



SUMMER 2020

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SUMMER IS HERE



**EVERYONE
BE
SAFE!**



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Stuart J. McLea, AMS®
SAMS® Newsletter Editor

Good Day to you all from Hot & Humid Maritime Canada and the Maritime Bubble

Here in the Maritimes, claims are down given the COVID situation. About 25 % of the boats in eastern Canada will not be launched, as owners have decided to stay home and isolate. I have been doing more C&V surveys than usual and fewer claims. Wearing a mask and social distancing is a fact of life here right now. Funny, I did a claim a few weeks back where four of us, insured, myself and two repair techs all stood in a circle. We sorted out the claim and passed estimates back and forth. Interesting way to work.

E&O Insurance

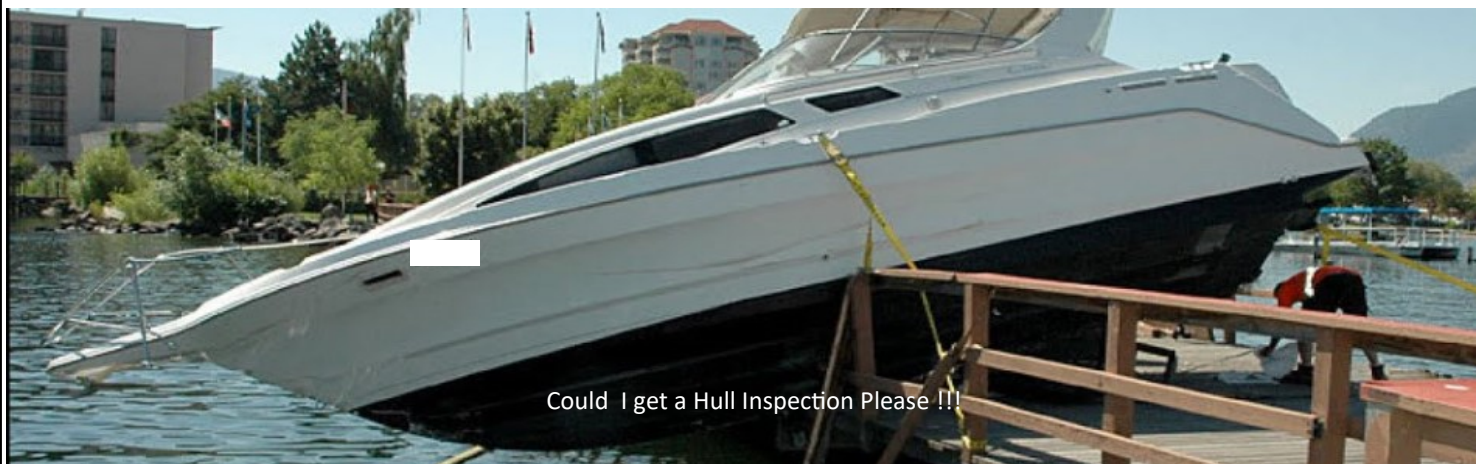
We have had a few claims but the word is out on the street that SAMS® members have insurance. I have seen some claims made as a result of this situation, and it does not take the “Club” long to sort this situation out. One thing that I have seen over the last year in members’ reports is details. Remember you should write what you do and write what you did not do, and explain why. Example being an item or component was not accessible. You the surveyor is given a vessel that every storage locker is locked or obstructed, and you cannot examine what is behind the locked door. Write that this was not examined, and why you could not examine it! My mentor always said “write what you did and write what you didn’t do”.

CE Credits

A number of you are taking advantage of the ABYC Webinars, a great way to spend an hour on Thursdays at noon. Remember to send your CE’s in to SAMS® HQ, I have seen our members get into trouble because they did not track and report their CE’s to SAMS® HQ. It is easy, and only takes a few minutes of your time and worth every minute. I am glad to hear that our Secretary / Treasurer Kristoffer Diel, AMS® has recovered from a bout with COVID-19. When we get back to normal and the border is open again I plan to go and see him and eat dessert first.

Stay safe, social distance, wear a mask and wash your hands often.
We will all see each other soon!

Cheers!



Could I get a Hull Inspection Please !!!



**Bill Trenkle, AMS®
SAMS® President**

First of all, hopefully you are all healthy and your families are healthy. It has been a strange few months and I am sure everyone of you knows someone who lost a friend or loved one to the COVID -19 virus. I know during our recent "virtual" board meeting everyone said they were working but taking serious measures to ensure their safety. I know these measures are a burden but better safe than sorry.

For some good news, I was finally able to make arrangements with the Boats Group, owners of the soldboats.com service, to implement a group discount for SAMS® members. If we can get 700 or more members signed up, the rate drops to \$399.00. Every surveyor should be using Soldboats for their appraisals, so I am hoping we can reach that. If we do not, the next level of discount is 600 to 699 members, that price will be \$499.00. Less than 600 no discount.

The subscription to soldboats.com will also come with a listing in the Yacht World Surveyors listings a \$49.00 a year value. SAMS® will also get \$45,000 worth of banner ads if we reach the 700 mark, this benefits us all as Yacht World banner ads are valuable advertising.

The sign-up process is that you will receive an application from SAMS® via a mail chimp email blast to all members, you will fill out your contact information and agree to pay either \$399 or \$499. The final amount will be dependent on how many members sign up by August 15, 2020. You must sign the form digitally, or sign and scan the form, then email it back to the SAMS® office. Once we get the final count, the office will send you an email requesting the appropriate amount. You will have to mail a check to SAMS® immediately, to be received by the office no later than September 1, 2020. If you have a Soldboats subscription already, they will credit you what you have paid, on a pro rated basis, and SAMS® will request only what additional amount more you will have to contribute. The initial subscription period will be September 1, 2020 to May 31, 2021, so the first year you will only pay for 9 months or 75% of the annual rate. We then will go to annual 12-month renewals on May 31st each year.

Soldboats has really upped their game with their Yacht Closer service now feeding sale data directly to soldboats.com, so the brokers can no longer manipulate the vessels they enter selling price. There are approximately 65,000 Yacht Closer entries in the data base to date.

This is a great opportunity, but we need to get to 700 members to maximize the savings, so please everyone jump on this and push your other SAMS® friends to do so also.

On a final note, since we will not be holding our General Business Meeting in Montreal on October 31, 2020 as planned, we will be holding a virtual meeting that day via a Zoom video conference. The officers will present their annual reports at that time. Early next month you will receive a "mail in ballot" to vote for the Board of Directors for the next year. Please fill it out, following the instructions carefully and mail it back as soon as possible so the votes can be tabulated before the meeting, allowing the nominating committee chairman to provide the results. Because we will not be able to take nominations from the floor as we normally do, any additional nominations should be written in on the ballot where indicated.

Stay safe and I hope to be announcing that we reached our 700 member target in about 4 weeks.



**John Lowe, AMS[®]
SAMS[®] Executive Vice
President /Ethic Chair**

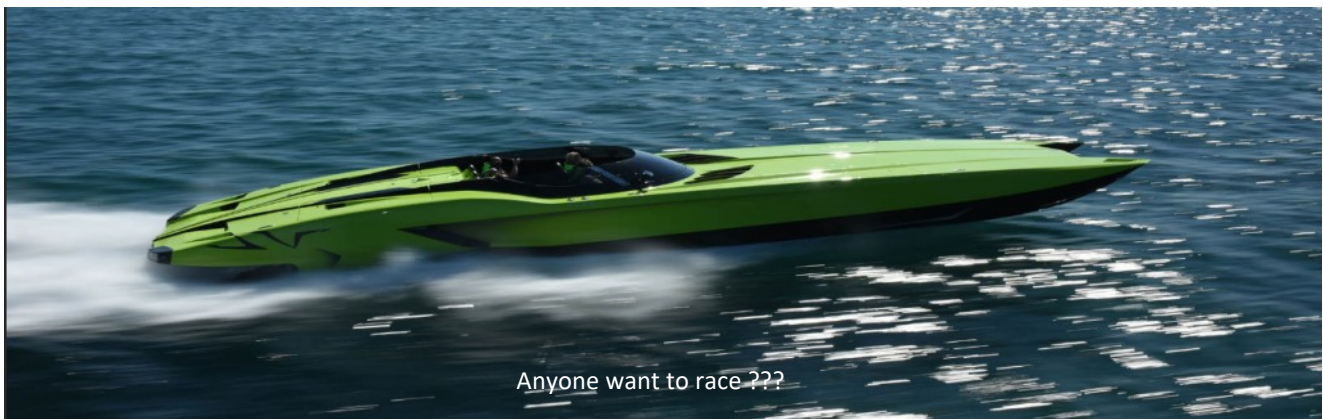
Hello all, hope everyone is happy and healthy with everything that is going on with the virus. I wanted to touch on two points in this newsletter.

First, with the virus we for the most part are modifying the way we do our inspections. In conversations with some of our members I'm finding that we are trying to work alone or at a safe distance during inspections, and keeping sea trials to essential personnel only to limit exposure as much as possible. This is a prudent way to go about things but I'm hearing about some push back from clients about this. I understand that a client is excited about his or her new boat and wants to be involved in the survey process, but if you decide to work in a modified way its important to communicate that to the client prior to the survey. Let them know your limitations and what you expect of them. This should also be communicated to any brokers or specialists who may be involved as well. This will avoid any confusion on survey day. If the client will not comply with your conditions, perhaps you should reconsider working for that individual.

The second point I wanted to address is what we expect of a member when he or she has a complaint against them. We have had several complaints lately, that after review have been nothing more than a seller who is unhappy with the findings by our member. Even if this is quite clear from the onset of the complaint we need to go through an investigation per our policy. Usually I will call a member, take a statement from them and request a copy of the survey in question, along with any e-mails or texts between the parties involved. The sooner we get this information, the sooner we can wrap up our investigation and take appropriate action (if any). We have had several members who were not in violation of our policy, but had considerable anxiety while waiting for a decision from the board. And please remember, texts, e-mails and phone conversations are things we look at, so PLEASE keep it professional.

Finally, we are having the photo contest again this year, please limit your entry to ONE photo per member and remember the spirit of this contest is to highlight some of the craziest things we see in our work and have some fun.

Be Well !!! I will look for you in the yards.



Anyone want to race ???



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

Well....I guess COVID has really taken it's toll, and as you all know we cancelled our 2020 IMEC in Montreal. But our VP of Meetings and Conventions Joe Loble, AMS® has really cut us a "New York Deal" as I like to put it, being from NY. Read his section in our newsletter.....THANK YOU JOE !!

Within the next few weeks you will be receiving a Mail Chimp survey from SAMS®. As most of you know I am an Accredited Senior Appraiser of Yachts and Small Craft with ASA (American Society of Appraisers). A NAMS, CMS / ASA contacted me recently and we had a joint phone call with ASA and they (ASA) seem to be interested in setting up a 7 hour "Yacht, Small Craft & Commercial" certification program just for SAMS® & NAMS members. If you do any type of appraisal (basically when you place a value on a boat you have just done an appraisal) this program will identify certain appraisal procedures that are generally used in the appraisal industry. This program will hopefully identify certain issues about appraisal technique and how to justify your valuation. Justification of your value is extremely important and if you can't justify it.....guess what, you're liable for legal action.

I have over the last 10 years had the opportunity to review reports from surveyors for divorce and donation appraisals and many are really lacking justification for the value of the vessel and several have not even had photos of the vessel that was appraised. This is just unacceptable in the appraisal industry. And guess what, with all the info on the Internet today, you had better be able to justify your valuation.

So here's what I need from you.....when you receive the email from SAMS®, open it, and let us know if you are interested in a 7 hour course that will be certified by ASA. This will take some time to set up but I'm really excited that SAMS®, NAMS & ASA would be willing to set up a program for both societies.

Be well and enjoy your summer.



Could I get a survey please !!!



**Kristoffer Diel, AMS[®]
Secretary/Treasurer**

Ahoy SAMS[®] Colleagues!

I am so pleased to be here to share my thoughts, as I have just recovered from 3 weeks under the horror of the COVID -19. All I can say of the experience ...amazing...

First, I want to thank the numerous SAMS[®] members who called and texted and emailed their best wishes and positive psychic energy. It made an amazing difference. I was literally 'out of touch with reality'. I would awake every couple of days, to find such wonderful support and well wishes.

Second, I want to emphasize the importance of taking care of yourselves out in your work environment. We are so used to entering a vessel for survey, without even considering the various virus' that can be inside. Sometimes it is obvious; when you see black mold on the overheads and bulkheads; but most of the unhealthy germs are not visible.

Third, while not necessary to point out that surveying has been in hyperdrive since the COVID 19 experience has begun. However, I want to remind everyone to expend the extra effort to get more continuing education. There WILL likely be a downturn in the future, and the wider your knowledge base, the more resilient your career. ABYC just to name one, has numerous free and fee-based webinars. Reach out to a subject area you would not normally consider, and get smarter.

To wrap up, again, my heartfelt thanks for all the wonderful support, and, thanks to the SAMS[®] office members who have continued to keep the SAMS[®] organization alive and functioning. Rhea and Mark go into the office every day, and Susan and Cheryl work from home.

Remember; eat dessert first!

Stay safe.





**Gary Frankovich, AMS®
Membership Vice President**

I hope this newsletter finds everyone healthy. With the average age of a SAMS® member well north of 50, it's imperative that we ALL be as cautious as we can, no matter what the other fools are doing. WEAR YOUR MASK AND KEEP YOUR DISTANCE!

My articles are normally pounding on Surveyor Associates, but this one will be a little different (at least the first part). We recently processed an application to join SAMS® from a somewhat younger person whose close relative is a long time AMS®. Unfortunately, the applicant's survey reports were lacking, and as usual, I got a call from the AMS® asking what was wrong with the report. The applicant is writing basically the same report as the AMS®, and he then informed me he's been doing it that way for more than 25 years, and never had a complaint (I've never heard that before). When I explain about the minimum Recommended Survey Report Content, I'm usually informed that I'm F.O.S, that I don't understand why SAMS® was founded, and accepting this applicant is a big mistake. Here's where the story gets really good, after I talked with this AMS® about SAMS® minimum RSRC, he admitted that he hadn't really paid any attention to the Recommended Survey Report Content, and in fact hadn't really looked at his own reports in quite a few years! Low and Behold, I actually got through to someone. The AMS® evidently took our chat to heart, checked out the RSRC, and not only was now mentoring the applicant, but incorporating the RSRC into his own reports as well, and I'll tell you the next report submitted by that applicant was a 150% improvement. So the moral to this story is, why don't all you AMS®'s take the time to study SAMS® minimum Recommended Survey Report Content, and after being familiar with it, try to subjectively look at one of your own recent reports (without making any excuses as to why you don't include that), just maybe you'll want to make some changes or improvements.

Now, for the Surveyor Associates (and possibly some AMS® members). Some of you are using report software that allows you to snap a photo with your cellphone and it automatically enters it into the report, sounds great, BUT, we're receiving reports of 27 center consoles with 66 photos, and 34' express cruisers with well over 100 photos, all in the body of the report. Sometimes it's ridiculous. There is no reason to include a photo of an old fire extinguisher, life jackets, expired flares, or the Oil and Waste Placards in the body of the report. What should be inserted are photos of Serious Findings that don't lend themselves to easy explanations or where a picture really is worth a 1,000 words (like the photos sometimes published in the BoatUS magazine). I've seen a report that had a photo of the name of the manufacturer, a separate photo of the Model, and a separate photo of the length, separate photos of each gauge, even a photo of the clamshell on the rode locker drain (no Finding, but it was nice and shiny). Don't go overboard just because it's easy!

And finally, STAY SAFE OUT THERE!



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

I hope this Newsletter finds you all healthy and sane! In this crazy time, the recreation boat market has seen a tremendous upswing in sales, which is good for all of us. I hope you are all busy and taking all precautions.

I am sure you know by now that the Montreal IMEC scheduled for this year was cancelled. It has been rescheduled for October 25th - 28th in 2023. The location is at the same hotel with the same room block and food and beverage agreements. The only difference is a \$10 increase in the room rate. The new rate is \$239.00 Canadian. If the exchange rate stays steady, this should be at or about \$180.00 or less per night. At the very least, we don't have to worry about a vote for IMEC 2023 location.

IMEC 2021 will be in New Orleans at The Sheraton on Canal Street. The dates are September 29th thru October 2nd. We have a room rate of \$179.00 with the usual amenities. We will be watching the ever changing mandates and executive orders regarding Covid-19 and with luck, we may be back to some level of normalcy and this may be a huge draw for us. Parking deals is non-existent on NOLA but there are lots nearby. The hotel is well situated just outside the French Quarter with a short walk to Bourbon St., Harrah's Casino, and the Riverwalk. The Warehouse District is in the hotel's "back yard". This area is also known as the Art's District and is full of galleries, some of the best restaurants in the city, and of course, watering holes. Plan an extra day and tour the World War II museum which is nearby as well.

IMEC 2022 will be in St. Louis Oct 5th thru 8th at the Hyatt Regency. The room rate is \$169.00 per night. It's a large hotel with three restaurants on site. The meeting spaces and guests rooms have just been renovated. Walking out the front door are the Gateway Arch Park and the Mississippi to the left and the Old Courthouse to the right. Four blocks away is Busch Stadium and the newly built Ball Park Village with shops, sports bars and restaurants. The hotel boasts 30 restaurants within a quarter of a mile. 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. I found the area around the hotel to be clean, very safe and friendly.



2021 New Orleans, LA



2022 St. Louis, MO



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

Hi to all from up here in the north, which you could not tell by the weather outside, I feel like I am living in Florida again.

Hope everyone is keeping safe during these uncertain times, the pandemic has taken its toll and I do not think that it is quite over yet, and far from it. Keeping safe should be your utmost priority if your working. For us up here, the spring season was a total loss, like most of you we were not able to get into marinas or for that fact, travel on the roads. It is now the beginning of July; things are little more back to normal but the new distancing laws do make the job a little harder.

Well even during the waves of COVID the advertising world did come to a stop, but just for a little while, by the beginning of May most of the magazines and websites we are on were back up and running, but unfortunately all those that were targeted for boat shows were distributed, but most of the spring time shows were cancelled.

The Google campaign is still running strong, they did suggest a shut-down for 2 weeks in April, which we did, but surprisingly the last 2 weeks of that month still had enough hits that we used the months budget in 2 weeks. We did exceed over 500 hits a month for our website with “marine surveyor” as the key word for almost 80% of those hits. Right now, we are advertising in 14 different advertisers and covering 22 geographical areas across US and 2 in Canada. This covers mainly Y&SC, Cargo, and Commercial vessels. The digital advertising we have is convenient because we are able to get counts of how many hits are linked to the website. Most major areas give us well over 500 hits per month.

As everyone knows the IMEC was cancelled this year and I was so hoping to be able to greet you all to my hometown, but understandable under the situation. Hopefully, I will get a chance again in the future. After all the years I have been attending the IMEC’s, I must admit I will miss not going this year.

As usual I like to get ideas and input from members on advertising or areas that I have not hit in targets yet. Please feel free to contact me at info@avtechmarine.com

Pretty much it for now. Hopefully, we can all make some good out of this season but remember to protect yourself and be safe.

Cheers!!!



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

First and foremost, I want to stress that it is most important that you are all being safe and practicing social distancing and wearing masks as you work in the surveying business. We have seen that it works and what happens when folks ignore these precautions with resurgence in cases in areas where people are not being prudent. So, believe the science and do the right thing. The board has discussed testing in these times, and if extensions are needed to maintain safety of our members please ask me, and requests will be granted as needed.

I am continuing to review the current batch of tests for the various SAMS® designations and will update the tests to keep them fresh and a fair evaluation of our Surveyor Associate members as they prepare for, and take the tests to advance to AMS®. I have developed a question database with all of the questions that have been asked on the Y&SC test over the years, and will add to that as time permits. Going forward this test database will be used to generate updated tests. There is a recent update to the open book portion of the Y&SC test. For those studying for this test you should be familiar with the ABYC publication “Rules & Regulations for Recreational Boats” revised 2015, 2018 or 2020. All three versions of the booklet agree with the answers in these tests as no substantial changes have been made to the regulations in the last 5 years. You will bring your copy of this book to the test with you for the open book portion of the test. You can tab and highlight your copy as you see fit. There are no trick questions and if you are familiar with the book you will find all the test question answers in that book. This is an easy way to get 25 of 25 points for the open book test. You should still pick the single best answer even if you think a question is confusing. Picking two choices will result in the answer being incorrect.

In these trying times make an extra effort to be safe out there. Wear that mask, carry hand sanitizer and keep your clients at a proper distance. I don’t want to hear of anyone becoming infected with the COVID virus or falling off a ladder or getting injured on the job. Please let me know if you have any questions or concerns that you want to bring to the board’s attention.



“Paradise”



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

Ahoy all in the Northeast! I hope everybody is staying safe! At this point with COVID -19 we don't have any regional meetings scheduled for obvious reasons. I just hope this blows by quickly so we can get back to some kind of normal.

It seems that everyone cancelled their vacations and decided to buy boats! It's been extremely busy and here in my neck of the woods we keep shuffling around clients due to the work load, I guess if anything good came out of COVID that would be it!

I know this is repetitive but as a Surveyor Associate you need to perform 12 pre-purchase surveys per year and when you submit a pre-purchase survey for your yearly review make sure you submit a vessel with systems and sea-trials. Only submit one survey please! Reviewing is time consuming and I try to get to them as soon as I can. No skiffs, center consoles or other small craft or insurance surveys where you're not testing systems, they really don't tell us as reviewers about your survey writing skills and that's what it's all about! We do expect improvement as your yearly reviews come in and the best way to stay on top of it is to always look for ways to improve your reports. Good system descriptions, findings with references to ABYC, etc., over usage of the word "appears" and lastly one word or on line checklists won't fly! Make sure that when you write up a deficiency in the body of the report so that it's accurate and describes it fully and make sure it's summarized at the end of your report! Other than a couple of required boat photo's, keep your photo's to describe or point out deficiencies, too many Surveyor Associate's are putting in "Beauty" photo's, we are writing reports not sales brochures. For the people using programs make sure you modify the program to fit your needs, most will let you add items in so the system you're looking at can be described well, along with any deficiencies you find. And please get rid of the "Yes & No" in these programs, those two words mean nothing. "VHF Radio" Yes. Yes what? What make, model is it and does it work?

So please review your reports and try to improve on every report you do! Your clients will be happy and so will financial and insurance companies. Do that and you will have no problem getting through as a Surveyor Associate and will be ready for your AMS[®] upgrade.



Is this the correct way to go !!!

Have you ever stopped to consider that your survey reports create a lasting image of your professionalism? When we are hired by a client, they are relying on our expertise in boat building techniques, best practices, knowledge of regulations and voluntary standards, but they are also relying on us to document our findings in a clear and concise manner. Also, many of you have already heard me say that while we are hired by our clients, we must consider the real end user of our survey reports. Most times, our clients are directed by an insurance carrier or financial institution to obtain a survey report. Our client definitely wants to know what we've found while inspecting a boat, but more importantly, the insurance carrier or financial institution may be relying on your survey report to establish risk levels that will determine premiums or loan terms. But don't get me wrong, our role is not to delve into the business of insurance carriers or financial institutions, our role is to review, record and report what we've inspected in a clear and concise manner that will allow the client and end users to make critical decisions.



**Angel Zeno, AMS®
Great Lakes
Regional Director**

It's not enough to blame the report software or templates that we use to generate our survey reports when things go awry. We have to understand that regardless of how we generate our survey reports that the words that we use matter. At one time in my life experience I had the opportunity to work with a team of Technical Writers and I would like to share my major take away from my experience. The most consistent things that I heard from each and every Technical Writer that I encountered was to define the key words that you will be using, put those key words in the glossary or definition of terms and then consistently use those key words. Another tip that involves definitions is how many different words could be used to describe a length of 16-gauge stranded electrical conductor; wire, cable, conductor, etc. Try to use the same word consistently throughout the survey report. Avoid using vague or subjective terms. A small hole will mean different things to each person that reads your survey report, but if you quantify your findings to say that you discovered a hole of an approximate size or relative to some known object then it's easier for the reader to relate to what you are describing.

I would like to welcome you to participate in a peer review of one of your survey reports. Contact a SAMS® surveyor that you feel comfortable working with and ask if he would review one of your survey reports, or if you would like, send a copy to me and I'll review it for you.

So, if I haven't lost you by now and you're still reading along, here's a story about the North Michigan Surveyors. My wife and I moved to a charming tourist waterfront community in Northern Michigan a few years ago. Around that same time a very wise man (you know who you are) told an assembly of Marine Surveyors that there are enough boats for everyone to stay busy and that we shouldn't consider each other as competition, in fact, we should try to help each other raise the bar for Surveying in our area. This had a profound effect on me and I returned home and opened up the SAMS® membership directory and invited each surveyor in the general vicinity to join me for coffee. The North Michigan surveyors as I like to refer to us began and we have continued the practice of meeting for coffee every third Thursday of the month. Each meeting is different, sometimes we spend the time swapping sea stories, other times we share relevant technical information but more importantly, we have built a community to help each other.

So how about it, are there any other surveyors in your area, how about reaching out and setting up an informal meeting over coffee. Get to learn more about the surveyors in your area, learn what their specialties and area of expertise are. I sometimes have to pass on an assignment and I keep a handy sheet next to my phone with the name and number of each of the North Michigan surveyors so that I can make a quick referral once I hear what type of boat it is and where it's located.

If you're ever in North Michigan around the third Thursday of the month, you have a standing invitation to join us. Just bear in mind that we take the winters off and reconnect in Spring.

In Michigan the Stay at Home Order has been rescinded and the state has begun to re-open one step at a time. That includes marinas, harbors and boat dealers so things have really been rolling along. But if you were like me, you hopefully utilized any down time to accumulate Educational Units (CE's). Many organizations like ABYC and AIMU offered some really great web-based learning opportunities, some of which were free. Make sure you print out your certificates of completion and send them into the SAMS® International Office as soon as possible to have those CE's recorded on your file.

I also wanted to let you know that I've got an eye on the current status of the pandemic and am waiting for the opportunity to begin to coordinate the next Great Lakes Regional meeting. I'll keep you all posted as things develop.

Stay safe and be happy.



**Cliff Schmidt, Jr., AMS®
Florida Regional Director**

Hi everyone, Summer is here and yes, it is hot in Florida!

Surveying in the age of COVID-19 has been interesting. I have talked to professionals in this field from Tampa General Hospital on how to protect myself and my clients while on survey. A few of the take-a-ways are:

1. limiting the number of people onboard and when they are onboard for the survey. In Florida, its hard for the broker not to be on board for the entire survey, but I have asked them to leave and to be onboard for the sea trial only.
2. Wearing PPE's – masks, gloves and eye wear. I have had customers thank me for wearing them. Yes its hot to wear, but one of the safest precaution we can do.
3. Washing hands. This can be hard, but I carry extra paper towels, soap and disinfectant wipes to wash hands often.
4. Keeping my distance – as much as you can on a boat.

By following these guidelines, I am staying as safe as I can while still working.

Part of a Regional Director's job is reviewing Surveyor Associates reports for upgrade to AMS®. As a Surveyor Associate, remember to look at and use the SAMS® "Recommended Survey Report Content" guide and use it when writing your reports. I find a lot of missing content that needs to be in your report. Have it at your desk and open it up now and then. Even if you have been writing reports for a few years – crack it open and go through a past report it's interesting to see what has been missed in your report. If you cannot find yours – email the office for a new copy.

Stay Safe

You've got to admit. These are really some interesting times we're living in with the pandemic and economies in both the US and Canada struggling to get back to some semblance of "business as usual". Here in Ontario we've gone through a fairly slow, cautious re-opening and we're not all the way there yet. You still can't go to a gym, get a drink in a bar or eat in a restaurant (outside patio service only). Gatherings are still limited to ten people or less and social distancing is highly encouraged if not mandated. As for the marine industry things are somewhat back to normal. Boat yards, and docks are, for the most part open however, many offices and clubhouses are not.



**C. David Sandford, AMS®
Canadian Regional Director**

All I can say from my perspective regarding business volume is WOW! I don't think that I've ever seen it this busy. After being shut down for most of the spring busy season boat sales in Ontario are through the roof. Power, sail, big and small, brokers are struggling to maintain the supply and many are concerned about inventory shortages as we move forward. Myself, I'm booked three to four weeks in advance. Last week I had two clients try to cash bribe me into moving them forward on my schedule. Many of us in the industry were concerned about how things were going to play out when the re-opening started to occur but now we all know.

With the Canada /US border being currently shut down to casual travel, a situation that I don't see changing anytime soon, a couple of points come to mind for any of us that live and work close to the border in both Canada, and the US. US buyers will in many cases shop the market in Canada for different reasons. The first and most obvious one is the difference in the currency value. US buyers can buy Canadian boats for approximately seventy cents on the US dollar right now. Secondly, one thing that you can count on is that the weather in Canada, (from a boating perspective) will absolutely suck for at least four to six months every year. Most boats spend this time out of the water on the hard during this time and therefore can have a tendency to last longer and be in somewhat better condition as they age. Most Canadian boats also live in fresh water so that can factor in as well. Canadians sometimes shop the US market just because there are simply more used boats available to choose from so this can work both ways.

If there's considerable travel distances involved it may be cheaper for the buyer to want to pay you for a C&V prior to them personally inspecting the vessel. With the current border situation this seems to be a more common occurrence this season. The first point I want to make is that you need to be very cautious about clients requesting survey inspections and making purchase decisions prior to them personally viewing the vessel. You really don't want buyers making their final purchase decision based solely on your C&V report. Condition opinions can be incredibly subjective and emotional. Differences can arise between your assessment and theirs. If it's a newer, cleaner boat the chances of this occurring are reduced but on older vessels be very careful. You don't want to get in the middle of one of these situations if there happens to be a disagreement between your assessment and theirs. If you do accept an assignment of this type, make sure that its clearly stated in your report that a personal inspection of the vessel is required prior to any purchase decision being made.

The second point is that Engine Emission Compliancy Labels need to be in place and legible. These are required anytime a vessel is imported into either country. In many cases on older engines they are either missing or not legible. I've seen otherwise perfectly good deals go awry just because of this one seemingly small issue. In the event that the above occurs replacement labels are just about impossible to obtain from engine manufacturers. This is, because after the engine has been in service for any period of time the manufacturer cannot guaranty that the unit has not been modified or incurred some other form of tampering such as a faulty or flawed repair. I know this because I spent a number of years working in the technical services department of a major North American car manufacturer. I always include a picture of the label in my report. It may assist in moving the deal forward.

I just want to say to everyone, work with caution and please stay safe. I'm confident that eventually we'll get through this but we all need to be vigilant in our efforts.

Summer is here and I sincerely wish that all are as busy as they would like to be! Here in the great Pacific Northwest all the marine surveyors I have talked to in the recent weeks are extremely busy. Most are two weeks out. Some three! Amazing! Remember to pass on the SAMS® website information to those seeking surveys that you cannot assist in a timely manner.



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

Which brings me to the main subject of this article, customer service. Since becoming a member of our society, over ten years ago, most of the formal discussions at our gatherings have been focused on the survey report and how to conduct the inspection. The actual “service” part of our profession.

I remember when I first started out and was at a dinner with several surveyors. One comment from surveyor “A” was how some of the other surveyors at the table were taking work away from him because they had smart phones and were answering email requests before he could get home and check his email inbox. It was not long after that dinner that he himself purchased a smart phone!

The customer. Without this creature we would not have a livelihood. We fulfill an invaluable service to our clientele. Is the boat safe to operate? Are the installed systems functional and up to current industry standards? Do they, the potential owners understand what we are talking about?

But back to the point. We should ALWAYS strive to develop a professional relationship with the customer. And just what do we mean by a professional relationship?

For me it starts off with the first contact. Be cordial and polite. If someone leaves a voicemail, call back as soon as practical. Many times, when I return a call, I am told that I am either the first to call back, even if it has been an hour or two later. Or I am thanked for returning their call so quickly. If you are not replying to missed calls you are losing customers, period.

Explain what it is you are going to do. Be specific. You may sound like that broken record to yourself, but your customer will appreciate you taking the time to explain the process. It will strengthen your relationship and possibly avoid misunderstandings and confusion when they receive your report. I even have a little checklist to make sure that I cover things thoroughly.

Be honest about what you know and do not know during the survey. Most people can tell when smoke is being blown up where the sun does not shine. You are doing nothing but destroying your reputation and that of your fellow marine surveyors, by trying to fabricate fairy tales about the situation at hand. Should your client not be present for the inspection, offer to call them before departing the boat. A de-brief once finished is a must in my book. Maybe there is a question that requires you to go and take a second look. I have had customers ask some weird things about the boat once I was finished. And believe me, they appreciate the time and effort to know your thoughts on the general condition of the boat, now that you have completed the inspection.

We all give an estimate on when the report should be done and emailed. Keep your client informed if there are delays. If bad news is received from a third party regarding the boat, call, and discuss and explain, do not just put the information in your report and call it a day. Be sure you let them know that questions and concerns may be addressed once they have read the report.

Bottom line is that you will get good referrals from your customers to others looking for a marine surveyor. Your customers will call you for the insurance survey they now need years after the first survey. They will call you when they decide to upgrade to a newer or bigger boat. Yes, a little bit of effort with customer service can go a long way. Stay busy. Be safe. Stay sane.



Seth Mosley, AMS[®]
Gulf Regional Director

Summer is well underway here along the Gulf Coast and I hope that everyone is getting their fair share of the influx of surveys throughout the spring and start of summer. This has surely taken the opposite turn that I had guessed when things began shutting down due to the COVID -19 issue and I hope that we keep this same momentum throughout the summer and on into the fall. While on the COVID -19 subject, I have not yet reached out to the Gulf members as I had planned but please keep a watch on your email from me in the near future addressing our regional meeting and what options I will be offering to see what we can make work. I initially planned on going back to New Orleans in conjunction with the Work Boat show, but due to this virus, I want to see how things are going to go with the show and hotel bookings. Let us hope it is all mostly behind us by then.

Second topic is this summer heat. We all know how it is along the Gulf Coast and what to expect, but the most important thing to remember is stay hydrated. Drink plenty of water AND fluids with electrolytes and other key nutrients that your body must have to function. Drinking water and water alone does not replace lost nutrients, especially if you work through lunch and don't eat any food until the afternoon. Before my marine surveying career, we were told: Two bottles of water to one bottle of Gatorade ratio. Also, room temperature water is best for hydration rather than cold water. No matter what, just stay hydrated with plenty of water at least.

Lastly is another safety topic I feel strongly about: confined spaces and check ins. When most people think confined space, they naturally think commercial and industrial applications. When in reality, we experience confined spaces on most all yachts and small crafts. Confined Space is defined by OSHA as: A confined space also has limited or restricted means for entry or exit and is not designed for continuous occupancy. A few places that come to mind are engine rooms, bilges, and lazarettes. Engines rooms and lazarettes can add more danger with the rotating and moving machinery and equipment. But for this topic, I am talking about confined spaces and having someone either check on you or knows to come looking when you don't show back up. Pulling from the summer heat paragraph above and adding that to a boat that's been on the hard for a couple weeks with no air conditioning in a yard with not too many people working or visiting and you could be in a bad spot if no one knows to check on you or come looking. When I survey boats without anyone onboard, I will go through my usual of checking in with the marina and try to make a point to talk to at least one person in the yard if there is anyone. But the main go to is the cell phone. I'll send my wife a text to let her know the situation and she knows that if she doesn't hear back from me in a certain amount of time to try and call, if no answer then follow the list that we have established about getting someone out to the boat. The list is endless on what can happen: overheating, falls, head injury/unconscious, locked in a compartment/stateroom, insect/snake bite/allergic reaction, or just plain stuck! This is just like filing a float plan with the USCG or local marina when going offshore; let them know where you are, when you anticipate being done, and what to do if you aren't heard from.

With that said, I hope everyone stays safe and healthy while keeping just as busy with work coming in.



**Dennis D. Eddinger, AMS®
Mid-Atlantic Regional Director**

Well, guys and gals, here we are in the middle of what seems like the hottest summer in a while. In fact it reminds me of the old movie “Cat on a Hot Tin Roof”. Only our version is “Surveyor on a Hot Fiberglass Boat”.

Fellows the main thing to remember is “Stay Hydrated”. I carry a six pack of water plus I have an electric six cooler in the truck on the seat beside.

What I find amazing is the number of used boats selling and surveys being requested. We’ve been very busy so far this season, even with the COVID-19 pandemic issues. I believe as the television commercial says that people are staying at home and buying a boat for the family vacation.

Speaking of COVID-19 pandemic issues, wear your mask especially when you’re dealing close up with clients, remember the old “elbow bump” if you feel like a handshake and be very safe on the water.

While we fondly remember the departed.....

**Carl Smith Foxworth, AMS®, Retired
Charter Member**

December 21, 1933 - May 11, 2020



HEADS UP !!

DO YOU DO DONATION APPRAISALS?

Ken Weinbrecht, AMS®

A while ago I attended an ASA (American Society of Appraisers) meeting where the guest speaker was a person who recently retired from the IRS after 36+ years. This persons job was to review donation appraisals of fine art, that was her major in college and she ended up at the IRS after college. It was an eye-opening lecture, I wasn't surprised by the dollar amount that people donate (\$10 + million) but by the number of them that do donate personal property that have large values.

So here's what the lecture basically came down to before some changes were made about 1.5 years ago at the IRS. When an examiner gets a tax return with a boat that is being donated, say at a value of \$700,000 the examiner reviews the entire file (yes boats do get donated at values like that). Any donation over \$500,000 must have a copy of the appraisers report attached to the donors tax return. If the examiner felt that there might be some red flags on the appraisal, (i.e. no justification of value just a one line "market value") it goes to a supervisor and a team of not less than five. Then it goes though the channels of the IRS (and obviously that takes time). By the time the appraisal reached its final stage, (donation audit) it might have already been three plus years and the boat might have already been sold by the charity.

So a possible new ruling is in the works to cut down on the number of people and time that it takes in the process as noted in the attachment which will obviously reduce the amount of time that the IRS can proceed with action against the appraiser and the donor. It should also be noted that some of the people at the IRS are not appraisers or do not have the degree credentials to evaluate your report, but only see the donated value of the boat.

Now this example was for a large donation of a boat, but what about the boat that has an appraised value of \$5000 or more? Any donation of over \$5000 must have an appraisal by a "Qualified Appraiser" (IRS Pub 526, get to know it).

In your report do you:

JUSTIFY HOW YOU OBTAINED THE VALUE THAT YOU DID?

PUT IN YOUR REPORT THE RESEARCH DATA, WHAT SOURCES OF RESEARCH DID YOU USE TO JUSTIFY YOUR VALUE?

PUT IN YOUR REPORT THE SAMS® RECOMMENDED SURVEY CONTENT? (it's not an IRS requirement but it sure makes your report look good and justifies its value)

DO YOU USE PHOTOS? A LOT OF THEM. (I have reviewed some donation appraisals over the last few years and some don't even have photos, that's bad news).

If you can't justify your value then you might, and may well be taken to task by the IRS. Remember: They have the same valuation tools that we have!

See letter sent to IRS on the following page.

Leading Valuation Professional Organizations Send Letter to IRS and Treasury Questioning Recent Changes in 6695A Prepenalty Review Process.

RESTON, Va., May 19, 2020 /PRNewswire/ -- Today, the American Society of Appraisers (ASA), American Society of Farm Managers & Rural Appraisers (ASFMRA), Appraisal Institute (AI), Appraisers Association of America (AAA), Association of Machinery and Equipment Appraisers (AMEA), Equipment Appraisers Association of North America (EAANA), International Society of Appraisers (ISA), MBREA, National Association of Certified Valuators and Analysts (NACVA), National Association of Jewelry Appraisers (NAJA) and RICS sent a letter to the Internal Revenue Service and the Treasury Department regarding a recent change to the Internal Revenue Manual affecting the way IRS reviews appraisals prior to imposing a civil money penalty for valuation misstatements under Section 6695A of the Internal Revenue Code. This change reduces the number of individuals involved in the decision to impose a 6695A penalty, and could result in a penalty being imposed without the appraisal in question being reviewed by an individual with valuation training or expertise.

ASA and its partners expressed concern this change could lead to several distinct outcomes:

First, that the **reduction in the number of individuals involved in the process** (previously, no less than five individuals were involved, including three with valuation training or expertise) *could lead to an increase in the number of non-meritorious cases being brought against appraisers.*

Second, that the **cost of defending against a 6695A penalty** and, potentially, lodging an appeal should IRS ultimately impose the penalty, *could place appraisers in the difficult position of having to bear significant financial costs or face the reality of no longer performing tax-related appraisal work and the ripple effect such an outcome would have.*

Third, that the **new process increases the likelihood of factors outside of the appraisal** – such as previous interactions or a sense of personal ownership – *could drive the imposition of penalties even where there was not sufficient basis in the appraisal itself to support the penalty.*

Finally, that the **process by which IRS made this change** – using a temporary process that did not involve outside stakeholder engagement – *failed to take into consideration the potential impact of the change and overlooked the significant collaborative effort that went into crafting the original review process in the first place.*

To read the full text of the letter and the January 22 memo announcing the change visit: <https://bit.ly/2LQHOrb> and <https://bit.ly/2TfkOGa>.

Questions or requests for further information about this joint announcement may be directed to the [American Society of Appraisers](#) (800) 272-8258, [American Society of Farm Managers & Rural Appraisers](#) (303) 758-3513, [Appraisal Institute](#) (888) 756-4624, [Appraisers Association of America](#) (212) 889-5404, [Association of Machinery and Equipment Appraisers](#) (800) 537-8629, [Equipment Appraisers Association of North America](#) (800) 790-1053, [International Association of Assessing Officers](#) (816) 701-8100, [MBREA](#) (617) 830-4530, [National Association of Certified Valuators and Analysts](#) (800) 677-2009, [National Association of Jewelry Appraisers](#) (718) 896-1536 or [RICS](#) (212) 847-7400.

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ADMIRALTY LAW

Expert Analysis

Supreme Court Dips Into Admiralty

From a tugboat, on the river going slow.

A cement bag it is dropping on down

...

—Frank Sinatra,
“Mack the Knife”

By
James E.
Mercante



Like Frank Sinatra, the U.S. Supreme Court loves all things maritime. So much so, that its first maritime contract dispute was decided in 1781. Now, 238 years after that first contract decision, with many in between, the Supreme Court has its radar set on resolving another important maritime contract dispute.

The case is not about a tugboat or cement bag dropping overboard, but a spill of 264,000 gallons of crude oil into the Delaware River. A nine-ton anchor sliced through the skin of an oil tanker while approaching its berth in Paulsboro, N.J. The anchor, long abandoned in the navigation channel, pierced the hull of the Motor Tanker (M/T) ATHOS I causing the oil spill. *U.S. v. CITGO Asphalt Ref. Co. (In re Frescati Shipping Co.)*, 886 F.3d 291 (3d Cir. 2018).

Admiralty is like a pleasure cruise for the Supremes. Wherever it takes them, they are happy to go! In 2004, the Supreme Court decided “a maritime case about a train wreck.” *Norfolk Southern Ry. v. James N. Kirby, Pty Ltd.*, 543 U.S. 14 (2004) (J.

O’Connor). In 1995, a case to define who is a “seaman.” *Chandris v. Latsis*, 515 U.S. 347 (1995). In 2013, a case to define what is a “vessel.” *Lozman v. City of Riviera Beach*, 568 U.S. 115 (2013). Hard to believe such terms need defining so many hundreds of years after the term “admiralty and maritime law” first appeared in the United States Constitution. (Article III, §2, “The judicial power shall extend . . . to all cases of admiralty and maritime jurisdiction.”). Such other notable cases as the TITANIC, EXXON VALDEZ and the BP oil spill (DEEPWATER HORIZON) have been in the Supreme Court’s wheelhouse. Indeed, in just his third decision on the bench, Justice Brett Kavanaugh authored a maritime products liability case involving asbestos exposure to U.S. Navy personnel. *Air & Liquid Sys. Corp. v. DeVries*, 139 S. Ct. 986 (March 19, 2019).

What Is a Safe Berth?

M/T ATHOS I is a contract case stemming from the massive 2004 oil spill which is being taken up to resolve a split in the Circuits on another seemingly innocent question: What is a “safe berth”? *In re Frescati Shipping*, 139 S. Ct. 1599 (April 22, 2019). This is important because ‘uniformity’ in the Circuits is a primary mission of admiralty law in general and The

Maritime Law Association of the United States (MLA) in specific. The Supreme Court will decide a conflict between Second and Third Circuit rulings on the issue, versus the Fifth Circuit.

The ATHOS I had completed its 1,900-mile voyage laden with Venezuelan crude, and was only 900 feet (about a ship’s length) away from docking at Paulsboro, with a harbor pilot onboard, when the vessel struck the abandoned anchor in the channel. The spill polluted hundreds of miles of shoreline in New Jersey, Pennsylvania and Delaware, and was the second worst oil spill in U.S. waters at the time. The incident is one of several oil spills that sparked Congress to require the use of double-hull tankers. 33 C.F.R. §157.10(d). The oil spill cleanup cost the shipowner and the U.S. Government a combined \$143 million. Both sought to recoup the funds under the Oil Pollution

Admiralty is like a pleasure cruise for the Supremes. Wherever it takes them, they are happy to go!

Act (OPA) of 1990, 33 U.S.C. §2701, et al. from the voyage charterers (lessee) of the vessel CITGO Asphalt Refining Company, CITGO Petroleum Corp. and CITGO East Coast Oil Corp. (CARCO). The OPA ‘90 legislation resulted from the aftermath of the 1989 M/T EXXON VALDEZ oil spill in Prince William Sound, Alaska.

Circuit Split

The Third Circuit decided to follow Second Circuit law that a safe-berth clause in

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a ship charter contract is a form of strict liability rule that guarantees a ship's safe arrival to the berth. The Second Circuit decided in *Cities Serv. Transp. Cop. v. Gulf Ref. Co.*, 79 F.2d 521 (2d Cir. 1935) that "the charter party was itself an express assurance, on which the master was entitled to rely, that at the berth 'indicated the ship would be able to lie always afloat.'" This rule was confirmed in *Venore Transp. Co. v. Oswego Shipping*, 498 F.2d 469 (2d Cir. 1974), wherein the Second Circuit held that a voyage charterer "had an express obligation to provide a completely safe berth, an obligation which was non-delegable." On the other hand, the Fifth Circuit rejects this strict liability standard and held in *Orduna S.A. v. Zen-Noh Grain Corp.*, 913 F.2d 1149 (5th Cir. 1990), that "no legitimate legal or social policy is furthered by making the charterer warrant the safety of the berth it selects. Such a warranty could discourage the master on the scene from using his best judgment in determining the safety of the berth. Moreover, avoiding strict liability does not increase risks because the safe berth clause itself gives the master the freedom not to take his vessel into an unsafe port. In conclusion, we hold that a charter party's safe berth clause does not make a charterer the warrantor of the safety of a berth. Instead the safe berth clause imposes upon the charterer a duty of due diligence to select a safe berth."

Procedurally, the shipowner (Frescati) fired the first shot by filing the standard vessel owner defense in federal court seeking Exoneration from or Limitation of Liability under 46 U.S.C. §30501, et al. This was followed by a claim against the shipowner by 'CARCO' for the loss of its oil cargo. Frescati counterclaimed against CARCO in tort and for breach of contract for its own unreimbursed clean-up costs of \$56 million. Br. for Petitioner, *CITGO Asphalt Ref. Co. v. Frescati Shipping Co.*, 139 S. Ct. 1599 (2019) (No. 18-565).

Frescati's contract claim, which is the only surviving claim, asserted that CARCO breached the safe-berth provision in the voyage charter contract even though

Frescati was not a party to that maritime contract.

The safe berth clause in the voyage charter that will be scrutinized by the Supreme Court reads:

[t]he vessel shall load and discharge at any safe place or wharf ... which shall be designated and procured by the Charterer, provided the Vessel can proceed thereto, lie at, and depart therefrom always safely afloat, any lighterage [cargo transfer] being at the expense, risk and peril of the Charterer ...

Due Diligence or Bust?

The bottom line inquiry for the Supreme Court is how wide a net is cast, or scope of, the safe berth warranty. As mentioned, the Second Circuit view is strict that the clause effects an "express assurance that

The ball is now in the Supremes' court to decide yet another important issue facing commercial shipping and the affected parties.

the berth will be as represented." The Fifth Circuit attaches a duty of "due diligence" on the charterer to select a safe berth. *Shipping Co. v. CITGO Asphalt Refining Co.*, 718 F.3d 184, 203 (3d Cir. 2013).

The charterers' position is that rigid adherence to a strict liability warranty is harsh and lacks consideration that the charterer may have done absolutely nothing to either create the hazardous situation or contribute to the damage. CARCO had nothing to do with the abandoned anchor left lying beneath the surface in the navigation channel many years before the M/T ATHOS I embarked on its voyage to the CITGO refinery in the Port of New Jersey. CARCO thereby argues that it was an 'innocent' party and should not be held accountable for the massive oil spill.

This was a case with no clear horizon. In 2011, the trial court cleared CITGO and placed blame instead on the owner of the abandoned anchor, *In re Frescati Shipping*

Co., 2011 U.S. Dist. LEXIS 40020 (E.D. Pa. 2011), only to be vacated in 2016, when the same court found CITGO negligent and in breach of the charter contract warranty, for failing to provide a safe berth for the vessel. *In re Frescati Shipping Co.*, 2016 U.S. Dist. LEXIS 96761 (E.D. Pa. 2016). It's interesting to note that a bench trial took place with more than 20 witnesses over 41 days, as well as appeals and remands for over 15 years, when it would appear that all the Third Circuit would have required (now) was a motion for summary judgment on the 'warranted' safe berth as a pure breach of maritime contract. The contractual warranty does away with liability based on fault, or any evaluation of 'due diligence.' But, is that really the proper result in determining huge liabilities for such massive oil spills? Indeed, that is the difference between breach of contract and maritime tort principles.

Conclusion

The impact the Third Circuit's ruling has had on commercial shipping and maritime charter contracts is hard to tell, but no doubt 'innocent' voyage charterers are keenly aware, if not wholly spooked by the tremendous exposure to strict liability posed by a safe-berth clause. The result presently depends on the venue of the litigation and what law applies. For this reason alone, the Supreme Court must weigh in.

The ball is now in the Supremes' court to decide yet another important issue facing commercial shipping and the affected parties. In the long run, it may boil down to the intent of the original drafters of the safe berth clause; and for that answer, the Supremes may have to look back hundreds of years!

See Ruling

Dated March 30, 2020

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



OSHA REQUIREMENTS FOR MARINE CONSTRUCTION
(Part 2 of 3 – Cranes and Derricks on Barges)

This is part 2 of a 3-part series of articles on OSHA requirements for marine construction as they pertain to un-inspected commercial vessels. Part 1 discussed 29 CFR 1026.605 *Marine operations and equipment* (basically deck barges) and was published in the last NAMS e-News. This article discusses 29 CFR 1926.1437 *Floating cranes/derricks and land cranes/derricks on barges*, subsections (a) through (i).

29 CFR 1926.1437 *Floating cranes/derricks and land cranes/derricks on barges* has the following requirements:

(a) This section contains supplemental requirements for floating cranes/derricks and land cranes/derricks on barges, pontoons, vessels or other means of flotation (*i.e.*, vessel/flotation device). The sections of this subpart apply to floating cranes/derricks and land cranes/derricks on barges, pontoons, vessels or other means of flotation, unless specified otherwise. The requirements of this section do not apply when using jacked barges when the jacks are deployed to the river, lake, or seabed and the barge is fully supported by the jacks.

(b) *General requirements.* The requirements in paragraphs (c) through (k) of this section apply to both floating cranes/derricks and land cranes/derricks on barges, pontoons, vessels or other means of flotation.

(c) *Work area control.*

(1) The requirements of § 1926.1424 (Work area control) apply, except for § 1926.1424(a)(2)(ii).

(2) The employer must either:

(i) Erect and maintain control lines, warning lines, railings or similar barriers to mark the boundaries of the hazard areas; or

(ii) Clearly mark the hazard areas by a combination of warning signs (such as, “Danger - Swing/Crush Zone”) and high visibility markings on the equipment that identify the hazard areas. In addition, the employer must train each employee to understand what these markings signify.

(d) *Keeping clear of the load.* Section 1926.1425 does not apply.

(e) *Additional safety devices.* In addition to the safety devices listed in § 1926.1415, the following safety devices are required:

(1) Barge, pontoon, vessel or other means of flotation list and trim device. The safety device must be located in the cab or, when there is no cab, at the operator's station.

(2) Positive equipment house lock.

(3) *Wind speed and direction indicator.* A competent person must determine if wind is a factor that needs to be considered; if wind needs to be considered, a wind speed and direction indicator must be used.

Cont.

(f) *Operational aids.*

(1) An anti two-block device is required only when hoisting personnel or hoisting over an occupied cofferdam or shaft.

(2) Section 1926.1416(e)(4) (Load weighing and similar devices) does not apply to dragline, clamshell (grapple), magnet, drop ball, container handling, concrete bucket, and pile driving work performed under this section.

(g) *Accessibility of procedures applicable to equipment operation.* If the crane/derrick has a cab, the requirements of § 1926.1417(c) apply. If the crane/derrick does not have a cab, the employer must ensure that:

(1) Rated capacities (load charts) are posted at the operator's station. If the operator's station is moveable (such as with pendant-controlled equipment), the load charts are posted on the equipment.

(2) Procedures applicable to the operation of the equipment (other than load charts), recommended operating speeds, special hazard warnings, instructions and operators manual, must be readily available on board the vessel/flotation device.

(h) *Inspections.* In addition to meeting the requirements of § 1926.1412 for inspecting the crane/derrick, the employer must inspect the barge, pontoons, vessel or other means of flotation used to support a floating crane/derrick or land crane/derrick, and ensure that:

(1) *Shift.* For each shift inspection, the means used to secure/attach the equipment to the vessel/flotation device is in proper condition, including wear, corrosion, loose or missing fasteners, defective welds, and (when applicable) insufficient tension.

(2) *Monthly.* For each monthly inspection:

(i) The means used to secure/attach the equipment to the vessel/flotation device is in proper condition, including inspection for wear, corrosion, and, when applicable, insufficient tension.

(ii) The vessel/flotation device is not taking on water.

(iii) The deck load is properly secured.

(iv) The vessel/flotation device is watertight based on the condition of the chain lockers, storage, fuel compartments, and hatches.

(v) The firefighting and lifesaving equipment is in place and functional.

(3) The shift and monthly inspections are conducted by a competent person, and:

(i) If any deficiency is identified, an immediate determination is made by a qualified person whether the deficiency constitutes a hazard.

(ii) If the deficiency is determined to constitute a hazard, the vessel/flotation device is removed from service until the deficiency has been corrected.

(4) *Annual: external vessel/flotation device inspection.* For each annual inspection:

(i) The external portion of the barge, pontoons, vessel or other means of flotation used is inspected annually by a qualified person who has expertise with respect to vessels/flotation devices and that the inspection includes the following items:

(A) The items identified in paragraphs (h)(1) (*Shift*) and (h)(2) (*Monthly*) of this section.

(B) Cleats, bitts, chocks, fenders, capstans, ladders, and stanchions, for significant corrosion, wear, deterioration, or deformation that could impair the function of these items.

(C) External evidence of leaks and structural damage; evidence of leaks and damage below the waterline may be determined through internal inspection of the vessel/flotation device.

(D) Four-corner draft readings.

(E) Firefighting equipment for serviceability.

(ii) Rescue skiffs, lifelines, work vests, life preservers and ring buoys are inspected for proper condition.

(iii) If any deficiency is identified, an immediate determination is made by the qualified person whether the deficiency constitutes a hazard or, though not yet a hazard, needs to be monitored in the monthly inspections.

(A) If the qualified person determines that the deficiency constitutes a hazard, the vessel/flotation device is removed from service until it has been corrected. See requirements in § 1926.1417(f).

(B) If the qualified person determines that, though not presently a hazard, the deficiency needs to be monitored, the deficiency is checked in the monthly inspections.

(5) *Four-year: internal vessel/flotation device inspection.* For each four-year inspection:

(i) A marine engineer, marine architect, licensed surveyor, or other qualified person who has expertise with respect to vessels/flotation devices surveys the internal portion of the barge, pontoons, vessel, or other means of flotation.

(ii) If the surveyor identifies a deficiency, an immediate determination is made by the surveyor as to whether the deficiency constitutes a hazard or, though not yet a hazard, needs to be monitored in the monthly or annual inspections, as appropriate.

(A) If the surveyor determines that the deficiency constitutes a hazard, the vessel/flotation device is removed from service until it has been corrected.

(B) If the surveyor determines that, though not presently a hazard, the deficiency needs to be monitored, the deficiency is checked in the monthly or annual inspections, as appropriate.

(6) *Documentation.* The monthly and annual inspections required in paragraphs (h)(2) and (h)(4) of this section are documented in accordance with §§ 1926.1412(e)(3) and 1926.1412(f)(7), respectively, and that the four-year inspection required in paragraph (h)(5) of this section is documented in accordance with § 1926.1412(f)(7), except that the documentation for that inspection must be retained for a minimum of 4 years. All such documents must be made available, during the applicable document retention period, to all persons who conduct inspections in accordance with § 1926.1412.

(i) [Reserved]

Note the requirement in sub paragraph h-(4) (i) for the external portion of the barge, pontoons, vessel or other means of flotation used to inspected annually by a qualified person who has expertise with respect to vessels/flotation devices.

Note also the requirement in sub-paragraph h-(5)(i) for a marine engineer, marine architect, licensed surveyor, or other qualified person who has expertise with respect to vessels/flotation devices surveys the internal portion of the barge, pontoons, vessel, or other means of flotation. OSHA has not defined licensed surveyor. Note also the following paragraphs which require action by the surveyor if deficiencies are identified.

The above areas are frequently overlooked when inspecting these types of equipment on barges.

Although not mentioned it would appear that the requirements of 29 CFR 1919 *Gear Certification* also apply. I have discussed that in a previous article. If you would like a copy of that article, please contact me.

As always, I hope anyone who wants to discuss this column or has questions about commercial workboats, tugs, barges or 46 CFR Subchapter M will contact me at 503-236-6818.

Checking Condition of Keel Bolts for Boating Season



This is a very strange period in our lives. Marinas are just starting to launch, and social distancing will make sailing very difficult. When we can, there are some checks that we all need to do on the boat before launch. One of them is the condition of the keel bolts. Admittedly you can see only a small portion of them from the bilge, but it does give you an idea on the condition they are in. Add the inside condition to what you see or don't see, from the outside and you get a rough idea of the overall [condition of the bolts](#).

If the bolts look clean and dry, there's no visible corrosion, and the hull-keel joint is not cracked open, showing water, or has rust trails running from it, there is a good probability that the bolts are in good condition. There is a **very big but** to this. The only way to know for sure what condition the bolts are in is to lower the keel and look at them. The bolts corrode mainly in the area where they go through the FRP hull. It is here that the water can get trapped and no oxygen can reach the bolts — this condition promotes corrosion. So, if there is any doubt in your mind at all or if something doesn't look right, call in a qualified professional to inspect them for you. This is not something that you want to ignore. The loss of a keel can be a tragedy. Spend the time so you are not a statistic, *please*.

If there is reason to believe that the bolts are in bad condition and require inspection, [MarsKeel Technology](#) can help. This process will require the keel to be removed from the boat. We will then pick it up, repair it, and return it to the yard ready for reinstallation.

Replacing bolts in a cast lead keel brings the keel back to virtually as new condition. We replace the bolts in the current positions (*as close as possible, likely within 1/16" or more*) and re-fair the keel making it ready to go back on the boat. On most keels this process is straight forward, however, we have run into older foreign-made keels that have bolt-to-bolt connections inside the casting that make removal and replacement difficult and very occasionally not possible.

In almost 20 years I have only seen one keel that we couldn't remove the bolts without destroying the keel in the process. However, we were able to get around that as well. We cast a new keel using the old one as the pattern. For all other keels, the removal and installation process is accomplished easily by our very experienced staff.

Cost of Keel Bolt Replacement

For a general breakdown, let's define the keel as follows:

It is 5,000 lbs. with 8 bolts and within 1,000 miles of us. The taking apart, cleaning, and putting back together of the keel is up to your local yard and this additional cost is not covered by MarsKeel Technology.

8 Bolts	8 x \$475 = \$3,800.00
Freight approx. 1,000 miles	2 x \$1,200 = \$2,400.00
Total estimated cost	= \$6,200.00

Examples of Keel Bolts We Have Replaced

Below are some pictures of keel bolts we have replaced. They illustrate what can happen to the keel bolts if water and time are allowed to work on them.



The above bolt was removed from a keel that showed heavy corrosion in the bilge and the FRP region. Compared to the new threaded rod, the reduction in diameter it has suffered is clearly visible and cannot hold the weight it was designed for.



This is a keel with what looks like surface rust on the bolts from inside the bilge, but it has serious corrosion where the bolts pass through the FRP. This is exactly the problem you want to find and fix. At this point, there would have likely been water and rust stains running down the keel, but that is not a guarantee. That is why you need to check every year, especially as boats age.



This is a photo of a keel with the bolts on the port side melted out. Once the old bolts are removed, the new bolt is positioned during the refusing process by the channel left in the remaining keel. So, the bolts do get replaced very close to the original position. This is not a project to do yourself or let your yard do. The reason is, if you just fill the void with molten lead, you have soldered the bolt in place and it will fall out. Once we are done with the refusing there is no trace that the keel was ever touched, it is as strong as the day it was cast.

So, if you see a problem, or think there might be a problem, or want to avoid a problem, [have your keel checked](#) by a qualified member of our team. If there is a problem, we can help you.

Have a safe summer!

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IMPORTANT MEMBER INFORMATION



2021 SAMS® International Meeting & Educational Conference (IMEC) Sept. 29th To Oct. 2nd New Orleans, LA

Attention All SAMS® Members

SAMS® Google Group - <https://groups.google.com/forum/?hl=en#!forum/marinesurveyors> .

To access the SAMS® Group, please go to the above link. Upon logging in, an approval will be given via SAMS® HQ to enter the site. To be approved you need to be a member in good standing, and you will need your display name (nickname) to show your first and last name. Please do not use your email as a display name.

The cost of this is covered as part of your annual dues. All we ask is that you abide by the group Policy, and show respect to your fellow surveyor.

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 November 15, 2020. 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.

CE Credits:

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



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APRIL 2020

THROUGH JUNE 2020

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“YACHTS & SMALL CRAFT”

Bryan Bowser, Hudson, QC, Canada

Austin Miley, Deltona, FL;

Steven Alan Jones, Fairfax, CA

Kerry Christopher Nikula, Dania Beach, FL

The following people have been accepted into SAMS® as:

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Mac Hyney, Deer Park, NY

Justin Bixler, Baltimore, MD

Joseph Thomas, Kingston, NY

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