



July 22, 2013

Docket Management Facility
U.S. Department of Transportation
1200 New Jersey Avenue SE
West Building, Room W12-140
Washington, DC 20590

RE: Cruise Vessel Security and Safety Training Provider Certification (Docket No. MARAD-2013-0022)

To Whom It May Concern:

The American Association for Justice (AAJ), formerly the Association of Trial Lawyers of America (ATLA), hereby submits comments in response to the Maritime Administration's (MarAd) request for input regarding the proposed curriculum for the certification of cruise vessel security personnel. In particular, we write to address the specific legal issues that may arise for the program participants as well as cruise line passengers. *See* 78 FR 30956.

AAJ, with members in the United States, Canada and abroad, is the world's largest trial bar. It was established in 1946 to safeguard victims' rights, strengthen the civil justice system, and protect access to the courts. This past spring, cruise vessel safety came to national attention as a series of mechanical malfunctions stranded hundreds of passengers at sea. More than vacation headaches, these incidents created serious health and public safety hazards as passengers reported no air conditioning amid sweltering temperatures, food shortages, and contamination due to human sewage.¹ Further, cruise lines attempt to limit injured passengers' access to justice through the fine print on the back of cruise contracts and passengers tickets.

Pursuant to the enactment of the Cruise Vessel Security and Safety Act of 2010 (CVSSA), MarAd was granted the authority to create a voluntary certification program for training providers and cruise ship security personnel. In July of 2011, MarAd released the "Model Course CVSSA 11-01 Crime Prevention, Detection, Evidence Preservation and

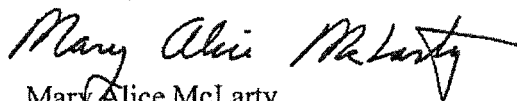
¹ See "Carnival to fly passengers home after another cruise failure," Ed Payne and Josh Levs, March 14, 2013, available at <http://www.cnn.com/2013/03/14/travel/cruise-ship-trouble>.

Reporting,” a model syllabus and training manual.² While AAJ supports the creation of more comprehensive training standards, we write to emphasize that nothing in the CVSSA nor the Model Course CVSSA 11-01 creates anything more than a comprehensive training standard. Thus, the certification program does not provide immunity to the cruise lines for failure to preserve evidence or follow established protocols for evidence collection.

Furthermore, AAJ urges caution in relying on the proposed certification program by MarAd to successfully and skillfully collect evidence. While the training provides guidance regarding “prevention, detection, evidence preservation and reporting of criminal activities in the international maritime environment” and cruise lines who hire personnel based on successful completion of the course make a demonstration of good faith towards ensuring passenger safety, it should be emphasized that cruise ship security personnel are not agents of the government.³ Indeed, the as-proposed eight hour course pales in comparison to the hundreds of hours of training that police officers must complete. Although the security officer aboard a cruise vessel may be the first responder to an incident as well as the first to collect evidence and interview witnesses, the underlying crime or accident itself may be the result of cruise line negligence or a lapse of security oversight.

AAJ appreciates this opportunity to submit comments in response to MarAd’s request for comments regarding its new policy to certify cruise vessel security and safety training providers. If you have any questions or comments, please contact Ivanna Yang, AAJ’s Assistant Regulatory Counsel at (202) 944-2806.

Sincerely,



Mary Alice McLarty
President
American Association for Justice

² See “Model Course CVSSA 11-01, Crime Prevention, Detection, Evidence Preservation and Reporting,” Prepared by The United States Coast Guard, The United States Merchant Marine Academy, and The Federal Bureau of Investigation, *available at* http://www.marad.dot.gov/documents/Model_Course_CVSSA_11-01.pdf.

³ *Id.*