2008 CONVENTION – A SUCCESS!

The stunning scenery of Kauai did not distract APA leadership or the pilots from 42 groups around the country from carrying out a busy agenda. Over 220 pilots, international representatives, and exhibitors exchanged ideas and conducted important business required by APA’s bylaws.

The work of the Convention began Monday morning with the APA Attorneys’ Meeting attended by pilot counsel from around the country as well as a full house of pilots. The meeting’s theme was the COSCO BUSAN incident, in which almost every pilotage law issue usually discussed at APA Attorneys’ Meetings has been involved to some degree. Attorneys gave presentations on the status of the various COSCO BUSAN court proceedings, mariners’ rights in casualty investigations, VDR evidence, recent court decisions on association and individual pilot liability, and business structures to limit liability. In the afternoon, the Finance, Bylaw, Resolution, and Nominating Committees also met.

Day two began with a tribute to the late Hawaii pilot, Captain Dave Lyman, who was killed disembararking from a ship in 2006. The Convention then heard from U.S. Rep. Mazie Hirono (D-HI) and Hawaii State Sen. Fred Hemmings. USCG Assistant Commandant for Marine Safety, Security, and Stewardship, RADM Brian Salerno, provided the keynote address. Captain Mike Watson gave his President’s Report, followed by a “Pilots Only” session, where Vice Presidents Captains Eric Nielsen, Gary Maddox, and Dan Gallagher gave regional reports.

The Suppliers’ Exhibition opened on Wednesday, showcasing valuable information about pilotage-related products and services. Local pilotage officials and Mr. Joe Angelo, a senior INTERTANKO executive, spoke at the meeting. During the closed session, Captain Steve Brown, retired Columbia River pilot, discussed his role as the APA Party Representative on the NTSB’s investigation of the COSCO BUSAN incident, and Capain Pete McIsaac, Port Agent for the San Francisco Pilots, gave a talk on “lessons-learned” from the incident. Vice President Captain Mike Torjesen also reported on his region. The day ended with the Navigation Technology Committee meeting.

Thursday included speakers from Convention sponsors International Organization of Masters, Mates and Pilots (Captain Tim Brown), Gladding-Hearn Shipbuilding (Mr. Peter Duclos), and Port Revel Training Centre (Mr. Malcolm McDougall). Mr. Mike Szabados from NOAA’s National Ocean Service also spoke. Dr. Lee Alexander, a leading navi-gation technology expert, gave a presentation on the use of eNavigation tools by pilots. Captain Andrew McGovern (NJ Sandy Hook Pilots), Chairman of the USCG’s Merchant Personnel Advisory Committee, gave a report on changes in the USCG medical review program. Vice Presidents Captains Mike Lorino and Pete McIsaac gave reports for their regions.

The final day of the Convention began with Captain Jack Sparks, APA Past President, giving brief remarks. Mr. Nick Cutmore, Secretary General of the International Maritime Pilots’ Association also provided an update on its activities. Following election of APA officers, reports were given by APA’s Executive Director-General Counsel and Secretary-Treasurer, as well as by the Finance, Bylaw, and Resolution Committees. The final working session concluded with an overview of the 2010 Biennial Convention, which will be held in Las Vegas on October 24th – 29th, 2010.

See inside for more news and photos from the 2008 Convention.
MSC MEETS

The 85th session of the International Maritime Organization’s Maritime Safety Committee (MSC85) met in London from November 26 through December 5th. APA President Captain Mike Watson participated as head of the IMPA delegation. While a considerable amount of the agenda for this meeting centered on maritime security matters, and many of the delegates were understandably focused on the recent increase in acts of piracy, MSC85 did take up a number of issues of importance to pilots.

First, MSC85 approved regulations under SOLAS chapter V (Safety of Navigation) that will require the carriage of Electronic Chart Display and Information Systems (ECDIS) aboard certain ships on international voyages. It is envisioned that these new regulations will be formally adopted by MSC at its next (86th) session in May 2009.

Second, MSC85 approved a broad IMO Strategy for the Development and Implementation of E-Navigation. Over the next four years, IMO’s Sub-Committee on Safety of Navigation will coordinate the development of an implementation plan for this strategy.

Third, the Committee gave its approval of several ships’ routing measures within U.S. waters. In particular, MSC85 agreed to an amendment to narrow the north-south leg of the traffic separation scheme in the approach to Boston, a measure aimed at reducing the likelihood of ships striking North Atlantic Right Whales. MSC85 also approved a new Area To Be Avoided and two new mandatory No Anchoring Areas off the Massachusetts coast for the “purposes of safety, security, and vessel traffic management” in the vicinity of the proposed Gateway Energy Bridge Deepwater Port.

PILOTS WELL REPRESENTED AT 2008 eNAV CONFERENCE

The eighth annual “eNavigation Conference” was held in Seattle on November 18th and 19th. APA’s Executive and Deputy Director, as well as 11 pilots, representing several pilot groups from around the country, attended this important symposium. Detailed information on the conference, as well as the full agenda, is available at http://www.enavigation.org.

The conference provided an opportunity to hear from domestic and international experts from both the government and private sector about the latest technological and policy developments in electronic navigation, charting, and vessel traffic systems. Captain Jorge Viso (Tampa Bay Pilots), Chairman of the APA Navigation and Technology Committee, gave a presentation on the cutting edge role pilots are playing in the advancement of electronic navigation. His talk also featured several examples of inaccurate, and potentially dangerous, data and displays that pilots sometimes encounter with modern equipment.

A USCG official made an announcement regarding the long-overdue Automated Identification System (AIS) regulations, indicating that the Notice of Proposed Rulemaking (NPRM) extending AIS carriage requirements to all U.S. navigable waters would be published late in 2008. The USCG had originally announced its intention to extend AIS carriage requirements in October 2005, but the rulemaking has been bogged down in the Washington bureaucracy.

Under the Coast Guard’s proposed rule, which could impact as many as 17,000 vessels, AIS carriage requirements would apply to:

- All commercial self-propelled vessels ≥ 65 feet (no exceptions)
- Towing vessels ≥ 26 feet and > 600 hp
- Hi-Speed vessels carrying ≥ 12 passengers
- Certain dredges and floating plants, and
- Vessels moving certain dangerous cargoes.

The NPRM should address the implementation timeline.
110TH CONGRESS GRINDS TO A HALT

Legislation. Consumed with dealing with the serious national economic situation, the 110th Congress is all but certain to adjourn having failed to enact a Coast Guard Authorization Act for a second year in a row. The House and Senate versions of the bill (H.R. 2830 and S.1892, respectively) are in different stages of the legislative process, but neither is positioned to become law. Both contained items of interest to pilots, but it seems time has simply run out for the two chambers to reconcile their differences, pass a compromise bill, and get it to the President for signature. The bills included provisions both potentially beneficial to state pilots (e.g., overhauls of the Coast Guard’s marine safety inspection, investigation, and Administrative Law Judge Programs, and provisions to address “license creep”), as well as sections that could have a negative impact (e.g., authorization for federal regulation of PPs and reduction of federal pilotage requirements in areas of Buzzards Bay, MA).

Another important piece of legislation, S.2699, introduced by Senator Frank Lautenberg (D-NJ) is also likely to die with the adjournment of the 110th Congress. This bill, in addition to making relatively minor modifications to the Ports and Waterways Safety Act of 1972 (e.g., clarifying already existing USCG VTS authority to provide direction to vessels to change heading and speed), would require NTSB to share casualty investigation information with State investigators and would require the USCG to make substantial changes to its mariner physical examination program.

While these bills will almost certainly not become law this Congress, many, if not all of the items discussed above are likely to rear their heads again in the 111th Congress. ▼

TWIC Hearing. While the USCG and the Transportation Security Agency (TSA) have announced enforcement schedules for the Transportation Worker Credential (TWIC) and continue to publish “milestones” and “dashboards” purportedly showing progress for the much maligned program, at least one Congressional committee is not impressed. The House Committee on Homeland Security (CHS) held a hearing in late September, at which Chairman, Rep. Bennie Thompson (D-MS) raised serious questions about the management and oversight of the TWIC program.

Assuming for argument sake that all required cards will be issued and activated by the April 15, 2009 deadline, Chairman Thompson questioned whether sufficient technology will be in place to adequately check TWICs by that deadline. At the hearing, Chairman Thompson said, “The TWIC risks being little more than a ‘flash pass.’” Speaking directly to both Coast Guard and TSA witnesses, the Chairman concluded sternly by saying, “Clearly, the TWIC program has a long way to go until it becomes the security program that Congress envisioned and the American people deserve.” For additional information on the TWIC compliance schedule, refer to http://homeport.uscg.mil/mycg/portal/sp/home.do. ▼

ELECTIONS TO CAUSE CONGRESSIONAL SHAKE-UP

The results of the November 4th election will not only result in a new White House occupant and Democratic control of both the Executive and Legislative branches of government, but will also result in major changes to the composition of key Congressional committees of importance to pilots.

While individual Senators and Representatives will not be officially assigned to committees until early next year, the gains Democrats made in both chambers may lead to new chairmen and will result in new party “ratios.” For instance, the Senate Commerce, Science, and Transportation, which presently has 12 Democrats and 11 Republicans assigned, will likely change to 13 Democrats and 10 Republicans. Similarly, the House Transportation and Infrastructure Committee, which now has 41 Democrats and 34 Republicans, will most likely change its ratio to 44 Democrats and 31 Republicans.

The election also brought a number of new faces to the House and Senate, some of whom may sit on important maritime-related committees and subcommittees. The APA will work hard in the coming months to build relationships with these new Senators and Representatives, as well as their staffs, and to provide them with information about the importance of state-regulated compulsory pilotage to the protection of America’s environment and waterways. ▼

USCG ADDRESSES ALJ PROGRAM CRITICISM

In response to criticism from Congress and mariner groups over the past two years that its administrative law program is seriously flawed, in October the Coast Guard announced two new features of the program. First, the service has created a toll-free “call center” to assist mariners in filing documents and understanding the administrative law process. The call center can be reached at 1-866-612-7524. The other change to the program is the free-of-charge provision of electronic or paper hearing transcripts. This change ends the often criticized 25-year long practice of charging mariners for copies of these transcripts.

Time will tell if these changes to the USCG’s administrative law process will lessen mariners’ dissatisfaction with the system. It will also be interesting to see if these somewhat superficial changes will be enough to dissuade the Congress – House CG&MT Chairman Elijah Cummings (D-MD) in particular – from moving forward with plans to remove the administrative law program from the Coast Guard. ▼
NAVTECH COMMITTEE REVIEW

One of the traditional highlights of the APA Conventions has been the midweek meeting of the APA’s Navigation and Technology Committee. This year’s version was no exception.

Committee Chairman, Captain Jorge Viso started the meeting by providing “A Year in Review” of NAVTECH activities. The review discussed the Committee’s Pilot Plug survey from late 2007. The pilots surveyed found the incidence of substandard installation of pilot plugs to be declining but still troubling, raised questions about the consistency of USCG enforcement of pilot plug requirements, and offered a number of helpful suggestions to improve the quality and utility of pilot plugs. Captain Andrew McGovern added to the review with a discussion of views obtained from a number of pilot groups regarding the best and most effective approaches to ECDIS and AIS training.

Several guest speakers gave very informative talks. For example, Mr. George Burkley from the Maritime Pilots’ Institute offered a “Look-Forward” at some future advanced navigation technology items. Mr. Walt Megonigal, from the Maritime Institute of Technology & Graduate Studies/Pacific Maritime Institute, talked about new developments in simulation of integrated tug and LNG ship operations.

The NAVTECH Committee also revised and approved a final draft of its paper “Portable Pilot Navigation Systems: A Best Practices Summary.” The paper covers philosophy, operation, technology, training, and other subjects that enhance the development and use by pilots of PPNSs. The APA Trustees approved and adopted the paper on the next day. For a copy of this paper, please contact the APA office.

NMC RELEASES MEDICAL NVIC

On September 19, the USCG’s National Maritime Center (NMC) published its long-awaited revised Navigation and Vessel Inspection Circular (NVIC) on “Medical and Physical Evaluation Guidelines for Merchant Mariner Credentials” (NVIC 04-08). While this new NVIC is advertised as merely “putting Coast Guard practices into writing,” the circular establishes requirements, standards, and procedures that are different in some respects from previous USCG guidance.

The central feature of the NVIC is a listing of over 200 medical conditions and categories of medications (including prescription and over-the-counter medications as well as vitamins and herbal supplements) “requiring further review.” For each of the conditions/medications requiring further review, the document includes a description of the information that the NMC will consider in making its evaluation.

APA members can obtain a copy of the NVIC at www.uscg.mil/hq/cg5/nvic2008s.asp#2008. Specific questions about NVIC 04-08 can be referred to the NMC at MarinerMedical@uscg.mil or to the Mariner Information Call Center at (888) 427-5662.

NOAA PLOWS AHEAD WITH SPEED LIMITS

The last edition of ON STATION reported that, despite serious navigational safety concerns raised by APA and other maritime groups, NOAA seemed determined to move forward with final regulations to implement mandatory speed limits for the purpose of minimizing the number and severity of ship strikes of North Atlantic Right Whales. This report was unfortunately correct – NOAA published final regulations that included these speed limits on October 8, 2008 (three weeks after the deadline for comments on its study assessing the impacts of the regulations).

APA President Captain Mike Watson and Deputy Director Clay Diamond and Captains Whit Smith and Chris Thornton (Charleston Branch Pilots) met with senior NOAA officials on October 31 to reinforce concerns that these mandatory speed limits, which in many places would apply in pilotage waters, could very likely harm navigational safety, increase the likelihood of a marine casualty, and increase the risk of harm to the marine environment. While it is unlikely the regulations can be altered in the short-term, APA will continue to work with applicable federal agencies to seek a workable resolution.

APA AND USCG RENEW SECURITY AGREEMENT

In a signing ceremony at the Kauai Convention, Captain Mike Watson, and Rear Admiral Brian Salerno (pictured on page 5), renewed a long standing agreement aimed at enhancing maritime security in U.S. waters. Under the Memorandum of Agreement (MOA), the APA and USCG agree to “mutually cooperate in enhancing the security of the ports and waterways of the United States.” The MOA, which replaced one that had recently expired, encourages APA members to participate in local Area Maritime Security Committees and to use their best efforts to report suspicious activity relating to maritime security to local USCG officials. The USCG agrees, among other things, to disseminate pertinent security information to appropriate pilot group representatives.

After signing the agreement, Captain Watson said, “Pilots have long been known as the eyes and ears of our ports. This agreement recognizes this important role and is also a commitment to our Coast Guard partners to do our part to keep America’s waterways secure.”

In addition to the NVIC, the USCG will soon be issuing a new Medical Evaluation Form to replace the current CG-719K. It is widely expected that this new evaluation form will be much longer and require significantly more detailed health-related information than the present form. The APA will notify its member groups of the availability of the new form.
SEEN AT THE CONVENTION:

Sabra Kauka, Kumu Hawaiian Studies Program, Island School, Kauai, gives the Invocation and Cultural Opening for the Convention Tuesday morning.

Admiral Salerno and Captain Watson display the MOAs


Joe Angelo, Deputy Managing Director and Director of Regulatory Affairs and the Americas, INTERTANKO, discusses his organization’s activities on pilotage matters and the current relationship between INTERTANKO and the APA.

RADM Brian Salerno, USCG Assistant Commandant for Marine Safety, Security and Stewardship, and APA President Captain Michael R. Watson sign the Memorandum of Agreement between the USCG and APA on Maritime Security.

From left to right: Captain Steve Baker; Hawaii Pilots; Gerrie Watson; Lori Baker; and Captain Mike Watson. The Bakers were responsible for much of the planning of the Convention, on behalf of the hosts, the Hawaii and Alaska Pilots.
THE RESULTS ARE IN!

Congratulations to the following APA officers, all of whom were elected (or reelected) at the 2008 Biennial Convention. The 4-year terms of the officers will start on January 1, 2009.

President
Captain Mike R. Watson

Secretary-Treasurer
Captain Whit Smith

Regional Vice Presidents:
South Atlantic States
Captain Gary Maddox
North Atlantic States
Captain Eric A. Nielsen
Gulf States
Captain Michael C. Torjusen
Gulf States (Louisiana)
Captain Allen J. “AJ” Gibbs
North Atlantic States
Captain Peter McIsaac
Great Lakes
Captain Roger S. Paulus

In addition, there are two new trustees to announce. As of December 1st, 2008, Captain Paul D. Amos, President of the Columbia River Pilots, is the Oregon Trustee. Also, as of January 1, 2009, Captain Michael R. Lorino, Jr. will be the Louisiana Trustee.

SAN FRANCISCO PILOTS RECOGNIZED FOR SERVICE

The San Francisco Bar Pilots’ Association (SFBPA) was recently recognized by the Sacramento Yolo Port Commission for their work in providing vital navigation services between San Francisco Bay and the Port of West Sacramento. In a proclamation issued October 1, the Commission praised the SFBPA for "their continued commitment and dedication to ensuring the safe passage of crew and cargo along the Sacramento River Deep Water Channel." In thanking the Yolo Port Commission, Captain Peter McIsaac, President of the SFBPA said, "The route between San Francisco Bay and Sacramento is a vital corridor for Northern California commerce and our members are proud to ensure the safe and efficient movement of shipping along this important waterway."

A CAREER AS A PILOT

A recent article titled, “A Career as a Ship Pilot”, authored by APA’s Executive Director-General Counsel, Paul Kirchner, appeared in the Fall 2008 edition of the USCG magazine Proceedings of the Marine Safety and Security Council. For a copy of this article, please contact the APA office or visit www.uscg.mil/proceedings.

APA GOLFERS NAVIGATE POIPU BAY

Winners of the coveted Admiral’s Cup: from left to right, Matt Sullivan, Pat Comroy, David Cuff, and Griff Reed

To start the 2008 APA Convention week off right, the traditional APA golf tournament was held at the famous Poipu Bay Golf Course. While this course was professional caliber, the level of play and scores ... were not. Nonetheless, everyone had a great time catching up with old friends! The coveted “Admiral’s Cup” - awarded each tournament to the team with the lowest gross score – this year went to a team from the Pilots’ Association for the Bay and River Delaware. The names of the team members will be inscribed on the trophy, which is permanently maintained in a place of honor in the APA office.

DON'T FORGET THE APA PAC FUND

Send your voluntary contributions to:
APA Political Action Committee
499 SOUTH CAPITOL ST., SW
WASHINGTON, D.C. 20003