NEW FACE AT THE APA

Clayton L. Diamond is the new Deputy Director of the American Pilots' Association. He started work in that position on June 9.

Clay retired from the US Coast Guard as a Commander on June 6. A 1989 graduate of the Coast Guard Academy with a B.S. in Management, he received a law degree from Case Western Reserve University in 2000 and is a member of the Ohio Bar. He also received an M.S. in Management from Rensselaer Polytechnic Institute and was a Fellow at the Center for International Studies at Massachusetts Institute of Technology.

During his career with the Coast Guard, Clay served in a number of operational, staff, and legal positions, including service as a commanding officer on Coast Guard vessels. His most recent assignment was as Legislative Counsel in the Congressional Affairs Office. Prior to that, he was a Coast Guard Liaison Officer to the U.S. Department of State. In that position, he was the primary legal advisor to U.S. delegations and a U.S. delegate to the International Maritime Organization. He was also an Assistant Professor of Nautical Science at the Coast Guard Academy from 1992-1995.

In his new position with the APA, Clay will focus on federal legislative and regulatory matters and will participate in the APA's work on navigation technology and practices. Beyond that, he will take part in all APA activities and assist APA President Captain Michael Watson and Executive Director-General Counsel Paul Kirchner. He is already looking forward to talking to APA member pilots and to meet the attendees at the Biennial Convention in Hawaii in October.

In announcing Clay's appointment, APA President Captain Michael R. Watson stated, "We feel very fortunate to be able to add Clay to our team at the APA. He brings with him a varied background of achievement in legal affairs, policy development and advocacy, and vessel navigation. This background is ideally, and perhaps uniquely, suited to his role here with the APA. We enjoyed working with him over the last few years in his Coast Guard positions at the IMO and on Capitol Hill and have great respect for his abilities and character."

The APA office and membership welcomes Clay.

The APA's Biennial Convention in 2010 will be held in Las Vegas, Nevada. APA president Captain Mike Watson, with the support of the association's vice presidents, has accepted the joint proposal of the member groups in the Gulf States Region to host the convention in the popular resort town. Negotiations are currently underway with several hotels, and the date of the convention will be in the latter half of October, 2010. Additional information will be provided as soon as it becomes available.

APA members considering attending the 2010 Convention should keep in mind that what will happen at the Convention in Vegas will stay in Vegas.
MSC 84 REPORT

The IMO's Maritime Safety Committee (MSC) took a number of important actions when it met in London for its 84th session from May 7 to 16. APA President Captain Mike Watson attended the session as head of the IMPA delegation. Some highlights of MSC 84 actions are provided below.

The committee adopted a new Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident. The Code will require Flag States to ensure a marine safety investigation is conducted for every "very serious marine casualty," defined as a marine casualty involving the total loss of the ship, a death, or severe damage to the environment. The Code also requires that the Flag State and the Coastal State in whose waters the marine casualty occurred cooperate and seek agreement as to which State or States will actually conduct the casualty investigation. Of particular note, the Code mandates that the State(s) investigating the marine casualty shall inform the seafarer (including pilots) of the nature/basis of the investigation and of fundamental legal protections (such as right against self-incrimination and right to remain silent, if applicable). The Code also directs that investigating States must allow seafarers access to legal counsel.

A number of amendments to the International Convention of the Safety of Life at Sea (SOLAS) were also approved, including a new SOLAS regulation II-1/3-9 (Means of embarkation on and disembarkation from ships). This new regulation establishes guidelines for ships built after the regulation enters into force (expected to be January 1, 2010) for the construction, maintenance, and inspection of accommodation ladders and gangways. Although not directly related to the ongoing efforts to revise the IMO standards for pilot ladders and pilot transfer arrangements, the new regulation on accommodation ladders may improve that aspect of pilot transfers in the future.

The MSC noted the progress of work relating to the comprehensive review of the STCW Convention and the STCW Code by the Sub-Committee on Standards of Training and Watchkeeping (STW) and agreed to ask the IMO Council to endorse, in principle, the holding of a Diplomatic Conference in 2010 to adopt amendments emanating from the review. This project has been reported in previous editions of ON STATION.

The next important IMO meeting will be the 54th Session of the MSC's Subcommittee on Safety of Navigation (NAV). The meeting will be held in London from June 30th to July 4th. APA Executive Director Paul Kirchner will be representing the APA as part of the US delegation. Captain Watson will participate as IMPA delegation head.

WATSON ADDRESSES
CANADIAN PILOTS

Captain Mike Watson was a featured speaker at the Second Congress of the Canadian Marine Pilots' Association held in Vancouver, British Columbia from April 21 to 25. Appearing in his dual capacity as president of both the APA and IMPA, Captain Watson spoke during a session on "Pilotage Around the World." The major focus of his address was devoted to developments in the COSCO BUSAN matter. He identified a number of the issues raised by the incident and the political, legal, and professional responses to it and offered some predictions about how those responses may affect piloting not only in the US but possibly also in other parts of the world.
CONGRESSIONAL UPDATE

As Washington, DC sizzles in an unusual June heat wave, a bit of a partisan divide over which Federal agency should have primacy in conducting marine casualty investigations is beginning to simmer. In addition, two important pieces of legislation continue to cook on Capitol Hill.

Casualty Investigations

The House Subcommittee on Coast Guard and Maritime Transportation held a hearing on May 20th to examine the respective roles of the National Transportation Safety Board and the Coast Guard in conducting marine casualty investigations. Led by full committee chairman Rep. James Oberstar (D-MN) and subcommittee chairman Rep. Elijah Cummings (D-MD), the majority members mostly spoke in favor of an NTSB legislative proposal that would give the NTSB the power to decide when to take the lead in any marine casualty investigation conducted jointly by the two entities. Currently, such joint investigations are handled pursuant to a memorandum of agreement under which the NTSB and Coast Guard negotiate who will take the lead, which also determines whose rules will be used. The NTSB representative at the hearing described its proposal as giving the NTSB a “tie-breaker” vote on those questions. This prompted considerable debate among subcommittee members.

Mr. Oberstar stated, “I think the time has arrived when we ought to raise [the] question and review the issue” as to whether all significant maritime casualty investigations should be brought under NTSB – as have investigations for all other modes of transportation. The minority was not supportive of the NTSB plan, however. Rep. Frank LoBiondo (R-NJ) expressed serious concern about changing the rules to give the NTSB the sole right to decide whether to take the lead in marine casualty investigations, saying that it “could have the effect of muddying the waters” between the agencies. Rep. Steven LaTourette (R-OH), ranking minority member on the subcommittee, was more blunt, calling the NTSB’s proposal a “power grab.” We will continue to watch this discussion as it unfolds on the Hill.

USCG Authorization Act

The Coast Guard Authorization Act for Fiscal Year 2008 remains unresolved. While the House passed its version of the Act (H.R. 2830) on April 24th, the Senate version (S.1892) continues to await action by the full Senate. A major difference between the two bills are provisions in the House bill that would require substantial overhauls of the Coast Guard’s marine safety inspection and investigation programs and transfer of its Administrative Law Judge Program to the NTSB. No similar provisions are included in the Senate version.

Both versions of the bill have provisions of interest to pilots. For example, the House and Senate versions of the Act each contain a provision mandating that facility security plans ensure that seamen assigned to a vessel, pilots, and labor representatives can board or depart a vessel through the facility promptly and without cost to the individual.

The House version contains a provision dictating that in any area of Buzzards Bay, MA where a single-hull tanker or tank vessel carrying 5,000 or more gallons of oil is required to take a pilot, the pilot may not be a member of the crew and must either be a Massachusetts-licensed pilot or a federally-licensed pilot who has made a minimum number of round trips through Buzzards Bay. This provision could actually weaken existing pilotage requirements by allowing so-called “serving as” pilots, who do not hold first class federal pilot licenses, to provide piloting services. The Senate bill, on the other hand, has a “clean” version of the Buzzards Bay provision requiring a Massachusetts pilot, without the option of a federal “pilot.”

The House’s version of the Coast Guard bill also includes a section that authorizes the Coast Guard to issue location-specific regulations requiring federally licensed pilots to carry a portable electronic device (PED) for navigation. This is the successor to legislation originally introduced by Rep. Ellen Tauscher (D-CA) and reported in previous editions of ON STATION. The provision mandates that the Coast Guard consult with State or local piloting authorities to determine if the use of PEDs would improve local navigational safety and, if a carriage requirement is necessary, what type of training should be required. The Senate bill does not have a similar provision.

Given that the Congress intends to adjourn on September 26th and that it will be in recess for most of the month of August, it is an open question as to whether there will be enough time for the Senate to pass its Coast Guard Authorization Act and for the House and Senate to “conference” the two bills and get an agreed version to the President for his signature before the Congress adjourns.

Oil Spill Legislation

Introduced by Senator Frank Lautenberg (D-NJ) and reported out of the Senate Commerce Committee on May 15th, S.2699 includes a number of provisions of potential importance to pilotage. First, the bill amends the Ports and Waterways Safety Act of 1972 to expressly provide that the Coast Guard (generally acting through the Captain of the Port) can provide direction to vessels to change heading and speed. This statutory language merely restates what the present federal regulations provide, however, and does not represent a meaningful expansion of Coast Guard COTP authority. Second, the bill includes a provision requiring “basic navigation training” for VTS watchstanders in order to better “monitor and assess vessel movements,” enable the “exchange of information regarding vessel movements with vessel and shore-side personnel,” and “provide advisories to vessel masters.” Finally, S.2699 would require NTSB to share casualty investigation information with State investigators.
MERPAC RECOMMENDS OVERHAUL OF PROPOSED USCG MEDICAL REVIEW PROGRAM DOCUMENTS

At a regularly scheduled meeting April 9-10, the Merchant Personnel Advisory Committee (MERPAC) issued a report on the Coast Guard's proposed new Navigation and Vessel Inspection Circular (NAVIC) explaining its procedures for reviewing mariners' medical and physical conditions. The report includes 16 recommendations for substantial changes to the NAVIC as well as to other aspects of the program, such as the CG-719K Medical Evaluation Form. Many of the recommendations explain changes incorporated in MERPAC-suggested versions of the NAVIC and the 719K form.

The revision of the NAVIC and the 719K form has been under development for several years, and MERPAC has had a workgroup advising the Coast Guard on the effort for most of that period. With increased attention being paid to the adequacy of its medical review program as a result of allegations concerning the medical fitness of and medications being taken by the pilot on the COSCO BUSAN, the Coast Guard is under pressure to push forward the revised NAVIC as well as other changes or enhancements to the program. As a result, the pace of the project has quickened.

As of the date of this ON STATION, the Coast Guard has not formally responded to the MERPAC recommendations. The Coast Guard has reportedly submitted a version of the proposed NAVIC including a revised 719K form to the Department of Homeland Security, and possibly the Office of Management and Budget, for final approval. It is unclear whether the documents forwarded up the clearance chain by the Coast Guard reflect any of the MERPAC recommendations.

At the April meeting, MERPAC paid particular attention to the 719K form. The latest version of the revised form available at the time of the meeting would add a substantial number of new questions (for a total of 89) regarding potentially disqualifying medical conditions that must be answered by the medical examiner and certified by the mariner as true. The revised version would not clear up the ambiguities in the present form, however, such as the period of time for which medical conditions and medications must be disclosed. As the criminal charges brought by the federal government against the pilot on the COSCO BUSAN incident indicate, the questions on the form may be subject to differing interpretations, particularly when a mariner’s records are reviewed after an accident. The concern voiced by MERPAC and many other observers of the issue is that this subjects mariners to the risk that a good faith answer on the 719K form, including one that may seem responsive to the clear language of the question, may be seized upon by overzealous prosecutors in politically driven legal proceedings after an accident.

MERPAC’s recommendations and its suggested changes to the proposed NAVIC and the 719K form may be viewed in the minutes of the April meeting published on the Coast Guard’s Homeport website. The link to the site containing the minutes is too long to be reprinted in this article, but intrepid web navigators can start at http://homeport.uscg.mil and then select tabs for Ports and Waterways > Safety Advisory Committees > MERPAC > Meetings/Minutes > Meeting 29.

TWIC DEADLINE EXTENDED

Despite a number of well-publicized hiccups in the implementation of the Department of Homeland Security's TWIC program, the program continues to move forward—albeit behind schedule and at bare steerageway. In an interesting bit of irony, the initial compliance date for obtaining a TWIC (originally set as September 25, 2008) has been delayed seven months and is now aligned with the July 1 deadline for Federal taxes are due—April 15, 2009. This extension is not surprising given that as of mid-June only 23% of the 1.5 million transportation workers expected to need a TWIC are enrolled and less than 10% of these workers actually have a TWIC in hand. Because the average time from TWIC enrollment to card issuance is still running substantially more than a month and reports of considerable problems at a number of enrollment sites continue to surface, all APA members who have not yet done so are strongly encouraged to apply for their TWIC right away.

Information on the TWIC program continues to be available at http://homeport.uscg.mil and http://twicinformation.tsa.dhs.gov/twicinfo/index.jsp. In addition, the Transportation Security Administration (TSA), in yet another attempt to improve customer service, recently announced the availability of a new email interface to the TWIC Help Desk. This new feature is designed to allow mariners to ask their questions about the TWIC program and receive responses from TSA—all via email. In announcing the new email interface, TSA stated, “Additional improvements continue to be made this week, which we expect will result in reduced wait times and increased access to information.” Time will tell. It is important to note that the addition of the email interface to the TWIC Program Help Desk does not affect the existing “call in” feature. The Help Desk can still be reached at 1-866-DHS-TWIC (1-866-347-8942) Monday through Friday from 8:00 a.m. to 12 a.m. E.S.T.

The Coast Guard has also recently announced the availability of additional TWIC information on its websites. On the National Maritime Center’s “What’s New at NMC” website (http://www.uscg.mil/stcw/nmc.htm), a notice was posted containing updated information on the TWIC program.
PASCAGOULA GETS PORTS

NOAA's latest PORTS® system has gone online in Pascagoula, Mississippi. This brings the number of operational PORTS® systems in the nation to 15. The Pascagoula system was made possible by funding provided for Gulf region ports in a 2006 supplemental post-Katrina/Rita appropriations package.

"The real-time oceanographic and meteorological information provided by PORTS® will not only provide commercial and recreational mariners with reliable navigational information for safe and efficient travel but will also enhance local weather and coastal marine forecasting," said Senator Thad Cochran (R-MS). "I am proud to have this important technology located in the Port of Pascagoula." ✧

NAVTECH SIGHTINGS

It is often said that the most valuable asset of any organization is its membership. In that respect, the APA is indeed rich. Members of the Navigation and Technology Committee are increasingly called upon to represent the APA and the piloting profession at conferences and seminars and to participate in matters requiring high levels of practical knowledge and technical expertise. Two recent examples are of note.

Captain Jorge Viso, Tampa Bay Pilot and chairman of the NAVTECH Committee, gave a presentation at a May 14 seminar on "New Resources for Bridge Resource Management" sponsored by the North East Coast chapter of the Nautical Institute at the United States Merchant Marine Academy in Kings Point, New York. He reported on the value and limitations of advanced navigation technology and showed several recorded examples of inaccurate vessel position data from AIS signals. He also discussed the ways in which pilots are integrating new technology into their BRM practices. Paul Kirchner and several APA member pilots also attended the seminar.

Captain Paul Amos, Columbia River Pilots, was the APA representative to the 2008 Annual Assembly Meeting and Conference of the Radio Technical Commission for Maritime Services (RTCM). The meeting was held in San Diego on May 4-10. Many RTCM topics are of direct interest to pilots, and participation in RTCM activities is important for the APA. Although Captain Viso is the primary APA designee for RTCM activities — with some non-technical support from Paul Kirchner — it is not unusual to call upon other NAVTECH members, such as Captain Amos, on an ad hoc basis to cover specific RTCM meetings and issues.

Captain Amos ably handled the APA duties at the San Diego meeting and submitted a written report to the NAVTECH Committee following the meeting. As the report indicates, he participated in discussions concerning AIS, eLoran, GPS, portable piloting units, and the general topic of E-Navigation. On the last item, the RTCM members agreed to form a new steering committee on E-Navigation and the RTCM's role in it. ✧

APA News

BAR PILOTS HOLD GRAND OPENING

On June 5, the Associated Branch (Bar) Pilots hosted the grand opening of their new pilot station in Venice, Louisiana. The new station replaces the group's former facilities at Pilottown, which were destroyed by Hurricane Katrina in August, 2005. The Venice station stands nearly 30 feet above ground on concrete columns and is supported by pilings 45 feet into the ground. Every aspect of the station was designed to withstand future hurricanes and to provide a state-of-the-art command center for not only the pilots but also for local, state, and federal agencies when needed. In addition to the storm-resistant structural enhancements of the building itself, the station features advanced communication equipment and capabilities that should allow the pilots and others to continue working and providing emergency response services after even a serious hurricane.

The grand opening celebration was attended by many current and retired Bar pilots and their families, as well as Captain Bud Watson, president of the NOBRA Pilots, and Captain A.J. Gibbs, president of the Crescent Pilots. Numerous industry representatives, Coast Guard personnel and other governmental and elected officials were also present.

The APA got its first look at the impressive facility when Executive Director Paul Kirchner addressed the annual Bar Pilots meeting on May 6. He stayed on site for two nights, enjoyed the very comfortable living quarters and first-rate food, and, to the surprise and consternation of his hosts, quickly mastered the local card game Bourré (Boo-ray) traditionally played by the pilots while waiting for their next assignments. Kirchner declared his visit a profitable learning experience and hopes to be invited again soon. ✧
USCG COMMENDS ST. JOHN’S BAR PILOT “HEROES”

The US Coast Guard has issued Public Service Commendations to St. John’s Bar Pilots Captain Chris Mons, Captain Joseph Heath and boatman Chris Savitz for their “exceptionalism” in rescuing two individuals from the chilly waters of the St. John’s River on January 6. According to the Commendations, the three men on the pilot boat had just returned to the pilot station when they heard screams and saw two people trying to swim to shore. “Without hesitation, and despite severely restricted visibility, [the three] immediately got back underway to rescue the two people from the fifty-degree water. Demonstrating superb coordination and teamwork, [the three] rescued both individuals and immediately wrapped them in plastic to mitigate the effects of hypothermia.”

After rescuing the two individuals, it became apparent that they were not US citizens. The three rescuers contacted the Coast Guard and assisted in the transfer of the migrants to the custody of Coast Guard Sector Jacksonville.

PORT SALUTES TAMPA PILOTS

Captain Michael Buffington, Captain Stephen Croppe and Executive Director Allen Thompson of the Tampa Bay Pilots Association were recognized at the May 15th meeting of Manatee County Port Authority for their assistance in the successful coordination and installation of Port Manatee’s Outbound Range Towers. The installation of the range towers enhances the safety and efficiency of vessel movements in Manatee Channel. The size and frequency of vessels calling on Port Manatee is continually increasing, and on those occasions when the existing inbound range tower was not operational, vessel movements were limited to daylight only. The installation of the outbound range, therefore, was a significant risk mitigation feature and a responsive solution to a navigational safety issue at Port Manatee.

The requirement for the towers had been documented in the U.S. Army Corps of Engineers Waterway Experimentation Station Ship Simulation Report completed in June 2000 as well as the U.S. Coast Guard Ports and Waterway Safety Assessment (PAWASA) conducted for Tampa Bay in January 2003. Numerous members of the Tampa Bay Pilots Association participated in both of these endeavors and articulated the significance of the requirement for an outbound range tower and the corresponding positive impact on navigational safety.

HOTEL FILLING FAST FOR 2008 KAUAI CONVENTION

Rooms are quickly filling at the Grand Hyatt Kauai Resort and Spa, Koloa, Kauai, Hawaii, site of the 2008 APA Convention. Attendees are urged to make their hotel reservations and register for the convention as soon as possible. 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 running from Tuesday through Friday, October 24, and the concluding gala dinner dance on Friday evening.


IMPA CONGRESS IN BANGKOK

IMPA’s XIX Congress will be held in Bangkok, Thailand August 4-8 at the Royal Orchid Sheraton Hotel. Preliminary information about the Congress, including optional pre- and post-Congress tours, has been sent to APA member group offices. Information can also be obtained on IMPA’s new website: www.impahq.org. The hotel website is: www.sheraton.com/bangkok.

Although the Congress is fast approaching, hotel reservations and Congress registration are still available as this ON STATION was being sent to the printers.

ELECTIONS, SELECTIONS, ETC.

- The Mobile Bar Pilots have elected the following officers: Captain Patrick J. Wilson, president; Captain J. Martin Stapleton, vice president; Captain H. Reid Key, secretary/treasurer; Captain J. Christopher Brock, boat captain; and Captain Peter Burns, director.

- In May, the Pilots Association for the Bay and River Delaware elected the following officers and directors for the next year: Captain M. J. Linton, president; Captain T. J. Branin, secretary/treasurer; Captain M. E. Knapp, Pennsylvania director; and Captain R. Buckaloo, Delaware director.

- Captain A. J. Gibbs, president of the Crescent River Port Pilots’ Association was elected vice chairman of the Board of Commissioners of the Port of New Orleans on May 28. He was appointed to the Board in December of 2005.