

## PORT EVERGLADES FRANCHISE APPLICATION

An application will not be deemed completed and processed until all required documents and fees are received.  
A separate application must be filed for each type of franchise Applicant wishes to apply for.

CHECK ONE  STEAMSHIP AGENT  STEVEDORE  
 CARGO HANDLER  TUGBOAT & TOWING  
 VESSEL BUNKERING  VESSEL OILY WASTE REMOVAL  
 VESSEL SANITARY WASTE WATER REMOVAL

**Note: Applicant is defined as the legal entity applying for the franchise. All information contained in this application shall apply only to the Applicant, not to any parent, affiliate, or subsidiary entities.**

Applicant's Name Tugz Company, L. L. C., d/b/a McAllister Towing of Port Everglades  
(Name as it appears on the certificate of incorporation, charter, by-laws, or other official document)

Applicant's Business Address 2110 Eller Drive, Pier 28D, Fort Lauderdale, FL 33316  
Number / Street City/State/Zip

Phone # ( 954 ) 527-2500 E-mail address mring @ mcallistertowing.com

Fax #: ( 954 ) 527-5271

**Name of the person authorized to bind the Applicant  
(This person's signature must appear on Page 10.)**

Name Michael Ring

Title Vice President , Southeast Operations, McAllister Towing and Transportation Co., Inc.

Business Address P. O. Box 21623, Fort Lauderdale, FL 33335  
Number / Street City/State/Zip

Phone # (954 ) 527-2500 E-mail address mring @ mcallistertowing.com

Fax #: ( 954 ) 527-5271

Provide the Name and Contact Information of Applicant's Representative to whom questions about this application are to be directed: (if different from the person authorized to bind the Applicant)

Representative's Name Same as above

Representative's Title \_\_\_\_\_

Representative's Business Address \_\_\_\_\_  
Number / Street City/State/Zip

Representative's Phone # ( ) \_\_\_\_\_

Representative's E-mail address \_\_\_\_\_ @ \_\_\_\_\_

Representative's Fax #: ( ) \_\_\_\_\_

**PLEASE COMPLETE THIS APPLICATION AND LABEL ALL REQUIRED BACKUP DOCUMENTATION TO CLEARLY IDENTIFY THE SECTION OF THE APPLICATION TO WHICH THE DOCUMENTATION APPLIES (I.E., SECTION A, B, C, etc.).**

**Section A**

1. List the name(s) of Applicant's officers including CEO, COO, CFO, director(s), member(s), partner(s), shareholder(s), principal(s), employee(s), agents, and local representative(s) active in the management of the Applicant.

Officers:

Title See attached Section A  
First Name \_\_\_\_\_ Middle Name \_\_\_\_\_  
Last Name \_\_\_\_\_  
Business Street Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Phone Number (\_\_\_\_) \_\_\_\_\_ Fax Number (\_\_\_\_) \_\_\_\_\_  
Email Address \_\_\_\_\_@\_\_\_\_\_.

Title \_\_\_\_\_  
First Name \_\_\_\_\_ Middle Name \_\_\_\_\_  
Last Name \_\_\_\_\_  
Business Street Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Phone Number (\_\_\_\_) \_\_\_\_\_ Fax Number (\_\_\_\_) \_\_\_\_\_  
Email Address \_\_\_\_\_@\_\_\_\_\_.

Title \_\_\_\_\_  
First Name \_\_\_\_\_ Middle Name \_\_\_\_\_  
Last Name \_\_\_\_\_  
Business Street Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Phone Number (\_\_\_\_) \_\_\_\_\_ Fax Number (\_\_\_\_) \_\_\_\_\_  
Email Address \_\_\_\_\_@\_\_\_\_\_.

Title \_\_\_\_\_  
First Name \_\_\_\_\_ Middle Name \_\_\_\_\_  
Last Name \_\_\_\_\_  
Business Street Address \_\_\_\_\_  
City, State, Zip Code \_\_\_\_\_  
Phone Number (\_\_\_\_) \_\_\_\_\_ Fax Number (\_\_\_\_) \_\_\_\_\_  
Email Address \_\_\_\_\_@\_\_\_\_\_.

Attach additional sheets if necessary.

2. RESUMES: Provide a resume for each officer, director, member, partner, shareholder, principal, employee, agent, and local representative(s) active in the management of the Applicant, as listed above.

**Section B**

1. Place checkmark to describe the Applicant:  
( ) Sole Proprietorship ( ) Corporation ( ) Partnership ( ) Joint Venture (  ) Limited Liability Company
2. Provide copies of the documents filed at the time the Applicant was formed including Articles of Incorporation (if a corporation); Articles of Organization (if an LLC); or Certificate of Limited Partnership or Limited Liability Limited Partnership (if a partnership). If the Applicant was not formed in the State of Florida, provide a copy of the documents demonstrating that the Applicant is authorized to conduct business in the State of Florida.

**Section C**

1. Has there been any change in the ownership of the Applicant within the last five (5) years? (e.g., any transfer of interest to another party)  
Yes\_\_\_ No  If "Yes," please provide details in the space provided. Attach additional sheets if necessary.
2. Has there been any name change of the Applicant or has the Applicant operated under a different name within the last five (5) years?  
Yes\_\_\_ No  If "Yes," please provide details in the space provided, including: Prior name(s) and Date of name change(s) filed with the State of Florida's Division of Corporations or other applicable state agency. Attach additional sheets if necessary.
3. Has there been any change in the officers, directors, executives, partners, shareholders, or members of the Applicant within the past five (5) years?  
Yes\_\_\_ No  If "Yes," please provide details in the space provided, including:  
Prior officers, directors, executives, partners, shareholders, members  
Name(s) \_\_\_\_\_  
New officers, directors, executives, partners, shareholders, members  
Name(s) \_\_\_\_\_  
Also supply documentation evidencing the changes including resolution or minutes appointing new officers, list of new principals with titles and contact information, and effective date of changes. Attach additional sheets if necessary.

**Section D**

Provide copies of all fictitious name registrations filed by the Applicant with the State of Florida's Division of Corporations or other State agencies. If none, indicate "None" \_\_\_\_\_.

**Section E**

1. Has the Applicant acquired another business entity within the last five (5) years?  
Yes \_\_\_ No X If "Yes," please provide the full legal name of any business entity which the Applicant acquired during the last five (5) years which engaged in a similar business activity as the business activity which is the subject of this Port Everglades Franchise Application.  
If none, indicate "None" \_\_\_\_\_.
  
2. Indicate in the space provided the date of the acquisition and whether the acquisition was by a stock purchase or asset purchase and whether the Applicant herein is relying on the background and history of the acquired firm's officers, managers, employees and/or the acquired firm's business reputation in the industry to describe the Applicant's experience or previous business history. Attach additional sheets if necessary.
  
3. Has the Applicant been acquired by another business entity within the last five (5) years?  
Yes \_\_\_ No X If "Yes," provide the full legal name of any business entity which acquired the Applicant during the last five (5) years which engaged in a similar business activity as the business activity which is the subject of this Port Everglades Franchise Application.  
If none, indicate "None" \_\_\_\_\_.
  
4. Indicate in the space provided the date of the acquisition and whether the acquisition was by a stock purchase or asset purchase and whether the Applicant herein is relying on the background and history of the parent firm's officers, managers, employees and/or the parent firm's business reputation in the industry to describe the Applicant's experience or previous business history. Attach additional sheets if necessary.

**Section F**

Provide the Applicant's previous business history, including length of time in the same or similar business activities as planned at Port Everglades.

**Section G**

1. Provide a list of the Applicant's current managerial employees, including supervisors, superintendents, and forepersons.
  
2. List the previous work history/experience of the Applicant's current managerial employees, including their active involvement in seaports and length of time in the same or similar business activities as planned at Port Everglades.

**Section H**

List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application. **Use this form for each seaport listed. Photocopy additional pages as needed (one page for each seaport listed).**

If none, state "None" \_\_\_\_\_.

Seaport PORT EVERGLADES Number of Years Operating at this Seaport 14

List below all of the Applicant's Clients for which it provides services at the seaport listed above.

Client Name (Company)	Number of Years Applicant has Provided Services to this Client
ATTACHED	

**Section I**

1. Provide a description of all past (within the last five (5) years) and pending litigation and legal claims where the Applicant is a named party, whether in the State of Florida or in another jurisdiction, involving allegations that Applicant has violated or otherwise failed to comply with environmental laws, rules, or regulations or committed a public entity crime as defined by Chapter 287, Florida Statutes, or theft-related crime such as fraud, bribery, smuggling, embezzlement or misappropriation of funds or acts of moral turpitude, meaning conduct or acts that tend to degrade persons in society or ridicule public morals.

The description must include all of the following:

- a) The case title and docket number
- b) The name and location of the court before which it is pending or was heard
- c) The identification of all parties to the litigation
- d) General nature of all claims being made

If none, indicate "None" None.

2. Indicate whether in the last five (5) years the Applicant or an officer, director, executive, partner, or a shareholder, employee or agent who is or was (during the time period in which the illegal conduct or activity took place) active in the management of the Applicant was charged, indicted, found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of a plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white-collar crime or theft-related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, etc. or (3) results in a felony conviction where the crime is directly related to the business activities for which the franchise is sought.

Yes \_\_\_ No XX

If you responded "Yes," please provide all of the following information for each indictment, charge, or conviction:

- a) A description of the case style and docket number
- b) The nature of the charge or indictment
- c) Date of the charge or indictment
- d) Location of the court before which the proceeding is pending or was heard
- e) The disposition (e.g., convicted, acquitted, dismissed, etc.)
- f) Any sentence imposed
- g) Any evidence which the County (in its discretion) may determine that the Applicant and/or person found guilty or convicted of illegal conduct or activity has conducted itself, himself or herself in a manner as to warrant the granting or renewal of the franchise.

**Section J**

The Applicant must provide a current certificate(s) of insurance. Franchise insurance requirements are determined by Broward County's Risk Management Division and are contained in the Port Everglades Tariff No. 12 as amended, revised or reissued from time to time. The Port Everglades Tariff is contained in the Broward County Administrative Code, Chapter 42, and is available for inspection on line at: <http://www.porteverglades.net/development/tariff>.

**Section K**

1. The Applicant must provide its most recent audited or reviewed financial statements prepared in accordance with generally accepted accounting principles, or other documents and information which demonstrate the Applicant's creditworthiness, financial responsibility, and resources, which the Port will consider in evaluating the Applicant's financial responsibility.

2. Has the Applicant or entity acquired by Applicant (discussed in Section E herein) sought relief under any provision of the Federal Bankruptcy Code or under any state insolvency law filed by or against it within the last five (5) year period?

Yes \_\_\_ No X

If "Yes," please provide the following information for each bankruptcy or insolvency proceeding:

- a) Date petition was filed or relief sought
- b) Title of case and docket number
- c) Name and address of court or agency
- d) Nature of judgment or relief
- e) Date entered

3. Has any receiver, fiscal agent, trustee, reorganization trustee, or similar officer been appointed in the last five (5) year period by a court for the business or property of the Applicant? Yes \_\_\_

No X

If "Yes," please provide the following information for each appointment:

- a) Name of person appointed
- b) Date appointed
- c) Name and address of court
- d) Reason for appointment

4. Has any receiver, fiscal agent, trustee, reorganization trustee, or similar officer been appointed in the last five (5) year period by a court for any entity, business, or property acquired by the Applicant?

Yes \_\_\_ No X

If "Yes," please provide the following information for each appointment:

- a) Name of person appointed
- b) Date appointed
- c) Name and address of court
- d) Reason for appointment

**Section L**

List four (4) credit references for the Applicant, one of which must be a bank. Use this format:

Name of Reference See Section L \_\_\_\_\_ Nature of Business \_\_\_\_\_

Contact Name \_\_\_\_\_ Title \_\_\_\_\_

Legal Business Street Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Phone Number (\_\_\_\_) \_\_\_\_\_

(Provide on a separate sheet.)

**Section M**

1. Security: Pursuant to Port Everglades Tariff 12, Item 960, all Franchisees are required to furnish an Indemnity and Payment Bond or Irrevocable Letter of Credit drawn on a U.S. bank in a format and an amount not less than \$20,000 as required by Broward County Port Everglades Department.

2. Has the Applicant been denied a bond or letter of credit within the past five (5) years?

Yes\_\_\_ No X\_\_\_

If "Yes," please provide a summary explanation in the space provided of why the Applicant was denied. Use additional sheets if necessary.

**Section N**

1. Provide a list and description of all equipment currently owned and/or leased by the Applicant and intended to be used by the Applicant for the type of service(s) intended to be performed at Port Everglades including the age, type of equipment and model number.

2. Identify the type of fuel used for each piece of equipment.

3. Indicate which equipment, if any, is to be domiciled at Port Everglades.

4. Will all equipment operators be employees of the Applicant, on the payroll of the Applicant, with wages, taxes, benefits, and insurance paid by the Applicant?

Yes X\_\_\_ No\_\_\_

If "No," please explain in the space provided who will operate the equipment and pay wages, taxes, benefits, and insurance, if the franchise is granted. Use additional sheets if necessary.

**Section O**

Provide a copy of the Applicant's current Broward County Business Tax Receipt (formerly Occupational License).

**Section P**

1. Provide a copy of Applicant's safety program.
2. Provide a copy of Applicant's substance abuse policy.
3. Provide a copy of Applicant's employee job training program/policy.
4. Provide information regarding frequency of training.
5. Include equipment operator certificates, if any.



**Section Q**

1. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or fines from any federal, state, or local environmental regulatory agencies?

Yes\_\_\_ No\_X\_\_

2. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or civil penalties from the U.S. Coast Guard?

Yes\_\_\_ No\_X\_\_

3. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or fines from the Occupational Safety and Health Administration?

Yes\_\_\_ NoX\_\_\_

If you responded "Yes" to any of this section's questions 1, 2, or 3 above, please provide a detailed summary for each question containing the following information:

a) Name and address of the agency issuing the citation or notice

b) Date of the notice

c) Nature of the violation

d) Copies of the infraction notice(s) from the agency

e) Disposition of case

f) Amount of fines, if any

g) Corrective action taken

Attach copies of all citations, notices of violations, warning notices, civil penalties and fines issued by local, state, and federal regulatory agencies, all related correspondence, and proof of payment of fines.

4. Provide a statement (and/or documentation) which describes the Applicant's commitment to environmental protection, environmental maintenance, and environmental enhancement in the Port.

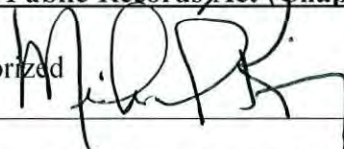
**Section R**

Provide written evidence of Applicant's ability to promote and develop growth in the business activities, projects or facilities of Port Everglades through its provision of the services (i.e., stevedore, cargo handler or steamship agent) it seeks to perform at Port Everglades. For first-time applicants (stevedore, cargo handler and steamship agent), the written evidence must demonstrate Applicant's ability to attract and retain new business such that, Broward County may determine in its discretion that the franchise is in the best interests of the operation and promotion of the port and harbor facilities. The term "new business" is defined in Chapter 32, Part II of the Broward County Administrative Code as may be amended from time to time.

By signing and submitting this application, Applicant certifies that it has read and understands the governing rules and regulations for a franchise as provided in Chapter 32, Part II, of the Broward County Administrative Code as amended. For additional information, visit: <http://www.municode.com/resources/gateway.asp?pid=13528&sid=9>.

By signing and submitting this application, Applicant certifies that all information provided in this application is true and correct and further, understands that providing false or misleading information on this application may result in the franchise application being denied, or in instances of renewal, a franchise revoked. Applicant hereby waives any and all claims for any damages resulting to the Applicant from any disclosure or publication in any manner of any material or information acquired by Broward County during the franchise application process or during any inquiries, investigations, or public hearings. The individual executing this application personally warrants that s/he has the full binding authority to execute this application on behalf of the Applicant. Applicant further understands that if there are any changes to the information provided herein (subsequent to this application submission) and/or to its officers, directors, senior management personnel and/or in its business operation and/or any citations, notices of violation, warnings or fines from any federal, state or local regulatory agencies, as stated in this application, Applicant agrees to provide such updated information to the Port Everglades Department of Broward County including the furnishing of the names, addresses (and other information as required above) with respect to persons becoming associated with Applicant after its franchise application is submitted and any other required documentation requested by Port Everglades Department staff as relating to the changes in the business operation. This information must be submitted within ten (10) calendar days from the date of any change made by the Applicant. Applicant certifies that all workers performing functions for Applicant who are subject to the Longshore and Harbor Workers' Act are covered by Longshore and Harbor Workers' Act, Jones Act Insurance, as required by federal law.

**By signing and submitting this application, Applicant authorizes the Port Everglades Department of Broward County to make any inquiry or investigation it deems appropriate to verify or augment the information contained in this application, and authorizes others to release to the Port Everglades Department of Broward County any and all information sought in such inquiry. Applicant further understands that under the laws of the State of Florida, this application is subject to the Florida Public Records Act (Chapter 119, Florida Statutes) as may be amended.**

Signature of Applicant's Authorized Representative  Date Signed 4-13-17

Signature name and title - typed or printed Michael Ring, Vice President

Witness Signature (\*Required\*) 

Witness name-typed or printed Aritra D. Lanczi

Witness Signature (\*Required\*) 

Witness name-typed or printed CHARLES RANSOM

If a franchise is granted, all official notices/correspondence should be sent to:

Name Michael Ring Title Vice President

Address P. O. Box 21623, Fort Lauderdale, FL 33335 Phone (954) 527-2500

OFFICERS CERTIFICATE

Tugz Company, LLC

I, Brian A. McAllister, Chairman and Chief Executive Officer of Tugz Company, LLC (Corporation) a company duly organized and existing under the laws of the State of Delaware and authorized to do business in the State of Florida, hereby certify as follows::


Michael Ring, Vice President of McAllister Towing and Transportation Company, Inc. and Tugz Company, LLC is hereby authorized to sign the Port Everglades Franchise Application as well as any and all documentation relating to the renewal of the Franchise Agreement with Broward County..

IN WITNESS WHEREOF, I hereunto subscribe my name this 11<sup>th</sup> day of May, 2017.



Brian A. McAllister, Chairman and Chief Executive Officer

Sworn to before me this 11<sup>th</sup>  
Day of May, 2017



Ann-Marie Arcabasolo  
Notary Public, State of New York  
No. 01AP6181528  
Qualified in Queens County 20  
Commission Expires February 4, 20

**PORT EVERGLADES FRANCHISE APPLICATION  
SECTION A**

**List the name(s) of Applicant's officers including CEO, COO, CFO, member(s), partner(s), shareholder(s), principal(s), employee(s), and agents active in the management of the Applicant.**

**Bruce A. McAllister**  
President  
Tugz Company, L.L.C.  
340 Royal Poinciana Way, Suite 321  
Palm Beach FL 33480  
Tel 561-659-1770  
Fax 561-833-2261  
Email: [Bruce.McAllister@amrl.com](mailto:Bruce.McAllister@amrl.com)

**Brian A. McAllister**  
Chairman and CEO  
Tugz Company, L.L.C.  
McAllister Towing and Transportation Co.,  
17 Battery Place, Suite 1200  
New York, NY 10004  
Tel: 212-269-3200  
Fax: 212-509-1147  
Email: [Brian@mcallistertowing.com](mailto:Brian@mcallistertowing.com)

**Michael Ring**  
Vice President Southeast Operations , McAllister Towing and Transportation Co.,  
Vice President  
Tugz Company, L.L.C.  
2110 Eller Drive, Pier 28D  
Fort Lauderdale, FL 33316  
Tel: 954-527-2500  
Fax: 954-527-5271  
Email: [mring@mcallistertowing.com](mailto:mring@mcallistertowing.com)

**A.J. McAllister, III**  
Sr. Vice President Sales  
Tugz Company, L.L.C.  
17 Battery Place, Suite 1200  
New York, NY 10004  
Tel: 212-269-3200  
Fax: 212-509-1147  
Email: [aj@mcallistertowing.com](mailto:aj@mcallistertowing.com)

**Charles W. Runnion**  
Vice President, General Manger  
Tugz Company, L.L.C.  
2110 Eller Drive, Pier 28D  
Fort Lauderdale, FL 33316  
Tel: 954-527-2500  
Fax: 954-527-5271  
Email: [crunnion@mcallistertowing.com](mailto:crunnion@mcallistertowing.com)

**Captain. Brian A. McAllister**

McAllister Towing  
17 Battery Place, Suite 1200  
New York, NY 10004  
Tel: (212) 269-3200

**E-Mail: [Brian@McAllisterTowing.com](mailto:Brian@McAllisterTowing.com)**

**Education**

- State University of New York Maritime College, Fort Schuyler
- B.S., Marine Engineering and Third Assistant Engineer License-1956
- License-Third Assistant Engineer of Steam, Motor, or Gas Turbine Vessels of any Horsepower
- License- Master of Steam or Motor Vessels Oceans 1600 Tons
- License- Master Inland and First Class Pilot (unlimited tonnage)
- License- First Class Pilot of any gross tons upon; upper and lower New York Bay from sea to the Battery; East River the Battery to Execution Rocks; Long Island Sound; Eaton Point; Gardiner Bay to Orient Point Rock; Bridgeport and New London Harbor, CT; Staten Island Sound, Kill Van Kull to Perth Amboy, NJ; Raritan Bay and River to the Arsenal; Newark Bay and Tributaries; Delaware River, from Windy Point, PA to Allegheny Avenue; Port Richmond, PA; Elizabeth River, Sewells Point, to Town Point, VA
- License-Radar Observer (unlimited)

**Experience**

- 2012-Present Chairman of all McAllister Towing related companies
- 1984-2012 President of all McAllister Towing related companies
- 1968-1984 Vice President of all McAllister Towing companies
- 1964-1968 McAllister Towing-Port Captain
- 1959-1964 McAllister Towing- Tugboat Captain and Docking Pilot
- 1958-1959 American Export Isbrandtsen Lines- Third Assistant Engineer
- 1956-1958 US Navy-Lt, JG and Executive Officer aboard the LST 880
- 1956 Rosenblatt & Son, New York –Naval Architects and Marine Engineers

**Professional Affiliations**

- Vice President, Maritime Association of the Port of New York/New Jersey
- Member, American Bureau of Shipping
- Board Member, National Maritime Historical Society

**Awards**

- Named Honorary Doctorate of Science from State University of New York – Maritime College, 2017
- Awarded with the first ever Lifetime Achievement Award from the Maritime Hall of Fame, 2015
- Along with his two sons, Massachusetts Maritime Academy's "Maritime Person of the Year" Award, 2015
- Awarded a Lifetime Achievement Award from The Seamen's Church Institute, 2013
- Awarded the Distinguished Service Award from The National Maritime Historical Society, 2012
- Inducted into the International Maritime Hall of Fame, United Nations, May 9, 2001

**Bruce A. McAllister, Esq.**

McAllister Towing of Port Everglades  
2110 Eller Drive, Fort Lauderdale, FL 33316  
Tel: (954) 527-2500 Fax: (954) 527-5271  
E-Mail: [Bruce@McAllisterTowing.com](mailto:Bruce@McAllisterTowing.com)  
[Bruce.McAllister@amrl.com](mailto:Bruce.McAllister@amrl.com)

**Education**

- The State Bar of Florida 1987 to Date
- The State Bar of New York -1965 to Date
- Various federal and Appellate Jurisdictions
- Harvard Law, LL. B 1964
- College of the Holy Cross, B.A. 1959

**Experience**

- 2005-Present President, McAllister Towing of Port Everglades
- 2002-Present of Counsel- Alley, Maass, Rogers & Lindsay, P.A.
- 1986-2002 Of Counsel and Partner, Various NY and FL firms
- 1982-1985 Chairman, North Atlantic Steamship Conferences
- 1980-1981 Deputy, then Acting Assistant U.S. Secretary of Commerce for Maritime Affairs
- 1974-1979 General Counsel, then President, C.E.O.-McAllister Towing
- 1965-1947 Associate, then Partner- Healy & Baillie

**PROFESSIONAL AFFILIATIONS**

- Member, Editorial Board of the Journal of Maritime Law & Commerce
- Former Chairman and Member Miami Maritime, Arbitration Council
- Member, Panel of Arbitrators, American Arbitration Association
- Florida Circuit Court Certified Mediator
- Member and past Chairman Board of Governors of the Law School of Nova Southeastern University
- Member, Board of Directors of the American Steamship Owners-Protection and Indemnity Association, 1988-1996

**Michael L. Ring**

**Tugz Company, LLC**

McAllister Towing of Port Everglades

McAllister Towing of Florida, Inc.

4358 Apollo Avenue

Jacksonville, FL 32226

Tel: (904) 751-6228

Fax: (904) 751-9620

**E-Mail:MRing@McAllisterTowing.com**

**Experience**

**2004-2008 Tugz Company, L.L.C./dba: McAllister Towing of Port Everglades- Vice President & General Manager**

**2008-Present Vice President, McAllister Towing and Transportation Co., Southeast Operations  
Vice President, Tugz Company, LLC**

Manages, directs and implements operations strategies and objectives to ensure the achievement of the division's goals. Ensure that the division complies with all McAllister Towing and Transportation rules and regulations. Oversee all facets of the division from maintenance and engineering of fleet and the shipyard; as well as safety and security, customer relations, billing, accounts receivable and accounts payable.

- 1995 – 2008 McAllister Towing of Florida –Vice President & General Manager
- 1994 - 1995 McAllister Towing of Florida –Operations Manager
- 1991 – 1994 McAllister Towing of Florida – Tug Master
- 1990 – 1991 Petrobas America, Inc. – Operations Coordinator
- 1986- 1989 Meenan Oil Company, Inc. – General Manager – Supply and Distributin
- 1979 – 1986 Northville Industries, Inc., Marketing Manager

**Licenses**

- Master of Towing License (1<sup>st</sup> issue 1972)
- Tankerman Grade A Cargoes

**Professional Affiliations**

- Board Member, Jacksonville Maritime Exchange
- Member, Jacksonville Harbor Safety Committee
- Alternate, Jacksonville Area Maritime Security Committee
- Former Member, Propeller Club of Jacksonville

**Captain Charles W. Runnion**

McAllister Towing of Port Everglades  
2110 Eller Drive,  
Fort Lauderdale, FL 33316  
Tel: (954) 527-2500 Fax: (954) 5275271  
**E-Mail:CRunnion@McAllisterTowing.com**

**Experience**

**2006-2010 Tugz Company, L.L.C./dba: McAllister Towing of Port Everglades- Operations Manager**  
**2010-Present McAllister Towing of Port Everglades Vice President & General Manager**

Manages, directs and implements operations strategies and objectives to ensure the achievement of the division's goals. Ensure that the division complies with all McAllister Towing and Transportation rules and regulations. Oversee all facets of the division from maintenance and engineering of fleet and the shipyard; as well as safety and security, customer relations, billing, accounts receivable and accounts payable.

- 2001-2006 McAllister Towing of Florida –Operations Manager
- 1989-2001 McAllister Towing of Florida-Tug Captain
- 1988-1989 Law Enforcement-Sarasota County
- 1983-1988 Amoco Marine Transport- AB Tankerman
- 1982-1983 DuPont Marine Transportation (C H Tregenza & Associates)-Ordinary Seaman

**Licenses**

- 1600-ton Master (1<sup>st</sup> issue 1984)
- Master of Towing Vessels Near Coastal (1<sup>st</sup> issue 2002)
- Designated Examiner for USCG (since 2004)



**Captain A.J. McAllister III**

McAllister Towing  
17 Battery Place  
New York, NY 10004  
Tel: (212) 269-3200

**Email: AJ@McallisterTowing**

**Education**

- State University of New York Maritime College, Fort Schuyler
- BS, Marine Transportation and Management-1981
- License- Third Mate steam or motor of any gross tons Upon oceans
- License- First Class Pilot, any gross tons for New York Harbor, Delaware River and Hampton Roads, Virginia
- License- Master of Towing Vessels upon Oceans and Western Rivers
- License- First Class Pilot of Vessels of any Gross Tons upon: New York, Lower and Upper Bay, From Sea to the Battery: Hudson River, Battery to Yonkers East River, from Battery to Tallman Island; Staten Island Sound, from Robbins Reef to ward Point; Newark Bay, From Kill Van Kull to Kearny Point.
- Radar Observer(Unlimited)

**Experience**

- 1998-Present McAllister Towing- Vice President of Sales Responsible for over 1,000 steamship accounts, foreign and domestic and corresponding P & L
- 1987-1998 McAllister Towing-Docking Pilot New York Harbor
- 1983-1987 McAllister Towing-Captain of Harbor Tugs
- 1981-1983 McAllister Towing-McAllister Towing-Captain and Mate on seagoing tugs and barges

**Professional Affiliations**

- Maritime Association of the Port of New York/New Jersey
- Connecticut Maritime Association

## PORT EVERGLADES FRANCHISE APPLICATION

### SECTION B

1. Describe the Applicant

The Applicant is a LIMITED LIABILITY COMPANY

2. Provide copies of the documents filed at the time the Applicant was formed including Articles of Incorporation (if a corporation); Articles of Organization (if an LLC); or Certificate of Limited Partnership or Limited Liability Limited Partnership (if a partnership). If the Applicant was not formed in the State of Florida, provide a copy of the documents demonstrating that the Applicant is authorized to conduct business in the State of Florida. ATTACHED

# *State of Florida*

## *Department of State*

I certify from the records of this office that TUGZ COMPANY LLC is a Delaware limited liability company authorized to transact business in the State of Florida, qualified on May 19, 2003.

The document number of this limited liability company is M03000001589.

I further certify that said limited liability company has paid all fees due this office through December 31, 2017, that its most recent annual report was filed on March 17, 2017, and that its status is active.

I further certify that said limited liability company has not filed a Certificate of Withdrawal.

*Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this  
the Twenty-second day of March,  
2017*



*Ken Detzner*  
**Secretary of State**

Tracking Number: CU3903408675

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>

# State of Florida



## Department of State

I certify the attached is a true and correct copy of the application by TUGZ COMPANY LLC, a Delaware limited liability company, authorized to transact business within the state of Florida on May 19, 2003, as shown by the records of this office.

The document number of this limited liability company is M03000001589.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this the  
Thirtieth day of March, 2017



CR2EO22 (1-11)

*Ken Detzner*

Ken Detzner  
Secretary of State

MAY-19-2003 13:21

C T CORPORATION

P.02/04

APPLICATION BY FOREIGN LIMITED LIABILITY COMPANY FOR AUTHORIZATION TO  
TRANSACTION BUSINESS IN FLORIDA

IN COMPLIANCE WITH SECTION 608.503, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN  
LIMITED LIABILITY COMPANY TO TRANSACTION BUSINESS IN THE STATE OF FLORIDA:

1. Tugz Company LLC  
(Name of foreign limited liability company)
2. Delaware  
(Jurisdiction under the law of which foreign limited liability company is organized)
3. 13-4250980  
(FEI number, if applicable)
4. 4-25-2003  
(Date of Organization)
5. Perpetual  
(Duration: Year limited liability company will cease to exist or "perpetual")
6. Upon obtaining Certificate of Authority from Florida Secretary of State  
(Date first transacted business in Florida. (See sections 608.501, 608.502, and 817.133, F.S.))
7. 1800 Terminal Tower, 50 Public Square,  
Cleveland, Ohio 44113  
(Street address of principal office)
8. If limited liability company is a manager-managed company, check here
9. The name and usual business addresses of the managing members or managers are as follows:  
Tugz International, LLC  
1800 Terminal Tower, 50 Public Square,  
Cleveland, OH 44113
10. Attached is an original certificate of existence, no more than 90 days old, duly authenticated by the official having custody of records in the jurisdiction under the law of which it is organized. (A photocopy is not acceptable. If the certificate is in a foreign language, a translation of the certificate under oath of the translator must be submitted.)
11. Nature of business or purposes to be conducted or promoted in Florida: any and all lawful  
business including, shipassist, docking, undocking, and towing.

Andra D. Lanci  
Signature of a member or an authorized representative of a member.  
(In accordance with section 608.408(3), F.S., the execution of this document constitutes an affirmation under the penalties of perjury that the facts stated herein are true.)

Andra D. Lanci  
Typed or printed name of signee

FILED  
03 MAY 19 PM 2:34  
TALLAHASSEE FLORIDA

MAY-19-2003 13:21

C T CORPORATION

P.03/04

### CERTIFICATE OF DESIGNATION OF REGISTERED AGENT/REGISTERED OFFICE

PURSUANT TO THE PROVISIONS OF SECTION 608.415 or 608.507, FLORIDA STATUTES,  
THE UNDERSIGNED LIMITED LIABILITY COMPANY SUBMITS THE FOLLOWING  
STATEMENT TO DESIGNATE A REGISTERED OFFICE AND REGISTERED AGENT IN THE  
STATE OF FLORIDA.

1. The name of the Limited Liability Company is:

Tugz Company LLC

2. The name and the Florida street address of the registered agent and office are:

CT Corporation System  
(Name)

1200 South Pine Island Road  
Florida street address (P.O. Box NOT ACCEPTABLE)

Plantation, FL 33324  
(City/State/Zip)

*Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent as provided for in Chapter 608, F.S.*

*Genie Rigano*  
(Signature)

- \$ 100.00 Filing Fee for Application
- \$ 25.00 Designation of Registered Agent
- \$ 30.00 Certified Copy (optional)
- \$ 5.00 Certificate of Status (optional)

FILED  
03 MAY 19 PM 2:34  
TALLAHASSEE, FLORIDA

MAY-19-2003 13:21 C T CORPORATION  
FROM CORPORATION TRUST WILM. TEAM #2

UNWV/ D. 19 03 10.40/0.. 10.23/00. 700/120070 P.04/04

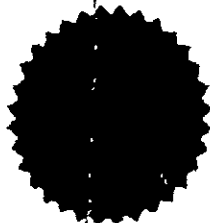
# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "TUGZ COMPANY LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE NINETEENTH DAY OF MAY, A.D. 2003.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE NOT BEEN ASSESSED TO DATE.



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 2423415

3651355 8300

030321978

DATE: 05-19-03

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "TUGZ COMPANY LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-SECOND DAY OF MARCH, A.D. 2017.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "TUGZ COMPANY LLC" WAS FORMED ON THE TWENTY-FIFTH DAY OF APRIL, A.D. 2003.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.



3651355 8300

SR# 20171920426

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Authentication: 202242244

Date: 03-22-17



# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED ARE TRUE AND CORRECT COPIES OF ALL DOCUMENTS ON FILE OF "TUGZ COMPANY LLC" AS RECEIVED AND FILED IN THIS OFFICE.

THE FOLLOWING DOCUMENTS HAVE BEEN CERTIFIED:

CERTIFICATE OF FORMATION, FILED THE TWENTY-FIFTH DAY OF APRIL, A.D. 2003, AT 11:34 O'CLOCK A.M.

CERTIFICATE OF AMENDMENT, FILED THE TWENTY-FOURTH DAY OF MARCH, A.D. 2005, AT 11:21 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CERTIFICATES ARE THE ONLY CERTIFICATES ON RECORD OF THE AFORESAID LIMITED LIABILITY COMPANY, "TUGZ COMPANY LLC".

3651355 8100H

070513653



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 5645273

DATE: 05-03-07

**CERTIFICATE OF FORMATION**

**OF**

**TUGZ COMPANY LLC**

The undersigned, an authorized person within the meaning of Chapter 18, Title 6 of the Delaware Code (the "Act"), for the purpose of forming a limited liability company under the Act, hereby certifies that:

FIRST: The name of the limited liability company (hereinafter called the "Company") is:

**TUGZ COMPANY LLC**

SECOND: The address of the registered office and the address of the registered agent of the limited liability company required to be maintained by Section 18-104 of the Act is Corporation Trust Center, 1209 Orange Street, in the City of Wilmington, County of New Castle, Delaware 19801. The name of its registered agent at such address is The Corporation Trust Company.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Formation this 25th day of April, 2003.

  
\_\_\_\_\_  
Mary R. Segulin, Authorized Person

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 11:36 AM 03/24/2005  
FILED 11:21 AM 03/24/2005  
V 050242271 - 3651355 FILE

## STATE OF DELAWARE CERTIFICATE OF AMENDMENT

1. Name of Limited Liability Company: TUGZ COMPANY LLC

2. The Certificate of Formation of the limited liability company is hereby amended as follows: Strike out the statement relating to the limited liability company's registered office and registered agent and substitute in lieu thereof the following statement:

"The address of the registered office and the name and the address of the registered agent of the limited liability company required to be maintained by Section 18-104 of the Delaware Limited Liability Company Act are Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808."

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 24th day of March, A.D. 2005.

By: /s/ Brian B.A. Mcallister  
Authorized Person(s)

Name: Brian B.A.Mcallister  
Print or Type



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

**Detail by Entity Name**

Foreign Limited Liability Company  
TUGZ COMPANY LLC

Filing Information

**Document Number** M03000001589  
**FEI/EIN Number** 13-4250980  
**Date Filed** 05/19/2003  
**State** DE  
**Status** ACTIVE  
**Last Event** REINSTATEMENT  
**Event Date Filed** 10/02/2006

Principal Address

17 BATTERY PLACE  
SUITE 1200  
NEW YORK, NY 10004

Changed: 03/22/2011

Mailing Address

17 BATTERY PLACE  
SUITE 1200  
NEW YORK, NY 10004

Changed: 04/30/2012

Registered Agent Name & Address

CORPORATION SERVICE COMPANY  
1201 HAY STREET  
TALLAHASSEE, FL 32301

Name Changed: 05/05/2004

Address Changed: 05/05/2004

Authorized Person(s) Detail

**Name & Address**

Title MANAGER

MCALLISTER TOWING OF FLORIDA INC.  
17 BATTERY PLACE SUITE 1200  
NEW YORK, NY 10004

**Annual Reports**

Report Year	Filed Date
2015	04/16/2015
2016	04/25/2016
2017	03/17/2017

**Document Images**

<a href="#">03/17/2017 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/25/2016 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/16/2015 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/24/2014 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/15/2013 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/30/2012 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/22/2011 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/05/2010 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/27/2009 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">01/31/2008 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">05/01/2007 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">10/02/2006 -- REINSTATEMENT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/21/2005 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">05/05/2004 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">05/19/2003 -- Foreign Limited</a>	<a href="#">View image in PDF format</a>

**PORT EVERGLADES FRANCHISE APPLICATION**

**SECTION C**

1. Has there been any change in the ownership of the Applicant within the last five (5) years (e.g. any transfer of interest to another party)

NO

2. Has there been any name change of the Applicant or has the Applicant operated under a different name within the last (5) years?

NO

3. Has there been any change in the officers, directors, executives, partners, shareholders, or members of the Applicant within the past five (5) years?

NO

**PORT EVERGLADES FRANCHISE APPLICATION**

**SECTION D**

Provide copies of all fictitious name registrations filed by the Applicant with the State of Florida's Division of Corporations or other State agencies.

McALLISTER TOWING OF PORT EVERGLADES

ATTACHED

# State of Florida



Department of State

I certify from the records of this office that MCALLISTER TOWING OF PORT EVERGLADES is a Fictitious Name registered with the Department of State on October 21, 2011.

The Registration Number of this Fictitious Name is **G11000103383**.

I further certify that said Fictitious Name Registration is active.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this the  
Thirtieth day of March, 2017




CR2EO22 (1-11)

*Ken Detzner*

Ken Detzner  
Secretary of State



# State of Florida



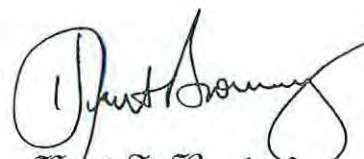
Department of State

I certify the attached is a true and correct copy of the Application for Registration of Fictitious Name of MCALLISTER TOWING OF PORT EVERGLADES, registered with the Department of State on March 12, 2004, as shown by the records of this office.

The registration number of this fictitious name is G04069900016.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this the  
Third day of May, 2007



  
Kurt S. Brotoning  
Secretary of State

# APPLICATION FOR REGISTRATION OF FICTITIOUS NAME

Note: Acknowledgements/certificates will be sent to the address in Section 1 only.

FILED

04 MAR 12 PM 12:55

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

Section 1

1. McAllister Towing of Port Everglades  
Fictitious Name to be Registered (see Instructions if name includes "Corp" or "Inc")  
5672 Channel View Blvd

Mailing Address of Business  
Jacksonville, Fl 32226  
City State Zip Code

3. Florida County of principal place of business: \_\_\_\_\_  
Broward County  
(see instructions if more than one county)

4. FEI Number: \_\_\_\_\_

This space for office use only

Section 2

### A. Owner(s) of Fictitious Name if Individual(s): (Use an attachment if necessary):

1. _____ Last First M.I. _____ Address _____ City State Zip Code	2. _____ Last First M.I. _____ Address _____ City State Zip Code
---	---

### B. Owner(s) of Fictitious Name if other than an individual: (Use attachment if necessary):

1. <u>Tugz Company, LLC</u> Entity Name <u>2110 Eller Drive</u> Address <u>Ft. Lauderdale FL 33316</u> City State Zip Code Florida Registration Number <u>M03000001589</u> FEI Number: <u>13-4250980</u> <input type="checkbox"/> Applied for <input type="checkbox"/> Not Applicable	2. _____ Entity Name _____ Address _____ City State Zip Code Florida Registration Number _____ FEI Number: _____ <input type="checkbox"/> Applied for <input type="checkbox"/> Not Applicable
---	---

Section 3

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. In accordance with Section 865.09, F.S., I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

<u>Brian B. A. McAllister</u> <u>3/9/2004</u> Signature of Owner Date Brian B. A. McAllister, Vice President Phone Number: <u>212-269-3200</u>	_____ Signature of Owner Date Phone Number: _____
---	---

CR4E001B (1/02)

Section 4

### FOR CANCELLATION COMPLETE SECTION 4 ONLY: FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:

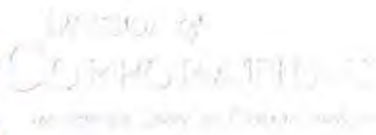
I (we) the undersigned, hereby cancel the fictitious name \_\_\_\_\_  
\_\_\_\_\_, which was registered on \_\_\_\_\_ and was assigned  
registration number \_\_\_\_\_

_____ Signature of Owner Date	<u>6090699000016</u> _____ Signature of Owner Date
----------------------------------	--

Mark the applicable boxes  Certificate of Status — \$10  Certified Copy — \$30  
FILING FEE: \$50

Florida Department of State

DIVISION OF CORPORATIONS



[Previous on List](#)   [Next on List](#)   [Return to List](#)

[Filing History](#)

## Fictitious Name Detail

### Fictitious Name

MCALLISTER TOWING OF PORT EVERGLADES

### Filing Information

Registration Number G11000103383  
Status ACTIVE  
Filed Date 10/21/2011  
Expiration Date 12/31/2021  
Current Owners 3  
County BROWARD  
Total Pages 2  
Events Filed 1  
FEI/EIN Number 13-4250980

### Mailing Address

2110 ELLER DRIVE  
FORT LAUDERDALE, FL 33316

### Owner Information

TUGZ COMPAY, LLC  
17 BATTERY PLACE, SUITE 1200  
NEW YORK, NY 10004  
FEI/EIN Number: 13-4250980  
Document Number: M03000001589

MCALLISTER, BRIAN B. A.  
17 BATTERY PLACE, SUITE 1200  
NEW YORK, NY 10004  
FEI/EIN Number: NONE  
Document Number: NONE

MCALLISTER, ERIC M  
17 BATTERY PLACE, SUITE 1200  
NEW YORK, NY 10004  
FEI/EIN Number: NONE  
Document Number: NONE

### Document Images

[10/21/2011 -- Fictitious Name Filing](#)

[10/25/2016 -- Fictitious Name Renewal Filing](#)

[Previous on List](#)   [Next on List](#)   [Return to List](#)

[Filing History](#)

Florida Department of State, Division of Corporations

**PORT EVERGLADES FRANCHISE APPLICATION**

**SECTION E**

1. Has the Applicant acquired another business entity within the last five (5) years.

NO

2. Not Applicable

3. Has the Applicant been acquired by another business entity within the last five (5) years?

NO

4. Not Applicable

**PORT EVERGLADES FRANCHISE APPLICATION  
SECTION F**

Provide the Applicant's previous business history, including length of time in the same or similar business activities as planned at Port Everglades.

The Applicant, Tugz Company, LLC, only operates in Port Everglades, Florida and has been operating for 14 years. Tugz is a wholly owned subsidiary of McAllister Towing of Florida, Inc. which is a wholly owned subsidiary of McAllister Towing and Transportation Company, Inc. McAllister Towing has been in business for more than 150 years having been founded in New York in 1864. The company operates a fleet of more than 75 tugboats, crew boats and barges in 17 locations along the U.S. East Coast from Portland, ME to San Juan, PR. The fleet of over 270,000 H.P. consists of 31 Z-Drive/ Tractor tugs. In each port, McAllister is engaged in ship docking (servicing more than 1,000 steamship companies), general harbor towing, coastal towing and bulk transportation. In 2017, McAllister will welcome 3 new Z-Drive/ Tractor tugs to our fleet and continue the McAllister family tradition of being an innovative force in marine transportation.

For your benefit, we have attached a brief history, along with additional information on our Port Locations, Fleet Location and specification sheets on the vessels currently in Port Everglades.

## A BRIEF HISTORY OF McALLISTER TOWING



McALLISTER TOWING is one of the oldest and largest family-owned marine towing and transportation companies in the United States. Founded by Captain James McAllister in 1864 with a single sail lighter, the company has served the maritime community continuously, earning a reputation for unsurpassed excellence. Today, the company operates a balanced and extensive fleet of tugs, barges, and ferries in the major ports on the U.S. East Coast and in Puerto Rico. Captain Brian A. McAllister is the Chairman and a great-grandson of the founder, representing the fourth generation of McAllisters at the helm. Buckley McAllister and Eric McAllister of the fifth generation are the President and Chief Financial Officer.

Captain James McAllister started the first McAllister enterprise shortly after he arrived from County Antrim, Ireland. Together with his brothers and in-laws, McAllister formed the Greenpoint Lighterage Company. They augmented the lighterage business with towing, with the acquisition of their first steam tug, the R.W. BURKE, in the 1880's, while the Brooklyn Bridge was still being built.

The early 20th Century was a period of innovation and expansion. Captain James was one of the first to convert a sail lighter into a bulk oil carrier, for the transport of oil around New York Harbor. The company also became known nationally for its salvage work, which extended from the West Indies, along the Atlantic Coast as far north as Maine.

In 1909, the company acquired the Starin Fleet of steamboat excursion vessels, forming the McAllister Steamboat Company, which was then among the largest excursion boat operators in New York, with regular runs to the Statue of Liberty, Bear Mountain, Coney Island, and Long Island.

After the death of Captain James in 1916, his four sons assumed control of the company. The new partnership consisted of James (Captain Jim), John E., Charles D. and William H., the second generation of McAllisters.

By 1918, the company had moved into the ocean towing business. McAllister inaugurated one of the first deep-sea tug-barge combinations with the 156-foot long tugboat, C.W. MORSE, carrying molasses from Cuba to New Orleans. Always an innovator, in 1927 McAllister installed a 375 hp diesel engine into the DANIEL McALLISTER, making it the first diesel powered tug in New York Harbor. During the First World War, Captain Jim served with honor on the Board of Embarkation for the U.S. Government. He also held the post of Acting Director for the Army's floating equipment. Between the Wars, a fleet of 27 ocean-going tankers was operated by McAllister to all parts of the world for the U.S. Shipping Board.

With the death of Captain Jim in 1936, the third generation of McAllisters took the helm. Anthony, James, and Gerard McAllister are credited not only with pulling the company through the difficult Depression years, but also bringing the company to its present-day prominence.

During the 1940's and 50's, the company expanded to include operations in Pennsylvania, Virginia, and Canada.

Today, those operations have expanded to include offices in Portland ME, Providence RI, Baltimore MD, Wilmington NC, Charleston SC, Jacksonville FL, Port Everglades, FL and San Juan, Puerto Rico.

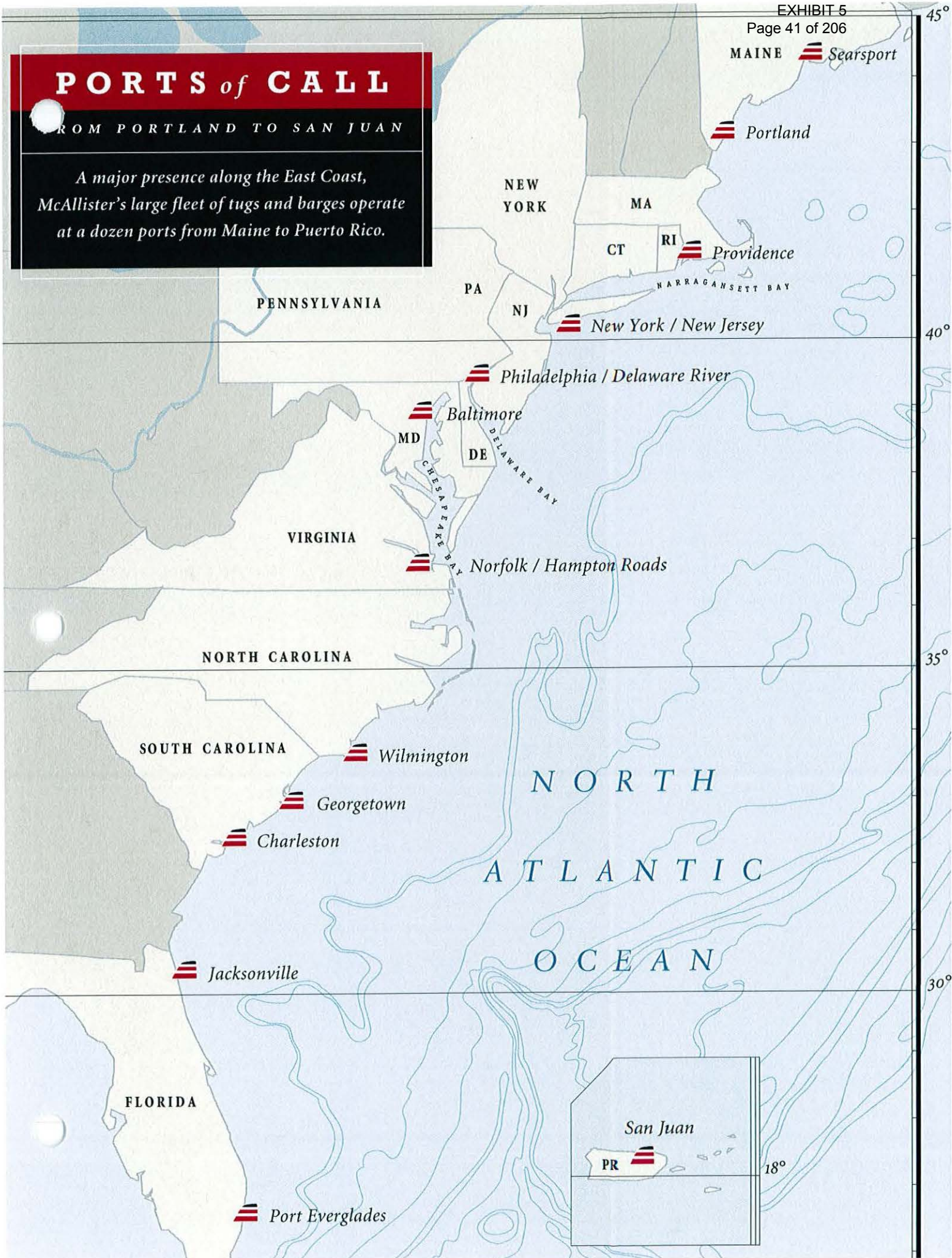
In recent times McAllister helped pioneer the development of the Kort Nozzle, Flanking Rudder tugs that dominated the 1960's and 70's. In the last 20 years, McAllister continued to modernize its fleet of tugs by building Z-drive tractor tugs with the latest firefighting equipment and escorting capabilities. McAllister's fleet consists of over 75 tugboats, barges and ferries, including 31 state of the art tractor tugs.



# PORTS of CALL

FROM PORTLAND TO SAN JUAN

*A major presence along the East Coast, McAllister's large fleet of tugs and barges operate at a dozen ports from Maine to Puerto Rico.*



# PORT LOCATIONS & CONTACTS



## CORPORATE HEADQUARTERS

### McAllister Towing

17 Battery Place, Suite 1200, New York, NY 10004  
 Chairman: Captain Brian A. McAllister  
 President: Buckley McAllister  
 CFO: Eric McAllister  
 Vice Presidents, Sales: Captain A.J. McAllister III, Wayne Stiles

Tel: 212-269-3200  
 24 hrs: 718-273-6300  
 Website: [www.mcallistertowing.com](http://www.mcallistertowing.com)  
 Email: [corporate@mcallistertowing.com](mailto:corporate@mcallistertowing.com)

## PORT LOCATIONS

### Portland Tugboat, LLC

40 Commercial Street, Suite 700, Portland, ME 04112  
 President: Captain Brian J. Fournier

Tel: 207-774-2902 (24 hrs.)  
 Fax: 207-338-4750  
 Email: [portland@mcallistertowing.com](mailto:portland@mcallistertowing.com)

### Providence Steamboat Company

One India Street, Providence, RI 02903  
 Vice President & General Manager: Captain Gary D. Oliveira

Tel: 401-331-1931  
 24 hrs: 401-331-1930  
 Fax: 401-521-2450  
 Email: [providence@mcallistertowing.com](mailto:providence@mcallistertowing.com)

### McAllister Towing of New York, LLC

3165 Richmond Terrace, Staten Island, NY 10303  
 Vice President of Operations: Captain Steven J. Kress

Tel: 718-273-6300 (24 hrs.)  
 Fax: 718-448-4613  
 Email: [newyork@mcallistertowing.com](mailto:newyork@mcallistertowing.com)

### McAllister Towing of Philadelphia, Inc.

4 South King Street, Gloucester, NJ 08030  
 Vice President & General Manager: Captain Joseph Benton III

Tel: 856-456-7200 (24 hrs.)  
 Fax: 856-456-7272  
 Email: [philadelphia@mcallistertowing.com](mailto:philadelphia@mcallistertowing.com)

### McAllister Towing of Baltimore, Inc.

1201 A Wallace Street, Baltimore, MD 21230  
 Vice President & General Manager: Captain Michael Reagos

Tel: 410-633-1847  
 24 hrs: 410-276-8000  
 Fax: 410-633-2002  
 Email: [baltimore@mcallistertowing.com](mailto:baltimore@mcallistertowing.com)

### McAllister Towing of Virginia, Inc.

914A Pearl Street, Norfolk, VA 23523  
 Vice President & General Manager: Captain J. Elliott Westall  
 Vice President of Sales: Captain William R. Douglas

Tel: 757-247-7800 (24 hrs.)  
 Fax: 757-245-5836  
 Email: [virginia@mcallistertowing.com](mailto:virginia@mcallistertowing.com)

### McAllister Towing of Wilmington, Inc.

PO Box 1004, Wilmington, NC 28402  
 Vice President & General Manager: Captain Glenn E. Turbeville

Tel: 910-762-2630 (24 hrs.)  
 Fax: 910-762-3501  
 Email: [wilmington@mcallistertowing.com](mailto:wilmington@mcallistertowing.com)

### McAllister Towing of Charleston, Inc.

**McAllister Towing of Georgetown, Inc.**  
 1120 North Port Drive, Charleston, SC 29402  
 Vice President & General Manager: Captain Steven Kicklighter  
 Vice President of Sales: Joseph A. Buckheister

Tel: 843-577-6449 (24 hrs.)  
 Fax: 843-577-4768  
 Email: [charleston@mcallistertowing.com](mailto:charleston@mcallistertowing.com)

### McAllister Towing of Jacksonville, Inc.

PO Box 11358, Jacksonville, FL 32239  
 Vice President & General Manager: Captain Michael L. Ring

Tel: 904-751-6228 (24 hrs.)  
 Fax: 904-751-9620  
 Email: [jacksonville@mcallistertowing.com](mailto:jacksonville@mcallistertowing.com)

### McAllister Towing of Port Everglades

PO Box 21623, Fort Lauderdale, FL 33335  
 Vice President & General Manager: Captain Charles Runnion

Tel: 954-527-2500 (24 hrs.)  
 Fax: 954-527-5271  
 Email: [porteverglades@mcallistertowing.com](mailto:porteverglades@mcallistertowing.com)

### McAllister Towing - Puerto Rico Branch

PO Box 9066563, San Juan, PR 00906-6563  
 Vice President & General Manager: Jaime Santiago

Tel: 787-721-8888  
 24 hrs: 787-722-8111  
 Fax: 787-724-7687  
 Email: [sanjuan@mcallistertowing.com](mailto:sanjuan@mcallistertowing.com)

# FLEET LOCATION



McAllister Towing  
17 Battery Place  
Suite 1200  
New York, NY 10004

212-269-3200 tel  
718-273-6300 24 hrs.

mcallistertowing.com

VESSEL NAME	HP	VESSEL NAME	HP
<b>PORTLAND, ME</b>		<b>BALTIMORE, MD</b>	
Andrew McAllister ☼	6000	Bridget McAllister ☼	5080
Rowan M. McAllister >>	4650	Timothy McAllister ☼	4000
Fournier Girls >	4000	Kaleen McAllister ★	3300
Roderick McAllister >>	1800		
<b>NARRAGANSETT BAY / PROVIDENCE, RI</b>		<b>NORFOLK / HAMPTON ROADS, VA</b>	
Buckley McAllister ☼	5150	Rosemary McAllister ☼	6770
Rainbow ☼	5000	A.J. McAllister ☼	5150
Iona McAllister >>	4000	Emily Anne McAllister ☼	4650
Shannon McAllister +	3200	Michael J. McAllister +	4100
Matthew McAllister ⊙	3000	Eileen McAllister +	4000
Reliance +	3000	G.M. McAllister >>	4000
		Nancy McAllister ++	4000
		Steven McAllister ☼	4000
<b>NEW YORK / NEW JERSEY</b>		<b>WILMINGTON, NC</b>	
Capt. Brian A. McAllister ☼	6770	Margaret McAllister ☼	4000
Christine M. McAllister ++	6140	Maurania III +	4000
Rosemary ☼	6000		
Eric McAllister ☼	5150	<b>CHARLESTON, SC</b>	
Erin McAllister ☼	5100	Patrick McAllister ☼	5150
Patrice McAllister ++	4500	Jeffrey McAllister ☼	5000
Amy C. McAllister >>	4000	Moira McAllister ☼	5000
Barbara McAllister +	4000	Donal G. McAllister ★	3000
Brooklyn McAllister ☼	4000		
Bruce A. McAllister >>	4000	<b>JACKSONVILLE, FL</b>	
Ellen McAllister ☼	4000	Janet M. McAllister ☼	4650
Elizabeth McAllister +	4000	Greg McAllister ☼	4000
Justine McAllister >>	4000	Stacy McAllister ☼	4000
Marjorie B. McAllister >>	4000	Grace McAllister >	3000
McAllister Sisters >>	4000		
Robert E. McAllister ☼	4000	<b>PORT EVERGLADES, FL</b>	
McAllister Girls +	3600	Tate McAllister ☼	6000
Resolute +	3000	Vicki M. McAllister ☼	4650
Megan McAllister +	2400		
Charles D. McAllister >>	1800	<b>SAN JUAN, PUERTO RICO</b>	
		Dorothy McAllister ☼	4000
<b>PHILADELPHIA, PA / WILMINGTON, DE</b>		Beth M. McAllister ☼	3000
Alex McAllister ☼	4000		
Reid McAllister ☼	4000		
Teresa McAllister >	2200		
McAllister Responder >>	1800		
<b>LEGEND</b>			
>	Single Screw, Kort Nozzle, Flanking Rudder	>>	Twin Screw, Kort Nozzle, Flanking Rudders
★	Single Screw, Z-Propeller	⊙	Twin Screw - Voith Drive
+	Twin Screw	☼	Twin Screw, Z-Propeller
++	Twin Screw, Kort Nozzle	✦	Tri-Z Propeller
<b>RED = Z-Drive Tractor Tug</b>			



**TATE McALLISTER**  
Official # 1253208

**GENERAL**

Year Built: 2014  
 Manufacturer: Washburn Doughty  
 Location: East Boothbay, ME  
 Flag: U.S.A.  
 Type of Equipment: Tractor Tug

**DIMENSIONS**

Length: 93'  
 Breadth: 38'  
 Draft (Even Trim, Full Load): 17'  
 Depth: 15.6'  
 Registered Gross Tonnage: Under 300

**CAPACITIES**

Fuel Oil: 35,000 gal.  
 Lube Oil: 1,000 gal.  
 Potable Water: 4,000 gal.  
 Free Running Speed: 13 Knots  
 H.P.: 6,000  
 Bollard Pull: 79 tons  
 AFF Foam: 500 gal.

**ABS CLASS:**

+A-1 Towing; +AMS,  
 ABS Escort

**MACHINERY**

Main Engines: (2) EMD 12-710 Tier III  
 with Remote Start/Stop Capability  
 Propulsion System: (2) Schottel SRP 1515 FP Z-Drives  
 Generators: (2) John Deere 4045 AFM85 Tier III  
 1,800 RPM Engines, Driving  
 (2) 99 KW Ship Service  
 Generator Sets with Manual Paralleling  
 Towing Gear: (1) Fwd. JonRie 250 Series  
 Escort Winch with 600,000 lbs.  
 Brake Holding Force and 145,000 lbs.  
 Line Pull, Full Render/Recover  
 with Constant Scope  
 (1) Aft JonRie 250 Series  
 Escort Winch with 600,000 lbs.  
 Brake Holding Force and 145,000 lbs.  
 Line Pull, Full Render/Recover  
 with Constant Scope  
 Automation: Full Engine Room Monitoring  
 System with Remote Monitoring  
 Capability at Main Helm  
 Fendering: Submarine

**SAFETY**

Fire Fighting: CAT C18 Pump @ 3,000 GPM  
 Fire Monitor: (2) FFS Monitors  
 with Foam Injection Capability  
 EPIRB: ACR 5850 Cat. 1



## VICKI M. MCALLISTER

Official # 112730

### GENERAL

Built: 2001  
Panama City, FL  
Flag: U.S.A.  
Type of Equipment: Tug  
Radio Call Sign: WDA 6093

### MACHINERY

Main Engines: (2)EMD 12 - 645-E7B  
Propulsion System: (2) Shottel SRP 1212 Steerable Kort Nozzle Rudder Propellers  
Towing Gear: (2) Netec X-2444 Hydraulic Hawser Winches

### DIMENSIONS

Length: 96  
Breadth: 34  
Depth: 14.9  
Registered Gross Tonnage: 149  
Registered Net Tonnage: 101  
Draft Loaded: 12.5  
Draft Light: 11

### NAVIGATION & COMMUNICATION

Radar: (2) Furuno  
Gyro Compass: KVH Azimuth Digital  
VHF Radio: (3) ICOM's  
Fathometer: Datamarine  
Loudhailer/Horn: Raytheon

### CAPACITIES

Fuel Oil: 31,280 gal.  
Lube Oil: 500 gal.  
Potable Water: 6700 Gal  
Sea Running Speed: 13 Knots  
H.P.: 5,000  
Bollard Pull: 60 Tons

### SAFETY

Fire Fighting: 8-7 ITI with Goulds Pump  
3000 GPM @ 175 PSI  
(2) Monitors -1,500 gal. Capacity  
Onboard Fire Fighting: Fixed CO2 System  
EPIRB  
(Emergency Beacon):(1) Alden 406

### CLASSIFICATION

ABS Classed: +A-1 Towing; AMS

**PORT EVERGLADES FRANCHISE APPLICATION  
SECTION G**

1. Provide a list of the Applicant's current managerial employees, including supervisors, superintendents, and forepersons.
2. List the previous work history/experience of the Applicant's current managerial employees, including their active involvement in seaports and length of time in the same or similar business activities as planned at Port Everglades.

Michael Ring  
Vice President Southeast Operations, McAllister Towing and Transportation Co., Inc.  
Vice President, Tugz Company, LLC  
4358 Apollo Avenue  
Jacksonville, FL 32226  
Telephone: (904) 751-6228  
Fax: (904) 751-9620

Charles W. Runnion  
Vice President and General Manager  
Tugz Company, L.L.C., DBA/McAllister Towing of Port Everglades  
2110 Eller Drive, Pier 28D  
Fort Lauderdale, FL 33316  
Tel: (954) 527-2500  
Fax: (954) 527-5271

**Michael L. Ring**

**Tugz Company, LLC**

McAllister Towing of Port Everglades

McAllister Towing of Florida, Inc.

4358 Apollo Avenue

Jacksonville, FL 32226

Tel: (904) 751-6228

Fax: (904) 751-9620

**E-Mail:MRing@McAllisterTowing.com**

**Experience**

**2004-2008 Tugz Company, L.L.C./dba: McAllister Towing of Port Everglades- Vice President & General Manager**

**2008-Present Vice President, McAllister Towing and Transportation Co., Southeast Operations  
Vice President, Tugz Company, LLC**

Manages, directs and implements operations strategies and objectives to ensure the achievement of the division's goals. Ensure that the division complies with all McAllister Towing and Transportation rules and regulations. Oversee all facets of the division from maintenance and engineering of fleet and the shipyard; as well as safety and security, customer relations, billing, accounts receivable and accounts payable.

- 1995 – 2008 McAllister Towing of Florida –Vice President & General Manager
- 1994 - 1995 McAllister Towing of Florida –Operations Manager
- 1991 – 1994 McAllister Towing of Florida – Tug Master
- 1990 – 1991 Petrobas America, Inc. – Operations Coordinator
- 1986- 1989 Meenan Oil Company, Inc. – General Manager – Supply and Distributin
- 1979 – 1986 Northville Industries, Inc., Marketing Manager

**Licenses**

- Master of Towing License (1<sup>st</sup> issue 1972)
- Tankerman Grade A Cargoes

**Professional Affiliations**

- Board Member, Jacksonville Maritime Exchange
- Member, Jacksonville Harbor Safety Committee  
Alternate, Jacksonville Area Maritime Security Committee
- Former Member, Propeller Club of Jacksonville

**Captain Charles W. Runnion**

McAllister Towing of Port Everglades  
2110 Eller Drive,  
Fort Lauderdale, FL 33316  
Tel: (954) 527-2500 Fax: (954) 5275271  
**E-Mail:CRunnion@McAllisterTowing.com**

**Experience**

**2006-2010 Tugz Company, L.L.C./dba: McAllister Towing of Port Everglades- Operations Manager**  
**2010-Present McAllister Towing of Port Everglades Vice President & General Manager**

Manages, directs and implements operations strategies and objectives to ensure the achievement of the division's goals. Ensure that the division complies with all McAllister Towing and Transportation rules and regulations. Oversee all facets of the division from maintenance and engineering of fleet and the shipyard; as well as safety and security, customer relations, billing, accounts receivable and accounts payable.

- 2001-2006 McAllister Towing of Florida –Operations Manager
- 1989-2001 McAllister Towing of Florida-Tug Captain
- 1988-1989 Law Enforcement-Sarasota County
- 1983-1988 Amoco Marine Transport- AB Tankerman
- 1982-1983 DuPont Marine Transportation (C H Tregenza & Associates)-Ordinary Seaman

**Licenses**

- 1600-ton Master (1<sup>st</sup> issue 1984)
- Master of Towing Vessels Near Coastal (1<sup>st</sup> issue 2002)
- Designated Examiner for USCG (since 2004)



## PORT EVERGLADES FRANCHISE APPLICATION

### SECTION H

**List all seaports, including Port Everglades (if application is for renewal), where the Applicant is currently performing the services/operation which is the subject of this Franchise application.**

**Seaport:      Port Everglades      Number of years operating at this Seaport 14 years.**

**List all of the Applicant's Clients for which it provides services at the seaport listed above. (Attached)**

**Currently the Applicant Tugz is only in the Port of Port Everglades, Florida, but the McAllister organization has been in business since 1864 and covers ship docking and towing for the ports of Portland, ME, Providence, RI, Fall River, MA, Port Jefferson, NY, Bridgeport, CT, New York, NY, Philadelphia, PA, Baltimore, MD, Wilmington, NC, Charleston, SC, Newport News, VA, Jacksonville, FL and San Juan, PR. in addition to Port Everglades.**

**Included in Section H are the active Customers of Tugz. These customers have been active with Tugz since 2003.**

# ***TUGZ CUSTOMER LIST***

## ***Customer***

ADMANTHOS SHIP AGENCY  
ANCIA NAVIERA MAYNAS S.A.  
ALLIED MARITIME INC.  
AMERADA HESS CORPORATION  
AMERITECH MARINE  
ANCHOR MARINE AGENCIES  
APL LIMITED  
ARMADA (HOLLAND) B.V.  
ASSOCIATED TRANSPORT  
ATHENIAN SEA CARRIERS LTD.  
ATLANTIC MARITIME COA INC.  
ATLANTSKA PLOVIDBA  
AUGBOLTEN WMMILLERS NACHFOLGER  
AUGUST TRADING, INC.  
B&H EQUIMAR SINGAPORE PTE. LTD  
BARWIL AGENCIES (N.A.) INC.  
BBC CHARTERING-KG HAFENSTR  
BERNARD SCHULTE  
BIG LIFT  
BOSSCLIP LTD.  
BOUCHARD COASTWISE MGMT.CORP  
BOUCHARD TRANS CO INC  
BP AMOCO SHIPPING USA  
B SHIPPING  
BRAVE MARITIME CORP INC.  
BRITISH NAVY  
BROCHART KB  
BROSTROM TANKERS AS  
CANADIAN FOREST NAVIGATION  
CAPITAL SHIP MANAGEMENT CORP.  
CARIBBEAN INTER-LINER SERVICES  
CARIBBEAN SHIP SERVICES INC  
CARIBBEAN TRANSPORT LINES  
CARNIVAL CRUISE LINES  
CARSTEN REHDER SCHIFFSMAKLER UND  
CCNI  
CCNI  
CHEM-TANKERS  
CHEVRON /TEXACO USA.  
CITGO PETROLEUM  
CITIZENS ENERGY  
CLEAN PRODUCT INTERNATIONAL LTD.  
CLEAR WATER SHIPPING  
CLIPPER BULK SHIPPING USA INC  
CLIPPER ELITE CARRIERS (BAHAMAS)  
CLIPPER ELITE CARRIERS (AMERICAS) INC.  
CLIPPER INTER AMERICA CARRIERS  
CLIPPER WONSILD TANKERS INC.  
CMA/CGM (AMERICA) INC.  
COLUMBIA COASTAL TRANSPORT

COLUMBIA COASTAL TRANSPORT  
COLUMBIA SHIPMGMT.LTD.%MARIT  
COMBI-LIFT  
COMPANIA SUD AMER DE VAPORES  
COMPANIA SUD AMER DE VAPORES  
C OREMAR GROUP  
COSCO  
CROSS CHARTERING  
CSL GROUP INC/GROUPE CSL INC  
CUNARD LINE  
D'AMICO TANKERS LTD.  
D/S TORM A/S  
DALNAVE NAVIGATION LIBERIA  
DANNENBORG REDERI%WECO SHPG.IS  
DEIULEMAR COMP.DI NAVIG.SPA  
DEIULEMAR SHIPPING SPA  
DOLE  
DOLE FRESH FRUIT INT'L  
DORCHESTER MARITIME LTD.  
DORVAL SHIPPING INC.  
DSD SHIPPING A/S  
DST SHIPPING  
EBSARY FOUNDATION CO.  
EIGER SHIPPING  
EITZEN CHEMICAL (USA)  
EMS CONBULK BEFRACHTUNGS GMBH  
ENTERPRISE SHIPPING & TRADING SA  
E I ST RUSS GMBH & CO.  
EVERGREEN SHIPPING AGENCY( AMERICA) CORPORATION  
FAIRFIELD CHEMICAL CARRIERS INC.  
FEDNAV - BUREAU 3500  
FLORIDA ENTERTAINMENT  
FORTUM OIL OY  
FR8 SINGAPORE PTE. LTD.  
GARBAGE CAN  
GEMEK DENIZCILIK VE TICARET AS  
GORTHON LINES AB  
GREAT EASTERN SHIPPING CO. LTD.  
HAITI SHIPPING  
HAMBURG SUD  
HAMBURG SUD NORTH AMERICA. INC.  
HANJIN SHIPPING CO.  
HANSEATIC SHIPPING CO.LTD.  
HAPAG LLOYD AG  
HAPAG LLOYD(AMERICA) INC.  
HEIDENREICH MARINE ENTERP.INC.  
HILTVEIT  
HOEGH AUTO LINES  
HORNBECK OFFSHORE TRANSPORTATION  
I JNDAI MERCHANT MARINE  
HYUNDAI SHIPPING AGENCY. INC.  
IMC MARITIME GROUP INC.  
INTERMED LTD.  
INTERNATIONAL MATERIAL

IONIA MANAGEMENT SA  
IONIA MANAGEMENT SA  
IPC (USA) INC % LINK MARINE  
IRVING OIL LIMITED  
J.B. UGLAND DRY BULK AS  
JANKERS  
K LINE AMERICA, INC.  
K-SEA TRANSPORTATION  
KARINA SHIPPING LTD.  
KENT LINE  
KENT LINES INT'L LTD.  
KEYSTONE SHIPPING  
KINGFISH SERVICES  
KOMROWSKI BEFRACHTUNGSKONTOR  
LAURIN MARITIME(AMERICA) INC.  
LAURITZEN TANKERS A/S  
LMZ TRANSOIL SHIPPING ENTERPRISES  
M P LINE  
MAERSK TANKERS  
MAERSK/SEALAND-MSC-CHS OPS  
MAGELLAN SHIPPING  
MAGNUS CARRIERS  
MANSEL OIL  
MARDENIZ SHIPPING MGMT. CO.  
MARINE MANAGEMENT, PIRAEUS  
MARITRANS/GULF DIVISION  
MARITRANS/GULF DIVISION  
MARITOWING CHARLESTON DIVISION  
MED BROKERAGE  
MEDITERRANEAN SHPG CO (USA) INC.  
MINERVA MARINE INC.ATHENS  
MITSUI O.S.K. BULK (USA) SHIPPING  
MOL (AMERICA) INC.  
MORAN GULF SHIPPING AGENCIES  
MORAN TOWING CORPORATION  
MORGAN STANLEY CAPITAL GROUP  
MORGAN STANLEY CAPITAL GROUP  
NAVION CHARTERING  
NORDANA LINE (USA) INC.  
NORDANA LINE A/S  
NORIENT PRODUCT POOL  
NORTH STAR MARINE  
NYK BULKSHIP(EUROPE) LTD.  
NYK LINE NA INC.  
ODFJELL TANKERS A/S  
OLDENDORFF CARRIERS  
OLOF BRODIN CHARTERING  
ONEGO SHIPPING & CHARTERING BV.  
OOCL (CANADA) INC.  
OCEAN SCHIFFAHRTS-GESELLSCHAFT  
OSG SHIP MANAGEMENT  
OSG SHIP MANAGEMENT ( GREECE)  
PACC LINE  
PANAMERICAN TANKERS

PANAMERICAN TANKERS, INC.  
PETER & MAY  
PHOENIX REEDEREI  
PRINCESS CRUISES  
PROGETRA S.A.  
FRONTO CLEARING  
QATAR SHIPPING  
RAVENNAVI SPA  
REEDEREI HANS PETERSON  
REINAUER TRANSPORTATION  
RICKMERS LINE (AMERICA) INC.  
S&T HARRISONS GMBH  
S.A.L. SHIPPING  
S.K. SHIPPING  
SAGA FOREST CARRIERS  
SANKO KISEN USA CORP.  
SANNEX INC.  
SARGEANT MARINE, INC.  
SCAN SCOT SHIPPING  
SCANDINAVIAN LIQUID CARRIERS  
SCM LINES  
SCOTT SHIPPING  
SEA MARK MANAGEMENT INC.  
SEA STAR LINE LLC  
SEABULK TOWING  
SEAFREIGHT LINE  
SFAGULL MARINE  
SEASIDE NAVIGATION APS  
SOLYMAR  
SONO SHIPPING LLC AS AGENTS  
SOREIDON SHIPPING  
SPLIETHOFFS BEVRACHTINGSKANTOOR BV  
SPLIETHOFFS-AMSTERDAM  
ST SHIPPING  
ST. TROPEZ CASINO CRUISES  
ST. TROPEZ CASINO CRUISES  
STASCO % INCHCAPE SHIPPING SERVICES  
STUSCO  
STX PAN OCEAN  
T. KLAVENESS SHIPPING A/S  
TANKER PACIFIC MANAGEMENT  
TEEKAY SHIPPING(CANADA)LTD.  
TEXAS MARITIME ACADEMY  
THE MAIL BOAT COMPANY  
THENAMARIS SHIPS MANGMT.  
TOMASOS BROTHERS INC.  
TRAFIGURA BEHEER BV  
TRANS ATLANTIC AGENCIES  
TRANS SEA TRANSPORT B.V.  
TRANS SEA TRANSPORT B.V.  
TRANSMARINE MANAGEMENT APS  
TRINITY SHIPPING  
TSAKOS SHIPPING & TRADING  
U.S.A. MARITIME ENTERPRISES, INC

U.S.A. MARITIME ENTERPRISES,INC  
UNITED STATES SHIPPING  
USCGC SPENCER WMEC-905  
V SHIPS AGENCY  
VENEZUELAN NAVY  
V L  
WALLENIOUS WILHELMSSEN LOGISTICS  
WALLENIOUS WILHELMSSEN LOGISTICS  
WEST PORT PETROLEUM  
WESTERN LAMA INC  
WESTERN PECHORA INC.  
WIGHT SHIPPING LTD.  
WOSHIP MARITIME SL  
YACHT PATH INTERNATIONAL  
ZEGA CORPORATION  
ZIM ISRAEL NAVIGATION CO.

8:58:13 AM

**PORT EVERGLADES FRANCHISE APPLICATION  
SECTION I**

1. Provide a description of all past (within the last five (5) years) and pending litigation and legal claims where the Applicant is a named party, whether in the Stte of Florida or in another jurisdiction, involving allegations that Applicant has violated or otherwise failed to comply with environmental laws, rules or regulations or committed a public entity crime as defined by Chapter 287, Florida Sttutes or theft related crime such as fraud, bribery, smuggling, embezzlement or misappropriation of funds or acts of moral turpitude meaning conduct or acts that tend to degrade persons in society or ridicule public morals.

NONE

2. Indicate whether in the last five (5) years the Applicant or an officer, director, executive, partner, or a shareholder, employee or agent who is or was (during the time period in which the illegal conduct or activity took place) active in the management of the Applicant was charged, indicted, found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of a plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Chapter 287, Florida Statutes, as amended from time to time, or (2) is customarily considered to be a white collar crime or theft related crime such as fraud, smuggling, bribery, embezzlement, or misappropriation of funds, etc. or (3) results in a felony conviction where the crime is directly related to business activities for which the franchise is sought.

NO

**PORT EVERGLADES FRANCHISE APPLICATION**

**SECTION J**

**INSURANCE**





**CERTIFICATE OF MARINE/ENERGY INSURANCE**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Willis of New York, Inc. Brookfield Place 200 Liberty Street New York, New York 10281	CONTACT NAME: Grissel Gutierrez-Hued PHONE (A/C No. Ext): 212-915-8779      FAX (A/C No): 212-519-5432 E-MAIL ADDRESS: Grissel.Gutierrez@WillisTowersWatson.com PRODUCER CUSTOMER ID #: <table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Navigators Insurance Company</td> <td></td> </tr> <tr> <td>INSURER B : Steamship Mutual Underwriting Association Ltd.</td> <td></td> </tr> <tr> <td>INSURER C : Arch Insurance Company</td> <td></td> </tr> <tr> <td>INSURER D : Signal Mutual Indemnity Association, Ltd.</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Navigators Insurance Company		INSURER B : Steamship Mutual Underwriting Association Ltd.		INSURER C : Arch Insurance Company		INSURER D : Signal Mutual Indemnity Association, Ltd.		INSURER E :		INSURER E :		INSURER E :	
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INSURER E :																	
INSURER E :																	
<b>INSURED</b>  Tugz Co, LLC d/b/a McAllister Towing of Port Everglades, Inc. 2110 Eller Drive Pier D Fort Lauderdale, Florida 33316																	

COVERAGES	CERTIFICATE NUMBER:	REVISION NUMBER:
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.		

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	HULL AND MACHINERY <input type="checkbox"/> COLLISION LIABILITY <input type="checkbox"/> TOWERS LIABILITY						PER SCHEDULE ON FILE	
							INSURED VALUE	\$
							COLLISION (EA OCCURRENCE)	\$
							TOWERS (EA OCCURRENCE)	\$
B	PROTECTION AND INDEMNITY <input type="checkbox"/> CREW LIABILITY <input checked="" type="checkbox"/> JONES ACT <input type="checkbox"/> COLLISION LIABILITY <input type="checkbox"/> TOWERS LIABILITY <input type="checkbox"/> REMOVAL OF WRECK <input type="checkbox"/> IN REM			B080193525M17	February 20, 2017	February 20, 2018	PER CLUB RULES	\$
							EA OCCURRENCE PER VESSEL CSL	\$ AS PER RULES
							COLLISION (EA occ), CSL	\$
							TOWERS (EA occ), CSL	\$
							REMOVAL OF WRECK (Ea occurrence)	\$
								\$
	POLLUTION LIABILITY <input type="checkbox"/> OPA 90 <input type="checkbox"/> CERCLA <input type="checkbox"/> NON-OPA / NON-CERCLA						EA OCCURRENCE	\$
								\$
								\$
								\$
								\$
	MARITIME EMPLOYERS LIABILITY <input type="checkbox"/> ALTERNATE EMPLOYER INCLUDES <input type="checkbox"/> CREW <input type="checkbox"/> EMPS <input type="checkbox"/> JONES ACT <input type="checkbox"/> DEATH ON THE HIGH SEAS <input type="checkbox"/> IN REM ENDORSEMENT	N/A					ANY ONE PERSON	\$
							ANY ONE ACCIDENT	\$
								\$
								\$
								\$
								\$
								\$

**CERTIFICATE HOLDER**

Broward County  
 1850 Eller Drive  
 Fort Lauderdale, FL 33316  
 Attention: Port Everglades Business Administration  
 Fax: 954-762-3355  
[mmontoya@broward.org](mailto:mmontoya@broward.org)  
[allen@broward.org](mailto:allen@broward.org) / [portcoi@broward.org](mailto:portcoi@broward.org)

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*(Signature)*

COVERAGES

CERTIFICATE NUMBER:

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> MARINE GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> <input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER			10188M16	August 1, 2016	August 1, 2017	EA OCCURRENCE	\$1,000,000
							PRODUCTS-COMP / OP AGG	\$1,000,000
							PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$2,000,000
							FIRE LEGAL	\$50,000
							MED EXP (Any one person)	\$5,000
								\$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> SCHEDULEDAUTOS <input type="checkbox"/> ALL OWNED <input type="checkbox"/> NON- OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/>						COMBINED SINGLE LIMIT (Ea Accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per Accident)	\$
C	<b>WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY</b> Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE/OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below <input type="checkbox"/> ALTERNATE EMPLOYER <input type="checkbox"/> USL&H ENDORSEMENT <input type="checkbox"/> MARITIME EMPLOYERS LIABILITY <input type="checkbox"/> OCSL ACT	N/A		ZAWCI9930700	10/01/16	10/01/17	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER	\$
							E.L. (Each accident)	\$1,000,000
							E.L. DISEASE (Ea Employee)	\$1,000,000
							E.L. DISEASE - POLICY LIMIT	\$1,000,000
								\$
								\$
								\$
D	<b>U.S. LONGSHORE &amp; HARBOR WORKERS COMPENSATION ACT</b> <input type="checkbox"/> ALTERNATE EMPLOYER <input type="checkbox"/> MARITIME EMPLOYERS LIABILITY <input type="checkbox"/> OCSL ACT	N/A		17300	10/01/16	10/01/17	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER	\$
							E.L. (Each accident)	\$
							E.L. DISEASE (Ea Employee)	\$
							E.L. DISEASE - ANN AGG	\$
	<b>AIRCRAFT LIABILITY</b> <input type="checkbox"/> OWNED AIRCRAFT <input type="checkbox"/> NON-OWNED AIRCRAFT <input type="checkbox"/> PASSENGER LIABILITY						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
								\$
	<b>UMBRELLA / EXCESS LIAB / BUMBERSHOOT</b> <input checked="" type="checkbox"/> UMBRELLA <input type="checkbox"/> BUMBERSHOOT <input type="checkbox"/> EXCESS <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR <input type="checkbox"/> DED <input type="checkbox"/> RETENTIONS						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
								\$
	<b>ENERGY</b> CONTROL OF WELL / OPERATORS EXTRA EXPENSE <input type="checkbox"/> CARE, CUSTODY AND CONTROL (CCC) OFFSHORE OIL AND GAS PROPERTY <input type="checkbox"/> PLATFORMS <input type="checkbox"/> PIPELINES <input type="checkbox"/>						CSL, ANY ONE OCCURRENCE (100% interest)	\$
							ANY ONE OCCURRENCE (100% interest)	\$
							VALUES AS SCHEDULED	\$
							VALUES AS SCHEDULED	\$
								\$
								\$

VESSEL(S): AS PER ATTACHED SCHEDULE AS DETAILED IN THE DESCRIPTION OF OPERATIONS

DESCRIPTION OF OPERATIONS / LOCATIONS (ACORD 101, Additional Remarks Schedule, may be attached, if more space is required)  
Certificate Holder named as Additional Assured.  
Oil Pollution claims limited to \$1,000,000,000 per occurrence. P&I Deductible: \$100,000



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
3/7/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Crystal & Company Crystal IBC LLC 32 Old Slip New York, NY 10005	<b>CONTACT NAME:</b> Diana Pepe <b>PHONE (A/C, No., Ext.):</b> 212-504-5881 <b>FAX (A/C, No.):</b> 212-504-5989 <b>E-MAIL ADDRESS:</b> Diana.Pepe@crystalco.com														
<b>INSURED</b> Tugz Company LLC 2110 Eller Drive, Pier 28D Fort Lauderdale, FL 33316	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: left;">NAIC #</th> </tr> <tr> <td>INSURER A: Twin City Fire Insurance Company</td> <td>29459</td> </tr> <tr> <td>INSURER B:</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Twin City Fire Insurance Company	29459	INSURER B:		INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A: Twin City Fire Insurance Company	29459														
INSURER B:															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

**COVERAGES**      **CERTIFICATE NUMBER: 724669056**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input type="checkbox"/> OCCUR <input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER <input type="checkbox"/>						EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COM/POP AGG \$
A	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY X HIRED AUTOS ONLY SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/>			10UENV2313	3/15/2017	3/15/2018	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB OCCUR <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DEF <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE <input type="checkbox"/> OTHER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**  
 The Certificate holder is included as an additional insured as their interest may appear.

<b>CERTIFICATE HOLDER</b>  Broward County Attn: Port Everglades Business Administration 1850 Eller Drive Fort Lauderdale, FL 33316	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE <i>Crystal &amp; Company</i>
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## PORT EVERGLADES FRANCHISE APPLICATION

### SECTION K

1. The Applicant must provide its most recent audited or reviewed financial statements prepared in accordance with generally accepted accounting principles or other documents and information which demonstrate the Applicant's creditworthiness, financial responsibility, and resources which the Port will consider in evaluating the Applicant's financial responsibility,

Tugz Company, L. L. C., the Applicant is privately held and its financial statements are exempt from public records as these materials constitute confidential and protected trade secret information. The Company is audited as part of McAllister Towing and Transportation Co., Inc., consolidated statements. Therefore we have put together financial statements for 2015 and 2016 which have been Certified and completed in accordance with generally accepted accounting principles. Also included are Audited Statements showing a schedule of Revenues and Fee payments for 2015 and 2016.

The Company has delivered copies of these statements to its attorney, Anitra . Lanczi, P.A. , 333 N. New River Drive E., Suite 2000, Fort Lauderdale, FL 33301, where they are available for inspection and examination by County Staff..

2. Has the Applicant or entity acquired by Applicant (discussed in Section E herein) sought relief under any provision of the Federal Bankruptcy Code or under any state insolvency law filed by or against it within the last five (5) year period.

NO

3. Has any receiver, fiscal agent, trustee, reorganization trustee, or similar officer been appointed in the last five (5) year period by a court for the business or property of the Applicant.

NO

4. Has any receiver, fiscal agent, trustee, reorganization trustee, or similar officer been appointed in the last five (5) year period by a court for any entity, business or property acquired by the Applicant.

NO



**TUGZ COMPANY, L.L.C.**  
**DBA McALLISTER TOWING OF PORT EVERGLADES**  
2110 ELLER DRIVE, PIER 28d  
FORT LAUDERDALE, FL 33316

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April 11, 2017

Anitra D. Lanczi, Esq.  
Anitra Lanczi, P.A.  
333 N. New River Drive E., Suite 3100  
Fort Lauderdale, FL 33301

RE: Tugz Company, L.L.C.  
Financial Submission for Port Everglades Franchise

We are submitting the following financial records and hereby give notice that such records are exempt as public records as these materials constitute trade secret materials and protected financial statements. See Fla. Stat. section 815.045 (2005); *Sepro Corp. v. Florida Dep't of Environmental Protection*, 839 So. 2d 781 (Fla. 1<sup>st</sup> DCA 2003); see also Fla. Stat. section 119.071 (1) (2005) ("Any financial statement that an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt from s. 119.07(1) and s.24(a), Art. I of the State Constitution.")

Very truly yours,

Michael Ring  
Vice President



April 7, 2017

Mr. Jorge Hernandez  
Director of Administration  
Broward County Florida  
Department of Port Everglades  
Business Administration Division  
1850 Eller Drive  
Fort Lauderdale, Florida 33316-4201

Re: Tugz Company, L.L.C.

Mr. Hernandez:

We have audited the Tugz Company, L.L.C. ("Tugz") franchise revenues and fee payments for both 2014 and 2015 with an unqualified opinion on those audits. Those audited reports have previously been provided to you.

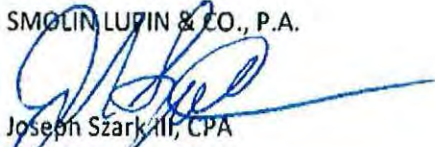
We do not perform a separate audit, review, or compilation of the Tugz as a whole because its activity is included in the consolidated financial statements of its ultimate parent company, McAllister Towing and Transportation Company, Inc. ("MTT"). We do perform an audit of the consolidated financial statements of MTT, which are prepared in accordance with generally accepted accounting principles, and provided unqualified opinions for the company's December 31, 2014 and 2015 year-ends.

Included with this correspondence are financial statements internally prepared by the management of Tugz as of and for the years ended December 31, 2014 and 2015. We have not audited, reviewed, or compiled those management prepared financial statements, nor do we express an opinion or provide any assurance on them.

Please let us know if we can be of further assistance.

Sincerely,

SMOLIN LUPIN & CO., P.A.



Joseph Szark II, CPA  
Member of the Firm

**TUGZ COMPANY, L.L.C.**

**FINANCIAL REPORT**

**DECEMBER 31, 2016 AND 2015**

FINANCIAL STATEMENTS  
TRADE SECRETS  
EXEMPT FROM PUBLIC RECORDS

**TUGZ COMPANY, L.L.C.**

**SCHEDULE OF FRANCHISE REVENUES AND FEE PAYMENTS**

**FOR THE YEAR ENDED DECEMBER 31, 2015**



**TUGZ COMPANY, L.L.C.**

**SCHEDULE OF FRANCHISE REVENUES AND FEE PAYMENTS**

**FOR THE YEAR ENDED DECEMBER 31, 2016**

**PORT EVERGLADES FRANCHISE APPLICATION**

**SECTION L**

**List four (4) credit references for the Applicant, one of which must be a bank.**

Citizens Bank  
Mr. Robert Anastaso  
28 State Street  
Boston, MA 02109  
Tel: 671-725-5754

Bank  
Senior Vice President

Colonna's Shipyard  
Amanda DeLos Santos  
400 East Indian River Road  
Norfolk, VA 23523  
Tel: 757-545-2414

Shipyard  
Accounts Receivable

North Florida Shipyards, Inc.  
Carol J. Crews  
P. O. Box 3255  
Jacksonville, Florida 32206  
Tel: 904-354-3278

Shipyard  
Accounts Receivable

Seabulk Towing Services  
Rick Groen  
2200 Eller Drive  
Fort Lauderdale, Florida 33316  
Tel: 954-523-2200

Marine Transportation  
Chief Operating Officer

**PORT EVERGLADES FRANCHISE APPLICATION  
SECTION M**

LETTER OF CREDIT ON FILE

LASALLE BANK N.A.  
 GLOBAL TRADE ADVISORY  
 ABN AMRO PLAZA  
 540 W. MADISON - 26TH FLOOR  
 CHICAGO, IL 60661  
 TELEPHONE: 312-904-8462 TELEFAX: 312-904-6303  
 SWIFT: LASLUS44

AUGUST 27, 2007

**BENEFICIARY:**  
 BROWARD COUNTY, BOARD OF COUNTY  
 COMMISSIONERS  
 BROWARD COUNTY'S PORT EVERGLADES  
 DEPARTMENT,  
 1850 ELLER DRIVE  
 FORT LAUDERDALE, FLORIDA 33316  
 ATTN: DIRECTOR OF BUSINESS  
 ADMINISTRATION

**APPLICANT:**  
 TUGZ COMPANY, LLC  
 DBA MCALLISTER TOWING OF PORT  
 EVERGLADES  
 2110 ELLER DRIVE, PIER 28D  
 FORT LAUDERDALE, FL 33316

STANDBY LETTER OF CREDIT NUMBER: S601265

AMOUNT: USD 150,000.00  
 (ONE HUNDRED FIFTY THOUSAND AND 00/100 UNITED STATES DOLLARS )

DATE OF EXPIRY: SEPTEMBER 30, 2008  
 PLACE OF EXPIRY: OUR COUNTERS

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT NO. S601265 IN FAVOR OF BROWARD COUNTY AND FOR ACCOUNT OF TUGZ COMPANY, LLC DBA MCALLISTER TOWING OF PORT EVERGLADES, AVAILABLE BY BROWARD COUNTY'S DRAFTS DRAWN ON US PAYABLE AT SIGHT UP TO AN AGGREGATE AMOUNT OF U.S. ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000.00) WHEN ACCOMPANIED BY THIS ORIGINAL LETTER OF CREDIT, AND AMENDMENTS, IF ANY, AND THE FOLLOWING DOCUMENTS:

1. DRAFT DRAWN ON US AT SIGHT.
2. A SIGNED STATEMENT FROM THE PORT DIRECTOR OF BROWARD COUNTY, THAT THE AMOUNT OF THE DRAWING REPRESENTS AMOUNTS DUE AND UNPAID TO BROWARD COUNTY ARISING FROM:

(A) FAILURE OF APPLICANT TO PAY TO BROWARD COUNTY, WHEN DUE, ANY AND ALL TARIFF OR OTHER CHARGES THAT HAVE ACCRUED AT PORT EVERGLADES (WHETHER RELATING TO THE FURNISHING OF SERVICES OR MATERIALS TO APPLICANT, ITS PRINCIPALS, AGENTS, SERVANTS OR EMPLOYEES AT PORT EVERGLADES; OR, DUE TO INJURY TO PROPERTY OF PORT EVERGLADES; OR, STEMMING FROM THE USE OF PORT EVERGLADES FACILITIES BY APPLICANT, ITS PRINCIPALS, AGENTS, SERVANTS OR EMPLOYEES; OR, OTHERWISE); OR

(B) COSTS, EXPENSES, LOSSES, DAMAGES OR INJURY SUSTAINED BY BROWARD COUNTY FROM NON-COMPLIANCE BY APPLICANT, ITS PRINCIPALS, AGENTS, SERVANTS OR EMPLOYEES WITH APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE FEDERAL, STATE AND LOCAL GOVERNMENTAL UNITS OR AGENCIES (INCLUDING BUT NOT LIMITED TO THE TERMS AND PROVISIONS OF THE BROWARD COUNTY CODE OF ORDINANCES, ADMINISTRATIVE CODE, AND ALL PROCEDURES AND POLICIES OF THE PORT EVERGLADES DEPARTMENT), AS AMENDED FROM TIME TO TIME; OR

OUR REFERENCE NUMBER: S601265

PAGE NUMBER: 2

(C) COSTS, EXPENSES, LOSSES, DAMAGES OR INJURY SUSTAINED BY BROWARD COUNTY FROM ANY ACT, OMISSION, NEGLIGENCE OR MISCONDUCT OF APPLICANT, ITS PRINCIPALS, AGENTS, SERVANTS OR EMPLOYEES IN PORT EVERGLADES (WHETHER CAUSING INJURY TO PERSONS OR OTHERWISE).

THIS LETTER OF CREDIT SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF ONE (1) YEAR EACH UNLESS WE SEND WRITTEN NOTICE OF OUR INTENT NOT TO EXTEND THIS LETTER OF CREDIT FOR ANY ADDITIONAL PERIOD TO BROWARD COUNTY, ATTN: DIRECTOR OF THE PORT EVERGLADES DEPARTMENT, WHICH NOTICE MUST BE SENT AT LEAST NINETY (90) CALENDAR DAYS PRIOR TO THE EXPIRATION DATE OF THE ORIGINAL TERM HEREOF OR ANY EXTENDED ONE (1) YEAR TERM.

ANY DRAFT DRAWN UNDER THIS LETTER OF CREDIT SHALL BEAR THE CLAUSE: "DRAWN UNDER BANK OF LASALLE BANK N.A. IRREVOCABLE STANDBY LETTER OF CREDIT NO. S601265 DATED AUGUST 27, 2007."

THE ORIGINAL LETTER OF CREDIT MUST ACCOMPANY ANY DRAWING, AND THE DATE AND AMOUNT OF EACH DRAWING MUST BE ENDORSED ON THE REVERSE SIDE OF THIS LETTER OF CREDIT BY THE NEGOTIATING BANK, IF ANY. THIS CREDIT IS SUBJECT TO THE "UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS", INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NUMBER 500, 1993 REVISION, (EFFECTIVE JANUARY 1, 1994), AND TO THE PROVISIONS OF FLORIDA LAW. IF A CONFLICT BETWEEN THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS AND FLORIDA LAW SHOULD ARISE, FLORIDA LAW SHALL PREVAIL. IF A CONFLICT BETWEEN THE LAW OF ANOTHER STATE OR COUNTRY AND FLORIDA LAW SHOULD ARISE, FLORIDA LAW SHALL PREVAIL.

LASALLE BANK N.A.

*Dawn Terry*  
AUTHORIZED SIGNATURE

DAWN TERRY  
PRINT NAME

AVP  
TITLE

*[Signature]*  
AUTHORIZED SIGNATURE

S. JERAMON  
PRINT NAME

DIRECTOR  
TITLE

2007 AUG 28 AM 10 41  
RECEIVED  
PORT EVERGLADES DEPT.  
BUSINESS ADMIN.

**PORT EVERGLADES FRANCHISE APPLICATION  
SECTION N**

1. Provide a list and description of all equipment currently owned and/or leased by the Applicant and intended to be used by the Applicant for the type of service(s) intended to be performed at Port Everglades including the age, type of equipment and model number.

TUG TATE McALLISTER (Specification sheet and photo attached)

TUG VICKI McALLISTER (Specification sheet and photo attached)

2. Identify the type of fuel used for each piece of equipment: DIESEL
3. Indicate which equipment, if any, is to be domiciled at Port Everglade

TUG TATE McALLISTER (Specification sheet and photo attached)

TUG VICKI McALLISTER (Specification sheet and photo attached)

4. Will all equipment operators be employees of the Applicant, on the payroll of the Applicant, with wages, taxes, benefits, and insurance paid by the Applicant?  
Yes X No



## VICKI M. McALLISTER

Official # 112730

### GENERAL

Built: 2001  
Panama City, FL  
Flag: U.S.A.  
Type of Equipment: Tug  
Radio Call Sign: WDA 6093

### MACHINERY

Main Engines: (2)EMD 12 - 645-E7B  
Propulsion System: (2) Shottel SRP 1212 Steerable Kort Nozzle Rudder Propellers  
Towing Gear: (2) Netec X-2444 Hydraulic Hawser Winches

### DIMENSIONS

Length: 96  
Breadth: 34  
Depth: 14.9  
Registered Gross Tonnage: 149  
Registered Net Tonnage: 101  
Draft Loaded: 12.5  
Draft Light: 11

### NAVIGATION & COMMUNICATION

Radar: (2) Furuno  
Gyro Compass: KVH Azimuth Digital  
VHF Radio: (3) ICOM's  
Fathometer: Datamarine  
Loudhailer/Horn: Raytheon

### SAFETY

Fire Fighting: 8-7 ITI with Goulds Pump  
3000 GPM @ 175 PSI  
(2) Monitors -1,500 gal. Capacity  
Onboard Fire Fighting: Fixed CO2 System  
EPIRB  
(Emergency Beacon):(1) Alden 406

### CAPACITIES

Fuel Oil: 31,280 gal.  
Lube Oil: 500 gal.  
Potable Water: 6700 Gal  
Sea Running Speed: 13 Knots  
H.P.: 5,000  
Bollard Pull: 60 Tons

### CLASSIFICATION

ABS Classed: +A-1 Towing; AMS



**TATE McALLISTER**  
Official # 1253208

**GENERAL**

Build: 2014  
Washburn Doughty  
East Boothbay, ME  
Flag: U.S.A.  
Type of Equipment: Tractor Tug

**DIMENSIONS**

Length: 93'  
Breadth: 38'  
Draft (Even Trim, Full Load): 17'  
Depth: 15.6'  
Registered Gross Tonnage: Under 300

**CAPACITIES**

Fuel Oil: 35,000 gal.  
Lube Oil: 1,000 gal.  
Potable Water: 4,000 gal.  
Free Running Speed: 13 Knots  
H.P.: 6,000  
Bollard Pull: 79 tons  
AFF Foam: 500 gal.

**ABS CLASS:**

+A-1 Towing; +AMS,  
ABS Escort

**MACHINERY**

Main Engines: (2) EMD 12-710 Tier III  
with Remote Start/Stop Capability  
Propulsion System: (2) Schottel SRP 1515 FP Z-Drives  
Generators: (2) John Deere 4045 AFM85 Tier III  
1,800 RPM Engines, Driving  
(2) 99 KW Ship Service  
Generator Sets with Manual Paralleling  
Towing Gear: (1) Fwd. JonRie 250 Series  
Escort Winch with 600,000 lbs.  
Brake Holding Force and 145,000 lbs.  
Line Pull, Full Render/Recover  
with Constant Scope  
(1) Aft JonRie 250 Series  
Escort Winch with 600,000 lbs.  
Brake Holding Force and 145,000 lbs.  
Line Pull, Full Render/Recover  
with Constant Scope  
Automation: Full Engine Room Monitoring  
System with Remote Monitoring  
Capability at Main Helm  
Fendering: Submarine

**SAFETY**

Fire Fighting: CAT C18 Pump @ 3,000 GPM  
Fire Monitor: (2) FFS Monitors  
with Foam Injection Capability  
EPIRB: ACR 5850 Cat. 1



**PORT EVERGLADES FRANCHISE APPLICATION  
SECTION O**

**BROWARD COUNTY BUSINESS TAX RECEIPT**



**PORT EVERGLADES FRANCHISE APPLICATION  
SECTION P.1**

PORT EVERGLADES SAFETY PROGRAM

	Author: C. Matteo	Document Number: MA-99-999-005
	Revision: 5.0	Date: March 25 <sup>th</sup> , 2011

**SAFETY MANUAL**

<u>DOCUMENT</u>	<u>REVISION</u>	<u>NUMBER</u>
McAllister Safety Policy	3.0	SA-99-999-001
Safety Program	1.0	SA-99-999-010
Port Safety Officer	1.0	SA-99-999-080
Safety Rules	3.0	SA-99-999-101
Safe Use Equipment	1.0	SA-99-999-105
Sanitation and Food Handling	1.0	SA-99-999-125
Designated Smoking Areas	2.0	SA-99-999-150
Personnel Protective Equipment	2.0	SA-99-999-200
Hearing Conservation Program	1.0	SA-99-999-300
Bloodborne Pathogens	1.0	SA-99-999-350
Exposure Report	1.0	SA-99-999-351
Vaccine Declination Form	1.0	SA-99-999-352
Hazard Communication	2.0	SA-99-999-400
Respiratory Protection	1.0	SA-99-999-450
Work Permit System	1.0	SA-99-999-500
Lock Out / Tag Out	2.0	SA-99-999-525
Working Aloft or Over the Side	3.0	SA-99-999-565
Slips, Trips and Falls	1.0	SA-99-999-567
Fall Overboard Protection	4.0	SA-99-999-600
Hot Work	1.0	SA-99-999-700
Hot Work Permit	1.0	SA-99-999-701
Confined Space Entry	4.0	SA-99-999-710
Confined Space Entry Permit	1.0	SA-99-999-711
Safety Training / Meetings / Drills	3.0	SA-99-999-850
Cargo Knowledge	2.0	SA-99-999-901
Working with Benzene	2.0	SA-99-999-905
Cargoes Requiring Special Handling	2.0	SA-99-999-907
Hazard Assessment	2.0	SA-99-999-950

	Author: J. E. Schrinner	Document Number: SA-99-999-001
	Revision: 3.0	Date: February 9, 2009

### McAllister Safety Policy

1. Safety First. McAllister Towing is a family run company committed to the safety and wellbeing of its people. Every employee is strictly accountable for maintaining safety in the workplace. Before undertaking any job, our first priority is to make sure "the work" can be done safely for everyone.
2. *McAllister Towing* is committed to safety in all phases of our operations. We fully comply with all applicable laws and regulations. Our corporate safety program supplements existing safety standards as a means of providing additional protection for our employees, the environment, and our cargo. Every *McAllister Towing* employee is expected to give his or her full support to our corporate effort to promote safety.
3. We believe that all accidents are preventable by establishing rules and safe working procedures, exercising good judgment, and using common sense. Preventing accidents will prevent injuries and death. All *McAllister Towing* employees have the opportunity and responsibility to protect themselves and to contribute to the protection of their fellow crewmembers, the environment, and the equipment for which they are responsible.
4. The individual is always directly responsible and accountable for his or her immediate actions, or inaction, and is therefore the only person who can guarantee his or her own safety. A job is well done only when it is done safely.
5. We expect to maintain efficiency in our daily operations by doing every job safely and correctly the first time and every time. Accidents and injuries that occur as a result of carelessness or attempting to save a few minutes are unacceptable. Everyone is expected to recognize the need to practice "safety first" when engaged in any task.
6. Safety policies or procedures are always subject to amendment if an employee has a suggestion for a better way. Everyone is encouraged to participate in the development of new procedures, or revisions to existing procedures, by making recommendations to the *McAllister Towing* Quality and Safety Director, 17 Battery Place, New York, NY 10004 (Telephone: 212-269-3200). You may call, send your suggestions in written form, or stop by the office to discuss your ideas. Your efforts will be very much appreciated.

	Author: J. Torgersen	Document Number: SA-99-999-010
	Revision: 1.0	Date: January 1 <sup>st</sup> 2006

## MCALLISTER SAFETY PROGRAM

### A. PURPOSE

1. To establish guidelines for the McAllister safety program

### B. RESPONSIBILITY

1. It is the responsibility of the Quality and Safety Director to implement this program in the company.
2. It is the responsibility of the captain to implement this program aboard his or her vessel.

### C. PROCEDURE

1. Safety First: McAllister Towing is a family run company that cares about people. Before undertaking any job, our first priority is to make sure the work can be done safely, for everyone.
2. McAllister Towing has established and maintains a safety program to support efficient and effective achievement of this policy.
3. The safety program exists to ensure that identified hazards are eliminated, reduced or controlled within established risk acceptability parameters.
4. This program ensures that:
  - a. Safety is designed into processes and activities in a timely cost effective manner.
  - b. Hazards associated with each activity are identified, tracked, evaluated and eliminated, or reduced to an acceptable level. Risk associated with any activity can be described according to SA-99-999-950 "Hazard Assessment".
  - c. Historical safety data, including lessons learned from internal and external sources is considered and used.
  - d. Minimum risk is sought in accepting new technology or operational techniques.
  - e. Actions are taken, to reduce the use of hazardous material, and therefore reduce the risks and costs associated with their use.
5. The Quality and Safety Director is responsible for the implementation of the safety program

	Author: J. Torgersen	Document Number: SA-99-999-010
	Revision: 1.0	Date: January 1 <sup>st</sup> 2006

6. Each port has a Port Safety Manager appointed by in accordance with OP-99-999-020 "Port Operations". The responsibilities of the Port Safety Manager are detailed in SA-99-999-080 "Port Safety Manager"
7. The Captain of each vessel is responsible for reviewing the operation the Safety and Occupation Health Program aboard his/her vessel.
8. As a last line of defense against identified hazards *McAllister Towing* provides guidance for personnel in the use of personal protective equipment in SA-99-999-720 "Personal Protective Equipment".
9. *McAllister Towing* maintains procedures and instructions with guidance on basic safety rules for a variety of general shipboard activities in SA-99-999-101 "Safety Rules".
10. *McAllister Towing* uses a Work Permit System to enforce safety standards for jobs that may be considered "out of the norm". This work permit system is used to control certain types of work which have been identified as potentially dangerous, and provides for a method of communications between all those involved with, and effected by certain tasks. The Work Permit System is described in SA-99-999-500 "Work Permit System".
11. All personnel transferring from one vessel to another or working on or near the water will take specific water safety measures as noted in SA-99-999-600 "Fall Overboard Protection".
12. The Port Safety Officer maintains a Material Safety Data Sheet (MSDS) library including Material Safety Data Sheets for all hazardous materials at in accordance with SA-99-999-400 "Hazard Communication"
13. *McAllister Towing* Internal Audits are performed to verify the operation of the safety program. These audits are included in the yearly Management Review.

	Author: J. Torgersen	Document Number: SA-99-999-080
	Revision: 1.0	Date: January 1 <sup>st</sup> 2006

## PORT SAFETY OFFICER

### A. PURPOSE

1. To establish the role of the Port Safety Officer

### B. RESPONSIBILITY

1. It is the responsibility of the Port Safety Officer to implement this procedure.

### C. PROCEDURE

1. At all times each ports General Manager will have an appointed "Port Safety Officer" at each port to ensure safe operation and to provide a link between Quality and Safety Director and those at the site for safety related issues.
2. The responsibilities and authority will include the monitoring of the safety and pollution prevention aspects of the operation at that port and to ensure that adequate resources and office-based support are requested, as required, to maintain a safe and environmentally responsible operation.
3. The name and contact information for the Port Safety Officer will be posted
4. The Port Safety Officer will assist the Captain with safety related and emergency preparedness issues.
5. The Port Safety Officer reviews the site Corrective Action Logbook as appropriate to verify the proper operation of the Corrective Action System.
6. The Port Safety Officer has the authority to halt any *McAllister Towing* activity at that port, as necessary to evaluate the activity to ensure safe operation, or to communicate with the ports General Manager to verify the correct course of action. This authority does not extend to emergency actions taken by Captains taken to ensure the safety of their vessel and its crew or to protect the environment. Ultimate authority for vessels rests with the Captain.



	Author: B. McAllister	Document Number: SA-99-999-101
	Revision: 3.0	Date: November 1 <sup>st</sup> 2006

## **SAFETY RULES**

### **A. PURPOSE**

1. To establish safety rules for all persons aboard McAllister vessels

### **B. RESPONSIBILITY**

1. The Captain is responsible for maintaining these rules aboard his or her vessel. At least once a year, the Captain must review the Safety Rules with the crew, and note the review in a safety meeting report and log book.
2. The Safety Director is responsible for reviewing, updating, and maintaining the Safety Rules, and distributing revisions to the Safety Rules as needed.
3. The Marine Personnel Manager or General Manager is responsible for issuing each new employee a copy of the Safety Rules during new hire orientation.
4. All *McAllister Towing* employees must follow company Safety Rules at all times.

### **C. PROCEDURE**

1. It is the policy of *McAllister Towing* that we will operate safely and in full compliance with all safety regulations. All employees are to support this policy.
2. No one may board any *McAllister Towing* vessel if he/she is under the influence of alcohol or prohibited drugs.
3. No alcohol or prohibited drugs are allowed aboard any vessel owned or operated by the *McAllister Towing*. Violation of this rule will result in immediate dismissal.
4. Life vests or work jackets must be worn at all times when on the main deck, or when crossing over the bulwark by any method other than on a gangway that is enclosed on both side by hand rails, and at any other time where the possibility of falling overboard exists. Life vests must be properly secured when worn.
5. Station bills are posted on each boat. Each crewmember must review his assignment aboard the vessel and be prepared to respond in an emergency. Learn your station immediately upon boarding your assigned boat.

	Author: B. McAllister	Document Number: SA-99-999-101
	Revision: 3.0	Date: November 1 <sup>st</sup> 2006

6. Substantial (leather preferred) work shoes are to be worn while aboard the vessel. All hands on watch must wear shoes that have skid and oil-resistant soles. Personnel working on deck must wear shoes that are at least ankle-high. Sandals or flip-flops are forbidden when boarding the boat, when on watch, or when leaving the boat.
7. All newly hired personnel must be aware that hazards are involved in learning a new job. When in doubt, ask. Always know exactly what you are supposed to do before you try to do it.
8. The boat and tow must be kept clean and free of obvious safety hazards. Good housekeeping will eliminate most hazards before an accident occurs. Stow lines, rigging, buckets, etc. when you finish a task.
9. Stairways and ladders must always remain unobstructed, clean, and free of tripping hazards. Never lay lines, cords, or wires across or down stairs.
10. Decks and walkways must be kept dry and free of slippery areas. All residues, wet or dry, must be removed as soon as possible.
11. Hand rails must be used at all times when using stairs or permanently installed ladders. Always face the stairs when going up or down them. Never attempt to use the stairs when both hands are full or your vision is obstructed.
12. When walking on the tow, always use an inboard walkway, not the outside edges.
13. Always carry a load on your outboard shoulder. Be prepared to let the item you are carrying fall overboard instead of yourself.
14. Treat vessel drills as a real emergency. Always respond with the appropriate equipment and report to your specified location.
15. No smoking areas must be observed without fail. You are not permitted to smoke:
  - a) Aboard any tow of liquid cargo;
  - b) In the deck locker;
  - c) In bed;
  - d) At fueling stations;
  - e) When fueling outboard engines;
  - f) When painting or mixing paint;
  - g) When using spray cans; or

	Author: B. McAllister	Document Number: SA-99-999-101
	Revision: 3.0	Date: November 1 <sup>st</sup> 2006

- h) When handling any flammable product.
16. Learn the location of all emergency equipment aboard your vessel. Know how to use the equipment before an emergency arises.
  17. If you discover a fire, first report the fire, then fight the fire with the available equipment until help arrives.
  18. Always wear clothing appropriate for the task you are performing.
  19. Transfer operations create their own particular hazards. Personnel engaged in hookups, transfers, disconnects, or monitoring must always wear the appropriate protective equipment. Gloves, eye protection, and protective clothing must always be worn if specified in the transfer procedures.
  20. Eye protection must be worn when using power tools, air lines, welding/cutting equipment, or any activity that increases the chance of foreign material entering your eye.
  21. Hearing protection must always be worn when in the engine room, or when passing through spaces that have high noise levels.
  22. When laying wires, handling lines, working ratchets, etc. always work on the inside side of the line and protect yourself from a fall overboard.
  23. Line handling while docking ships or towing barges may present a hazard to anyone who is not alert to his surroundings. Pay very close attention to the lines at each station. Keep yourself away from lines under strain and never straddle a line or place your feet in the bight. If you observe a situation that may create an immediate hazard, leave the area.
  24. Be alert for other hazards that may arise while towing or docking. Hard bumps may occur. Gaps between the ships/barges and between a tug or the dock wall may occur. Avoid an unsafe situation by paying close attention to what is happening around you. Inattention may lead to injury.
  25. Always help other crewmembers stay safe by passing the word about bumps or other situations that might catch them by surprise. Hold on to something when you hear the word "bump" or see one coming up.
  26. Never try to jump from tug to tug, tug to dock, etc. Always wait until you can make the move safely.
  27. Never lean on lifelines, rails, or over the edge of a vessel.

	Author: B. McAllister	Document Number: SA-99-999-101
	Revision: 3.0	Date: November 1 <sup>st</sup> 2006

28. Always use a portable ladder correctly. Set the ladder at a safe working angle on secure footing. Do not try to use a ladder as a horizontal bridge. Always tie off the top of a portable ladder.
29. Repair or replace defective tools. Do not use a tool that is inappropriate for the job. Never wear loose clothing around machinery. Take special care when working around operating machinery.
30. Never operate machinery unless all protective guards and alarms are in place and working as designed.
31. Never step on manhole covers. Always replace a manhole cover and secure it in a watertight condition.
32. Always keep your fingers, hands, and feet away from a pinch point at lines and deck fittings.
33. Never place your hand or foot between a ship/barge, a dock and a vessel.
34. When transporting rigging or lines, always carry the equipment as taught.
35. Report all injuries or accidents, regardless of how slight.
36. Never engage in horseplay or practical jokes.
37. Do not allow unauthorized personnel aboard the boat or tow.
38. Always use a flashlight at night. Be sure that you illuminate the deck area rather than step into a shadow. Never step where you cannot see the edge of a vessel or the deck. Use your flashlight carefully to avoid blinding the pilot, yourself, or another crewmember. Where practicable use the buddy system at night when performing duties. Never go out on the tow or aloft without checking with the pilothouse first.
39. Learn and observe all company safety rules. Watch how things develop at a dock so you can anticipate and avoid hazardous situations. The best safety tip of all is: PAY ATTENTION. Be alert to everything and everyone as you perform your task. You will contribute to a safer operation.
40. Entry into cargo spaces, wing tanks, rakes, or voids is prohibited without prior permission from supervisory shore personnel.

	Author: B. McAllister	Document Number: SA-99-999-101
	Revision: 3.0	Date: November 1 <sup>st</sup> 2006

41. Painting in enclosed spaces is always dangerous as many commercial marine paints produce toxic or flammable vapors that are easily dissipated when painting out on deck, but can become concentrated and deadly when in an enclosed space. To ensure the safety of persons painting in enclosed spaces, exhaust fans must be used to ventilate the atmosphere, and monitoring of the atmosphere in the space should be undertaken.
42. When painting in an enclosed space, air-filtering respirators shall be used. When using air-purifying respirators care must be taken to ensure:
  - a) that the cartridge is of an appropriate type and that its life is not compromised by the paint spray. Pre-filters should be used to protect the cartridge from heavy paint spray.
  - b) sufficient oxygen levels are maintained in the space.
  - c) flammable or toxic vapors do not develop.
43. McAllister Towing requires the use of non-skid paint on horizontal areas of the main deck, the top rail of all bulwarks, on exterior stairs and ladders, and on any other exterior areas that are likely to be used when boarding or disembarking from the vessel. Captains are to include an examination of the condition of the non-skid surfaces on their normal inspections of the vessel, and take action to re-apply non-skid materials as necessary.

	Author: B. McAllister	Document Number: SA-99-999-105
	Revision: 1.0	Date: January 1 <sup>st</sup> 2006

## SAFE USE OF EQUIPMENT

### A. PURPOSE

1. To provide guidance on the use of common tools

### B. RESPONSIBILITY

1. It is the responsibility of the Captain to implement this procedure

### C. PROCEDURE

1. In order to insure that we operate in as safe an efficient manner as possible it is essential that all personnel follow these rules for the safe use of equipment.

### 2. WELDING/CUTTING

- a) The wheelman on watch must approve the use of welding/cutting equipment on board the vessel.
- b) Welding/cutting may not be performed by crewmembers under the following conditions:
  - i) While at a customer's dock;
  - ii) While alongside a barge;
  - iii) While the boat is made up to a barge;
  - iv) While taking on fuel;
  - v) Over fuel tanks;
  - vi) On any barge under any condition; or,
  - vii) In confined spaces.
- c) Check surroundings to be sure no flammable or combustible materials are close to a work area where welding/cutting is taking place. For example:
  - i) Cylinders should be kept at a distance from the actual welding operation so that sparks, hot slag or flame cannot reach the cylinder.
  - ii) Under no circumstances should oxygen or acetylene cylinders be taken into a confined space.
  - iii) Cylinder valves should be opened slowly to prevent damage to the regulator. To allow for quick closing, do not open valves on fuel gas cylinders more than one and one-half turns.

	Author: B. McAllister	Document Number: SA-99-999-105
	Revision: 1.0	Date: January 1 <sup>st</sup> 2006

- iv) Visually inspect hoses, torches, and regulators before each use.
  - v) Keep passageways, ladders, and stairs clear of hoses and other equipment.
  - vi) Inspect torches before each use for leaking shutoff valves, hose couplings and tip corrections. Clean clogged torch tip openings with cleaning devices designated for such purposes. Do not use defective torches.
  - vii) Light torches by friction lighters or other approved devices and not by matches or cigarette lighters.
  - viii) Adequate ventilation is required. Never use oxygen for ventilation.
- d) A second crewmember must stand fire watch with a fire extinguisher or water hose during any welding/cutting operation.
- e) Wear appropriate eye and body protection (e.g., welding hood, gloves, etc.) during all welding/cutting operations.
- f) Observe the following guidelines for storage of oxygen and acetylene bottles:
- i) Store oxygen and acetylene bottles outside.
  - ii) Do not store bottles of oxygen and acetylene together. Securely attach bottles in order to avoid knocking them over.
  - iii) Do not store bottles with regulators attached. First, remove regulators and then replace caps securely.
  - iv) Do not apply any type of oil or grease to the threads of bottles, hoses, regulator, or cap.
  - v) Notify the Port Engineer to remove and service bottles if they need refilling or if threads are rusty.
- g) Order welding/cutting supplies through the Port Engineer.

### 3. PORTABLE ELECTRIC/AIR HAND TOOLS

- a) Vessel personnel operating portable or air hand tools on the towboat are responsible for performing the duties required by this procedure. This procedure does not apply to the use of portable electric or air hand tools on a barge. A qualified individual will perform this work only after the barge has been certified by a marine chemist to be gas-free.

	Author: B. McAllister	Document Number: SA-99-999-105
	Revision: 1.0	Date: January 1 <sup>st</sup> 2006

a) Portable Electric Hand Tools

- i) Ensure that electric wire and connections are in good operating condition and have no loose or unshielded wires.
- ii) Ensure that electric tools with locking trigger mechanisms are left in the open position before electric power is connected.
- iii) Do not lock trigger mechanisms.
- iv) Do not operate electrical tools in wet weather or in conditions that may lead to contact with water.

b) Portable Air Hand Tools

- i) Inspect air tools to ensure that they are in proper working order.
- ii) Ensure air hoses are made of sufficient material and are in sufficiently good physical condition to withstand the operating pressure needed to operate the tool.
- iii) Ensure that crow's foot (claw) connections used to connect sections of air hoses have safety pins in place.
- iv) Use air supply through an air line equipped with a regulator set for the maximum pressure for which the tool was designed. Never leave an air hand tool unattended at a work site while under pressure.
- v) Turn the air off before disconnecting the hose. Bleed off any remaining pressure in the line through the tool. Never disconnect air hoses while under pressure. Never pressurize hose unless attached to the tool.



	Author: A. Aden	Document Number: SA-99-999-125
	Revision: 1.0	Date: February 6, 2009

## Sanitation and Food Handling

### 1. Purpose:

- 1.1 To establish sanitation and safe food handling procedures for all McAllister personnel working aboard vessels or at shore facilities.

### 2. Responsibility

- 2.1 The General Manager or his designee (e.g., Port Captain) is responsible for ensuring compliance with these procedures at shore facilities and through Captains aboard all vessels working within the port area of responsibility.
- 2.2 Captains are responsible for training crew members in sanitation and food handling.
- 2.3 All McAllister personnel are responsible for following the procedures set forth in this document and for any additional local requirements as may be put in place by the General Manager or vessel Captains.

### 3. Procedure

- 3.1 General. Improper food handling can cause mild to severe illness. Proper precautions must be taken in the purchase, storage, preparation, cooking and disposal of food.
- 3.2 Purchasing Food. There are a number of common sense considerations in buying food, including, but not necessarily limited to the following:
- 3.2.1 Check articles to be purchased to ensure that they are currently within, and will be consumed before the expiration date indicated on the packaging.
- 3.2.2 Avoid purchasing any food in damaged cans, boxes or shrink wrapped packaging.
- 3.2.3 Do not purchase frozen food if there is a chance that it will partially thaw in transit from the store to its final storage location.
- 3.2.4 Do not purchase refrigerated perishable food items if they are to be unrefrigerated in transit for longer than two hours (longer than one hour when temperatures exceed 90° F).
- 3.3 Storage. Proper food storage will ensure its longer lasting quality and safeness for eating. Recommended storage practices include:
- 3.3.1 Storage of dry packaged goods should be in a way that is recommended by the manufacturer.
- 3.3.2 All food must be stored in a clean dry location away from any cleaning and other household chemicals.
- 3.3.3 Refrigerated perishable food items should be refrigerated within two hours of purchase or sooner if temperatures exceed 90° F. If left unrefrigerated for longer, the food should be discarded.
- 3.3.4 Store dry packaged and canned goods above any articles containing liquids.

	Author: A. Aden	Document Number: SA-99-999-125
	Revision: 1.0	Date: February 6, 2009

- 3.3.5 Do not over pack refrigerators and freezers with a large amount of food coming from room temperature.
  - 3.3.6 Leftovers to be kept must be securely wrapped to prevent possible contamination of other food and premature spoilage.
  - 3.3.7 Wash fresh fruit and vegetables before they are put in storage and place them in containers that will prevent leakage and unnecessary exposure to the environment prior to consumption.
- 3.4 Preparation. Along with improper cooking, poor food preparation is the biggest cause of food poisoning and other food related illnesses. Consistently and carefully follow these procedures:
- 3.4.1 When preparing food items to be consumed, always wash hands with soap and warm water for a minimum of 20 seconds before beginning. If more than one type of food is being prepared, wash again before working with each item. This will help to prevent cross contamination.
  - 3.4.2 Before preparing any meal, thoroughly clean the preparation area and all utensils to be used with soap and hot water.
  - 3.4.3 Cutting boards and knives must be thoroughly cleaned with hot water and soap before each use, between different food stuffs, and before storage after use.
  - 3.4.4 There are three basic ways to defrost food: a) in the refrigerator, b) using cold water, or c) a microwave. Follow the practices below.
    - 3.4.4.1 When using the refrigerator, plan ahead and place items in a way to ensure that thawing meat, fish and poultry do not cross contaminate other refrigerated items.
    - 3.4.4.2 When using cold water, keep the thawing food covered and away from any possible contaminants.
    - 3.4.4.3 When using a microwave, consult the unit's instructions for recommendations on defrosting. Guidance will usually refer to the weight of the food; therefore, note this from the original packaging or another reliable source.
- 3.5 Cooking. There are two safety concerns when cooking – your personal safety and the proper heating of the food itself.
- 3.5.1 When using the range/oven, remove any excessive grease buildup before cooking.
  - 3.5.2 Exam the range exhaust hood and filter for excessive grease and clean the area prior to cooking as may be needed.
  - 3.5.3 Be sure you know how to operate the temperature controls on the range/oven.
  - 3.5.4 Ensure that a fire extinguisher and first aid kit are readily available.
  - 3.5.5 Have appropriate pot holders or insulated cooking gloves ready before heating any utensils that require handling.

	Author: A. Aden	Document Number: SA-99-999-125
	Revision: 1.0	Date: February 6, 2009

- 3.5.6 Under no circumstances attempt to deep fry food on an open range. Use a purpose built deep fryer or pan fry in a shallow pan. Avoid putting any moisture laden meat, poultry or fish in hot oil.
- 3.5.7 Turn pot handles in such a way that they cannot be inadvertently hit by someone walking near the range.
- 3.5.8 Never leave the range unattended when cooking is underway.
- 3.5.9 Exercise caution when using so-called oven proof or tempered glass cookware. Despite what the labels tend to indicate these articles cannot be subjected to rapid changes in temperature. There have been numerous cases of violent shattering, and even explosions when such cooking utensils have been exposed to temperature change.
- 3.5.10 When cooking meat and poultry it is important to know safe minimum internal temperatures of the food:
  - 3.5.10.1 All poultry should reach a safe minimum internal temperature of 165° F.
  - 3.5.10.2 Beef, veal and lamb steaks, roasts and chops may be cooked to 145° F.
  - 3.5.10.3 All cuts of pork should be cooked to 160° F.
  - 3.5.10.4 Ground beef, veal and lamb should be cooked to 160° F.
  - 3.5.10.5 Fish should be cooked through and never served raw.
- 3.6 Food Disposal. Improper or delayed disposal of food, cooked or uncooked can also be the source of illness. Follow these guidelines:
  - 3.6.1 Disposal of garbage in accordance with the McAllister Towing Garbage Disposal Plan, Document Number DK-99-999-700.
  - 3.6.2 Perishable food should not be left out more than two hours at room temperature (one hour when the temperature is above 90° F). Food left out at room temperature for more than two hours (or one hour if the temperature is above 90° F) should be discarded.
  - 3.6.3 Food should be placed in shallow containers and immediately put in the refrigerator or freezer for rapid cooling. Cooked leftovers should be used within four days.
- 3.7 General Oversight and Prevention. Following the procedures outlined above will help to ensure the required sanitation and safety in food handling. There are a couple additional measures that should also be taken.
  - 3.7.1 Personnel engaged in food handling should be free of contagious diseases and any open wounds that could result in the contamination of food or more serious infection of the individual.
  - 3.7.2 If any personnel become ill after eating, care should be taken to try to determine the cause. If the illness is severe or more than one person is involved, keep the remnants of any suspected food source in a tightly sealed container away from other food, but available for professional analysis if the need arises.

	Author: A. Aden	Document Number: SA-99-999-125
	Revision: 1.0	Date: February 6, 2009

- 3.7.3 In addition to reviewing this document with the crew for purposes of training, the Captain should also regularly inspect the food preparation area before and after food has been prepared.

	Author: B. McAllister	Document Number: SA-99-999-150
	Revision: 2.0	Date: January 1 <sup>st</sup> 2006

## DESIGNATED SMOKING AREAS

### A. PURPOSE

1. The purpose of this policy is to set areas on *McAllister Towing* vessels for cigarette, cigar, and pipe smoking, while protecting other crew members, *McAllister Towing* property and other vessels/dock facilities.

### B. RESPONSIBILITY

1. The Captain is responsible for designating smoking and non-smoking areas on his/her vessel. He is also responsible for enforcing these rules.
2. All crewmembers are personally responsible and will be held accountable for not abiding to this policy.

### C. PROCEDURE

1. Smoking is not permitted:
  - a) On open (exterior) decks while:
    - i) Assigned to work along side any petroleum ship or barge regardless of:
      - (1) Light or loaded condition;
      - (2) Towing or standing by.
    - ii) At or along side any dock, pier or loading facility.
  - b) In personal quarters.

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## PERSONAL PROTECTIVE EQUIPMENT

### A. PURPOSE

1. To establish requirements for the use of personal protective equipment aboard McAllister vessels.

### B. RESPONSIBILITY

1. The Safety Director is responsible for approving the selection of personal protective equipment. He must also review any changes in the equipment supplied to *McAllister Towing* employees.
2. The General Manager/Port Captain is responsible for ensuring that vessel Captains provide and train their crews with the necessary personal protective equipment and that PPE is used effectively and at the appropriate times.
3. All *McAllister Towing* crewmembers are personally responsible and will be held accountable for wearing the approved personal protective equipment at the appropriate times. Taking the necessary steps to procure and wear protective equipment during prescribed work activities is a company safety requirement.

### C. PROCEDURE

1. Personal protective equipment (PPE) is a barrier between the employee and workplace hazards. While PPE generally makes our work place hotter and more uncomfortable, and sometimes slows the job down because it takes time to put on the gear, the results of not taking precautions in the workplace can be tragic. A serious laceration, loss of eyesight, chemical overexposure, hearing loss, or even drowning may result from not wearing personal protective equipment.
2. Vessel crewmembers must wear the appropriate gear and keep it readily available. Personal protective equipment must be considered a part of our daily operation for every employee, from new trainees to senior captains.
3. Because PPE has a wide variety of uses depending on the material and style, the Safety Director must review changes in the equipment supplied to McAllister Towing employees. Items delivered to vessel crews will be specified in advance as to make and model. Vendors should deliver the specified stock; substitutes will not be accepted without prior agreement.

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4. All PPE should be cleaned, inspected, and stored after each use.
5. Company-supplied personal protective equipment will be replaced by the company when it becomes substandard due to normal wear-and-tear or work-related damage. Damage to company-issued PPE should be reported to the vessel captain.
6. Eye Protection
  - a) Safety glasses or safety goggles must be worn when eye impact hazards exist. Acceptable safety glasses are American National Standards Institute (ANSI)-approved impact-resistant eye wear with side shields; acceptable safety goggles are ANSI-approved chemical splash-resistant eyewear with splash-resistant covers over the ventilation openings. Work situations that require eye protection include, but are not limited to, the following:
    - i) Chipping, scaling, grinding, hammering, or brush/roller painting;
    - ii) Start-up of pump and engines;
    - iii) Cutting, repairing, or installing wire rope;
    - iv) Bleeding off air pressure;
    - v) Walking in plants or facilities that require eye protection; and,
    - vi) Changing out spotlight bulbs or fluorescent tube lights.
  - b) Safety goggles must be worn when splash hazards exist or when an impact hazard exists with an employee wearing prescription non-safety glasses. Work situations that require safety goggles include, but are not limited to, the following:
    - i) Hooking up or disconnecting transfer hoses, stripping, or vent hoses;
    - ii) Bleeding air off transfer pumps;
    - iii) Cleaning up fuel spills;
    - iv) Cleaning with a washdown gun or spray painting;
    - v) Removing blank flanges, plugs, or caps from lines or hoses when residual pressure exists;
    - vi) Disconnecting hydraulic hoses, fuel hoses, or cargo lines where residual pressure may exist; and,
    - vii) During fuel transfer start-ups when hose connections are being checked for leaks.

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7. Foot Protection

- a) Steel-toed leather work boots are preferred for trainees, deckhands, and Engineers when performing work duties.

8. Hand Protection

- a) Synthetic rubber gloves (synthetic, impermeable gloves made of chemical-resistant material) must be worn where hand contact with petroleum products is possible. Examples of situations where synthetic rubber gloves must be worn include, but are not limited to, the following:

- i. Removing or connecting blank hose flanges;
- ii. Making or breaking fuel hose connections;
- iii. Stripping or mopping fuel tanks;
- iv. Cleaning with paint thinner or degreasers;
- vi. Changing oil or fuel filters;
- vii. Handling calcium hypochlorite tablets;
- viii. Using oven cleaners; and,
- ix. Working on the vessel's marine sanitation device.

- c) Leather gloves (made of cowhide or pigskin) are required when hands may come into contact with surfaces that can cut or penetrate the skin. Gear and tools that must be handled with leather gloves include, but are not limited to, the following:

- i) Wire rope;
- ii) Slings;
- iii) Winch wheels;
- iv) Sledge hammers;
- v) Prybar;
- vi) Chains; and,
- vii) Grating and deck plates.

- d) Leather gloves should be worn to prevent abrasions from needle guns, grinders, and other hand tools.

9. Head Protection

- e) Hard hats must be worn when there is a potential for head injury due to impact or penetration from overhead objects. Work situations in which hard hats are required include, but are not limited to, the following:



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- i) Working near, or with, an operating crane;
- ii) Walking or working in a shipyard;
- iii) Walking or working in a plant or marine dock facility when not aboard the boat or barge; and,
- iv) Working on the barge, when required by the plant or marine dock facility.

#### 10. Hearing Protection

- a) Hearing protection is required whenever sound levels become uncomfortable. Situations in which ear muffs and/or ear plugs (ANSI-approved over and in-the-ear protection) must be worn include, but are not limited to, the following:
  - i) In the boat engine room when the main engine and/or generators are operating; and,
  - ii) When using a deck scalar, needle gun, or portable grinder.

#### 11) Skin Protection

- a) Transfers and maintenance provide an opportunity for skin exposure to chemicals. All personnel conducting transfers or maintenance must wear, as a minimum, long sleeve shirts and long pants as well as previously listed PPE.

#### 12. Drowning Protection

- a) Working life vests (Type 3 or Type 5, Coast Guard-approved with reflective material on all floatation cells) must be worn when there is a risk of entering the water unexpectedly. Situations in which a working life vest is required to be worn include, but are not limited to, the following:
  - i) While using ladders, ramps, gangways, pilings, or fender works, for extended periods of time, to gain access to or from a barge or dock;
  - iii) On the boat main deck at night when underway; and,
  - iv) On the boat main deck during a storm when underway.
- b) There are only a few exceptions to the *McAllister Towing* life vest rule. When a tug is in the shipyard in dry dock or moored for long-term shipyard maintenance, life vests need not be worn during performance of maintenance work. In addition, individuals authorized to enter cargo or void tanks need not wear a life vest when in the tanks.

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- c) Life jackets (Type 1) must be kept available for emergency situations. If an employee must enter the water because of an emergency, a Type 1 personal floatation device must be donned, time permitting. If circumstances do not allow the use of Type 1 PFD, carry a life jacket, working life vest, ring buoy, or any other available floatation device when you must enter the water.
- d) Life jackets, work vests, and personal flotation devices (PFDs) must be worn snug to the body with reflective tape on all cells, and fastened or zippered completely.
- e) *McAllister Towing* employees are not permitted to enter the water during the performance of normal work duties.

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## HEARING CONSERVATION PROGRAM

### A. PURPOSE

1. To establish McAllister Towing's Hearing Conservation Program.

### B. RESPONSIBILITY

1. It is the responsibility of the Marine Personnel Manager, and all shipboard employees to implement this procedure.

### C. PROCEDURE

1. Effective engineering noise control is the most desirable hearing conservation measure since it can eliminate the hazard and render other elements of the program unnecessary. Whenever feasible, engineering control methods must be used to reduce excessive noise levels to the maximum extent possible.
2. Engineering noise control is generally deemed feasible if implementation is technologically and operationally practical and cost effective. New equipment is purchased or designed with consideration for noise emission levels. Engineering control measures must be a consideration in the design of new vessels where there is potential for hazardous noise.
3. When engineering controls are not feasible, administrative controls (i.e., rotation of employees) must be implemented whenever possible. Such controls must be designed to reduce the noise exposure to the employee below the action level.
4. Areas, such as tugboat engine rooms and fidley areas that have been determined to exceed acceptable noise levels must be posted with the wording "EAR PROTECTION REQUIRED."
5. Audiometric Testing Program
  - a) Audiometric testing must be performed by a licensed or certified technician.
  - b) The Marine Personnel Manager is responsible for the audiometric program.
  - c) A baseline audiogram must be performed within 6 months of an employee's first exposure at or above an 8-hour of 85 dB.
  - d) An annual audiogram must be conducted within one year of the baseline for each employee exposed at or above an

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- action level of 85 dBA in order to identify changes in hearing acuity so that protective follow-up measures can be initiated.
- e) Each employee's annual audiogram must be compared to that employee's baseline audiogram to determine if the audiogram is valid and if a standard threshold shift (STS) has occurred.
  - f) An audiologist, otolaryngologist, or physician reviews the audiogram to determine whether there is a need for further evaluation.
  - g) If a comparison of the annual audiogram to the baseline audiogram indicates a standard threshold shift (STS), and it is determined to be work related, the following steps are taken:
    - i) Employees not using hearing protectors must be fitted with hearing protectors, trained in their use and care, and required to use them.
    - ii) Employees already using hearing protectors must be refitted and retrained in the use of hearing protectors offering greater attenuation, if necessary.
    - iii) The employee must receive written notification that an STS exists. This notification is provided within 21 days following the determination of an STS.
    - iv) The employee is referred for a clinical audiological evaluation or an otological examination, as appropriate, if additional testing is necessary or if the professional responsible for the audiometric program suspects that a medical pathology of the ear is caused or aggravated by the wearing of hearing protectors.
    - v) Employees must be notified of the need for an otological examination if a medical pathology of the ear, which is unrelated to the use of hearing protectors, is suspected.
    - i) Audiometric tests must be pure tone, air conduction, hearing threshold examinations, with test frequencies including as a minimum 500, 1000, 2000, 3000, 4000, 6000, and 8000 Hz. Tests at each frequency must be taken separately for each ear.
    - j) Audiometric test records must be retained indefinitely.

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6. Hearing Protection

- a) Hearing protective devices consisting of ear plugs or earmuffs, or a combination of these items must be made available and must be worn by employees who:
  - i) Are exposed to an 8-hour of 85 dB or greater.
  - ii) Have not yet had a baseline audiogram in a noise environment.
  - iii) Have experienced a standard threshold shift (STS).
- b) Hearing protection must be worn by all employees working in posted areas or performing operations which require it.
- c) Hearing protection must be worn by all employees whose audiometric tests show a significant threshold shift.
- d) The Marine Personnel Manager ensures that required audiometric testing is performed on an annual basis for all affected employees.
- e) Hearing protection devices must be made available at all locations.
- f) Employees requiring hearing protectors must:
  - i) Have the opportunity to select them from a variety of suitable types.
  - ii) Be trained in their use and care.
  - iii) Be properly fitted initially.
- g) Hearing protector attenuation must be evaluated for the specific noise environment in which it will be used.
  - i) The protectors must attenuate employee exposure at least to an 8-hour of 90 dB.
  - ii) For employees who have experienced an STS, hearing protectors must attenuate employee exposure to an 8-hour, time-weighted average of 85 dBA or below.
  - iii) The adequacy of hearing protector attenuation must be reevaluated whenever employee noise exposures increase to the extent that the protectors may no longer provide adequate attenuation.
- h) No one ear protector should be considered best for all employees under every condition of work and a selection of ear protectors should be made available depending on attenuation properties, comfort, fit, and applicability.

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- i) It is important that the employee be properly informed of the need and requirements for wearing ear protectors, and supervisors must ensure that a follow-up is made to ensure that employees are wearing the devices properly and to correct any faulty practices that might be evident or provide another type of protector if necessary.
- j) Ear protectors should be washed with a mild soap and water on a regular basis. Dirty ear protectors may cause the ear to become sore or inflamed. Ear plugs that are properly cared for remain effective six months or more. Whenever they become stiff and uncomfortable, they should be discarded.

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## BLOODBORNE PATHOGENS

### A. PURPOSE

1. To establish McAllister Blood Borne Pathogens Protection Program.

### B. RESPONSIBILITY

1. It is the responsibility of all employees to implement this procedure.

### C. PROCEDURE

1. Universal precautions shall be used to prevent contact with blood and other potentially infectious materials. All blood or other potentially infectious materials shall be considered infectious, regardless of the perceived status of the source individual.
2. Protective gloves are readily available in all first aid kits and/or bloodborne pathogen kits.
3. Each vessel should have a Bloodborne Pathogen Kit (biohazard kits). These kits are to be kept in a highly visible location, preferable in the Galley or Wheelhouse.
4. Always take precautionary measures when providing first aid or assistance in such cases where there is exposure to another's body fluids. Dispose of all contaminates and sharp objects properly, as explained in training.
5. Waste shall be placed in containers that are closeable, constructed to contain all contents, and will prevent leakage of fluids during handling, storage, transportation or shipping. All waste containers shall be labeled or color-coded and closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport or shipping.
6. Barrier tape should be available for the purpose of roping off an area before and during cleanup following an incident. The yellow rolls of caution tape or yellow handy line will be sufficient to use for this situation.
7. In the event that an injury occurs where blood or other body fluids are visibly present, it is recommended that the employee(s)

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providing aid/assistance take precautionary steps such as using barriers prior to assisting the injured employee.

8. If at all possible, rescuing employees should let the injured employee help himself/herself if he/she is able. For instance, if an employee is bleeding and pressure needs to be applied to a wound, an employee giving aid could get a clean cloth and provide it to the injured employee to apply pressure to his/her own wound if they are conscious and able. This minimizes contact with blood or other body fluids.
9. Contact with blood or other body fluids does not necessarily mean that an individual has been exposed. An **exposure incident** is defined as a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious material that results from the performance of an employee's duties.
10. If it has been determined that an exposure incident has definitely occurred, the exposed employee should complete an exposure report and he/she will be offered a medical examination and HBV vaccination.
11. When it is uncertain whether or not an actual exposure incident has occurred, all contact with blood or other human body fluids should be considered as a possible exposure. In this case, the Marine Personnel Manager will inform the "exposed" employee that he/she has the option of a consultation with a physician who is qualified to make the exposure determination and recommend whether or not the HBV vaccination is necessary.
12. The "exposed" employee should complete an exposure report if the physician determines that an exposure incident occurred. If the employee declines this consultation, he/she should sign a declination form, which will be kept on file.
13. An exposure report is available for the purpose of reporting suspected or actual exposures. This report contains the information needed by a physician, and covers what is required to be kept on file. It should be the "exposed" employee's responsibility to complete this form.
14. If the exposed individual for some reason is not able to complete the Exposure Report Form, then the vessel Captain or another



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supervisor shall complete this form. This will be witnessed in the presence of another supervisor.

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**EXPOSURE REPORT**

This exposure report is used for the purpose of reporting a suspected exposure incident or occupational exposure of an employee to blood or other potentially infectious material. This form is to be completed by the employee prior to the end of the shift in which the suspected exposure occurred.

Exposed Employee's Name: \_\_\_\_\_

Date of Exposure: \_\_\_\_\_ Time of Exposure: \_\_\_\_\_

Description of the Incident:  
(who, when, what, where, how) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other People Involved (describe their involvement) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Route(s) of Exposure: \_\_\_\_\_

Personal Protective Equipment Used: \_\_\_\_\_  
\_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(If employee is not able to complete form.)

I decline a medical evaluation at this time.

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**McAllister Towing  
HEPATITIS B VACCINE DECLINATION**

I understand that due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Employee \_\_\_\_\_ Date \_\_\_\_\_

Company  
Representative \_\_\_\_\_ Date \_\_\_\_\_

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## HAZARD COMMUNICATION PROCEDURES

### A. PURPOSE

1. To establish procedures for hazard communication aboard McAllister vessels.

### B. RESPONSIBILITY

1. The Captain is responsible for training employees in hazard communication procedures. The Safety Director is responsible for developing, implementing and maintaining a hazard communication training program.
2. The Marine Personnel Manager/General Manager is responsible for ensuring that new employees are trained prior to starting work, and for maintaining training records.

### B. PROCEDURE

1. The *McAllister Towing* hazard communication program exists to alert employees to the presence of hazardous chemicals in the workplace and to show how to work safely with these chemicals. It is company policy that each individual understand emergency procedures and safety precautions associated with hazardous substances utilized both in the shop and field locations. This program meets all requirements of 29 CFR 1910.1200, the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard. Major elements of this program include:
  - a) A comprehensive list of the hazardous chemicals found in the workplace;
  - b) Readily available Material Safety Data Sheets (MSDS);
  - c) Assurance that containers of hazardous substances are appropriately labeled, tagged, or marked;
  - d) Training in using and comprehending MSDS labeling, and the requirements of the OSHA Hazard Communication Standard; and,
  - e) A system to inform employees, customers, subcontractors, or visitors of hazardous chemicals to which they may be exposed and suggest protective measures.
2. It is the policy of *McAllister Towing* to obtain and review the MSDS prior to using any substance deemed to be hazardous.

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3. Supervisory personnel must review the information on the MSDS to ensure safe handling and ascertain that all individuals working with the substance are informed of potential hazards, emergency procedures, and required protective measures.
4. Training for hazard communication is the responsibility of the Captain. Employees must be instructed in the following topics. The provision of written materials to employees will not by itself suffice as training:
  - a) Requirements of the OSHA Standard;
  - b) Operations in the workplace where hazardous substances are present;
  - c) Locations of MSDS, the *McAllister Towing* hazard communication program, and the list of hazardous chemicals found in the workplace;
  - d) Methods to detect the presence or release of a hazardous substance in the workplace;
  - e) Physical and health hazards of identified hazardous substances in the workplace;
  - f) Personal protective equipment requirements for handling hazardous substances; and,
  - g) The company hazard communication program.
5. The Marine Personnel Manager or General Manager must provide new employees with information and training on hazardous chemicals in the employee's work area at the time of initial assignment. Training must also be provided when a new chemical is introduced into the work area, and refresher training must be provided on a yearly basis. The Human Resource Department must maintain training records in the employee's personnel file.

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## RESPIRATORY PROTECTION

### A. PURPOSE

1. This procedure establishes safety standards for respiratory protection.
2. This procedure applies to all *McAllister Towing* vessels

### B. RESPONSIBILITY

1. The Port Safety Officer will:
  - a. Ensure sufficient respirators, spare parts and expendable supplies (e.g. cartridges and filters) are aboard to conduct emergency and routine operations.
  - b. Establish a system for issuing respirators. Issue the proper respirator plus filters and/or cartridges, as appropriate, for the specified work using guidance provided by the Captain after ensuring that the individual has been medically certified, fit tested and trained to use the respirator. Upon return of a respirator, ensure that the individual has properly cleaned and inspected it prior to stowage.
  - c. Verify that all personnel required to wear respirators are medically certified to do so. Ensure that all exposure records and results of respirator user medical evaluations are entered into the individuals medical record.
  - d. Ensure that personnel receive fit testing prior to being permitted to wear a respirator and are retested annually thereafter.
  - e. When facial hair is such that it would appear to interfere with the proper fit of respiratory protection equipment, the user shall not be issued a respirator until a satisfactory fit test can be accomplished.
  - f. Ensure that personnel required to wear respirators are trained on proper wearing, positive and negative pressure checks and the inspection and cleaning of respirators prior to initial use of a respirator and annually thereafter.
2. The Captain of each *McAllister Towing* vessel will:
  - a. Ensure that assigned personnel wear respiratory protection when needed.

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- b. Ensure that respiratory protection equipment is properly worn.
  - c. Verify that the respiratory protection worn is appropriate for the conditions faced, referring to the MSDS where appropriate for guidance.
3. All personnel shall:
- a. Only use a respirator if medically certified, fit tested within the past year and trained on the respirator's use.
  - b. Request a respirator from their supervisor for work requiring respiratory protection.
  - c. Inspect the respirator before and after each use.
  - d. Properly wear provided respiratory protection equipment.
  - e. Perform a face piece seal check prior to each use.
  - f. Report any malfunction of the respirator to their immediate supervisor.

### C. PROCEDURE

1. Many repair and maintenance operations generate air contaminants, which may be dangerous if inhaled. Engineering controls are the most effective means for protecting personnel against such contaminants. However, when engineering controls are not practical or feasible, respirators are necessary to ensure the protection of personnel.
2. All hands perform a face piece seal check prior to each use of a respirator.
  - a. Positive pressure check. Place your palm or thumb over the exhalation valve and press lightly. Exhale gently. The respirator is properly sealed if no air leaks around the edges and a slight positive pressure is felt inside the face piece.
  - b. Negative pressure check. Place your palm(s) over the cartridges) or canister inlet. Inhale gently. The respirator is properly sealed if

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no air leaks around the edges are observed and a slight negative pressure is felt inside the face piece.

3. Warning signs of respirator failure
  - a. Particulate air-purifying respirators. When breathing difficulty is encountered (increased resistance due to partial clogging), the filter(s) must be replaced. If the respirator is single-use, then it must be discarded.
  - b. Vapor or gas air-purifying respirator. If the user notices any of the warning properties, i.e., odor, taste, eye irritation (with a full faced respirator) or respiratory irritation, the user shall leave the area immediately and replace the canister/cartridge before returning to the contaminated space.
  - c. Self-contained breathing apparatus. If the air pressure alarm sounds, immediately leave the contaminated area.
4. Respirator inspection, cleaning and maintenance guidance is provided in "Respirator Maintenance" and also in technical instructions from the respirators manufacturer.
5. Personnel required to wear respiratory protection shall receive the following training prior to use.
  - a. Proper fitting and wearing of the respirator
  - b. Respirator capabilities and limitations
  - c. Nature and degree of respiratory hazards and the effects of exposure to a hazardous atmosphere
  - d. Proper respirator selection according to intended use
  - e. Respirator care, cleaning and stowage
6. The Port Safety Officer will supervise respiratory fit tests.
7. Inspections- ALL respirators shall be inspected routinely before and after each use. Inspect the following items for at least the listed defects:
  - a. Head straps or head harness -Breaks, Loss of elasticity, broken or malfunctioning buckles and attachments (full-facepiece only),



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excessively worn serration on the head harness which might permit slippage.

- b. Face piece - Excessive dirt; cracks, tears, holes or distortions from improper storage; inflexibility (stretch and massage to restore flexibility); cracked or badly scratched lenses in full-facepieces; incorrectly mounted full-facepiece lens or broken or missing mounting clips; cracked or broken air-purifying element holder(s), badly worn threads or missing gasket(s) (if required).
- c. Inhalation and exhalation valves - Foreign material, such as detergent residue, dust particles or human hair under the valve seat; cracks, tears or distortion in the valve material; improper insertion of the valve body in the face piece; cracks, breaks or chips in the valve body, particularly in the seating surface; missing or defective exhalation valve cover; improper installation of the valve in the valve body.
- d. Cartridge, canister or filter - incorrect cartridge, canister or filter for the hazard; incorrect installation, Loose connections, missing or worn gaskets or cross- threading in holder; expired shelf-Life date on cartridge or canister; evidence of prior use of sorbent cartridge or canister, indicated by absence of seating material, tape or foil over the inlet.
- e. Corrugated breathing tubes - Broken or missing end connectors; missing or loose hose line deterioration, determined by stretching the tube and looking for cracks.
- f. Harness of a front or back-mounted gas mask - Damage or wear to the canister holder which may prevent its being held securely in place; broken harness straps or fastening.
- g. Hoods, helmets, blouses or full suits - Examine for rips and tears and seams for integrity; examine the protective headgear, if required, for general condition, with emphasis on the suspension inside the headgear; examine the protective face shield, if any, for cracks or breaks or impaired vision due to rebounding abrasive particles; ensure the protective screen is intact and secured correctly over the face shield of abrasive blasting hoods and blouses.
- h. Air supply systems - Examine for integrity and good condition of the air supply lines and hoses, including attachments and end

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fittings; correct operation and condition of all regulators, valves or other air-flow regulators.

8. Cleaning, Sanitizing and Storage. Respirators shall be cleaned and sanitized as follows:
- a. Remove and discard all used cartridges and filters.
  - b. Disassemble and hand wash the facepiece and parts in a mild water and dish washing detergent solution. Strong cleaning agents can damage respirator parts. Temperatures above 122F (50 C) and vigorous mechanical agitation should be avoided. Solvents (e.g., paint removers) which can affect rubber and other parts shall not be used. Ultrasonic or other suitable washers may be used per manufacturer's instructions.
  - c. Sanitize the facepiece using one of the following methods:
    - i. Immerse the facepiece for 2 minutes in a water solution of iodine
    - ii. Use a commercial disinfectant solution available from most respirator manufacturers
  - d. Rinse in clean warm water about 110 degrees F. Do not exceed 122F (50°C).
  - e. Air dry in a clean uncontaminated area in such a way as to prevent distortion of the face piece.
  - f. Re-assemble and re-inspect respirator. If replacement parts are necessary, they should be obtained and installed or the respirator shall be removed from service until the unserviceable parts are replaced. If parts are not available and cannot be replaced, discard the entire facepiece as it cannot be used without all parts in place. Interchange of parts is prohibited.
  - g. Place the respirator in a clean plastic bag or other container and seal. Zip-Lock plastic bags are preferred. Ensure the respirator is completely dry before sealing to prevent mildew.
  - h. Store flat in a clean, dry, uncontaminated area without crowding which may distort the respirator face piece.

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9. Repair and Maintenance

- a. Personnel shall not service/repair any respirator for which they have not been specifically trained.
- b. No work shall be performed on reducing valves, regulators or alarms of atmosphere-supplying respirators (e.g., air-line respirators and SCBAs). These items are returned to the manufacturer for all repairs and adjustments.

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## WORK PERMIT SYSTEM

### A. PURPOSE

1. To establish guidelines for the use of work permits aboard *McAllister Towing* crewed vessels.

### B. RESPONSIBILITY

1. It is the responsibility of the Captain to ensure that this procedure is in effect aboard his or her vessel at all times

### C. PROCEDURE

1. The Work Permit System is designed to enforce a standard of safety for any job that may be considered hazardous or "out of the norm".
2. The Work Permit System is a formal written system used to control certain types of work which have been identified as potentially hazardous. It is also a means of communication between the Captain and those who carry out certain tasks on the vessel, giving the Captain control over operations that may be occurring simultaneously on the vessel. Conflicting operations can be avoided and more effectively scheduled by the use of the work permit system.
3. Work for which the use of the Work Permit System is required includes:
  - a. Hot work of any type where heat is used and generated, such as welding, cutting, grinding, outside of engineering workshop spaces, which may generate incendiary sparks or other sources of ignition. For this type of work see procedure SA-99-999-700 "Hot Work".
  - b. Prior to entry into any confined space suspected of containing low oxygen levels or toxic gases, such as chain lockers, voids and tanks. For this type of work SA-99-999-730 "Confined Space Entry" should be consulted.
  - c. Electrical work in or on high voltage equipment, or the securing of non electrical systems and or piping. For this type of work SA-99-999-525 "Lock Out-Tag Out" should be consulted.
4. The Chief Engineer may sign lock out tag out permits for any areas of the vessel. All other permits need to be signed by the Captain
5. The issuer of a work permit shall ensure:

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- a. That all persons required to use the work permit have received training in how to do so, and fully understand the nature of the associated hazards.
  - b. That work permits are only issued to responsible persons. Responsible persons include: The Captain, The Engineer, and the Mate, as well as any shore side workers who will be working under their direction.
  - c. All the necessary precautions have been noted on the permit.
  - d. That all persons who will be affected by the work have been identified, and will be informed before the work begins, when the work is suspended for any reason, and when the work is complete.
  - e. That all sections of the permit have been correctly filled in and all necessary precautions have been recorded and effected.
  - f. That no further permits are required.
  - g. That no permit is issued covering a period of more than 24 hours.
6. The issuer signs the work permit, and gives one copy to the responsible person who will supervise the work, and retains one copy until in the active permits files
7. When permits will be in effect over a watch or shift change, that steps are taken to inform the on coming watch or shift of the permit and the work it covers.
8. Once a work permit has been signed off at the completion of a task, that the original is retained in vessel files for a period of 30 days.
9. The Responsible Party for whom a work permit is issued will ensure that:
- a. The persons performing the work understand the work permit system.

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- b. that they discuss the job fully with the issuer of the permit, including all relevant information.
  - c. That the approved permit is kept at the work site.
  - d. A pre-job safety meeting takes place where the details of the permit and any potential hazards are pointed out and discussed with those carrying out the work.
  - e. The required safety precautions are maintained throughout the duration of the activity.
  - f. Upon completion of the work, inspect the area and ensure that it is left in a safe condition and that all tools have been removed from the work area.
  - g. Return to sign off the work permit maintained by the issuer when the activity is completed.
10. Persons undertaking work for which a permit is required are responsible for:
- a. Ensuring that a work permit has been issued before starting work
  - b. Ensuring that all remarks and precautions have been completed prior to the commencement of any work.
  - c. Display the work permit at the site of the work, or when that is not possible carry the work permit on their person.
  - d. Upon completion of the work, ensure that the area has been made safe and all tools have been removed from the work area.
  - e. Sign off the work permit and return to the responsible person when completed.
11. The permit issuer and other responsible persons involved in obtaining the permit should indicate on the permit those precautions which will be necessary to allow the work to safely proceed.
12. The type of precautions will be dictated by the nature of the work to be undertaken. In general they will be concerned with the following:

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- a. The safety of personnel in terms of protective equipment to be worn or used.
- b. The safety of personnel in terms of protection from vessel equipment or systems such as electrical or mechanical isolations that need to be accomplished for the work to occur safely. The following checks should be made prior to commencing the work:
  - i. Are all pneumatic, hydraulic and electrical power sources isolated from the equipment being worked on ?
  - ii. Have all power sources been physically locked out ?
  - iii. Have all pressure connections to the equipment been de-pressurized ?
  - iv. Have all the necessary people been informed that the equipment will be out of use for the duration of the job ?
  - v. Is the work taking place on any Safety or Environmental critical systems. If so, has Captain given permission, and have the relevant personnel been advised ?
  - vi. Is it possible to lessen the degree of risk associated with performance of the actual task.
  - vii. Other activities taking place that might effect this activity.
13. Any person who notices unsafe work practices may request to see the work permit in effect for the work, and has a responsibility to bring the matter to the attention of his/her supervisor.

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## LOCKOUT/TAGOUT

### A. PURPOSE

1. To establish general safety standards for the lock out and tag out of electrical and mechanical equipment. This procedure applies at all *McAllister* vessels when they have an assigned crew.

### B. RESPONSIBILITY

1. A vessels Engineer serves as the vessels lock out/tag out Authorizing Officer.
2. When there is no licensed Engineer assigned to a vessel, The General Manager of each port will appoint Authorizing Officers, as appropriate, who will have the authority to issue tags. These Authorizing Officers will be listed on the inside front cover of the Tag Out Log Book.
3. Tag Authorizing Officers will:
  - a. Verify compliance with lock out/tag-out procedures during inspections.
  - b. Ensure that all personnel are familiar with the lock out/tag-out requirements.
  - c. Maintain the Tag-Out Log.
  - d. Verify, at least every two weeks, compliance with tag-out procedures by checking open tags and labels recorded in the Lock-out/Tag-out Log against the tags and labels attached to equipment, machinery and systems.
  - e. List employees by job title with permission to perform lockout and tag outs inside the front cover of the Lock-our/Tag-out Log.
  - f. Review the Lock-out/Tag-out Log, before assigning work on any equipment which might have stored mechanical or electrical energy.
  - g. Sign the Log Book and labels to be issued or cleared.
4. Persons performing lockout/tagouts will:
  - a. Review the nature of the work being planned and the



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proposed lock out or tag-out with the Captain to ensure that the maintenance, repair or alteration to ensure that it does not adversely impact ongoing operations.

- b. Review equipment, machinery or system isolation to make sure that it cannot be inadvertently started.
- c. Lock or Tag-out equipment, machinery or systems which have been rendered inoperable for any reason and record the action in the Tag-out Log.
- c. When necessary, require a system line-up after maintenance, repair or alteration has been performed.

### C. PROCEDURE

- 1. When vessel maintenance is being conducted, energy sources that present a hazard to personnel must be disconnected, de-energized, depleted, or eliminated. This includes, but is not limited to, the following:
  - a) Securing electrical power and bleeding off air from compressor tanks before working on engines or starters;
  - b) Turning off electrical breakers to steering motors, winches, spotlights, etc., before working on the unit;
  - c) Securing the source of propulsion and steering when a diver is under a boat for maintenance or inspection; and,
  - d) Disconnecting pilot bottles to the engine room CO<sub>2</sub> fire suppression system during shipyard boat repairs involving the engine room.
- 2. Lock-out/Tag-out procedures shall be enforced at all times. The use of tags is not a substitute for chaining or locking valves, locking circuit breaker handles, removing fuses or the racking out of circuit breakers.
- 3. All lock-out/tag-outs shall be authorized by the Authorizing Officers who will ensure that sufficient locks and tags are installed on a component, or system to guarantee the safety of personnel performing the work or prevent damage to equipment.
- 4. Only the person installing a lock and tag (who signs the tag as the person attaching the tag) or lock-out device shall remove it, except that the Port Engineer or General Manager may personally remove tags as necessary if that person is not available.

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5. A lock-out device shall never be installed in such a manner to prevent closure of a switch or circuit breaker without an accompanying tag.
6. If more than one individual is working on a component or system, each person shall install separate locks and tags. One person shall not remove the locks and tags installed by another, nor shall one person energize equipment with another series of tags still on the equipment.
7. Circuit schematics or systems diagrams, where available, should be used to determine the necessary tags to adequately perform the lock-out.
8. Each individual tag required for a lockout/tagout action will be entered on the Tag Out Log sheet. A separate log sheet shall be used for each tag-out action. Each record sheet shall be dated and assigned a sequential serial number. This serial number shall correspond to the serial number on the tag used. The following information must be written on the tag:
  - a) "Do Not Operate" on one side;
  - b) "Do Not Remove This Tag" on the other side;
  - c) Description of the problem with the item;
  - d) Name of the boat to which the equipment is assigned;
  - e) Signature of individual tagging item;
  - f) Date of tagging.
  - g) Tag number
9. The Captain must sign each Tag out log sheet.
10. The individual isolating and locking the equipment and attaching tags shall verify that the equipment is isolated. After switches and circuit breakers in electrical circuits have been opened, the circuits shall be tested to ensure they are de-energized prior to the commencement of any work. Locks and Tags shall be attached to prevent operation from any station that could exercise control.
11. If a tag-out is requested by a manufacturer's technical representative or sub contractor, he/she shall sign the log and each tag indicating satisfaction with the completeness of the lock and tag-out. This will advise personnel removing tags that manufacturer's technical representative or sub-contractor concurrence is required prior to removing the tag.
12. Additional work on a component, equipment or system by a separate individual shall require a second lock-out. This lock-out shall provide

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sufficient protection to the individual and the component, equipment or system exclusive of the first lock-out.

13. Clearing lock-out/tag-out actions shall be accomplished per the following procedures:
  - a) Only the person who installed locks and tags shall remove them. This person shall:
  - b) Request permission from the Authorizing Officer to remove the locks and tags.
  - c) Line up the equipment, machinery or system.
  - d) Return all locks and tags to the Authorizing Officer.
  - e) Test run the equipment, machinery or system as directed by the Authorizing Officer.
14. Upon determining that a gage, meter or other instrument is not operating correctly, where a repair cannot be made immediately, an employee shall attach an OUT OF SERVICE label indicating the instrument name, the individual's name and the date and time of initiating the labeling action on the meter/gage face. The label shall be logged into the "Lock-out/Tag-out Log". Once the condition has been corrected, the Authorizing Officer shall authorize the removal of the label and make an appropriate entry in the "Lock-out/Tag-out Log"
15. Portable equipment sent for repair must be securely tagged. The tag must be filled out with a complete description of the equipment problem. If possible locking devices should be attached to prevent its accidental use.
16. All hands shall receive training on lock and tag-out procedures as a part of their familiarization training and continuing safety and occupational health training. This training includes:
  - (a) Purpose and use of lock and tag-out procedures.
  - (b) The prohibition on operating equipment which has been locked out.

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## WORKING ALOFT OR OVER THE SIDE

### A. PURPOSE

1. To establish general safety standards for working aloft or over water. This procedure applies to working aloft or over water aboard crewed McAllister vessels.

### B. RESPONSIBILITY

1. It is the responsibility of all personnel to comply with this procedure when working aloft or over the water. "Over the side" means anywhere outboard of the vessel's rails, or of the edge of a dock where a fall would be into the water. Aloft means any location where personnel may be 6 or more feet above the deck or dock and not enclosed by hand rails. This does not include the use for transit purposes only of permanent or temporary ladders used to gain access to a higher or lower level of a dock or vessel.

### C. PROCEDURE

1. Since some areas on the exterior of a vessel are inaccessible from the ground, decks or built-in work platforms, it becomes necessary to go "over the side" or "aloft" to reach these areas.
2. The greatest hazard associated with working over water or aloft is the danger of a fall. Other hazards include the dropping of objects on (or by) personnel, burns, and asphyxiation from exhaust gasses.
3. Required use of full body harnesses on towing vessels includes but is not limited to the following situations:
  - a) On top of the wheelhouse when working outside the guardrails, i.e., navigation lights and overhang. Required at all times while on top of the wheelhouse if guardrails are not installed.
  - b) Any time a person is exposed and has the potential to fall from a height of more than six (6) feet. Examples: Maintenance on fashion plates and wheelhouse windows or any upper structure while on a step ladder and the body has been elevated to a height high enough above a protective guarding that a fall would have the potential to expose the individual to a distance of more than six feet.
  - c) Any time a person is exposed and has the potential to fall from a height of more than six (6) feet while working in the machinery spaces.

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- d) When working at heights above six (6) or more feet on masts that do not have an integrated personnel cage.
  - e) When working at heights above six (6) or more feet on davits.
  - f) When working six (6) or more feet above lower levels without benefit of regulation scaffolding, or when working on platforms without regulation guardrail/toe board systems at the same heights.
  - g) When working on a fixed ladder more than 20 feet high that does not have an integrated personnel cage.
  - h) In addition to the previously mentioned situations, any time that harnesses may appear necessary by reason of hazards encountered in a manner capable of causing injury or impairment due to a fall.
4. When working aloft or over the side the following precautions should be followed:
- a) Only approved full body harnesses with approved lanyards and hardware shall be used within McAllister Towing vessels.
  - b) Wearers of safety harnesses and lanyards shall inspect them before and after each use in accordance with this program, and all appropriate manufacturers' recommendations.
  - c) All safety harness and lanyard hardware should be capable of withstanding a tensile loading of 5,000 pounds without cracking, breaking or taking a permanent deformation.
  - d) Buckles should hold securely without slippage or other failure.
  - e) Synthetic webbing is superior to leather for any safety harness. Therefore, McAllister Towing does not approve of the purchase and use of leather harnesses.
  - f) Lanyards shall be a minimum of ½" polyester or equivalent, with a nominal breaking strength of 5,400 pounds. Standard lanyards are six (6') feet in length.
  - g) Polyester is preferred over nylon for lanyards and lifelines because polyester is more resistant to wear and abrasion, and is more chemical resistant.

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- h) Knots reduce the strength of all lanyards. Therefore, no "homemade" or repaired lanyards are acceptable for use with safety harnesses.
5. When climbing to, and performing tasks at elevated locations:
- a) Both hands must be free for climbing. Tools required to perform a task should be transported by a mechanical carrier such as a tag line or suspended basket. Do not carry tools in clothing or in pockets.
  - b) Shoes shall be properly fitted, dry, tightly laced and soles free of oil, grease and dirt. Steel toe safety shoes are required; canvas shoes, tennis or running shoes, and sandals are forbidden.
  - c) Approved hard hats will be worn during all tasks that involve climbing.
  - d) A full body harness shall be worn when a working area, not served by a regulation platform or scaffold, is more than six (6) feet above lower levels. Climbing will be accomplished in a slow, deliberate manner, testing each hand and foothold carefully before applying full weight.
  - e) Attach the safety harness lanyard to a secure structure during the rest stops while climbing, and after reaching the workstation. While climbing, the lanyard should be worn so not to catch and/or snag on protruding equipment.
  - f) Refrain from using electrical conduits, small gauge metals, and small diameter plastic or PVC piping for hand and foot holds. These items shall never be used as lanyard anchorage points.
6. Raising and Lowering Material and Equipment When Working at Elevations:
- a) Raising and lowering of materials and equipment will be accomplished with careful planning, especially where an exposure of working under suspended loads exists.
  - b) All McAllister Towing personnel will assure that personnel are not allowed beneath suspended loads for any reason.
  - c) Hoisting equipment must be regularly checked for operational readiness.

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7. Working on portable Step or "A" Frame ladders:
  - a) Fall arrest protection devices are not required while such ladders are used to gain work access. However, fall potential should be evaluated and appropriate action taken when work is to be performed while standing on a ladder rung, step or landing. Such action may include the use of a safety harness, securing the ladder by tying it off, or other personnel holding the ladder steady. In addition, two hands should be used at all times while ascending or descending ladders.
8. Working on portable Straight or Extension Ladders:
  - a) Fall arrest protection devices are not required for straight or extension ladders while such ladders are used to gain work access. However, safety harnesses and lanyards should be used at all times while work is being performed from a ladder rung or step greater than six (6) feet.
9. Inspection of Fall Protection Equipment:
  - a) All fall arrest protection equipment such as harnesses and lanyards shall be inspected prior to each use by the user for proper fit, mildew, excessive wear, damage, corrosion, rust, deterioration or broken and defective components. Defective equipment shall be removed from service and given to a supervisor for replacement or repair. The supervisor shall tag the equipment "DANGER - DO NOT USE" until repaired and tested or replaced. If equipment is beyond repair, equipment shall be destroyed so that it cannot be reused.
  - b) Any and all fall arrest protection equipment that receives an impact load shall be immediately removed from service and shall not be used again unless inspected by a qualified representative of the manufacturer and approved for service.
- 10) Anchoring Fall Arrest protection :
  - a) Workers must attach to an anchorage of sufficient strength (5,000 pounds).
  - b) Workers must use anchorage points independent of the scaffold supporting system.
  - c) Positioning device systems must be secured to an anchorage capable of supporting at least twice the potential impact of a worker's fall.
11. Use of Lifelines and Lanyards:

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- a) Workers must use systems that are rigged to prevent free fall of more than six (6) feet or contact with the lower level.
  - b) Lifelines and lanyards must be protected against damage such as cuts, abrasions, burns (hot work), acids, and solvents.
12. Use of Snap Hooks and D-Rings:
- a) Workers must use locking snaphooks.
  - b) Snaphooks, unless designed for such connections, must not be connected to:
    - i) Webbing, rope or wire rope;
    - ii) Other snap-hooks;
    - iii) D-rings to which other snap-hooks or connectors are attached;
    - iv) Horizontal lifelines; or,Other objects such as eye bolts that are incompatible.
13. Stop work if the vessel begins to pitch or roll excessively, or wind speed is greater than 30 knots, or if a rain / ice / lightning storm threatens.
14. Additional Precautions when working over water.
- a) Wear a U.S.C.G. approved, inherently buoyant life jacket and wear a hard hat.
  - b) Each person working over the side shall have an assistant to tend lines.
  - c) Secure overboard discharges in the area of personnel working over the side.
  - d) Only perform work between vessels or between a vessel and dock with a camel or substantial wood cribbing in place.
  - e) Do not use electric power wire brushes and chipping tools over water.
15. Additional Precautions when working aloft near the stack, or near radar or radio antennas.



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- a) Do not go aloft on masts, stacks, or booms or be suspended over the side by a crane without first checking with the Captain.
- b) If scaffolding or rigging is required, it must be erected by someone who has been trained in proper techniques. Do not use rigging unless you are sure that it has been erected by a qualified person. Contact the General Manager to determine who is competent to erect rigging.
- c) Prior to commencement of work, pass a verbal warning, **"DO NOT ROTATE ANTENNAS, ENERGIZE OR RADIATE ANY ELECTRICAL OR ELECTRONIC EQUIPMENT WHILE PERSONNEL ARE WORKING ALOFT.** If personnel aloft are in the vicinity of the exhaust stacks add, **"DO NOT START ENGINES OR MACHINERY"**
- d) Inform vessels in the vicinity that personnel will be working aloft to ensure they take appropriate action on operation of electrical or electronic equipment.
- e) The Captain shall place all radio transmitters and radars that pose radiation hazards are placed in the STANDBY position and a sign placed on the equipment that reads: **"SECURED. PERSONNEL ALOFT. DATE                      TIME                      INITIALS"**
- f) Position a safety observer on deck or dock near the work being performed. Outfit the safety observer with a safety harness, and lanyards to permit rapid emergency assistance aloft if required. The safety observer shall keep the deck or dock area beneath the work aloft free of unnecessary personnel.

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## Slips, Trips and Falls

### 1. PURPOSE

- 1.1 To establish slip, trips and falls prevention procedures for all McAllister Personnel working aboard vessels or at shore facilities.

### 2. RESPONSIBILITY

- 2.1 The General Manager or his designee (e.g., Port Captain) is responsible for insuring compliance with these procedures at shore facilities and through Captains aboard all vessels working within the port area of responsibility.
- 2.2 Captains are responsible for training crew members in slip, trips and falls.
- 2.3 All McAllister personnel are responsible for following the procedures set forth in this document and for any additional local requirements as may be put in place by the General Manager or vessel Captains.

<b>ASSOCIATED PROCEDURES</b> <ul style="list-style-type: none"><li>• Safety Rules (SA-99-999-101)</li><li>• Fall Overboard Prevention (SA-99-999-600)</li></ul> <b>ASSOCIATED FORMS:</b> <ul style="list-style-type: none"><li>• Safety Meeting (SA-99-999-851)</li></ul>
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### 3. PROCEDURE

- 3.1 Background. Slips, trips and falls have been identified as one of the leading causes of accidental deaths aboard vessels. Further, the most prevalent root cause of falls overboard has been determined to be slips, trips and falls. It follows; therefore, that the prevention of slips, trips and falls must be a constant high priority for all personnel.
- 3.2 General. As is in every type of accident prevention, both 'hardware' and human factors must be addressed to successfully prevent slips, trips and falls.
- 3.3 Arrangements and Equipment
- 3.3.1 Handrails. Interior and exterior handrails are both important. Those on the interior can save someone from a fall. Those on the exterior serve the same purpose, but can also prevent someone from being lost overboard. Regardless of their location, handrails must be maintained in safe, serviceable condition.
- 3.3.1.1 Damaged or wasted stanchions and rails must be repaired as soon as possible.
- 3.3.1.2 The surfaces of handrails, particularly the upper courses must be kept free of sharp burrs or other irregularities that may hinder a firm grasp.
- 3.3.1.3 Where removable chains are installed in lieu of fixed courses of rail, the chain must be kept free of rust. Both fixed and removable

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attachment points must be regularly examined for excessive wear and faulty operation, and replaced or repaired without delay.

- 3.3.1.4 When a handrail has to be removed temporarily to allow access for a repair, equipment move or for any other reason, it must be replaced immediately after work has been completed. If work is suspended for some reason, the handrail should be reattached or a chain or rope should be temporarily rigged in its place. A gap in a handrail is a gap in safety.
- 3.3.1.5 When handrails become excessively dirty or grease covered, they must be cleaned immediately.
- 3.3.1.6 Handrails are not tie-off points. Equipment should never be tied to handrails or located in such a manner as to prevent personnel from gaining a firm hold when needed.
- 3.3.2 Grab Rails. Be sure that grab rails are installed with sufficient clearance from bulkheads to enable an easy hand grip and fair in ends to the bulkhead. Other than this, the same guidelines that apply to handrails apply to grab rails.
- 3.3.3 Ladders. Whether it is a vertical or inclined ladder, the person climbing up or down is in a far more dangerous situation than walking on a flat deck; therefore, the proper maintenance of ladders cannot be overstressed.
  - 3.3.3.1 Regularly inspect and repairs ladders with broken or excessively wasted rails, rungs or treads.
  - 3.3.3.2 Keep ladders free of grease, mud, ice, snow or anything else that might compromise a firm foot or hand grip.
  - 3.3.3.3 For ladders that are not welded decks or bulkheads, be sure to regularly inspect the hardware and pad eyes that hold them in place. Replace any missing or questionably serviceable pieces.
  - 3.3.3.4 When making repairs to ladders, be careful to use repair material of the same type and dimension as the original. Ensure that the distance between rungs on vertical ladders is equal. When using square stock for ladder rungs, orient it so that a edge becomes the foot bearing surface. On inclined ladders, and assure uniformity in tread dimension and riser height over the entire length of the installation.
  - 3.3.3.5 Never stow equipment on ladders, employ ladders as tie-off points, or in any other way obstruct its intended use.
- 3.3.4 Flush Deck Scuttles and Fittings. Ensure that these fixtures are indeed flush with the deck, both during installation as well as during service.
  - 3.3.4.1 Screw down cover plugs on such items as reach rod fittings to their designed closure level.
  - 3.3.4.2 Except when opening or closing, never leave the recessed toggles or lifting handles of scuttles in anything other than a recessed position.

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3.3.4.3 Never leave T-handles or wrenches in place on flush deck fittings or scuttles.

3.3.5 Deck Access Covers and Doublers. When such a cover or doubler is installed, minimize the offset from the deck at the perimeter edges as much as possible, chamfering or otherwise fairing them in to reduce the likelihood of them from being tripping hazards. When nuts and bolts are used for attachment, make sure the bolt heads are of uniform height above the plate surface.

3.3.6 Portable Ladders. When portable ladders must be used, observe some common safety precautions:

3.3.6.1 Place ladder feet firmly and evenly on the deck.

3.3.6.2 Do not try to make a ladder reach farther by setting it on boxes, barrels, bricks, blocks or other unstable bases.

3.3.6.3 Do not allow ladders to lean sideways. Level them before using.

3.3.6.4 Tie off or otherwise brace the foot of the ladder if there is any danger of slipping.

3.3.6.5 Never set up or use a ladder in a high wind, especially a lightweight metal or fiberglass type.

3.3.6.6 Never set up a ladder in front of a door unless the door is locked or a guard is posted.

3.3.6.7 Do not use ladders on ice or snow unless absolutely necessary.

3.3.6.8 Keep the steps and rungs of ladders free of grease, oil, wet paint, mud, snow, ice, paper and other slippery materials.

3.3.7 Non Skid. McAllister Towing requires the use of non-skid paint on all horizontal areas of the main deck, the top rail of all bulwarks, on exterior stairs and ladders, as well as on any other exterior areas that are likely to be used when boarding or disembarking from the vessel.

3.3.8 Lighting. Make sure that there is always adequate lighting for decks and ladders.

3.3.9 Marking. When slip, trip and fall hazards cannot be reduced or eliminated through any of the measures outlined above, conspicuously mark the hazard so that it may be readily seen and felt. For example: Yellow paint and different grit non-skid.

#### 3.4 Human Factors.

3.4.1 Awareness. This refers to the ability to perceive, to feel, or to be conscious of events or objects. Practice awareness and encourage others to do the same. Keeping awareness while working on the vessels or shore side plays a key role in personnel safety.

3.4.1.1 Watch out for reduced visibility due to poor lighting and weather conditions.

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- 3.4.1.2 Watch out for spills or leaks.
  - 3.4.1.3 Never step on hatch covers.
  - 3.4.1.4 Avoid walking on the outboard edge of any vessel.
  - 3.4.1.5 Watch for changes in the deck surface.
  - 3.4.1.6 Keep working and walking surfaces clean, dry and unobstructed.
  - 3.4.1.7 Stow lines, rigging, buckets, etc. upon completion of any task.
  - 3.4.1.8 Stack materials securely.
  - 3.4.1.9 Report or repair any leaks from hoses, pipes and valves.
  - 3.4.1.10 Keep all areas free of debris; practice good housekeeping.
  - 3.4.1.11 Never lay lines, wires or cords across or down stairs.
  - 3.4.1.12 Always carry a load on an outboard shoulder and be prepared to let the item carried item go or fall overboard, instead of risking a fall overboard yourself.
  - 3.4.1.13 Always help other crewmembers stay safe by passing the word about bumps or other situations that might catch them by surprise. Hold on to something when you hear the word "bump" or see one coming.
- 3.4.2 Gait. Defined as the pattern or movement of limbs. Slips, trips and falls can often be avoided by paying attention to gait:
- 3.4.2.1 Walk at a normal rate, keeping hands out of pockets;
  - 3.4.2.2 Slow down when moving between different surfaces;
  - 3.4.2.3 Never run;
  - 3.4.2.4 Minimize short starts and stops;
  - 3.4.2.5 Avoid sharp turns; and,
  - 3.4.2.6 Use a consistent gait suitable for the walking surface.
- 3.4.3 Foot wear. Shoes play a significant role in preventing slips, trips and falls. Substantial (leather preferred) work shoes are to be worn while onboard the vessel. All hands on watch must wear shoes that have skid and oil resistant soles. Personnel working on deck must wear shoes that are at least ankle-high. Sandals or flip-flops are forbidden when boarding the boat, when on watch or when leaving the boat.
- 3.4.4 Miscellaneous.
- 3.4.4.1 Always face vertical ladders.
  - 3.4.4.2 Never jump from one vessel to another.
  - 3.4.4.3 Use a ladder to gain work height. Never climb on cargo supplies or equipment.
  - 3.4.4.4 Keep stairwells and other passages clear.
  - 3.4.4.5 Keep working and walking surfaces clean, dry and unobstructed.

	Author: A. Aden	Document Number: SA-99-999-667
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- 3.4.4.6 Stack materials securely.
- 3.4.4.7 Report or repair any leaks from hoses, pipes and valves.
- 3.4.4.8 Keep all areas free of debris and practice good housekeeping.
- 3.4.4.9 Never lay lines, wires or cords across or down stairs.

	Author: B. McAllister	Document Number: SA-99-999-600
	Revision: 4.0	Date: September 1 <sup>st</sup> 2006

## FALL OVERBOARD PREVENTION

### A. PURPOSE

1. To alert employees to the hazards associated with working in close proximity to the water's edge and to prevent falls overboard.

### B. RESPONSIBILITY

1. The Safety Director is responsible for developing, implementing, and maintaining a fall overboard prevention training program.
2. The General Manager is responsible for providing new employees with information and training on fall overboard prevention at the time of initial assignment.
3. The vessel Captain or Mate on watch is responsible for ensuring that the practices described in this procedure are implemented.
4. The employee is directly responsible for following the work practices outlined in this procedure. The individual is always directly responsible for his or her immediate actions, or inaction, and is therefore the only person who can guarantee his or her own safety.

### C. PROCEDURE

1. The majority of towing vessel crew fatalities are the result of falls overboard. By following these procedures vessel crewmembers can reduce the risks to themselves and their fellow crewmembers.
2. All persons, whether employees or visitors that cross the bulwark of a McAllister tugboat, by any other means than a gangway which is enclosed on both sides by hand rails, must wear a USCG approved type I, II, III or V floatation device which is appropriate to the location.
3. All persons will wear a USCG approved type I, II, III or V floatation device which is appropriate to the location at all times when on the Main Deck of a tug or barge.
4. All employees participate in a safety briefing when reporting aboard the vessel covering, at a minimum, the work practices outlined in this procedure.
5. Employees must be instructed in the following topics:

	Author: B. McAllister	Document Number: SA-99-999-600
	Revision: 4.0	Date: September 1 <sup>st</sup> 2006

- a) Procedures to be followed before going on the tow:
- i) While underway, always contact the wheelhouse prior to opening any watertight doors to go on deck and/or on board the tow;
  - ii) Always notify the wheelhouse before boarding the tow;
  - iii) Prior to boarding the tow, review hazards associated with accessibility to the tow such as: the use of ladders, walking conditions and current weather conditions;
  - iv) Only access the tug/tow using a properly secured portable ladder, Jacob's ladder or fixed pocket ladders;
  - v) Don proper Personal Protective Equipment (PPE) including:
    - a. Properly fastened work vest
    - b. Flashlight during hours of darkness and/or limited visibility
    - c. Any other company-required Personal Protective Equipment (PPE); and,
    - d. Always maintain visual and/or verbal contact with the wheelhouse when outside the vessel.
- b. Procedures to be followed while on the tow:
- i. Maintain frequent contact with the wheelhouse;
  - ii. Do not walk on the outside of the lifelines unless it is absolutely necessary;
  - iii. Always carry loads outboard when walking along the edge of boats and barges;
  - iv. When on deck, always walk with one hand free;
  - v. Do not jump over open water;
  - vi. Do not work or stand with your back to the water;
  - vii. Stay aware of bump hazards and communicate them to your partner and the rest of the crew;
  - viii. When coming alongside a dock or the tow, stay off rails and/or inside the bulwarks;
  - ix. Always use extreme caution when adjusting mooring lines;
  - x. Stay aware of ice, weather damage or any other like hazards and communicate them with the rest of the crew; and,
  - xi. Illuminate all shadows before walking through them.
- c. Procedures to be followed when returning from the tow:



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- i. Do not attempt to re-board the tug unless it is laying in a stable position and the captain indicates it is safe to return;
  - ii. Re-secure all watertight doors;
  - iii. Inform the wheelhouse that you have returned from the tow and your location on the vessel; and,
  - iv. Record all unusual conditions or hazards and anticipated weather conditions so they may be communicated to the oncoming watch.
- d. General rules and safe work practices;
- i. When the winch is operating during streaming and retrieving tow wire, crew members must stay forward of the tow winch;
  - ii. When working the tow, only personnel necessary for the operation should be on deck;
  - iii. Ensure that the main deck, cap rails and walkways are treated with non-skid paint;
  - iv. Make sure all cleats, bollards, padeyes, deck fittings and deck edges are painted white or some other high visibility contrasting color for better nighttime visibility;
  - v. Contact the wheelhouse prior to opening watertight doors and going on deck;
  - vi. At night, ensure that deck lights are turned on;
  - vii. Inspect handrails, stanchions and lifelines regularly and replace when defective;
  - viii. Make sure all guard chains are hooked, except when persons are boarding or departing the vessel;
  - ix. Keep all work areas clean and clutter-free; reduce trip hazards whenever possible;
  - x. Report, and if possible, clean up any spilled and/or loose cargo immediately;
  - xi. Salt icy walkways;
  - xii. Make sure the tug/tow is stopped before climbing ladders;
  - xiii. When using ladders always use a handy line to lift heavy or unwieldy gear; and,
  - xiv. While getting into/out of a skiff, use proper techniques; including:
    - a. Always wear a work vest or life jacket;
    - b. Do not stand in the skiff; and,
    - c. When using an outboard motor with the skiff, ensure that the motor is securely

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fastened to the boat and that the fuel tank has sufficient fuel for the expected duration of the trip.

6. All falls overboard, whether or not they result in injury or death, must be reported using the McAllister Towing Incident Report.

	Author: J. Torgersen	Document Number: SA-99-999-700
	Revision: 1.0	Date: January 1 <sup>st</sup> 2006

## HOT WORK

### A. PURPOSE

1. To establish general safety standards for "Hot Work" aboard McAllister vessels.

### B. RESPONSIBILITY

1. It is the responsibility of all personnel to comply with this procedure when conducting "Hot Work" aboard McAllister vessels. This procedure applies to all McAllister vessels with assigned crews.

### C. PROCEDURE

1. Hot Work is any operation which produces sparks or temperatures of 400 degrees F or higher. Spark-producing or arc producing tools or equipment such as grinders and open flame operations such as welding and burning are to be considered hot work. Except that work conducted inside of Mechanical workshops shall not be considered "Hot Work".
2. Health hazards common to welding, cutting, and brazing are numerous. In addition to electric shock, burns to the eyes and skin can be caused by sparks, molten metal, and ultraviolet and infrared radiation, Fumes and gases generated by welding can produce ozone and oxides of nitrogen which are poisonous. Lead, zinc, chrome, and cadmium in alloys produce toxic fumes. Paints and coatings may produce toxic gases and fumes when heated by the flames of the welding torch. Local exhaust ventilation is a must to remove excessive concentrations of air contaminants. Welding in closed, unventilated spaces can result in respiratory irritation or poisoning of personnel.
3. An appropriate work permit (SA-99-999-701 "Hot Work Permit") shall first be obtained before commencement of any hot work aboard McAllister vessels
4. Precautions to be taken during Hot Work include:
  - a. Clothing:
    - i. Use goggles, face plate, respirators, flameproof gloves, jackets, leggings and boots, as appropriate.
    - ii. Do not keep lighters or matches in pockets during hot work,
    - iii. Do not wear synthetic-fiber clothing.

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- iv. Do not roll up sleeves, cuffs, or have open pockets.
  - v. Always wear a welder's jacket or sleeves and apron while welding. Helmets and face shields shall be fitted with the proper filter and cover lenses.
  - vi. Always wear gloves when removing or replacing electrodes, or handling energized holders, tables, or equipment. The gloves shall be dry and in good condition.
  - vii. Cartridge respirators, when properly selected will protect against the metal fumes generated during welding. They do not provide oxygen, which may be necessary when working in a confined space. They also do not protect against hazardous gases which may be generated during welding, if sufficient ventilation is not available, particularly MIG and TIG welding. Where either condition exists, use a supplied air respirator.
- b. Space Precautions
- i. Always check both sides of the bulkheads, decks, partitions, or overheads involved in hot work for the presence of flammable materials. Never start hot work until a qualified fire watch is set. If working on bulkheads, decks, or overheads where significant heating of the opposite, accessible side is expected, frequently check both sides.
  - ii. Ensure that a gas-free survey has been completed before working in tanks, voids, or other confined spaces, including adjacent spaces (especially if those tanks had contained flammable liquids or vapors).
  - iii. Perform welding and cutting operations in areas laid-out and designated for this purpose, such as mechanical workshops, if practicable.
  - iv. Keep all flammable materials at least 10 feet away from bulkheads on which hot work is being performed, if possible. Use of shields is strongly recommended.
  - v. Keep fire watches set for at least 30 minutes after hot work is finished. Ensure fire watch is trained in the nature of fires that may occur and in the proper use of firefighting equipment

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- vi. Ensure firefighting equipment is available in immediate area
  - vii. Ensure ventilation is provided for the space you are using, compartments and tanks on vessels may require added forced-air draft ventilation since their ventilation systems are not designed for welding operations.
  - vii. Personnel adjacent to the areas in which welding is being performed shall be adequately protected from the rays of the arc by protective screens, goggles, or other approved means in order to prevent ultraviolet radiation burns to the skin and eyes.
  - viii. When welding in a space which is entirely screened on all sides, arrange the screens so that they will clear the deck so as not to restrict ventilation carrying off the fumes and smoke from the operation.
  - ix. Never weld near a source of halocarbons, such as trichloroethane or refrigerant. Phosgene gas can be produced when halocarbons are exposed to high temperatures.
5. Never use oxygen in pneumatic tools, on oil preheating burners, to start internal combustion engines, to blow out pipe lines, to blow dust from clothing or work, to create pressure, or for ventilation purposes.
  6. Do not take oxygen, acetylene, or other fuel gas cylinder into confined spaces.
  7. Always return cylinders to the storage racks when work is completed and ensure cylinders are secured in place by metal retaining collars.
  8. Ground all electrical welding equipment before use.
  9. Stand on a dry surface or insulating material if surface is not completely dry.
  10. Do not work alone. Designated personnel shall be posted nearby for fire watch as well as rescue purposes. Immediate first aid care in case of an electrical shock may prevent serious consequences.
  11. Never permit the metal part of the electrode or the electrode holder to touch the bare skin or any damp clothing which the operator may be

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- wearing. Do not loop the welding cable over your shoulder or other parts of your body.
12. Do not put an energized electrode holder under the arm at any time. If an insulated surface or insulated holding peg is not available, remove the electrode and lay the insulated holder on the deck or other adjacent object.
  13. When stopping work as for lunch or overnight, remove electrode from electrode holder, de-energize the equipment and disconnect welding supply cable from the welding machine.
  14. Where conditions are crowded and welding must be performed close to other personnel, the welding operators shall take special care to ensure that the electrode and holder do not touch nearby occupants.
  15. When using portable machines, ensure that the primary supply cables are separately laid and do not become entangled with welding supply cables.
  16. Inspect work and electrode lead cables regularly for wear and damage. Cables with damaged insulation or exposed conductors shall be replaced. Joining lengths of supply and electrode cables shall be by the use connecting devices specifically intended for the purpose. The connecting devices shall be adequately insulated for the proposed service conditions.
  17. Keep welding cables dry and free from grease and oil, wherever practical, to prevent premature breakdown of the insulation which could cause severe short circuits.
  18. When it becomes necessary to carry cables some distance from the welding machine, they shall be suitably supported overhead. If this is not done, and cables are laid on deck, they shall be protected in such a manner that they will not be damaged or interfere with safe passage of personnel. Special care should be taken to see that welding supply cables are not close to power supply cables, lighting circuits, or any equipment that utilizes magnetic tapes or depends upon a magnetic principle for operation. Block welding cables where they go through hatches and doors for protection.
  19. Welding equipment used in the open shall be protected from weather conditions to prevent short circuiting.
  20. Smoking shall not be permitted while welding, brazing or cutting.

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## 21. Cylinder Safety

- a. Store individual cylinders securely fastened in the upright position (valve end up) by metal collars, each cylinder independently fastened, and ensure that the cylinder valve protection caps are in place.
- b. Store flammable and explosive gases securely on the weather decks or well ventilated exterior areas protected from direct exposure to the sun or in flammable compressed gas cylinder storage locations.
- c. When storing, separate flammable gases from oxidizing gases, but at least 20 ft of space or a 1 hour, fire resistant wall. Typical oxidizing gases are oxygen and chlorine. Compressed gases such as helium, carbon dioxide, nitrogen, and argon can be stored with all gases except: acetylene, oxidizing or flammable. Ensure inert gases are segregated and readily identifiable.
- d. Do not lift cylinders by valve-protection caps. Bars shall not be used under valves or valve-protection caps to pry cylinders loose when frozen in place or otherwise fixed. Use warm (not boiling) water to defrost.
- e. Close valves on empty cylinders, cap them and mark them empty regulator and cylinder valves should be closed on welding equipment when not in actual use.
- f. Place cylinders a safe distance away from the actual welding or cutting operation so that sparks, hot slag, or flame will not reach them. Use fire-resistant shields.
- g. Do not place cylinders where they might become part of an electric circuit. Contacts with energized equipment shall be avoided, Tapping of an electrode against a cylinder to strike an arc, is prohibited.
- h. Never use cylinders as rollers or supports, whether full or empty.
- i. Do not change or alter the numbers and markings stamped into cylinders.
- j. Never attempt to mix gases in a cylinder. Unauthorized personnel should never refill a cylinder.

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- k. Unless connected to a manifold, do not use oxygen from a cylinder without first attaching an oxygen regulator to the cylinder valve. Before connecting the regulator to the cylinder valve, the valve shall be opened slightly for an instant and then be closed. Always stand to one side of the outlet when opening the cylinder valve.
  - l. Do not use hammers or wrenches to open cylinder valves. If valves cannot be opened by hand, the cylinder should be returned to supply.
  - m. Do not tamper with, or attempt to repair, cylinder valves. If trouble is experienced, remove from service, tag as defective and notify the supplier, indicating the character of the trouble and the cylinder's serial number. Follow supplier's instructions as to its disposition.
  - n. Do not remove the stem from a diaphragm-type cylinder valve.
  - o. Always place the fuel-gas cylinders with valve end up. Liquified gases shall be stored and shipped with the valve end up. Prior to use, acetylene cylinders must be stored in a vertical position for a minimum of two hours to stabilize the gas.
  - p. Handle cylinders carefully. Rough handling, knocks, or falls are liable to damage the cylinder, valve, or safety devices and cause leakage.
  - q. Close the cylinder valve and release the gas from the regulator before the regulator is removed from a cylinder valve.
  - r. Do not place anything on top of an acetylene cylinder which may damage the safety device or interfere with the quick closing of the valve.
  - s. Never use fuel gas from cylinders through torches or other devices equipped with shutoff valves without reducing the pressure through a regulator attached to the cylinder valve or manifold.
  - t. Do not use copper tubing with acetylene gas cylinders due to the potential of an explosive chemical reaction taking place.
22. Upon completion of a task for which a Hot Work permit was issued the responsible person to whom the permit was issued returns the permit to the Captain.



McAllister Towing

## Hot Work Permit

Hot work includes any burning, cutting or grinding operations at which flames or sparks may be created. Any employee or contractor wishing to perform hot work needs to complete this form and have it signed by the Captain **BEFORE** the work begins. This permit remains valid for no more than 24 hours as long as the circumstances of the job do not change.

If the Hot Work is to take place in an enclosed space, that has the possibility of containing a flammable atmosphere; Have you completed a Confined Space Entry Permit? \_\_\_\_\_

Have you examined all of the spaces around which the hot work will occur to verify that there are no flammable materials or atmospheres present? Verify both sides of any bulkheads upon which you will be working. \_\_\_\_\_

Do you have appropriate fire fighting equipment readily available at the work site? \_\_\_\_\_

A trained fire watch person has been appointed that persons name is \_\_\_\_\_  
The fire watch will remain in place for 30 minutes after the completion of the hot work \_\_\_\_\_

Are any electrical leads or hoses that you will be using protected from damage and out of the way of passersby? \_\_\_\_\_

Have you made arrangements to shield passersby from the eye damage from electrical arcs? \_\_\_\_\_

When along side, have you checked with the pier, Yard Personnel or other nearby vessels to ensure that they are aware of the upcoming hot work? \_\_\_\_\_

\_\_\_\_\_  
Person Desiring to Perform Hot Work  
Date and Time

\_\_\_\_\_  
Captain  
Date and Time

	Author: B. McAllister	Document Number: SA-99-999-710
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### Confined Space Entry

#### A. PURPOSE

1. The purpose of this procedure is to control entry into tanks aboard boats, dry cargo barges, and tank barges owned and operated by McAllister Towing, to protect the lives and health of McAllister Towing employees.
2. The procedure outlined herein must be followed whenever oxygen deficiency and/or flammable gas hazards are known to exist or may reasonably be expected to exist.

#### B. RESPONSIBILITY

1. The designated competent person is responsible for performing the tests and inspections required to determine that the tank to be entered is in safe condition.

#### C. PROCEDURE

##### 1. Boats

- a) Prior to entering tanks, voids, the rudder compartment or other closed or confined space or compartment, the following steps must be completed:
  - i) Tanks must be opened and tested by a McAllister Towing - designated competent person.
  - ii) The oxygen content of the tank must be 20.8% +/- .2% by volume.
  - iii) The flammable gas content of the tank to be entered must be 0 % LEL.
  - iv) Standby personnel must be present during the tank entry.
  - v) A rescue harness and self-contained breathing apparatus (SCBA) must be present during the tank entry.
  - vi) The oxygen and LEL meter readings must be logged by the designated employee prior to entering any void.
  - vii) A McAllister "Confined Space Entry Permit" (SA-99-999-980) must be completed and signed by the Master.
- b) Should any of the conditions listed above not be completed, tank entry may not take place.

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- c) Violation of this policy will be considered willful and may lead to disciplinary action and/or discharge.

## 2. Dry Cargo and Deck Barges

- a) Prior to entering the wing tanks and bow and stern voids aboard dry cargo barges, the following steps must be completed:
  - i) The tanks must be opened and tested by a McAllister Towing -designated competent person.
  - ii) The oxygen content of the tank to be entered must be 20.8% +/- .2% by volume.
  - iii) Standby personnel must be present during the tank entry.
  - iv) A rescue harness and SCBA must be present during the tank entry.
  - v) The oxygen meter reading must be logged by the designated employee prior to entering any void.
  - vi) A McAllister "Confined Space Entry Permit" must be completed and signed by the Master of the attendant tug.
- b) Should any of the conditions listed above not be completed, tank entry may not take place.
- c) Violation of this policy will be considered willful and may lead to disciplinary action and/or discharge.

## 3. Tank Barges

- a) Prior to entering the wing tanks and bow and stern void tanks on tank barges, the following steps must be completed:
  - i) Tanks must be opened and tested by a *McAllister Towing* designated competent person.
  - ii) The oxygen content of the tank must be 20.8% +/- .2% by volume.
  - iii) The flammable gas content of the tank to be entered must be 0% LEL.
  - iv) Standby personnel must be present during the tank entry.
  - v) A rescue harness and SCBA must be present during the tank entry.
  - vi) The oxygen and LEL meter readings must be logged by the designated employee prior to entering any void.
  - vii) A McAllister "Confined Space Entry Permit" must be completed and signed by the Master.

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- b) Should any of the conditions listed above not be completed, tank entry may not take place.
  - c) Violation of this policy will be considered willful and may lead to disciplinary action and/or discharge.
4. Painting in confined spaces is always dangerous as many commercial marine paints produce toxic or flammable vapors that are easily dissipated when painting out on deck, but can become concentrated and deadly when in a confined space. To ensure the safety of persons painting in confined spaces, exhaust fans must be used to ventilate the atmosphere, and constant monitoring of the atmosphere in the space must be undertaken.
5. Where possible, supplied air respirators are to be used when painting in confined spaces.
6. When air-purifying respirators are used, care must be taken to ensure:
- d) that the cartridge is of an appropriate type and that its life is not compromised by the paint spray. Pre-filters should be used to protect the cartridge from heavy paint spray.
  - e) sufficient oxygen levels are maintained in the space.
7. A "McAllister Towing Designated Competent Person" is a person who meets at least one or more of the following criteria:
- f) A holder of a valid USCG Marine License as Master, Mate or Engineer;
  - g) A certified Marine Chemist;
  - h) A person having been certified to OSHA standards as a "Competent Person"

**Confined Space Entry Permit / Gas Free Certification SA-99-999-711 Revision 1.0**

INITIAL CERTIFICATION			TEST RESULTS			
VESSEL: _____			TEST CONDUCTED AS REQUIRED	INITIAL TEST	1 <sup>ST</sup> RETEST	2 <sup>ND</sup> RETEST
ITEM/COMPARTMENT/SPACE: _____			OXYGEN			
TYPE OF OPERATION TO BE CONDUCTED: _____			COMBUSTIBLE GAS			
VENTILATION REQUIRED      YES      NO      (CIRCLE CHOICE)			TOXIC TYPE			
TYPE: _____			TOXIC TYPE			
LAST 3 KNOWN CONTENTS (if a tank): _____			TOXIC TYPE			
Serial number and type of survey instrument: _____			EXISTING CONDITIONS	INITIAL TEST	1 <sup>ST</sup> RETEST	2 <sup>ND</sup> RETEST
Last calibration date of survey instrument: _____			NOT SAFE FOR PERSONNEL / NOT SAFE FOR HOT WORK			
<b>GAS FREE RELATED HOT WORK</b>			NOT SAFE FOR PERSONNEL WITHOUT PROTECTION / NOT SAFE FOR HOT WORK			
<b>QUALIFIED FIRE WATCHES ASSIGNED</b>			SAFE FOR PERSONNEL / NOT SAFE FOR HOT WORK			
LOCATIONS	PRINT NAME/RATING	SIGNATURE	SAFE FOR PERSONNEL / SAFE FOR HOT WORKS			
TIME SECURED: _____			NOTE: THIS INSPECTION INDICATES THE CONDITION WHICH EXISTED AT THE TIME TESTS WERE CONDUCTED.			
FINAL CHECKUP: WORK AREA AND ALL ADHERENT AREAS TO WHICH SPARKS AND HEAT MIGHT SPREAD WERE INSPECTED 30 MINUTES AFTER THE WORK WAS COMPLETED AND WERE FOUND TO BE FIRE SAFE. THE EQUIPMENT AND THE STRUCTURES WORKED ON WERE COOL TO THE TOUCH. I CERTIFY THAT I AM FAMILIAR WITH AND WILL COMPLY WITH ALL SAFETY PRECAUTIONS PERTINENT TO THE TYPE OF WORK.			CONTINUOUS ATMOSPHERE MONITORING REQUIRED: _____			
			Testers Signature: _____			
HOT WORK OPERATOR SIGNATURE: _____			1 <sup>ST</sup> RETEST / UPDATE	TIME: _____	DATE: _____	
The following Safety Equipment is to be used for this entry:			Testers Signature: _____			
			2 <sup>ND</sup> RETEST / UPDATE	TIME: _____	DATE: _____	
HOT WORK OPERATOR: _____			Testers Signature: _____			
			All persons entering the confined space must wear the following Personal Protective Equipment:			

The conditions have been established to permit this Confined Space Entry: \_\_\_\_\_ tain or Gas Chemist signature \_\_\_\_\_ Date / time \_\_\_\_\_

	Author: B. McAllister	Document Number: SA-99-999-850
	Revision: 3.0	Date: November 1 <sup>st</sup> 2006

## SAFETY TRAINING/ MEETINGS/ DRILLS

### A. PURPOSE

1. To establish a system of Safety Meetings and Emergency Drills to ensure that McAllister crews are able to respond to typical shipboard emergencies in an efficient manner.

### B. RESPONSIBILITY

1. The Captain is responsible for ensuring that formal safety meetings are conducted on at least a bi-weekly basis and cover topics assigned by the current McAllister Safety Calendar. The Captain is encouraged to supplement these topics as necessary to the safe operation of the vessel.
2. The Captain is responsible for conducting and supervising all drills. He is also responsible for assigning stations and responsibilities for each crewmember on board and ensuring that each crewmember's role is explained thoroughly to him or her before any drills are held.
3. All *McAllister Towing* crewmembers on board at the time of a drill are required to participate in the drill.
4. The Port Safety Officer is responsible for reviewing vessel safety meeting minutes and taking action on any recommendations or comments noted in the report.

### C. PROCEDURE

1. The *McAllister Towing* group meetings and safety training accomplish several important missions:
  - a) Safety meetings help identify and eliminate hazards. They encourage safety awareness throughout the crew. They allow crewmembers to become actively involved in discussing potential hazards and suggesting ideas for developing safe working procedures.
  - b) Safety training and meetings motivate *McAllister Towing* crewmembers to observe company safety practices and policies. When the Captain demonstrates his continued commitment to safety, for example, it has a positive impact on a deckhand. This is an extremely effective form of training and supervision. Safety training is held on a bi-weekly basis and the topics are established by the current McAllister Safety Calendar

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- c) Safety training and meetings call a stop to unsafe practices. They give employees a chance to relate "near miss" or "close call" experiences, evaluate the reasons for the near occurrences, and discuss ways of performing duties differently to prevent such happenings in the future.
  - d) Safety meetings introduce new safety rules and/or introduce changes to existing rules. They allow the Captain an opportunity to discuss the reasons for changes and reinforce the company's commitment to safety in general.
  - e) Finally, safety meetings demonstrate *McAllister Towing* commitment to safety. Each employee must realize that we are not trying to promote safety on an intermittent basis. Rather, we are committed to safety as a way of operating. Crewmembers should understand that their safety comes before anything else. There is no exception to this policy.
2. The Captain or the Captain's designate should conduct vessel safety meetings on a bi-weekly basis or whenever there is a need to address a critical safety issue. With the assistance of the Safety Director, the Captain must prepare an agenda of topics to be covered that are pertinent to the safe operation of the vessel. The Captain must also assign a recorder to take minutes from the meeting, including discussion, recommendations, and problems and actions identified by the crew. These minutes should be forwarded to the Port Safety Officer, who will maintain all safety meeting records.
  3. Before holding a meeting, make sure the crew is not worn out and will be receptive to a sit down meeting. Review your agenda before the meeting.
  4. Safety meetings must be formal and must be held in a group setting. Meal times or crew change days are optimal. It may take two gatherings to discuss your monthly subject with the whole crew; however, every crewmember is to be included in the meetings. In addition, captains are encouraged to supplement the formal safety meetings with less formal and more frequent safety sessions.
  5. SAFETY DRILLS
    - a) A drill is a process of physical and mental training by simulating an emergency situation. It is an art to control one's emotions when an emergency prevails. Drills help crewmembers react to emergencies in an organized and automatic fashion in accordance with company procedures and emergency response plans.
    - b) The purpose of a drill is to protect yourself and your fellow crewmembers and to protect other individuals from inclusion in the

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problem. Drills help us to protect the environment, to protect company and customer equipment, and, finally, to prepare for the worst and still remain in control.

- c) Drills should be scheduled with no advance notice given, after the crew is made aware of their responsibilities for each situation, which may be the subject of a drill. The timing of drills should be selected carefully. For example, a good time to hold a drill might be when the crew is awaiting orders, when the vessel is awaiting dock space, when the vessel is underway in light boat condition, or when the vessel is secured at the dock. Drills should not be held when the vessel is docking, locking, fueling, making its way under a bridge, or underway with a tow.
- d) All drills must be conducted as if an actual emergency exists, but safely. No one is to generate any smoke, enter the water, or place an employee in danger at any time.
- e) Safety and emergency drills are held according to the schedule established by the current McAllister Safety Calendar.
- f) The Captain and the crew must train and drill on how to handle the following emergencies: fire, man overboard, sinking, collision, and spill. A different drill must be held each quarter.
- g) The drill action plan should proceed as follows:
  - i) The Captain prepares the drill scenario and writes it down.
  - ii) The Captain announces over the vessel P.A. (or alternate means) system to all stations: "This is a drill! This is a drill!" Then, the Captain states the specific drill scenario, such as, "Collision, collision! All hands to the wheelhouse"; or "Fire in the engine room!"
  - iii) The Captain sounds the appropriate signals on the vessel horn and general alarm system.
  - iv) The Captain directs crewmembers to carry out the *McAllister Towing* operating procedure or response plan for the selected scenario.
  - v) The Captain notes any actions or procedures that need correcting for post-drill critique.
  - vi) Crewmembers secure the vessel after the drill and stow away any equipment used.



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## CARGO KNOWLEDGE

### A. PURPOSE

1. To establish a process to safeguard crews against the toxic hazards from the cargo of any barges that are towed.

### B. RESPONSIBILITY

1. The Person In Charge (PIC) of the cargo transfer is responsible for securing and posting cargo identification information on the barge.
2. The Captain is responsible for ensuring that this procedure is followed.
3. The Safety Director is responsible for circulating customer Material Safety Data Sheets (MSDS) documentation to the fleet.
4. The General Manager is responsible for working with customers to obtain MSDS documentation when not provided by the dock.

### B. PROCEDURE

1. The Person In Charge must identify the hazards related to the cargo last contained in the barge and the cargo to be loaded using:
  - a) MSDS provided by the shipper;
  - b) Chemical Data Card provided by the dock;
  - c) Chemical Data Guide; or,
  - d) MSDS Manual.

NOTE: The MSDS or Chemical Data Card contains, as a minimum:

- i) The name and address of the manufacturer;
- ii) An emergency telephone number;
- iii) Cargo name that matches the cargo being transferred;
- iv) Cargo hazard information;
- v) Special personal protective equipment requirements;
- vi) Spill or leak information; and,
- vii) Fire fighting information.

The Chemical Data Guide will not have the manufacturer information.

2. Contact the Safety Director (646) 302-7634 or the General Manager when the dock cannot supply the MSDS or the Chemical Data Card, and the

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product is not listed in the Chemical Data Guide or the MSDS Manual. DO NOT start loading or discharging product before obtaining an MSDS, Chemical Data Card, or Chemical Data Guide.

3. Review the MSDS, page from the Chemical Data Guide, or Chemical Data Card and identify special handling and special personal protective equipment requirements. Ensure that proper PPE is available before starting the transfer.
4. Post the MSDS, copy of the page from the Chemical Data Guide, or the Chemical Data Card in the Plexiglas holder affixed to the warning sign in the middle of the barge prior to transferring cargo.
  - a) Ensure that the cargo identification material remains posted until the cargo is discharged and the barge is cleaned and reloaded with a new cargo.
  - b) If the cargo is identified as a cargo containing benzene, make sure the benzene warning sign is posted. If the cargo does not contain benzene, lower the benzene warning sign.
  - c) Cargo identification need not be posted when the barge is gas-free or carrying a non-regulated cargo.
  - d) Discuss cargo information with any outside personnel and relieving tankerman before allowing personnel onto the barge.
  - e) Identify the last cargo or cargo currently in the barge with an MSDS, Chemical Data Guide, or Chemical Data Card when picking up a barge in a fleet or when swapping tows. Contact the General Manager or Safety Director when cargo identification cannot be made.

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## WORKING WITH BENZENE

### A. PURPOSE

1. To establish *McAllister Towing* work rules designed to minimize personnel exposure to hazardous levels of benzene and to maintain benzene exposure below the current PEL/TLV during all operations involving benzene-containing cargoes.

### B. RESPONSIBILITY

1. All *McAllister Towing* personnel working with or around cargo containing benzene are responsible for adhering to the procedures outlined herein.

### C. PROCEDURE

1. Vapor recovery systems will be utilized on all barges so equipped when loading products that contain benzene at terminals capable of recovering vapors.
2. If the terminal is not equipped with an operational vapor recovery system, the barge system will be utilized, and the vapors directed to the main vapor recovery header. The vent stream should be directed away from the work area and routed downwind.
3. During cargo discharge operations, only those tanks from which product is being discharged may have ullage hatches open. All other ullage hatches must remain closed. On barges with vapor recovery systems, the vapor header may be opened for venting.
4. If the potential for skin or eye contact exists, appropriate personal protective equipment (PPE) must be worn.
5. All personnel must successfully pass a Coast Guard-approved benzene respirator fit test, and must have available the approved size and style respirator during all operations involving benzene-containing cargoes.
6. Respirators must be worn during the following conditions or operations:
  - a) Spills involving a benzene-containing cargo (until area and personnel monitoring indicate that respiratory protection is no longer needed);
  - b) At any time the tankerman-Person in Charge (PIC), by virtue of his experience, training, and observation of environmental conditions, believes benzene vapor may exceed safe levels;

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- c) During the loading of barges not equipped with vapor recovery systems with benzene-containing cargo;
- d) While connecting or disconnecting cargo or vent hoses; or,
- e) When bleeding off air pumps.
- f) Benzene exposure levels:
  - 1 ppm: Permissible exposure limit (PEL)
  - 5 ppm: 15-minute short-term exposure limit (STEL)
  - 1000 ppm: Immediately dangerous to life or health (IDLH). This concentration represents a level from which one could escape within 30 minutes without any escape-impairing symptoms or irreversible health effects.

## 7. Hazards and Precautions

- a) Characteristics of benzene
  - i) Benzene is a clear liquid, naturally occurring in crude oils, and formed during the gasoline refining process. It has a distinctive sweet odor, which does not provide adequate warning of its hazard. Benzene cannot be detected by sense of smell until it reaches 4.68 ppm -- well above the 1 ppm permissible exposure limit. Monitoring has demonstrated that when there is a steady smell of gas in the work area, it is likely that benzene concentrations exceed the safe exposure level, and respiratory protection is needed.
  - ii) Most gasolines contain from 1% to 5% benzene.
  - iii) Benzene presents both acute (short-term) and chronic (long-term) hazards.
- b) Toxic effects of benzene:
  - i) Benzene's acute health effects are not considered a significant health hazard. Acute health effects do not normally materialize until vapor concentrations are well above the level at which the odor is recognizable.
  - ii) Repeated or prolonged exposure to low concentrations of benzene (chronic or long-term exposure) presents benzene's most significant health hazard. The effects of chronic exposure to sufficiently high levels of benzene can range from anemia to leukemia. Because benzene's greatest hazard is in the repeated or prolonged inhalation of low concentrations of vapor, accurate monitoring and adequate respiratory protection is essential

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- 1 ppm to 10 ppm: Half-face respirator with organic vapor cartridges.
- 10 ppm to 50 ppm: Full-face respirator with organic vapor cartridges or canister.
- 50 ppm +: Supplied air respirator with full face piece in the positive pressure mode. This may be either positive pressure SCBA or positive pressure air line respirator with 5 or 10-minute escape respirator.

8. Benzene emergency procedures

a) First aid-immediate actions

It is unlikely that an individual would be overcome by acute benzene overexposure during normal transfer operations. However, should an individual be significantly overexposed to a benzene-containing cargo and require immediate treatment, the following actions should be taken:

- i) *Eye and face exposure:* Wash immediately with large amounts of water. If irritation persists, see a physician as soon as possible.
- ii) *Skin exposure:* Remove contaminated clothing and wash exposed skin with soap and water.
- iii) *Inhalation:* Move the victim to fresh air immediately. If breathing has stopped, provide artificial respiration. Call for medical assistance as soon as possible.
- iv) *Swallowing:* If for some reason, an individual has swallowed a benzene-containing product, do not induce vomiting. Call for medical assistance immediately.
- v) In any case following significant overexposure to a benzene-containing cargo, contact the vessel captain. It will be necessary for the individual who is overexposed to undergo a physical examination.

b) Spills and/or leaks

In the event of a spill or leak of a benzene-containing cargo, stop all cargo transfer operations immediately. Don respirator with organic vapor cartridges, and eliminate all ignition sources in the area. Respiratory protection must be worn until area and personnel monitoring demonstrates that the area is safe.

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**CARGOES REQUIRING SPECIAL HANDLING**  
**ii. Acrylonitrile**

**A. PURPOSE**

1. This procedure establishes guidelines for safely handling acrylonitrile-containing cargo aboard ships or tank barges.

**B. RESPONSIBILITY**

1. All *McAllister Towing* personnel working with or around cargo containing acrylonitrile are responsible for following these procedures.
2. The Person in Charge (PIC) of transfer operations is responsible for ensuring that this procedure is followed.

**C. PROCEDURE**

1. Permissible Exposure Limits
  - a) The permissible exposure limit for acrylonitrile is 2 ppm as a time-weighted average for an 8-hour work shift.
  - b) The short-term exposure limit (STEL) is 10 ppm for a 15-minute period.
  - c) The Occupational Safety and Health Administration (OSHA) established an action level of 1.0 ppm which triggers follow-up exposure monitoring, medical examination, and other requirements.
2. Substance Identification:
  - a) *Synonyms:* Acrylon, AN, Carbacryl, Cyanoethylene Propenenitrile, VCN, Ventox, Vinyl Cyanide
  - b) *Identifiers:* CAS 107-31-1; DOT 1093
  - c) *Appearance and odor:* Pale yellow liquid with an unpleasant pungent odor which can only be detected at concentrations above the permissible exposure level in a range of 13 to 19 ppm.
3. Reactivity
  - a) *Incompatibilities:* Contact with strong oxidizers, especially bromine, and strong bases may cause fires and explosions. Contact with copper, copper alloys, ammonia, or amines

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may cause decomposition. Acrylonitrile will polymerize when hot, and the additional heat liberated by the polymerization may generate high internal pressure, causing containers to explode. Inhibitors are added to the product to prevent self-polymerization.

- b) *Hazardous decomposition of products:* Toxic vapors and gases, such as hydrogen cyanide, oxides of nitrogen, and carbon monoxide, may be released in a fire involving acrylonitrile. It may also attack some forms of plastics, coatings, and rubber.

#### 4. Effects of Overexposure

- a) Short-term exposure may cause eye irritation, nausea, vomiting, headache, sneezing, weakness, and light-headedness.
- b) High concentration exposure causes loss of consciousness and possible death.
- c) When held in contact with the skin, acrylonitrile may produce blisters following several hours of no apparent effect.
- d) Long-term exposure has been shown to cause cancer in laboratory animals.

#### 5. Respiratory Protection

- a) Acrylonitrile does not have a detectable odor except at levels above the permissible exposure limit. Do not depend on odor to warn you as to when to wear a respirator.
- b) Wear a self-contained, full face piece or supplied air respirator operated in the positive pressure mode during hose hook ups, disconnects, sampling, and any other operation where high vapor concentrations might be encountered.

#### 6. First Aid

- a) *Special first aid procedures:* Maintain a first aid kit containing a supply of at least two dozen amyl nitrite pearls, each containing 0.3 ML, at each site where acrylonitrile is used. If the person is unconscious, use amyl nitrite as an antidote. Break an amyl nitrite pearl in a cloth and hold it lightly under the nose of the victim -- away from the person giving first aid -- for about 15 seconds. Repeat this procedure five times at 15-second intervals.

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- b) *Eye exposure:* Wash eyes immediately with large amounts of water. Seek medical attention. Do not wear contact lenses while working with acrylonitrile.
- c) *Skin exposure:* Immediately wash area with water. If acrylonitrile soaks through clothing, remove immediately and wash with water. Contaminated leather shoes and other leather articles should be discarded immediately.
- d) *Inhalation:* Move exposed person to fresh air at once. If breathing has stopped, perform artificial respiration. Keep affected person warm and at rest. Get medical attention as soon as possible.
- e) *Ingestion:* Give large quantities of water at once. If the affected person is conscious, induce vomiting. Do not make an unconscious person vomit. Seek medical attention immediately.

7. Barge Requirements

- a) Closed gauging and sampling



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## RISK ASSESSMENT AND COMMUNICATION

### 1. Purpose

- 1.1 To identify, assess, manage and communicate risks and hazards associated with vessels and their operations.

### 2. Responsibility

- 2.1 The Vice President of Compliance shall consult with senior management as necessary to identify risks to company personnel, the environment or vessels and to develop and disseminate appropriate risk control measures. He/she shall also verify that risk identification, assessment, and control are being utilized by vessel and shore-side operational support personnel.
- 2.2 Each General Manager must ensure that this procedure is fully implemented and consistently followed by all tug Captains under his supervision. He/she shall also ensure that the individual(s) in the port responsible for new hires, visitors, subcontractors provides them appropriate risk awareness training.
- 2.3 Tug Captains shall identify, assess and control emerging risks aboard their vessels. They must also conduct periodic crew safety training that covers hazardous chemicals, fleet-wide operational risk and emergent or vessel-specific risk.

References
ABS: 3.2
ISM: 1.2.2.2
RCP: Section II
CFR: 29 CFR 1910.1200

Associated Forms
MCA-013, Risk Assessment

### 3. Procedure

- 3.1 There are three main categories of risk that are identified, assessed, controlled and communicated in different manners:
- Risk associated with the presence and use of hazardous chemicals
  - Common fleet-wide operational risks
  - Activity/job-specific risks
- 3.2 Hazardous Chemicals - General. The Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard regulations (29 CFR 1910.1200) outline program requirements for the identification, communication and mitigation of hazardous chemical risks in the workplace. It is the policy of McAllister Towing to comply with all aspects of these requirements.

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3.3 Hazardous Chemicals – Specifics.

3.3.1 Management ensures the provision and ready availability of Material Safety Data Sheets (MSDS) to identify, quantify and communicate risk posed by hazardous chemicals and the means to prevent unwanted exposure to such chemicals.

3.3.2 All hazardous chemicals must be retained in appropriate containers that are clearly marked and properly stored.

3.3.3 Periodic safety training regarding hazardous chemicals shall be conducted by Captains (for vessel crews) or by department or higher supervisors (for shore-side personnel) and include review and explanation of:

- OSHA requirements
- Access and use of MSDS
- Locations and types of hazardous chemicals
- Specific health hazards
- Proper handling practices
- Personal Protective Equipment selection and use
- Appropriate release detection methods
- Release reporting procedures
- Emergency release response techniques

3.3.4 The Marine Personnel Manager or individual designated by the General Manager to perform such functions shall ensure that new employees receive an introduction to the presence and handling of hazardous chemicals as part of their initial company familiarization.

3.3.5 The McAllister point of contact for customers, subcontractors or visitors shall ensure that they are provided relevant information concerning hazardous chemicals as related to their prospective location(s) and activities while on company vessels and/or property.

3.4 Fleet-wide Operational Risks – General. Shipboard operations carry risks to personnel, the environment and the vessel itself. Identifying, quantifying, controlling and communicating such risks is essential to safe and environmentally friendly operations. The AWO Responsible Carrier Program (RCP) includes requirements for procedures and control measures to eliminate or minimize numerous operational risks common throughout the towing industry. McAllister Towing recognizes this generic industry guidance and has developed and implemented policies and procedures accordingly.

3.5 Fleet-wide Operational Risks – Specifics. Table 1 – Fleet-wide Risks displays McAllister Towing management’s identification, assessment and quantification of commonplace fleet-wide risks associated with particular activities or jobs. This table is intended to communicate this information to tug Captains and other operating personnel. The methodology used to construct the table is as follows.

3.5.1 Inherent hazards and/or probable incidents are listed for each activity or job, along with the applicable AWO RCP clause which served to identify the risk.

3.5.2 Uncontrolled or Initial Risk is first computed. The severity or impact of an incident associated with one of the activities or jobs may be to personnel, the environment or to the vessel itself; therefore, a rating is assigned to each of these factors (0=None; 1=Minor; 2=Serious; 3=Major). These ratings are then totaled and multiplied by the probability of an incident occurring (1=Low;

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2=Medium; 3=High). The ratings assigned are based on management's collective professional knowledge and experience.

- 3.5.3 The table then lists the standard McAllister procedure that has been developed and implemented to reduce or eliminate risk associated with the listed job or activity.
- 3.5.4 The Final or Managed Risk score is then computed taking into consideration how the severity/impact factors and/or probability are affected when the applicable standard procedure(s) are followed. Again, modified severity/impact ratings and/or modified probabilities are the result of management's collective professional knowledge and experience.
- 3.5.5 A job or activity must not proceed if the Final Risk score is greater than 15. Jobs or activities with Final Risk scores between 10 and 15 inclusive may be carried out, but with caution, that is, close supervision and no changes in circumstances that would render procedural measures marginal. Jobs or activities with Final Risk scores less than or equal to 9 may be carried out as planned.

**Table 1 - Fleet-wide Risks**

ACTIVITY / JOB	HAZARD	Applicable Standard.	Uncontrolled Risk					STANDARD PROCEDURE (i.e., Risk Control Measures)	Managed Risk				
			Impact/Severity			Probability	Initial Risk		Impact/Severity			Probability	Final Risk
			PERS.	ENV.	VSL				PERS.	ENV.	VSL		
Coastal Voyages	Grounding, collision, lost barge	RCP II-A-1(b) 33 CFR 164.80	1	2	3	2	12	Towing Voyage Planning, DK-99-999-085	1	2	3	1	6
Bridge Transits	Hull or house damage; bridge out of service	RCP II-A-1(a)	1	1	3	3	15	Bridge Transit Procedures, DK-99-999-155	1	1	3	2	10
Vessel Work Assignment (Horsepower)	Collision, grounding, spills	RCP 11-A-2	0	1	2	3	9	Scheduling Horsepower, OP-99-999-500	0	1	2	1	3
Maintaining Navigation Charts and Publications	Grounding, spills	RCP IV-D-14	0	1	2	2	6	Chart Correction, DK-99-999-135f	0	1	2	1	3
Oil Transfers	pollution, pers slips/falls/ chem. exposure	RCP-II-A-4	1	3	1	3	15	Oil Transfer Procedures, OP-99-999-700	1	2	1	1	4
Tow Make-up	Cuts, fractures, barge uncontrollable	RCP IV-E	2	1	3	2	12	Tow Wire Maintenance and Inspection, DK-99-999-350	2	1	2	1	5
Man Overboard	Drowning; minor vsl damage	RCP V-C-1	3	0	1	3	12	Fall Overboard Prevention, SA-99-999-800; Man Overboard, ER-99-999-550,	2	0	1	3	9

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**Table 1 - Fleet-wide Risks**

ACTIVITY / JOB	HAZARD	Applicable Standard.	Uncontrolled Risk					STANDARD PROCEDURE (i.e., Risk Control Measures)	Managed Risk				
			Impact / Severity			Probability	Initial Risk		Impact / Severity			Probability	Final Risk
			PERS.	ENV.	VSL				PERS.	ENV.	VSL		
Confined Space Work	asphyxiation	RCP II-B-5	3	0	0	3	9	Confined Space Entry, SA-99-999-710	2	0	0	2	4
Electrical Repairs	Burns; electrocution	RCP IV-B-3	3	0	1	3	12	Lock Out/ Tag Out, SA-99-999-525	1	0	1	2	4
Chipping & Painting	Eye injury; cuts; minor vsl damage	RCP II-B-2	2	0	1	3	9	Respiratory Protection SA-99-999-450 Personal Protective Equipment SA-99-999-200 Slips, Trips and Falls SA-99-999-567	1	0	1	2	4
Giving First Aid	Toxin Exposure; HIV; Hep C	RCP II-B-10	3	0	0	1	3	Blood Borne Pathogens, SA-99-999-350	1	0	0	1	1
Working Aloft	falls	RCP II-B	3	0	0	2	6	Working Aloft or Over the Side, SA-99-999-565	2	0	0	1	2
Working Over the Side	Falls; drowning	RCP II-B	3	0	0	2	6	Working Aloft or Over the Side, SA-99-999-565	2	0	0	1	2
Welding	Burns; shock, eye damage; vsl damage	RCP II-B-7(c)	2	1	2	3	15	Safe Use of Equipment, SA-99-999-105 Hot Work, SA-99-999-700	2	1	1	3	12
Fire Fighting	Burns; asphyxiation; vsl loss	RCP II-B-6(a)	3	1	3	2	14	Fire, ER-99-999-530	1	1	1	1	3
Oil Spill Response	Pollution; chem. Exposure; minor vsl damage	RCP II-F-2	1	3	1	2	10	Oil or Hazardous Substance Spill, ER-99-999-500	1	1	1	2	6
Response to Collision	Pers. Injury, vsl, loss; pollution	RCP II-F-3	2	2	3	1	7	Collision / Allision, ER-99-999-510	1	1	2	1	4
Response to Grounding	Pers. Injury, vsl, loss; pollution	RCP II-F-3	2	2	3	1	7	Grounding, ER-99-999-520	1	1	2	1	4
Radar Failure	Collision, grounding	RCP IV-D-11	0	1	3	2	8	Operating Vessels with Single Radars, DK-99-999-145	0	1	1	2	4
Captain Incapacity	Vsl damage or loss; severe illness/injury	RCP II-F-5	3	1	3	1	7	Operator Incapacitation, DK-99-999-150	3	1	1	1	5
Toxic Exposure - Benzene	carcinogen	RCP II-A-7	3	0	0	1	3	Working with Benzene, SA-99-999-905	1	0	0	1	1

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- 3.6 Activity / Job-specific Risks – General. Given the dynamic and diverse nature of our business, there will be occasions when a particular activity or job is not covered by one of the standard procedures. In such cases, the tug Captain shall recognize that certain risks are associated with the prospective activity or job and then proceed to assess them before commencing work.
- 3.7 Activity / Job-specific Risks – Particulars. Assessment and subsequent management of risk associated with the planned activity are guided and based on form MCA-013, Risk Assessment. The various ratings assigned are based on the professional knowledge and experience of the Captain. The form includes complete instructions for its completion, but the process can be summarized as follows:
- 3.7.1 Step 1. Record the name of the vessel, the anticipated activity or job and any known hazards associated with such operations.
- 3.7.2 Step 2. Quantify the Initial Risk, that is, risk without the benefit of any specific control measures. As with the methodology used in Table 1 – Fleet-wide Risk, Severity and Impact is comprised of the sum of the ratings for personnel, environmental and vessel factors. Probability is again the low, medium or high likelihood that an incident might occur during or as a result of the planned job or activity.
- 3.7.3 Step 3 – Determine Need for Risk Control Measures.
- If the Initial Risk score is in the Low Risk range, the activity can proceed with only regular safety procedures being followed.
  - If the score is in the Medium Risk range, the activity can proceed with caution; however, it is preferable to develop some Risk Control Measures to bring the activity within the Low Risk range. The Captain has the discretion to make this determination, but must clearly indicate his/her decision on the Risk Assessment form.
  - If the score is in the High Risk range, the activity may not proceed until Risk Control Measures are developed to bring the activity into the Low or Medium Risk ranges.
- 3.7.4 Step 4 – Development Risk Control Measures (if needed). Either independently or in consultation with other, the Captain must consider various measures that might be effective in reducing risk. These may relate to people, equipment, planning or any other aspect of the activity or job. Examples of some possibilities include, but are not necessarily limited to: enhanced supervision; more extensive operational planning; special criteria for the selection of personnel to do the work; enabling/disabling environmental considerations related to weather, sea state, lighting, and the like; pre-job equipment testing; additional personal protective equipment and preparatory drills or training.
- 3.7.5 With control measures outlined, the Captain shall then reassess the risk associated with the activity or job. This Final Risk or Managed Risk is computed the same way as was the Initial Risk.
- 3.7.6 The Final Risk score determines whether and under what conditions the planned job or activity may proceed. A score greater than 15 signals the need to develop additional control measures before activity commences. By exercising diligent


	Author: J.E. Schrinner	Document Number: SA-99-999-950
	Revision: 2.0	Date: January 14, 2011

caution, activities with Final Risk scores between 10 and 15 (inclusive) may be carried out. Jobs/activities with Final Risk scores less than or equal to 9 may commence at any time as long as the risk control measures developed are adhered to.

- 3.8 Completed Risk Assessment forms are to be filed immediately after this procedure to facilitate risk communications and training related to all three categories of risk addressed in this document.

**PORT EVERGLADES FRANCHISE APPLICATION  
SECTION P.2**

PORT EVERGLADES SUBSTANCE ABUSE POLICY

	Author: M. Hwang	Document Number: QS-99-999-005
	Revision: 4.0	Date: December 20, 2016

## McAllister Policies

### 1. General.

1.1 McAllister Towing is fully committed to safety, security and environmental protection in all aspects of its vessel and shore-side operations. To realize this commitment, the company:

- .1 Establishes the policies below to guide every aspect of its operations;
- .2 Provides the procedures in this manual to ensure safe, environmentally responsible operations which also serve as safeguards against identified risks; and,
- .3 Stresses continual improvement of processes and procedures and the improvement of safety management skills of both personnel ashore and onboard vessels, including those skills related to emergencies involving safety, security and environmental protection.

### 2. Mission Statement

2.1 McAllister Towing's mission is to provide safe, sustainable, and excellent quality maritime services to its customers and keep the flag flying for generations to come.

### 3. Specific Policies

3.1 **Safety.** Safety First. Our goal is zero injuries, zero spills, and zero incidents. McAllister is a family run company committed to the safety and wellbeing of its people. Every employee is expected to maintain safety in the workplace. Before undertaking any job, our first priority is to make sure the work can be done safely, for everyone.

3.2 **Quality.** Quality is tradition at McAllister, with over 150 years of unsurpassed, uninterrupted service to our customers.

3.3 **Customer Service.** Our job is to serve our customers. As a team working closely together, our role is to ensure that our customers receive personalized, prompt attention and high quality service at all times.

3.4 **Health.** We are committed to maintaining a safe, healthy, and productive workplace for all employees. We have zero tolerance for drug or alcohol abuse.

3.5 **Security.** Security Always. McAllister pledges to protect America's waterways through constant vigilance.


3.6 **Environment.** Our goal is to have sustainable operations that cause zero harm to the environment. McAllister is committed to protecting the environment through efficiency, adherence to high standards and responsible stewardship.



	Author: B. McAllister	Document Number: HR-99-999-100
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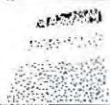
## 12. Drugs and Alcohol – General

- 12.1 This subject is addressed in the "Employee Handbook for Office and Shoreside Personnel" (Ref. Section 7.5). This chapter of the Operations Manual addresses the same subject, but expands upon it where regulatory and customer expectations impose requirements for Marine Personnel in excess of those applicable to Office and Shoreside Personnel. Where clarifications of applicability are needed, text is accompanied by the notations: **(O)** meaning applicable to Office and Shoreside Personnel; **(M)** signifying Marine Personnel applicability.
- 12.2 McAllister Towing is committed to maintaining a substance-abuse free workplace, whether aboard vessels or at shoreside offices and facilities. Substance abuse is not only contrary to this commitment, but represents the introduction of avoidable risks that jeopardize the safety of individuals and property within our own company, and which may also adversely affect our customers' employees and property. Regardless the extent, the risk is completely unacceptable.
- 12.3 Policies. The following policies support McAllister Towing's commitment to maintaining a substance-abuse free workplace.
- .1 **Illicit Drugs, Drug Equipment and Drug Paraphernalia – Use,** possession, sale, manufacture, distribution, concealment or transport on company or customers' premises is strictly prohibited. **(O&M)**
  - .2 **Intoxication -** No employee shall report for duty in an intoxicated condition, become intoxicated while on duty, or have in his/her possession any intoxicants for personal use or for the distribution to, and/or consumption of others. **(O&M)**
  - .3 **Medications –** The use of prescription and non-prescription (over-the-counter) drugs by employees performing High Risk Jobs must be approved by a Designated Health Care Practitioner in accordance with the procedure outlined in section 13 of this chapter. Other office and shore-side employees are responsible for ascertaining whether prescribed and non-prescribed medications may interfere with safe job performance and avoid or modify their activities accordingly. **(O&M)**
  - .4 **Drug and Alcohol Testing -** Marine personnel subject to drug and alcohol testing in accordance with the federally mandated requirements set forth in 46 CFR Parts 4, 5 and 16, 33 CFR Part 95 and 49 CFR Part 40 must execute an Acknowledgement and Consent Form (MCA-395) and submit to testing within specified time frames whenever such testing may be required. The substitution or alteration of any urine, blood or other sample used for test is strictly prohibited. **(M)**
  - .5 **Policy or Procedure Violation –** McAllister Towing drug and alcohol policies and procedures embody the principle of "Zero Tolerance." Failure to comply is grounds for immediate termination. **(O&M)**

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12.4 Definitions - The federal regulations that apply to drug and alcohol testing include numerous definitions. The ones frequently associated with the procedures in this manual are listed below.

- .1 **Company** – The Human Resources Department or General Manager.
- .2 **Designated Employer Representative (DER)** - An employee authorized by the company to:
  - (1) Take immediate action(s) to remove, or cause to be removed, employees from safety-sensitive duties;
  - (2) Make decisions required by testing and evaluation processes; and,
  - (3) Receive test results and other communications on behalf of the employer, consistent with the requirements of applicable federal regulations.
- .3 **Designated Health Care Practitioner** – A health care provider (e.g., physician, physician assistant, registered nurse, etc.) contracted by the Company, pursuant to Section 12.6 of this chapter, to review Medication Review Forms and issue determinations in response thereto.
- .4 **High Risk Employee** – An employee in a position requiring the performance of a High Risk Job, including, but not limited to vessel crewmembers holding USCG Merchant Mariner Credentials (MMC) and any shore-side personnel with such credentials who may be assigned to vessels from time to time.
- .5 **High Risk Job** - High Risk jobs are those with a high exposure to catastrophic operational incidents and have a direct role in operations where errors could result in serious harm to the public, the employee's well-being, company assets, or the environment. This includes jobs with no direct or very limited supervision available to provide operational checks and other jobs that are typically identified as safety sensitive.
- .6 **General Risk Job** -: General Risk jobs are those with low exposure to catastrophic incidents and indirect roles in operations such that errors are limited in their capacity to result in serious harm to the public or employee well-being, company assets or the environment; or have a direct operational role, but the manner in which they are performed limits the likelihood of catastrophic consequences arising from errors (e.g., under continual supervision). This category includes shore-side personnel not holding a USCG MMC.
- .7 **Legal drugs or Medications** - Those prescribed and non-prescribed ("over-the-counter") drugs and medications which:
  - (1) Are legally obtainable;
  - (2) Have been legally obtained by the employee;
  - (3) Are being used by the employee for the purposes for which they were prescribed or manufactured;
  - (4) Are in the employee's possession in quantities not exceeding amounts needed for personal use in accordance with instructions of the prescribing physician or manufacturer; AND,

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- (5) Have been approved for the employee's use by the Designated Health Care Practitioner contracted by the Company.
- .8 **Medical Review Officer (MRO)** – A licensed physician responsible for receiving and reviewing laboratory results generated by the company's drug testing program and evaluating medical explanations for certain drug test results.
- .9 **Personnel**—any company employee, agent, or Subcontractors' employee(s) employed or engaged for the company and/or for any of its clients.
- .10 **Prohibited Substances**:— For purposes of this Policy, "prohibited substance(s)" means any illegal or unlawfully obtained drugs or controlled substances; "designer" or synthetic drugs, including but not limited to synthetic cannabinoids (e.g., "K2," "Spice" or "Herbal Incense") and/or synthetic cathinones (e.g., "Bath Salts," "Vanilla Sky," or "Ivory Wave"); "over the counter" or prescribed medications not being used for purposes or in the manner intended; mood or mind-alerting substances; and alcoholic or intoxicating beverages.
- .11 **Reasonable Suspicion**— A reasonable and articulable belief that an employee has used a prohibited substance based on direct observation of specific, contemporaneous physical, behavioral, or performance indicators of probable use. Where practicable, this belief will be based on the observation of the individual by two persons in supervisory positions.
- .12 **Refusal to Test** – Refusal to submit to a drug and/or alcohol test required by this Policy; refusal to provide a written consent and authorization for the release of test result if required; failure to cooperate during the testing procedure, including the alteration or substitution of a specimen; or engaging in any other conduct, which constitutes a "refusal to test" as defined in 49 CFR § 40.191.
- .13 **Safety Sensitive Position** – Any position that requires the person filling that position to perform one or more safety sensitive duties on a routine or emergency basis. All vessel crewmembers hold safety sensitive positions.
- .14 **SAMHSA** - The Substance Abuse & Mental Health Services Administration, an agency of the U.S. Department of Health and Human Services.
- .15 **Substance Abuse Professional (SAP)** – A person who evaluates employees who have violated a DOT drug and/or alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.
- .16 **Under the Influence** - The presence of a prohibited substance, or metabolites of a prohibited substance in body fluids above the cut-off level established by this policy and/or applicable federal regulation, and/or, detectable behavior or actions indicative of diminished capacity. Symptoms of the latter include, but are not necessarily limited to slurred speech or difficulty in maintaining balance.

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### 13. Drug Disclosure, Clearance and Conditions for Use (M)

13.1 Prescription and non-prescription (over-the-counter) drugs and medications often have side effects that have the potential to interfere with the safe and effective performance of duties and/or the operation of equipment (e.g., impaired or altered alertness, sensory perception, reflexes, mobility, equilibrium, cognitive function; etc.). The following procedures are set forth to foresee, assess and manage this risk.

#### 13.2 Disclosure.

- .1 An employee taking or in possession of prescription or over-the-counter drug or medication is responsible for obtaining a notice of clearance prior to reporting to a vessel or other place of work.
- .2 This clearance is obtained by the employee completing and submitting a "Medical Review Form" to the Designated Health Care Practitioner contracted by the Company. The form is available from the HR Department. Submittal is made directly by the employee to the Designated Health Care Practitioner.

#### 13.3 Clearance.

- .1 Upon receipt, the Company's Designated Health Care Practitioner will review the Medication Review Form to determine whether the employee's use of the listed prescription and/or over-the-counter drugs and medications:
  - (1) Produces effects which may increase the risk of accidents, incidents or personal injury to the employee or other persons; or,
  - (2) Is for the treatment of a condition that disqualifies the employee under U.S. Coast Guard Regulations from performing his/her job duties.
- .2 When there is the possibility that a disqualifying condition is being treated, the employee may be contacted by the Designated Health Care Practitioner to provide additional information or clarification. It is the employee's responsibility to respond promptly to any such request. All communications involved are between the employee and the Designated Health Care Practitioner.
- .3 The Designated Health Care Practitioner will issue a written notice to the Company when the evaluation of all drugs and medications is completed. This notice will include one of the following statements:
  - (1) "Medical Review – Cleared", issued when it has been determined that none of the prescription or over-the-counter drugs or medications listed on the Medication Review Form is for the treatment of a disqualifying condition as defined by the U.S. Coast Guard and produces no effects that may increase the risk of accidents, incidents or personal injury to the employee or others.
  - (2) "Medical Review – Not Cleared", issued when it has been determined that one or more of the prescription or over-the-counter drugs or medications listed on the Medication Review Form is for the treatment of a disqualifying condition as defined by the U.S. Coast Guard or produces effects that may increase the risk of accidents, incidents or personal injury to the employee or others.

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- .4 The Company will inform the employee of his/her status upon receipt the written notice from the Designated Health Care Practitioner. Any employee not advised of his/her status within 10 days of submitting the required Medical Review Form shall contact the HR Department.
- .5 The Company reserves the right to restrict the work activity of any employee until such time as the Designated Health Care Practitioner clears the employee to safely perform the employee's job duties.
- .6 Copies of an employee's Medication Review Form and any additional information requested by the Designated Health Care Practitioner to assess whether the employee is cleared to work will be reviewed and kept only by the Designated Health Care Practitioner. Any written determination/correspondence from the Designated Health Care Practitioner in response thereto will be kept in the employee's confidential medical file in the HR Department. The Designated Health Care Practitioner shall not provide copies of medical records obtained in the medication review process to the Company unless required by lawful subpoena or other legal process, and only with the express written permission of the employee accompanied by an executed HIPAA release.

13.4 Conditions for Use.

- .1 **Quantity** - Employees should only be in possession of medication necessary for a normal work rotation.
- .2 **Container** - All prescription medication MUST be secured in its original container or in a tamper proof vial provided by the pharmacist commonly referred to as a "day carrier."
- .3 **Label** - Regardless the container type, it MUST have a label indicating the employee's name, the prescribing doctor, a prescription number and the date the prescription was filled.
- .4 **Control** - The employee who has received a medical clearance for the use of prescription and/or non-prescription (over-the-counter) medications shall either maintain such medications in his/her possession or store them so as to control their accessibility, and must never knowingly permit their use by any other person.
- .5 **Consumption** - The employee shall strictly follow the instructions included with over-the-counter medications or directed by the prescribing doctor in the case of prescription medications (i.e., dosage, frequency, time, circumstances, etc.).
- .6 **Validity** - Medical clearances remain in effect until such time as there are any changes to the prescription or non-prescription (over-the-counter) medications listed on the Medical Review Form. Changes include the addition or elimination of any medication, alterations in dosages or adjustments in the frequency or circumstances for use. Change does not include the substitution of generic for proprietary (brand name) prescription drugs. The employee is responsible for immediately informing the Company of any changes and for submitting a revised Medical Review Form to initiate

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the clearance process described in paragraph 13.3 above. The Company reserves the right to temporarily re-assign High Risk Employees to a General Risk Job pending receipt of a written notice of findings from the Designated Health Care Professional.

13.5 Violations.

- .1 Any employee who fails to adhere to the policies and procedures set forth in Sections 12 and 13 of this Chapter will be subject to disciplinary action up to and including termination of employment.
- .2 A High Risk Employee failing to adhere to these same policies and procedures will be immediately removed from his/her position, and at the Company's discretion, may or may not be reassigned General Risk duties pending determination of the disciplinary action to be taken.

14. **Drug Testing Requirements**

14.1 General. (O&M)

- .1 Drug and alcohol testing is required in various circumstances for different categories of employees, as summarized in the table below.

JOB CATEGORY	CIRCUMSTANCE			
High Risk <i>(all vessel personnel)</i>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
General Risk				

- .2 By definition, Office and Shoreside Personnel are "General Risk"; Marine Personnel are "High Risk."

14.2 Pre-Employment Testing and Checks

- .1 Following a conditional offer of employment as set forth in Section 8.9 of this Policy, all applicants for employment must take and pass a drug and alcohol test conducted by a laboratory certified by SAMHSA prior to any offer of employment being made. A prospective crewmember that submits a urine sample will not be employed or engaged onboard a company vessel until negative test results are confirmed. **(M)**
- .2 Following a conditional offer of employment and pursuant to Section 8.9.7(4) of this Policy, with respect to employees seeking to begin performing safety sensitive duties for the first time (i.e., new hires or employees transferring into safety-sensitive positions for the first time), and in accordance with 49 CFR § 40.25, McAllister Towing, after obtaining the written consent of the employee, will request the following information from DOT-regulated

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employers who have employed the employee during any period during the two (2) years preceding the date of the employee's application or transfer: (M)

- (1) Alcohol tests with a result of .04 or higher alcohol concentration;
- (2) Verified positive drug tests;
- (3) Refusals to be tested;
- (4) Other violations of DOT agency drug and alcohol testing regulations; and
- (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements.


.3 If the employee refuses to provide written consent to request this information, that employee will not be permitted to perform safety-sensitive functions. (M)

#### 14.3 Random Testing. (M)

- .1 All employees assigned to duties on a vessel, as well as individuals that may be assigned to such duties are subject to random testing.
- .2 Random testing will occur through a scientifically valid method as set forth in 46 CFR § 16.230(c). This scientifically valid selection method is conducted by American Maritime Safety, Inc. ("AMS") using a random computer database. Selections will be based on an annual rate of at least 25% of all members of the pool. Each marine crewmember will have an equal chance of being tested each time selections are made and a crewmember's chance of selection will continue throughout his or her employment. Alternatively, random selection may be accomplished by periodically selecting one or more vessels and testing all marine crewmembers; under this method, each vessel will remain equally subject to selection. A certificate of enrollment in the random testing program is posted in each McAllister Towing Vessel. Additionally, when a vessel has been randomly selected and the testing is completed, an additional certificate is issued to the vessel, which is maintained in the Vessel Documentation Book.

#### 14.4 Post-Accident Testing. (M)

- .1 Post-Accident Testing for Office and Shoreside Personnel is discretionary and discussed in the "Employee Handbook for Office and Shoreside Employees". The procedures that follow below apply only to Marine Personnel.
- .2 In the event of a **serious marine incident** or accident, the General Manager or Designated Employer Representative shall require all persons on board the vessel to be chemically tested for evidence of dangerous drugs and alcohol, following the specimen collection and testing requirements of 46 CFR 4.06-3:
  - (1) *Specimens for drug testing* – must be collected within 32 hours of when the incident occurred; and,


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- (2) *Alcohol testing* – must be conducted within 2 hours of the incident occurrence.
- .3 If safety concerns preclude specimen collection and/or alcohol testing within the time periods specified, drug testing specimens must be collected as soon as conditions permit and alcohol testing must be accomplished within eight hours of the incident. The inability to meet either requirement must be documented and explained on the form CG-2692B that must be submitted to the U.S. Coast Guard.
  - .4 Any refusal to take these tests will result in termination of employment and notification to the appropriate authorities including the Coast Guard.
  - .5 If an employee dies as a result of a marine accident, the proper medical authorities will be notified so as to the specimen collection requirements of 46 CFR 4.06-3 in order to obtain the necessary samples.
  - .6 A serious marine incident is a marine casualty or accident that results in any of the following:
    - One or more deaths;
    - An injury to a crewmember, passenger, or other person which requires professional medical treatment beyond first aid and in the case of a person employed on board a vessel in commercial service, which renders the individual unfit to perform routine vessel duties;
    - Property damage in excess of \$100,000;
    - Actual or constructive total loss of any vessel subject to inspection;
    - Actual or constructive total loss of any self-propelled vessel not subject to inspection of 100 gross tons or more;
    - A discharge of oil of 10,000 gallons or more into the navigable waters of the United States;
    - Discharge of a reportable quantity of a hazardous substance into either the navigable waters or environment of the United States.

#### 14.5 Reasonable Suspicion/Cause Testing.

- .1 If a supervisor suspects that a marine employee is using a dangerous drug or alcohol, the employee will be required to submit to a drug and/or alcohol test. (M)
- .2 In cases where McAllister Towing has reasonable cause to believe that an employee is using, has used, or has in his/her system the presence of any detectable amount of drugs or alcohol, reasonable cause testing will be conducted in accordance with 46 CFR § 16.250 for drugs and 33 CFR § 95.035 for alcohol. These criteria require testing when there is a reasonable and articulable belief that the individual has used a dangerous drug or is intoxicated. This belief will be based on direct observation of specific, contemporaneous physical, behavioral, or performance indicators of probable use. Where possible, the concurrence of two (2) supervisors and/or superiors who were direct observers of the reasonable cause incident will be sought. Reasonable cause testing may consist of drug and/or alcohol tests,



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as determined by the supervisor's assessment of the incident. All such cases will be documented, along with refusals to comply with the testing, should that occur. (M)

- .3 Reasonable suspicion testing for Office and Shoreside Personnel is more discretionary and is discussed in detail in the "Employee Handbook for Office and Shoreside Personnel".

#### 14.6 Drug and Alcohol Testing Protocols.


- .1 Each General Manager must appoint a Designated Employer Representative and provide the name of the appointee to the Compliance Department.
- .2 Drug testing done pursuant to applicable United States Coast Guard and Department of Transportation regulations will test for the following substances and/or their metabolites at or above the cutoff levels set forth in 49 CFR § 40.87:
  - (1) Amphetamines and methamphetamine (includes MDMA, MDEA MDA);
  - (2) Marijuana;
  - (3) Opiate and/or derivatives
  - (4) Cocaine;
  - (5) Phencyclidine (PCP)
- .3 Regardless of the circumstances that may prompt drug testing, collection of samples and drug tests will be conducted according to applicable United States Coast Guard (46 CFR Parts 4, 5 & 16) and DOT (49 CFR Part 40) regulations. When initial screening of the specimen produces a positive result, a confirmatory test will be performed by the laboratory using gas chromatography-mass spectrometry (GC-MS).
- .4 All samples that are collected under this policy will be sent to a lab certified by the U.S. Department of Health and Human Services, Substance Abuse & Mental Health Services Administration (SAMHSA).
- .5 McAllister Towing reserves the right, under 49 CFR 40.197, to have negative dilute drug tests recollected. If a negative dilute drug test result is returned, McAllister Towing will require that the employee immediately be retested. The second test will be the official test of record. The test will not be a direct observation unless there is another basis for a direct observation. Refusal to take the retest will be treated the same as refusing to take the initial test.
- .6 Except as otherwise provided for by the United States Coast Guard and Department of Transportation regulations, McAllister Towing will not release individual test results or other personal information unless approved by the HR Department. Individual test results may be released if the individual tested signs a specific authorization for the release of the results to an identified person and an individual tested under this program may receive the results of the test.

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- .7 Drug testing services for McAllister Towing are provided by:
- American Maritime Safety, Inc.  
445 Hamilton Ave, Suite 1204  
White Plains, New York 10606-4025  
Tel: (914) 997-2916.
- .8 Alcohol testing shall be conducted in conjunction with any drug tests that may be required. The regulations contained in 33 CFR 95 set forth the criteria for determining when an individual is under the influence of alcohol, specifically:
- (1) A Blood Alcohol Concentration (BAC) of .04% or more, by body weight; or,
  - (2) The effect of the intoxicant consumed is apparent by observation of an individual's manner, disposition, speech, muscular movement, general appearance or behavior.
- .9 Alcohol testing may be conducted by the same medical service and/or laboratory used for chemical drug testing, or by General Managers, Designated Employer Representatives or Captains when such services are not available within the time period set forth in the regulations. All testing methods and procedures will follow the guidelines contained in U.S. Coast Guard Regulations: 46 CFR Parts 4, 5 & 16 and 33 CFR Part 95. McAllister Towing currently uses one if either two devices for this purpose:
- (1) OraSure Technologies Q.E.D. Salvia Alcohol Test (positive result being any reading  $\geq$  10 mg/dl)
  - (2) Alco-Sensor RBT IV handheld breath alcohol tester (positive result being any reading  $>$  0.00)
- .10 In addition to testing based on breath or saliva samples, BAC may also be determined through collection of blood samples; however, such testing may only be conducted by qualified medical personnel.

14.7 Test Results Management and Disposition

- .1 If an employee's sample tests positive for any drug under the guidelines set forth in this policy, the result will be examined by a Medical Review Officer (MRO) who will contact the individual involved in order to determine if there is a legitimate medical explanation that would account for the positive result.
- (1) If the MRO determines that a legitimate medical explanation exists for the positive result, the MRO will verify the test result as negative.
  - (2) If the test result is verified by the MRO as positive, the port General Manager or Designated Employer Representative (DER) will be notified.
    - Job applicants will be denied employment.
    - Current employees will be terminated and relieved of all safety sensitive duties immediately.
    - Job applicants and current employees receiving a positive test result will be provided with a **SAP Referral Letter**.

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- .2 Pursuant to 46 CFR § 16.201(c), The General Manager or DER will notify the U.S. Coast Guard in writing of all positive, adulterated, substituted or refused drug and/or alcohol test of any individual who holds a Merchant Mariner Credential (MMC) or Certificate of Registry (COR) issued by the Coast Guard:
  - (1) Positive test results will be reported both for present and prospective employees;
  - (2) This written report will be made regardless whether a prospective employee was hired or not if the position is one where a license, COR or MMD is required;
  - (3) All drug and alcohol test results will be reported for all persons tested following a serious marine incident regardless of whether the tested individual holds Coast Guard issued credentials.


14.8 Drug and Alcohol Testing Records and Documentation.

- .1 The General Manager shall ensure that the Designated Employer Representative in the port maintains all records and documents required under the regulatory standards governing a Marine Employer's Drug and Alcohol Testing Program:
  - (1) **Positive Test Results and/or Test Refusals** - Retain for 5 years or for 3 years past the end date of the last provision of services to Sea River Maritime, whichever is longer.
  - (2) **Negative Test Results** - Retain for at least 1 year.
  - (3) **Pre-Employment Records** - Retain for five years as evidence that all employees passed a drug and alcohol pre-employment test or failed such a test and was denied employment as a result.
  - (4) Record of All Testing Performed:
    - Records related to the alcohol and drug collection process. These include, documents related to random selections, reasonable suspicion determinations, and post-accident determinations; medical evaluations for insufficient amounts of urine; and supervisor and employee education training records.
    - Retain for three years after the termination of employment.
  - (5) McAllister Document No. MP-99-999-700, Acknowledgement and Consent Form - Retain for three years after the termination of employment.
- .2 Copies of the records above must be forwarded to the Compliance Department, Compliance Administration Coordinator at least once a month or when tests have been completed, whichever is more frequent.
- .3 The Compliance Administration Coordinator shall maintain a listing of all employees and job applicants that have either failed a drug or alcohol test, or have refused to submit to one as ordered.

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**15. Drug or Alcohol Abuse – Admission and Rehabilitation.**

- 15.1 McAllister Towing encourages its employees to admit to drug and/or alcohol addiction to avoid injuries and accidents. As an adjunct to the company's Employee Assistance Program (EAP), McAllister will work with any individual who admits to having a drug or alcohol abuse problem, within the framework provided by the various applicable regulations.
- 15.2 Crewmembers and supervisory personnel will be provided literature that includes the effects and consequences of drug and alcohol use on personal health, safety, and work environment, and the manifestations and behavioral cues that may indicate drug and alcohol use and abuse. Supervisory personnel will receive at least one hour of training in this regard.
- .1 The training is provided by American Maritime Safety. It can be arranged through direct contact or with the help of the Compliance Department. See paragraph 14.6.7 for contact details.
  - .2 A trainer from American Maritime Safety will come to the port, deliver the required training, and forward certificates of completion to the Compliance Department for distribution.
  - .3 In addition to distributing the course completion certificates, the Compliance Department makes an entry in HRIS to document the each employee's successful completion of this required training.
- 15.3 Employees that admit to an addiction to alcohol, drugs or prescription medications fall into two general categories that help to determine what action can and should be taken – those that hold Coast Guard licenses and/or documents and those that do not.
- 15.4 For admitted drug or alcohol abusers that do not hold Coast Guard issued credentials, McAllister will take the following action:
- .1 Remove the individual from any safety sensitive duties;
  - .2 Work with the individual to identify, enroll in and complete a bona fide substance abuse rehabilitation program, including the coordination of any post-program testing and monitoring (all extra costs to be paid by the individual involved);
  - .3 Ensure that the employee submits to, and successfully passes all required testing, the failure to do either to result in immediate termination; and,
  - .4 Safeguard the privacy of the employee in all actions taken.
- 15.5 For admitted drug or alcohol abusers that hold a Coast Guard issued license or document:
- .1 Remove the individual from any safety sensitive duties;
  - .2 Inform the Coast Guard of the circumstances;

	Author: B. McAllister	Document Number: HR-99-999-100
	Revision: 4.0	Date: May 24 <sup>th</sup> , 2016

- .3 Encourage the individual to engage with the Coast Guard to seek a Voluntary Deposit of all agency issued professional credentials and to reach an agreement on an appropriate rehabilitation program;
- .4 Upon confirmation that a Voluntary Deposit has been accepted, coordinate any required testing or monitoring through the General Manager or Designated Employer Representative, with all associated expenses to be paid by the individual involved;
- .5 Receive and act upon the recommendations of the Medical Review Officer and/or Substance Abuse Professional regarding the individual's employment reinstatement when all rehabilitation criteria have been met; and,
- .6 Handle all actions with professionalism and respect for the individual.

15.6 Additional Notes.

- .1 The Coast Guard will not enter into a Voluntary Deposit agreement with any mariner who seeks such an agreement as a means to negate the results of a required drug or alcohol test, or to avoid submitting to a test that has been ordered.

**PORT EVERGLADES FRANCHISE APPLICATION  
SECTION P.3**

PORT EVERGLADES JOB TRAINING PROGRAM/POLICY

	Author: B. McAllister	Document Number: MP-99-999-017
	Revision: 1.0	Date: January 1, 2006

## PERSONNEL DEVELOPMENT PROGRAM

### A. PURPOSE

1. To establish guidelines to help personnel prepare for advancement

### B. RESPONSIBILITY

1. It is the responsibility of each employee to prepare him or her self for advancement to the next position.

### C. PROCEDURE

1. In order for an employee to progress to a higher level of employment, he or she must demonstrate competency in certain knowledge and/or skills that are required of each position. Once all of the required criteria are met and the employee has been recommended by vessel management to proceed to the next level, he or she will be evaluated by the Port Captain or General Manager.
2. All training should be recorded in the Record Sheet for Drills and Safety Meetings or Training Log and be forwarded to the Safety Coordinator and Human Resources Department as soon as reviewed by the General Manager.

### 3. DECKHAND

#### a) Deckhand

- i) In order to be considered for a position as Mate, an AB, or Deckhand must demonstrate and document the following competencies:

- (1) Good work ethic and positive attitude.
- (2) Familiarity with and understanding of:

- (a) Applicable *McAllister Towing* personnel policy;
- (b) *McAllister Towing* safety program;
- (c) The chain of command aboard towing vessels;
- (d) The watch system aboard towing vessels; and,
- (e) *McAllister Towing Safety Rules*.

- (3) Understanding of the importance of:

- (a) Daily wake-up and personal preparation;

	Author: B. McAllister	Document Number: MP-99-999-017
	Revision: 1.0	Date: January 1, 2006

- (b) Proper dress for day/night, foul weather, etc.
  - (c) Proper personal protective equipment for various job functions where required;
  - (d) Good personal hygiene and grooming; and,
  - (e) Proper stowage of personal gear and laundry.
- (4) Ability to identify and knowledge of the advantages and disadvantages of
- (a) Nylon line;
  - (b) Polypropylene line;
  - (c) Dacryon line;
  - (d) Poly-D line; and,
  - (e) Spectra line.
- (5) Knowledge of the use of and demonstrated ability to tie the following:
- (a) Bowline;
  - (b) Square knot;
  - (c) Round turn and two half-hitches;
  - (d) Clove hitch;
  - (e) Short splice; and,
  - (f) Eye splice.
- (6) Demonstrated ability to:
- (a) Catch a line;
  - (b) Throw a line;
  - (c) Lay a breast lead;
  - (d) Lay a backing lead;
  - (e) Lay a towing lead;
  - (f) Handle a line under strain;
  - (g) Make bumpers;
  - (h) Make up a line by both faking and coiling;
  - (i) Open a new coil of line;
  - (j) Serve the end of a line with a permanent whipping;
  - (k) Use a Capstan safely and effectively;
  - (l) Operate and maintain portable pump;
  - (m) Identify different areas of the engine room;
  - (n) Demonstrate correct start-up and shut-down procedures for main engines, generators, fire pumps and generator engines;



	Author: B. McAllister	Document Number: MP-99-999-017
	Revision: 1.0	Date: January 1, 2006

- (o) Identify different types of oils used in the engine room;
  - (p) Identify all valves and hoses in the engine room and the uses of each;
  - (q) Demonstrate a knowledge of winch maintenance;
  - (r) Demonstrate the proper knowledge and use of wire clamps, cables, and slings;
  - (s) Sooge boat;
  - (t) Safely use a grinder and needle gun;
  - (u) Identify different types of paints and their uses;
  - (v) Prepare a surface for painting; and,
  - (w) Paint a surface.
- (7) Knowledge of how to make a line fast to:
- (a) Timberheads;
  - (b) H-bits;
  - (c) Caval; and,
  - (d) Sampson post.
- (8) Ability to identify and use:
- (a) Portable CO2 fire extinguishers;
  - (b) Portable dry chemical fire extinguishers;
  - (c) Fixed fire extinguishing system (if installed)
  - (d) Fire pump;
  - (e) Fire hose; and,
  - (f) Life ring buoys.
- (9) Knowledge of which extinguishing agent to use on A, B, and C class fires.
- (10) Knowledge of deckhand duties and responsibilities in the event of:
- (a) Fire aboard the vessel;
  - (b) Man overboard;
  - (c) Abandon ship;
  - (d) Collision with another vessel or structure;
  - (e) Grounding of the vessel or tow;
  - (f) Tow break up; or,
  - (g) Oil spill.

	Author: B. McAllister	Document Number: MP-99-999-017
	Revision: 1.0	Date: January 1, 2006

- (11) Demonstrated knowledge of all methods of communication including:
- (a) Hand signals;
  - (b) Portable VHF radio; and,
  - (c) Emergency general alarm or whistle for man overboard, fire or abandon ship situations.
- (12) Ability to identify the following barge and towing vessel parts and areas:
- (a) Wheelhouse/pilothouse;
  - (b) Crew quarters;
  - (c) Engine room;
  - (d) Galley;
  - (e) Bow;
  - (f) Stern;
  - (g) Starboard;
  - (h) Tow knees;
  - (i) Life lines/rails;
  - (j) Line deck;
  - (k) Rake;
  - (l) Rake and stern voids;
  - (m) Headlog;
  - (n) Rake knuckles;
  - (o) Bilge knuckles;
  - (p) Wing tanks;
  - (q) Cargo tanks;
  - (r) Ullage hatch;
  - (s) Drip pans;
  - (t) Pipe line headers; and,
  - (u) Spill rails.
- (13) Successful completion of the following training programs:
- (a) Confined space entry;
  - (b) Emergency response;
  - (c) First aid and CPR;
  - (d) Hazard communication.
- (14) Good performance evaluation.

	Author: B. McAllister	Document Number: MP-99-999-017
	Revision: 1.0	Date: January 1, 2006

#### 4. ENGINEER

##### a) Engineer

- i. In order to be considered for a position as Engineer, an individual must have, at a minimum, all the skills listed below.
  - (a) Demonstrated knowledge of machinery;
  - (b) Satisfactory knowledge of industrial hygiene;
  - (c) Demonstrated knowledge of *McAllister Towing* boats in a given port;
  - (d) Demonstrated proficiency in welding; and,
  - (e) Recommendation from Chief Engineer.
- ii.) In addition, the following competencies and/or criteria must be learned, demonstrated, and documented:
  - (a) Overhauls on all equipment;
  - (b) Knowledge and performance proficiency in the following systems:
    - (i) Steering;
    - (ii) Hydraulic;
    - (iii) Turbos;
    - (iv) Sewer;
    - (v) Piping; and,
    - (vi) Electronics.
  - (c) Knowledge of fuel consumption;
  - (d) Tankerman-PIC (Barge) endorsement; and,
  - (e) Knowledge of heater maintenance and repair.
- b) An Engineer may be considered for a position of Chief Engineer

#### 5. CHIEF ENGINEER

- a) To be considered for a position as Chief Engineer, an individual must have documented all of the required competencies of an Engineer.
- b) In addition, he or she must demonstrate:
  - i) Training ability; and,

	Author: B. McAllister	Document Number: MP-99-999-017
	Revision: 1.0	Date: January 1, 2006

- ii) Extended heater repair ability.
- c) A Chief Engineer may be considered for a position of Port Engineer.

6. MATE

- a) In order to be considered for a position as Mate, an individual must have documented all of the competencies required of a Deckhand.
- b) In addition, he or she must meet the following criteria:
  - i) Appropriate U.S. Coast Guard license;
  - ii) Knowledge of all McAllister Towing policies and procedures;
  - iii) First Aid and CPR training; and
  - iv) Firefighting training.
- c) A Mate can be considered for the position of Captain.

5. CAPTAIN

- a) In order to be considered for a position as Captain, an individual must have documented all of the competencies required of a mate.
- b) In addition, he or she must meet the following criteria:
  - i) No less than 3 years of relevant experience;
  - ii) Demonstrated knowledge of maintenance of all boat and mechanical and electrical systems;
  - iii) Superior boat handling skills with no pilot error casualties;
  - iv) Demonstrated knowledge of all *McAllister Towing* policies and procedures;
  - v) Approval from the Port Captain and General Manager;
  - vi) First aid and CPR training; and,
  - vii) Firefighting training.
- c) A Captain may be considered for the position of Port Captain.

**PORT EVERGLADES FRANCHISE APPLICATION  
SECTION P.4**

PORT EVERGLADES FREQUENCY OF TRAINING

**McALLISTER TOWING  
TRAINING MATRIX**

<b>Course Topic</b>	<b>Captain</b>	<b>Mate</b>	<b>Engineer</b>	<b>Deckhand/ T/M Trainee</b>	<b>Frequency</b>
Safety Awareness	Required	Required	Required	Required	Yearly
Drug and Alcohol Awareness	Required	Required	Required	Required	Yearly
Hazard Communication	Required	Required	Required	Required	Yearly
Security Training	Required	Required	Required	Required	Yearly
First Aid/CPR	Red Cross Required	Red Cross Required	DVD-Required Yearly	DVD-Required Yearly	Five Years
Firefighting/Fire Prevention	USCG Required	USCG Required	DVD-Required Yearly	DVD-Required Yearly	Five Years
Emergency Response	Required	Required	Required	Required	Yearly
Fuel Transfer Procedures	Required	Required	Required	Required	Yearly
McAllister Operations Manual	Required	Required	Required	Required	Yearly

**PORT EVERGLADES FRANCHISE APPLICATION  
SECTION P.5**

OPERATOR CERTIFICATES

# The American Waterways Operators



*Recognizes with Pride*

**Mr Allister Towing**

*for its commitment to safety and environmental protection  
as evidenced by having fully implemented all required elements of the*

**The AMO Responsible Carrier Program**

*and*

*having successfully completed an AMO-certified Third Party Audit  
Valid for 3 years from March 27, 2015*



*Frank Morton*  
Frank Morton  
AMO Chairman of the Board

*Thomas Allegretti*  
Thomas A. Allegretti  
AMO President

*Joseph M. Ryan*  
Joe Ryan  
Standards Board Chairman



U.S. Department of  
Homeland Security

United States  
Coast Guard



Commanding Officer  
United States Coast Guard  
Marine Safety Center

US Coast Guard Stop 7430  
2703 Martin Luther King Jr. Ave. SE  
Washington, DC 20593-7430  
Staff Symbol: MSC-5  
Phone: (202) 795-6729  
Email: securityplaninfo@uscg.mil

16710  
VS-330946  
February 2, 2017

McAllister Towing and Transportation, Inc.  
Attn: Brian Buckley McAllister  
17 Battery Place  
New York, NY 10004-1260  
bmcallister@mcallistertowing.com

Subj: MCALLISTER TOWING AND TRANSPORTATION, INC. VESSELS  
ALTERNATIVE SECURITY PROGRAM ACKNOWLEDGEMENT

Ref: (a) Title 33 Code of Federal Regulations (CFR) Part 104  
(b) Your correspondence dated January 12 & 30, 2017

Dear Mr. McAllister:

This letter acknowledges your addendum to your Alternative Security Program (ASP) certification letter submitted to satisfy the requirements of reference (a). We accept your certification that the vessels listed in reference (b) will be operating under the Coast Guard approved ASP developed by the American Waterways Operators (AWO). The list of addendums covered by this letter is attached as enclosure (1). The list of vessels covered by this letter is attached as enclosure (2). This ASP acknowledgement will remain valid as long as the AWO ASP remains valid.

You are reminded that it is your responsibility to ensure the ASP is implemented in its entirety including any approved revisions or amendments thereto. The ASP must be appropriate for the type/service of your vessels in accordance with reference (a), and may not be used for a vessel subject to the International Convention for Safety of Life at Sea 1974 (SOLAS). If you cannot or do not wish to comply with the requirements of the ASP, you must submit a complete Vessel Security Plan in accordance with reference (a). Failure to fully comply with the requirements contained in 33 CFR 104.140 and the approved Alternative Security Program may result in punitive action.

Please ensure that a copy of the ASP is maintained on board the vessel(s) if manned, or, if unmanned, at a suitable secure location so that it is readily available during an emergency or security incident. In addition, you shall make available to the Coast Guard, upon request, any information related to implementation of an approved ASP. Our Case Number for this plan is 330946. Please ensure that all future correspondence includes this Case Number.

Sincerely,

A handwritten signature in blue ink that reads "J. M. Kling".

J. M. KLING  
Lieutenant Commander, U.S. Coast Guard  
Chief, Vessel Security Division  
By direction

Enclosures: (1) List of Addendums  
(2) List of Vessels Covered

Enclosure 1, page 1 of 1, to MSC letter VS-330946 of February 2, 2017

**List of Addendums**

<u>Correspondence Dated</u>	<u>Type of Change</u>	<u>Description of Change</u>
January 12, 2017	Add	JEFFREY MCALLISTER, O.N. 1271738
January 30, 2017	Withdrawal	JANE MCALLISTER, O.N. 514463 KATIE G MCALLISTER, O.N. 505022 MARY L MCALLISTER, O.N. 517185 RON G, O.N. 598103 ROSEMARY, O.N. 1204541 SUSAN MCALLISTER, O.N. 500035

Enclosure 2, page 1 of 2 to MSC letter VS-330946 of February 2, 2017

**List of Vessels Covered**

<u>Vessel Name</u>	<u>Official Number (O.N.)</u>
A. J. MCALLISTER	1146419
ALEX MCALLISTER	693559
AMY C MCALLISTER	565872
ANDREW MCALLISTER	1204486
ATLANTIC TRADER	578526
BARBARA MCALLISTER	522409
BETH M MCALLISTER	1097053
BRIDGET MCALLISTER	1193138
BROOKLYN MCALLISTER	695611
BRUCE A. MCALLISTER	561760
BUCKLEY MCALLISTER	1251556
CHARLES D MCALLISTER	510007
CHESAPEAKE TRADER	651327
CHRISTINE MCALLISTER	563058
DONAL G MCALLISTER	1101146
DOROTHY MCALLISTER	1122276
EILEEN MCALLISTER	580227
ELIZABETH MCALLISTER	509916
ELLEN MCALLISTER	1122272
EMILY ANNE MCALLISTER	1137521
ERIC MCALLISTER	1253094
ERIN MCALLISTER	1042197
FOURNIER GIRLS	517785
G. M. MCALLISTER	663280
GRACE MCALLISTER	515673
GREGG MCALLISTER	1209613
IONA MCALISTER	638559
J.P.MCALLISTER	294919
JAMES MCALLISTER	612547
JANET M. MCALLISTER	1112730
JEFFREY MCALLISTER	1271738
JOAN MCALLISTER	582613
JUSTINE MCALLISTER	647819
KALEEN MCALLISTER	1104217
KATHRYNE E. MCALLISTER	617115
MARGARET MCALLISTER	1104216
MARJORIE B. MCALLISTER	560097
MATTHEW MCALLISTER	651187
MAURANIA III	1162107
MCALLISTER BROS.	277931
MCALLISTER GIRLS	513794
MCALLISTER RESPONDER	510006
MCALLISTER SISTERS	587958
MEGAN MCALLISTER	693809

Enclosure 2, page 2 of 2 to MSC letter VS-330946 of February 2, 2017

<u>Vessel Name</u>	<u>Official Number (O.N.)</u>
MICHAEL J MCALLISTER	536628
MOIRA MCALLISTER	1151905
NANCY MCALLISTER	669634
NEILL MCALLISTER	294841
PATRICE MCALLISTER	1082214
PATRICK MCALLISTER	1103018
RAINBOW	1163629
REID MCALLISTER	1209610
RELIANCE	556877
RESOLUTE	561972
ROBERT E MCALLISTER	1138724
RODERICK MCALLISTER	511269
ROWAN M MCALLISTER	634724
SHANNON MCALLISTER	975943
STACY MCALLISTER	1143301
STEVEN MCALLISTER	1194780
TATE MCALLISTER	1253208
TERESA MCALLISTER	285087
TIMOTHY MCALLISTER	1138958
VICKI M MCALLISTER	1112731



CERTIFICATE NUMBER 446030-2275282-003  
LOCATION New York, NY.

DATE OF ISSUE 15 January 2013  
DATE OF EXPIRY 25 October 2017

## MARINE SAFETY & QUALITY MANAGEMENT

# CERTIFICATE OF COMPANY COMPLIANCE

**This is to Certify** that the Management System implemented by

### **MCALLISTER TOWING OF NEW YORK, LLC**

complies with the Safety and Quality requirements of the *ABS Guide for Marine Health, Safety, Quality, Environmental and Energy Management*, as applied to the operation of

Other Cargo Ship Towing Vessel

Lipinski, Wayne M.  
SIGNATURE

This facility has been successfully audited to the requirements outlined in the ISM Code and ISO 9001:2008 taking into consideration any exclusions allowed.

NOTE: This certificate evidences compliance with one or more of the Rules, Guides, standards or other criteria of ABS and is issued solely for the use by ABS, its committees, its clients, or other authorized entities. **This certificate is a representation that the vessel has met one or more of the standards of ABS. This certificate is governed by the terms and conditions on the reverse side hereof, and governed by the Rules and standards of ABS who shall remain the sole judge thereof.**

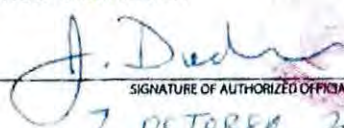
# Endorsement for Annual Verification

This is to certify that, at the time of the annual verification of compliance, the named company's Management System was found to comply with the Safety and Quality requirements of the ABS *Guide for Marine Health, Safety, Quality, Environmental and Energy Management*.


## 1st Annual Verification

 SIGNED   
SIGNATURE OF AUTHORIZED OFFICIAL  
DATE 29 OCTOBER 2013

## 2nd Annual Verification

SIGNED   
SIGNATURE OF AUTHORIZED OFFICIAL  
DATE 7 OCTOBER 2014

## 3rd Annual Verification

SIGNED   
SIGNATURE OF AUTHORIZED OFFICIAL  
DATE 7 October 2015

## 4th Annual Verification

SIGNED   
SIGNATURE OF AUTHORIZED OFFICIAL  
DATE 09 November 2016

### TERMS & CONDITIONS

- INCORPORATION BY REFERENCE:** The issuance and interpretation of this certificate is subject to the terms and conditions of the "Agreement for Marine Management System Certification" which are hereby incorporated by reference.
- GENERAL:** A client that is assessed by ABS and found to meet the requirements specified by designated standard and/or code is entitled to hold corresponding certificates and notation. ISM Certificates are valid for the term indicated on the certificate. All certificates are subject to periodic and intermediate verifications conducted at each certified location. All certifications are non-transferable. Assessments are based upon a sampling basis. The absence of recorded nonconformities does not mean that none exist. Nothing contained herein or in any certificate, notation or report issued in connection with a certificate and/or notation shall be deemed to relieve any designer, builder, owner, manufacturer, seller, supplier, repairer, operator, insurer or other entity of any duty to inspect or any other duty or warranty, express or implied, nor to create any interest, right, claim or benefit in any insurer or other third party. It is understood and agreed that nothing expressed herein is intended or shall be construed to give any person, firm or corporation, other than the signatories hereto, any right, remedy or claim hereunder or under any provisions herein contained, all provisions hereof are for the sole and exclusive benefit of the signatories hereto. All work performed on behalf of flag Administrations shall be governed by the terms and conditions of this agreement unless the flag Administration specifies otherwise.
- TIME BAR TO LEGAL ACTION:** Any statutes of limitation notwithstanding, applicant expressly agrees that its right to bring or assert against ABS, any and all claims, demands, or proceedings whether in arbitration or otherwise shall be waived unless (a) notice is received by ABS within thirty (30) days after applicant had notice of or should reasonably have been expected to have had notice of the basis for such claims; (b) arbitration or legal proceedings, if any, based on such claims or demands of whatever nature are commenced within one (1) year of the date of such notice to ABS.
- LIMITATION OF LIABILITY:** The combined liability of ABS, its officers, directors, employees, agents or subcontractors for performance of any services under this Agreement, or from breach of any implied or express warranty of workmanlike performance in connection with the services, or from any other reason, to the client or any other person, corporation, partnership, business entity, sovereign, country or nation, will be limited to the greater of (a) \$100,000 or (b) an amount equal to ten (10) times the sum actually paid for the services alleged to be deficient.  
  
The limitation of liability may be increased up to an amount twenty-five (25) times that sum paid for services upon receipt of the client's written request at or before the time of performance of services and upon payment by the client of an additional fee of US \$10.00 for every US \$1,000.00 increase in the limitation.
- HOLD HARMLESS:** The party requesting services hereunder, or his assignee or successor in interest, agrees to release ABS and to indemnify and hold harmless ABS from and against any and all claims, demands, lawsuits or actions for damages, including legal fees, to persons and/or property, tangible, intangible or otherwise which may be brought against ABS incidental to, arising out of or in connection with this agreement, the work to be done, services to be performed or material to be furnished hereunder, except for those claims caused solely and completely by the negligence of ABS, its agents, employees, officers, directors or subcontractors. The parties agree that for the purposes of the Convention on Limitation of Liability for Maritime Claims, 1976, ABS is a person for whose act the shipowner is responsible.  
  
Any other individual, corporation, partnership or other entity who is a party hereto or who in any way participates in, is engaged in connection with or is a beneficiary of, any portion of the services described herein shall also release ABS and shall indemnify and hold ABS harmless from and against all claims, demands, lawsuits or actions for damages, including legal fees, to persons and/or property, tangible, intangible or otherwise, which may be brought against ABS by any person or entity as a result of the services performed pursuant to this agreement, except for those claims caused solely and completely by the negligence of ABS, its agents, employees, officers, directors or subcontractors. Said individual or party shall assert no claims, directly or indirectly against ABS.
- ARBITRATION:** If the client is aggrieved by any ruling, determination or action of ABS relating to Management System Certification under the designated standard and/or code, the client shall appeal to the Classification Committee of ABS. If, in either circumstance, resolution is still not achieved, any and all differences and disputes of whatsoever nature arising out of this contract shall be put to arbitration in the City of New York, NY, pursuant to the laws relating to arbitration there in force, before a board of three persons, consisting of one arbitrator to be appointed by ABS, one by the client and one by the two so chosen. The decision of any two of the three on any point or points shall be final. Until such time as the arbitrators finally close the hearings any party shall have the right by written notice served on the arbitrators and on any officer of the other parties to specify further disputes or differences under this agreement for hearing and determination. The arbitration is to be conducted in accordance with the rules of the Society of Maritime Arbitrators, Inc. The arbitrators may grant any relief other than punitive damages which they or a majority of them deem just and equitable and within the scope of the agreement of the parties, including but not limited to specific performance. Awards made pursuant to this provision may include costs including a reasonable allowance for attorney's fees and judgment may be entered upon any award made hereunder in any court having jurisdiction. ABS and the client hereby mutually waive any and all claims to punitive damages in any forum. All parties agree to be bound by the decision of the arbitrators.

The client must notify ABS within thirty (30) days of the commencement of any arbitration between it and third parties which may concern its work in connection with this application and shall afford ABS an opportunity, at its sole option, to participate in the arbitration. All parties agree to be bound by the decision of the arbitrators in any arbitration to which they are parties.

Certificate No.:446030-2275282-002

# VOLUNTARY DOCUMENT OF COMPLIANCE CERTIFICATE

Issued for voluntary compliance with the requirements of Title 33, Code of Federal Regulations  
(CFR) Part 96 Subpart B, under the authority of

**THE UNITED STATES OF AMERICA**

by the **AMERICAN BUREAU OF SHIPPING**

Name and address of the Company: **MCALLISTER TOWING OF NEW YORK, LLC**  
(see paragraph 1.1.2 of the ISM Code)

**3165 RICHMOND TERRACE**

**STATEN ISLAND NY 10303 United States**

Company identification number: **5074179**

**THIS IS TO CERTIFY THAT** that the Safety Management System of the above named company has been audited and complies with the requirements of 33 CFR 96, Subpart B. Any exceptions or interpretations that have been allowed in variation of the specified requirements in 33 CFR 96, are listed on pages 3 and 4 of this certificate, for the types of ships listed below (delete as appropriate):

- ~~Passenger Ship~~
- ~~Passenger high Speed Craft~~
- ~~Cargo High Speed Craft~~
- ~~Bulk Carrier~~
- ~~Oil Tanker~~
- ~~Chemical Tanker~~
- ~~Gas Carrier~~
- ~~Mobile Offshore Drilling Unit~~
- Other Cargo Ship Towing Vessels

**THIS DOCUMENT OF COMPLIANCE** is valid until 25 October 2017, subject to periodical verification.

Completion date of the audit on which this certificate is based : 26 October 2012

Issued at: New York, NY.  
(place of issue of the document)

Date of Issue: 15 January 2013  
(dd/mm/yyyy)



*Wayne M. Lipinski*  
**Lipinski, Wayne M., New York/New Jersey Port**  
(Signature of the duly authorized official issuing the certificate)

Certificate No.:446030-2275282-002

### ENDORSEMENT FOR ANNUAL VERIFICATION OF SMS

**T**HIS IS TO CERTIFY that, according to the requirements of Title 33, Code of Federal Regulations (CFR), Part 96, Subpart C, the company's safety management system was found to comply with 33 CFR, Part 96, Subpart B, as modified in the Voluntary Document of Compliance listings.

**1st ANNUAL VERIFICATION**

Signed: [Signature]  
(Signature of authorized official)



Place: STATEN ISLAND, NY

Date: 29 OCTOBER 2013

**2nd ANNUAL VERIFICATION**

Signed: [Signature]  
(Signature of authorized official)



Place: STATEN ISLAND, NY

Date: 7 OCTOBER 2014

**3rd ANNUAL VERIFICATION**

Signed: [Signature]  
(Signature of authorized official)



Place: Staten Island N.Y

Date: 7 October 2015

**4th ANNUAL VERIFICATION**

Signed: [Signature]  
(Signature of authorized official)

Place: STATEN ISLAND, NY

Date: 09 November 2016



**PORT EVERGLADES FRANCHISE APPLICATION  
SECTION Q**

1. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or fines from any federal, state, or local environmental regulatory agencies?

NONE

2. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or civil penalties from the U.S. Coast Guard?

NONE

3. Has the Applicant received within the past five (5) years or does the Applicant have pending any citations, notices of violations, warning notices, or fines from the Occupational Safety and Health Administration?

NONE

4. Provide a statement (and/or documentation) which describes the Applicant's commitment to environmental protection, environmental maintenance, and environmental enhancement in the Port.

Tugz and the McAllister Towing organization is committed to protecting the environment, through efficiency, high standards and care. This is our corporate mission statement on the environment, which has been adopted in writing by our CEO and incorporated into the operations manuals on all McAllister Towing tugs. Our environmental goal has also been incorporated into the orientation video which all new McAllister employees (including Tugz employees) watch before being put to work. The McAllister organization maintains its Health, Safety and Environmental System in compliance with the ISM Code, ISO 9001 (2008).

In furtherance of this commitment, the management and the employees of the McAllister Organization pledge to do the following:

Conduct business and operate our vessels in a manner that protects the environment and the safety and health of our employees and the general public.



**OSHA** English | Spanish

Find it in OSHA

A TO Z INDEX

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## Establishment Search

### Reflects inspection data through 05/08/2017

This page enables the user to search for OSHA enforcement inspections by the name of the establishment. Information may also be obtained for a specified inspection or inspections within a specified SIC.

**▲ Note:** Please read important information below regarding interpreting search results before using.

Search By:

**Your Establishment search returned 0 results.**

Establishment

**State**

**OSHA Office**

Case Status  All  Closed  Open

**Violation Status**  All  With Violations  Without Violations

Inspection Date

**Start Date**

**End Date**

**Can't find it?**

- [Wildcard use %](#)
- [Basic Establishment Search Instructions](#)
- [Advanced Search Syntax](#)

**NOTE TO USERS**

The Integrated Management Information System (IMIS) was designed as an information resource for in-house use by OSHA staff and management, and by state agencies which carry out federally-approved OSHA programs. Access to this OSHA work product is being afforded via the Internet for the use of members of the public who wish to track OSHA interventions at particular work sites or to perform statistical analyses of OSHA enforcement activity. It is critical that users of the data understand several aspects of the system in order to accurately use the information.

events occur in the course of agency activities. Until cases are closed, IMIS entries concerning specific OSHA inspections are subject to correction and updating, particularly with regard to citation items, which are subject to modification by amended citations, settlement agreements, or as a result of contest proceedings. THE USER SHOULD ALSO BE AWARE THAT DIFFERENT COMPANIES MAY HAVE SIMILAR NAMES AND CLOSE ATTENTION TO THE ADDRESS MAY BE NECESSARY TO AVOID MISINTERPRETATION.

The Integrated Management Information System (IMIS) is designed and administered as a management tool for OSHA to help it direct its resources. When IMIS is put to new or different uses, the data should be verified by reference to the case file and confirmed by the appropriate federal or state office. Employers or employees who believe a particular IMIS entry to be inaccurate, incomplete or out-of-date are encouraged to contact the OSHA field office or state plan agency which originated the entry.

## UNITED STATES DEPARTMENT OF LABOR

Occupational Safety and Health Administration  
200 Constitution Ave., NW,  
Washington, DC 20210  
☎ 800-321-6742 (OSHA)  
TTY  
[www.OSHA.gov](http://www.OSHA.gov)

### FEDERAL GOVERNMENT

[White House](#)  
[Affordable Care Act](#)  
[Disaster Recovery Assistance](#)  
[USA.gov](#)  
[Disability.gov](#)  
[Plain Writing Act](#)  
[Recovery Act](#)  
[No Fear Act](#)  
[U.S. Office of Special Counsel](#)

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Florida Department of Environmental Protection

**Hazardous Waste Facilities Search Results**

**Selection Criteria for This Handler Search:**

**EPAID:** TUGZ COMPAN% ; **Name:** % ; **Address:** % ; **City:** % ; **County:** %

**For Facility Data Links:**

**Activities** -- provides a list of RCRA compliance activities and violations.

**Mapping in GIS** -- this opens a **[NEW IMPROVED]** GIS mapping tool focused on the facility.

**Documents** -- this provides a list of electronic documents available online.

**Error Reporting** -- send us feedback to address data errors.

**County Verification** -- County or RPC verification of Facility and Waste for this site.

**For a Generator Status History:**

click on the **Status**. - **NNOT** indicates a facility is a Non-Notifier and may not have been issued the associated EPAID - **Check with DEP before using that EPAID!**

[Legend of Status Types](#)

EPA ID	Name	County	Address	Contact	Status	As of	Data Links
--------	------	--------	---------	---------	--------	-------	------------

Search has retrieved 0 Facilities

**Legend of Status Types:**

- LQG - Large Quantity Generator
- SQG - Small Quantity Generator
- CES - Conditionally Exempt Small Quantity Generator
- UOT - Used Oil Transporter
- TRA - Hazardous Waste Transporter
- TSD - Treatment/Storage/Disposal Facility
- CLO - Closed
- NHR - Non-Handler of Hazardous Waste



Search County Government

Home | County Commission | Doing Business | Visiting |

### ENVIROS

#### Enforcement Action Advanced Search

Search | Reset

**No information was found matching your selection criteria. Please try again.**

Enforcement Action Number:

House Number:  To:

Street:      
**Direction Street Name Street Type Suite**

City:  Zip:

Section:  Township:  Range:

Respondent:

[Help on this page](#)  
Screen ID: 2347



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**PORT EVERGLADES FRANCHISE APPLICATION  
SECTION R**

**Tugz primary function is ship docking in the Port of Port Everglades, Florida. Tugz through the McAllister organization and its customers will continue to promote the ship docking business in Port Everglades.**