



# ON STATION

The Newsletter of the American Pilots' Association

June 15, 2010

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## APA SIGNS HISTORIC COOPERATIVE AGREEMENT WITH INTERTANKO

London, England is a city that is steeped in centuries of rich maritime history. On May 6, 2010, the American Pilots' Association (APA) and the International Association of Independent Tanker Owners (INTERTANKO) added a footnote to the city's maritime historical record. On this day, Captain Mike Watson, APA President, and Captain Graham Westgarth, Chairman of INTERTANKO, signed a landmark Memorandum of Agreement (MOA) between the two organizations. The MOA is aimed at facilitating cooperation and maintaining a constructive dialogue between the Associations, with the ultimate goal of enhancing navigational safety and protecting the marine environment.



Captain Mike Watson (right), President of the APA, signs the historic agreement as Captain Graham Westgarth, INTERTANKO Chairman, looks on.

As reported in past editions of *ON STATION*, representatives from APA and INTERTANKO have met a number of times over the past several years to discuss current issues of interest, identify shared objectives, and to work towards an improved cooperative relationship.

The newly signed MOA recognizes that cooperation and mutual respect are key to making successful headway

in achieving the Associations' shared goal of continually improving navigational safety. The terms of the MOA make clear that APA and INTERTANKO "recognize and respect the responsibilities of their respective members and the indispensable roles played by the pilot and ship's



Captain Graham Westgarth (left) and Captain Mike Watson congratulate each other following their signing of the MOA .

officers in the safe, environmentally sound and efficient seaborne transportation of oil, gas and chemicals."

After signing the agreement, Captain Westgarth and Captain Watson emphasized that this is only the beginning and that the aim is to continue to build upon this relationship. Captain Westgarth said: "I hope that this MOA will demonstrate how much we appreciate the role of the pilots and that we are willing to discuss anything and everything with them. This will improve both their and our safety, and also will ensure the protection of the marine environment. It's a win-win for us all!"

Captain Watson concluded the signing ceremony by saying, "I commend INTERTANKO's commitment to navigational safety and environmental responsibility – a commitment shared by pilots around the world. APA and INTERTANKO members, by working together constructively, recognizing shared goals, and respecting each other's vital roles, are charting a safer course for the future. I am hopeful this MOA can serve as an example across the maritime industry."



**MSC 87 APPROVES AMENDMENTS TO PILOT TRANSFER ARRANGMENTS**

Culminating several years of negotiations and intense efforts, the 87th session of the IMO's Maritime Safety Committee (MSC 87) gave its approval to amendments to international measures that will make pilot ladders and other pilot transfer arrangements safer. APA President, Captain Mike Watson, attended the meeting, held in London from May 12-21, as IMPA President, and Paul Kirchner, APA's Executive Director-General Counsel, was a member of the U.S. delegation.

As *ON STATION* readers know, the 55th session of the IMO Subcommittee on Safety of Navigation (NAV 55), held in July 2009, agreed on amendments to SOLAS and to an accompanying resolution that would require pilot ladders to be inspected as part of the ship's other safety equipment; require accommodation ladders, when used in combination with pilot ladders, to be secured to the ship's hull; and prohibit the use of mechanical hoists.

The amendments endorsed at NAV 55 were expected to be approved by MSC 87 without any further debate, but some shipping interests raised several issues that appeared to be aimed at delaying approval of the changes. Fortunately, APA and IMPA representatives, along with pilots serving on the delegations of other countries, were present and able to work to ensure the approval of these important SOLAS amendments.

The SOLAS amendments must still be officially adopted at the next Maritime Safety Committee meeting in December and the new resolution must be approved by the IMO Assembly in November 2011, but both actions are considered to be a formality.

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**64TH IMPA EXECUTIVE MEETING HELD**

Captain Mike Watson, IMPA President, convened the 64th session of the IMPA Executive from May 10th through May 11th in London aboard the historic vessel *HQS WELLINGTON*, which serves as IMPA headquarters.

The meeting, which was held the weekend before the 87th session of IMO's Maritime Safety Committee, had a lengthy agenda covering numerous topics, including an update on recent developments with the various IMO committees and subcommittees.



**HQS Wellington, moored along the banks of the Thames River in London, is the headquarters of IMPA and recently hosted the 64th meeting of IMPA's Executive.**

The Executive also discussed the latest meetings of other international and regional organizations, such as IALA, International Harbourmaster Association (IHMA), Australian Marine Pilots' Association (AMPA), European Marine Pilots' Association (EMPA), and International Association of Marine Electronics Companies (CIRM).

The Executive members heard reports from various IMPA working groups, including working groups on criminalization of the mariner, pilot personal safety, and E-Navigation, and also continued efforts regarding finalizing the 2010 IMPA Congress, which will be held in Brisbane, Australia from November 14-19, 2010.



**IALA MOVES AHEAD ON PILOTAGE AUTHORITY FORUM**

Even though only four or five of IALA's 80 member countries participate in the organization's so-called "pilotage authority forum" (PAF), IALA continues to move forward with this controversial group. The PAF's objective of achieving an "international harmonization" of pilot regulations is of concern to many observers and is well beyond what most believe to be IALA's area of responsibility. These PAF efforts are also inconsistent with the basic principle that pilotage is a uniquely local matter and its regulation is best left to local authorities.

Captain Mike Watson and Paul Kirchner attended the 2010 IALA Conference, held in Cape Town, South Africa on March 21-27, and met with IALA's new Secretary-General to express concern. APA will continue to work to resolve this very troubling matter.



## SENATE PASSES COAST GUARD AUTHORIZATION ACT

On May 7th, the Senate passed the Coast Guard Authorization Act for FY 2010-11. Senate passage of the bill took place more than 6 months after the House passed its version of the legislation. There are, however, significant differences between the two chambers' versions of the Coast Guard Act; so before the legislation can make it to the President for his signature, the differences must be resolved by an appointed conference committee comprised of both Representatives and Senators.

The Senate's bill focuses largely on providing the Coast Guard with authority it has long sought to drastically reorganize its national and regional command and control structure, as well as on reforming the agency's system for buying new ships, boats and planes.

While there is no provision *in* the Senate bill of great import to pilots, a provision that was *removed* from the Senate bill (along with a number of other provisions) just before Senate passage was significant. The provision, included by Sen. John Kerry (D-MA), was aimed at protecting the environment of Buzzards Bay, MA (which was devastated by a 2003 oil spill from a tank barge) by requiring any tug moving a single-hull tank barge carrying 5,000 or more barrels of oil or other hazardous material while transiting Buzzard Bay to be under the direction and control of a Massachusetts-licensed pilot. This provision was identical to an already existing federal law for Prince William Sound, which has been in place for more than 20 years and has proven very effective in protecting the environment of these Alaskan waters.

The removal of this Buzzards Bay pilotage provision from the Senate bill is of concern to APA because the House version of the Coast Guard bill does include a Buzzards Bay provision, but the House version is seriously flawed. Unlike the Senate provision, which is unambiguous and patterned after long-standing federal law, the House version creates a confusing pilotage requirement for Buzzards Bay that may actually undermine existing pilotage standards in the area.

At this time, it is unclear when conferees from the House and Senate may be appointed and when the conference committee may meet, although work is proceeding at the staff level. APA will continue to monitor this and other legislation with potential impact on the piloting profession.



## CONGRESS LOOKS TO EXTEND DISCHARGE PERMIT EXEMPTION FOR VESSELS LESS THAN 79 FEET

Under the federal Clean Water Act, most non-recreational vessels are required to obtain a permit from the Environmental Protection Agency (EPA) to authorize discharges "incidental to the normal operation of the vessel." The Clean Water Act defines discharges "incidental to the normal operations of the vessel" very broadly. The phrase includes such common discharges as effluent from marine engines, graywater, bilge water, cooling water, weather deck runoff, oil water separator effluent, etc.

In recognition of the fact that there are tens of thousands of small commercial vessels that would have to comply with these EPA permitting requirements, on July 31, 2008, a law was enacted that established a two year exemption from the permit requirement for non-recreational vessels less than 79 feet. That exemption expires on July 31, 2010.

In May, legislators in both chambers of Congress introduced legislation that would extend this soon-to-expire two-year exemption for an additional three years. The primary sponsors of these bills are Sen. Barbara Boxer (D-CA) and Rep. Frank LoBiondo (R-NJ).

House bill H.R. 5301 and Senate bill S. 3372 contain identical text and, if passed and signed by the President, would extend the permit exemption for non-recreational vessels less than 79 feet until December 18, 2013. Indications are that there is strong bipartisan support for extending the exemption and it is anticipated the bills will be passed by Congress and signed into law before July 31.

While pilot boats that are 79 feet or greater in length have had to comply with the Clean Water Act permitting requirements for some time, those pilot boats that are less than 79 feet fall under the current exemption. If, as expected, the exemption extension legislation becomes law, these pilot boats less than 79 feet will continue to be exempted from the Clean Water Act permitting requirements for another three years. Otherwise, they will be subject to the permitting requirements on July 31.

Because this is an important environmental compliance issue that can have a significant impact pilot groups with pilot boats or launches that are less than 79 feet in length, APA has watched this legislation closely and has engaged other segments of the maritime industry that may operate some vessels subject to the permitting requirement and the exemption.



### **INLAND NAV RULES MOVED TO CODE OF FEDERAL REGULATIONS**

On April 15, 2010 the Coast Guard published a notice announcing that it had moved the Inland Navigation Rules from U.S. statute to the Code of Federal Regulations (CFR). The Inland Navigation Rules can now be found in 33 CFR Part 83 (§§ 83.01-83.38).

In the notice, the Coast Guard stressed that moving the rules from statute to regulation, which was authorized by the Coast Guard Authorization Act of 2004, does not involve any substantive changes to the rules. The agency indicated that the advantages of placing the inland rules in the CFRs are that it “will make it easier for the Coast Guard to update or revise the rules, and improve the public’s opportunity for input regarding changes to the rules.”

To read the entire notice, go to the following link:  
<http://edocket.access.gpo.gov/2010/pdf/2010-8680.pdf>

### **USCG ISSUES SAFETY ALERT ON AIS TEXT MESSAGING**

On May 27, the USCG issued a “Marine Safety Alert” relating to use of AIS text messaging for collision avoidance. The alert acknowledges that AIS “can mitigate risk of collision by providing vessels with more reliable information upon which to base their passing arrangements,” but stresses that AIS text messaging does not relieve the vessel of other requirements (e.g., bridge-to-bridge radio regulations and sound and light signals under the inland navigation rules).

The full “Marine Safety Alert” is available at: <http://www.navcen.uscg.gov/enav/ais/0510.pdf>

### **USCG TO PURGE OUTDATED NMC POLICY DOCUMENTS**

On June 9, the National Maritime Center (NMC) announced it had completed a review of all previously issued Navigation and Vessel Inspection Circulars (NVICs) and Policy and Guidance Letters related to its mariner credentialing program. The review was to determine which documents were still current and applicable.

Effective June 30, NMC will cancel numerous credentialing documents that have been “superseded or made obsolete by regulation, time, or other policy documents.”

A list of the documents to be canceled can be found at: [www.uscg.mil/nmc/policy\\_guidance\\_date.asp](http://www.uscg.mil/nmc/policy_guidance_date.asp).



### **RICHARD EDWING TAPPED TO HEAD NOAA’S CO-OPS**

Earlier this month, the National Oceanic and Atmospheric Administration (NOAA) appointed Richard Edwing, a 30-year NOAA veteran, to head its Center for Operational Oceanographic Products and Services or CO-OPS. Edwing will oversee the 24-hour a day operation that provides mariners, coastal managers and other users with real-time data on ocean conditions along the United States’ 95,000-mile coastline through the PORTS® program. Edwing replaces former CO-OPS director Mike Szabados, who retired in December 2009.

### **NOAA BEGINS REMOVING LORAN-RELATED INFORMATION FROM NAUTICAL CHARTS**

NOAA’s Office of Coast Survey announced that it is removing all LORAN-C lattices, LORAN-C interpolators and LORAN-C related notes from the agency’s nautical charts. NOAA’s announcement is in response to a Department of Homeland Security Appropriations Act, which required the Coast Guard to terminate transmission of all U.S. LORAN-C signals by Feb. 08, 2010. The NOAA announcement stressed that the termination of the LORAN-C signal will render the LORAN-C lattices, interpolators and notes obsolete. The LORAN related features will be removed as new editions of products are published. While the removal process will commence immediately, it may take several years to complete.

### **SABINE-NECHES WATERWAY LATEST TO GET PORTS®**

The Sabine-Neches Waterway is the latest U.S. coastal area to receive NOAA’s PORTS® or Physical Oceanographic Real-Time System. The system was installed near Port Arthur, Beaumont, and Orange, Texas, in December 2009, and was dedicated on May 21 in a special ceremony held in conjunction with National Maritime Day.

This brings the total number of operating PORTS® in the nation to twenty (20). The systems give mariners up-to-the-minute information on tides, currents, water and air temperature, barometric pressure, and wind (speed, gusts, and direction).



### CAPTAIN WAYNE BAILEY BRIEFS NTSB STAFF ON PPU<sub>s</sub>

At the invitation of the National Transportation Safety Board's (NTSB) Office of Marine Safety, Captain Wayne Bailey (Pilots' Association for the Bay and River Delaware) gave a day-long presentation and overview of the history, development, practical use, advantages, and limitations of portable pilot units (PPUs). Captain Bailey's presentation included both a classroom overview and bridge simulator sessions.

The briefing, which was well-received by the many NTSB staff members in attendance, took place on April 16th at the Maritime Institute of Training and Graduate Studies (MITAGS) in Linthicum Heights, MD. In addition to NTSB staff, Captain Jim Roche, President of the Pilots' Association for the Bay and River Delaware, and Clay Diamond, APA Deputy Director, also attended.



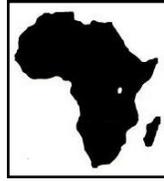
### KIRCHNER ADDRESSES UNITED KINGDOM PILOTS ON COSCO BUSAN LESSONS LEARNED

Mr. Paul Kirchner, APA Executive Director-General Counsel, was an invited speaker at the annual meeting of the United Kingdom Maritime Pilots Association (UKMPA). The meeting was held in Swansea, Wales on May 13th. It coincided with the 87th Session of IMO's Maritime Safety Committee in London, at which Mr. Kirchner was serving as a member of the U.S. delegation.

Kirchner discussed the November 2007 COSCO BUSAN accident, the subsequent government investigations, and the criminal and civil litigation. He also fielded a number of questions regarding a wide range of topics relating to U.S. pilotage law and regulation, including criminalization of the mariner.

### KIRCHNER ON PANEL AT MASSACHUSETTS MARITIME EXPO

Paul Kirchner, APA's Executive Director-General Counsel, recently participated on a panel discussion at the 2010 "Commercial Marine Expo" held in New Bedford, MA on June 9th and 10th. The discussion was presented by the editors of *Professional Mariner* magazine and focused on the topic: "Mariner Liability: What Should a Mariner Do after a Casualty."



### CAPTAIN WATSON A KEYNOTE SPEAKER AT AFRICA PILOT FORUM

In his capacity as President of the International Maritime Pilots Association (IMPA), Captain Mike Watson was a featured guest of the African Maritime Pilots' Association (AMPA) at their second International Forum on Piloting in Africa. AMPA, which was founded in 2008, has quickly become an important regional organization of maritime pilots.



Left to Right: Mr. Bara Sady (Chief Executive of the Port of Dakar), Mr. Habib Sy (Senegal's Minister of Transport), and Captain Mike Watson (APA/IMPA President).

The three-day forum, held from March 15-17 in the Senegal capital city of Dakar, was jointly organized by AMPA, IMPA, and the Autonomous Port of Dakar.

Captain Watson, along with the Senegalese Minister of Transport and the Chief Executive of the Port of Dakar, were invited guests and keynote speakers.

The meeting was attended by 28 delegations representing pilotage areas or groups in 24 African countries. Also attending the meeting were Paul Kirchner, from the APA; Mr. Nick Cutmore, IMPA Secretary General; and two IMPA Vice Presidents, Captain Otavio Fragoso and Captain Rudolph Striga.

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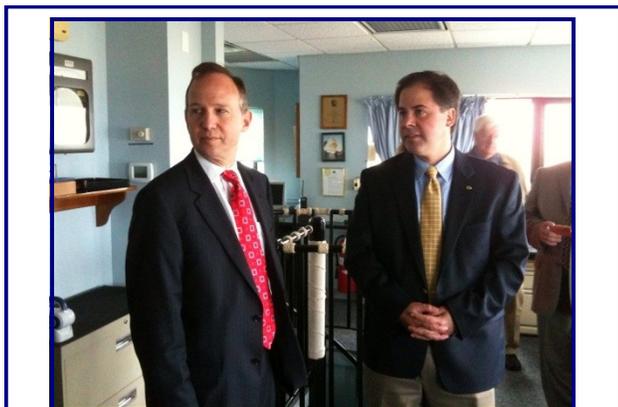


## APA NEWS & INFO

### BAY AND RIVER DELAWARE PILOTS HOST DELAWARE GOVERNOR

In April, the Pilots' Association for the Bay and River Delaware hosted Delaware Governor Jack Markell (D). During the visit, Captain James R. Roche, the Association's President, briefed the governor on pilotage operations in the State and showed him the infrastructure that is necessary to maintain a modern and reliable state compulsory pilotage system.

Governor Markell was given a tour of the Pilot Station in Lewes, Delaware, as well as of the Association's Vessel Traffic Information System (VTIS) tower located at the entrance to the Delaware Bay on Cape Henlopen.



Delaware Governor Jack Markell (left) listens as Captain James R. Roche, President of the Pilots' Association for the Bay and River Delaware, shows him the operations at the Association's Vessel Traffic Information System (VTIS) tower.



### THE CLOCK IS TICKING... REGISTER FOR THE APA CONVENTION!

The 2010 Biennial Convention of the American Pilots' Association is quickly approaching. Don't miss out...register now!

The Convention will be held in Las Vegas from October 24-29, 2010. As previously detailed in *ON STATION*, the Attorneys' Meeting and Committee Meetings will be held on Monday, October 25 and the business meetings begin on Tuesday, October 26, 2010.

In order to register yourself and any guests for the Biennial Convention, please go to the APA website, [www.americanpilots.org](http://www.americanpilots.org), and look for Convention registration and general information tabs.



### ...AND DON'T FORGET THE 2010 IMPA CONGRESS

The 20<sup>th</sup> International Maritime Pilots Association Congress (IMPA 2010) will be held in Brisbane, Australia from November 14-19.

The 2010 IMPA Congress will give maritime pilots from around the globe the opportunity to discuss the state of the piloting profession, share important experiences, consider the challenges facing the profession, and to look to the future even as pilots honor their long and proud history.

For registration information, please visit the IMPA website at [www.impahq.org](http://www.impahq.org).

### ELECTIONS, SELECTIONS, APPOINTMENTS, ETC.

- ◆ At their annual meeting held on May 4, the Northeast Marine Pilots reelected **Captain Joseph P. Maco** to serve another 1-year term as President.
- ◆ The Associated Branch Pilots recently announced their 2010-2011 Board of Directors. The board is comprised as follows: **Captain Michael R. Lorino, Jr.** (President), **Captain Michael T.D. Miller** (Vice President), **Captain Daniel W. Mott** (Secretary), **Captain Leon C. Buras** (Director), and **Captain Stephen W. Post** (Director).
- ◆ The new Presiding Officer of the Matagorda Bay Pilots Association is **Captain David Adrian**.
- ◆ The Mobile Bar Pilots announced their newly elected officers: **Captain Patrick J. Wilson** (President), **Captain J. Christopher Brock** (Vice President), **Captain David L. Bender** (Secretary/Treasurer), **Captain H. Reid Key** (Boat Captain), and **Captain David Berault** (Director).
- ◆ The Pilots' Association for the Bay and River Delaware announced the results of their recent election: **Captain James Roche** (President), **Captain Richard Buckaloo** (Director), and **Captain Patrick Beebe** (Director).
- ◆ The 2010-2011 officers for the Puget Sound Pilots are as follows: **Captain Frantz A. Coe** (President), **Captain Eric vonBrandenfels** (Vice President), and **Captain Jonathan Ward** (Secretary / Treasurer).
- ◆ The St. Lawrence Seaway Pilots' Association announced the election of the following officers: **Captain Roger S. Paulus** (President), **Captain John R. Boyce** (Vice President), **Captain Donald J. Metzger** (Secretary), and **Captain DeWitt L. Withington** (Treasurer).
- ◆ **Captain Stephen Gasecki** and **Captain Richard Grimison** have been re-elected Co-Chairmen of the Canaveral Pilots' Association.