Along with the various other changes being considered for the federal government’s licensing, credentialing, and regulation of mariners, the plan to replace licenses and MMDs with a consolidated document called a “Merchant Mariner Credential” is proceeding. The latest development in this plan is the publication in the January 25 Federal Register of a Supplemental Notice of Proposed Rulemaking (SNPRM) for the MMC. The notice states that its purpose is to address comments received on the Notice of Proposed Rulemaking (NPRM) issued last May, revise the proposed rule based on those comments, and provide an additional opportunity for input. Comments on the SNPRM are due by April 25.

According to the SNPRM, the revised proposed rule is intended to work in tandem with the final rule published on the same day for the Transportation Workers Identification Card (TWIC) program. [Developments in the TWIC program are discussed on page 3 of this newsletter.] For example, the switch to MMCs would be phased in over a 5-year period beginning with the roll-out of the TWIC program. That linkage is a function of the proposed rule that an MMC will not be issued to any mariner who does not already have a TWIC. In addition, because the TWIC program will require the mariner to be fingerprinted when applying for the card at a TSA TWIC enrollment center, the proposed rule would eliminate the requirement that a mariner appear at an REC for an MMC, unless an examination is required. Renewals, for example, could be done by mail. A mariner’s biometric and biographical information from the TWIC enrollment, as well as the results of the TSA background check, would be shared with the Coast Guard for its use in issuing MMCs.

Although the supplemental proposed rules contain a number of changes from the earlier proposed rules, the basic features of the plan remain the same. Mariners would hold a single document, the MMC, which would take the place of current MMDs, STCW Certificates, and licenses. The MMC would contain officer or rating “endorsements,” rather than licenses, describing the qualifications of the holder and the capacities in which the holder may serve on a vessel. Sample copies of MMCs have been made available by the Coast Guard and were sent to APA member groups by the APA office. There are four different proposed versions of the MMC: MMC-STCW (for those mariners, including pilots, eligible for an STCW certificate), MMC Domestic (for those, including pilots, not eligible for an STCW certificate), MMC Continuity, and MMC Passport (intended for STCW-eligible mariners in international trades desiring an MMC in a passport format).

An explanation, or even a summary, of all the details of the proposed MMC program is beyond the scope of this article. The APA office has been sending out information on the program to its member groups as it becomes available. In addition, the program has been discussed at every recent APA national, regional, and state meeting. The APA will file comments on the SNPRM.

In its comments filed last June on the NPRM, the APA noted a number of unclear and inconsistent items in the text of the proposed rules relating to pilots. Many of those items remain in the supplemental proposed rules. There is work still to be done in that area. In addition, and more importantly, the APA wants to ensure that this new credentialing system would not result in any decrease in the necessary qualifications and standards to hold a pilot “license” — whatever form the document might be take. There must also be no expansion of authority for those who do not have those qualifications or meet those standards to perform piloting services. In those respects, the APA has stressed the Coast Guard assurance in the preamble to the NPRM, which also applies to the SNPRM, that there will be no changes to the “qualifications, experience, examinations, classes, and other requirements to serve as a mariner.”

The APA will continue to keep its member groups informed as the MMC project proceeds.
IMO BEGINS REVIEW OF STCW

The biggest item on the agenda of the meeting of IMO’s Subcommittee on Standards of Training and Watchkeeping from January 22-26 was the beginning of the comprehensive review of STCW directed by the organization. The subcommittee was charged with developing a list of issues to be considered for possible additions and amendments to either the STCW Code or the Convention. Under the two-step procedure developed by the MSC, the subcommittee would submit the list to the MSC for its approval before proceeding with substantive consideration of the items on the list.

The subcommittee began its work by adopting a set of principles for determining the subjects to be reviewed. The principles eventually adopted incorporated a proposal by the US delegation designed to ensure that the review is targeted to those areas where changes are needed or noncontroversial and not be an opportunity for a general reopening of the entire STCW. The US proposal was that the review should consider only items meeting one or more of six categories: existing inconsistencies within the STCW, items that have been the subject of differing interpretations, outdated provisions, items specifically directed by the MSC for consideration, clarifications that have been issued in other IMO documents but could be incorporated into the STCW, and advances in navigation technology. The proposal was adopted, but several additional principles were also agreed, some of which undercut the intended limiting effect of the US parameters, and others of which seem contradictory. As an example of the latter, the subcommittee agreed that no changes should be considered that would “downscale existing standards” yet also agreed to consider changes to provide “flexibility” in terms of compliance or required levels of training or to accommodate “the special character and circumstances of short sea shipping and the offshore industry.”

The subcommittee then agreed on a list of over 28 issues or STCW provisions that should be considered for amendments. Among the listed items were proposals for mandatory training in such things as: bridge resource management; engine room resource management; ECDIS; “recent changes in equipment, technology and terminology including familiarization training to understand the limitations of automatic systems”; environmental awareness; LNG; sanitation and hygiene; maritime legislation; and fatigue management. Other items on the list of to-be-considered topics included mandatory alcohol limits during shipboard duties (with the idea of preempting port state regulations) and international medical standards of fitness for all seafarers.

While there was much agreement with the general principle promoted by the US that the review and eventual changes to STCW should be limited, it is clear that it will be difficult to control the scope of the review and fairly easy to get any idea for new training or standards at least considered during the process. The comprehensive review will continue to present rich opportunities for mischief.

In another agenda item of interest, the subcommittee considered proposals relating to the review of the principles for the safe manning of ships and established a correspondence group to review resolution A.890(12) “Principles of Safe Manning” to identify possible needs for revision and prepare a report for the next STW meeting in January 2008.

Captain Mike Watson participated in the meeting representing IMPA. Paul Kirchner was a member of the US delegation.

WATSON CHAIRS FIRST IMPA LEADERSHIP MEETING

The members of IMPA’s Executive Committee (the president and vice presidents) and the IMPA Advisory Committee met aboard the organization’s headquarters, the HQS WELLINGTON, in London on January 27-28. The IMPA leadership typically schedules meetings following the IMO’s STW session in January and the NAV Subcommittee session in July in order to consolidate trips by many of the members for both IMO and IMPA purposes.

This particular two-day meeting was the first held with Captain Mike Watson, the new IMPA president, in the chair. The meeting addressed the usual reports and business matters but also considered organizational matters, particularly the formation of new committees and the appointment of committee members from the slate of returning and new vice presidents. The Watson era is officially underway.
TWIC SET TO BEGIN

A final Rule implementing part of the Transportation Worker Identification Card program was published by the TSA and the Coast Guard in a lengthy Federal Register notice on January 25. The final rule became effective on March 26. It sets out the requirements and the enrollment process for those, including all APA member pilots, who will need to obtain a TWIC card. The other part of the TWIC program, the requirements for facilities and vessels to install card readers, was previously separated from the card rulemaking and will be addressed later.

The Coast Guard is also working on a Navigation and Inspection Circular intended to provide information on the TWIC card program in a little more user-friendly format. A draft of the NAVIC was published on January 10. According to the draft, the Coast Guard intends to issue a notice and comment rulemaking in the future addressing the application of the TWIC requirements to “all vessel pilots,” as that term is used in the Maritime Transportation Security Act’s list of individuals required to hold a TWIC. The scope, perceived need, purpose, and expected timing of a TWIC/vessel pilot rulemaking are not clear. As the NAVIC states, those pilots who have Coast Guard credentials (all APA member pilots) are incorporated into the TWIC requirements on the basis of their Coast Guard credentials. The following information about the roll-out of the TWIC card program and its application to APA members, therefore, is based on the information applicable to all credentialed mariners in the Final Rule, the draft NAVIC, and other public statements by DHS, TSA, and USCG officials.

The roll-out of the card issuance program will begin with an initial 10 “priority” or “high risk” ports. For each of these ports, a notice in the Federal Register will announce the start of an enrollment period, the locations of the TSA enrollment centers within the port area, and other relevant information about the process for obtaining a card. Although the TSA had indicated that the enrollment period for at least some of the initial ports would begin this Spring, it now appears that in many of those ports the start of the enrollment has been postponed and may not meet the July 1, 2007 deadline for the first 10 ports set by Congress in the Safe Port Act of 2006.

Once the commencement of the enrollment period in a port is announced, pilots and other workers in the port will be able to obtain their TWICs. In fact, any pilot or other credentialed mariner may apply for a TWIC at any available enrollment center, even one outside of the individual’s port area. All US-Flag vessels subject to the TWIC requirements must have TWIC-based access control measures by September 25, 2008. The date by which facilities in a port must begin requiring TWICs as part of their access control measures (the “compliance date”) will be announced for each port in either the notice of the enrollment period for that port or in a subsequent notice, either of which must be at least 90 days prior to the compliance date. All Coast Guard credentialed mariners, including APA-member pilots, however, will not need to hold a TWIC until September 25, 2008. If any facility or vessel has begun requiring a TWIC as part of its access control measures before that date, a mariner may nevertheless rely upon his or her Coast Guard issued credential and a photo ID to gain unescorted access to secure areas of the facility or vessel.

The application process for a TWIC will require two visits to an enrollment center. The first will be for fingerprinting and filing certain documents and forms. After a security threat assessment is performed, including a criminal background check, the applicant will be notified that a TWIC has been issued. The applicant will then have to return to the center to pick up and activate the card. According to the Final Rule, the TWIC fee for a mariner already holding a USCG license and/or MMD will be $105. The Coast Guard has estimated that the time from enrollment to card availability should be less than 30 days. If the security threat assessment/criminal background check does not reveal any questionable activity, the process is expected to take less than 10 days. Time spent at the enrollment center for the initial application tasks could be reduced by taking advantage of certain pre-enrollment procedures to be available at www.tsa.gov/twic.

In its comments on the proposed TWIC program last summer, the APA stated that an appropriate and well thought-out program for a national transportation security card could be of substantial benefit to US pilots. A TWIC by itself will not guarantee access to a facility or a vessel. Both are permitted to impose their own additional access control measures. Nevertheless, the TWIC should provide pilots with a recognized and specifically approved form of identification and a standard procedure for checking that identification by facilities and US-Flag ships subject to the program. Even for boarding a foreign-flag ship, which is exempt from the program, the pilot should gain from presenting a national standard form of identification with which the ship should ideally become familiar.

Despite this support for the concept of a national identification card, the APA has expressed many of the concerns raised by other maritime groups and interests about such things as the inconvenience and burdens on the individuals requiring a TWIC card, the potential for delays and foul-ups in the enrollment process, and the considerable technology questions regarding the cards and the readers that remain even at this late date in the program’s development. These concerns still exist. The TWIC program is a fast approaching fact of life, however, and pilots should be prepared for it. Meanwhile, the APA will continue to represent the interests of its members and work with the Coast Guard and the TSA to ensure that pilots are treated fairly and that the program works as smoothly as possible.
LINE-UP CHANGES IN CONGRESS

SENATE COMMITTEE ON COMMERCE, SCIENCE & TRANSPORTATION
Daniel K. Inouye (D-HI), chairman
Ted Stevens (R-AK), co-chairman

Subcommittee on Oceans, Atmosphere, and Coast Guard

Democrats
Maria Cantwell (WA), chair
John F. Kerry (MA)
Barbara Boxer (CA)
Bill Nelson (FL)
Frank R. Lautenberg (NJ)
Thomas Carper (DE)
Amy Klobuchar (MN)

Republicans
Olympia Snowe (ME), ranking member
Trent Lott (MS)
Gordon H. Smith (OR)
John E. Sununu (NH)
Jim DeMint (SC)
David Vitter (LA)

Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security

Democrats
Frank R. Lautenberg (NJ), chair
John D. Rockefeller (WV)
John F. Kerry (MA)
Byron L. Dorgan (ND)
Maria Cantwell (WA)
Mark Pryor (AR)
Thomas Carper (DE)
Claire McCaskill (MO)
Amy Klobuchar (MN)

Republicans
Gordon H. Smith (OR), ranking member
John McCain (AR)
Trent Lott (MS)
Kay Bailey Hutchison (TX)
Olympia Snowe (ME)
Jim DeMint (SC)
David Vitter (LA)
John Thune (SD)

HOUSE COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE
James J. Oberstar (MN), chairman
John L. Mica (FL), ranking Republican member

Subcommittee on Coast Guard and Maritime Transportation

Democrats
Elijah E. Cummings (MD), chairman
Rick Larsen (WA)
Gene Taylor (MS)
Corrine Brown (FL)
Juanita Millender-McDonald (CA)
Brian Higgins (NY)
Timothy H. Bishop (NY)
James L. Oberstar (MN), ex officio

Republicans
Steve LaTourette (OH), ranking member
Don Young (AK)
Howard Coble (NC)
Wayne T. Gilchrest (MD)
Frank LoBiondo (NY)
Ted Poe (TX)
John L. Mica (FL)

Subcommittee on Water Resources and Environment

Democrats
Eddie Bernice Johnson (TX), chairwoman
Gene Taylor (MS)
Brian Baird (OR)
Doris O. Matsui (CA)
Jerry E. Costello (IL)
Timothy H. Bishop (NY)
Russ Carnahan (MO)
John T. Salazar (CO)
Mazie K. Hirono (HI)
Heath Shuler (NC)
Harry E. Mitchell (AR)

Republicans
Richard H. Baer (LA), ranking member
John J. Durnas, Jr. (TN)
Wayne T. Gilchrest (MD)
Vernon J. Ehlers (MI)
Gary G. Miller (CA)
Robin Hayes (NC)
Henry E. Brown, Jr. (SC)
Todd Russell Platt (PA)
Bill Shuster (PA)
John Boozman (AK)
John J. Hall (NY)
Steve Kagen (WI)
Jerry McNerney (CA)
Eleanor Holmes Norton (DC)
Bob Filner (CA)
Ellen R. Tauscher (CA)
Michael E. Capuano (MA)
Grace Napolitano (CA)
Michael A. Arcuri (NY)
James L. Oberstar (MN), ex officio

MARINER CREDENTIALS BILL INTRODUCED

HR 1605, the "Merchant Marine Credentials Improvement Act of 2007," was introduced on March 20 by Rep. Steven LaTourette (R-OH), ranking Republican member on the House Transportation and Infrastructure Committee's Subcommittee on Coast Guard and Maritime Transportation. Reps. Don Young (R-AK) and Frank LoBiondo (R-NJ) are co-sponsors.

The bill is intended to improve and expedite the Coast Guard's mariner credentialing process and includes several provisions suggested by maritime organizations, including the APA. It is similar to legislation developed towards the end of the last Congress by the then-majority staff of the Subcommittee. All or some of the bill's provisions will probably be incorporated in the Coast Guard Authorization bill to be developed by the Subcommittee in the next few weeks.

CONGRESSIONAL STUDY: AIRCRAFT PILOTS LIE ABOUT THEIR HEALTH

A study released on March 27 by the House Committee on Transportation and Infrastructure states that a significant number of pilots hold Airman's Certificates despite having medical conditions that could disqualify them. Committee Chairman James J. Oberstar (D-MN) announced that the report shows that pilots are "routinely" withholding information about medical conditions in order to retain their licenses.

According to the report, in July 2005 the Department of Transportation's Inspector General found "egregious cases" of pilots lying about debilitating medical conditions on their applications for Airman Medical Certificates. In some cases, aircraft pilots were found to be receiving Social Security medical disability benefits while holding the medical certificates. The US Attorney's Office ultimately prosecuted over 40 such cases, but the report asserts that "hundreds" of cases could have been pursued if additional resources were available.

Chairman Oberstar plans to hold a hearing on the issue later this spring. Copies of the report, "FAA Oversight of Falsifications on Airman Medical Certificate Applications," can be obtained from the FAA office or from the Committee's website: http://transportation.house.gov/News.
USCG CASUALTY INVESTIGATION PROGRAM INVESTIGATED

The Department of Homeland Security’s Inspector General’s office is conducting a study of the Coast Guard’s marine casualty investigation program. The study was requested by the Senate Committee on Commerce, Science and Transportation and the House Committee on Transportation and Infrastructure. In a joint letter last December, the Committees asked that the IG’s office report back with its findings and recommendations not later than June 30, 2007.

The Committees suggested that the study should address the following specific subjects:

- the adequacy of resources devoted to marine casualty investigations;
- training and experience of marine casualty investigators;
- investigation standards and methods, including a comparison of the formal and informal investigation process;
- use of best investigation practices considering transportation investigation practices used by other Federal agencies and foreign governments;
- usefulness of the marine casualty data base for marine casualty prevention programs;
- the extent to which marine casualty data and information have been used to improve the survivability and habitability of vessels involved in marine casualties;
- any changes to current statutes that would clarify Coast Guard responsibilities for marine casualty investigations and reports; and
- the extent to which the Coast Guard has reduced the frequency of formal investigations, or changed the types of incidents for which it has carried out a formal investigation process, in the last five years.

APA SUPPORTS E-LORAN

In comments filed with the Coast Guard on February 7, the APA recommended that the federal government develop a fully deployed Enhanced LORAN (eLORAN) system. The comments were submitted in response to a USCG request for views on the future of the North American LORAN-C Radionavigation System.

A terrestrial eLORAN system, using advanced LORAN technology and new designs for LORAN station transmitters, can provide position, navigation, and timing data (PNT) approaching the accuracy of modern satellite-based DGPS. Therefore, it could provide a valuable back-up or alternative source of PNT, not only for the maritime industry but for the many other critical industries that need PNT as well. As the APA comments stated, “The development of DGPS and the growing reliance on it in the practice of vessel navigation has had real benefits for the safety, envi-

ronmental protection, and efficiency of ocean shipping. It has also, however, introduced vulnerability in those areas. A number of studies have documented the relative ease with which DGPS and other forms of satellite systems can be blocked, jammed, interfered or corrupted—eith-er intentionally or unintentionally.” [See the article below.]

Although there are apparently some sources within the Coast Guard and in Congress who feel that eliminating the present LORAN-C system is an attractive cost-cutting opportunity, the APA and others contend that expanding and accelerating the USCG’s current program of upgrading LORAN stations to full eLORAN status would be a relatively cheap and cost-effective way to provide a reliable back-up complement to GPS/DGPS.

SOLAR FLARES IMPACT GPS

Researchers at Cornell University have confirmed that large solar eruptions can have a serious effect on the Global Positioning System and other communication technologies that use radio waves. The findings have been publicized by NOAA.

Last December 6, an unexpectedly powerful solar flare created intense solar radio bursts that caused large numbers of receivers to stop tracking GPS signals. Specially designed monitors at Cornell measured the effects, which were found to be more profound than earlier research would have considered likely. According to the Cornell Global Positioning Laboratory website, there were “widespread reports of GPS and DGPS problems concurrent with the solar radio bursts.”

NOAA’s press release explains the science of the effect of solar flares on GPS signals: “Solar radio bursts begin with a solar flare that injects high-energy electrons into the solar upper atmosphere. Radio waves are produced which then propagate to the Earth and cover a broad frequency range. The radio waves act as noise over those frequencies including those used by GPS and other navigational systems, which can degrade a signal.”

Although the December 6 flare occurred during a solar minimum, it produced more than 10 times more radio noise than the previous record. As a result, experts say that they are now concerned that more severe disruptions to GPS signals may occur during the next solar maximum, predicted for sometime in 2011 or 2012. A “solar maximum” is a period of heightened activity, including more frequent and powerful flares, followed by a period of relative quiet called the “solar minimum.” Solar maximums occur approximately every 11 years, with the last one having been in mid-2000.
MOBILE PILOTS WIN CHILI AWARD

A team representing the Mobile Bar Pilots earned high honors at the American Cancer Society’s 18th annual Chili Cook-Off in Bienville Square in downtown Mobile on March 3. Organizers estimate that 14,000 people attended the contest, featuring over 100 teams competing in four categories. Mobile Pilots Chandler Harris and Chris Brock won second place in the prestigious “All Meat” category. Harris and Brock aren’t satisfied with that admirable showing, however. The determined pair have vowed that next year’s entry will “knock the socks off” the judges.

VPs JOIN WEST COAST PILOTS

The winter version of the Biannual APA Officers meeting was held in conjunction with this year’s West Coast Pilots meeting in Honolulu from March 12 – 13. Having the APA regional VPs at the meeting allowed the VPs to hear firsthand about recent developments on the West Coast and to share information from their respective regions with the locals. The joint meeting also had the benefit of allowing Captain Mike Watson and Paul Kirchner to give their reports on international and national news and about APA activities once rather than twice. Following the West Coast meeting, the APA Officers met separately on March 14.

Some photos from the meeting:

READY FOR 2008 CONVENTION?

Planning is well underway for the 2008 APA Convention to be held at the Grand Hyatt Kauai Resort and Spa, Koloa, Kauai, Hawaii. Activities will begin with registration and the golf tournament on Sunday, October 19, followed by the Attorneys’ Meeting and committee meetings on Monday, the business sessions beginning Tuesday, and the concluding gala dinner dance on Friday, October 24.


ELECTIONS, SELECTIONS, ETC.

- Captain Steve Baker has been elected president of the Hawaii Pilots for 2007. Other new officers of the association are Captain Ed Enos, vice president, Captain Barry Solywoda, Secretary, and Captain Tom Heberle, Treasurer.

- The United New Jersey Sandy Hook Pilots announce their officers for 2007: Executive Committee: Captain R. J. Schoenlank, president; Captain E.F. Sweeney, vice president; and Captain J.C. Oldmixon, secretary; Investigating and Finance Committee: Captain R.V. Keenan, chairman; and Captains J. Britton, J.E. Graham, and W.A. Speiser, members.

- The United New York Sandy Hook Pilots announce their officers for 2007: Executive Committee: Captain D.M. Wheeler, president; H.W. Mahlmann, vice president; and Captain R.T. Miller, secretary; Investigating and Finance Committee: Captain D.M. Fendt, chairman; and Captains J.D. DeCruz, C.J. Newman, and K.J. Uhrig, members.