, as well as U.S. statutes regarding the rights of U.S. merchant ships to oppose and defend against attempted acts of piracy¹, the intent of Congress in enacting new legislation limiting liability for the consequences of the use of force against acts of piracy², and statutory and common law rights to self defense.

The number of ships attacked, the number of ships captured and the number of crew members held hostage continues to increase. The amount of ransom payments is increasing along with the length of time crew members are held hostage. The level of violence is escalating with pirates torturing crew members and killing them in cold blood. The impact of ransom payments is having an effect on the economy of Somalia that is institutionalizing piracy as a way of life. The impact on the global economy of piracy in the area is estimated at \$7 to \$12 billion per year and the threat to ships and crews is placing the viability of the trade route from Asia to Europe via the Suez Canal in jeopardy. Apart from our concern over the safety of ships and crews there is a significant threat to the global economy, and a threat of piracy financing international terrorism.

The present strategy employed by naval forces and the current Best Management Practices (BMP) employed by merchant ships can be improved to reduce the escalating threat of piracy to ships' crews and the global economy, or to reducing the distortions to the Somalia economy that contribute to its continuance as a failed State. But, currently, it appears the rules of engagement adopted by the military command and the shipping industry make piracy a relatively risk free and profitable venture for organized criminal activity operating out of Somalia.

The right to self defense under Port Security Advisory (3-09)

PSA (3-09) is intended to restate the existing law of self defense and to illustrate how self defense principles should be applied to the issue of piracy. PSA (3-09) defines deadly force ("any force that is likely to cause great bodily harm or death") and great bodily harm ("an injury to the body that results in unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty"). PSA (3-09) advises that mariners may only use deadly force when the mariner has a reasonable belief that the aggressor poses an imminent danger of causing great bodily harm to themselves or others. Because this advisement on the use of deadly force actually allows less force to be used than American common law and the statutory law of most states, the Coast Guard should develop standard rules for the use of force for self-defense of vessels of the United States when on the high seas that permit the use of deadly force by any means, including armed resistance, when the master, mariner, embarked personnel including security personnel, or individuals who use force, or authorizes the use of force, reasonably believes the vessel or a mariner is being subjected to an "act of piracy" as defined in 46 USC § 8107 (c)³.

¹ 33 USC § 383. Resistance of pirates by merchant vessels

The commander and crew of any merchant vessel of the United States, owned wholly, or in part, by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure, which shall be attempted upon such vessel, or upon any other vessel so owned, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same; and may also retake any vessel so owned which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

² 46 USC § 8107. Use of force against piracy

The Use of Deadly Force Permitted by PSA (3-09) Is not as Extensive as the Use of Deadly Force Permitted at Common Law

Congress recognizes the danger mariners face from pirates on the high seas; nearly 200 years ago, Congress authorized U.S. merchant ships and crews to use force to resist aggression by pirates against their vessels. Despite this recognition, the United States Coast Guard has advised mariners in PSA (3-09) that their right to use deadly force in self defense is not as extensive as the right to use deadly force under common law in most U.S. jurisdictions. Because U.S. ships and mariners need greater, not lesser, self defense rights at sea, the Coast Guard should establish rules that authorize deadly force in defense of the vessel as intended by Congress in 33 USC § 383.

Since the general introduction of firearms, the common law has recognized that one is not "required to retreat when he is assailed in a place where he has a right to be."⁴ Likewise, one may defend his domicile or his property to the extent of taking life, when necessary in defense of his property.⁵ Although any American would be justified in using deadly force to protect his home or property, PSA (3-09) advises that only non-deadly force should be used in defense of the vessel or in defense of property the master and crew are authorized to protect. Of course, it is impossible for a mariner to retreat from attack when he is at sea. At the same time, the vessel is the mariner's domicile and contains all the property with which the mariner travels. The Master is charged with the protection of both the vessel and a ship's cargo—often valuable military and humanitarian aid owned by the U.S. government. Faced with these realities, mariners or embarked security forces must be able to use deadly force in defense of the vessel; if pirates are permitted to board a vessel with only non-lethal resistance because the pirates were not actively threatening the crew with imminent death or great bodily harm, it will often be too late for the vessel and too late for the crew.

In addition to the use of deadly force in defense of a mariner's domicile, PSA (3-09) fails to address the use of deadly force when the mariner has a reasonable fear of kidnapping. Because PSA (3-09) only advises mariners to use deadly force when faced with a threat of great bodily harm, a mariner who reasonably fears he will be kidnapped for ransom is not entitled to use deadly force. This is a serious oversight because ransoming vessels and crew is the main motivation behind pirate attacks off the Somalia coast.⁶ Indeed, when the MAERSK ALABAMA was attacked in 2009, the pirates were unable to seize the ship due to the valiant efforts of the crew; however, the attackers kidnapped the Master as they fled the vessel.⁷ Although the threat of kidnapping, which under present conditions may lead to torture or murder, is serious and very real, mariners or security personnel would not be permitted to use deadly force to prevent their own kidnapping or kidnapping of the crew under current guidelines.

PSA (3-09)'s oversight in not permitting the use of deadly force under threat of kidnapping is especially glaring given that many U.S. jurisdictions explicitly authorize the use of deadly force to prevent kidnapping.⁸ A person would have the right to use deadly force to prevent their own kidnapping in many jurisdictions, but under PSA (3-09), a mariner would be expected to allow themselves to be kidnapped provided they would only be held as a prisoner and eventually ransomed back—this absurd result illustrates the need for stronger rules for self defense of ships on the high seas, rules that address the dangerous and harsh realities our members face every day.

The right to defend the ship against piracy is broader than the common law right to self defense.

Notwithstanding the discussion of the common law right to self defense discussed above, which is the minimum base line right to protect life and property, a U.S. flagged ship and its crew under 33 USC §383 may oppose and defend against any aggression, search, restraint, depredation, or seizure attempted by pirates. The opposition and defense of the ship is not limited to common law principles of self defense. There is no need to wait until the pirates are actually onboard and the crew is in eminent danger of death or bodily harm. There is no confusion in splitting legal hairs to determine when defense of the ship is authorized. It recognizes the reality that a high speed skiff with boarding ladders approaching your ship in the middle of the Indian Ocean manned by a crew waving AK-47's and RPG's is not intent on a social visit. 33 USC §383 should be construed liberally and in conjunction with 46 USC §8107 (a)⁹ to include individuals embarked as security guards.

Recognizing the military type arms used by pirates against merchant ships and the possible escalation of the type of weaponry used, embarked

Continued on page 7

³ 46 USC § 8107. Use of force against piracy

(c) DEFINITION.—For the purpose of this section, the term 'act of piracy' means any act of aggression, search, restraint, depredation, or seizure attempted against a vessel of the United States by an individual not authorized by the United States, a foreign government, or an international organization recognized by the United States to enforce law on the high seas.

⁴ Laney v. United States, 294 F. 412, 415 (D.C. Cir. 1923)

⁵ Id. (Citing *beard v. United States*, 158 U.S. 550 (1895))

⁶ See Stephanie McCrummen & Ann Scott Tyson, *Navy Kills Three Pirates, Rescues Ship Captain*, Wash. Post. (Apr. 13, 2009) (noting that pirates have earned millions in ransom in recent years).

⁷ Id.

⁸ E.G., V.T.C.A., Penal code, § 9.32 (Authorizing the use of deadly force to prevent an aggravated kidnapping); see *Rue v. State*, 288 S.W.3D 107, 110 (Tex. Ct. App. 2009) (instructing the jury that it should find the defendant not guilty if he shot the victim in order to prevent an aggravated kidnapping).

Notice of Provider Change: Drug and Alcohol Abuse Employee Assistance Program For Active Employees

February 2011

To: All Active Employees

Re: Human Behavior Associates (HBA) —
New Program Vendor Effective March 1, 2011

Starting March 1, 2011, the current Drug and Alcohol Abuse Employee Assistance Program (EAP) administered by MHN will be replaced by a new vendor, **Human Behavior Associates**. New brochures and wallet cards are currently being printed and will be available soon at the Union Halls. The following will give you some information about the new vendor and program effective March 1, 2011. This notice serves as a summary of material modifications as required by the Employee Retirement Income Security Act of 1974 ("ERISA") to the MFOW Welfare Fund (Plan). Please keep this summary of plan changes with your copy of the SPD.

Who is Human Behavior Associates?

Human Behavior Associates (HBA) is an independent firm that specializes in providing nationwide employee counseling and assistance programs. To contact HBA call (800) 937-7770 or (707) 747-0117 collect. The help line is available 24 hours per day.

What Specific Services Are Available?

Up to a maximum of three (3) counseling sessions (for each 6-month period) with licensed professional counselors at no cost to you and your family members. You or your family member must first call the HBA office to initiate the process. During your first call, HBA will arrange for a referral to the most appropriate resource that can help you. If it is determined that you or your dependent (eligible family member) need additional counseling beyond three visits, HBA will help you work with your current medical plan provider to extend MAP services. There may be copayments or other out of pocket expenses required by your medical plan provider.

For you, the Member only (the following benefit is not available to your dependents):

In cases where in-patient treatment is required for drug and alcohol treatment, you may be eligible for the Trust's self-funded alcohol/substance abuse benefit that provides for full payment of up to one (1) rehabilitation admission during your lifetime (not to exceed 28 days). HBA will work with you and the Welfare Fund Office to arrange for appropriate treatment. If you are not eligible for the self-funded benefit, HBA will help you work with your current medical plan provider in obtaining appropriate care. There may be copayments or other out of pocket expenses required by your medical plan provider.

All contact between you and HBA is strictly confidential and all health information will be used, disclosed and maintained by HBA in accordance with the privacy and security requirements of the Health Insurance Portability and Accountability Act of 1996, as amended ("HIPAA").

Please call the Welfare Fund Office if you have any questions on the change in program vendors or if you have any questions about the benefits provided through the program.

Grandfathered Group Health Plans

The Trust's Board of Trustees has concluded that each of the health plans that the Trust offers (collectively, "the Plan") is a "grandfathered health plan" under the Patient Protection and Affordable Care Act (the Affordable Care Act). As permitted by the Affordable Care Act, a grandfathered health plan can preserve certain basic health coverage that was already in effect when that law was enacted. Being a grandfathered health plan means that the Plan may not include certain consumer protections of the Affordable Care Act that apply to other plans, for example, the requirement for the provision of preventive health services without any cost sharing. However, grandfathered health plans must comply with certain other consumer protections in the Affordable Care Act, for example, the elimination of certain lifetime limits on benefits.

Although it is a "grandfathered health plan", you should know that the Plan provides health coverage benefits beyond the "basic" level of benefits and has long maintained many consumer protections now required under the Affordable Care Act. For example, the Plan has always prohibited rescissions of coverage due to a member's health condition as well as exclusions for pre-existing conditions for children and adults. There is also no "waiting period" for benefit eligibility once a member attains initial coverage based on required work hours. Nor does the Plan discriminate in favor of certain members based on compensation, age, gender or health status.

Questions regarding which protections apply and which protections do not apply to a grandfathered health plan and what might cause a plan to change from grandfathered health plan status can be directed to the plan administrator at (415) 986-1028. You may also contact the Employee Benefits Security Administration, U.S. Department of Labor at (866) 444-3272 or www.dol.gov/ebsa/healthreform. This website has a table summarizing which protections do and do not apply to grandfathered health plans.

As referenced above, this notice serves as a "summary of material modifications" (SMM) to the MFOW Welfare Fund (the "Plan") in accordance with the requirements of ERISA. Please keep this notice and the HBA brochure with your copy of the Summary Plan Description. Such notices will be sent to you from time to time updating you and your dependents about any benefit plan changes. The Board of Trustees of the MFOW Welfare Fund has the exclusive right, in its sole and absolute discretion, to administer, amend or terminate any provisions of the Plan at any time. We note that neither this notice nor the HBA brochure attempts to cover all benefit details or plan limitations and exclusions. These are contained in official plan documents that legally govern the operation of the Plan and which control in the event of any omission or other difference between those documents and this notice.

TWIC office finally opens in Unalaska

Unalaska residents are now able to apply for a Transportation Worker Identification Credential (TWIC) just by going to the local library. TWIC gives approved individuals access to high-security, federally regulated facilities and vessels.

Unalaska is a city in the Aleutians West Census Area of the state of Alaska. It is located on Unalaska Island and neighboring Amaknak Island in the Aleutian Islands off of mainland Alaska. According to 2005 Census Bureau estimates, the population of the city is 4,347. Almost all of the community's port facilities are on Amaknak Island, better known as Dutch Harbor. It is the largest fisheries port in the U.S. by volume caught.

A TWIC card is needed for em-

ployment at many industrial facilities in Unalaska, but for the past three years, the closest TWIC office has been located in Anchorage. Because the application process takes two trips, the cost of getting a card was huge. TWIC fees and two trips to Anchorage could cost over \$3,000.

Since 2008, the city of Unalaska has been lobbying for a TWIC office, and now, the city has managed to set one up at the Unalaska Public Library. It is open on Tuesday mornings and run by trained volunteers. Two employers, Pacific Stevedoring and UniSea, are involved in the process. The city will be paying to maintain the service for the next 18 months until a federal contract related to the TWIC program is reviewed.

EPA approves new air conditioning refrigerant

Automotive air conditioning of the future will not be the environmental blight it has been in the past. The EPA announced on March 1 it has approved the refrigerant HFO-1234yf for use in vehicles.

Designed by Honeywell and Dupont, HFO-1234yf has a global warming potential that is 99.7 percent less than the current chemical (HFC-134a) used in most car air conditioners. General Motors last summer announced it planned to use HFO-1234yf in 2013 models pending final approval. GM will be joined by other automakers eligible to receive greenhouse-gas emission credits for 2012-2016 models by adopting eco-friendly refrigerant, thanks to new laws passed last year.

Over the next few years, HFO-1234yf will become the new standard for U.S. automakers. The refrigerant has also been approved for use in Europe and Japan. The change will be better for the environment, the EPA said.

Prior to the use of HFC-134a, car air conditioners generally used CFC-12, which the EPA called "a potent greenhouse gas and ozone-depleting substance."

"This new chemical helps fight climate change and ozone depletion," said Gina McCarthy, assistant administrator for EPA's Office of Air and Radiation. "It is homegrown innovative solutions like this that save lives and strengthen our economy."

Comments on Piracy

Continued from page 6

private security personnel who are properly trained should be permitted to carry on board and use military type weapons not permitted under U.S. laws for civilian ownership and use.

The responsibility of governments

It has consistently been the position of the maritime unions that the suppression of piracy is primarily a government responsibility using embarked military security detachments under rules of engagement enforced by military command and control procedures. It is our understanding that the German shipping community and German Navy are in discussions to provide such protection to German flagged ships. Such a practice provides protection that is consistent in nature and under the sovereign protection and diplomatic immunity of the flag state. It is still our position that embarked U.S. military security teams are the most efficient use of military assets assigned to suppression of piracy and a legally sound basis for protecting U.S. flag ships from pirates.

In the absence of a willingness of the military to provide such protection, ships are left with the need to rely on contracted private security teams. To attain some level of consistency and adherence to rules of engagement it is recommended that the USCG establish a vetting process that reviews the security team's training and qualifications.

The United States Should Provide Legal and Diplomatic Support to Individuals Alleged to have Violated the Rights of Pirates

As explained above, the Coast Guard should revise its guidance in PSA (3-09). Merely updating the guidance, however, may not sufficiently protect U.S. mariners and private security personnel from criminal or civil liability in foreign jurisdictions when they oppose and defend against piracy accordance with U.S. law. Regardless of where on the high seas it is, a U.S. Flag vessel applies United States law because the ship "is deemed to be a part of the that sovereignty [whose flag it flies]."¹⁰ Thus, the American common law principles of self defense and the right to oppose and defend against piracy under 33 USC §383 will apply on U.S. Flag vessels, and U.S. Flag mariners and private security personnel should be able to use those defenses permitted under U.S. law. In the event that a U.S. ship owner, mariner or security personnel faces civil or criminal liability in a foreign jurisdiction for their lawful use of force, the U.S. government must be prepared with diplomatic and legal assistance to ensure U.S. law is applied to actions taken by U.S. ships. "There can be no doubt" that it is a "privilege of a citizen of the United States...to demand the care and protection of the Federal government over his life, liberty, and property when on the high seas."¹¹ At the very least, it is an obligation of the United States to ensure only its laws are applied to its citizens on U.S. flag vessels on the high seas. The U.S. should have a reaction procedure in place to be implemented and coordinated by the relevant U.S. agencies in the event that a ship is detained by a port state after an incident.

⁹ 46 USC § 8107. Use of Force Against Piracy

"(A) LIMITATION ON LIABILITY.— An owner, operator, time charterer, master, mariner, or individual who uses force or authorizes the use of force to defend a vessel of the United States against an act of piracy shall not be liable for monetary damages for any injury or death caused by such force to any person engaging in an act of piracy if such force was in accordance with standard rules for the use of force in self-defense of vessels prescribed by the secretary. (Emphasis added)

¹⁰ Lauritzen v. Larsen, 345 U.S. 571, 585 (1953) (alteration in original).

¹¹ Slaughter-House Cases, 83 U.S. 36, 79 (1873).



During the month of February 2011, I dispatched 5 Matson Navigation Co. shipboard jobs, 2 shore-side maintenance mechanics and 13 standby wiper jobs, a total of 20 jobs, as listed in *Howz Shipping*.

Twenty-two members are registered as follows: 12 As, 2 Bs and 8 Cs. Ships that arrived in the port of Honolulu: MV R.J. PFEIFFER, MV MOKIHANA, MV MANULANI, MV MANUKAI, SS MAUI, MV MAHIMAHI, MV MAUNAWILI, MV MANOA and MV MAUNALEI.

Mahalo to all MFOW ships' delegates and the shoregang delegate for the great job they continue to do in resolving any problems that occur. There were no problems reported.

Shipping in the short month of February went well, with regular job rotations. Standby wiper opportunities are at an average for the

month. Non-seniority applicants on hand have been helping with Matson's needs to maintain their ships while here in Honolulu.

Honolulu jobs lost were four for the month — two jobs on the SS KAUAU and two jobs on the CAPE JACOB. Both ships went into lay-up.

Matson's new payoff system for standby wipers began in January. Members and non-seniority applicants have complied with furnishing all required information to the company in order to get paid. Members not yet working standby will need to fill out all forms at dispatch; forms will be faxed to the company for review. Checks will be sent through the mail to the MFU office for pick-up.

I continue to remind our members to keep all required documents and certificates current to ship and to bring them to each job call for dispatch.

Aloha from Honolulu, Hawaii,
Bonny S. Coloma
Port Agent

HOWZ SHIPPING

February 2011
San Francisco

Chief Electrician.....	1
Reefer/Electrician.....	1
Reefer/Electrician/Jr. Engineer.....	1
Junior Engineer (Day).....	1
Junior Engineer (Watch).....	2
Oiler.....	1
Wiper.....	2
Shore Mechanic.....	12
Standby.....	9
TOTAL.....	30

Wilmington

Junior Engineer (Day).....	1
Junior Engineer (Watch).....	1
Oiler.....	1
Wiper.....	1
Shore Mechanic.....	1
Standby.....	30
TOTAL.....	35

Seattle

Junior Engineer (Watch).....	1
Standby.....	3
TOTAL.....	4

Honolulu

Electrician/Reefer/Jr. Engineer.....	1
Reefer/Electrician/Jr. Engineer.....	1
Junior Engineer (Day).....	3
Shore Mechanic.....	2
Standby.....	13
TOTAL.....	20

Regular membership meeting dates 2011

April	4	S.F. Headquarters
	11	Branches
May	2	S.F. Headquarters
	9	Branches
June	6	S.F. Headquarters
	14*	Branches
July	5*	S.F. Headquarters
	11	Branches
August	1	S.F. Headquarters
	8	Branches
Sept.	6*	S.F. Headquarters
	12	Branches
October	3	S.F. Headquarters
	11*	Branches
Nov.	7	S.F. Headquarters
	14	Branches
Dec.	5	S.F. Headquarters
	12	Branches

(*Indicates Tuesday meeting following a Monday holiday)

Political Action Fund

Voluntary donations of \$20.00 or more for February 2011:
Sol Ayob, P01293\$50.00
Jeffrey Baumgarten, #3745.....25.00

Anthony Lefebre, #3750.....200.00
Joel McCrum, P-253625.00
Philipps Sanchez, JM-4880.....50.00
Henry Toscano, P-1899.....20.00

MARINE FIREMAN SUBSCRIPTIONS, H&B AND VOLUNTARY PAF DONATIONS

Please use the following form.

NAME (Print) _____ PENSION or BOOK NO. _____

STREET _____

CITY _____ STATE _____ ZIP _____

Check box: U.S. & POSSESSIONS OVERSEAS

Yearly Subscriptions: First Class \$10.00 Air (AO) Mail \$25.00

Second Class \$8.00

Pensioners' Hospital & Burial \$6.00

Voluntary Political Action Fund Donation \$ _____

Please make checks payable to: MARINE FIREMEN'S UNION

Address envelope to: 240 Second Street, San Francisco, CA 94105



Since the last meeting, dispatched a total of 35 billets, consisting of 1 Day Jr., 1 Watch Jr., 1 QMED Oiler, 1 Wiper, 1 Shoreside Mechanic and 30 standby Wipers.

A total of 45 members are currently registered here at the Wilmington branch, consisting of 19 As, 10 Bs and 16 Cs.

As you can see by the activity of last month, shipping has gotten kind of slow around here. We have a good number of members just hanging around hoping someone will break a leg or disappear mysteriously while out at sea so that I can put their job on the board.

Boarded all MFOW contracted ships coming into the port of L.A., including the MV MANULANI. I had a good long talk with the Electrician (and delegate) Josh Patricio, and it looks like everybody is getting along just fine.

I also stopped by the reefer shop on Terminal Island. Foreman Ken Justice continues to do a great job in running the gang. However, due to the drop in volume, two extras have been laid off.

With respect,

Robert Bugarin
Port Agent



We saw quite a rush of work in Seattle at the end of January as the SS KAUAU went into layup for boiler repairs and a full crew was called to activate the SS MAUI. But only four MFOW jobs were dispatched in the month of February: one Unlicensed Junior Engineer (Watch) and three standby Wipers. There are currently eleven As and seven Cs seniority members registered for work.

The MAUI had been idle for most of the past year. The MFOW shipboard crew, along with the standby Wipers, put in a great effort getting the MAUI ready for Coast Guard inspections and sea duty.

In February I attended meetings of the King County Labor Council, Seattle Waterfront Stakeholders Committee, Machinists Union Labor-Management Committee, Puget Sound Harbor Safety Committee and

Alaska Way Viaduct Replacement Committee.

I also attended a meeting with Port of Seattle Executive Director Tay Yoshitani.

Mr. Yoshitani stated that the Port of Seattle moved a record 2.1 million containers across its docks last year and that translated into thousands of jobs in the Washington State maritime industry.

Fraternally,

Vince O'Halloran
Seattle Representative

Benefits paid during February

Death Benefits

Anthony O'Shaughnessy, P-2538	\$1,500.00
Arthur Santiago, P-2557	1,500.00
	<u>\$3,000.00</u>

Burial Benefits

James Reid, P-1812	\$1,000.00
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Excess Medical	\$11,972.08
Glasses and Examinations	\$1,330.00

HONOR ROLL

Voluntary donations to General Treasury — February 2011:

Anthony Lefebre, #3750\$200.00
William Watters, JM-4936..... 100.00

Active MFOW members

Retain your Welfare Fund eligibility.

MAIL or TURN IN

all your Unfit for Duty slips to:

MFOW Welfare Fund
240 Second Street
San Francisco, CA 94105

MFOW member pensioned

Name	Book No.	Pension Type	Sea Time	Effective
William Fie	3783	SIU PD Basic	20.695	3/1/2011

FINISHED
WITH
ENGINES



Clarence R. Huhn, #703. Born November 3, 1923, California. Joined MFOW October 16, 1942. Pensioned June 1, 1979. Deceased January 18, 2011, Camdenton, MO.

Henry B. Wennrich, #1087. Born June 27, 1916, Honolulu, Hawaii. Joined MFOW October 22, 1943. Pensioned April 1, 1970. Deceased February 13, 2011, Murrieta, CA.

Thomas E. Mayers, #877. Born October 5, 1920, New York, NY. Joined MFOW April 3, 1943. Pensioned May 1, 1979. Deceased February 18, 2011, West Palm Beach, FL.

Timo A. Vara, #1521. Born March 26, 1917, Turku, Finland. Joined MFOW February 20, 1946. Pensioned July 1, 1979. Deceased January 28, 2011, Lake Worth, FL.

Edward R. Partlow, #3029. Born July 14, 1932, Spokane, WA. Joined MFOW February 24, 1961. Pensioned January 1, 2001. Deceased March 2, 2011, Santa Rosa, CA.

Biko B. Hasan, JM-4886. Born July 2, 1953, Santa Ana, CA. Joined MFOW August 11, 2004. Deceased March 6, 2011, Riverside, CA.