New Marine Safety Agency?

Many APA members have no doubt heard or read about a Congressional proposal that could dramatically reshape the US Coast Guard and have pilots and other mariners deal with a new agency for most of their interactions with the federal government. Under legislation that has been prepared but, as of press time, not yet introduced, many of the Coast Guard’s marine safety functions would be moved to a new federal agency, the Maritime Safety Administration, which would be housed in the Department of Transportation. The new MSA would reportedly contain the programs for mariner licensing and oversight, casualty investigations, and vessel documentation as well as various other existing USCG activities, including the Great Lakes Pilotage office.

This rather startling proposal was first unveiled at a May 17 briefing called by Rep. James Oberstar (D-MN), Chairman of the House Transportation and Infrastructure Committee, and Rep. Elijah Cummings (D-MD), Chairman of the Committee’s Subcommittee on Coast Guard and Maritime Transportation. The APA was one of 20 to 30 organizations and individuals from the maritime community invited to the meeting. Captain Mike Watson and Paul Kirchner attended on behalf of the APA.

Reps. Oberstar and Cummings explained that the idea for shifting the marine safety functions out of the USCG was a response to growing concerns that those traditional functions are not receiving the attention or resources that they deserve. They cited complaints about delays in processing mariner credentials, inconsistent rulings on Jones Act qualifications for ships, the use of military personnel under a rotational system of assignments, and a perceived less cooperative, more authoritative approach taken by the USCG in its dealings with the maritime industry. The extensive new security responsibilities growing out of 9/11, the transfer of the USCG to the Department of Homeland Security, and the multi-mission nature of the agency were recognized as pressures that may have much to do with these problems.

Reps. Oberstar and Cummings suggested that the marine safety missions might be better served in a civilian agency that can focus solely on marine safety. Although a list of programs to be shifted to the new MSA had been prepared at the time of the briefing, it was not released to the attendees.

Since the May 17 briefing, a draft of the legislation has reportedly been completed. On May 25, the Commandant sent an internal memo to all Coast Guard sectors and commands confirming that he is firmly opposed to it. He called on the units to seek opportunities to consult with maritime industry leaders and stated: “minor changes in the way we approach our duties, which in no way compromise our safety, security, or stewardship duties, can have significant benefits in generating goodwill while reinforcing partnerships that are so key to achieving our mutual objectives.” The Commandant reportedly met with Chairman Oberstar and asked for time for the USCG to come back with its own set of proposals to address the concerns underlying the proposal.

The legislation is expected to be introduced soon. It may eventually be merged with the Coast Guard Authorization Bill, which was introduced in the House on June 22 (see page 3). Chairman Cummings has announced plans for an August 2nd hearing on the Coast Guard’s marine safety programs. It is not clear whether the proposed legislation might be considered at that time.

The APA has not expressed an opinion on the concept of the proposed legislation. Past editions of ON STATION, however, have reported on complaints about backlogs in the processing of mariner credential applications and about objections to USCG plans to change many of the regulations dealing with mariners. In addition, a rare editorial in the July 1, 2006 issue noted the growing sense among APA members and others that the post 9/11 Coast Guard has a different institutional attitude and approach in its dealings with mariners. These are concerns that should be addressed. The ultimate question posed by the legislation, however, will be whether moving maritime safety functions from the USCG and sending them to a whole new agency would be the best way to do that.
NAV TO MEET

The 53rd session of the IMO’s Subcommittee on Safety of Navigation will be held in London July 23 – 27. Captain Mike Watson will participate in the meeting as head of delegation for IMPA, and Paul Kirchner will be on the US delegation.

Of special interest to APA members, the subcommittee will continue working on the development of performance standards for integrated navigation systems (INS) and integrated navigation bridges (IBS). A correspondence group that has been working on the project was previously directed to include standards that would ensure compliance with Regulation 15 of SOLAS Chapter V. As SOLAS aficionados know, Regulation 15 requires that the design, installation and operation of navigation equipment facilitate the tasks of the bridge team and pilot and promote effective and safe bridge resource management. The correspondence group’s report will be reviewed at the upcoming session, and a draft of the INS standards may be approved. If time permits, further work may be done on the IBS standards as well as a separate document explaining the application of Regulation 15 and of bridge resource management principles to INS, IBS, and other types of equipment.

The agenda at NAV 53 will not include a review of the current IMO requirements and guidelines for pilot ladders and pilot transfer arrangements. Last December, the Subcommittee’s parent, the Maritime Safety Committee, added that task to the work program of the Subcommittee and allocated two sessions for it. The decision not to take it up at this session means that a considerable amount of work will have to be done at the 54th session next summer in order to complete the project. It is expected that the Subcommittee will at least strongly encourage the submission of papers for its next session.

Meanwhile, IMPA and the APA are continuing their efforts to address the needs of pilot safety at the international level. On July 5, IMPA sponsored a meeting on the subject in London with representatives of the ship operating industry. Captain Mike Watson chaired the meeting, which also included IMPA Secretary General Nick Cutmore, French pilot and IMPA Vice President Captain Rudolph Striga, London pilot Captain John Clandillon-Baker, and Paul Kirchner representing the APA. Other attendees included representatives from the International Chamber of Shipping, INTERTANKO, INTERCARGO, OCIMF, BIMCO, and the Nautical Institute.

BIRTHDAY FOR MARSEILLES PILOTS

Captain Mike Watson, representing IMPA and the APA, was on hand to help the Marseilles Pilots celebrate the 200th anniversary of their Pilot Station on May 30-31. A number of officials from other pilot organizations throughout Europe and around the world were also present for the occasion. In addition to the expected festivities and social events, the celebration included a business meeting of the French Pilots’ Association.

WATSON GIVES TALK AT EMPA MEETING

Captain Watson presented a paper on competition in piloting at the annual meeting of the European Maritime Pilots’ Association held June 20-22 in Bremen, Germany. The address was requested by EMPA officials in light of various proposals and some recent law changes intended to introduce competition into piloting services in a number of places in Europe. Captain Watson discussed experiences in the US that support his conclusion: “Competition is incompatible with compulsory piloting. It is bad for the public, bad for the shipping industry, and bad for the piloting profession.” Copies of the paper can be obtained from the APA office.
USCG AUTHORIZATION BILL INTRODUCED IN HOUSE

The Coast Guard Authorization Act of 2007, HR 2830, was introduced in the House of Representatives on June 22 by Reps. James Oberstar (D-MN) and Elijah Cummings (D-MD). The bill was quickly marked up and approved by the Coast Guard and Maritime Transportation Subcommittee on June 26 and by the full Transportation and Infrastructure Committee on June 28. It is not expected to reach the House floor until after Labor Day.

In addition to authorizing over $8.3 billion for USCG operations and 45,500 full time active duty personnel for fiscal year 2008, the Act contains a number of directions for maritime programs. Many of the provisions of HR 1605, the “Merchant Marine Credentials Improvement Act of 2007,” which was introduced on March 20 by Rep. Steven LaTourette (R-OH) (see April 15 edition of ON STATION), are included in bill. An interesting item would authorize the creation of an ombudsman in each USCG district. A district ombudsman would serve as a liaison between the USCG and “ports, terminal operators, shipowners, and labor representatives” and help to resolve disputes between the USCG and such entities.

NTSB PUSHES BRM TRAINING FOR PILOTS

The NTSB has issued a recommendation that docking masters and state pilots take joint bridge resource management training. The recommendation is the result of the Board’s investigation of the April 15, 2006 grounding of the containership New Delhi Express in the Kill Van Kull waterway of New York Harbor.

According to the investigation report adopted by the Board at a meeting on May 30, the New Delhi Express was moving westbound in zero visibility when it struck a submerged ledge near Buoy 14 at 0420. A docking master licensed by the State of New Jersey had the conn. A New York-licensed Sandy Hook pilot was also on the bridge, as is the standard practice in the port. In the area where the ship ran aground, the channel was reduced to half of its normal width due to dredging operations. Dense fog closed in as the ship entered the dredging zone. Approaching the Bayonne Bridge and preparing to make a turn to the right to clear Bergen Point, the docking master attempted to steer between a dredge barge loaded with explosives anchored on the left (south) side of the channel and Buoy 14 on the right (north) side of the channel. The buoy marks the start of the turn at Bergen Point and the limit of navigable water beside the submerged ledge. Information developed by the NTSB, however, indicated that Buoy 14 was off station at the time of the accident, approximately 26 yards to the north of its proper position.

According to the investigation, the state pilot had concurred with the docking master’s decision to order starboard 20° as the ship approached the bridge and Buoy 14. The docking master stayed with the starboard 20° order for approximately a minute before realizing that it had brought the ship too far to the right. Efforts to quickly bring the ship back to the left to clear the ledge were not successful.

Discounting the role that the misplaced buoy might have played in the accident, the NTSB found that the probable cause of the grounding was the error of the docking master in not using all available resources to determine the vessel’s position as he navigated the Kill Van Kull. In addition, the Board found that a contributing cause was the failure of “both pilots” to practice good bridge resource management.

The Board’s recommendation for joint BRM training was sent to the pilot commissions in 14 East Coast states. Those commissions are currently considering their responses. Soon after May 30 board meeting, the commissions in New Jersey and New York each sent a letter to the Board disagreeing with the Board’s causation findings and objecting to what they contend were inaccurate and unfair descriptions of the facts of the accident and of current BRM training requirements and experiences in the states.

On June 26, Captain Mike Watson and Paul Kirchner received a briefing about the accident investigation from Dr. Jack Spencer, the new director of the NTSB’s Office of Marine Safety, and two lead investigators at NTSB headquarters. After watching a video reconstruction of the ship’s movements that had been shown to the Board on May 30, Captain Watson and Mr. Kirchner offered comments on the accident and provided information on the APA’s Bridge Resource Management for Pilots training program and on the relationship of docking masters and state pilots in those ports where the former operate. Captain Watson and Mr. Kirchner had earlier that afternoon met with Board Chairman Mark Rosenker.

[As this issue of ON STATION was being sent to the printers, the NTSB asked, and the APA agreed, to include an article by the NTSB on the New Delhi Express accident and its investigation. That article appears on page 5. APA members are invited to review the NTSB report when it becomes available on www.ntsb.gov and draw their own conclusions about the causes of the accident and measures that could be taken to prevent similar accidents in the future.]

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MORE TWIC DELAYS

The start of the TWIC enrollment program has been pushed back again, this time to Fall 2007. At a meeting in June, Transportation Security Administration officials announced that the agency now expects that enrollment will begin with the port of Wilmington, Delaware in September or October. TSA officials also indicated at that time that further delays may warrant extending the deadline for mariner compliance, now set for September 25, 2008. The new Fall timetable for the enrollment was confirmed in a TSA press release on July 11. Information can be obtained at: http://www.tsa.gov/what_we_do/ayers/twic/index.shtml.

Continuing delays and unresolved administrative and technical problems in implementing the TWIC program were the subject of a hearing on July 12 before the House Coast Guard and Maritime Transportation Subcommittee. TSA and USCG officials who testified came in for tough questioning from the members, many of whom expressed their displeasure over the status of the program. One particular area of questioning concerned the plan to have Coast Guard administrative law judges hear appeals from TSA decisions on TWIC applications.

CHARGES LEVELLED AGAINST USCG LEGAL PROGRAMS

On top of other controversies currently surrounding Coast Guard programs, a row has erupted over the way in which mariners are treated in suspension and revocation proceedings and civil penalty cases. On June 24-25, the Baltimore Sun published a two-part article containing allegations that USCG administrative law judges (ALJ) had been improperly pressured to rule in the USCG's favor, that statistics show that mariners very rarely, if ever, prevail in S & R proceedings, and that Commandant decisions on appeal from ALJ rulings may have been influenced by personnel who were involved in the case below. According to the articles, there is a widespread perception that mariners do not receive fair treatment in USCG legal proceedings. On June 27, the Coast Guard issued a press release disputing the statistics cited in the Sun pieces but declining to address other Sun allegations due to pending litigation.

Even before the Baltimore Sun articles, the issue was being discussed on Capitol Hill and in the maritime industry and legal communities. The catalyst appears to be two lawsuits filed in New Orleans earlier this year by mariners complaining of a denial of due process in S & R proceedings. The USCG ALJ who heard their cases (she has since retired) has charged that she was pressured by the Chief ALJ and other USCG officials to rule in the USCG's favor in the cases. She has stated under oath that the Chief ALJ told her that there is an unwritten policy that USCG ALJs are to always rule for the Coast Guard. She also said that she was told that the ALJs should consider themselves a USCG "tool" expected to help carry out the USCG's missions.

Chairman Cummings of the Coast Guard and Maritime Transportation Subcommittee has announced plans to hold a hearing on July 31. The hearing is expected to address not only the allegations in the Sun articles but also other concerns raised by various parties over the ways in which the USCG treats mariners accused of negligence or misconduct.

NEW USCG INTERNET ACCESS FOR MARINERS

The USCG has recently announced two new internet tools for mariners to communicate with the agency regarding the mariner credentialing program. One will offer real-time information on the status of pending license and document applications. Mariners can check the status of application packages throughout the verification and approval process by logging onto http://homeport.uscg.mil/, clicking on the Merchant Mariners tab and then clicking on Merchant Mariner Application Status. Mariners who need additional information after visiting the website can request the information by telephone or email.

The USCG's Merchant Marine Personnel Advisory Committee has established a mechanism to receive feedback on the mariner licensing and documentation program and the relocation of the National Maritime Center to West Virginia. Individual mariners, unions, training centers, trade associations, and others can report problems or make comments by emailing the committee at: MERPACfeedback@gmail.com.

NOAA PANEL ISSUES REPORT

NOAA's Hydrographic Services Review Panel has issued a special report on the "Most Wanted Hydrographic Services Improvements." Among other things, the report recommends that NOAA expand and modernize real-time water-level and current observations, such as the PORT50 program, in commercial ports. A copy of the report can be downloaded from the panel's web site: http://chartmaker.nco.nos.noaa.gov/hsrp/archive/general/HSRPs pecpr2007.pdf.
The following article was submitted by the NTSB

Lessons Learned from Marine Accidents

Ineffective Bridge Resource Management Led to New Delhi Express Container Ship Grounding, NTSB Says

By Pat Cariseo, Office of Safety Recommendations and Advocacy, NTSB

Marine investigators with the National Transportation Safety Board said several deficiencies in bridge resource management led to the grounding of the less-than-six-month-old New Delhi Express, a 853-foot container ship, in New York Harbor’s Kill Van Kull waterway, near Bayonne, New Jersey—a costly accident that could have been avoided.

Investigators credited information from the ship’s VDR and the Coast Guard’s AIS for helping pinpoint the actions of the crew and the probable cause. The NTSB reiterated the importance of recorded data in analyzing accidents.

The NTSB’s final report, expected to be posted soon on the agency’s website, said the probable cause of the grounding was the error of the docking pilot in not using all available resources to determine the vessel’s position as he navigated the Kill Van Kull waterway. Contributing to the cause of the grounding was the failure of both pilots to practice good bridge resource management. Damage to the vessel was estimated at $1.5 million, plus another $118,000 in damage to two tugs. There were no fatalities or injuries.

The accident occurred on April 15, 2006, after the New Delhi Express arrived at the entrance of New York Harbor after a transatlantic voyage. Aboard the vessel were a master, 21 crewmembers, three passengers, and a Sandy Hook pilot. A docking pilot boarded the vessel near the entrance to the Kill Van Kull waterway and assumed navigational control. The ship was traveling westbound in dense fog when it struck a submerged ledge near buoy 14, took on water through a hull breach caused by the impact, and ran aground in the waterway. At the time of the accident, the docking pilot was navigating the vessel.

"Unfortunately, we’ve seen ineffective bridge management in too many previous accidents, and it’s clear that this accident could have been prevented if good bridge resource management had been practiced," said NTSB Chairman Mark V. Rosenker.

Bridge resource management was one of the main issues in the report, an issue the NTSB has seen in numerous accidents and has been advocating since 1974. In its final report, the NTSB said a goal is that everyone on the bridge should understand his or her responsibilities and be able to communicate observations on the vessel’s progress to others on the bridge freely and professionally.

In the New Delhi Express accident, the NTSB said recorded conversations on the ship’s bridge indicated that neither the master nor the Sandy Hook pilot had been informed of the docking pilot’s intended course under the Bayonne Bridge. The course required passing safely between a dredge and a shallow ledge near buoy 14. Before visibility worsened, the NTSB report said, the docking pilot should have informed the bridge team about his intended course for navigating safely to its destination. If he had, the report continued, the master and the Sandy Hook pilot, who were monitoring the port and starboard radar images, might have alerted him that he was too far right in the channel as he approached the bridge.

The report also cited poor information-sharing when it pointed out that the initial exchange between the pilots was casual and included no discussion of the dredging work in the Kill Van Kull or the navigation obstacles near the bridge. NTSB investigators strongly believe that clear communication is vital for bridge teams to maintain situational awareness and make the adjustments necessary to maintain safe passage. Although investigators said the docking pilot properly called for a third tug when visibility deteriorated, he did not give clear instructions to the tug and did not make certain the tug had received his instructions.

The report said the docking pilot did not effectively use all available resources. Instead of getting information about reference points from the vessel’s navigational equipment, the report said the pilot relied on the tugmasters to supply that information. The New Delhi Express would have been better served, the NTSB said, if the pilot had relied more strongly on the vessel’s radar and other members of the bridge team. Although the tug operators might have been able to see a short distance directly ahead, the images from the vessel’s radar showed a clear picture of the area around the bridge. The NTSB said that, in its opinion, the radar images were sufficient to have allowed the pilot to safely guide the vessel through the waterway.

As a result of this accident, the NTSB is urging the state pilot commissions whose harbor pilots work with docking pilots to have those pilots to take part in recurrent joint training exercises that emphasize the concepts and procedures of bridge resource management.
SAD NEWS

Captain Matthew Cote, senior pilot for the Portsmouth Pilots and past APA Trustee for the state of New Hampshire, died on June 26th of complications from skin cancer. A lifelong resident of York, Maine, Captain Cote was a 1973 graduate of the US Merchant Marine Academy. He sailed for Exxon Shipping Company before joining the Portsmouth Pilots in 1980.

Captain Cote is survived by his wife Wendy and three children: Hannah B. McKinley, York, ME; Jessica L. Iozzi, Warwick, RI; and Army 2nd Lt. Pierce F. Cote, Ft. Benning, GA.

KATRINA RECOVERY CONTINUES

When Hurricane Katrina roared through southeastern Louisiana in August 2005, the pilot stations maintained for many years by the Crescent River Pilots and the Associated Branch (Bar) Pilots in Pilot Town were devastated. Both groups have had to operate in that area in makeshift fashion since then, while providing the same or greater levels of service. Things are looking up now, however, and by the end of 2007, both expect to be operating out of new facilities — although from different locations.

After the Bar Pilots’ facility at Pilot Town was declared a total loss, the Pilots decided to build a whole new station at Venice, Louisiana, approximately 12 miles north of Pilot Town and accessible by land from New Orleans. The new building will have 24 bedrooms and recreational and dining areas for the pilots as well as a communications center and administrative offices. The building is expected to be completed in December.

The Crescent River Pilots’ restored “Galley” building at Pilot Town.

Despite the serious damage to the Crescent River Pilots facility at Pilot Town, the group decided that it would be less expensive to rebuild than to relocate. There was enough insurance to cover the reconstruction and replace three buildings, communication equipment, and generators. The Galley, the main building containing the communications room, kitchen and dining areas, and recreation and sleeping accommodations for 34 pilots, has been restored and is now housing pilots. A new generator station has also been completed. A third building is currently being restored and may be used for additional sleeping quarters.

ELECTIONS, SELECTIONS, ETC.

- Captain Patrick Wilson has been elected president of the Mobile Bar Pilots for May 1, 2007 through April 30, 2008. Other officers of the association are: Captain J.D. Smith, vice president; Captain Kirk Barrett, secretary/treasurer; Captain J. Christopher Brock, boat captain; and Captain J. Chandler Harris, director.

- The St. Lawrence Seaway Pilots’ Association announce their officers for 2007: Captain Roger Paulus, president; Captain Donald Metzger, vice president; Captain Michael Maclean, treasurer, and Captain Dewitt Withington, secretary.

- The Northeast Marine Pilots’ Association elected new officers in May: Captain E. Howard McVay, Jr., president; Captain Joseph Maco, vice president; Captain John Lasnier, treasurer; and Captain Ken Warner, secretary. New officers of Sound Pilots, Inc. are: Captain Ken Warner, president; and Captain E. Howard McVay, Jr., vice president.