

TESTIMONY OF BRIAN SCHOENEMAN
LEGISLATIVE DIRECTOR
SEAFARERS INTERNATIONAL UNION

HOUSE TRANSPORTATION AND INFRASTRUCTURE COMMITTEE
COAST GUARD AND MARITIME TRANSPORTATION SUBCOMMITTEE

HEARING ON CRUISE SHIP SAFETY AND LESSONS LEARNED FROM THE
COSTA CONCORDIA ACCIDENT

FEBRUARY 29, 2012

Good afternoon, Chairman LoBiondo, Ranking Member Larsen and members of the subcommittee.

On behalf of the Seafarers International Union (SIU), thank you for conducting this hearing and for giving us the opportunity to testify. I would also be remiss if I did not thank all of you for your continued support of the U.S. Merchant Marine.

As the primary organization representing unlicensed merchant mariners in both the domestic and international trades, including deep sea, inland and Great Lakes, the SIU has made safety and training a top priority. We work hard every day to provide our contracted companies with the best trained, most professional and most safety conscious mariners in the world. And we have been very successful in that regard.

The *COSTA CONCORDIA* accident has highlighted the critical need for qualified mariners and trained crewmembers on board all ships, particularly high capacity passenger vessels, such as cruise ships. And given that the vast majority of the shipboard personnel on cruise ships like the *COSTA CONCORDIA* are hospitality staff ó not mariners ó it is all the more important to ensure that crew training and safety procedures are maintained properly.

To that end, the SIU, like most American maritime labor unions, has established a state-of-the-art training program to ensure that both our mariners and our other cruise ship personnel receive the best, most up-to-date and in-depth training available anywhere. We've invested a considerable amount of time and money into training ó so when our members go up the gangplank they know what to do if the unthinkable happens.

Experience has long since proven that training and practice saves lives, especially in situations where every second counts.

This is why the SIU places so much emphasis on training. Since our founding in 1938, we have been providing mariner training as a key part of the benefit of being a union member. In 1966, we centralized our training efforts at our training facility in Piney Point, Maryland, the Paul Hall Center for Maritime Training and Education. The Center includes a number of training programs for both new mariners and those seeking

upgrades and continuing education. Since its founding, the Paul Hall Center has trained over 185,000 students and has issued more than 250,000 safety and continuing education certificates to mariners, allowing them to meet all of the Coast Guard and international requirements for training to serve aboard U.S.-Flag vessels in a variety of trades.

As you well know, the U.S.-Flag cruise ship fleet was all but extinct in the beginning of the 21st century. Thanks to the hard work of a coalition of labor and management, along with a willingness to invest in the Jones Act cruise ship trade, Norwegian Cruise Lines made history by reintroducing the U.S.-Flag into the cruise ship trade in Hawaii. NCL America's fleet of vessels peaked at three and currently there is one vessel, the PRIDE OF AMERICA, still operating in Hawaii. We continue to support efforts to expand the U.S.-Flag cruise ship fleet.

In order to meet the influx of cruise ship personnel who would need training, the SIU opened a new, state-of-the-art training facility at Barber's Point, Honolulu, Hawaii. The Barber's Point training facility is a satellite facility of the Paul Hall Center, and provides basic safety and cruise ship centered training to meet the needs of our U.S.-Flag cruise ship fleet and the increased demand for trained mariners in the Hawaii trades. The facility has trained over 4,000 crewmembers since it was opened, and has also provided training to outside groups, including the Hawaiian National Guard.

Our facility at Barber's Point includes a number of training simulators that help provide our trainees with realistic encounters, particularly when it comes to fire fighting. We have four dedicated, environmentally safe burn pads which simulate a variety of marine fires, including a "smoke house" for training with breathing equipment, a series of mazes, a helicopter fire simulator and a shipping container configured for search and rescue training.

There are a number of regulatory regimes that U.S.-Flag cruise ships operate under. They include the International Convention on Safety of Life at Sea (SOLAS), the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and the Coast Guard regulations found in Title 46 of the Code of Federal Regulations, among others. Our training programs comply with all of the relevant provisions of SOLAS, STCW and the Coast Guard regulations for shipboard personnel.

All of our crewmembers, including both the mariners and the many hospitality workers unique to cruise ships, are given basic safety training, which includes 12 hours of personal survival training, 16 hours of fire prevention and fire fighting training, 8 hours of first aid and CPR training, and 4 hours of social responsibility and personal safety training.

In addition, our cruise ship crewmembers are required to take a number of courses specifically designed for cruise ship operations. Crewmembers are given training in crowd management, crisis management and human behavior and area specific training based on their job aboard the vessel.

Our crowd management curriculum teaches our crewmembers how to handle large numbers of passengers in an emergency situation, locating safety and emergency equipment on board a vessel, complying with ship emergency procedures, communicating effectively during an emergency and demonstrating the use of personal life saving devices to passengers. This course fulfills STCW requirements for passenger vessel operations.

Our crisis management curriculum trains our crewmembers in organizing the safe movement of passengers in embarking and disembarking, organizing shipboard resources during an emergency, optimizing the use of resources during the emergency, controlling both passengers and other personnel during an emergency and establishing and maintaining effective communications. This course also fulfills STCW requirements.

Crewmembers also have courses designed to familiarize them with the operation of lifeboats and other survival craft while aboard the ship. Our United States Coast Guard approved proficiency in survival craft curriculum includes 37 hours of instruction on the proper launch, use and recovery of survival craft, including hands-on training. For our trained crewmembers, the first time they step aboard a lifeboat will not be during an emergency.

In addition to these courses, there are also specialized courses for crewmembers based on their job assignments. For example, we also offer a food service sanitation course for cruise ship food service workers. With the potential for the fast spread of food-borne illness in a controlled environment like a cruise ship, courses like this are critical to protecting both the crew and the passengers.

We also provide a variety of other training for members of the crew, from damage control and advanced fire fighting, to water survival, search and rescue operations, oil spill response and many more.

All of our courses are designed to meet STCW and Coast Guard regulation requirements and they help to ensure that our seafarers are the best trained and most professional in the world. Our fellow unions also operate their own training schools, ensuring that we have a solid base of merchant mariners ó both licensed and unlicensed ó available at all times to support our national and economic security.

Our crewmember training and safety courses are all reviewed by the Coast Guard and all U.S.-Flag cruise ships are inspected by the Coast Guard or by Coast Guard approved surveyors for classification societies such as the American Bureau of Shipping. While we are confident that the Coast Guard is handling its responsibilities, we are less than confident of this when it comes to flags of convenience (FOC).

Flag state control of inspection and training oversight is critical to protecting the safety of the crew, passengers and ensuring the seaworthiness and suitability of the vessel for its intended purpose. It is our opinion, however, that the proliferation of the use of FOCs creates a growing concern for safety and training of mariners. The vast majority of the

cruise ships operating in American waters are vessels sailing under the Bahamas, Panama or Bermuda flags of convenience, raising, at the very least, some questions of how strict flag state control is over issues like crewmember training and safety.

To be clear, the issue is not whether proper standards for crewmember training are available internationally. We feel that the SOLAS and STCW requirements are generally adequate for ensuring proper education and training for crewmembers. Our concern is ensuring that crewmembers, particularly those sailing on FOC vessels or holding certifications from nations with credibility issues surrounding their mariner documents, are who they say they are and actually have the proper level of training, regardless of what it says on paper.

This is an issue that affects the entire maritime industry, not simply cruise lines and it is not a new concern. The IMO has been focusing on crew training and verification issues for over 30 years, since the original STCW convention was signed in 1978. For example, one major issue that is still being dealt with internationally is the frequency of fraudulent merchant mariner documents. One study done ten years ago by the Seafarers International Research Centre in the United Kingdom found over 12,000 detected cases of document forgery, many of which were issued to mariners serving on vessels documented under a flag of convenience. Those certificates are the primary means for verifying compliance with training and education requirements like STCW. If we cannot be sure that the documents are reliable, we cannot be sure that those crewmembers have actually obtained the requisite training needed for the safe operation of the vessels.

Another issue is much simpler ó communication between crewmembers. Because our only cruise ship is a U.S.-Flag vessel, its crewmembers are either American citizens or permanent resident aliens, the vast majority of whom speak English and thus are able to speak to one another and to their officers. In addition, since the majority of the passengers embarking in U.S. ports are going to be American citizens with at least a passing familiarity with English, the crew on U.S.-Flag vessels will generally be able to communicate effectively with the passengers.

This is not always the case on FOC vessels. The COSTA CONCORDIA itself, although an Italian registered ship not documented under an FOC, had crewmembers from over 40 nations including Italy, the Philippines, India, Colombia, Peru and Spain among others. While most mariners, regardless of nationality, speak at least basic English, most of the crew on the CONCORDIA were hospitality staff. Many could not speak Italian and thus had some difficulty communicating with the officers, some of the passengers, and with each other. While there were notable exceptions onboard the CONCORDIA, this may not be the case on other vessels, particularly those under an FOC registry. This basic inability to communicate, especially in a crisis, is one difficulty that is found far too often aboard FOC flagged ships.

While crewmember training and the ability to communicate are two key components of ensuring safety during a crisis, it is also important that passengers on ships be aware of what to do in the event of an emergency. That's why we strongly support the new

emergency drill policy the Cruise Lines International Association (CLIA) has adopted. This policy now requires mandatory musters for all embarking passengers prior to departure from port. IMO regulations require a muster of passengers occur within 24 hours of embarkation, but as the COSTA CONCORDIA accident has proven, that is not good enough. Accidents can happen at any time, and it is critical that before the ship gets underway, the passengers understand what to do in an emergency. That is just common sense.

We strongly urge the Committee and the Coast Guard to codify this best practice into a mandatory one for all cruise ships calling on an American port. We also look forward to working with CLIA as their organization continues its comprehensive review of best practices throughout their industry.

In conclusion, as we all work together to avoid accidents like the COSTA CONCORDIA, it is important to remember that the best way to protect passengers and respond to an emergency is to ensure that crewmembers are well trained and professional and that passengers and crew alike know what to do in an emergency. Training saves lives. It is that simple. Further, we believe that a key component in helping ensure the delivery of such training is the proven accountability that comes with operating in a traditional flag-state system as opposed to the continued use of flags of convenience.

The Seafarers International Union has established a solid record of providing well trained mariners for every aspect of the American maritime industry. Thanks to our focus on training and education and our state-of-the-art training facilities in Maryland and in Hawaii, we are able provide some of the world's best and most comprehensive training for our members and our contracted companies.

Mr. Chairman, again we thank you for this opportunity and we thank you for your continued support of the American maritime industry and our merchant marine.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
Truth in Testimony Disclosure

Pursuant to clause 2(g)(5) of House Rule XI, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include: (1) a curriculum vitae; and (2) a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(1) Name:

Brian W. Schoeneman, Esq.

(2) Other than yourself, name of entity you are representing:

Seafarers International Union

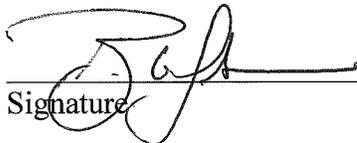
(3) Are you testifying on behalf of an entity other than a Government (federal, state, local) entity?

YES

If yes, please provide the information requested below and attach your curriculum vitae.

(4) Please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by you or by the entity you are representing:

None.


Signature

2/27/12
Date

BRIAN W. SCHOENEMAN, ESQ.

EDUCATION

The Catholic University of America, Columbus School of Law - Washington, DC

Juris Doctor, magna cum laude, May 2011

Catholic University Law Review, Staff Member 2009-2010

The George Washington University - Washington, DC

Master of Arts, Political Management, May 2004

The George Washington University - Washington, DC

Bachelor of Arts, Political Science, August 2001

EXPERIENCE

Seafarers International Union, AFL-CIO – Camp Springs, MD

Political and Legislative Director – January '11 - present

Responsible for the day to day activities of the political and legislative departments, including management of staff in a high stress environment. Oversees engagement with members of Congress, the Senate and the White House on maritime and labor policy. Manages political action and coordinates efforts with internal and external staff.

Acacia Strategies LLC – Vienna, VA

Owner and Managing Partner – August '09 – December '10

Founded and operated Acacia Strategies LLC, a full-service government relations firm specializing in maritime, labor and transportation policy at the federal level.

United States Department of Labor - Washington, DC

Special Assistant and Senior Speechwriter to the Secretary, April '08 – January '09

Served as the Secretary's primary public liaison to organized labor. Conducted outreach, research and drafted policy positions as a member of the senior staff. Also served as a member of the Secretary's speechwriting team, writing speeches on a variety of topics including workforce development, organized labor policy, and economic issues.

American Maritime Congress - Washington, DC

Executive Director, August '06 – April '08

Led a maritime trade association, established in 1977, comprising a merchant marine labor union and over a dozen American vessel operating companies. Managed budget and assets in excess of \$2 million, supervised staff, drafted legislative proposals, congressional testimony, and other administrative documents.

Marine Engineers' Beneficial Association, AFL-CIO - Washington, DC

Director of Government Affairs, May '03 – August '06

Responsible for the day to day activities of the political and legislative departments, including management of staff. Managed political action committee with average cash-on-hand of over \$750,000.

BAR ADMISSIONS

Commonwealth of Virginia, November, 2011 – Virginia State Bar License #82614

PUBLICATIONS

Brian W. Schoeneman, Comment, *The Scarlet "L" – Have Recent Trends in Lobbying Regulation Gone Too Far?* 60:2 CATHOLIC UNIVERSITY LAW REVIEW, Winter 2011.

Brian W. Schoeneman, multiple articles and posts, *Bearing Drift* and *Bearing Drift Magazine*, www.bearingdrift.com, 2009 - present.

PROFESSIONAL, CIVIC AND COMMUNITY INVOLVEMENT

Vice President – *Wescott Ridge Homeowners Association*, 2009 - present

Member – *Fairfax County Economic Advisory Commission*, 2011 - present

Republican Nominee – *Virginia House of Delegates 37th District*, 2011

Member, Board of Governors – *Propeller Club of the United States, DC Port*, 2007 - present

Member – *American Bar Association*, 2007 - present

Member – *Virginia Bar Association*, 2011 - present

Member – *Fairfax Bar Association*, 2009 - present

Member, Board of Directors – *George Washington University Alumni Association*, 2007 – 2009

President – *GW Graduate School of Political Management Alumni Association*, 2008 – 2009

Immediate Past President – *GW Graduate School of Political Management Alumni Association*, 2009 - 2010

Member – *John Blair Lodge #187, Ancient Free and Accepted Masons of Virginia*, 2006 – present