



# ON STATION

The Newsletter of the American Pilots' Association

June 15, 2011

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## COMMANDANT HOSTS APA

### REITERATES VALUE OF PARTNERSHIP AND RENEWS PLEDGE TO REVIEW NMC MEDICAL REVIEW PROGRAM

In April, Coast Guard Commandant, Admiral Robert J. Papp, Jr., hosted APA President, Captain Mike Watson, and the APA staff in his office at Coast Guard Headquarters in Washington, DC. The main purpose of the meeting was to continue to build upon the longstanding strong relationship between the Coast Guard and APA and to discuss current issues of mutual concern. Most notably, the National Maritime Center's (NMC) medical fitness review program was discussed at considerable length.

The meeting began with a general discussion of the formal agreements presently in place between the two organizations. Specifically, the APA and Coast Guard have a cooperative agreement to promote vessel safety and to prevent damage to the environment from commercial vessels, as well as a separate agreement to work to-



*APA President, Captain Mike Watson (far right), makes a point to Coast Guard Commandant, ADM Papp (foreground), during a meeting at Coast Guard Headquarters. Others pictured (left to right): VADM Brian Salerno, Mr. Clay Diamond, and Mr. Paul Kirchner.*



*Left to right: Paul Kirchner (APA Executive Director-General Counsel), Captain Mike Watson (APA President), ADM Robert Papp (USCG Commandant), Clay Diamond (APA Deputy Director), and VADM Brian Salerno (USCG Deputy Commandant for Operations).*

gether to enhance the security of U.S. ports and waterways. Commenting on the APA partnerships, Papp said, "State pilots around the country work alongside Coast Guard men and women to ensure the safe and efficient

movement of maritime commerce in our ports and waterways." He added, "I value very much the Coast Guard's partnership with the American Pilots' Association."

The most important issue on the agenda, a topic that has been a matter of ongoing discussions between the APA and senior USCG officials for some time, was the NMC's merchant mariner medical review program. Captain Watson made clear that while the APA has worked with the Coast Guard over the past several years to try to improve the medical review program, there continues to be a great deal of frustration and concern over the system. Watson reiterated a question APA frequently asks Coast Guard leaders, "Why did the Coast Guard (unlike, for example, the FAA or Federal Motor Carrier Safety Administration) implement a medical review system that has a government physician, who has never seen or examined the mariner, make final medical fitness determinations?"

In response to this question, the Commandant committed to having his senior staff take a close look at other transportation safety agencies' medical review programs and determine how the Coast Guard's medical review program might be adjusted in the future.



## NAV 57 MEETING: PILOTS PREVAIL AGAINST ATTACK BY FLAG OF CONVENIENCE

During the June 6 through 10 meeting of the IMO's Subcommittee on Safety of Navigation (NAV 57), the delegation from the Bahamas launched a curious, unsupported, and ultimately unsuccessful attack against pilots. The meeting was attended by Captain Mike Watson in his capacity as President of IMPA, and also by APA's Executive Director-General Counsel, Paul Kirchner, who was a private sector advisor on the U.S. delegation. Pilots were also represented on delegations from several other countries.

The Bahamas had submitted a paper claiming "a spate of accidents and near misses involving vessels whilst under pilotage" and recommending that IMO develop new guidance requiring advance submission of pilot passage plans, prohibiting a pilot from ever manually steering a vessel, and reiterating existing rules on the use of English by pilots.

In response, Captain Watson made clear that pilots believe strongly in the value of properly conducted casualty investigations for providing lessons learned and identifying ways to improve navigation safety. He pointed out that the Bahamas' proposals were completely unsupported by facts, however. Captain Watson said, "The Bahamas justifies its proposed new pilotage practices by referencing two navigational accidents, including one in which an investigation by the Port State is still underway, and some anonymous reports of 'near misses.'" He continued, "In neither of the two accidents cited by the Bahamas was there any indication that a lack of communication between the pilot and the bridge team was a causal factor or that a more extensive or earlier submitted passage plan by a pilot would have prevented the accident."

With regard to pilots manually steering vessels, Wat-

**AMERICAN PILOTS' ASSOCIATION**  
499 South Capitol Street, S.W., Suite 409  
Washington, D.C. 20003  
(202) 484-0700 • Fax: (202) 484-9320

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## WHY IMO?

It is obviously critical that state pilots, pilot groups, and the APA closely watch the actions of State legislatures and the Congress since these legislative bodies can substantially effect both the state pilot system and the careers of individual pilots.

It is just as critical, however, that pilots pay close attention and are well-represented at the International Maritime Organization (IMO). Why? Binding agreements or treaties adopted by the IMO and ratified by the U.S. become "the law of the land" in the U.S. and, therefore, can require domestic legislation that can impact all U.S. mariners, including pilots.

As is the case with the legislative process at home, there are organizations and entities that attempt to influence the IMO proceedings in order to weaken or damage pilotage. Pilots must be just as vigilant at monitoring these interests in London as in Washington and state capitols in the U.S.

An APA representative usually serves on U.S. delegations to relevant IMO meetings and ensures the views and interests of state-licensed pilots are considered by U.S. policymakers.

son pointed out that this is a practice that varies, quite properly, from location to location and for some vessels the only way that a pilot can effectively direct and control the vessel is by personally steering the vessel. "Further, in some ports manual steering of a vessel by a pilot is not only an accepted practice, it is legally required", Watson stated.

Watson concluded by stressing that IMO Assembly Resolution A.960 was developed over a number of years and was the product of often difficult negotiations. He said, "A.960 and other existing IMO instruments offer sufficient guidance regarding how bridge crews and pilots can best work together to achieve the common goal of safe and efficient ship navigation."

At the end of this debate, the position of the pilots prevailed. The Report for NAV 57 documented that a strong majority of delegations were clearly of the view that existing IMO recommendations and guidelines, including A.960, were sufficient and there was no justification for any new IMO instruments at this time.

APA will continue to monitor this and other IMO agenda items that could impact state pilots or pilotage.



### FIRST EVER "DAY OF THE SEAFARER" TO BE OBSERVED THIS YEAR

Last year, the IMO designated 2010 as "The Year of the Seafarer," a step intended to increase public awareness of the indispensable role mariners play in the world economy and society in general. In order to continue this awareness campaign, the IMO has designated June 25th (the date in 2010 on which the "Manila Amendments" to the STCW Convention were adopted) as the annual "Day of the Seafarer."



## AT HOUSE HEARING USCG CONCEDES THERE ARE PROBLEMS WITH MEDICAL REVIEW PROGRAM

At a recent hearing before the House Subcommittee on Coast Guard and Maritime Transportation (CG&MT), the U.S. Coast Guard conceded that there are flaws in its merchant mariner medical evaluation program. At the hearing, the agency also signaled that it will be pursuing significant modifications to the program.

The CG&MT hearing, held on May 24, was titled: “Creating U.S. Maritime Industry Jobs by Reducing Regulatory Burdens.” While the hearing was aimed mostly at the broader Coast Guard regula-



Testifying before the House Coast Guard Subcommittee, RADM Cook discusses the shortcomings of the USCG’s mariner medical fitness program and ways to improve it.

tory program, Rep. Howard Coble (R-NC), Acting Chairman of the Subcommittee, led off with an early question to Coast Guard Rear Admiral Kevin Cook about the National Maritime Center’s merchant mariner medical fitness program.

Mr. Coble said, “The FAA and other federal agencies allow private physicians to conduct examinations of licensed workers, such as airline pilots, and then determine if the worker meets medical fitness requirements to be licensed by the federal agency. The Coast Guard...has chosen to put in place a system in which a government healthcare bureaucrat does not conduct the medical examination of the worker, but nonetheless makes the medical fitness determination.” Coble then asked, “*Admiral, why does the Coast Guard follow this process when other federal agencies rely on the expertise of private physicians who’ve actually examined the worker?*” Later in the hearing, Rep. Andy Harris (R-MD), asked RADM Cook a similar question about why the Coast Guard opted to implement a medical review system that is so different from the FAA and the Federal Motor Carrier Safety Administration.

Cook responded to these questions by conceding that the current merchant mariner medical fitness program has “shortcomings” and that “further progress” is needed to ensure that the system is consistent and accomplishes its purpose. Cook added that “the other modes [air and high-

way] that you mentioned have something very viable in their programs.”

The Admiral went on to say that the very first task of the recently established “Merchant Mariner Medical Advisory Committee” will be to provide recommendations to the Coast Guard regarding how to modify its medical review system “to view physical exams the way the FAA does.” He added, “We like the way they do it.”

## BILL REQUIRING HARBOR MAINTENANCE TAXES BE USED ONLY FOR DREDGING GAINS MOMENTUM

A recent report by the U.S. Army Corps of Engineers (ACOE) estimates that less than 35% of the channels in the Nation’s most critical harbors and waterways are adequately dredged to the federally authorized depths and widths. This ACOE report — and the corresponding serious potential economic impacts on local ports and economies — is leading to a serious Congressional effort to provide more funding for dredging projects.

Sen. Carl Levin (D-MI), with twenty-one Senate co-sponsors, and Rep. Charles Boustany (R-LA), with ninety-eight House co-sponsors, have introduced legislation aimed at addressing shortfalls in dredging funds. These bipartisan bills (S. 412 and H.R. 104, respectively) would require all funds generated from the Harbor Maintenance Tax to be dedicated exclusively to dredging and harbor maintenance projects.

The Harbor Maintenance Tax, first implemented in 1986, generates an estimated \$1.3 to \$1.5 billion dollars per year. However, according to Congressional estimates, less than half of this money makes it to the ACOE for dredging or other harbor maintenance projects.

## GAO QUESTIONS EFFECTIVENESS OF TWIC PROGRAM



The Government Accountability Office (GAO) informed the Congress that one of its recent investigations showed significant problems with the long-delayed and oft-criticized TWIC Program. According to the GAO, its investigators were able to fraudulently obtain TWICs and use them to enter secure port areas. The investigation showed that the Department of Homeland Security lacked adequate controls to ensure eligibility requirements were met by card applicants.

Responding to the GAO report, TSA Administrator John Pistole recently told a Congressional committee that the program is “clearly not what anybody intended.”

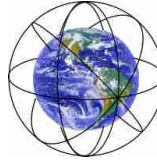
## SHIPPING INTERESTS AGAIN TRY TO PUSH DISCREDITED ISPO

Recent articles in shipping industry trade journals have announced the development of a “new international accreditation scheme for maritime pilots” known as the International Standard for Maritime Pilot Organizations (ISPO). As most pilots know, however, ISPO is not new, nor is it really a true “international” program.

This scheme was first proposed in 1998. At that time, the International Maritime Pilots’ Association (IMPA) agreed to evaluate ISPO and formed a committee of experts to do so. After several years of study, evaluation and trials, IMPA made the decision not to proceed with ISPO or to endorse or support it. The APA concurs fully with IMPA and does not support ISPO. In the 13 years since ISPO was introduced, only a handful of the many pilot organizations within the more than 50 countries represented in IMPA, have taken part in this scheme.

The reasons APA does not to support ISPO include:

- ⇒ **ISPO is a commercial product.** ISPO is a commercial venture or “product” designed principally as a marketing tool for pilot organizations that operate as private businesses in an unregulated competitive environment. ISPO can conflict with State government regulation and has little value or application in places like the United States that have traditional, highly regulated, non-competitive pilotage carried out by autonomous independent contractor pilots.
- ⇒ **ISPO is focused on meeting pilot “user” objectives.** ISPO discusses pilotage as an equal “balance between safety and efficiency” and makes clear that the scheme is aimed at ensuring a pilot organization is “meeting its users’/customers’ requirements.” Compulsory pilotage is navigation safety regulation, however. Although state pilots are not government employees, pilots do perform what is, in large measure, a governmental function. A pilot’s primary responsibility is to protect the interests of the state that issues the pilot license. In that respect, the principal customer of the pilot’s service is not the ship or the shipowner but rather the public interest. State pilots must focus first on meeting their public service obligations.
- ⇒ **IMO has adopted appropriate international guidance on pilotage.** The ISPO’s emphasis on international uniformity in pilotage is inconsistent with the principle that pilotage is a uniquely local matter that is best addressed by local rules. Indeed, the International Maritime Organization (IMO), in Assembly Resolution A.960, established appropriate and useful pilotage guidelines, but rejected the idea of uniform international pilotage standards.



## TESTS SHOW PROPOSED WIRELESS NETWORK COULD JAM GPS

This month, a federal working group released test results showing that a proposed high-speed wireless broadband network could jam GPS systems used for marine and aviation navigation, as well as defense operations.

In January 2011 the Federal Communications Commission gave a company called *LightSquared* approval to build a nationwide fourth-generation wireless network that would compete with super-fast systems being rolled out by other service providers.

The test results, released by the Space-Based Positioning, Navigation & Timing Committee, show that all GPS receiver applications evaluated were impacted by the proposed *LightSquared* network. The report is available at: <http://www.pnt.gov/advisory/2011/06/bunce.pdf>.

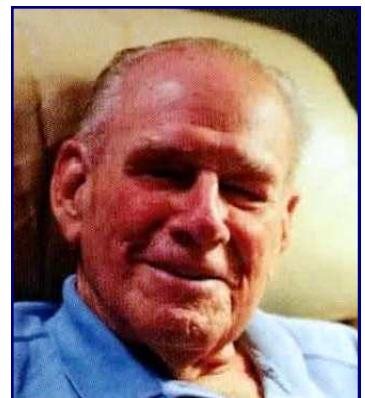
The report’s test results come amid growing fears that *LightSquared’s* planned network could cripple GPS systems embedded throughout the Nation. The company’s plans have caused a great deal of concern among GPS equipment makers, GPS users, and the many government agencies and companies that rely on GPS systems because *LightSquared’s* network would use airwaves adjacent to those already set aside for GPS.

Members of APA’s Navigation Technology Committee, led by the committee Chairman Captain Jorge Viso (Tampa Pilots), have been discussing this issue for several months. Congressional committees plan hearings this summer to investigate this potential problem further.

## APA LIFE MEMBER CAPTAIN SHERRILL POULNOT PASSES AWAY

On Wednesday, May 4, 2011, Captain F. Sherrill Poulnot, former President of the Charleston Branch Pilots’ Association and “APA Life Member”, passed away. He was 88 years old.

Captain Poulnot was born in Charleston, attended the Citadel before joining the Navy, where he was a World War II combat veteran. Poulnot spent 42 years with the Charleston Pilots and was elected President in 1958. He served in that position for 15 years. He was also APA Trustee for South Carolina.



Captain Sherrill Poulnot, APA Life Member, passed away on May 4 at the age of 88.

Captain Poulnot is survived by his wife, Anne McLeod Poulnot, as well as two sons, a daughter, and eight grandchildren.



## NMC LISTS ACTIONS TO IMPROVE MEDICAL PROGRAM...

The Commanding Officer of the NMC recently announced that he has made a number of changes within the NMC's Mariner Medical Evaluation Division.

The changes, which were made to "address mariner concerns...specifically related to the medical portion of the application review," include the following:

- Assignment of a full-time, on-call "Mariner Medical Point of Contact", who can be reached by calling the Mariner Information Call Center (1-888-IASKNMC).
- Increase in government medical personal.
- Adjustments to medical screening procedures.

APA continues to have discussions with the NMC on its credentialing program, including the medical review system.

### ...BUT, NMC'S UNANNOUNCED CHANGES TO 719K CREATE CONFUSION

On May 20, the NMC issued a public notice in which it conceded that it had recently made unannounced changes to the Merchant Mariner Medical Evaluation Form (719K). Most of these changes were technical in nature, but others were more substantive including some changes that require more information from the examining physicians. Because the public was not made aware of these changes to the 719K, mariners were using different versions of the form. The USCG actually rejected some of these forms.

In the May 20th notice, the NMC strongly encouraged all mariners and their medical providers to use the most recent version of the form, which is located at:

<http://www.uscg.mil/nmc/forms/medical/cg719k.pdf>.

The notice also cautioned mariners that the NMC would not accept any 719K forms that have been modified or altered in any way by a third party.

### MERPAC FINALLY REAUTHORIZED BY DHS

After more than a year in limbo, the Department of Homeland Security (DHS) has finally reestablished the Merchant Marine Personnel Advisory Committee (MERPAC). MERPAC, originally established in 1992, advises the Coast Guard on matters relating to training, qualification, licensing, and fitness of merchant mariners.

It is expected that most of the previous 19 members of MERPAC, including Captain Andrew McGovern (New Jersey Sandy Hook Pilots), who has served as MERPAC chairman for a number of years, will be retained.



## COAST GUARD SEEKS NEW MEMBERS FOR NAVSAC

The Coast Guard is seeking applications for membership on the Navigation Safety Advisory Council (NAVSAC). NAVSAC advises the Coast Guard on matters relating to the prevention of collisions, allusions, and groundings, including, but not limited to: Rules of the Road, navigation regulations and equipment, routing measures, marine information, and aids to navigation systems.

The law specifies that the Council shall consist of not more than 21 members, who are appointed to three-year terms. Pilots interested in applying to NAVSAC should be aware applications must be submitted to the Coast Guard by July 29.

For more information about NAVSAC and the application process, visit:

<http://edocket.access.gpo.gov/2011/pdf/2011-14332.pdf>.

### MORE FROM APA'S MEETING WITH COAST GUARD COMMANDANT



During an April meeting, Captain Mike Watson (center) speaks with ADM Robert Papp (far right), as Clay Diamond, Paul Kirchner and VADM Brian Salerno listen.

### DON'T FORGET THE APA PAC FUND

Send your voluntary contribution to:  
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 499 South Capitol St., SW  
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## APA NEWS & INFO

### CAPTAIN KEVIN DOONEY, COLUMBIA RIVER BAR PILOT, DIES IN PLANE CRASH

With regret, *ON STATION* reports that Columbia River Bar Pilot, Captain Kevin Dooney, 46, died in a plane crash on June 4, 2011. The cause of the crash, which occurred in the vicinity of the Astoria Regional Airport, is still under investigation. The plane was Captain Dooney's personal plane, and he was the only person onboard.

Captain Dooney, who was very proud of his Irish heritage, was brought into the Columbia River Bar Pilots' Association on St. Patrick's Day in 2008, a fact that he relished. "He took great delight in that," said Columbia River Bar Pilot Captain Robert Johnson. Captain Dooney will be missed by his Columbia River Bar Pilot partners, who will remember him as both a good friend and an important member of the bar pilot group.

Captain Dooney is survived by his mother, Marcella Glenn Dooney, and his son, Roarke Aidan Conor Donney, both of Florida. The APA joins all member pilot groups and state-licensed pilots around the country in offering sincere condolences to Captain Dooney's family.



**Captain Kevin Dooney at the Columbia River Bar Pilots' office in Astoria in May 2011.**



**Captain Gregg Farmer (center) receives the Meritorious Public Service Award from Rear Admiral Dan Neptune (left) and Captain John Healey.**

### GREGG FARMER RECEIVES USCG AWARD

On April 7, Captain Gregg Farmer (immediate past President of the Boston Harbor Pilots' Association), was presented the *Coast Guard Meritorious Public Service Award*. The award was presented at the Propeller Club of Boston by First Coast Guard District Commander, Rear Admiral Dan Neptune, and Sector Boston Commander, Captain John Healey.

The award cited Captain Farmer's "meritorious service of national and regional significance while providing superlative support to the United States Coast."



### REMINDER OF UPCOMING MEETINGS AND EVENTS

- ◆ The **3rd Canadian Maritime Pilots Association Congress** will be held in Halifax, Nova Scotia from July 5-9, 2011. CMPA President, Captain Simon Pelletier, has invited all pilots from APA-member groups to attend this meeting of Canadian pilots. There is still time to register for this important meeting. For more information, go to: <http://cmpacongress2011.com>.
- ◆ The **21st International Maritime Pilots' Association (IMPA) Congress** will be hosted by the United Kingdom Maritime Pilots' Association (UKMPA) and will be held in London from September 24-28, 2012. The APA encourages state-licensed pilots from around the country to attend this gathering of the world's professional maritime pilots. For more on the Congress, please visit: <http://www.impa2012.com>.

### ELECTIONS, SELECTIONS, APPOINTMENTS, ETC.

- ◆ The Mobile Bar Pilots announced their 2011-2012 officers as: **Captain J. Christopher Brock** (President), **Captain Patrick J. Wilson** (Vice President), **Captain David L. Bender, Jr.** (Secretary/Treasurer), **Captain Peter Burns** (Boat Captain), and **Captain Scott M. Driscoll** (Director).
- ◆ The new officers for the Canaveral Pilots Association are **Captain Ben Borgie** (Co-Chairman), **Captain Doug Brown** (Co-Chairman), and **Captain Brendan McMillin** (Association Secretary).
- ◆ The Northeast Marine Pilots' Association recently announced its election results for 2011. Officers are as follows: **Captain E. Howard McVay, Jr.** (President), **Captain Vincent Kirby** (Vice President), **Captain Clinton Walker** (Secretary) and **Captain Richard Astles** (Treasurer).
- ◆ The 2011 officers for the Lakes Pilots Association are: **Captain Dan Gallagher** (President), **Captain Philip Knetchel** (1st Vice President), **Captain Christopher Loflin** (2nd Vice President), **Captain George Haynes** (Treasurer), **Captain Wayne Coulston** (APA Trustee) and **Mr. Charles Kelly** (Secretary).