



ON STATION

The Newsletter of the American Pilots' Association

December 15, 2011

Page 1

HOLIDAY GREETING AND END OF THE YEAR MESSAGE FROM THE PRESIDENT

As we approach the holiday season and the end of another eventful year, my thoughts and best wishes are with the 1,200 APA-member pilots who — every hour of every day — safely and expertly move ships of all types and sizes into, out of, and within U.S. ports. These ships carry goods and products that support the American people and fuel our economy. Pilots are a critical part of the maritime industry and perform a vital service to their port, their state and region, and most importantly to their fellow citizens. As the U.S. Supreme Court observed many years ago, maritime pilots are “indispensable cogs in the transportation system” of this country.

While the remarkable professionalism, expertise, and effectiveness of APA-member pilots may cause some people to take pilotage for granted, piloting is not easy — as those of us who have committed our lives to this great profession know. It involves a unique set of skills, capabilities, and responsibilities. Over 150 years ago, famed writer and noted river pilot Mark Twain described some of the attributes of a pilot:

A pilot must have a memory; but there are two higher qualities which he must also have. He must have good and quick judgment and decision, and a cool, calm courage that no peril can shake. Give a man the merest trifle of pluck to start with, and by the time he has become a pilot he cannot be unmanned by any danger a steamboat can get into; but one cannot quite say the same for judgment. Judgment is a matter of brains, and a man must **start** with a good stock of that article or he will never succeed as a pilot.

Today, pilots also need to be knowledgeable in the operation and use of rapidly advancing navigation technology and pilots have historically been worldwide leaders in this regard. In addition, a pilot's job now is made more difficult by having to deal with minimally manned ships, crews of decreasing abilities, and often silly bridge procedures dreamed up by shoreside consultants.

We also need to recognize another challenge we continue to face. There are individuals, companies, and or-

ganizations who, to advance their own business interests and agendas, are seeking to weaken or even remove compulsory pilotage standards. As pilots, we must continue to be vigilant against these efforts to put profit before safety.

While piloting assignments can involve stress, struggle, risk, and even danger, pilots also experience times of great satisfaction in doing something very few people can do. How lucky we are to be able to bring a large ship carrying many millions of dollars in cargo through a tight, confined waterway or through a crowd of other vessels safely to a dock! How many people can say that they face that kind of challenge, and succeed, on a routine basis?

We are fortunate to be pilots.



The APA Staff wishes all Members and their families a Very Happy Holiday Season and a Safe, Healthy, and Prosperous New Year!



ENHANCED PILOT LADDER SAFETY REGULATIONS FORMALLY ADOPTED

The International Maritime Organization's (IMO) Assembly, the highest governing body of the IMO, met in London from November 21-30 for its 27th Session. APA and IMPA President, Captain Mike Watson, attended the relevant substantive portions of this important meeting.

While the Assembly continued to be focused largely on efforts to combat piracy, the body did adopt a range of other measures, including a very important item relating to the safety of maritime pilots. The Assembly approved amendments to Chapter V, regulation 23 of the International Convention for the Safety of Life at Sea (SOLAS) aimed at improving the safety of pilot transfers. In adopting these important amendments, the IMO noted that pilots around the world perish or are seriously injured each year while boarding vessels for pilotage duties.

Following the Assembly's approval of the amendments, Captain Watson said, "I welcome the IMO's action today. Ensuring the safety and welfare of marine pilots around the world is critically important, and the adoption of these SOLAS amendments has been among my top IMO priorities." He added, "I very much appreciate the support and leadership provided by the U.S. Delegations to IMO, including in particular the efforts of the U.S. Coast Guard's Mr. Bill Cairns."

The SOLAS amendments, which enter into force in July 2012, prohibit the use of mechanical hoists, mandate pilot ladders be certified by the manufacturer as complying with IMO safety standards, compel record-keeping for the purposes of survey and inspection, and require accommodation ladders, when used in combination with pilot ladders, to be secured to the ship's hull to prevent the ac-

commodation ladder from swinging away from the ship during heavy seas. In addition, in order to address concerns regarding poor inspection schemes for ladders, the new regulations make clear that pilot ladders must be inspected as part of the ship's safety equipment and that no ship safety equipment certificate should be issued or renewed by government regulators if the pilot transfer equipment has not been properly inspected.



From left to right: Mrs. Linda Papp, Admiral Robert Papp (USCG Commandant), Mrs. Alice Salerno, Captain Mike Watson, and Mrs. Gerrie Watson talk during a reception at IMPA Headquarters aboard the HQS Wellington in London.

IALA SEEMS TO SLOW DOWN ON MISGUIDED PILOTAGE GUIDELINES

As *ON STATION* readers are aware, APA, IMPA, and many IALA-member countries are adamantly opposed to IALA's efforts to expand its activities into pilotage, an area far removed from its legal remit and outside its areas of expertise. IALA's efforts are a direct affront to IMO, the only organization with the appropriate legal authority to address pilotage on an international level.

While IALA has not halted the work of its so-called Pilotage Authority Forum (PAF), there are signs this misguided effort may be losing momentum. At its most recent Council meeting (December 5-9), IALA reviewed the PAF's proposed pilotage guidelines and refused to adopt them, essentially downgrading them to merely a "report from the PAF." This is not surprising given that PAF consists of only 5 of the 80 IALA-member countries and only 4 members (who represent countries with atypical pilotage systems) attended the last PAF meeting at which the draft guidelines were finalized. Council also decided to review the terms of reference for the PAF.

The PAF's proposed "pilotage guidelines" contain provisions that are inconsistent with U.S. law and this country's pilotage system (both the state pilot system and the USCG system in place on the Great Lakes). Council's decision is most welcome, and APA will continue to follow this important matter.

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ON STATION is published by the American Pilots' Association, a non-profit professional association composed of groups of state-licensed pilots operating in each of the coastal states, as well as groups of U.S. registered pilots in the Great Lakes region. Each pilot in APA-member groups receives *ON STATION*, the costs of which are paid from the member's dues. Any comments, suggestions or questions concerning *ON STATION* should be directed to the attention of the APA office at the above address.



FLURRY OF MARITIME ACTIVITY AS CONGRESS' YEAR ENDS

While gridlock has characterized much of the 2011 legislative calendar, maritime committees and subcommittees are moving legislation of interest to pilots and other mariners. As the first session of the 112th Congress comes to an end, a number of important maritime-related bills, including the Coast Guard Authorization Act, are progressing through Congress.

Coast Guard Authorization Act

House. On November 15, the U.S. House of Representatives passed the Coast Guard and Maritime Transportation Act of 2011 (H.R. 2838). This important legislation, which APA has watched closely over the past year, passed the House by a voice vote. H.R. 2838 was introduced by Coast Guard Subcommittee Chairman Frank LoBiondo (R-NJ) and co-sponsored by Transportation Committee Chairman John Mica (R-FL).

As far as the interests of pilots go, the most significant provisions in H.R. 2838 are sections 408, 409, and 602. Section 408 addresses the liability of non-federal vessel traffic information service (VTIS) operators and seeks to ensure pilots working in such VTIS centers are treated the same with respect to liability as those working in Coast Guard vessel traffic services. Section 409 amends the U.S. Code to allow the Coast Guard to extend — for up to one year — a medical certificate issued to a licensed mariner if such an extension is necessary to eliminate a backlog at the National Maritime Center.

Section 602 addresses a matter APA has been working on for a number of years. This section requires the USCG to report to its Congressional oversight committees in the House and Senate and explain the adequacy of its mariner medical review program and to provide an analysis of how a system similar to those used by the Federal Aviation Administration and the Federal Motor Carrier Safety Administration could be used by the USCG to make medical fitness determinations for mariners. This provision dovetails with APA efforts to work with the USCG to improve its medical review system.

Senate. The Senate has also begun serious efforts on its version of Coast Guard authorizing legislation. The Coast Guard Authorization Act for Fiscal Years 2012 and

2013 (S.1665) was introduced on October 6 by Commerce, Science and Transportation Committee (CS&T) Chairman John Rockefeller (D-WV) and co-sponsored by Coast Guard Subcommittee Ranking Member Olympia Snowe (R-ME). The bill was referred to CS&T for its consideration. On November 2, CS&T made some amendments to the legislation and reported it out for consideration by other senators. There is no definitive timeline for Senate action on S.1665, which does not contain any provisions directly impacting state pilots.

When the full Senate may pass S.1665, the bill must then be reconciled with the House version through a “conference” and then passed by both chambers. APA will continue to monitor these bills and others that can impact the piloting profession.



Transportation Worker Identification Credential

Both the House and Senate have taken up bills aimed at addressing at least some of the frustrations that continue to haunt the Transportation Worker Identification Credential (TWIC). In the Senate, Sen. Kelly Ayotte (R-NH) introduced S.1966 on December 8; and in the House Rep. Steve Scalise (R-LA) introduced H.R. 3173 on October 12. Both of these bills, which have bipartisan co-sponsors, would require the Secretary of Homeland Security to “reform the process for enrolling, activating, issuing, and renewing [TWICs] so that applicants are not required to visit a designated enrollment center more than once.”



Savannah Bar Pilots Association Operating Base

Savannah Pilots The Senate (on November 2) and the House (on December 7) have both passed legislation, the Fort Pulaski National Monument Lease Authorization Act, that will allow the Savannah Bar Pilots to enter into 10-year leases to continue their operations on this National Park Service land. The Savannah Pilots have used this land continuously since 1940.

Congressman Jack Kingston (R-GA), on the House floor while urging passage of the legislation, said, “The Bar Pilots’ expertise is essential in helping ships reach the terminals...[and the pilots] provide a crucial public service and also act as good neighbors to one of Coastal Georgia’s most treasured historical sites.”

The legislation was signed by the President on December 19.



Board of Trustees

TRUSTEES GATHER FOR OFF-YEAR MEETING IN WASHINGTON

The Trustees of the American Pilots' Association, per the association's by-laws, met for their annual meeting on October 31 through November 1. The meeting was held in Washington, DC. As in past years, the agenda for this important meeting was full and busy.

Captain Watson kicked off the meeting by giving his annual President's Report to the Trustees. This was followed by each regional APA Vice President and Trustee giving a report

on important developments, issues and concerns effecting his or her state or region. In addition, Mr. Paul Kirchner, APA's Executive Director - General Counsel, gave a detailed report on the latest domestic and international policy and legal developments in pilotage. Deputy Director, Clay Diamond, followed by giving an overview of APA's ongoing work with the National Maritime Center to find ways to improve its credentialing and medical certification services. Finally, a panel session was held to discuss the potential lessons learned from the marine accident involving the EAGLE OTOME.



NMC Commander, Captain Lloyd addresses APA Trustees as Captain Watson (center) and VADM Salerno observe.



VADM Brian Salerno provides an update on the latest USCG policy developments.

In addition, the Navigation Technology Committee (NAVTECH) held its annual meeting. Under the leadership of Chairman Jorge Viso (Tampa Bay Pilots Association), NAVTECH again covered a wide array of important topics. Among the agenda items NAVTECH addressed were ongoing

work on APA guidelines for the development of pilot specific ECDIS training courses, a review of the latest meeting of IALA's e-Nav Committee, and reports from various regions regarding lessons learned and latest developments in the area of portable pilot units.

As has also become customary and reflective of the APA's efforts to work with USCG officials on matters relating to pilotage, a number of senior officers spoke at the Trustees Meeting. These officials' appearances were not one-way presenta-



Bill Cairns provides an overview of IALA's e-Nav Committee meeting.

tions, but rather involved questions and lively discussion on important matters relating to pilotage, navigation technology, and marine safety. Among the officers who spoke were Deputy Commandant for Operations VADM Brian Salerno; Commanding Officer of the NMC Captain Anthony Lloyd; and Principal Navigation Engineer (and Chairman of IALA's e-Nav Committee) Mr. Bill Cairns.

In addition to carrying out necessary business and administrative functions for the APA, the annual Trustees Meeting also represents an important opportunity to regularly bring together the country's maritime piloting professionals to discuss matters impacting compulsory pilotage. This type of professional exchange of information and ideas from all parts of the United States helps to ensure pilot associations from around the country have access to the information and resources needed to continually improve their operations.



Captain Charlie Tweedle, past President of Sabine Pilots, discusses aspects of the EAGLE OTOME accident.

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Above (l to r): Capt A.J. Gibbs (LA), Capt Mike Torjusen (MS) and Capt Dan Gallagher (Great Lakes). Left (l to r): Capt Watson, Capt Beth Chrisman (MD), Capt Tom Rutter (VA) and Capt Jorge Viso (FL).





NTSB ISSUES FINAL REPORT ON EAGLE OTOME

On September 27 the National Transportation Safety Board (NTSB) adopted its final Report for the marine casualty involving the EAGLE OTOME that occurred in the Sabine-Neches Canal on January 23, 2010. The NTSB Report can be viewed at:
<http://www.ntsb.gov/doclib/reports/2011/MAR1104.pdf>.

APA filed a response to the NTSB Report indicating areas of agreement and disagreement, along with a clear statement that APA supports the Board's objective of promoting transportation safety. The APA response is available at www.americanpilots.org (click the "Activities" button at the top of the page). In short, APA does not agree with the NTSB that fatigue played a major role in the casualty. APA also expressed concern over what appears to be a double standard in how the investigators approached the pilot's performance, medical fitness and work schedule, and how the investigation looked at similar factors for other mariners involved in the accident. APA cautioned the Board that this double standard and apparent unfamiliarity with current practices of ship navigation, combined with forcing a fatigue finding into a case in which fatigue was clearly not a factor, risks undermining the credibility and utility of NTSB investigations and safety recommendations.

The NTSB Report also noted that the pilot did not always use his vessel's name during radio calls, but made clear that this was not a factor in the accident. The NTSB did, however, recommend that APA, "*Advise your members to consistently identify vessels by name in bridge-to-bridge radio communication, as required by the Federal Communications Commission.*" NTSB has made similar recommendations to other parties in the past. APA has complied with this recommendation by forwarding the Board's view, along with applicable FCC regulations, to association presidents, APA Officers, and NAVTECH members in a December 15 broadcast email.

The broadcast email notes that the FCC regulations referenced in the NTSB's recommendation (47 CFR § 80.331) do not to mandate precise formats that must always be used in every bridge-to-bridge communication. The FCC was no doubt aware of the wide variety of unpredictable circumstances, types of vessels, nationalities of crews, and longstanding local practices and customs that could be encountered by bridge personnel involved in underway operations. In this spirit, APA recommends that member pilot groups review and discuss the Accident Report, consider the NTSB recommendation in light of local port operations, and continue to assess how to improve local pilot operations, including radio communications and the application of 47 CFR § 80.331.



APA RECOMMENDS CHANGES TO STCW IMPLEMENTING REGULATIONS

On September 30 APA submitted comments to the USCG recommending a number of substantive changes to the agency's proposed regulations intended to implement recent changes to the STCW Convention and Code. APA comments are available at www.americanpilots.org (click the "Activities" button to view). Among the APA's suggested regulatory changes to the Coast Guard were:

- ◆ Clarify regulations to make clear that examining physicians should be empowered to make mariner medical fitness determinations;
- ◆ Require pilots to obtain 2-year medical certificates and discontinue the annual schedule for the submission of medical exam reports (719K);
- ◆ Clarify the term medical "waiver";
- ◆ Ensure the regulations are clear regarding the USCG's limited authority to invalidate properly issued merchant mariner credentials; and
- ◆ Exempt persons serving on pilot boats from application of the STCW Convention.

It is significant that both the newly established Merchant Mariner Medical Advisory Committee (MEDMAC) and the Merchant Marine Personnel Advisory Committee (MERPAC) recently made recommendations to the USCG concurring with APA's view that pilots should not be required to obtain 1-year medical certificates.

At its September 19 meeting, MEDMAC recommended moving pilots to 2-year medical certificates, stating that there was nothing to indicate such a change would in any way impact marine safety (especially in light of other federal and state medical requirements for pilots). MERPAC went a step further at its October 6-7 meeting, recommending that pilots be treated the same as other domestic mariners and be placed on a 5-year medical review schedule. APA attended both of these important meetings of USCG advisory committees.

It is unclear how the USCG will ultimately decide on the APA recommendations, but the agency is expected to promulgate its final STCW implementing regulations sometime in early 2012.

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Send your voluntary contribution to:
APA Political Action Committee
499 South Capitol St., SW
Washington, DC 20003



APA NEWS & INFO

HOUSTON PILOT HONORED WITH LEADERSHIP AWARD

Captain Paul Brown, pictured at right, was recently awarded the "Paul Cuffee Leadership Award" from Texas Southern University. Captain Brown is a 1977 graduate of the Merchant Marine Academy at Kings Point and a former Presiding Officer of the Houston Pilots' Association. Paul Cuffee (1759-1817) was an African-American ship captain, shipbuilder, philanthropist, and abolitionist.



FORMER BAY & RIVER DELAWARE PILOT INDUCTED INTO MARITIME HALL OF FAME

Captain Laurence Knapp (left), a retired member of the Pilots' Association for the Bay and River Delaware, was recently inducted into the Delaware Maritime Hall of Fame. Captain Knapp began his career as a pilot in 1959, and served as a member of the Association's board and chaired its apprentice training program. The Hall of Fame annually honors those who give "uniquely and generously of skill, energy, heart and time in building Delaware's maritime heritage."



RETIRED PENOBSCOT BAY HONORED BY MAINE MARI- TIME ACADEMY

During a November 10 ceremony, Captain William E. Abbott was honored by Maine Maritime Academy (MMA) by being enshrined on its "Wall of Honor." This honor recognizes alumni, who, through achievements in professional and civic life, have brought honor to themselves and to the Academy. Captain Abbott, MMA Class of 1945, was "commended for his extensive service to professional seafarers and the people of Maine while serving for more than 50 years as a harbor pilot with the Penobscot Bay and River Pilots Association."



NEW BOOK PUBLISHED FEATURING COLUMBIA RIVER BAR PILOTS

The Columbia River Maritime Museum recently announced that it has published a new book about the Columbia River Bar. The book is titled "World's Most Dangerous: A History of the Columbia River Bar, its Pilots, and Their Equipment." The book was written by Michael Haglund and will be released on December 20.

For more information about the publication and to preview an excerpt of the book, visit the museum website at: www.crrmm.org.

TAMPA BAY PILOTS CELEBRATE 125TH ANNIVERSARY

On December 14, the Tampa Bay Pilots Association (TBPA) celebrated its 125th anniversary. At the recognition ceremony, the TBPA, originally founded in 1886, was honored by receiving both a Public Service Award from the U.S. Coast Guard and a Proclamation from the Tampa Bay Mayor's Office. The Mayor declared December 14, 2011 as "Tampa Bay Pilots Association Day."

SAVE THE DATES! ✓

- ◆ The 2012 APA Biennial Convention will be held in Washington, DC from October 15-19. In the coming months, look for more information on the APA website and in future editions of *ON STATION*.
- ◆ The 21st IMPA Congress will be held in London from September 24-28. For more information go to: www.IMPA2012.com.

ELECTIONS, SELECTIONS, APPOINTMENTS, ETC.

- ◆ The 2011-2012 officers for the Puget Sound Pilots are: **Captain Frantz A. Coe** (President), **Captain Delmar G. Mackenzie** (Vice President), **Captain Jonathan E. Ward** (Secretary/Treasurer-Director), **Captain Ivan J. Carlson** (Director), **Captain Donald W. Mayer** (Director), **Captain Stuart E. Mork** (Director) and **Captain Eric M. vonBrandenfels**.
- ◆ The new 2012 Executive Committee for the Houston Pilots is: **Captain Robert Thompson** (Presiding Officer), **Captain Larry Wheatley** (Vice President), and **Captain Steve Nelson** (Boat Keeper).