

Department of Transportation, Maritime Administration

SUPPORTING STATEMENT

Mariner Cadet Training-Agreements, Compliance Reporting, and Audits

INTRODUCTION

This is to request the Office of Management and Budget's (OMB) issue 60-day and 30-day notices for processing approval clearance for the information collection entitled, *Mariner Cadet Training-Agreements, Compliance Reporting, and Audits* (OMB Control No. 2133-0553). This is in support of a new MARAD policy initiative.

Part A. Justification.

1. Circumstances that make collection of information necessary.

In accordance with its delegation of authority at 49 CFR 1.93(a), and pursuant to 46 U.S.C. 50101(a)(4), the Maritime Administration (MARAD) is charged with ensuring that the United States Merchant Marine is manned with trained and efficient citizen personnel. Furthermore, 46 U.S.C. 51322 requires MARAD to protect cadet mariners from sexual assault onboard vessels and in so doing, to set sexual assault policy and to conduct random and targeted unannounced checks of commercial vessels.

Prior to the issuance of the EMBARC standards on December 15, 2021, MARAD, USMMA, and DOT officials conducted numerous in-person and virtual meetings with stakeholders both internal and external to the U.S. Government. DOT and MARAD staff visited the USMMA to hear directly from students, staff, alumni, and community members in roundtable-format and small group meetings. MARAD, USMMA, and DOT officials also met with the U.S. Coast Guard (USCG); U.S. Navy's Military Sealift Command; the U.S. Department of Education; Members and staff of the U.S. Congress; representatives from maritime labor; ship owners and operators; the leaders of the state maritime academies; alumni of the USMMA; and seafarers. Additional interested parties consulted included maritime workforce associations such as Women Offshore and non-maritime organizations with expertise in sexual assault and sexual harassment response and survivor support such as the Rape, Abuse, & Incest National Network (RAINN).

This series of meetings took place from September through mid-December 2021. Meetings took the format of one-on-one sessions with stakeholders, group briefings, and a public workshop. At these meetings, MARAD and DOT heard stakeholder recommendations regarding policies and procedures that could help strengthen safety for cadets embarked at sea—and for all mariners—by helping prevent sexual assault and sexual harassment, improve support provided to survivors of sexual assault and harassment, and support a culture of accountability. Following these meetings, MARAD, USMMA, and DOT developed the following principles to guide the development of new criteria that would be applied to commercial vessel operators that train USMMA cadets:

1. Build and maintain a shipboard culture of inclusion and respect.

2. Establish zero tolerance policies for SASH, harassment, and hostile work environment, as well as zero tolerance for retaliation against anyone who reports assault or harassment.
3. Eliminate the barriers that survivors and witnesses face in reporting SASH incidents. Support survivors and witnesses who report SASH incidents.
4. Promptly address any report of behavior that is inconsistent with EMBARC standards, using every available resource.
5. Provide for a comprehensive review of all company and vessel policies and procedures to ensure that they fully support a work environment in which assault and harassment in any form—and retaliation against those who report assault or harassment—are not tolerated.
6. Provide for the proper implementation of new standards (referred to as EMBARC Standards) and ensure the adoption of updates as they are promulgated by MARAD.
7. Incorporate SASH prevention, response, and reporting procedures into the Company and Vessel Safety Management Systems.

Consistent with these principles, MARAD, DOT, and USMMA, began to seek comments on a draft version of Every Mariner Builds a Respectful Culture (EMBARC) Standards. More than XXXX comments were received in response to the draft, including from USMMA midshipmen, vessel owners and operators, maritime labor, state maritime academies, maritime workforce leaders, staff of the U.S. Congress, USCG, the Department of Education, and RAINN. Among other recommendations, commenters suggested that EMBARC standards should:

- Ensure that all standards that are immediately applicable to carriers are implemented before cadets are embarked;
- Clarify the training requirements—including the frequency of training—for crew members and for cadets;
- Not designate the Designated Person Ashore—a position identified under the SOLAS convention—as a carrier’s SASH contact for cadets;
- Clarify the communications procedures between a carrier’s SASH contact and cadets;
- Clarify the training requirements for carriers’ SASH contacts; and
- Delay certain proposed requirements, such as the installation of cameras on board vessels.

On December 15, 2021, MARAD published on its website the EMBARC standards and self-assessment checklist regarding which comments are now sought. MARAD has continued to meet with stakeholders to clarify EMBARC requirements and receive comments. For example, MARAD and USMMA met with the U.S. Navy Military Sealift Command, state maritime academies, vessel owners and operators, and maritime labor on January 27th to provide clarity

on certain EMBARC Checklist items and hear stakeholders' comments and concerns regarding EMBARC. MARAD also published a "Frequently Asked Questions" (FAQ) on its website on February 8, 2022.

Consistent with its commitment to continuous review and improvement of EMBARC and continuing its extensive outreach to stakeholders, MARAD believes that this notice with request for comments will further improve its EMBARC Standards.

Accordingly, MARAD needs to obtain information from commercial vessel operators in order to meet its statutory objective of setting sexual assault policy and monitoring compliance that is essential to meeting its mission of ensuring a well-trained U.S. Merchant Marine.

2. How, by whom, and for what purpose is the information used.

The information to be collected will be used by MARAD to confirm the acceptance of MARAD sexual assault policies by commercial vessel operators and it will help establish a process to oversee and monitor compliance through reporting and auditing of commercial vessel operators.

3. Extent of automated information collection.

The collection of information will be administered electronically through the use of electronic documentation including email, reports, and other supporting documentation. MARAD compliance reviews may also result in the receipt of hard copy documentation when performed on site and may also include written communications and investigation reports. The adoption of these means of information collection supports conventional MARAD operations and will assist the ease at which commercial vessel operators may comply with MARAD requirements.

4. Efforts to identify duplication.

The information being sought is not available through other existing or planned sources. Acceptance of MARAD sexual assault and harassment policies and compliance monitoring of commercial vessel operators is not available from other sources.

5. Efforts to minimize the burden on small businesses.

This collection does not impact small businesses or other small entities.

6. Impact of less frequent collection of information.

This collection of information specifically concerns vessel operator acceptance of MARAD safety and security tenets and compliance reporting and assessment requirements. The frequency of collecting information has been developed in order to allow cadets to safely train on commercial vessels, which is critical in meeting MARAD's mission requirements to provide for our nation's demand for licensed U.S. mariners. Routine reporting, aligned with MARAD statutory authority, is essential to ensuring cadets' personal safety and security while working on vessels subject to the International Convention for Safety of Life at Sea 1974. In the future, MARAD may amend EMBARC so that it will apply to vessels to that are not required to comply with the International Convention for the Safety of Life at Sea 1974, or establish alternative

criteria that such vessels must meet in order to carry USMMA cadets..

7. Special circumstances.

This collection is necessary to carrying out, and consistent with, MARAD's statutory authority to perform targeted checks on commercial vessels carrying cadet mariners to protect against sexual assault and sexual harassment. (46 USC 51322). While it will allow for quarterly compliance reporting, it also provides for commercial operators to inform MARAD of events on the vessel contemporaneously, necessary to timely alert authorities to the occurrence of sexual assault or sexual harassment. Because of the seriousness of potential harm to cadet mariners, MARAD is seeking to establish very active and clear channels of communication with commercial vessel operators carrying cadets.

Except as noted above regarding collection of quarterly and contemporaneous reports, this collection does not include any special circumstances that would cause collection in any of the above identified manners.

8. Compliance with 5 CFR 1320.8:

MARAD is seeking processing approval in accordance with. Following approval, MARAD will seek notice and comment in compliance with 5 CFR 1320.8 to continue use of this collection. The Maritime Administration published a 60-day Federal Register notice and request for comments on this information collection in the Federal Register April 29, 2022 (Vol. 87, FR 25564) indicating comments should be submitted on or before June 29, 2022. No comments were received. In addition, MARAD published a 30-day Federal Register notice on June 29, 2022 (Vol. 87, FR 38817) indicating comments should be submitted on or before July 29, 2022.

9. Payments or gifts to respondents.

There are no payments or gifts to commercial vessel operators under this action.

10. Assurance of confidentiality:

The proprietary and confidential information gathered will be kept confidential pursuant to the Freedom of Information Act, 5 U.S.C. 552 and DOT Implementing regulations at 46 CFR Part 7.

11. Justification for collection of sensitive information:

This basic information gathered is not sensitive in nature. Information arriving under follow-on investigations, depending on whether they be criminal or otherwise, could be sensitive and will be protected under the Privacy Act or FERPA.

12. Estimate of burden hours for information requested:

A. Initial Submission (SASH Policy):

Number of Respondents		Responses Per Respondent	=	Total Annual Responses		Burden Hours Per Response	=	Total Annual Burden Hrs.
35	x	1	=	35	x	2	=	70

Estimated one-time cost to respondent:

Computation of data, completion of application form, letter, and mailing:

Est. 1 hr. of professional (Captains, Mates, Pilots) time @	\$ 43.14
Est. 1 hr. of clerical (typist) time @	\$ 19.43
Total	\$ 62.57
Number of applicants (annual response)	<u>x 35</u>
Total Estimated Annual Burden Cost	\$2,189.95
Total Estimated Burden Hours	70

B. Enrollment (Statement of Compliance and Checklist)

Number of Respondents		Responses Per Respondent	=	Total Annual Responses		Burden Hours Per Response	=	Total Annual Burden Hrs.
35	x	1	=	35	x	2	=	70

Estimated one-time cost to respondent:

Computation of data, completion of application form, letter, and mailing:

Est. 1 hr. of professional (accountant) time @	\$ 39.26
Est. 1 hr. of clerical (typist) time @	\$ 19.43
Total	\$ 58.69
Number of applicants (annually)	<u>x 35</u>
Total Estimated Annual Burden Cost	\$ 2,054.16
Total Estimated Burden Hours	70

C. Safety Management System (Checklist SMS Authority Approval):

Number of Respondents		Responses Per Respondent	=	Total Annual Responses		Burden Hours Per Response	=	Total Annual Burden Hrs.
35	x	1	=	35	x	2	=	70

Est. 1 hr. of professional (Captain, Mate, Pilot) time @	\$ 43.14
Est. 1 hr. of clerical time @	\$ 19.43

Total	\$ 62.84
Number of applicants (annually)	<u> x 35</u>
Total Estimated Annual Burden Cost	\$2,199.40
Total Estimated Burden Hours	70

D. Vessel Operator Self Audits:

Number of Respondents		Responses Per Respondent	=	Total Annual Responses		Burden Hours Per Response	=	Total Annual Burden Hrs.
35	x	1	=	35	x	5	=	175

Estimated one-time cost to respondent:

Est. 4 hrs. of professional (Vessel Captain) time @ \$43.14	\$172.56
Est. 1 hr. of clerical (typist) time @ \$19.43	<u>\$ 19.43</u>
Total	\$191.99
Number of applicants (annually)	<u> x 35</u>
Total Estimated Annual Burden Cost	\$6,719.65
Total Estimated Burden Hours	175

E. MARAD and 3rd Party Audits of the Vessel Operators:

Number of Respondents		Responses Per Respondent	=	Total Annual Responses		Burden Hours Per Response	=	Total Annual Burden Hrs.
4	x	2	=	8	x	5	=	40

Est. 4 hrs. of professional (Vessel Captain) time @ \$43.14	\$172.56
Est. 1 hr. of clerical (typist) time @ \$19.43	<u>\$ 19.43</u>
Total	\$191.99
Number of applicants (annually)	<u> x 8</u>
Total Estimated Annual Burden Cost	\$1,535.92
Total Estimated Burden Hours	40

F. Vessel Operator Training Recordkeeping:

Number of Respondents		Responses Per Respondent	=	Total Annual Responses		Burden Hours Per Response	=	Total Annual Burden Hrs.
35	x	1	=	35	x	6	=	210

Est. 4 hrs. of professional (Vessel Captain) time @ \$43.14	\$172.56
Est. 2 hrs. of clerical (typist) time @ \$19.43	\$ 38.86
Total	\$211.42
Number of applicants (annually)	<u> x 35</u>

Total Estimated Annual Burden Cost	\$7,399.70
Total Estimated Burden Hours	210

G. Onboarding Reporting

Number of Respondents	Responses Per Respondent	Total Annual Responses	Burden Hours Per Response	Total Annual Burden Hrs.
35	x 1	= 35	x 4	= 140

Est. 4 hrs. of professional (Vessel Captain) time @ \$43.14	\$172.56
Number of annual reports	<u>x 1</u>
Total	\$172.56
Number of applicants (annually)	<u>x 35</u>

Total Estimated Annual Burden Cost	\$6039.60
Total Estimated Burden Hours	140

H. Onboarding Recordkeeping:

Number of Respondents	Responses Per Respondent	Total Annual Responses	Burden Hours Per Response	Total Annual Burden Hrs.
35	x 1	= 35	= 6	210

Est. 2 hrs. of professional (Vessel Captain, Mate, Pilot) time @ \$43.14	\$ 86.28
Est. 4 hrs. of clerical (typist) time @ \$19.43	<u>\$ 77.72</u>
Total	\$164.00
Number of applicants (annually)	<u>x 35</u>

Total Estimated Annual Burden Cost	\$ 5,740.00
Total Estimated Burden Hours	210

I. SASH Violation Reporting:

Number of Respondents	Responses Per Respondent	Total Annual Responses	Burden Hours Per Response	Total Annual Burden Hrs.
35	x 1	= 35	x 6	210

Est. 5 hrs. of Professional time (Captain, Mates, Pilots) @ \$43.14	= \$215.70
Est. 1 hrs. of clerical (typist) @ 19.43	= <u>\$ 19.43</u>
Total	= \$235.13
Number of applicants	<u>x 35</u>

Total Estimated Annual Burden Cost	\$8,229.55
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Compliance and Checklist)					
C. Safety Management System (Checklist SMS Authority Approval)	35	1	35	2	70
D. Vessel Operator Self Audits	35	1	35	5	175
E. MARAD and 3rd Party Audits of the Vessel Operators	4	2	8	5	40
F. Vessel Operator Training Recordkeeping	35	1	35	6	210
G. Onboarding Reporting	35	1	35	4	140
H. Onboarding Recordkeeping	35	1	35	6	210
I. SASH Violation Reporting	35	1	35	6	210
J. SASH Compliance Quarterly Meetings	35	4	140	3	420
Estimated Grand Total Hours	319		428		1615

13. Estimate of total annual costs to respondents.

(a) Total Capital and Start-Up Costs Estimate: There are no capital or start-up costs associated with this information collection.

(b) Total Operation and Maintenance and Purchase of Services Estimate: N/A

14. Estimate of cost to the Federal government.

The annual cost to the Federal Government is estimated as follows:

A. Initial Submission (SASH Policy)

Two Program Manager - GS-15 step 10 @ \$84.48 per hr. spend 1 hour of their time to review SASH Policy @ \$84.48x 2 = \$ 168.96
 Audit records x 35

Total \$ 5,913.60

B. Enrollment (Checklist and Statement of Compliance)

Two Compliance Specialist - GS-14 step 10 @ \$78.63 per hr. spend 1 hour of their time to review Training Agreement @ \$78.63 x 2 = \$ 157.26
Audit records x 35
Total \$ 5,504.10

C. Vessel Operator Self Audits Reports

Two Program Manager - GS-15 step 10 @ \$84.48 per hr. spend 2 hours of their time to review the Vessel Operator Self Audits Reports @ \$84.48 x 4 = \$ 337.92
Report records x 35
Total \$ \$11,827.20

D. MARAD and 3rd Party Audits of the Vessel Operators

Two Program Manager - GS-15 step 10 @ \$84.48 per hr. spend 5 hours of their time to conduct an Audit of the Vessel Operators @ \$84.48 x 10 = \$ 844.80
Audit records x 35
Subtotal \$ 29,568.00

Two Attorney GS-15 step 10 @ 84.48 spends 1 hr. to review Vessel Operator Audits reports = \$ 168.96
Audit records x 35
Subtotal \$ 5,913.60
Total \$ 35,481.60

E. Vessel Operator Training Recordkeeping:

One Compliance Specialist - GS-14 step 10 @ \$78.63 per hr. spend 1 hour to maintain records of training compliance @ \$78.63 x 1 = \$78.63
Individual records x 35
Total \$ 2,752.05

F. Onboarding Reports

Two Program Manager - GS-15 step 10 @ \$84.48 per hr. spend 2 hours of their time to review the Onboarding Compliance Reporting @ \$84.48 x 4 = \$ 337.92
Onboarding records x 35
Total \$ 11,827.20

G. Onboarding Reports Recordkeeping:

One Compliance Specialist - GS-14 step 10 @ \$78.63 per hr. spend 1 hour to maintain onboarding records @ \$78.63 x 1 = \$ 78.63

Individual records	<u> 35</u>
Total	\$ 2,752.05

H. SASH Violation Reporting

Two Program Manager - GS-15 step 10 @ \$84.48 per hr. spend 1 hour to review the SASH Violation Reports @ \$84.48 x 2 =	\$ 168.96
Individual records	<u> 35</u>
Total	\$ 5,913.60

I. SASH Compliance Quarterly Meetings

Two Program Manager - GS-15 step 10 @ \$84.48 per hr. spend 3 hours to conduct Quarterly SASH Compliance meetings @ \$84.48 x 6 =	\$ 506.88
Self-Audit Report	<u> 35</u>
Total	\$ 17,740.80

[\$5,913.60 + \$5,504.10 + \$11,827.20 + \$29,568.00 + \$5,913.60 + \$2,752.05 + \$11,827.20 + \$2,752.05 + \$5,913.60 + \$17,740.80 = \$99,712.20]

Estimated Grand Total (Cost): \$99,712.20

Benefits – \$99,712.20 x 1.4 = \$139,597.08

*Incorporating the 2.2% general schedule increase and a locality payment of 31.53% for the locality pay area of Washington-Baltimore-Arlington, DC-MD-VA-WV-PA total increase: 3.02% Effective January 2022

15. Explanation of program changes or adjustments.

There have been no changes.

16. Publication of results of data collection.

There are no plans to publish the results of this information collection for statistical purposes.

17. Approval for not displaying the expiration date of OMB approval.

Approval is not requested to not display the expiration date. MARAD is seeking to have this information collection approved for 6 months.

18. Exceptions to certification statement.

There are no exceptions to the certificate statement.

ATTACHMENTS:

Provide any legal or other supporting documentation electronically (rulemaking, Federal Register notices, letter, instructions, report, survey, form, questionnaire, etc.). List numbered or lettered attachments.
