

SAMS[®] NEWSLETTER



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**EVERYONE
BE
SAFE!**



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**Bill Trenkle, AMS[®]
SAMS[®] Newsletter Editor**

Hello fellow SAMS[®] members. Thank you for taking the time to open this issue of our Newsletter. We hope that you find the articles interesting and educational. As with all email correspondence from the SAMS[®] office it is important that you open the message, you never know what might be inside that is very important to you. Updates on all kinds of things going on within SAMS[®] and related to our industry can be found in every Newsletter, so please at least skim through it. I like to save a copy on my desk top and read it cover to cover as time permits. It is 4 months between them so there is plenty of time.

Thank you to all those who responded with articles for this issue. I know there are more of you out there with years of experience and knowledge to share so please help us, and send in an article about something you know at least some members will enjoy. I see many posts on Boat Pokers that are article worthy penned by many of you so please contribute that knowledge. We should all be doing what we can to help our new surveyors climb the learning curve to being a great surveyor. Unfortunately, too many of us forget how steep that curve is. Thank you in advance for your contributions.

The St. Louis IMEC is coming up and it is going to be great, so make sure you sign up early. It will be fantastic to see everyone in person again, and I am sure you will all agree, in person learning is a lot more fun than virtual!

Need CE Credits ???

Newsletter Material Deadline: Have an interesting topic? Send it in! If your article is published in SAMS[®] NEWS, you not only contribute news and information, you may be eligible to receive (3) CE Credits* for your article. The cutoff date for material to be submitted for publication in the next SAMS[®] Newsletter is July 1, 2022. The editor must receive all articles by this deadline or they MAY NOT be published in the next issue.

If you are planning to write an article you should know the following:

1. Your article should be technical in content, and of interest to the profession of marine surveying.
2. The article should be in MS Word.
3. Please use **Times New Roman, font size 12**
4. Length of the article should be 500 to 1000 words.
5. Articles that have been published before, MUST have a letter of permission letting SAMS[®] re-publish this article.



**John Lowe, AMS®
SAMS® President**

Hello Everyone!

Hope everyone is well and returning to normal operations with most COVID restrictions lifted recently. The board of directors met (in person) in Jacksonville in mid-March for the first time in over 2 years. We have been doing ZOOM meetings in the interim and it was nice to see everyone. We had a very full agenda starting early in the AM, eating lunch at the meeting table and finishing in the late afternoon, several members attending remotely. These meetings involve constant review of our policy which we are always fine tuning to better serve the members.

Everything is on track for the IMEC in St. Louis this October, we're looking forward to a good turn out from everyone who is able to attend. Please check your CE's as some members have let these slide during COVID. There are many online opportunities for those who cannot make regional meetings, you must however meet your Continuing Education requirements. AMS® members must attend an IMEC every 5 years, and Surveyor Associates one IMEC or two Regionals, so please check your status. As I've said before you will certainly get more from an in-person meeting in terms of networking than any online course. I would encourage anyone attending to sign up early as this helps us plan the annual, also it will save you a few dollars to sign up when we have a block of rooms reserved at a discounted rate.

The high price of fuel has not slowed the buying season here in the northeast according to the surveyors I've spoken with who are quite busy. The biggest issue here is lack of inventory at the brokerages. I have heard of several clients who had their survey cancelled due to wet weather on the date of the survey, these clients could not re-schedule as the surveyors' schedules were full. We should consider that we may need to reschedule surveys due to weather and leave some time to arrange our calendars accordingly.

On a final note, please welcome our new Regional Directors: Jared Houghtalen, AMS® (Mid Atlantic) and John Huddleston, AMS® (Gulf) and a sincere thank you to our departing Directors: Dennis Eddinger, AMS® (Mid Atlantic) and Seth Mosley, AMS® (Gulf). These jobs require considerable commitment and attention by the Directors and they should be commended for their efforts.

I will look for you in the yards.

Be Well !!



**Kristoffer Diel, AMS[®] SAMS[®]
Executive Vice President
Ethic Chair**

“Ahoy Fellow SAMS[®] Surveyors”

I hope this finds everyone healthy and working as hard as they can! (or want to!).

Your SAMS[®] Board of Directors just completed the first in-person meeting in two years. It was wonderful to see everyone. I also passed by the office and saw Ms. Rhea and Ms. Cheryl but unfortunately missed Ms. Susan and Mr. Mark. Thank you “The Office People” for keeping SAMS[®] under control.

My big news is the new SAMS[®] Safety Committee, which was approved by the Board of Directors at the meeting. The Survey Monkey results were the largest response, ever! Thank you for participating. Thank you, also to Mr. Angel Zeno, AMS[®] and Mr. John Malool, AMS[®], who have agreed to lead the Committee, and they both have numerous ideas for the way forward. If you are interested in contributing, please contact either, or both! They will be reaching out to interested members, to figure out what goals we need to aim for, and how to best achieve them. Mr. Malool, AMS[®] already has put webinars together! While the focus of the Safety Committee is on the Yacht & Small Craft group, EVERYONE is invited to participate. I understand most of the commercial surveyors must have basic First Aid, and Confined Space certifications, just to get in the shipyards. But there are no requirements for the Y&SC surveyors! Talk about a different world... Across the southern US, most boatyards do not even chain the boat stands together! And we have not even mentioned mold.

I am supporting Confined Space education first, because EVERY Engine Room you enter is a confined space, and if that was not dangerous enough, we do it when the engines are running during sea trials!

My second item is Ethics, lack of communication is the major problem. When you send off your report, YOU ARE NOT DONE! Call your client within a week and ask if they had received the report! Several of the recent Ethics cases were because the reports went to the incorrect email address!

Thank you for your attention and keep yourself and your loved ones safe. I hope to see everyone in St. Louis!





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

IMEC UPDATE

Well.....certainly looks like St. Louis is a go! We have some exciting speakers planned; here's a small preview.

There will be two special sessions on Wednesday 10/5, it is highly recommended that you all attend.

Ethics, Morals and Work Product.....Is There A Difference? (Case History's)

Randell Sharpe, AMS[®] & RD round table: Survey reports and the Recommended Survey Content as well as having a legal opinion on what to put and not put in your reports.

Additionally:

Markel Insurance: Underwriting and Claims, Do's & Dont's

Jim Cote - Affiliate, Cote Marine BS-EE - Electrical inspection & Safety During Surveys

Jim Cote - Affiliate, Cote Marine BS-EE - The Surveyors Role in Fire Investigations.

Debbie Aliya, FASM - Affiliate, FASM, Aliya Analytical Inc. Failure Analysis.

Gougeon Bros. / West Marine: Repairing Cored Vessel, Epoxy Vessel Repair and Barrier Coats.

Electric Outboard Manufacturer

Update on new battery technology.

Noted engine manufacturer: Updates on gas outboard technology.

Marine Surveyor - Occupational Safety

Business Boot Camp. We are going to have some seasoned surveyors speak about their marketing and how to increase your business as well as a Q & A. This will be on Friday at the end of the day and should be a great addition to the program because no matter how many years you have been in business, there is always something to learn from someone about increasing your revenue.



Gary Frankovich, AMS[®]
Secretary / Treasurer

It appears that Spring has finally sprung, and not just weather wise, but pandemic wise, as well. Not only is the weather getting nicer, but it looks like we may have seen the turning point in the Covid-19 saga, too (fingers crossed).

We've just had our first in-person SAMS[®] Board of Directors meeting in more than 2 years, and looks like we'll all be getting together in St. Louis this October. Make your reservations early!

Now to business, SAMS[®] has not had to raise dues since the 2008 IMEC with the increase taking effect in January 2009. I'm sure all you know that nothing costs the same today as it did 13 years ago. I want to inform everyone that the expected budget for 2022 will in all probability run in the red. This of course is, in part, due to the normal rising cost of doing business, the inflation rate of the previous year, and the fact that our membership numbers have been in decline over the last few years. The really good news is that SAMS[®] currently has a good cash reserve and will be able to push a dues increase down the road for a few years, but in all honestly, not forever.

Since we all know that everything only gets more expensive, the Board of Directors does feel that it's time to take care of some upgrades to SAMS[®] headquarters which will save us money in the long run. We're going to study the cost of replacing the fluorescent lights with LEDs, to replace some of the worn out tables, furniture etc., and possibly changing the phone service to VOIP (voice over internet protocol) and see if any or all of those things are feasible.

That's all I have for now, so see you all in St. Louis, and stay safe out there.

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 8, 2022 in St. Louis, MO. Any AMS[®] members interested in running for an 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. To the attention of the Chairman/Nominating Committee. Must be received by April 25, 2022. Nominations can also be made from the floor during the Annual Business Meeting, per SAMS[®] Policy.



**Joseph Lobley, AMS®
Meeting / Conventions
Vice President**

It is hard to believe but SAMS® first IMEC in three years will be in St. Louis, Oct 5th thru the 8th at the Hyatt Regency. The room rate is \$169.00 per night. It's a large hotel with three restaurants onsite. The meeting spaces and guests rooms have been renovated. Just out the front door are the Gateway Arch Park and the Mississippi River to the left and Old Courthouse to the right. Four blocks away is Busch Stadium and the recently built Ball Park Village with shops, sports bars and restaurants. The baseball season ends that week and the Cardinals are away. The hotel boasts 30 restaurants within a quarter of a mile. It's a 20 minute ride from the airport. There is parking for \$10/day just a block away, and onsite valet parking which is quite a bit higher, but I am trying to get that reduced. It is a great "small" city with a vibrant downtown. There is a huge influx of young professionals moving into the old brick manufacturing buildings, that have been transformed into modern living spaces and offices. I found the area around the hotel to be clean, very safe and friendly.

IMEC 2023 will be in Montreal, on October 25th thru the 28th at the Double Tree by Hilton. The room rate is \$239.00 CAN which, as of today, equates to \$185.00 US. The exchange rate normally fluctuates up and down a few dollars and the currency projection I saw online predicts we should have a rate between \$185.00-190.00. This is higher than we usually contract but this is a very good value for the city and the quality and location of the hotel. Tourism Montreal has committed to reimbursing SAMS® \$10CAN for each room night booked. This is separate from the hotel contract and will be realized in the conference fee. The hotel is on St. Catherine's Street and a short walk from the historic section of town. The first three floors of the hotel is a mall with everything available. You don't need to be concerned about weather since the hotel connects to the "Underground City" with pedestrian walkways to many shops and restaurants. I am sure our Canadian members will be there in force. Montreal is a day's drive for most of the North East and Great Lake members. We should have a great turn out. Don't forget your passport. We will be creating a customs "fast-track" to simplify crossing into Canada.

IMEC 2021 has been rescheduled in New Orleans for the fall of 2024 at the Sheraton Hotel on Canal Street. The dates are September 11th-14th, 2024 with the same room rate of \$179.00.

I look forward to seeing old friends and meeting new members this fall in St. Louis. Ken Weinbrecht, AMS®, has put together a great educational program and I will be setting up the Food and Beverage. Bring your spouse and let's have a great time!





Eddy J. Assaf, Jr., AMS®
Public Relations
Vice President

Hi all, hope everything is well, starting to thaw out here and getting ready for another season, like most who work in the north.

Had our first live Board Meeting in March, it was real good to see everyone in person again, the virtual stuff works OK but it's nothing like in person. Hopefully, we can all get together this year in St. Louis for the IMEC. Kenny Weinbrecht, AMS® has a great line up of speakers and the hotel Joe Loble, AMS® chose for a hotel is perfect and really well located.

We might have taken care of the google ads word problems that we had, it hasn't been running since November of 2021, and with no help from them might just have it up and running again soon, I have noticed that since it has not been running, we are still making page 1 or 2 on keyword searches.

On the advertising side, we proceeded with the same programs as last year and adding a few more. I also have intentions of revamping our ads, some have been there for over 10 years and some from 4 years ago so it's time to get new ones.

At the board meeting it was decided to venture into adding something to the website in the form of a members "LOG IN", where each member will be able to log in and get all that is in his file, access to other items we will add, dues renewal, etc. We are looking into this as I write this letter and should have something solid to present to the board within a few weeks and will be up and running in the near future. Please keep in mind that data which HQ has in storage from many years past will most likely not be in there, this is more from the time it's installed looking forward. If all goes well, you should receive an email from HQ asking you to create a username and password using a SSL system. This will hopefully make it so that members can do their own verifications on what is in their files including CE's, IMEC's, emails sent and received etc. instead of calling HQ.

We are also looking into social media program, which is a whole new learning curve for me, so we are using professionals to set it up and get it going, but social media also must be fed information. The telephone has in many cases replaced man's best friend and is a part of business that we can't do without. Many companies and organizations have an active social media account, so I figured let's see what it can do for us. Again, once this is set up, I will inform you on what, if anything, is needed by members and how to access it all.

Pretty much it for now, and hopefully will have some responses on what is being advertised now to share. Let's remember that the best advertising any surveyor can do is in the quality of his work, and word of mouth has always been a terrific way to get SAMS® and yourselves out to the public.

Have a great season and let's be safe out there.

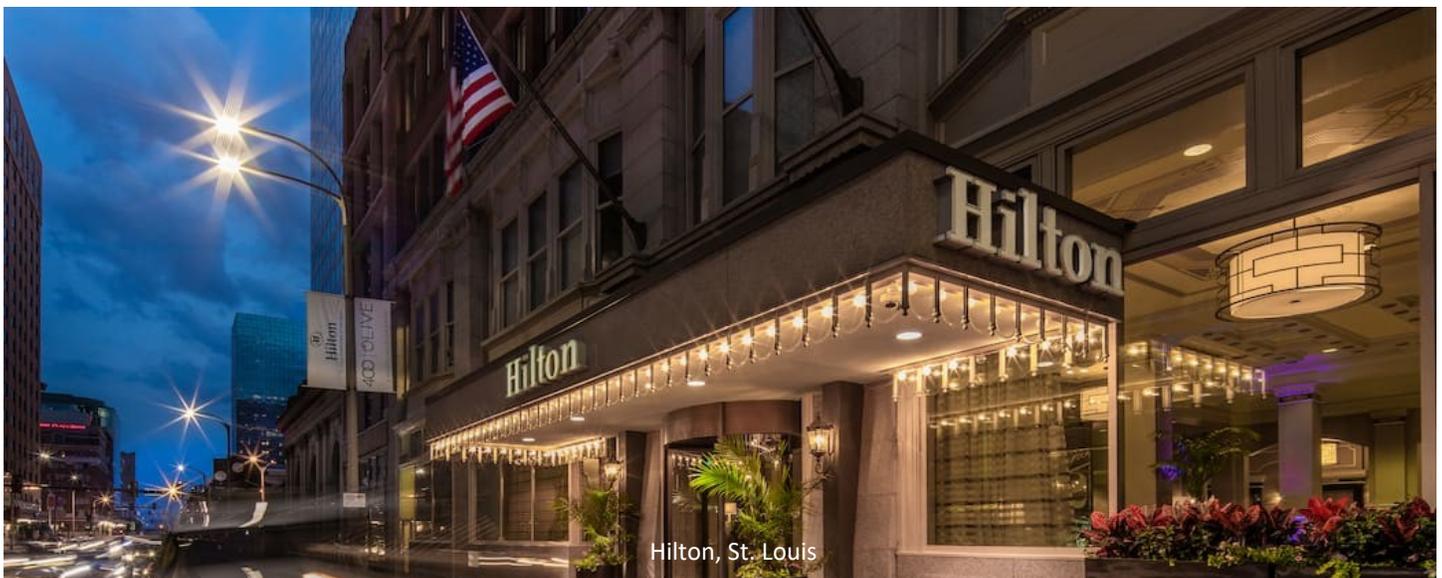


**Randell Sharpe, AMS[®]
Testing Vice President**

I trust you are all busy doing surveys, and that our Surveyor Associates are also studying for their upcoming AMS[®] exam. Don't put off studying until after you receive permission to upgrade to AMS[®]. The exam is not simple, and your thorough knowledge of industry standards and practices is critical to passing the exam for AMS[®]. My tally of exam results since September last year shows that 19 individuals sat for the Y&SC AMS[®] exam. Seven of you passed on the first attempt which is only 37%. Congratulations to those that passed! Three more passed on the second try and two passed on their third and final try. Several members are still working through their three test allowance. The overall pass rate sits at 68% so far this year. I highly recommend that you study for the first test instead of winging it to see how it goes on the first attempt. Our "up or out" policy allows for three tries to pass the test and then you are out of SAMS[®] if you do not pass. You have worked hard to become a SAMS[®] member and qualify to sit for the AMS[®] exam. Don't waste one of the opportunities to pass the test by assuming you will pass without studying or taking the first exam just to see what it is like. I highly recommend taking the ABYC Standards class and the ABYC Electrical class as a good way to study for the exam. Much of the general knowledge portion of the exam is standards based. Once approved for upgrade to AMS[®] you have a year to sit for and pass the exam. **Don't wait until the last month to take the exam.** It took five members 2 or 3 tries to attain a passing grade. The SAMS[®] policy requires a 90-day waiting period between tests so plan accordingly. Study and apply early.

I am happy to discuss test results with any member that has questions. This goes for both those that failed the test and those that passed the test. I believe that the test should be a learning experience and can show areas of weakness that should be improved on, even if you passed the test. I can't give you specific question answers but can discuss areas that need improvement when a member doesn't pass an AMS[®] exam, or passes, but has an area that needs improvement.

Please let me know if you have any questions or concerns that you want to bring to the board's attention.





Angel Zeno, AMS®
Membership Vice President

I hope everyone has had a great winter season, and for those of us in more seasonal locations, you can almost hear the boat yards firing up the travel lifts in anticipation of the mad scramble to have all the boats launched once the weather breaks. The start of the boating season is one of my favorite times as a marine surveyor, and if the level of phone calls that I have been receiving from prospective boat buyers is any indication, 2022 is going to be another fun and active year. So be sure to dust off your tool kit and change out the batteries in your moisture meter and flashlight, but more importantly, put some thought into safe working practices. Consider the environment before crawling into an engine space and be sure to tie-up your ladder. At the risk of sounding like someone's worried Mom, always let someone know where you are going and how long you should be.

I always like to recommend that you review one of your most current survey reports and compare it against the SAMS® Recommended Survey Report Content (RSRC). If it meets the RSRC, you've gone a long way towards assuring that your clients will be satisfied with your survey reports and as an added bonus you'll know that you've addressed the important items that insurance underwriters and loan officers are looking for. Feel free to reach out to the SAMS® International office if you need a copy of the SAMS® RSRC.

For all those SAMS® Surveyor Associates nearing their "up or out" date. Please be sure that you have met the requirements for attending at least one IMEC or two regional meetings before your target date. You'll also want to be sure that you are meeting the requirement for Continuing Education units (CE's). If you haven't been keeping track on your own, the SAMS® International office would be able to advise you on where you stand.

There are a variety of opportunities available to accumulate CE's. The SAMS® CE policy lists a few ways that members can earn CE's. In addition, there are multiple online opportunities through organizations like, ABYC, AIMU or IAAI to name just a few and if you're not sure what those abbreviations stand for, drop me a note or call and I can elaborate. The bottom line is to try to improve and expand your knowledge base. It's not only a good idea, it's a requirement for all SAMS® members and one of the ways that we set ourselves above other non-SAMS® surveyors.

As you are participating in educational classes, I would like to recommend that you try to keep an open mind. Too often we approach a particular subject with the knowledge that we already have, and close ourselves off to learning and accepting new concepts. So as you go about accumulating those required CE's keep an open mind, welcome and evaluate new concepts, the idea is to expand our knowledge base.

Wishing everyone a safe and prosperous boating season and I am already looking forward to meeting you all and swapping boat stories at the 2022 IMEC in St. Louis.



**Kevin R. Bache, AMS®
Great Lakes Regional Director**

Spring is here as evidenced by the arrival last week of the first bulk carrier of the season at the Sandusky Coal Dock.

Ice is gone, early bird boaters and charter captains are beginning to populate the local marina's and the Walleye are starting to run. Despite current socioeconomic conditions members report their assignment schedules are beginning to fill.

We have had a good amount of activity in membership over the past several months, with new applicants and Surveyor Associate upgrades, affording me the opportunity to review some very interesting survey reports. Attention to detail and a full description of systems is often lacking yet necessary to properly inform the reader.

Through my interviews and discussions with applicants and current members, as well I note, what I perceive to be lack of familiarity or knowledge of the Navigation and Vessel Inspection Circulars (NVIC) documents published by the United States Coast Guard (USCG). While there are numerous NVICs that address the depth and breadth of all things Maritime under the purview of the USCG, there are four which should be considered essential reading for Marine Surveyors, particularly those preparing for the AMS® exam.

NVIC 7/68 covers the design, construction, inspection and repair of Steel vessels, 11/80 covers the design, construction, inspection and repair of Aluminum, 8/87 covers the design, construction, inspection and repair of Fiberglass and 7/95 covers the design, construction, inspection and repair of Wooden construction (originally published in 1963).

The link to the NVICs site is: <https://www.dco.uscg.mil/NVIC>. Scroll to the bottom of the page to search the documents by date. There is lots of good information contained in these documents to help improve detail in your reports.

Have a safe season and don't forget to tie off your ladder!.





**Charles W. Solarek, AMS®
Pacific Regional Director**

When I was younger, I used to listen to stories by Paul Harvey on the radio, little vignettes of trivia. After providing the backdrop and a few details he would come back after a commercial and finish the narrative, always ending with, “and now you know the rest of the story.”

As marine surveyors we too provide our customers the rest of the story. Most of the time we provide them not just with facts about the vessel’s condition, but also an education on the boating experience. But how do you handle the survey when you are not the only one involved? Suppose there is a mechanical or rigging inspection performed, what now?

We need to be mindful to provide the most accurate assessment of the boat’s condition, as possible. Not all of us are mechanics or riggers so we rely on those professionals to add to the survey process to inform our customers and us, about those systems/components we are not familiar with. SAMS® Recommended Survey Report Content (RSRC) stipulates that you should mention any other inspections that took place “*during the survey process.*” Sometimes we are present during these third-party inspections, sometimes not. How do you articulate that information to your client and into your report? Do you just state who and why that individual was present? Keep in mind that the overall condition of the inspected vessel may be greatly affected by the outcome of that mechanics or riggers information.

An argument can be made that a mechanical/rigging inspection is a separate inspection, and the marine surveyor is not a part of that process. However, those third-party inspections do not provide an OVERALL condition of the vessel in question. The Condition and Value Survey does. How can a marine surveyor accurately state the inspected vessel is in “Above Average” condition without knowing the results of the mechanical/rigging inspection? Is the puzzle really completed without that piece? And what about those oil sample results?

In today’s world of everyone wanting things now, it is easy to just complete a report and call it good so the customer may continue to move forward with purchasing the boat. There is a closing deadline to meet. Boating season is just around the corner. The reasons may be endless. But, again, are we providing the customer with ALL the information to make an educated decision?

The prudent surveyor will be sure to review ALL the information available to provide the most accurate assessment of the inspected vessel, regardless of pressure to submit their report without it. In my experience the customer appreciates your professionalism and thoroughness. If you really must finalize your report beforehand, at least include a statement that the results of those other inspections may change the overall condition of the inspected vessel. They can, and have.

Thanks to all who attended our recent regional meeting. While a small venue, much information was shared. I am looking forward to seeing everyone in St. Louis in October. IMEC is always a wealth of knowledge, whether from the seminars or just the conversations around the lunch and dinner table. If you have not been to one, please try to attend this year. You will not be disappointed. Promise!

As always, stay safe. Stay sane.

In case you don't already know, I took over the Mid-Atlantic Regional Director role in the middle of January. I want to thank Dennis Eddinger, AMS® for his efforts over the years. Although I helped Denny (in the back ground) for over a year before taking over, I now realize how much work is involved in the role. Denny performed his duties admirably and is still volunteering his time to help me with anything and everything. My main goal moving forward is to help mentor all surveyors in the Mid-Atlantic, emphasizing surveyors navigating the Surveyor Associate years. The most efficient way to do that is through your report writing. You may be the best surveyor in the world, but if you struggle to put it on paper, we will never know. The way I write reports is only one perspective and far from perfect. With that in mind, I have already engaged several AMS® to assist me with report reviews. If all goes as planned, your annual survey reviews should be assessed by a different AMS® every year. That feedback allows you to receive multiple perspectives on your report writing. If you have had a survey reviewed recently, you will also notice that we have been placing notes throughout your PDF survey to enhance the review. So not only are you receiving the formal "Recommended Survey Report Content" grade sheet, but you will also receive plenty of PDF notes throughout the submitted survey itself. If you have any questions, please do not hesitate to email, or call the reviewer to discuss.



Jared H. Houghtalen
Mid - Atlantic Regional Director

Moving forward, we are planning a spring Regional Meeting on Friday April 29th. This is a great chance to grab some easy continuing education credits and chat with other surveyors in the region. If you are a Surveyor Associate, please refresh yourself on meeting requirements for upgrading to an AMS® candidate. If you are actively surveying, pursuing continuing education, and attending surveyor gatherings (IMEC/Regionals), then upgrading and taking the AMS® exam will not be difficult for you.

I am here if you need me.

Hello from sunny Sebastian, Florida!!! The boating season has kicked off to a raging start with the Stuart and Palm Beach boat shows in January and March. As with the influx of spring break tourists and people moving down from up north, the call for surveys have not stopped and I hope everyone is answering those phones to get a piece of the action.



Christopher Day, AMS®
Florida Regional Director

The big news this quarter is that Florida has a Regional Meeting scheduled for April 23rd at the Pelican Yacht Club in Ft. Pierce. Everyone should have gotten the distribution from the SAMS® HQ and hopefully has jumped on getting signed up as space is limited to 100 people. Preferential enrollment will be given to SAMS® members and guests. Deadline is set for April 15th and any vacancies will be filled by those on the wait list. This should be a great meeting with guest speakers from Triton Submarines (DC Batteries), Tactical Marine (Outboards), and Alison Mazon, AMS® (Wet Structural Components). Following the meeting there will be a Surveyor Associate break out for those who just joined SAMS®, and those looking to upgrade. I will also be putting myself in the spot light to talk about SAMS® business and to talk about some of the things I have noticed during my 1 year stint as a Regional Director (some topics that have been mentioned before in prior newsletters). I am looking into having the meeting taped, and posted for those that could not attend (more on that as I get my head around it).

For now, enjoy the busy boating season and stay safe out there . . . Happy Surveying ! ! !

The Following Member Has



**Reinier Van Der Herp, AMS[®]
Northeast Regional Director**

Will Return For The Next Issue

**John W. Huddleston, AMS[®]
Gulf Regional Director**

John is the New Gulf Regional Director and will have a article for the next newsletter.



C. David Sandford, AMS[®] Canadian Regional Director

Finally the weather is beginning to cooperate and the Canadian boating industry is coming out of winter hibernation. Its been a long cold one for the most part and not much has gotten done, at least with respect to survey work here in eastern Canada, for the past few months. I think that we've been really spoiled over the past few years with mild winter weather but this year definitely made up for it. Its been cold with lots of snow.

Last fall in November, we had a temporary reprieve in Covid restrictions here in Ontario and I was able to hastily schedule an in person regional meeting. It was a two-day event with good technical presenters, a representative from one of the largest insurance providers in the country, and the owner of one of the premier yacht brokerages in Canada. One of the presenters, an ABYC marine electrician and electronics installer took us for a deep dive into Lithium battery technology. This was very well received, and I feel an important topic that as surveyors, we all need to be up to speed on. It's been slow in coming here in Canada, largely I think due to cost, but if you look around the prices are coming down and we are going to see this becoming much more common moving forward. There are some very clear do's and don'ts regarding this deal and as surveyors we need to clearly be on top of our game here. Fortunately, there appears to be lots of information posted on the internet, so I suggest that we all take some time and have at it. As a point of interest this presentation was scheduled for one hour and it lasted for almost two and a half hours so that tells you how much interest there was.

We also had one of the best presentations on performing sailboat rigging inspections that myself and most said, they have ever seen. It was done by a rigger from a local shop, and another one that ran way over in time. We may try and have her come to the International Conference in Montreal, in 2023 and present for all who attend.

The meeting was wrapped up on the second day by one of our up and coming Surveyor Associate's who gave us an overview of a project of his, regarding the complete deck and transom replacement on a Grand Banks trawler. He had a great PowerPoint presentation with lots of pictures. It was purely for interest and fun to see what some of us do in our spare time. When it was over I told him that he was a "very brave man".

All in all, it was a good meeting which was put together in a short period of time with sixteen participants (a little light for one of our regionals, but under the circumstances I'll take it).

Moving forward, it looks like some of the Regional Directors have had some success with virtual regional meetings, so I'm looking into this avenue for the future. I still think that the in-person stuff is important, so I will continue to pursue that avenue. As I always say, we surveyors have a habit of being an independent bunch, so I do believe that personal networking is important.

I just returned from our first live SAMS[®] Board of Directors meeting in over two years. It was good to see everyone, and I have to say that there is really no substitute for live meetings.

Take care, have a busy season and be safe.

Joseph A. Derie, AMS[®]
SAMS[®] Commercial Workboat Chair
SAMS[®] Tug & Barge Chair



Some Thoughts on Marine Surveying and Marine Accident Investigation

Below, in no particular order (with the exception of the first couple of comments), are some thoughts, comments and truths I've learned and developed over my years as a marine surveyor, from reviewing samples of applicant's work product and survey reports, and in support of litigation.

A profession is defined as "An occupation, trade, craft, or activity in which one has a professed expertise in a particular area; a job, especially one requiring a high level of skill or training." Marine surveying is unquestionably a profession. A professional marine surveyor's work product should reflect such expertise.

Marine surveying is about the safety of a vessel and its occupants on the water, and a survey report must reflect that. If you surveyed a vessel and didn't find anything wrong with it, you need to go back and start over.

A proper marine survey report is more than an inventory of the vessel. A marine survey must be performed to standards, USCG, ABYC, NFPA, ASTM, etc., and the report must reflect whether the vessel and its systems meet USCG, ABYC, NFPA, ASTM, etc. Merely stating in the boiler plate of the report that the vessel was surveyed to those standards and not listing and discussing them in the report is not surveying to standards. If an installation or component does not comply with a standard there must be a clearly stated finding accompanied by a recommendation referring to the relevant standard.

I am continually appalled by the lack of qualifications of most persons who do expert witness work on marine accidents. Most have never taken a marine accident investigation course. The courts appear to accept that if someone can put Captain in front of their name, they are qualified to investigate a marine accident. Correspondingly, expert witnesses opining on traffic accidents are required to have extensive training in traffic accident investigation.

I'll never forget the:

- "Expert" on the USCG Rules of the Road, whose copy of the USCG Rules of the Road he brought to a deposition, was two editions out of date
- "Expert" on the USCG Rules of the Road whose report showed that they didn't know the difference between the COLREGS and the Navrules and where they applied.
- Surveyor whose survey report didn't reflect all the problems with the vessel because "I knew the owner couldn't afford to fix them."

Cont.

Surveyors who survey vessel's they are not qualified to survey will frequently use the excuse that they "just wanted to assist a client." In most cases the only thing they are assisting is their bank account. Their questionable business practice violates the SAMS® Code of Ethics and does a disservice to SAMS® reputation.

It bothers me considerably when marine surveying companies advertise they have "CAPT Someone" on the staff who can drive an 800' container ship and who is available to assist with all your surveying needs, while listing no marine surveyor qualifications. Having a USCG master's or engineer's license is an excellent place to start if you want to be a surveyor. Those licenses, however, do not automatically make you a marine surveyor. Surveying requires specialized training, many different skills, and a different mindset, from driving a ship or operating in a machinery space.

While reviewing surveys for applicants to SAMS®, or doing an annual survey review for Surveyor Associates, I am dismayed at surveys that are below SAMS® standards being accepted by owners, buyers, banks and insurance companies. Most entities don't know what a good marine survey report should contain and how the value of the vessel should be determined. We all need to work with those entities to ensure they recognize a professional marine survey report.

Many older marine surveyors are not keeping up with the profession, and are still writing reports the way they did when they started many years ago. This is seen when reviewing reports submitted by apprentices or associates, whose reports, copied from their employer, are below today's standards. Our profession has progressed and surveyors must keep up with today's standards and expectations.

As a follow-up to this column I would ask anyone to e-mail me (joederie@comcast.net) any comments they would add to this list. I'll compile a list and feature it in a future column.

As always, anyone who would like to discuss this column or has questions about Commercial Workboats, Tugs or Barges should contact me at 503-236-6818.

CONFINED SPACE PRACTICE

Captain Bill Lee, AMS®

You get a call to survey a 25 year old, 45 foot steel sailboat that's been laid up in a boatyard for 10 years, but is located just 20 miles away. Now that's a lot of boat and it needs to be done as soon as possible, so you get out your SAMS® minimum survey content, a ladder, tool bag, and an insurance form for the boatyard manager. A few days later you're at the yard and way in the last row is the salty, rusty black-hulled schooner. First, you check with the manager and find out it's been there more than 10 years and no one has been on board. The first AHA. The masts are lying next to the boat so no need to go aloft, which is a plus. Ladder out and up onto the deck. Looks like the main hatch is locked and there's no key. Can you cut the lock? Should have asked about that first. Fast phone call to boat broker and find that the key is under compass the deviation card. A quick walk around the deck, then unlock and open the hatch and now, STOP! Over 10 years and no open vents! Did you take the CONFINED SPACE ENTRY and SAFE PRACTICE course?

So let's say you did not take the course, what next? Do not enter, as this rusty old sailboat may have no breathable oxygen below, and an atmosphere of flammable gas from leaking fuel tanks.

Let's say you did take the course, are you going to enter? NO. Test the oxygen level with your oxygen meter and enter, only if it registers above 20.8%, but not more than 21% oxygen by volume. If it's less, do not enter. But we're not done yet. Next, test the flammable atmosphere. A space with an atmosphere of more than 1% of the lower flammable limit (LFL) or lower explosive limit (LEL) on a combustible gas indicator, should not be entered.

We're still not there! A toxic atmosphere measured in parts per million (PPM), such as **hydrogen sulfide** (also known as H₂S), a colorless gas known for its pungent "rotten egg" odor, as well as sewer gas, swamp gas, stink damp, or sour damp, coming from the holding tank hoses that have decayed and are releasing these gases. Also, **carbon dioxide**; exposure to CO₂ can produce a variety of health effects. These may include headache, dizziness, restlessness, a tingling or pins and needles feeling, difficulty breathing, sweating, tiredness, increased heart rate, elevated blood pressure, coma, asphyxia, and convulsions. **Benzenes**; benzene is a chemical that is a colorless or light yellow liquid at room temperature. It has a sweet odor and is highly flammable. Benzene evaporates into the air very quickly. Its vapor is heavier than air and may sink into low-lying areas. It is often used in cleaning fluids, varnishes and paints. There are more things to check like **carbon monoxide**. "CO" is an odorless, colorless gas that can kill you, but maybe not this time, as the vessel has not been run for years. **Nitrogen dioxide, sulphur dioxide and nitrogen monoxide** are primarily in the air from the burning of fuels. Again, maybe not this time, as the engine hasn't been used, but these are a few to start with. A leaky refrigerator, rust, dust, solvents, hydrogen emissions from anodes and accumulators can all produce an unhealthy atmosphere. Also, high and low temperatures within the vessel may have damaged gear, and/or caused chemicals to freeze and expand out of their safe storage containers.

Never trust your own senses to determine if the air in a confined space is safe. Many toxic gases and vapors can neither be seen nor smelled, nor can the level of oxygen present be determined.

So what is a confined space?

- Has limited openings for entry and exits.
- Unfavorable natural ventilation.
- Is not designed for continuous work occupancy.

Now let's start all over again. We're not going below until it is well vented and the atmosphere has been tested. Remember, rust also contributes to a poor atmosphere.

One compartment we all look into, but do not realize that the atmosphere there may be bad, is the chain locker. No vent, rusting chain and a sealed watertight hatch make for a very poor atmosphere. Another, is the aft lazarette. Again, no good ventilation, sealed watertight hatch and a common place to store chemicals, paints, varnishes, and cleaning fluids that have been opened.

Cont.

What now? You can look into the trade schools, maritime schools and industrial training centers or go online and take one of the OSHA accredited courses. OSHA (Occupational Safety and Health Administration), the IACS (International Association of Classification Societies) and others, have great online courses for CONFINED SPACE SAFE PRACTICE.

Online courses like 360 TRAINING, MASTERY, HAZMAT SCHOOL, MED TRAINER, E TRAINING, OSHA EDUCATION CENTER and OSHA TRAINING, just to name a few. I used my Veteran status and got a reduced rate. A few hours each night in front of the computer and then the test. I have taken both the 360 and the IACS course, and in addition got CE credits from SAMS®.

So again, we are all alone on the deck of the steel sailboat with our meters and have recently taken the Confined Entry Course. So do we enter now? NO. You are alone, and should have learned that until the atmosphere has been checked and is safe, you need to have someone outside of the space to monitor your safety. You can go online and get an up-to-date list of the many people who have died each year after entering a confined space. Always safety first!

Note: Many shipyards and some boatyards, have qualified people, with calibrated meters, who can check the vessel for you. Is this an end to your survey of old rusty boats? NO. Just do this right and yards will see that you know what you're doing, and will inform customers that you are the one they should hire.

These are just a few of the precautions. There is much more to learn. You should look into the guidelines, and all safety measures that make us better surveyors. Commercial yards always follow OSHA guidelines when working on vessels and surveyors must follow their guidelines.

Remember,
What gases are tested in a confined space?



The OSHA standard directs that, before an employee enters the space, the internal atmosphere shall be tested with a calibrated direct-reading instrument for the following conditions, in the order given: 1) oxygen content, 2) flammable gases and vapors, and 3) potential toxic air contaminants.

Contact Information: oceanreporter@comcast.net
978-502-5994



UNITED STATES COAST GUARD
U.S. Department of Homeland Security

MARINE SAFETY ALERT

Inspections and Compliance Directorate

March 10, 2022
Washington, DC

Safety Alert 01-22

LITHIUM BATTERY FIRE

On August 19, 2021, a container illegally loaded with discarded lithium batteries caught fire while enroute to the Port of Virginia. The container was being transported on a chassis from Raleigh, NC, intended for a maritime voyage to a port in China via a foreign-flagged container ship. The batteries caught fire on the highway resulting in loss of the cargo, and significant damage to the shipping container. Upon initial investigation, the responding fire department determined that the heat produced from the fire burned hot enough to create a hole through the metal container's structure. In addition, the bill of lading listed "computer parts," not lithium batteries. This is a situation that made responding to the fire more challenging and could have been potentially catastrophic had the container caught fire after being loaded aboard the container ship.

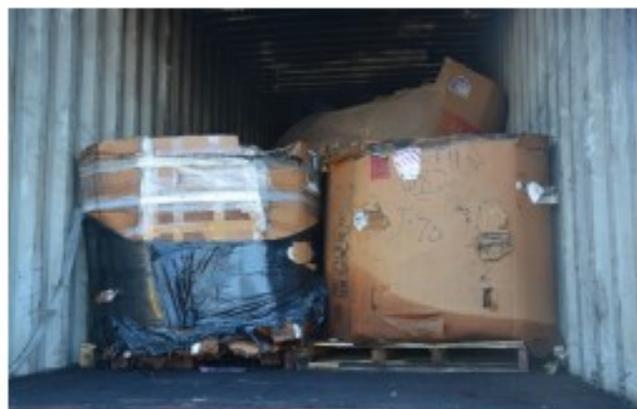


Burnt lithium batteries in fiberboard boxes.

Further investigation by the Department of Transportation (DOT) and Pipeline and Hazardous Materials Safety Administration (PHMSA) determined that the shipper failed to properly placard, label, mark and package the lithium batteries, class 9, UN 3480 and 3481, and identified the cause of fire to be residual charge/full circuit, which led to a thermal increase.

The Coast Guard seeks to increase awareness of these hazards, and **strongly recommends** units and other stakeholders:

- Disseminate this safety alert to all marine safety personnel and stakeholders within their respective port(s).
- Have awareness of the following:
 - IMDG Special provisions 376 and 377, which address additional marking requirements for lithium batteries being transported and that are damaged or defective, or being disposed of or recycled.
- Ensure damaged/defective batteries shall be packaged IAW P911 or LP 906.
- Ensure batteries for disposal or recycling adhere to P908 or LP 904.



- Ensure all packaging provisions state: cells and batteries shall be protected against short circuit. Note: Some provide additional direction such as isolating each battery and limits on package contents.
- Utilize PHMSA's Lithium Battery Guide [Lithium Battery Guide for Shippers | PHMSA \(dot.gov\)](#) and the U.S. Environmental Protection Agency's (EPA) guidance on [Used Lithium-Ion Batteries | US EPA](#)
- Have awareness of Appendix A to Subpart D of 49CFR107, which contains guidelines for civil penalties to pursue enforcement or recommend follow-on action to DOT PHMSA.



Field personnel should be on alert for these shipments and engage port stakeholders as appropriate to ensure compliance with all applicable standards and safe shipping conditions. In the event local units respond to a container fire *before* the container reaches a port or facility, the unit should contact PHMSA and/ or the Federal Motor Carriers Safety Association (FMCSA) local representatives to handle the investigation into the incident.

This safety alert is provided for informational purposes only and does not relieve any domestic or international safety, operational, or material requirements. Developed by Sector Virginia and distributed by the Office of Port and Facility Compliance. Address questions to SMB-COMDT-CGFAC@USCG.MIL, or at (202) 372-1092.



UNITED STATES COAST GUARD
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MARINE SAFETY ALERT

Inspections and Compliance Directorate

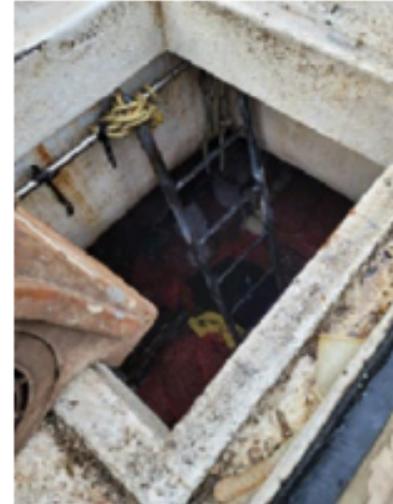
March 29, 2021
Washington, DC

Safety Alert 02-22

DANGEROUS GAS BUILDUP IN FISH HOLDS

This Safety Alert addresses the importance of verifying atmospheric conditions in fish holds on commercial fishing vessels. There are specific hazards associated with the use of brine dip solutions, a common substance used in the industry. Brine dip combined with standing water can produce dangerous levels of hydrogen sulfide (H₂S). The U.S. Coast Guard is currently investigating a marine casualty where dangerous levels of H₂S were present on a commercial fishing vessel, resulting in the hospitalization of crewmembers on board.

Four crewmembers onboard a commercial fishing vessel noticed an unusual odor coming from the fish hold while conducting shrimping operations. While under the assumption that the odor was due to a leaking refrigerant line, the crew hauled in their nets and began transiting back to port to have their system inspected by a service technician. As they were packing the last haul of catch into bags, one of the crewmembers went down into the fish hold to retrieve more bags. The crewmember subsequently fell back into the hold as he was trying to exit the space. A second crewmember failed to recognize the potential hazard and rushed into the space to provide assistance; however, he was immediately overcome by the gas and also fell into the hold. The two remaining crewmembers removed the fish hold hatch cover and attempted to rescue the two fallen crewmembers from the main deck. The Coast Guard along with the local fire department's certified confined space entry team successfully rescued the unconscious crewmembers and transported them to local hospitals where they remained in intensive care for several days.



Immediately after exposing the bilge spaces, portable gas meters alarmed due to detection of high levels of H₂S and the fish hold was evacuated. Additionally, standing water was observed in the bilge. After the crew introduced forced air ventilation and pumped the water out of the bilge, the levels of H₂S began to drop. The bilge had to be flushed four times before H₂S readings reached zero. A refrigeration technician determined the vessel's refrigerant system was operating properly.

The investigation revealed several contributing factors. The crew had disabled the high water alarms in the bilge during cleaning and never re-activated them after the previous trip. The vessel



Figure 2: Portable gas meter with levels of H₂S detected upon removal of bilge covers.

had been recently forced into port by a storm and while in port the crew offloaded the catch and locked the boat up without conducting a typical cleaning of the fish hold. After the storm passed, the vessel got underway without assessing or pumping out the bilges. The sacks of shrimp that were caught were not drained thoroughly prior to placing them in the fish hold, causing them to drip water and excess brine mixture containing Sodium-Metabisulfite into the shaft bilge space. The labeling on the brine mixture packaging clearly states, "contact with water, ice, acids or oxidizing agents will release Sulfur Dioxide (SO₂) gas".

The Coast Guard **strongly recommends** that owners, operators, crewmembers and all who work or may be employed onboard vessels that catch, package or store fish ensure that all precautions are taken while entering and working within fish holds (an OSHA defined confined space) with brine dip mixtures. Crews must ensure bilges are free of standing water as much as possible and all high water alarms are functioning as designed to ensure that hazards are reduced to the fullest extent possible.

In addition, the following **recommendations** are made to all owners and operators of commercial fishing vessels:

- Develop a checklist to ensure the vessel is ready to proceed to sea in all aspects, including bilges that are clean and free of standing water and all high water alarms are functioning properly prior to getting underway.
- Conduct routine training with all new employees regarding hazards of confined space entry into fish holds and recognition of what different odors could mean (e.g., the smell of rotten eggs followed by disappearance of the smell may indicate the presence of H₂S at a concentration level that poses an immediate threat to life).
- Consider providing safety equipment such as portable H₂S gas detectors for their vessels and use them in accordance with the manufacturer's recommended guidance.
- Keep brine out of the fish hold as much as practicable by allowing the sacks dipped in brine to drain for a sufficient amount of time before being placed into the hold.
- Monitor water accumulation in the bilges while underway and pump them down as needed.



Figure 3: Warning label on a bucket of Sodium-Metabisulfite.

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UNITED STATES COAST GUARD
U.S. Department of Homeland Security

MARINE SAFETY ALERT

Inspections and Compliance Directorate

March 29, 2022
Washington, DC

Safety Alert 03-22

VERIFY LAUNCHING APPLIANCE WINCH COMPONENT RATING

Exceeding electrical duty rating can lead to failure

This Safety Alert addresses the importance of verifying the condition and electrical duty ratings of the motor starter contactors in the winch controller for lifeboat and rescue boat launching appliances.

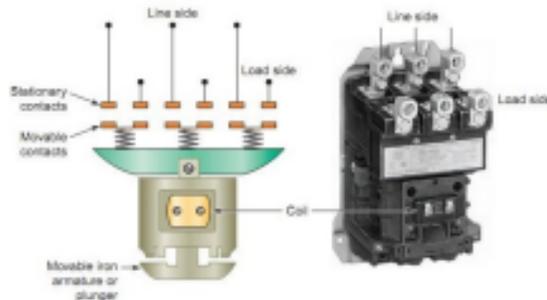


Figure 1: Typical magnetic motor contactor
(Image credit: www.industrial-electronics.com)

An offshore operator experienced a failure during routine maintenance and recovery of a rescue boat on one of their facilities where the electrical motor contactor (see Figure 1) for the winch motor failed in an energized position (i.e., motor in an “on” or “hoist” condition). This failure occurred when the contactors fused together due to exceeded duty rating (see figure 2 for an example of fused or welded contactors). Metallurgical/post-event analysis ruled out any other failures with the contactor. The hoist button, emergency stop (E-Stop) and limit switch circuits all failed to stop the winch from hoisting. The operator’s personnel were able to secure electrical

power via the 480-volt main breaker at the winch controller before the boat contacted the davit, avoiding serious damages and injury to personnel.

In this particular davit controller design, the 120-volt control circuit engages and disengages the 480-volt motor starter that powers the winch motor. The “winch up” control button, E-Stop, and the limit switch interrupts the 120-volt control power to the starter. In the described incident, all three devices interrupted the 120-volt control power, but 480-volt power continued to the winch motor due to the welded starter contacts.



Figure 2: Welded contactors
(Image courtesy of Chevron North America)

Further analysis (see figure 3) by the facility operator found that the contactors were not rated for intermittent cycling (start and stop sequences) of the winch and the contactor manufacturer had issued technical guidance on the issue of welded contacts. The operator issued an internal alert, inspected the contactors in the winch controllers on their other facilities, and found several contactors that had evidence of overheating and indications of welded and scorched contacts.

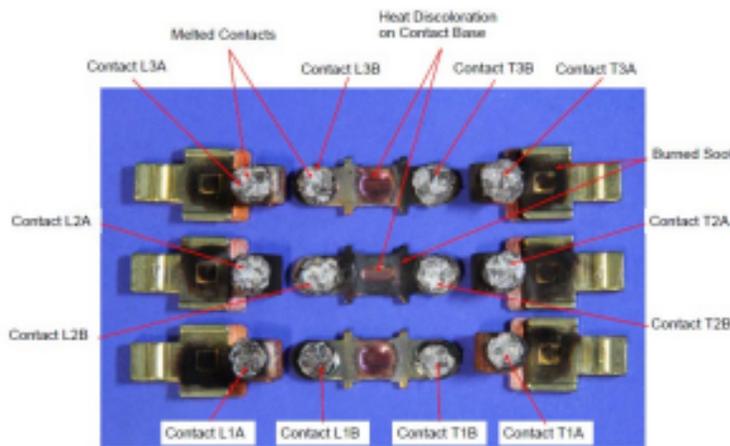


Figure 3: Disassembled contactor during forensic analysis
(Image courtesy Chevron North America)

Intermittent cycling is a common practice during recovery of a lifeboat or rescue boat into the stowed position. A winch may be cycled after the boat has cleared the water to verify release gear condition prior to continued hoisting, possibly cycled several times during long hoists to reduce pendulum motions of the boat (for vessels, mobile offshore units or facilities that do not utilize a painter line during boat recovery) and cycled at approach to davit guides/stops. While commonly

employed for a safe recovery process, intermittent cycling may exceed design and duty ratings of the electrical components.

Several launching appliance manufacturers were contacted to inquire into electrical/control component selections (duty ratings) that may not be specifically addressed by equipment type approval requirements, awareness of contactor issues (welded contactors) in their controllers and awareness of contactor manufacturer documentation related to exceeding the duty ratings. While limited information was received, component selection and design mitigations to prevent exceeding duty cycles did vary by manufacturer and, although a rare occurrence, two manufacturers were aware of incidents involving welded contactors in their davit controllers.

Therefore, the Coast Guard **strongly recommends** that owners, manufacturers, operators and service providers, do the following:

- Verify condition of winch motor contactors and replace any contactors that show signs of excessive wear, overheating, or welding;
- Verify the duty cycle ratings of lifeboat and rescue boat davit electrical components and compare those ratings to recommended and commonly-practiced boat recovery procedures/processes;
- Verify the design of the davit safety devices (i.e., E-stop and limit switches) to see if they will secure electrical power to the motor in the event of welded contacts; and
- Implement training for all personnel that operate the davits to ensure awareness related to electrical duty cycles and actions to isolate power in the event of a welded winch motor contactor.

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Shaft Seals – Considering the PSS Shaft Seal System?

By
Peter Hunt, AMS®



Can you spot four problems here? One is clearly the age cracking in the valleys of the bellows. Two is the (probable) lack of compression of the bellows and three is some rust on the vent hose (I also do not like those plastic nipples either). But the fourth problem is not clearly apparent. It is that most buyers or owners have little understanding of the operation and maintenance of these critical units. Too often, they are thought of as maintenance free. Hence, I think it important that surveyors take the time during a survey to explain to the buyer not only how these things work, but also the basic maintenance involved.

What to look for:

PYI, the makers of the PSS shaft seal recommends replacing the bellows every 6 years (8 years on the “Pro” version). This is probably overly conservative, but if a bellows fails at the 10-year mark and you did not point out that recommendation you might be sunk along with the boat. Strive to find out from the seller of the yacht how old the bellows is and make recommendation to the buyer accordingly. Obviously, if the bellows shows age cracking it needs to be replaced. While you are looking at the bellows take a small mirror and look at the bottoms of the hose clamps. Rust typically starts at the low point. Always look *all around* a hose clamp.

Bellows compression is vital to the operation of these seals and must be set according to the manufacturer specs. Often a yard (or owner) will remove the shaft to replace a cutless bearing and not properly reset the compression. If there appears to be little pressure on the rotor, then chances are the compression is too loose. If the bellows appears nearly fully compressed it is too much (you should be able to pull it back some). This should be explained to a new buyer.

Another highly critical issue is securing the rotor. While on a survey, you would not be able to discover whether it was properly installed or not, but you should explain to the buyer the proper technique to educate them. There are four set screws – two securing it to the shaft and two on top of the securing screws to lock them in. The critical thing is that the securing set screws must *never* be used a second time. A yard mechanic or owner removing the shaft or changing the location of the rotor may not know that and reuse the old set screws (seems logical). But that often will cause the rotor to slip out of position later – potentially causing a serious leak.

Cont.

In addition to properly securing the rotor, I recommend to buyers that a shaft zinc be clamped directly in front of the rotor as a safety to prevent it from slipping forward. Some people will put a hose clamp there instead of a zinc. A shaft zinc is the preferred method as it is safer than having a hose clamp head (and tail) spinning around.

The vent hose is an often-overlooked item. The hose position itself should not be putting stress on that little plastic hose barb (the newer units have metal ones now, although even they are screwed into a nylon insert). Obviously that small hose clamp needs to be in good condition (no rust, properly sized to fit – too often I see too big a clamp cranked down here). If the unit is not connected to the engine raw water system, then the other end of the hose should be *securely* fastened well above the waterline (on the centerline of the yacht). It will sink a boat if the end falls down below the waterline. If the unit does not have a vent hose, then it is imperative for the surveyor to explain to the buyer about the need to “burp” the air out of the bellows upon relaunching after a haulout.

If possible, I pull the bellows back and look at the carbon face and upon putting it back in position, note how concentric or balanced it goes back. An out of alignment bellows or rotor will wear unevenly and cause leaking. Dripless? I think not.

Shaft seals are not that dripless. At rest they *should* be dripless. If it is leaking, or shows weep evidence, then the face is probably worn, not aligned properly or the compression is off. However, they will all spit a *little* water when running. Often you will see evidence of this spitting as a line on the hull around the seal. If you see a black line emanating out from the face joint on the hull bottom, then the carbon face is probably wearing as well. While a little spitting is normal and not going to accumulate in the bilge, be on the lookout during a survey for corrosion damage to surrounding systems near the shaft seal.



Note the black sling line on the hull from this shaft seal. This unit is worn and was slinging excessive water onto the fuel filter which was mounted just up to the left in the photo, causing corrosion on the fuel hose clamps and fittings.

Unfortunately, many people think of these shaft seals as “maintenance free!” They are certainly not. In fact, they require more attention and inspection than traditional packing seals to be safe. Surveyors should be looking close at these critical fittings, but also educate the buyer about them.



Expert Analysis

A Ship Arrest Is No Pleasure Cruise

After a TKO in the early rounds of the pandemic, many luxury cruise lines are making a comeback. Except one. Crystal Cruises may be down for the count, but was it the pandemic that dealt the final blow?

No doubt that the cruise shipping sector suffered greatly in the wake of the COVID-19 pandemic and its devastating impact on passenger operations. But when operations re-commenced, Crystal Cruises was dealt a fatal blow when two of their ships had run up millions of dollars in unpaid fuel bills. Such debt under maritime law triggers a maritime lien which triggers an arrest of the ship, often spelling the end for that ship.

Under maritime law, torts and breaches of maritime contracts involving the operation of a vessel gives rise to a maritime lien. A maritime lien may be enforced

By
James E.
Mercante



by an action in rem against the vessel. It may seem unusual to all but maritime lawyers and federal judges, but an in rem action can result in a warrant for the United States Marshall to arrest a vessel. Once under arrest, the ship will be “handcuffed”, so to speak, and unable to make any further voyage without the arrest being lifted.

By statute, a person providing necessaries to a vessel on the order of the owner or a person authorized by the owner (i.e., Captain) has a maritime lien on the vessel and may bring a civil action in rem to enforce the lien. 46 U.S.C.A. §31342. The provision of fuel to a vessel is a “necessary” that affords a maritime lien for non-payment. Crystal Cruises and the passengers aboard the Crystal

SYMPHONY recently found this out the hard way.

A supplier provided marine fuel to the Crystal SYMPHONY in the port of Miami pursuant to contract. The bills piled up and remained unpaid. A complaint in rem was filed in the Southern District of Florida in late January 2022 against the ship and the otherwise highly regarded cruise line seeking over \$4 million in unpaid fuel bills supplied to the MV SYMPHONY and the MV SERENITY. *Peninsula Petroleum Far East PTE, Ltd. v. MV CRYSTAL SYMPHONY, in rem, et al.* (U.S.D. Ct., S.D. Fla.) 1:22 cv 20230 (1/19/2022). The MV SYMPHONY was to be arrested by U.S. Marshals on arrival in the port of Miami. In a vessel arrest, a U.S. Marshal boards the vessel and takes charge of it pending further orders of the federal court.

The ship caught wind of its fate. In a bold maneuver and to avoid facing the music, SYMPHONY pivoted like an Olympic ice dancer, and skated for the hills of Bimini in the Bahamas. Over 300 passengers were surprised to learn they

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were right when they thought they were going the wrong way! The passengers were then to be taken by ferry back to South Florida. Thus, the long arm of the law in a cruise ship arrest can reach well beyond the ship itself as not only onboard passengers are impacted but also passengers that have bookings in the near future aboard such vessel.

Crystal Cruises has since suspended operations as arrest warrants were also issued in the Bahamas. Crystal Cruises' parent company thereafter reportedly filed for liquidation in Bermuda. This is similar to a U.S. law Chapter 11 bankruptcy filing.

An in rem action against a vessel is "distinctively an admiralty proceeding" in which federal courts have exclusive jurisdiction. *In re Millennium Seacarriers*, 419 F.3d 83 (2d Cir. 2005) (Sotomayor, J). In such proceeding, governed by the Federal Rules of Civil Procedure, Supplemental Admiralty Rule C (In Rem Actions), the vessel itself is treated as the defendant and subject to the court's "coercive power". *The Moses Taylor*, 71 U.S. 411, 427 (1866). Indeed, the vessel must be arrested in the district before the action may proceed. *Leopard Marine & Trading, Ltd. v. Easy Street Ltd.*, 896 F.3d 174, 182 (2d Cir. 2018). Supplemental Admiralty Rule C provides an action in rem may be

brought "to enforce any maritime lien." While somewhat of a drastic remedy, a ship arrest is often threatened or achieved for two primary reasons: (1) in order to secure federal jurisdiction over the vessel owner (who may otherwise be outside the grips of the court); and (2) to obtain financial security for the claims.

Of course, cruise ships are only one type of vessel that can be subject to arrest by virtue of a maritime lien, breach of a maritime contract, or a maritime tort such as personal injury and a seaman's claim for unpaid wages. This includes cargo ships, barges, tugboats and even pleasure yachts. A ship arrest, while arguably too easy to achieve under the Federal Rules, on the other hand, can not only be costly but risky, as damages for a wrongful arrest can be significant. A ship needs to move and trade to earn income. Thus, a commercial ship under arrest can spiral into further debt. As a result, most often, a vessel's marine insurer or Protection & Indemnity Club will post security to the claimant for its alleged claims in order to secure the release of the ship from arrest. Such security is known as a "Letter of Undertaking" (LOU) in which the insurer undertakes to pay the proven claims in consideration of claimant releasing the arrest. In an LOU, the shipowner

will typically consent to the jurisdiction of the federal court while at the same time, preserving any and all defenses it may have against the claims asserted. Similarly, Admiralty Rule E contains the procedure for "Release from Arrest or Attachment." Rule E(4) (f). This includes an entitlement to a prompt hearing and release upon the posting of security approved by the court or by stipulation of the parties. Rule E(5).

It is sad to see a reputable cruise line under water. But with a foreign flagged ship and a foreign owner, for example, the admiralty arrest procedure provides a substantial hammer for a supplier of necessities that remain unpaid. Without such remedy, the skate would be on the other foot and the supplier would come crashing down.

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IMPORTANT MEMBER INFORMATION



2022 SAMS[®] International Meeting & Educational Conference (IMEC) Oct. 5th To Oct. 8th St. Louis, MO

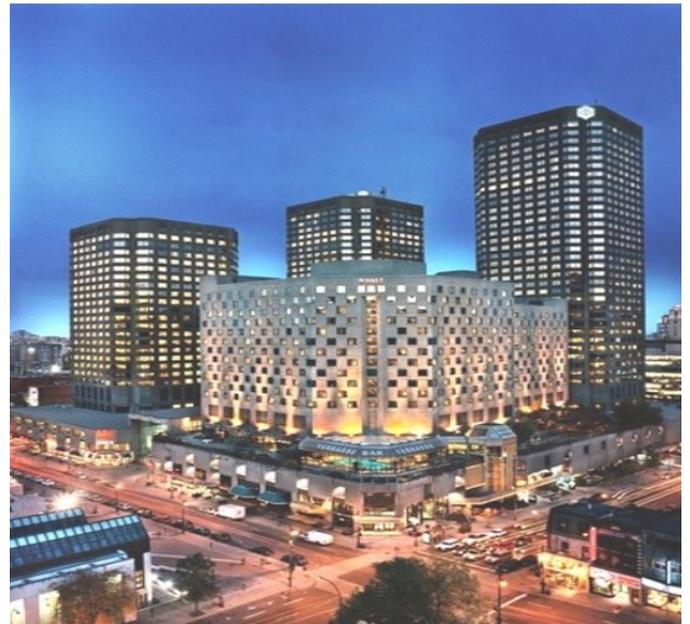
CE Credits:

Don't forget to check the website under "Education" for ideas to obtain CE's.

Upcoming IMEC'S



[St. Louis, MO 2022](#)



[Montreal, QB, Canada 2023](#)



New Orleans 2024



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DECEMBER 2021 - MARCH 2022

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&
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October 5th - October 8th

[Hyatt Regency St. Louis at the Arch](#)

315 Chestnut St., St. Louis, MO 63102

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Group/Convention Code: G-SAMS

Online Reservations:

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Room Rates: \$169.00 US per night plus taxes and fees.

DEADLINE FOR RESERVED ROOM RATES: **September 5, 2022**