

MARINE ENGINEERS' BENEFICIAL ASSOCIATION (AFL-CIO)



"On Watch in Peace and War since 1875"
M.E.B.A. TELEX TIMES
The Official Union Newsletter – "The Word to the Wise"
Number 39 – September 29, 2022



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FACTS BE DAMNED! ANTI-JONES MINIONS SCREECHING AGAIN AS PUERTO RICO RECOVERS FROM ANOTHER HURRICANE

To the delight of foreign interests and opponents of U.S.-flag shipping, the tiresome chorus of Jones Act haters is croaking again following Hurricane Fiona's assault on Puerto Rico. Fiona made landfall on September 18th in southwest Puerto Rico as a Category 1 hurricane causing widespread flooding and blackouts, resulting in at least 16 deaths. But listening to the braying of anti-Jones Act hustlers, one might get the idea that the Merchant Marine Act of 1920 is to blame for the damage done.

In an anti-Jones Act stunt, the Marshall Islands-flagged BP ship GH PARKS, laden with diesel fuel from Texas, spent days lingering off the Puerto Rico coast while the owners opened up a late-hour Jones Act waiver request. Never mind that fuel and essential items are being systematically shepherded into Puerto Rican ports by a series of Jones Act ships along with plenty of fuel and cargo emanating from foreign ports.

As members know, the Jones Act requires that vessels used to transport cargo and passengers between U.S. ports must be owned by U.S. citizens, built in U.S. shipyards, and manned by U.S. citizen crews. The Department of Homeland Security (DHS) can grant a waiver when it is in the interest of national defense. In 2020, Congress eliminated the Federal Government's authority to issue long-term comprehensive waivers, except in circumstances where a waiver is required to "address an immediate adverse effect on military operations." Under the law, waivers that do not meet that standard must be reviewed on a case-by-case basis.

Earlier this week, a handful of lawmakers wrote to DHS Secretary Alejandro Mayorkas urging him to grant a one-year comprehensive Jones Act waiver to aid in Puerto Rico's post-storm reconstruction.

The industry has no objections to a limited waiver of the Jones Act in time of need if U.S.-flag bottoms are not available. But Puerto Rico Ports Authority Director Jose Piza told a reporter on Tuesday that the Jones Act was not a hindrance in the island's recovery from Fiona.

However, the CATO Institute and other entities that are bent on opening up U.S. coastwise trade to foreign entities embraced BP's GH PARKS gambit and blamed the Jones Act for denying desperate islanders lifesaving essentials. They leaned on the same playbook they used in 2017 following

Hurricane Maria's devastation of Puerto Rico. Back then, CATO and others misled the public into believing the Jones Act stymied U.S. relief aid to the island even though *there was an overabundance of delivered American relief supplies* waiting at Puerto Rican seaports that could not be dispersed on island land routes because of damaged infrastructure.

But many are susceptible to the misinformation and half-truths these groups foment and their malarkey is echoed in assorted opinion pieces and half-assed news reporting. And now, predictably some Americans hearing about the Jones Act for the first time from rhetoric-shouting carnival barkers that play fast and loose with the truth, are outraged. It is crucial for members, applicants and retirees to continue to help emphasize the importance of the Jones Act to their Congressional delegations and refute those people who have been bamboozled into supporting the arguments of foreign interests.

It became obvious that the GH PARKS was diverted from its regular run to set up a pre-meditated showdown with the Merchant Marine Act of 1920 while some reporters and others opportunistically obscured the truth with their fabricated diesel fuel crisis in order to stoke anti-Jones Act sentiment. BP didn't even request the Jones Act waiver until the vessel was four days underway, a move that is nearly unprecedented.

In a Monday letter to President Biden, M.E.B.A. along with seafaring labor unions expressed its opposition to calls for "pointless" Jones Act waivers stating, "As is often the case during hurricane season, the relentless opponents of the Jones Act are using Hurricane Fiona as an excuse to attempt to obtain a waiver when no waivers are necessary. This is unfortunate, but something we in maritime labor have come to expect. Despite the incalculable damage that ending the Jones Act would have on American national, domestic, and economic security, these misguided proposals continue to be made, and we will continue to argue against them. Maritime labor has never opposed a waiver of the Jones Act to meet a legitimate, practical, and temporary need, and we will never support an unnecessary one."

Ku'uhaku Park, President of the Jones Act coalition American Maritime Partnership, said this week that "while American maritime has been delivering consistently, and offloading fuel even as this statement is made, foreign carriers are actively looking to profit from this disaster at the expense of the Puerto Rican people; it is bad precedent, it undermines U.S. law, and puts foreign shippers ahead of Americans."

Puerto Rico's resident commissioner Jenniffer González Colón noted that "the vast majority of the fuel that Puerto Rico consumes comes from outside the United States, which is why it is transported on foreign-flagged ships from foreign ports. Therefore, the Jones Act does not apply and a waiver would not change the way fuel is transported at all. She pointed out that Puerto Rico has no diesel crisis, and that "there is an adequate supply of fuel on the Island" though supplemental supplies continue to be welcomed.

Late on Wednesday, the DHS granted a "temporary and targeted" waiver so the GH PARKS could bring its cargo into Puerto Rico and further bulk up the diesel supply. In response to this news, M.E.B.A. weighed in with White House officials expressing its profound disappointment with the Biden Administration's decision to grant a waiver that ultimately rewards BP for its gimmick that will set ongoing precedents to leverage devastating natural disasters to weaken domestic cabotage requirements in lieu of tangible relief aid.

Ku'uhaku Park subsequently noted that granting the waiver “rewards calculated and predatory behavior that undermines a dedicated American supply chain for Puerto Rico, and it is a harmful precedent that invites similar cynical stunts by foreign oil traders. This was a public rush to judgment fueled by hearsay and it weakens the nation and hurts American workers and the Administration should never repeat it.”

The preservation of the Jones Act and other statutes and programs that help maintain the U.S.-flag fleet has been the focus of M.E.B.A.'s Political Action Fund. Without it and other programs such as the Maritime Security Program and cargo preference, qualified American mariners will disappear and the carriage of critical national-interest cargo will be forfeited to foreign mariners and overseas interests.

OSG CEO CRITICIZES SCURRILOUS JONES ACT WAIVERS

In a LinkedIn post this week, Sam Norton, President and CEO of M.E.B.A.-contracted Overseas Shipholding Group, issued a defense of the Jones Act and noted that most waivers from the statute “should in almost all cases be resisted.” He wrote:

“Like swallows arriving in the spring, a chorus for Jones Act waivers can reliably be anticipated to accompany the annual parade of hurricanes across the geographical region covered by the Act. The logic: emergency situations dictate maximum emergency relief, and the Jones Act is perceived to be an obstacle to providing that relief. That perception is wrong.”

“A review of hurricane induced disaster situations over recent years reveals that maritime supply chains into affected ports are rarely a problem. Rather, distribution networks downstream of gateway ports are the principal bottleneck to widespread and effective relief supply. While not the result of a hurricane emergency, the recent logjam of containerships off the port of Long Beach provides a perfect visual image of this problem. Under the right circumstances, ships can be quickly diverted to meet demand. But unless the port and its downstream distribution networks are sufficiently sized and operating at capacity to receive a surge of product arriving, the relief being sought will idle offshore, out of reach of those who need it most.”

“Jones Act waivers should in almost all cases be resisted. Waivers rarely provide either economic benefit or enhanced emergency response to victims in need. More often than not, waiver requests are a form of disaster arbitrage - that is opportunistic traders looking to game the system to avail themselves of outsized profits by obtaining exemptions from rules upon which the regular transportation ecosystem is built. Generally little understood is that vessels operating under the Jones Act are usually a better source of reliable relief than are foreign flag vessels. Granting even occasional waivers perniciously undermines the stability of these regular supply chains. Doing so in a manner that offers no relief and, instead, enriches parties with no stake in the long-term consequence of their actions is simply bad policy.”

M.E.B.A. AT KEEL-LAYING CEREMONY FOR NEW MASS MARITIME SCHOOL SHIP

M.E.B.A. took part in the keel-laying ceremony for the future Massachusetts Maritime Academy training vessel currently being constructed at Philly Shipyard in Philadelphia, PA. The yard is building five National Security Multi-Mission Vessels (NSMVs) that will replace aging training ships at maritime academies across the country. The vessels are being built to provide world-class training

for future mariners and will be able to support humanitarian assistance and disaster relief missions in times of need. M.E.B.A. President Adam Vokac was on hand for the ceremony which was also attended by Maritime Administrator Rear Admiral Ann Phillips and Massachusetts Maritime President Rear Admiral Francis X. McDonald, among others.

Last week, NSMV 1 – the EMPIRE STATE, destined for SUNY upon completion, was launched. The ceremony today was for NSMV 2 – the PATRIOT STATE II, which will replace the 54+-year old TS KENNEDY upon delivery, sometime in 2024. Also at the shipyard were several M.E.B.A. members who test ship systems on newbuilds for Philly Shipyard through M.E.B.A.’s contract with American Crewing Services, LLC. They include Steve Oldak, Manolo Caba-Martinez, Chance Parent as well as applicant Carl Nielsen, who is about to join them on the job.

MARAD BREAKDOWN OF APRIL BREAKOUT EXERCISE; CONCERN OVER SHIP MANNING FOR EXTENDED ACTION

The Maritime Administration issued its final report on Breakout 2022 – an eight-day tabletop Government fleet activation involving a virtual breakout of 49 surge sealift vessels. M.E.B.A. and the other maritime unions took part in the annual Command Post Exercise that ran from April 13-20, 2022. M.E.B.A. satisfied our exercise obligations during the exercise by (virtually) filling engine and deck jobs for 19 vessels. The M.E.B.A.-crewed MarAd (RRF) vessels that were part of the activation included those managed by Patriot Contract Services, Matson Navigation and Keystone Shipping. The exercise was carried out on paper – mariners were not actually required to report to the vessels. The paper breakout allows the Government to test whether the industry’s workforce is capable of supporting a full-scale activation of organic surge sealift vessels.

In its report, MarAd noted the exercise was a success based on its goal of reinforcing the communication between ship managers and maritime unions and the response that resulted in filling the virtual billets for the vessels involved in the exercise. The report noted that “the rapid and engaged responses from the maritime unions and the ship managers/operating companies validates the MarAd communications process during a surge sealift activation.”

However, the exercise only tests an initial full-scale breakout and worrying questions and concerns remain that sealift operations would face serious crewing challenges for sustained operations. The report notes that “...the conclusion that there existed enough qualified mariners to meet the demand signal at activation, likely will not reflect real-world dynamics of a very tight labor pool and ongoing crewing challenges even when only a few ships activate for missions or test activations.” This echoes concerns that MarAd and U.S. Transportation Command officials have repeatedly stressed to Congress and others – that resupply efforts following the initial surge will be problematic without further expansion in the amount of suitable U.S.-flag ships and the requisite workforce to adequately sustain such operations.

TTD PRESIDENT PRAISES U.S.-FLAG SHIPPING ON PODCAST

Transportation Trades Department (AFL-CIO) President Greg Regan joined the America’s Work Force “Union Podcast” this week discussing the importance of U.S.-flag ships and their vital importance to national security. He also talked about the significance of cargo preference regulations and, earlier in the podcast, gave an update on the tentative collective bargaining agreement reached between the railroads and rail workers’ unions. M.E.B.A. is a founding member of the TTD which represents 37 unions in the maritime, aviation, rail, transit, trucking, highway, longshore, and related industries.

You can listen to the Podcast episode at <https://tinyurl.com/usships> Greg is the second guest on the show after Sheet Metal Workers President Joe Demark, Jr. He joins the podcast at minute 44 and starts talking maritime just before minute 48.

UNION-MADE OKTOBERFEST

It's officially fall and that means Oktoberfest is here! It's a time for great beer, great food, and great company. Here's a list a list of drinks and snacks to help celebrate while supporting good union jobs. Happy Oktoberfest! - **Seasonal Biers** - Dundee Oktoberfest (IBT); Goose Island Oktoberfest (IBT); Leinenkugel's Oktoberfest (UAW, IUOE, IBT); Mad River Brewer's Secret (IAM); Mendocino Brewing Engine 45 Pumpkin Ale (IBT); Samuel Adams Octoberfest (IBT, IUOE, SEIU); Schell's Oktoberfest (USW); Shock Top Pumpkin Wheat (IAM, IUOE, IBT); Shock Top Twister Pretzel Wheat (IAM, IUOE, IBT); Stegmaier Pumpkin Ale (IUOE); Stegmaier Oktoberfest (IUOE). **Bratwurst** - Boar's Head (UFCW, IBT); Koegel's (IBT); Wenzel's (IBT). **Sauerkraut** - Thumann's (UFCW); Claussen (UFCW); Vasic (IBT). **Pretzels** - Rold Gold (BCTGM, IBT); Snyder of Berlin (UFCW, IBT). **Mustard** - French's (IBT); Gulden's (UFCW); Heinz (IBT, UFCW); Thumann's (UFCW).

OPENINGS FOR CMES RT-FLEX BASIC TRAINING COURSE

The Calhoon M.E.B.A. Engineering School (CMES) has openings for its Wartsila RT-Flex Basic Training class scheduled to take place from November 14–16. This is a three-day class that will be held Monday to Wednesday. Topics covered will be: Introduction to 2-Stroke Flex Engines; Engine components; Engine basics: Fuel rail system, Servo oil, Control oil; Flex view program; and Basic principle WECS (Wartsila Engine Control System). Applications may be sent via the CMES website (mebaschool.org), faxed to (410) 822-7220, or emailed to applications@mebaschool.org

M.E.B.A. HQ ONLINE MEETING ON WEDNESDAY – SIGN UP NOW

The monthly town-hall style M.E.B.A. Headquarters informational meeting will be held online – with no voting and no resolutions introduced - on Wednesday, October 5 at 1300 (Eastern Time). This is not an actual membership meeting, but it is an excellent opportunity for Members, Applicants and Retirees to discuss M.E.B.A. business, exchange information and learn more about the latest Union initiatives. Members, applicants and retirees need to register in advance for this meeting to mebahq@mebaunion.org When registering for the Online HQ Informational Meeting, provide your full name and proof of good standing - such as your last dues receipt/service charge number or statement that you are enrolled in Dues Check-Off (DCO) with a particular bargaining unit. Retirees should provide their full name and indicate their retired status. Upon confirmation of your status, the Zoom access link will be emailed to you shortly before the meeting.

NEXT MONTHLY MEMBERSHIP MEETINGS *(All times are local)*

Monday, October 3 – Boston@1200; Seattle (Fife)@1300.

Tuesday, October 4 – CMES@1430; Charleston@1400; Houston@1315; Oakland@1230.

Wednesday, October 5 – Jacksonville@1300; New Orleans@1315; Online HQ “Town Hall” Meeting@1300 (No Voting) – Register by emailing mebahq@mebaunion.org

Thurs. October 6 – L.A. (San Pedro)@1230; NY/NJ@1300; Norfolk@1300; Tampa@1300.

Friday, October 7 – Honolulu@1100.

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