



ON STATION

The Newsletter of the American Pilots' Association

December 15, 2009

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BOARD OF TRUSTEES MEET IN WASHINGTON, DC

The 2009 “off-year” meeting of the Board of Trustees of the American Pilots' Association (APA) was held in Washington on October 21-22. In addition to discussing important national issues of concern and receiving updates on the latest APA activities, the Trustees also heard from several senior U.S. Coast Guard officials.

Captain Mike Watson opened the first day's session with his APA President's Report. He discussed the various challenges pilots have faced and met during the past year, the impact the national recession has had on the entire maritime community, including pilots, and the actions APA has taken to support its membership. Reflecting on a very eventful and busy year since the Hawaii Convention, Captain Watson praised the “inherent strength and resilience of the state pilotage system.”

The President's Report also featured an update on APA's international efforts at the IMO and IALA and recent developments with the ongoing “Pilots-INTERTANKO Discussion Group.” Captain Watson then reported on IMPA activities and provided information on the upcoming IMPA Congress in Brisbane, Australia from November 14-19, 2010.

USCG Rear Admiral Kevin Cook, the Director of Prevention Policy for Marine Safety, Security, and Stewardship next addressed the Trustees. Admiral Cook gave an update on Coast Guard initiatives and priorities, including agency plans to “modernize” its national organization and its ongoing efforts to improve the agency's oft-criticized mariner licensing and medical review program based in West Virginia at the National Maritime Center.



APA President Captain Mike Watson (right) looks on as Rear Admiral Kevin Cook (USCG), Director of Prevention Policy, addresses APA Trustees.

Mr. William Cairns, the Coast Guard's Principal Navigation Systems Engineer, also spoke to the Trustees. Mr. Cairns, who currently serves as the Chairman of the IALA eNavigation Committee and is also a member of U.S. delegations to IMO meetings, gave a very informative overview of IALA's involvement with IMO efforts on eNavigation.

During the course of the two-day meeting each Trustee gave a report on his or her respective state or pilotage district. APA Secretary-Treasurer, Captain Whit Smith (Charleston Pilots), updated the Trustees on the Association budget and other financial matters.

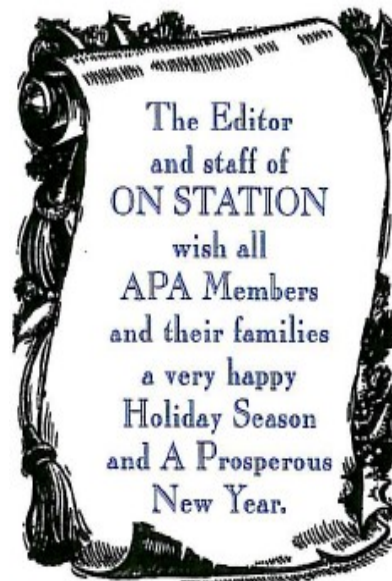
Executive Director-General Counsel, Paul Kirchner, provided a comprehensive overview of APA activities, projects, and plans. Captain Andrew McGovern (New Jersey Sandy Hook Pilots and Chairman of MERPAC), along with Clay Diamond, APA Deputy Director, made a presentation on the latest developments, initiatives, and

“By any standard, the APA office has worked harder, done more, and been more effective this past year than at any other time in its history.”

- Captain Mike Watson
Address to Trustees

concerns regarding mariner licensing and medical review at the National Maritime Center.

APA's NAVTECH Committee, under the leadership of its chairman, Captain Jorge Viso (Tampa Pilots), held a very productive, informative, and well-attended meeting on the afternoon of the first day. See page 4 for pictures from the Trustees meeting and details on the meeting of the NAVTECH Committee.





IMO HOLDS 26TH SESSION OF ASSEMBLY

Captain Mike Watson, serving as head of the IMPA delegation (and also representing the APA), attended key portions of the 26th Session of the International Maritime Organization’s (IMO) Assembly, which was held at IMO Headquarters in London from November 23 through December 2.

The IMO Assembly, which generally holds its meetings every two years, is the IMO’s senior governing body and is responsible for adopting the organization’s strategic work plan and operating budget and, most importantly, for giving final approval to IMO resolutions and amendments to international regulations such as SOLAS, the STCW Convention and Code, and MARPOL. During this session, the Assembly adopted a wide range of technical and other resolutions covering issues ranging from piracy to guidelines for ships operating in polar regions.

Aside from the formal business program conducted at Assembly, this every-other-year meeting also provides senior officials from the 169 member nations and non-governmental organizations (NGOs) an opportunity to socialize at evening receptions hosted by various countries and NGOs. IMPA again provided its headquarters, the HQS Wellington, as the venue for the U.S. reception. The U.S. reception, the only Assembly event to be held aboard a ship, was a rousing success, earning praise from the head of the U.S. delegation, and reflecting very well on IMPA, the APA, and the piloting profession generally.



Captain Mike Watson (center), pictured with USCG Commandant, Admiral Thad Allen (left) and IMO Bravery Award winner, USCG Petty Officer Abram Heller, at the U.S. IMO Assembly reception aboard IMPA’s headquarters ship, the HQS Wellington. Photo by the Commandant’s Military Aide, LCDR Jo’ Cousins.



63rd SESSION OF IMPA EXECUTIVE MEETS

Captain Mike Watson, IMPA President, and Nick Cutmore, IMPA Secretary General, led the meeting of the 63rd Session of IMPA’s Executive on November 21 and 22. In addition to acting on administrative and budgetary matters, Executive members discussed recent international conferences impacting the piloting profession, including IMO’s NAV55, IHO Conference in Monaco, IALA’s VTS and e-Navigation Committees, and a Tanker Safety Conference in London.

In light of the ongoing international problem of criminalization of the mariner, the Executive supported establishing a working group to formulate an IMPA policy and strategy to address this unfair and unjust practice. The Executive also discussed how best to raise public awareness of the dangers pilots face, including the idea of an annual “day of commemoration of pilots lost in service” and a presentation at IMO’s NAV subcommittee.

IALA E-NAVIGATION COMMITTEE CONDUCTS ITS 7TH MEETING



Captain Wayne Bailey (Bay and River Delaware Pilots) represented the APA at the 7th Meeting of IALA’s e-Navigation Committee. The committee met in St. Germain-en-Laye, France from September 21-25. The meeting was attended by 94 IALA members and focused largely on how IALA could contribute to IMO’s ongoing efforts to develop its “strategic vision” and framework for e-navigation. A small number of IALA member countries continue to try to include the oxymoronic concept of “shore-based piloting” into the IALA e-navigation discussion; so it remains vital for APA to continue to stay closely engaged with IALA.

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ON STATION is published by the American Pilots’ Association, a non-profit trade association composed of groups of state-licensed pilots operating in each of the coastal states, as well as groups of U.S. registered pilots in the Great Lakes region. Each pilot in APA-member groups receives ON STATION, the costs of which are paid from the member’s dues. Any comments, suggestions or questions concerning ON STATION should be directed to the attention of the APA office at the above address.



HOUSE PASSES COAST GUARD AUTHORIZATION; SENATE LIKELY TO RUN OUT OF TIME

On October 23, the House of Representatives passed H.R. 3619, the CG Authorization Act. This legislation incorporates many provisions from other maritime bills discussed in past editions of *ON STATION*. While H.R. 3619 contains a number of provisions generally beneficial for pilots and other mariners, it also includes a provision creating a confusing pilotage requirement for Buzzards Bay Massachusetts. The APA has serious concerns over the language of this provision, which may actually weaken existing pilotage standards in the area.

The Senate CG Authorization Act (S.1194), which is unlikely to be voted on by the full Senate before winter recess, contains many of the same beneficial sections as the House bill, but includes a better Buzzards Bay pilotage provision. This provision, included by Senator John Kerry (D-MA) without objection by any Senator, is modeled after already existing federal law for Prince William Sound, Alaska and requires any tug moving a single-hull tank barge carrying 5,000 or more barrels of oil or other hazardous material while transiting Buzzard Bay to be under the direction and control of a Massachusetts-licensed pilot.



APA President, Captain Mike Watson (right), pictured with Rep. Ron Klein (D-FL), at a recent national forum on large yacht operations.



SUPREME COURT REFUSES TO HEAR CHALLENGE TO LOUISIANA PILOT LIABILITY LIMITATION STATUTE

Consistent with the long-standing principal established in the Lighthouse Act of 1789 that states have the preeminent role in the regulation of pilots and pilotage, the U.S. Supreme Court recently refused to hear (e.g., denied *certiorari* for) a case challenging a Louisiana pilot liability limitation statute. That statute provides that a state pilot may only be held liable for damages caused by gross negligence or willful misconduct proved by clear and convincing evidence.

In *McCrorry v. Can Do, Inc.*, Lake Charles Pilots, Inc. was dismissed from a wake damage suit on the basis of the Louisiana statute. The plaintiffs contended on appeal that the state's pilot liability law is preempted by federal maritime law. By denying *certiorari*, the Supreme Court is letting this lower court decision applying the state law stand.



MERPAC MEMBERS GET A FIRSTHAND LOOK AT NMC

After many months of considering complaints about the performance of the coast Guard's National Maritime Center (NMC), members of the Merchant Marine Personnel Advisory Committee (MERPAC) got an up-close look at the NMC on September 22-23. The Committee, chaired by Captain Andrew McGovern (New Jersey Sandy Hook Pilots), held its latest meeting at the Coast Guard's new centralized licensing facility in West Virginia. Captain Stuart Griffin and Captain Troy Selph, both of the Bay and River Delaware Pilots, along with APA Deputy Director, Clay Diamond, also attended the meeting.

Among the agenda items for this meeting were continued discussion of how best to improve communications between the NMC and mariners awaiting decisions or actions on their license application, as well as MERPAC recommendations on the IMO's comprehensive review of the STCW Convention and Code.



From left to right: Ms. Mayte Medina (USCG), Captain Andrew McGovern (NJ Sandy Hook Pilots), and Mr. Jeff Lantz (USCG).



**National
Maritime
Center**

IMPORTANT NMC ANNOUNCEMENTS

- ◆ The long-awaited new "Merchant Mariner Credential Medical Evaluation Report" (719k) has been released. Mariners may use the old form until December 31, 2009, but **use of the new form is mandatory beginning January 1, 2010**. The new form is available at: <http://uscg.mil/nmc/forms/medical/cg719k.pdf>
- ◆ On December 3, the NMC announced a new service that will automatically send an email notification to mariners informing them of the status of their credential application as it is being processed by the NMC. Details are available at: http://www.uscg.mil/nmc/announcements/auto_email_bulletin.pdf
- ◆ Beginning January 4, 2010, the NMC will accept credential applications at its 17 RECs using email. The NMC bulletin providing instructions on how to use this new system can be accessed at: http://www.uscg.mil/nmc/announcements/industry_notice_e_submission.pdf

APA 2009 TRUSTEES MEETING



From left to right: Captain Whit Smith (Charleston), Captain Chris Thornton (Charleston), Captain Greg Farmer (Boston), and Captain Gary Maddox (Tampa).



Mr. William Cairns, the U.S. Coast Guard's principal navigation systems engineer, discusses recent international developments with e-navigation.



From left to right: Captain Charlie Tweedle (Sabine), USCG Rear Admiral Kevin Cook, Captain Mike Morris (Houston), and Captain Jim Roche (Bay and River Delaware).

American Pilots' Association Executive Director - General Counsel, Mr. Paul Kirchner, addresses the Trustees of the American Pilots' Association.



NAVTECH COMMITTEE CONTINUES TO LEAD THE WAY

APA's Navigation Technology Committee (NAVTECH), under the chairmanship of Captain Jorge Viso (Tampa Pilots), met in Washington, DC on October 21.

Among the most important agenda items taken up by NAVTECH was a review of the navigation technology "lessons learned" from the November 2007 COSCO BUSAN allision. Specific matters discussed were automatic settings on radar for sea and rain clutter, ECDIS familiarity and ENC symbology, and VDR carriage requirements. Another important discussion topic was discrepancies detected between Army Corps of Engineers (ACOE) data and NOAA S-57 charts. The discrepancies observed by a number of pilot groups are mainly differences in channel centerlines. The most serious concern over this issue is the potential for mariners to be using two different centerlines for the same channel. NOAA is aware of this issue and is working with the ACOE to improve S-57 chart depictions.

Other issues discussed by NAVTECH included ECDIS training for pilots (especially in light of mandatory ECDIS carriage requirement effective in 2012 and the expected corresponding STCW ECDIS training requirement), Wide Area Augmentation System (WAAS) and its use with PPU's, and the "S-Mode" (or default display) for ECDIS.

PILOTS WELL-REPRESENTED AT E-NAV 2009 CONFERENCE

This year's e-Navigation Conference in Seattle, November 17-18, provided the latest demonstration of the leading role pilots play in the maritime community in advancing improvements in navigational technology. APA NAVTECH Chairman Captain Jorge Viso gave well-received presentation styled as a "report from the field" on AIS capabilities, shortcomings, and recommendations for improvement.

In addition, a large and active contingent of pilots, representing Southeast Alaska, Columbia River, Columbia River Bar, Maryland, NOBRA, Puget Sound, San Francisco, Tampa, Virginia, and other associations, joined nearly 200 other members of the marine industry at the popular annual conference. APA Deputy Director Clay Diamond represented the national association.

This year's keynote speaker was Mr. Mike Sollosi, a senior USCG official and Chair of IMO's Navigation Subcommittee. At the event, a number of national and international experts, from government and private industry, gave presentations on technical, policy, and practical shipboard issues associated with e-Navigation.



NTSB ACCEPTS AND LAUDS APA RESPONSE TO COSCO BUSAN INVESTIGATION

In an October 2009 letter to APA, NTSB Chairman Deborah Hersman thanked APA for its thorough response to the Board's recommendation in its investigation of the COSCO BUSAN incident. As previously reported in *ON STATION*, NTSB had recommended that the APA:

“Inform your members of the circumstances of this accident, remind them that a pilot card is only a supplement to a verbal master/pilot information exchange, and encourage your pilots to include vessel masters and/or the officer in charge of the navigational watch in all discussions regarding vessel navigation in pilotage waters.”

Chairman Hersman wrote that the Board was pleased that APA had widely publicized the results of the NTSB's investigation to members, made the complete investigation report available to members, encouraged member groups to reexamine master-pilot information exchanges, and recommended that pilots review the APA's *Master-Pilot Information Exchange: A Best Practice Summary*. Hersman made clear that APA's actions “fully satisfy” NTSB, and the recommendation is considered “closed.”

The NTSB Chairman ended her letter by thanking the APA for its “prompt response and continued commitment to marine safety.”

NTSB RECOMMENDS COAST GUARD SCREEN FOR SLEEP APNEA

On October 20th, NTSB issued a “Safety Recommendation” to the USCG regarding obstructive sleep apnea (OSA). In the recommendation letter, the NTSB states that it “has investigated a number of accidents and incidents in all modes of passenger transportation involving operators with sleep disorders.” The Board then asserts that OSA is “probably under-diagnosed and under-reported in the mariner population” and concludes that “effective screening for the disorder is warranted.”

Although the USCG's latest medical evaluation form (719k) already includes questions regarding OSA, the NTSB recommends the USCG: (1) include specific questions about the presence of OSA symptoms (e.g., high blood pressure, BMI above 40, snoring, daytime drowsiness); (2) screen mariners at high risk for OSA and require certification that a mariner possessing OSA symptoms does **not** have OSA; and (3) develop guidance to assist mariners in the identification and treatment of OSA.

APA has learned that the USCG's National Maritime Center has already begun asking for OSA evaluations for mariners displaying symptoms associated with OSA. The full text of the “Safety Recommendation” is available at: http://www.nts.gov/Recs/letters/2009/M09_14_16.pdf



USCG CLARIFIES CASUALTY REPORTING REQUIREMENTS FOR PILOTS

On November 30, 2009, in ALCOAST 681/09, the USCG issued official guidance to its local units clarifying the “minimum federal reporting requirements for pilots.” The ALCOAST recognizes that under federal regulations, a pilot engaged in pilotage duties is considered a “person directing the movement of the vessel (“PDMV”) and subject to the reporting requirement regulations for a PDVM in 33 CFR §164.53(b). A pilot operating in a VTS Area is additionally considered a “VTS User” and subject to the reporting requirement regulations for VTS Users under 33 CFR §161.12(d).

As a result, the ALCOAST confirms that the federal casualty reporting requirements for pilots are:

1. **For All Pilots:** Per 33 CFR § 164.53(b), a PDMV must “report or cause to be reported” if “the vessel's radar, radio navigation receivers, gyrocompass, echo depth sounding device, or primary steering gear stops operating properly.” This report should be made to the nearest USCG Captain of the Port, District Commander or, if participating in a VTS, to the VTS center.
2. **For Pilots in VTS Areas:** In addition to meeting the reporting requirements for PDVMs regarding non-operating equipment (above), pilots in VTS areas (“VTS Users”) must, under 33 CFR § 161.12(d), notify the VTS center as soon as practicable of any of the following:
 - ◆ A **marine casualty** as defined in 46 CFR § 4.05-1 (i.e., serious injury or loss of life, collision, allision, grounding, fire, flooding, major vessel damage);
 - ◆ The **ramming** of a fixed or floating object;
 - ◆ A **pollution incident** as defined in 33 CFR §151.15;
 - ◆ A **defect or discrepancy in an aid to navigation**;
 - ◆ A **hazardous condition** as defined in 33 CFR §160.203 (“any condition that may adversely affect (1) the safety of any vessel, bridge, structure, or shore area or (2) the environmental quality of any port, harbor, or navigable waterway of the United States. It may - but need not - involve collision, allision, fire, explosion, grounding, leaking, damage injury or illness of a person aboard, or manning-shortage”);
 - ◆ **Improper operation of vessel navigation equipment** required by 33 CFR Part 164;
 - ◆ **Incident on a ship involving hazardous materials** for which a report is required by 49 CFR §176.48; and
 - ◆ A **hazardous vessel operating condition** (e.g., any condition related to a vessel's ability to safely navigate or maneuver) as defined in 33 CFR §161.2.



APA NEWS & INFO

PILOTS RECOGNIZED BY IMO FOR ACTIONS AT SEA

Three pilots from APA-member groups received Letters of Commendation from the Secretary General of the International Maritime Organization (IMO) for their actions outlined below:

Captain Jason T. Bosley, Associated Branch Pilots (Louisiana), on 19 September 2008, while travelling as a passenger on board a ferry, took over control of the vessel, at night and in heavy weather, when its Captain collapsed (later dying of a heart attack), thereby saving the lives of the sixty passengers and one crew member.

Captain Reed Southerland and Captain Matthew Bailey, Association of Maryland Pilots, on 14 January 2009, rescued four crew members of a fishing boat after the vessel had capsized in rough seas.

NEW JERSEY-NEW YORK SANDY HOOK PILOTS HOST IMO SECRETARY-GENERAL

During the World Maritime Day celebrations held in New York City from October 16-18, Captain Andrew McGovern (New Jersey Sandy Hook Pilots) and Captain Hank Mahlmann (New York Sandy Hook Pilots) hosted IMO Secretary General, Efthimios Mitropoulos, for a New York harbor inspection tour aboard their pilot boat. APA and IMPA President, Captain Mike Watson, also attended the event.

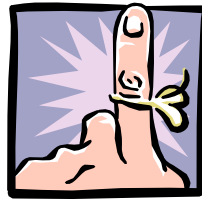


Captain Mike Watson (left) and Captain Tim Ferrie, NJ Sandy Hook Pilots (center), make a presentation to IMO Secretary-General, Admiral Efthimios Mitropoulos (right), at a World Maritime Day event hosted by the NJ-NY Sandy Hook Pilots.

LOWER MISSISSIPPI RIVER AND PORT OF NEW ORLEANS GET NOAA'S "PORTS" SYSTEM

Pilots on the lower Mississippi River and in the Port of New Orleans can now take advantage of NOAA's Physical Oceanographic Real-Time System (PORTS®). Crescent River Port Pilots' Association President, Captain A.J. Gibbs said, "Real-time tidal, weather and air clear-

ance data at the touch of a button is an important resource missing from our current navigation technology." Captain Gibbs added, "The availability of this data to augment the pilots' critical local knowledge of the river will enhance navigational safety." This new system brings the number of PORTS® in operation around the nation to 20.



DON'T FORGET THE APA CONVENTION

Just a reminder that the 2010 American Pilots' Association Biennial Convention will be held in Las Vegas from October 24-29, 2010. The Attorneys' Meeting and Committee Meetings will be held on Monday, October 25. Business meetings begin on Tuesday, October 26, 2010. Check the APA website, www.americanpilots.org, for coming information and details on the convention.

ELECTIONS, SELECTIONS, APPOINTMENTS, ETC.

◆ The Crescent River Port Pilots' Association announced its 2010 Board of Directors. The Board is comprised as follows **Captain Allen J. "A.J." Gibbs** (President/Treasurer); **Captain Scott A. Loga** (Vice President); **Captain Shannon C. Marks** (Secretary); **Captain Walter B. Abney** (Director); and **Captain Wallace P. Falgout** (Director).

◆ The newly elected 2010 officers for the Alaska Marine Pilots are: **Captain Peter Garay** (President); **Captain Carter Whalen** (Vice President); **Captain Dave Arzt** (Secretary-Treasurer); **Captain Clay Christie** (Board Member); **Captain John Schibel** (Board Member); and **Captain Rick Entenmann** (Board Member).

◆ The Florida Harbor Pilots Association have new officers for 2010-2011: **Captain Joseph Brown** (President); **Captain Stephen Gasecki** (1st Vice President); **Captain Stuart Lilly** (2nd Vice President); **Captain Robert Maguire** (Secretary); and **Captain Sam Stephenson** (Treasurer).

DON'T FORGET THE APA PAC FUND

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