



January 12th, 2022

NOAA Fisheries
Attn: Dennis Hansford
1315 East-West Highway
Silver Spring, MD 20910

Re: Response to proposed NOAA rule 86 FR 66259

Federal Register Vol 86, No 222 Page: 66259-66268

Dear Mr. Hansford,

I applaud the concept of a set of rules, and although I have some reservations about the factual basis, I believe the conclusion is headed in the right direction.

However, there are some regulations and insurance terminology that need to be addressed in the final insurance requirements:

- Maritime Employers Liability (MEL)
 - MEL is the policy covering Jones Act & "GML" seaman's claims – it is redundant and confusing to have those two separated in the chart.
- "LHWCA" and State Workers Compensation
 - All policies, regardless of the carrier, provide "statutory" coverage for the Longshore (LHWCA) and/or State Workers Compensation – the "limit" included is redundant.
 - These policies include a sublimit for Employers Liability, which can be required at \$1 million.
- State Workers Compensation
 - I suggest that the requirement be changed to "all state(s) of operation" to allow for an observer program involving multiple states.
- Commercial General Liability
 - CGL would not typically cover any vessel-based operations, so I would recommend that requirement be blended into the Marine General Liability, and a minimum of \$1million in limit be provided.



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- Limits
 - While I have listed the limits which are most commonly used in the market, some carriers prefer to write in different layers; as long as the total limits available for the MEL, EL, and MGL are the totals shown in the chart (\$3 million), it does not matter how they are broken down in any combination of primary and excess layers.

On that basis, I have rebuilt the table and offer this a standard set of requirements in a way that commercial marine carriers can easily understand and provide a consistent product. These requirements directly address the exposures of Observer Providers.

State Worker's Compensation Coverage (WC)	LHWCA (Longshore)	Employers Liability (EL)	Marine Employer's Liability (MEL) covering Jones Act/GML seamen's claims coverage	Marine General Liability (MGL)	Excess or Umbrella Coverage over MGL, EL and MEL
Must meet requirements within all state(s) of operation: Statutory Limit	Monoline or endorsed to the WC policy. Statutory Limit	As part of the WC coverage \$1 million	\$1 million per occurrence	\$1 million per occurrence	\$2 million minimum
<i>Any combination of primary and excess policies can be provided for the EL, MEL and MGL in order to achieve the total limits required above.</i>					

I can supply any additional documentation needed or answer any questions to explain further.

Kind Regards,

Ian R. Greenway

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