



# SAMS<sup>®</sup> NEWS

**SOCIETY OF ACCREDITED MARINE SURVEYORS<sup>®</sup> INC.**

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**Editor: Joseph Lobley, AMS<sup>®</sup>**

**Spring 2015**



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## From the Editor's Corner

*Joseph Loble, AMS® , Editor/Immediate Past President*

SAMS® President, Stu McLea AMS® and I live about 300 miles apart, as the crow flies. He and I have spoken several times comparing how bad this winter treated us. The last conversation we had, Stu complained that the snow banks in his driveway are 12 feet tall and he can't throw the snow any higher. In Maine, we suffered through the coldest February on record. Many towns surpassed their maximum snow fall amounts last month and we are still getting more snow. Eastport, Maine, which is on the Canadian border, has received over 140 inches of snow, 76" of which fell within 10 days! Before the snow came, Eastport also suffered a non-weather related catastrophic breakwater collapse that damaged boats and property. Check out the story and video at [www.bangordailynews.com](http://www.bangordailynews.com) and search for "Eastport Breakwater Collapse". This incident resulted in damage to the marina, commercial boats, a classic 100 year old schooner, and a pick-up truck. The USCG, DEP, OSHA, and the NTSB plus insurance companies for the property, the marina management company and several vessels, with their surveyors, all descended on the quiet town. Tom Hill, AMS® and myself were there handling two of the heavily damaged vessels and we were amazed at how the entire town came together to clear the marina and assist with all the investigations in brutal cold and wind, not to mention the 20 foot tides. The resilient folks in that town will undoubtedly recover from the winter and are likely ready to rebuild the breakwater.



Photo by Capt. Bob Peacock (Quoddy Pilots)

I am sure we will experience warm days soon which brings me to the Spring Newsletter. As with any successful venture, a considerable amount of planning and hard work is necessary. I consider this newsletter a successful venture in that everyone and anyone can submit an article, photo, or nugget of information to be read by all of our members. The planning and hard work part is a given. Rhea and the rest of the staff in Jacksonville, with some help on my part, spend a considerable amount of time proof reading the reports from the Officers and Regional Directors and any interesting, or perhaps light hearted articles that are submitted. So I task you with reading as much if not all of this edition. Always consider yourself as a potential author and please send us a story, tidbit, or a great photo.

Please read the tragic story about the "Pelican" written by John Lowe, AMS® (Page 12) and the technical article on surveying cranes and derricks written by Joe Derie, AMS® (Pages 17– 21).



## *President's Message*

*Stuart J. McLea, AMS<sup>®</sup>, President*

**THAWING OUT !!!**

Hope this Newsletter finds you all starting to thaw out.

Record snowfalls in Eastern Canada, but no snow load claims yet, and that is because we can't get to the damage because of all the snow.

SAMS<sup>®</sup> Winter Board of Directors meeting was held in Philadelphia at the end of February. The reason for this particular location was for the BOD to meet with ACE Insurance. It was an excellent meeting with key management from both Recreational Marine and Commercial Marine where we talked about a variety of topics and concerns. One of the major concerns identified by ACE was regarding surveyors taking assignments that they are not qualified to complete. If you take an assignment that you are not qualified for, it is not only a violation of the SAMS<sup>®</sup> Code of Ethics and Rules of Practice, but it could hurt your reputation and put a BLACK MARK against all SAMS<sup>®</sup> Surveyors. So the next time you receive an assignment ask yourself if you are qualified to complete this assignment and if not pass on it until you are. Another issue that came up involved C&V reports that contain too much fluff and not a lot of substance. Their underwriters read dozens of surveys a day and need precise, important, and necessary information presented as efficiently as possible.

Paul Logue, AMS<sup>®</sup> has resigned from the SAMS<sup>®</sup> Board of Directors because of personal reasons. We wish Paul well and all the best in the future. In saying that, being a member of the BOD is very time consuming, and takes its toll on business and family and the pay is not very good at all. I have asked Immediate Past President, Joe Lobley, AMS<sup>®</sup> to take on these duties until the next General Membership Business Meeting where a replacement will be elected.. I would also like to mention that Bob Heekin AMS<sup>®</sup> has stepped down as Florida Regional Director and I have appointed Gary Frankovic AMS<sup>®</sup> to replace him.

Text Seminars - If you have been short of CE credits you probably know all about these courses and possibly you have completed one or two of them. We are looking for help to increase the number of Text Seminars and so for your efforts we are prepared to provide up to 10 CE credits for successfully developed programs. Subjects that we are looking for but not limited to, are Gas Engines, Diesel Engines, Container Inspections, Fiberglass Construction and Repair just to mention a few. If you have an idea for the Text Seminar, please send your idea to SAMS<sup>®</sup> HQ. We are also looking for members to review and update existing seminars.

SAMS<sup>®</sup> Google Groups - We have developed a Google Group for the use of all SAMS<sup>®</sup> Members for a professional exchange of information.

It can be located at <https://groups.google.com/forum/?hl=en#!forum/marinesurveyors> .

All you need to access it is a Gmail account. Upon logging in, an approval will be given via SAMS<sup>®</sup> HQ to enter the site. Please remember this is for members in good standing, and if you are not in good standing your access will be denied. The cost of this is covered as part of your annual dues. All we ask is that you abide by the group Policy, and show respect to your fellow surveyor.

We are finalizing our plans for Milwaukee IMEC 2015, and it should be a great educational conference and meeting. If you are in need of an Annual Meeting credit you should plan to attend. If you are a Harley owner, plan to attend, and stay longer. There is a great museum and excellent factory tour at Harley Davidson's main facility which is in close proximity to the hotel. I hope to see you there. **Cheers!**



***Lloyd Kittredge, AMS<sup>®</sup>, Executive Vice President***



**CHESS GAME**

Chess. Have you played it? It requires you to think ahead of what your next move will be. Supposedly good players think five moves ahead. I was never able to get two or three on a good day.

Now, the reason I brought this up is, I am not real sure why, but as members of SAMS<sup>®</sup> we sometimes have a tendency to shoot from the hip rather than thinking things through.

My first example of this happens every year at the General Business Meeting which is held on the Saturday following the International Meeting and Education Conference (IMEC). Suggestions are made and voted on where future meetings will be held. You have all been there and watched and heard people suggest different cities around the country. This is usually done without considering if that city can support us with logistics such as housing and affordable meeting costs, a nearby major airport where members can fly into easily or activities for our guests while we are in session. In Milwaukee this year we will be choosing the location for our 2018 meeting which will probably be held in the Mid-Atlantic Region. Please give some thought beforehand to which city would be best for us by meeting the above criteria before making a suggestion.

Another example is the possibility of obtaining E&O coverage for our membership. Many members have come up to us and said that we should make this happen as soon as possible. However, in order to do this, many issues have to be thought through and completed. Issues such as reviewing and possibly editing the SAMS<sup>®</sup> Bylaws and policies, future rate increases, how will claims against our members be handled, can a member opt out, etc. This is not something we should proceed with until it is thoroughly reviewed.

Lastly, we have changed the process of electing officers to the Board for the better and I believe every AMS<sup>®</sup> should give their vote some real thought. We all know that everyone does not agree with all decisions that are made, and let's face it, when polices are made for 900+ members, someone will be unhappy. We have 9 board members who, with input from the Regional Directors and Committee chairman, sit in lengthy meetings and decide what is best for the membership and SAMS<sup>®</sup> as a whole. So, be sure you vote for a board member that best serves SAMS<sup>®</sup>.

With this organization, as with your business, thinking ahead is a must to be successful. The ones that just shoot from the hip will just get by or fail. So as in chess, have you planned ahead and set aside the dates for Milwaukee in October? Beer, brats, and cheese awaits you and your guest. Here is hoping to see you there.

**YOUR MOVE !!!**



***George “Jim” Sepel, AMS<sup>®</sup>,  
Membership Vice President***



**“REPORT TO THE CAPTAIN”**

Too many years ago, as a young USCG Academy graduate, I was fortunate to move up to Navigator after about a year as Gunnery Officer on USCGC DALLAS (WHEC 716), a 378’ high endurance cutter (now sadly de-commissioned). Being “the navigator” is an exciting role that gives you the experience of really independent duties (supervising the deck watch officers, supervising the nav plot, and watch rotation). The job also comes with the sheer terror of being responsible for knowing where the ship is. In those days of sun-lines, twilight stars, and Loran A, it was more than a challenge to “get a fix” when you didn’t see the sun, sky, or horizon for weeks at a time, over 1500 miles from New York. GPS was non-existent. As many of you “old farts” out there know, “Dead Reckoning” was often all we had until one of the Boeing 707 commercial airliners would call down and give us our position, telling us that we really weren’t keying the right grid (Oscar Sierra meant “on station”). Those 707’s had better navigation systems and knew where they were. Each day you got to “report to the Captain” our precise Longitude and Latitude, three times per day. Often that climb up to the Captain’s Cabin was very steep and slow as we rolled and pitched thru the North Atlantic. And, many times I did not have a clue of precisely where in the North Atlantic we actually were (within 150 miles).

By the way, your VP of Education, Kenny Weinbrecht, and I were ship-mates on DALLAS. He was a young “geek” Aero-graphers Mate E-5, and I was a young “precocious” Ensign.

So this is my “report to the Captain” (to you, our loyal membership), about the state of our membership for 2015. At least I know what our position is:

1. Our total number for AMS<sup>®</sup> and SA members are down by about 40 compared to last year at this time. The reason is because this is our “season of suspensions for non payment of dues”. Some folks are still playing catch up with their dues, so we are gradually gaining back some of those numbers. We also had five members pass away in 2014. Our average age of NEW applicants is 50.5 (marine surveying continues to be a second or third career for many).
2. We processed a total of 104 new applicants in 2014 and denied 19 of those applicants. So our denial average of about 18% is steady. Primary reasons for denials are lack of experience and poor report writing. Your RD’s and I continue to work with new applicants who do show promise (right attitude, work ethic, etc.), and we help these promising new applicants with their report content. We also denied one applicant for a felony conviction and two prior member applicants who violated our advertising policy.
3. Denials for upgrades to AMS<sup>®</sup> Candidate remain very low, proving that the SA Annual Report Review Program works.

***“If everything seems under control, you’re just not going fast enough”.  
Mario Andretti, race car driver (This Week Magazine 3-6-15)***

Staying on top of this VP Membership job is a daily effort. The feeling is that we may not really be in control; but, we can continue to make improvements. We remain steadfast in selecting applicants who show good character, maritime experience and education, good report writing, and have a good reputation in their locale. Please contact your RD's and offer to help in screening applicants, upgrades, and in annual reviews. Also, offer to help with regional meeting logistics and programs.

***We have to go “fast enough”.***

And, think about running for office. Election of Officers has been greatly improved to achieve transparency and fairness, just read about it in the Policy Manual!

Thank you for this opportunity to serve.

***Kristoffer Diel, AMS<sup>®</sup>, Testing Vice President***



Ahoy Shipmates;

I will first thank Mr. Eddie Assaf, AMS<sup>®</sup>, the Canadian Regional Director, for his enormously appreciated effort in rewriting the French Language AMS<sup>®</sup> Y&SC exam. And, just in time, as he has a candidate ready to test.

Since IMEC '14 the Committee Chairs have been working on overhauling both the Designation study guides and the AMS<sup>®</sup> exams. Thank you for your time and efforts! This coincided with the Board of Directors' efforts to align the SAMS<sup>®</sup> organizations' policies and procedures, with international norms. The Board also decided to rename the old “Tug & Barge” designation to “Commercial Workboats”. Members holding their T&B designation shall be automatically included in the new designation. Also, a new exam will soon be brought forth.

I want to welcome the 34 new AMS<sup>®</sup> colleagues to our ranks in 2014, and already 6 more in 2015. We now have 34 new Y&SC, 3 new Tug & Barge (now Commercial Workboat), and 3 new Fishing Vessel members. I also want to commend Capt. Tom Lokocz Adams AMS<sup>®</sup>, who achieved a 98% on his Y&SC exam.

Last but certainly not least, a huge thank you to the Regional Directors for keeping everyone on track, doing regional meetings, and proctoring exams. Thank you. [Poor Eddie; Merci Bien].

I respectfully request any of you to send me a couple of exam questions in your specialty. Please include the correct answer and associated references.

**Wishing you a fruitful spring!**



***Kenneth Weinbrecht, AMS®***  
***Education Vice President***



**IMEC – International Meeting Educational Conference**

**MILWAUKEE – 2015**

**“Education & Intelligence Aren’t The Same Thing”**

Things are really shaping up for Milwaukee this year. Our Regional Director Scott Schoeler, AMS® in the Great Lakes Region has been a great help with some contacts.

**Here is what you can expect:**

1. Gougeon Bros.
2. Evinrude to speak about new innovations in outboards.
3. Survey Heads Up” - a compilation of some obvious and not so obvious look out for’s.
4. ABYC
5. Sub Chapter M update
6. Surveying commercial workboats 101.
7. A maritime attorney to speak about “A Duty To Warn”.
8. Mastervolt
9. Michigan Wheel
10. Awlgrip
11. Hagerty Insurance – Underwriting classic boats, what surveyors need to know.
12. Harken
13. Bergersen Boat Builders – Lars Bergersen, Wood boat restoration, challenges for the marine surveyor.

CE CREDITS REMINDER: Each request should include;

\* Your AMS® or SA CE Credits Reporting Form, \* Your certificate of attendance or certification, etc., \* An agenda for the Seminar/Training Class/Event attended, \* If the training was “Distance or Online Learning” was the test distance or online as well as the training or was it a proctored test?

The more details you submit the better

You can now obtain 50% of your CE requirement from on-line learning courses and if there is a proctored final exam; FULL CREDIT will be given with proof of passing the exam. If there isn’t a proctored exam, 50% (30 CE’s maximum) will be awarded with proof of attendance.





***Robert Horvath, AMS®, Meetings/Conventions Vice President***

## IMEC Milwaukee October 2015

A new year and another great IMEC is in the making. Our Education VP, Ken Weinbrecht, AMS® is presently working on an excellent program. ABYC is going to have one of its certification programs on October 13<sup>th</sup>. Please check with ABYC for details.

The Hyatt Regency Milwaukee is a newly remodeled hotel with all of the latest in accommodations, great room rates at \$169.00 per night and there is some discounted parking. Our hotel is within walking distance of the Harley Davidson Museum, the Milwaukee Bucks Stadium, numerous other attractions and many neighborhood restaurants. The dates to remember are October 14<sup>th</sup> – 17<sup>th</sup>, 2015. Reserve your room early, we only have a limited number of rooms and cannot obtain more.

The hotel link is: <https://resweb.passkey.com/go/socaccmarsur2015> or 1-888-421-1442





***Bill Trenkle, AMS<sup>®</sup>, Vice President of Advertising  
and Public Relations***

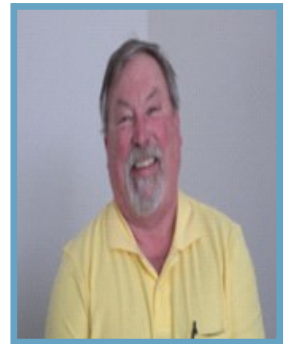


**SAMS<sup>®</sup> WEBSITE**

I will spare you all a long article this month. I did however want to suggest that you all review your listing on the SAMS<sup>®</sup> website. If your website is not listed, you are missing a good advertising opportunity. You have a much better chance of someone booking you for work if they can go right to your website to learn more about you and your services without having to call you.

Just remember that in order to have your website linked from SAMS<sup>®</sup>, you must also display the SAMS<sup>®</sup> logo on your website and link back to the SAMS<sup>®</sup> website. This is part of the Advertising Policy and must be adhered to. It is a benefit to you and SAMS<sup>®</sup> to have the link on your site because potential customers can right away go to the SAMS<sup>®</sup> site and learn more of why they should hire a SAMS<sup>®</sup> surveyor therefore bringing more traffic to our site. You can find the link information and logo on SAMS<sup>®</sup> website under “Members Corner” / “Link to Us”. Also part of the Advertising Policy is that you list your designation after your name. This needs to be on the “Home” page. If you are not linked, email the International Office at [samshq@marinesurvey.org](mailto:samshq@marinesurvey.org) with your website information. Advertising is one of the keys to a successful business.

***Darrell Boyes, AMS<sup>®</sup>, Pacific Regional Director***



Greetings to everyone.

It has been a very busy first three months of 2015. The Pacific Region's year began in January with a sub-regional meeting at the Seattle Boat Show. We had approximately 30 in attendance for a two hour presentation and a discussion regarding the different types and proper use of hose clamps. This was very informative for some, including myself.

We had a brief discussion with regards to a Summer Sub-Regional to be announced later. This will be a tour of the All American Boat Factory in Bellingham, WA. They build large Aluminum Catamarans for passenger use.

Our Regional meeting was held in Vancouver BC. Registrations were slow to start with but ended up with 45 in attendance. This was a joint meeting between Canada and the Pacific Regions. Each region supplied one day of education. Some very good speakers were in attendance and education was provided for all.

We are already beginning to plan for our next meeting in San Diego, CA next February. More information will be provided as we progress. If anyone has industry related experiences and would be willing to speak please let your Regional Director know. I truly believe we have a very talented group of surveyors who have plenty to share. CE's may be obtained for your presentations.

The Pacific Region is co-sponsoring a boat burning demonstration to be held in Portland, OR. This will be a controlled burn that will allow for observing fire behavior aboard a boat. This is excellent material for those who work in damage claims. Joe Derie, AMS<sup>®</sup> as well as several others are helping to put this on. Exact dates and attendance will be made available at a later date.

I was able to attend the recent BOD meeting in Philadelphia. I will leave comments regarding this to the Board. I can tell you this, that a lot of SAMS<sup>®</sup> business was conducted in a short period of time. Your Board serves with a great deal of experience and efficiency. If you have not attended a board meeting you should consider it.

**Work safe and have a prosperous Summer**

***Robert Heekin, AMS<sup>®</sup>***  
***Past Florida Regional Director***



SAMS<sup>®</sup> has some things in common with another service organization that most everyone will recognize. Both SAMS<sup>®</sup> and the American Automobile Association [AAA] are not for profit member service organizations. Both clubs exact a dues in order to offer the wide range of services that they each provide for their members. The primary service provided by AAA is their well known 24 hour roadside assistance program. So why was my last annual dues with AAA only \$78.00 and the annual dues with SAMS<sup>®</sup> significantly larger? AAA is betting that you will not need their help. But SAMS<sup>®</sup> is counting on it. I hear members all the time complain about the cost of the SAMS<sup>®</sup> dues. I have also seen a rise in members who were dismissed for non payment of dues who are now eagerly seeking reinstatement. So what do I really get for my SAMS<sup>®</sup> annual dues? One of the primary benefits of being a SAMS<sup>®</sup> member is being listed on the roster, placing you arguably with the best surveying organization on this planet. The roster is currently printed in hardcopy and maintained on the internet in the form of the SAMS<sup>®</sup> website. This gives you customer access 24/7 worldwide. Now compare this to any type of media advertisement that you might opt for and your marketing decision likely nets you one month of coverage to a very limited audience. The SAMS<sup>®</sup> website can be easily accessed by any computer, tablet or smart phone anywhere at anytime. The website is being coveted by most first time boat buyers and seasoned boat buyers that are stepping up with their purchase, and best of all, it never sleeps. The reason that there is an up tick in former members coming back is due to the realization that without the SAMS<sup>®</sup> credential, their surveys are likely no longer being accepted by banks and insurance institutions. As an added bonus each member receives a two million dollar legal liability policy. The dues helps pay for the SAMS<sup>®</sup> infrastructure. This is a growing organization that primarily runs on volunteerism and 4 fulltime employees.

There is a perception by some members that the website and their affiliation with SAMS<sup>®</sup> is not as effective as they might had wished. Members still have to proactively market themselves, create referrals and make certain that their work product is performed with excellence and integrity. The work will then certainly follow. SAMS<sup>®</sup> can only lead prospective customers to the water and I trust you know the rest of that proverb. I am sure that I am not alone when it comes to being solicited by other marine surveying groups. In the day, SAMS<sup>®</sup> was one of those alternatives. I think however it is safe to say that the SAMS<sup>®</sup> membership offers real substance. I am therefore confounded by some of its rank and file that simply do not think that their membership being offered here is a bargain. Would you operate your company without business cards? Of course not. Your SAMS<sup>®</sup> membership should be thought of in the same vain. I pay my dues in a timely basis and without reservation because I have partnered with SAMS<sup>®</sup> and would not want to let my fine partner down.

***Surveyor TIP :*** *One might consider taking a clear photo of the current SAMS<sup>®</sup> legal liability policy declaration page each year with a smart phone. Then when encountered with the demand from a yard for this document, it can be easily emailed and copied on the spot in order to satisfy this request. This eliminates the need to shuffle for a copy in the field, which inevitably no longer exists because your supply was exhausted from earlier requests and never replenished.*

***Eddy J. Assaf, Jr., AMS<sup>®</sup>, Canada Regional Director***



Well spring is around the corner but by looking outside one wouldn't think so. Be assured that it will come and probably sooner than we expect along with bookings for the new season, at least for most of us on the east side of Canada.

The Canadian/Pacific Regional Meeting that took place last February in Vancouver was very successful having a high number of attendees. A special thanks to Franklin John Roberts AMS<sup>®</sup> for representing me at the meeting and organizing the first day and to Andy Allan and James McQuiban of Transport Canada presenting on the second day. All attendees that I talked to were very pleased with the presentation. Great Job John!

The next meeting is scheduled in March (likely over by the time you read this) at the Port Credit Yacht Club for an ABYC Corrosion Certification that has been announced on the SAMS<sup>®</sup> website. There will also be a sub-regional meeting that I am trying to organize for the end of the summer, most likely August which will be announced at a future date.

This year the IMEC (International Meeting and Education Conference) will be in Milwaukee so don't wait too long before making your reservations. All the information is on the SAMS<sup>®</sup> website. Hope to see you there in large numbers.

**Here is hoping we all have a great year and as always please be safe.**

***Thor Jones, AMS<sup>®</sup>, Gulf Region***



Not sure about the rest of you, but the cold and wet weather is getting a little tiresome. Even for those of us in this region.

Since becoming the Gulf Regional Director, I have had many opportunities to speak with many of you regarding various issues. Everyone has been very positive and welcoming. I would especially like to thank those members who have assisted me in vetting and reviewing the SA and AMS<sup>®</sup> applicants.

I would also like to remind everyone of the upcoming April 2015 Gulf Regional Meeting/Seminar in Seabrook, Texas. Details are on the SAMS<sup>®</sup> website. Please register as soon as possible – need to get a good count of attendees so we can make necessary arrangements with the Lakewood Yacht Club.

On a serious note, I have recently been out on a couple of C&V surveys wherein the client became very upset when I refused to crawl into voids/tanks on barges without a chemist certificate or a safety watch – one even offered to double my fee if I would overlook the problem and inspect the voids/compartments. Several members have related similar stories regarding obvious safety issues ... client pressuring surveyors to overlook basic common sense, safety protocols and procedures.

Everyone be safe out there and pay attention to the environment you are working in at all times. Please remember no amount of money is worth a trip to the hospital or worse.

Hope to see you at the April 2015 Gulf Regional Meeting/Seminar.

**THE PELICAN TRAGEDY**



There have been many disasters in the fishing world, some better documented than others. One such accident involved the party boat PELICAN on Sept 1, 1951 in Montauk, NY resulting in a large loss of life and ultimately changed to the way passenger vessels are inspected.

The PELICAN was a 42 foot wood vessel built in Brooklyn, NY in 1940. She was equipped with twin 100 HP Chrysler gas engines. She was typical of the type of boat used in Montauk and surrounding waters at that time. At 14 Gross Tons she was not subject to the USCG regulations regarding passenger capacities that were in place at that time.

PELICAN operated out of “Fishangi-La” which was the facility previously used by the US navy for testing torpedoes during WW2 and is now known as Rough Riders Landing. In the day, anglers in New York City could get a coupon from the New York Daily News and board a train named the Fisherman’s Special leaving Penn Station at 4 AM and arrive at Montauk around 6 AM where dozens of charter and party boats would wait at the docks across from the train station.

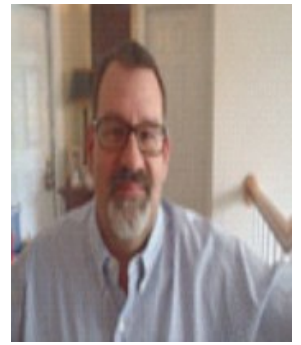
Being Labor Day weekend, all boats were filled to capacity and anglers scrambled to get aboard any boat with available space. PELICAN reportedly left the dock with 62 passengers, 1 crew, and Capt. Eddie Carroll. It is also reported that only one of the engines were operating which made for a slow ride in a rising wind from the northeast. PELICAN fished at Frisbee Shoal which lies approximately 6 miles south of Montauk Point. At or about 10:00 AM Capt. Carroll decided that conditions were deteriorating rapidly and cut the day short and headed for home. After struggling against an outgoing tide and a strong northeast wind of about 25-35 knots, PELICAN reached Montauk’s North Rips where a series of large waves caught her on the starboard quarter. As passengers rushed to the vessel’s port rail, she rolled onto her port side and eventually capsized. Reports say that there were 20 passengers inside the small cabin and the remaining passengers were on deck. Several charter and private boats, including the BETTY ANN and BINGO, along with a Coast Guard vessel were able to save only 19 of the 64 souls on board.

A Coast Guard investigation concluded that overloading, and the fact that PELICAN had only one operating engine, contributed to the loss. It was further concluded that she could only safely carry 30 passengers. This catastrophe was the impetus for new T-boat regulation which went into effect in 1957 and changed forever how we as surveyors and inspectors look at these vessels in an effort to prevent such tragedy.



**JAMMED DECKS** of the Pelican are seen in this picture taken by Bill Morris of *Outdoor Life* as the fishing boat sets out into the ocean at 8:30 on the fateful Saturday morning. Most of the passengers came to Montauk by early train from New York, brought picnic lunches and paid \$4.50 each to fish for bass and porgies.





## **Organization**

“Slow down, you move too fast...” beginning words to a ‘60’s pop song.

Those words come to mind as I run out the door with my shirttail flying, only to return for my camera, again for my briefcase, still another return trip for the file I’ve forgotten to add to my briefcase. And where the #\$%\$ did I put my keys?

I’m still learning the fine art of organization; planning for the next day/week/month, keeping up with continuing education credits, organization dues, and household bills. My wife makes lists and dutifully crosses off each item as it’s completed; I can’t find the pad where I made the list, oh there it is! It’s a daily battle.

Before you leave the office; look in the mirror; is my shirt stained (and buttoned correctly). Do I project a positive professional appearance? Am I wearing a smile?

The key to work performance is preparation; taking the time to check that the flashlight and camera have batteries (that are charged) and there are spares in the bag; the file is in the folder and the pad has enough sheets to take copious (and in my case mostly illegible) notes. Other keys on the ring include knowledge, education, a positive attitude and a desire to do good work.

Slow down; take the time to complete the task at hand, then take time at the end, before return to the office; to make sure the bag is reloaded; the camera is ready for download (where did I leave my hat?), before leaving for the office (or the next assignment); only to do it all again tomorrow. As my dad said; “There’s never time to do it right, but always time to do it over”. Try to get it right the first time.

Best of luck to Bob Heekin; outgoing Florida Regional Director. I’ll still enjoy seeing you around, but I’ll miss your writings in this forum which always provoke thought and never fail to entertain.

For everyone else; there are opportunities for service with this and other related organizations; they take time but are rewarding. Please don’t fail to advise Headquarters if you have an interest in elective office, and/or service to the organization.



### **Congratulations to SAMS<sup>®</sup> New AMS<sup>®</sup>-Retirees!!**

Barrie Arnett – La Conner, WA

Donald B. Capo – St. Augustine, FL

James R. Dinges – Dothan, AL

**Wishing you lots of enjoyment and relaxation in whatever you  
decide to spend your time doing!!!**



## **Great Lakes Shipwreck Museum**

Several years ago I went to the Great Lakes Shipwreck Museum located in Paradise, Michigan on Lake Superior's Whitefish Point. It is an impressive small, focused museum, with the largest exhibit of the Edmund Fitzgerald shipwreck on display.

I've returned several times since that first visit. While there are collections on exhibit of several specific shipwrecks, they document the many known shipwrecks across the Great Lakes, showing locations, dates and causes. As I looked over this list of shipwrecks and in particular the causes, I expected the majority of the shipwrecks to be caused by storms, but I was surprised by the number of shipwrecks caused by collisions with other ships. I noted the dates of the accidents. At that time there were no maritime "rules of the road", no navigation lights, no ship-to-ship communication, no signal flag or distress signal requirements. It was a time of great expansion and development, when slow sailing vessels plied the same waters as the "fast" new steel hull steamships.

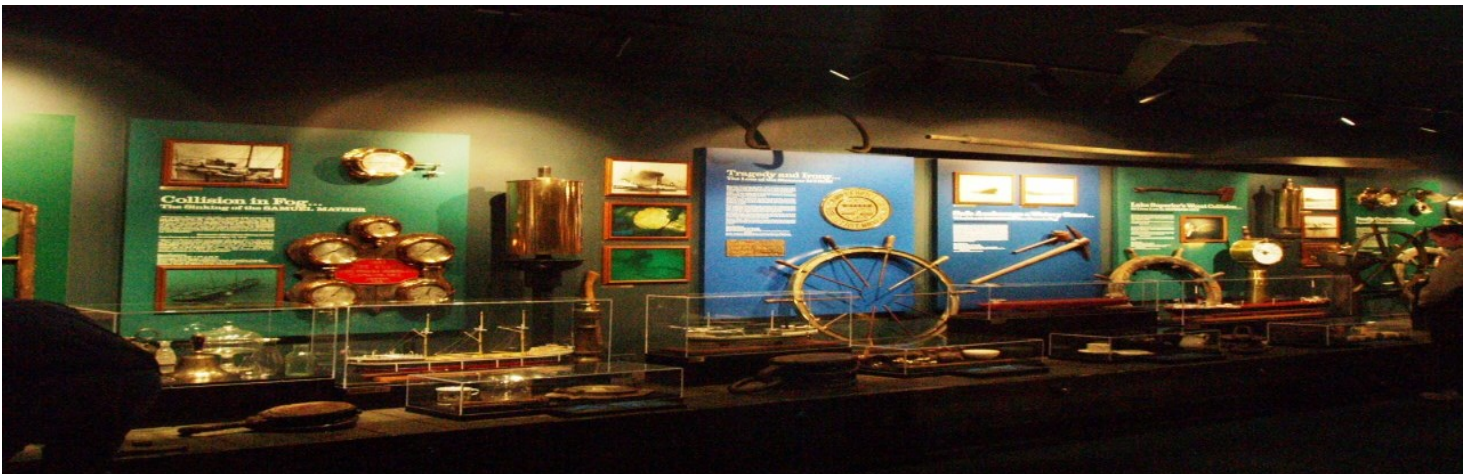
These same conditions were experienced in all waters, not just the Great Lakes and not just in the United States. The loss of lives, ships and cargo lead to the development of an act fixing certain rules and regulations for preventing collisions on the water. The act was developed, accepted and passed by the U.S. Congress and signed into law by President Abraham Lincoln in April of 1864. The rules and regulations have undergone many changes since then but the directive of current COLREG's to prevent collisions, has never been more relevant than it is today.

Every year there are accidents which could have been prevented if the vessel had complied with the current safety laws. As a surveyor, it's easy to miss the very old and clouded sidelight or sternlight lens which would restrict the visibility of the light to less than the requirements. Or to see the aftermarket dinghy davits at the stern but not recognize that the sternlight would be obscured whenever the dinghy is lifted into position.

Each spring I take a couple hours to read over the Rules & Regulations for Recreational Boats and the EPA Regulations for Recreational Boats, both published by ABYC, to refresh my memory. Knowing these laws and how they apply to both recreational and commercial vessels in our practice of marine surveying is paramount to the safety of all concerned.

PS: When you're making plans to come to IMEC in Milwaukee this October, schedule a few extra days to visit the area. The beautiful fall foliage should be in full color. And don't miss the Great Lakes Shipwreck Museum!

<http://www.shipwreckmuseum.com>



*The following article was written by James E. Mercante, SAMS® Affiliate Member in 2006 about the sinking of the S.S. Edmond Fitzgerald in Lake Superior.*

# New York Law Journal



NEW YORK, TUESDAY, OCTOBER 31, 2006

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## P E R S P E C T I V E

### Lost Ship Resurfaces In New York Documents

BY JAMES E. MERCANTE



SS Edmund Fitzgerald

NOAA

**T**his November will mark the 31st anniversary of one of the most tragic and legendary disasters in American maritime history.

On Nov. 10, 1975, the Great Lakes freighter, S.S. Edmund Fitzgerald, on a voyage from Superior, Wisconsin to Detroit, Michigan, with a full cargo of iron ore, encountered a violent storm of hurricane proportions.

At approximately 7:15 p.m., she took on a heavy list and rapidly sank to the bottom of Lake Superior without transmitting a distress call or launching the lifeboats. The entire 29-man crew perished. The Edmund Fitzgerald itself, its equipment and cargo, together with all personal effects, became a total loss. None of the crew were found.

*"'Superior,' they said, 'never gives up her dead when the skies of November come early.'"*

It is believed the crew stayed off the deck and took cover inside the cabin because the captain's last late afternoon report stated that the ship "had a bad list, had lost both radars, and was taking heavy seas over the deck in one of the worst seas I have ever been in."

During testimony before a U.S. Coast Guard Board of Inquiry, the captain of a nearby Swedish vessel testified that the Fitzgerald disappeared suddenly from its radar.

*"The captain wired in he had water comin' in and the good ship and crew was in peril. And later that night when his lights went outta sight came the wreck of the Edmund Fitzgerald."*

The entire ship and crew were lost forever, but memories of the aftermath have recently surfaced in New York. The claim for total loss of the ship was paid by the hull underwriters. Loss of life claims were filed against the vessel owner in various state and federal courts in the Great Lakes region, claiming negligence of the Master and unseaworthiness of the ship. The vessel owner responded on Dec. 1, 1975, by filing a petition in federal court in Cleveland, Ohio, seeking exoneration from liability, or limitation of liability to the vessel's post-casualty value under admiralty law.<sup>1</sup> The post-casualty value was nil. Pursuant to admiralty law, this filing also enjoined all actions against the vessel owner except in the limitation proceeding.<sup>2</sup>

**Continued**

The sinking was unexplained, but many theories were suggested over the years. Invoking maritime laws, the families reportedly claimed the vessel was "unseaworthy" when she set sail because it was overloaded with iron ore, and the tank tops were not watertight, allowing sea water to enter the cargo holds and saturate the cargo. The families of the seamen also sued the employer in negligence under the Jones Act.<sup>3</sup> They alleged that the captain, while trying to steer the ship to a safe haven, entered a shallow area of the lake where the ship slammed the bottom due to huge wave action and cracked in two. On the other hand, the vessel owner, invoking the Act of God defense, argued it was not liable because the ship was completely overcome by hurricane force winds and seas.<sup>4</sup>

Although the casualty occurred in the Great Lakes, there were extensive connections with New York. The admiralty firm that represented the insurer of the cargo to pursue a subrogation action against the ship owner was a prominent New York firm that recently shut its own hatches for good as well. Also, in New York, the death claims were negotiated and settled out of court by the vessel owner's Protection and Indemnity ("P&I") insurer by the New York insurance broker, Johnson & Higgins. And, recently, the Edmund Fitzgerald file resurfaced right here in New York.

The shipowner's insurance broker, Johnson & Higgins, was acquired by another large broker Marsh and McLennan, now Marsh Inc. This acquisition required Johnson & Higgins to move out of its downtown offices to midtown Manhattan. While dumpsters were being filled with decades-old marine claim files, Tom Connelly, an alert Johnson & Higgins claims manager spotted a claim file laying on top of the pile like an inadvertently discarded tombstone waiting to be dusted off and resurrected. The pages were tarnished yellow, with edges frayed from age. Curious, he took a closer look and noticed the bold lettering of the famous ship coming into focus as if through pair of binoculars. The description on the file folder was gravely stark in its brevity. It said only this:

**VESSEL: EDMUND FITZGERALD**  
**CLIENT: OGLEBAY NORTON COMPANY**  
**DATE AND NATURE OF ACCIDENT: NOVEMBER 10, 1975. SINKING**

The fascinating story of this exhumed treasure was retold by the claims manager and the file was steered in my direction to read the final chapters of this ill-fated ship. Interestingly, the file, meticulously maintained, even included the words to the song that Gordon Lightfoot dedicated to the families: "The Wreck of the Edmund Fitzgerald" (quoted in italics herein). The claims adjuster had settled all 29 death claims, without knowing that the sinking of the Edmund Fitzgerald would become a legend in both the maritime and music industries.

Despite an extensive U.S. Coast Guard investigation and exploration of the wreck by a remotely operated vehicle, the cause of the sinking has never been fully understood. The wreck and her crew remain in the ship's final resting place deep in Lake Superior.

And now when I hear the first line of the Edmund Fitzgerald song—"The legend lives on from the Chippewa on down"—, I appreciate that New York is part of the doomed ship's tale as well.

.....●.....

1. 46 U.S.C. §183 et seq.; see also *Ocean Steam Navigation Co., Ltd., as owner of the Steamship TITANIC*, 233 U.S. 718, 1998 AMC 2699 (1914).

2. See Rule F(3), Federal Rules of Civil Procedure, Supplemental Rules for Certain Admiralty and Maritime Claims.

3. 46 U.S.C. §688.

4. See *Skandia Ins. Co. v. Star Shipping*, 173 F. Supp.2d 1228, 201 A.M.C. 1527 (S.D. Ala. 2001); see also Mercante, *Hurricanes and Act of God: When the Best Defense Is a Good Offense*, 18 U.S.F. Mar. L.J. 1 (2005-06).

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**James E. Mercante** is a partner at Rubin, Fiorella & Friedman and head of the firm's admiralty practice.



# **OSHA REQUIREMENTS AND INDUSTRY STANDARDS FOR SURVEYING CRANES AND DERRICKS ON UNINSPECTED COMMERCIAL VESSELS**

## **General**

The U.S. Coast Guard and Occupational Safety and Health Administration (OSHA) standards establish a standard of reasonable care and reasonable fitness for uninspected commercial vessels. OSHA has regulatory responsibility regarding safety aboard uninspected commercial vessels while they are in US waters. The latest OSHA Instruction on these matters is 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)*. Appendix A of that Instruction lists “*Specific Conditions On Commercial Uninspected Fishing Industry Vessels Subject To OSHA Enforcement*.”

Cranes are specifically mentioned in paragraph 1 of that appendix which states “Onboard cranes and their maintenance and use [29 CFR Part 1910, Subpart N; 29 CFR Part 1915, Subpart G; 29 CFR Part 1918, Subparts B, F, G, and H].”

Other uninspected commercial vessels fall under par. A-XIV, *Uninspected Vessels*. The first part of that paragraph delineates the equipment and areas of USCG authority on those vessels. The second paragraph states: “All other working conditions aboard an uninspected vessel are subject to OSHA authority.”

OSHA Instruction CPL 02-01-055, *Marine Cargo Gear Standards and 29 CFR Part 1919 Certification*, effective 30 September 2013 (OSHA CPL 02-01-055) also applies. Its purpose is “To provide national, regional and area offices, interested industry groups, and State and federal agencies guidance concerning OSHA’s policy and procedures on the enforcement of standards and the requirements for 29 CFR Part 1919 Gear Certification in the maritime industry (shipyard employment, marine terminals and longshoring operations).”



The controlling authority for cranes is 29 CFR 1919, *Gear Certification*. 29 CFR 1919.2 (a) *Definition of terms*, defines vessel as “every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special-purpose floating structures not primarily designed for or used as a means of transportation on water.” Special purpose floating structures obviously refers to cranes and derricks mounted on barges and pontoons.

Crane as defined in 29 CFR 1919.2 (c)(2) “means a mechanical device, intended for lifting or lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. A crane may be a fixed or mobile machine.”

Derrick as defined in 29 CFR 1919.2 (c)(1)(i) “When applied to vessels' cargo handling gear, a mechanical device for lifting, including a boom which is suspended at its head by a topping lift from a mast, king post, or similar structure, controlled in the horizontal plane by vangs, and used either singly or in pairs with married falls.”

29 CFR 1919.2 (b) *Definition of terms*, states: “except as otherwise noted, “cargo gear”, as used in Subparts B through E of this part, includes that gear forming a part of a vessel's equipment which is used for the handling of cargo other than bulk liquids, but does not include gear which is used only for handling or holding hoses, handling ships' stores, or handling the gangway, or boom conveyor belt.”

Cranes aboard fishing vessels, dredges, work boats, OSVs, barges and other uninspected commercial vessels fall into this category.

OSHA CPL 02-01-055 further clarifies this for vessels other than those fishing industry vessels with a Certificate of Inspection (COI) or Aleutian Trade Act vessels whose cargo gear inspection requirements are covered under 46 CFR 28.855). Section XIII A-3f, *Commercial fishing industry vessels*, states “All other commercial fishing industry vessels are subject to OSHA’s 29 CFR Part 1919 Gear Certification requirements if the gear is used to transfer cargo (including fish, crabs, etc.) from vessel to vessel or from a vessel to shore (gear used only to catch fish or set traps, for example, is not subject to these requirements).”

### Inspection and Testing

Inspection and tests of cranes and derricks fall under 29 CFR Subpart D, *Certification of Vessels' Cargo Gear*. This encompasses 29 CFR 1919.14 *Initial tests of cargo gear and tests after alterations, renewals and repairs*; and 29 CFR 1919.15 *Periodic tests, examinations and inspections*. These sections require cranes and derricks to have an OSHA inspection when they are first placed on the vessel and one before it is used after the vessels last yard period.

Annual inspection of cranes and derricks is also required. 29 CFR 1919.15 (b) states: “Derricks, their permanent attachments and any other fixed gear, the dismantling of which is especially difficult, shall be visually inspected every twelve months. In order to facilitate such inspection, all derricks shall be lowered.” 29 CFR 1919.15(c) requires a thorough examination every 12 months not only of the crane but also blocks, shackles, and all other accessory gear.

29 CFR 1919.15(e) give more annual inspection requirements for items such as:

- derrick heel attachment points;
- shrouds and stays;
- deck fittings for the securing of vangs, topping lifts, and/or preventers;
- means of attachment to the hull of "A" frame or other fixed derrick or crane structure and of mobile types of equipment permanently placed aboard the barge or vessel;
- Clamshell buckets or other similar equipment, such as magnets, etc.; and
- Winch and other operating drums for excessive wear or defect.

Not only are the cranes and derricks themselves required to be inspected but other gear associated with them as well. 29 CFR 1919.14(a)(1) requires that “Before being taken into use, hoisting machines, fixed gear aboard vessels accessory thereto, and loose gear and wire rope used in connection therewith shall be tested and examined and the safe working load thereof certified in the manner set forth in Subpart E of this part.”

Further subparagraphs in this section requires testing of: “replacement or additional loose gear and wire rope obtained from time to time” and “in the case of important alterations or renewals of the machinery and gear and also after repairs due to failure of or damage to other than loose components, a test as required in paragraph (a)(1) of this section shall be carried out.”

#### Marking of Safe Working Loads.

The marking and posting of safe working loads are required in 29 CFR 1919.21, *Marking and Posting of Safe Working Loads*. These are the loads determined by the tests required in 29 CFR Subpart E, *Certification of Vessels: Tests and Proof Loads; Heat Treatment; Competent Persons*.

29 CFR 1919.21(a) states that: “The safe working load of the assembled gear and the minimum angle to the horizontal at which this load may be applied shall be plainly marked at the heels of all booms along with the date of the test. Where gear is certificated for use in union purchase, the union purchase safe working load shall also be plainly marked. Any limitations shall be noted in the vessel's papers.” A “union purchase” is a derrick rig which joins two single swinging derricks to work in ‘Union’ with cargo runners joined to a triple swivel hook arrangement.

29 CFR 1919.21(b) states that: “The safe working load shall be marked on all blocks used in hoisting or lowering.”

29 CFR 1919.21(c) states that: “When the capacity of the boom of a crane or derrick has been or will be rated in accordance with the variance of its radius, the maximum safe working loads for the various working angles of the boom and the maximum and minimum radii at which the boom may be safely used shall be conspicuously posted near the controls and visible to the crane operator. Ratings may be stated in pounds. When they are stated in tons of 2,000 pounds, this fact shall be indicated.”

#### Competent or Accredited Person.

The tests and inspections listed above are required to be performed by an accredited person. A competent person is defined in 29 CFR 1919.2(g)(1) as “an individual qualified to perform gear certification functions with respect to vessels' cargo handling gear, as specifically set forth in 1919.37.” Procedures for becoming accredited are contained in 29 CFR 1919 Subpart B, Procedure Governing Accreditation. Their duties are outlined in 29 CFR 1919 Subpart C, *Duties of Persons Accredited To Certify Vessels' Cargo Gear*.

#### Record Keeping and Documentation.

29 CFR 1919.12 *Recordkeeping and related procedures concerning records in custody of the vessel*. This provides for record keeping of required inspections, examinations, heat treatments by the owners of the vessel “in the form prescribed or approved by the Administration.” 1919.12(g) states that: “In cases where derricks, spouts, suckers, or cranes are mounted permanently aboard barges which remain in domestic inland waters service, the certification documentation shall comply with the provisions of 29 1919.90 *Documentation* of this part.

#### Crane and derrick barges:

The only mention of barge or pontoon hulls is found in 29 CFR 1919.15(d) *Periodic tests, examinations and inspections*, which states: “Where a derrick or crane is mounted on a barge hull, and ballast tanks within the hull are used to facilitate use of the derrick or crane, or uncontrolled free surface may be a factor, each annual inspection or examination, as required, shall include such inspection as is necessary for the purpose of determining the integrity of any internals contributing to stability under conditions of use. The owner shall provide the accredited person with necessary information on any ballasting arrangements required.”

The industry standard to be used when surveying these hulls and pontoons is American Society of Mechanical Engineers (ASME) B30.8-2010, *Floating Cranes and Floating Derricks*. This publication is available from a variety of sources. The download is available on line or from the author. Chapter 8-1 *Construction and Installation* covers hull construction, electrical installation and other safety issues. Chapter 8-2 *Inspection, Maintenance and Testing* covers is another chapter surveyors will want to familiarize themselves with.

Interestingly the electrical standard referred to is IEEE 45-9777 *Recommended Practice for Electrical Installations on Shipboard*, which references 46 CFR 110.10-1. This publication is available from a variety of sources. The download is available on line or from the author.

Of particular note are the watertight compartment requirements found in section 8-1.3.2 *Compartments*. This covers seagoing barges, inland deck barges or pontoons and inland hopper barges. The important requirements for seagoing barges, inland deck barges are longitudinal watertight bulkheads: “they shall have at least one longitudinal watertight bulkhead on the centerline or at least two longitudinal watertight bulkheads at one quarter the breadth of the barge off the centerline to port and starboard. This configuration limits free surface.”

In addition, “bulkheads designated as watertight shall not be breached by piping, electrical wiring or manways unless such penetration are also fitted with watertight fittings or closing appliances at the penetrations.”

Another requirement for seagoing and inland deck barges is that “there shall be enough watertight compartments to prevent capsizing or sinking when any one compartment is flooded while the boom is stowed and the barge or pontoon is fully loaded with its design deckload and fuel.”

Par. 8-1.3.2(c) states: “For inland hopper barges operating on rivers, lakes, bays and sounds within 20 miles from shore watertight integrity of the cargo deck and hopper sides and ends shall be maintained. Any accumulation of water shall be investigated to determine the source and need for repair to restore the watertight condition.”

The above are especially relevant with surveying barges or pontoons on which land cranes or derricks have been mounted. In addition section 8-1.2.2 *Operational Criteria*, has requirements for operating list and trim, design load conditions, and stability analysis for these vessels. In the case of land cranes and derricks mounted on barges or pontoons, the barges and pontoons have not been designed for these mountings and have probably not been retrofitted to meet the longitudinal bulkhead and other watertight compartment requirements. They should therefore should be surveyed with great care.

Section 8-1.4.3 *Miscellaneous Equipment*, contains a wealth of information on the requirement for fire extinguishers, audible alarms, self-closing filler caps on fuel tanks and other items which a surveyor should be familiar with.

An interesting aside is the requirement in section 8-1.3.6 *Rescue Skiff*, is the requirement for “a rescue skiff with oars and ring buoy 30 in. (760 mm) in diameter with at least 90 ft. (27 m) ...”

### Travelifts and shipyards.

Travelifts and shipyards are really outside the scope of this article. However for obvious reasons a few words are felt to be in order. They are considered a gantry crane by OSHA and their requirements are found in 29 CFR 1910.179 *Overhead and gantry cranes*. 29 CFR 1910.179(j) Inspections requires an initial inspection when the crane is first put into use as well as frequent inspections, defined as daily to monthly intervals, and periodic inspections, defined as one to 12 month intervals. This also provides for inspections of hooks, chains, lines and other accouterments.

The OSHA requirements for shipyards are found in 29 CDR 1915 *Occupational Safety and Health Standards for Shipyard Employment*. 29 CFR 1915.111 *Inspection* states: “All gear and equipment provided by the employer for rigging and materials handling shall be inspected before each shift and when necessary, at intervals during its use to ensure that it is safe. Defective gear shall be removed and repaired or replaced before further use.” It further states that: “The safe working load of gear as specified in 1915.112 and 1915.113 shall not be exceeded.”

### State Requirements.

Many states have state OSHA requirements as well. Surveyors should familiarize themselves with those requirements prior to surveying these vessels. In cases where a river is the boundary between two states (such as the Columbia River) the vessel may have to comply with both states OSHA.



## **Conclusion:**

Marine surveyors should be aware of the OSHA requirements and industry standards when surveying uninspected commercial vessels equipped with cranes or derricks and should be prepared to survey to those standards. It is not expected that they should become an accredited or competent person, but that they be able to determine during their survey if the cranes or derricks aboard uninspected commercial vessels are being properly inspected and tested. They should also be prepared to discuss these requirements with their clients.

If the crane or derrick has not been properly inspected or tested to OSHA standards then the vessel “is not capable of being used in its intended service.” This can be especially critical if the vessel is a crane barge or derrick barge and the survey is an on-hire survey where the vessel is to be immediately placed into service for a construction project.

If the barge or pontoon does not meet the watertight compartment and longitudinal bulkhead and other requirements of ASME B30.8-2010 whether the vessel is “capable of being used in its intended service” will probably depend on the condition of the hull and, its intended service and the waters it will be used upon. If nothing else the surveyor should include the industry standards and where the vessel doesn’t comply as part of his report with a strong recommendation to upgrade the vessel to those standards at the earliest possible opportunity.

A good general summation of the OSHA requirements for cranes is available from the Commercial Fishing Industry OSHA Compliance Guide, Revision 4/November 2007, available from the North Pacific Fishing Vessel Owners Association, Seattle, WA, [www.nfpvoa.org](http://www.nfpvoa.org).

One last thought when surveying vessels with cranes or in shipyards where cranes are in use - never get under a load - under any circumstances. Maintain situational awareness of what the crane is doing and don’t assume that the operator of the crane sees you on the deck.

One last thought when surveying vessels with cranes or in shipyards where cranes are in use - never get under a load - under any circumstances. Maintain situational awareness of what the crane is doing and don’t assume that the operator of the crane.

Joe Derie AMS<sup>®</sup>, **Commercial Workboats**

## **Errors & Omissions Insurance (E&O) Update**

As you may be aware SAMS<sup>®</sup> is looking to provide E&O Group insurance. We have been in negotiations with a well known insurance provider for this coverage. The initial quotes we have received are very attractive, but in conducting our due diligence we have found that some of the information used by the insurance provider is not a true reflection of our industry.

We have worked with the Insurance Company and have developed a few questions that we will need to answer. To enable us to provide the best answers, we will be sending out a survey to all SAMS<sup>®</sup> members. We would ask that you take the time and answer the questions as accurately as possible. I must reiterate that the answers to these questions are very important to the success of this project. We need your participation because frankly we have no history.

All answers will be collated by SAMS<sup>®</sup> HQ and sent to the insurance company showing the organizations history as a whole. NO INDIVIDUAL MEMBER WILL BE IDENTIFIED AND ALL RECORDS OF YOUR ANSWERS WILL BE DESTROYED UPON REVIEW BY SAMS<sup>®</sup> HQ.

We thank you in advance for your time in completing this survey, which you will be receiving shortly via email. We look forward to providing E&O Insurance at a reasonable price to our members in the near future, **but we need your answers.**

Stuart J. McLea, AMS<sup>®</sup>, SAMS<sup>®</sup> President

## **Richard Schwartz**

Founder and Chairman of BoatU.S.

It is with deep sadness we wish to announce the passing of Richard Schwartz, the Founder and Chairman of the Boat Owners Association of The United States (BoatU.S.). He created and grew the predominant association dedicated to the advocacy of the nation's recreational boat owners. Richard, who was 85, passed away after a short illness.

Just two years ago Richard retired after a 47 year career as the leader of the over half million member boating association. Up to his passing, he remained active as the Chairman of the BoatU.S. Board of Directors as well as Chairman of the BoatU.S. National Advisory Council.

Richard created the nation's largest and most influential recreational boating organization after a boating incident back in the early 1960's. Schwartz had been invited aboard a friend's boat for a day of recreational boating. Shortly after departing the dock, the vessel's owner had been given a ticket for improper engine compartment ventilation. Richard Schwartz viewed this as being unfair as the owner had no responsibility for the boat's construction. Richard Schwartz, who was a Princeton and Yale Law School graduate, asked his boating friends if there was anyone fighting for their interests. The resounding answer was no.

Out of that incident, BoatU.S. was born with a mission of "service, savings and representation". Schwartz's Capitol Hill testimony resulted in the watershed Federal Boat Safety Act of 1971 which gave the US Coast Guard the power to hold manufacturers accountable for certain safety standards and created the US Coast Guard Office of Boating Safety, saving countless lives.

Richard Schwartz took on the problems affecting recreational boaters. Schwartz was the first to fight for legislation on behalf of boaters. His efforts help to shape the national boating policy and to secure the passage of the Recreational Boating Safety and Facilities Improvement Act of 1979. He was a strong vocal opponent to user fees and the highly unpopular luxury tax (1992) and the diesel fuel tax (1997). In 1984, Schwartz was widely credited in leading the passage of the federal Wallop/Breaux Trust Fund Amendment, today part of the Sport Fish Restoration and Boating Trust Fund that now returns over \$600 million annually to federal and state boating and fishing programs.

As you all may know he started the hugely successful BoatU.S. retail stores. He made BoatU.S. a major influence on the national boating safety stage with the development of the 501(c)(3) nonprofit BoatU.S. Foundation for Boating Safety and Clean Water, which runs innovative programs ranging from the free Online Boating Safety Course to the only nationwide Life Jacket Loaner Program for Kids and EPIRB rental programs.

Richard Schwartz had the foresight that recreational boaters needed an advocate and that boaters interests needed to be protected. No one did more for America's recreational boaters than Richard Schwartz and for that we as SAMS® members and boats should be eternally grateful.

Thank you Richard!

Written By: Mr. George Gallup, AMS®, Past President

~~~~~  
[While we fondly remember the departed.....](#)

**Arthur Webb-AMS®**  
North Saanich, BC, Canada  
Passed away November, 2014





## IMPORTANT MEMBER INFORMATION



### Attention All AMS® Members

The SAMS® Nominating Committee is accepting nominations for the upcoming election of officers at the Annual Business Meeting on Saturday, October 17, 2015 in Milwaukee, WI. Any AMS® members interested in running for elective office should apply in writing with accompanying documentation to show the Nominating Committee your qualifications, knowledge and understanding of SAMS® Policies and By-laws. The letters should be addressed to the SAMS® International Office, Attention: Chairman/ Nominating Committee. Nominations can also be made from the floor during the Annual Business Meeting, per SAMS® Policy.

### BOATU.S. Surveyors Referral List

BoatU.S. has reached out to SAMS® Board of Directors and have requested that all of our AMS® members be listed on their surveyors referral list (no charge). The Board felt that this is a really good opportunity for our members and should bring some increased business to all.

If you wish not to be on their list, there will be an “Opt out” option so you won’t receive phone calls.

### Donation Appraisals

Did you know that IRS Publication 561 “Determining the Value of Donated Property” specially names Marine Surveyors as qualified appraisers?

**Boats. Except for inexpensive small boats, the valuation of boats should be based on an appraisal by a marine surveyor because the physical condition is so critical to the value.”**

Now with that being said, if you are appraising a vessel for donation you had better read the rest of IRS Publication 561 to fully understand what is expected of a qualified appraiser or you may be doing a disservice to your client and running afoul of our Code of Ethics. You can read the entire publication online at [www.irs.gov](http://www.irs.gov).

### Loop Holes and Wannabes

SAMS® has invested both time and money over the years to promote “our” brand and legally trademark The Society of Accredited Marine Surveyors®, SAMS® and AMS®. I can assure you any violations of our trademark are vigorously addressed. We attempted to trademark the term “Accredited Marine Surveyor” but unfortunately we were not awarded this trademark because the word “Accredited” is widely used. Thus, there is the proverbial loop-hole that some have discovered and are exploiting. There are non-SAMS® members advertising as “Accredited”. Although this is not illegal it is misleading the public since the industry understands that an Accredited Marine Surveyor is a member of SAMS®. So the question I put to all of you is how do we continue to improve and promote our brand when there is a loop-hole that is blatantly being exploited? My suggestion is that we must be sure to advertise ourselves as not just Accredited but as SAMS® Accredited, or SAMS® Accredited Marine Surveyor, and SAMS® SA or SAMS® Surveyor Associate. Please do not forget the registered trademark symbol where appropriate.

Respectfully Submitted.

Joseph Lobley, SAMS® Accredited Marine Surveyor (and proud of it!)



***Joseph A. Derie, AMS®***  
**Commercial Workboats**

I suppose you're wondering why my column has a different name. That's because acting on my recommendation the Board of Directors (BOD) changed the name of the Tug & Barge (T&B) specialty designation to Commercial Workboats.

After reviewing sample surveys applicants for the Tug & Barge designation were sending in it was my feeling, and the BOD agreed with me, that T&B does not appropriately reflect the diversity of vessels that personnel with the AMS®, SAMS® T&B designation are surveying.

Workboats are ubiquitous throughout the inland and coastal waterways and on sole state waters. The category includes dredges, OSVs, commercial dive boats, debris collectors, landing craft, crew boats, oil skimmers, pilot boats, utility boats and other uninspected commercial vessels that are surveyed under various standards, such as 46 CFR 24, 25, and 26; OSHA; and NFPA 302. The workboat category is also understood to include inspected passenger vessels, Subchapter "T" and "K" boats, which are also to be found everywhere.

Because of the expanded number of vessels recognized under the new designation, we expect that more SAMS® Accredited Marine Surveyors and Surveyor Associates will apply for the new designation, especially those from coastal ports where there are typically more workboats than tugs. It will also open up the designation to personnel surveying on sole state waters. In addition, new personnel applying to SAMS® will find it easier to provide surveys to be considered for the new designation because it encompasses many of the types of vessels they are already surveying and not just tugs and barges.

Another benefit to the SAMS® surveyor, as well as to the marine industry, is that with the new specialization designation, it will be easier for prospective clients to find SAMS® surveyors on the website and in the Membership Directory for these types of vessels.

The new designation will have no effect on current AMS®, SAMS® surveyors with the T&B designation and SAs working towards that designation. All AMS®, SAM® T&B surveyors will be automatically grandfathered into the Commercial Workboats specialization designation. T&B SAs will automatically become Commercial Workboats SAs.

The current T&B (now the Commercial Workboats) test will have to be changed slightly to include questions peculiar to workboats. Testing VP Kristoffer Diel and I have discussed this and see no problem as the current test requires some slight changes anyway.

This change also has no effect on those SAMS® surveyors who will want to become UTV examiners when sub-chapter M becomes effective.

As always I hope anyone who wants to discuss this column or has questions about Commercial Workboats will contact me at 503-236-6818.





## MEMBER'S CORNER

### NOVEMBER THROUGH FEBRUARY - 2015

The following members are now an Accredited Marine Surveyor with the earned designator:

#### **“YACHTS & SMALL CRAFT”**

**Majed Moh'd Abu-Zahara**, Aqaba, Jordan; **Douglas Alling**, Mount Pleasant, SC; **Scott M. Austin**, Tavernier, FL; **Mark R. Geddis**, Ft. Lauderdale, FL; **Pete Hosemann**, Chattanooga, TN; **Ian S. Kerr**, Ft. Lauderdale, FL; **William M. Love**, Pasadena, MD; **Stephen Gilbert Marshall**, Palm City, FL; **John McDevitt**, Grasonville, MD; **James H. McGlincy, Jr.**, Manchester, MD; **Christopher Max Pliske**, Ft. Lauderdale, FL; **David Alan Pliske**, Coral Springs, FL; **Henry (Butch) Pliske**, Plantation, FL; **Christopher John Adair Smith**, Sunrise, FL; **Anthony J. Thomas, Jr.**, Berlin, MD; **Anthony R. Williams**, Wilmington, NC;

The following member is now an Accredited Marine Surveyor, with the earned designator:

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The following member is now Accredited Marine Surveyor, with the earned designator:

#### **“HULL & MACHINERY”**

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The following member is now an Accredited Marine Surveyor, with the earned designator:

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