

April, 1935

**THE MARITIME LAW ASSOCIATION  
OF THE UNITED STATES**

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*REPORT OF COMMITTEE APPOINTED TO CONSIDER  
LEGISLATION RELATING TO SAFETY AT SEA*

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TO THE MARITIME LAW ASSOCIATION :

On February 14 last the undersigned were appointed a Committee to consider the legislation relating to safety at sea. The Committee first considered the Association's Document No. 198 setting forth proposed legislation, and thereafter obtained copies of the bills that had been introduced in Congress by the Bureau of Navigation and Steamboat Inspection Service, and other bills that were available.

The Committee has the following comments and recommendations to make respecting the several bills :

*H. R. 5705* (Second Bill, Document No. 198) :

This bill relates to fishing vessels and has no bearing on matters of safety. It is apparently directed to the prevention of smuggling. The Committee makes no recommendation.

*H. R. 6035* (Fifth bill, Document No. 198) :

This bill has apparently been superseded by H. R. 6425. The latter bill provides for a technical staff to examine plans and specifications of the construction or material alteration of the hulls of passenger vessels of over 100 gross tons and prohibits the granting of a certificate of inspection by the local inspectors unless the plans and specifications for such work shall have been submitted to and approved by the director of the technical staff before the construction or alteration of the vessel. The substitute bill provides that approved plans and certificates of the American

Bureau of Shipping may be accepted as evidence of structural efficiency of the hull with certain limitations.

The Committee feels that before making any recommendation with respect to this bill they should confer with the National Council of American Shipbuilders and obtain their views respecting the desirability of the legislation from a practical standpoint. The Committee has not as yet had an opportunity of doing this.

*H. R. 6036* (Seventh bill, Document No. 198):

This bill provides for the establishment of a load line for merchant vessels of 150 gross tons or over, loading at or proceeding to sea from any port within the United States or its possessions for a coastwise voyage by sea. One member of the Committee expresses the view that the bill may apply to foreign vessels although its title states it is to establish load lines "for American vessels in the coastwise trade." The Committee feels that while it is desirable to extend the load line requirements (which now apply to foreign trade only) to the coastwise and intercoastal trades, this could be better accomplished by extending the present law to the coastwise and intercoastal trade and thus avoid any question of the applicability of the Act to foreign vessels. The bill in its present form should therefore be opposed.

*H. R. 6037* (Bill No. 9, Document No. 198):

This bill extends the inspection laws to small craft, including yachts propelled by steam, and provides that no such vessel shall be navigated without a licensed engineer and a licensed pilot. It further provides that all towing vessels and all vessels above fifteen gross tons, propelled by machinery (other than steam vessels), carrying freight or passengers for hire, shall be subject to all the laws relating to steam vessels. A majority of the Committee approves the bill. One member objects to the inclusion of yachts and small craft.

*H. R. 6038* (First Bill, Document No. 198):

This bill changes the name of the Bureau of Navigation and Steamboat Inspection to Bureau of Marine Inspection and Navigation. No recommendation.

*H. R. 6039* (Thirteenth bill, Document No. 198) :

This bill requires that seamen be provided with a continuous discharge book. The Committee is informed that the Seamen's Union is opposed to the bill and that ship operators favor it. In the opinion of the Committee the bill should be approved.

*H. R. 6040* (Twelfth bill, Document No. 198) :

This bill provides that every person shall be rated an able seaman who is nineteen years of age and has had three years' service on deck at sea, and that upon examination a person found competent may be rated as able seaman after having served on deck twelve months at sea. The Committee believes that no one should be rated an able seaman unless he passes an examination to show that he is competent to act as such.

The bill further provides that graduates of school ships may be rated able seamen after twelve months' service at sea. Under the present law graduates of school ships are allowed to take an examination as third officer upon graduation from the school ship. The Committee believes that the present law should be retained and that the present bill is objectionable in so far as it requires additional service on the part of school ship graduates.

The Committee believes that there should be some provision for the revocation or suspension of the certificate upon proof of incompetency or misconduct.

*H. R. 6041* (Eighth bill, Document No. 198) :

This bill provides that the deck department shall be divided into three watches instead of two as at the present, and reduces the day's work in port from nine hours to eight hours. The effect of this bill will be to add greatly to the expense of operating American vessels, since it would require an increase of 50% in the deck force. The Committee is of opinion that the bill should not be enacted until the necessity of such large increase in the crew has been shown, and until it has been shown that such increase in operating expenses will not be detrimental to the American merchant marine. If it is deemed desirable to have an increase in the crew so as to provide for more efficient lookout and for more assistance to the watch officer, the Committee believes that

this can be accomplished by a small increase in the number of the deck force without providing for dividing the crew into three watches. In the opinion of the Committee a division of the deck force into three watches would not add materially to the safety of life at sea, whereas an increase in the number of men available in each watch might in some circumstances do so. The Committee desires to confer with shipowners and to obtain more information before recommending any substitute bill. As the bill stands now the Committee is of opinion that its enactment should be opposed.

*H. R. 6042* (Third bill, Document No. 198) :

This bill provides for not exceeding ten traveling inspectors in addition to the present local inspectors, and further provides that the district supervising inspector, together with two traveling inspectors, shall constitute a board to investigate acts of incompetency or misconduct committed by any licensed officer. The majority of the Committee are of opinion that the bill is a step in the proper direction. One member of the Committee is definitely opposed to the bill because apparently it will not add to the efficiency of the service and will simply provide that many more jobs to be filled.

The Committee is agreed that the bill in its present form is defective in failing to designate whether the inspectors shall be experienced deck or engineer officers. A further objection is that the inspectors shall be appointed without regard to civil service laws and regulations.

The Committee is in agreement that the bill in its present form should not be approved and that the matter should be further studied before legislation is enacted.

*H. R. 6043* (Sixth bill, Document No. 198) :

This bill provides for the inspection of vessels, regardless of size or rig, engaged in the transportation of inflammable, explosive or like dangerous cargo, and prohibits vessels carrying such cargoes until the local inspectors have determined that the vessel can do so with safety. The purpose of this bill is to prohibit small craft carrying explosives or inflammable cargo in a harbor

unless the local inspectors shall have approved such vessels. At the present time such small craft are not subject to inspection. The Committee approves the bill.

*H. R. 6044* (Eleventh bill, Document No. 198) :

This bill is intended to improve living accommodations on vessels of less than 100 tons register. It does not concern safety of life at sea. No recommendations.

*H. R. 6045* (Fourth bill, Document No. 198) :

This bill provides for the licensing without examination of pursers, radio operators, chief and assistant stewards, and further provides for the trial of such officers for any act of incompetency, negligence, misconduct or breach of discipline. If the person so charged is found guilty, his certificate may be suspended or revoked. The Committee considers the bill is a step in the right direction and therefore should be approved in principle.

The persons mentioned are considered by the passengers to be officers of the ship and to have control to a certain extent over the passengers. Such officers should be trained to act in an emergency and to assist in saving life in time of disaster. They should be qualified by experience and training to perform duties in case of fire, collision or other emergency. It would be unfair to the present personnel to require such persons to pass an examination, but the Committee believes that such examinations should be required in the future, say two years from the enactment of the bill, and that thereafter no such person should be licensed until he shows by examination that he has knowledge of what duties he should perform in time of emergency or disaster.

*H. R. 6202* :

This bill fixes the minimum number of licensed deck and engineer officers for various types of vessels subject to the inspection laws. The bill provides that every such vessel shall have one duly licensed master and one duly licensed engineer. Vessels of 1,000 gross tons and over shall have three licensed mates and three licensed assistant engineers. Every vessel of 200 gross tons and less than 1,000 gross tons when in service for a longer period than sixteen hours in any twenty-four-hour

period shall have two licensed mates and two licensed assistant engineers. The Committee objects to the bill in so far as it may relate to small craft, yachts and fishing vessels. These objections could be met by exempting from the operation of the bill such types of vessels. One member, in addition, is opposed to the bill in its entirety.

*H. R. 6203:*

This bill provides that the laws covering the inspection of steam vessels shall apply to all vessels of fifteen gross tons and over propelled in whole or in part by internal combustion engines. The bill in part covers the same subject-matter as H. R. 6037. The majority of the Committee approves the bill. The other member approves the bill in so far as it may be limited to inspection of hull, machinery, etc., and does not involve the operators or navigators of yachts, fishing vessels and other small craft.

Of the thirteen bills set forth in Document No. 198 all but the tenth bill are included in the foregoing bills. That proposed bill has not yet been introduced.

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The Committee feels that while a large part of the proposed legislation should be approved by the Association, the bills do not deal with the fundamental questions involved in safety of life at sea.

So far as the crew of the ship is concerned, the recent disasters have shown that it is essential to improve the training and discipline of the officers and crew. The Committee is strongly of opinion that legislation should be enacted to insure the following:

1. A greater degree of permanence in the personnel of vessels carrying passengers.
2. A more thorough training of the crew in meeting emergencies at sea, such as fire, collision, stranding, etc.
3. The holding of more frequent and more thorough emergency drills, particularly fire drills and abandon ship drills. At present, owing to the quick turn around of many passenger vessels and to other facts, these drills are frequently only perfunctory and are of no value in training the crew to act in an emergency.

4. The establishment of an efficient fire patrol on board ship so that the presence of fire will be promptly detected.

In order to obtain the greatest degree of safety of lives aboard ship, it is essential that the vessel have an adequate crew thoroughly familiar with their duties, trained by frequent drills to act instinctively in an emergency, and that the crew be properly disciplined.

The investigations of marine disasters in the past score of years demonstrates that a considerable loss of life, both of passengers and crew, was due to a lack of a trained and disciplined ship's company. The subject matter requires careful study, analysis of marine disasters, and consultation with practical experts with a view to determine the best methods of accomplishing the desired result.

Safety at sea depends not only on the personnel factor but also on the material factor. What should be done to obtain the safest and most seaworthy type of construction are questions for the marine architect. The Committee feels that this should not be the subject of rigid and inelastic legislation but should be left to regulation by some competent body of experts empowered by law to promulgate regulations so that advantage may be taken from time to time of improvements in the design and construction of ships.

The law may well provide for minimum requirements in the construction of vessels, but the statute should be so framed that it is clear that these are only minimum requirements and that if the regulations are more stringent the regulations must be complied with.

The Committee has not had sufficient time to give proper consideration to the International Convention for Safety of Life at Sea and is not prepared to submit a detailed report respecting the Convention.

All of which is respectfully submitted.

Dated, New York, April 17, 1935.

EARLE FARWELL,

Chairman.

ALBERT T. GOULD.

BRADEN VANDEVENTER.