



ON STATION

The Newsletter of the American Pilots' Association

March 15, 2014

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USCG PUBLISHES FINAL RULE: MAJOR CHANGES MADE TO CREDENTIALING AND MEDICAL PROGRAMS

On December 24, 2013, the Coast Guard published the long-overdue "Final Rule" to implement the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW Convention), including the 2010 "Manila Amendments" to the STCW Code. The regulations promulgated in this Final Rule are significantly late considering the new STCW requirements entered into force on January 1, 2012. In addition to changes required by the STCW Convention, the Final Rule also makes changes that the Coast Guard deemed "necessary to reorganize, clarify, and update these regulations."

The Coast Guard first proposed this rulemaking in August 2011 and, since State-licensed pilots also hold federal first class pilot endorsements, the APA took a strong interest in these federal regulations and the proposed changes to them. On September 30, 2011 the APA submitted formal comments making a number of detailed recommendations and suggested changes to the proposed regulations. These comments are available at:

www.americanpilots.org/docs_APA_Comments_STCW_SNPRM_Sep30_2011.pdf

In addition to submitting written comments, the APA also worked directly with the Coast Guard and through federal advisory committees (MERPAC and MEDMAC) to offer ways to improve the Coast Guard's credentialing

"The amendments effecting pilots, along with the numerous others that do not impact pilots, are significant and will result in many changes to the NMC's bureaucracy. As a result, it is likely that there will be delays, some confusing decisions, and general "growing pains" as the NMC implements its new processes. The APA will continue to work closely with the Coast Guard as amplifying guidance on these new regulations is developed and issued."

**- Captain Mike Watson
APA President**

and medical review programs. The APA is pleased that the Coast Guard accepted most of our recommendations.

In the Final Rule, a number of regulatory changes were made. Among the more significant changes are:

- **Separate Professional and Medical Certification.** The Coast Guard has separated its medical review/approval from Merchant Mariner Credential (MMC) validity. Under the revised regulations, mariners will be issued a MMC (after satisfying professional requirements) and will be issued a separate Medical Certificate (after being found medically fit). While the Medical Certificate and MMC programs will be administered separately, a mariner needs a valid Medical Certificate in order to work under the authority of a MMC or endorsement.
- **Two-Year Medical Certificates for Pilots.** Pilots will now be issued two-year Medical Certificates and, as a result, will not be required to go through the full National Maritime Center (NMC) medical review process every year. This should reduce the annual administrative burden on pilots. While pilots will now receive Medical Certificates valid for up to two years, this regulatory change does not alter the long-standing statutory requirement, found in 46 U.S.C. § 7101(e)(3), that pilots have an annual physical exam. Although a pilot will be subject to a complete NMC review only every other year, each annual physical exam must be recorded on a 719K form (and, in the "off year," be made available to the Coast Guard upon the agency's request). The new pilot medical review process is outlined in 46 C.F.R. §11.709.
- **Pilot Association Letters of Attestation** have been added to the list of acceptable forms to document sea service requirements for merchant mariner credential renewal purposes.
- **Pilot Boat Crews Exempted from STCW Requirements.** The new regulations make clear that due to the nature and location of pilot boat operations, STCW requirements do not apply to pilot boats and persons serving aboard pilot boats need not hold an STCW endorsement.



FIRST MEETING OF NEW HTW CONVENES

The Subcommittee on Human Element, Training and Watchkeeping (HTW) met for its first session from February 17-21. HTW assumed the responsibilities of the former Subcommittee on Standards of Training and Watchkeeping (STW), and is also charged with reviewing “human element” factors impacting mariner duties. Captain Mike Watson represented IMPA, and Clay Diamond (APA Deputy Director-Associate General Counsel) served on the U.S. Delegation. Captain Andrew McGovern (NJ Sandy Hook Pilots), as MERPAC Chairman, also served on the U.S. Delegation.

One item on the HTW1 agenda was of general interest to pilots. HTW1 is updating STCW certification requirements for officers serving on ships operating in polar waters. During the meeting, some delegations sought to create a new STCW “ice pilot” endorsement. Fortunately, the proposal was defeated. The term “ice pilot” is not defined internationally (or even in most countries), and is not considered to be remotely comparable to a local compulsory pilot. Introduction of the term “ice pilot” into the STCW would have created needless confusion.

Pilots are not covered by the certification standards of the STCW Code, in part because the IMO has made the express determination that *“since each pilotage area needs highly specialized experience and local knowledge on the part of the pilot, IMO does not intend to become involved with either the certification or the licensing of pilots or with the systems of pilotage practiced in various States.”*

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IMPA CONGRESS: IT'S JUST AROUND THE CORNER!

The 22nd biennial International Maritime Pilots' Association (IMPA) Congress will be held in Panama City, Panama from April 7 – 11.

The event organizers have designed the Congress agenda to foster professional development, allow for “networking” among pilots, and to showcase the rich historical sights of Panama. Throughout the week, attendees will hear from senior government officials, the Secretary General of the International Maritime Organization, technical experts in various fields

“This biennial gathering of the world’s professional maritime pilots is not only a time to honor the history of pilotage and those who have gone before us, but it also offers an important opportunity for us to renew our commitment to pilotage and navigation safety as we move into the future.”

**- Captain Mike Watson
IMPA President**

relating to pilotage, maritime industry representatives, and, of course, world-wide leaders of the piloting profession. Attendees will also have ample time to meet with various maritime commercial exhibitors and sponsors. Finally, pilots will have the exciting opportunity to get a close look at the Panama Canal’s highly anticipated infrastructure improvements.

For more information on the IMPA Congress, including registration information, please visit: www.impa2014.com.





NATIONAL DEFENSE AUTHORIZATION ACT DELIVERS BLOW TO RUSSIAN GPS ALTERNATIVE

A little noticed provision in the FY2014 National Defense Authorization Act (NDAA), signed by President Obama on January 7, prohibits a foreign country from constructing any stations on U.S. territory that could improve the precision of that country's global navigation satellite system (GNSS).

While not specifically addressing Russia or GLONASS, the Russian GNSS alternative to GPS, it has been widely reported in various media that the NDAA provision is aimed at Russia, which has contacted the U.S. State Department in the past about establishing GLONASS stations in the U.S.

The language in the NDAA prohibits the President from authorizing or permitting "the construction of a global navigation satellite system ground monitoring station directly or indirectly controlled by a foreign government" on U.S. territory unless the Secretary of Defense and the Director of National Intelligence "jointly certify" to Congress that any such ground station "will not possess the capability or potential to be for the purpose of gathering intelligence in the United States or improving any foreign weapon system."



HOUSE SUBCOMMITTEE HOLDS HEARING ON FUTURE OF AIDS TO NAVIGATION

On February 4, the House Subcommittee on Coast Guard and Maritime Transportation (CG&MT) held a hearing on a topic that is important to all State Pilots and pilotage in general. This hearing was titled, "Finding Your Way: The Future of Federal Aids to Navigation."

CG&MT Chairman Duncan Hunter (R-CA) opened the hearing by emphasizing the importance of the maritime transportation system. "We rely on the navigation activities of the Coast Guard, the Army Corps of Engineers, and NOAA to provide for a safe, secure, and efficient marine transportation system that forms the backbone of our economy." Hunter continued, "The maritime sector contributes more than \$650 billion annually to the U.S. gross domestic product and sustains more than 13 million jobs. Nearly 100 percent of our overseas trade enters

or leaves the U.S. by vessels navigating the marine transportation system."

While the testimony of the government witnesses did not raise concerns, the views of some of the committee members seemed to be that advances in technology have made the very idea of buoys and day boards somehow quaint and antiquated. Moving forward, it will be critical that those involved with the maritime sector continue to educate lawmakers and other government officials about the importance of maintaining a modern and robust AtoN system.

2014 COAST GUARD AUTHORIZATION BILL "MARKED UP" BY FULL COMMITTEE

On February 11, the House Transportation and Infrastructure Committee (T&I) held a "mark-up" session on the Coast Guard and Maritime Transportation Act of 2014. The bill, H.R. 4005, was originally introduced by CG&MT Chairman Duncan Hunter (R-CA). In bipartisanship not seen in many Congressional committees, the bill was co-sponsored not only by T&I Chairman Bill Shuster (R-PA), but also by T&I Ranking Member Nick Rahall (D-WV).

While there were not any provisions impacting pilots in H.R. 4005 as it was originally introduced, during the February 11 mark up a section was added that is of some interest to pilots. Specifically, a section was added that would prohibit the Coast Guard from carrying out "activities related to the dismantling or disposal of infrastructure that supported the former LORAN system until the later of (1) the date that is 1 year after the date of enactment of this Act; or (2) the date on which the Secretary provides to [Congressional Oversight Committees] notice of a determination by the Secretary of Homeland Security that such infrastructure is not required to provide a positioning, navigation, and timing system to provide redundant capability in the event GPS signals are disrupted."

This provision is clearly an attempt by Congress to ensure that the Coast Guard and the Department of Homeland Security reconsider the need for a GPS back-up, such as eLORAN.

Another change made at the mark up hearing was introduced by Chairman Shuster. In a salute to Howard Coble, retiring North Carolina Congressman and long-time supporter of State Pilots and the APA, H.R. 4005 was officially renamed "The Howard Coble Coast Guard and Maritime Transportation Act of 2014."



DHS ANNOUNCES PICK FOR NEW USCG COMMANDANT

On March 3, DHS Secretary Jeh Johnson announced that Vice Admiral

Paul Zukunft has been nominated to serve as the next Commandant of the Coast Guard. VADM Zukunft is a 37-year veteran of the Coast Guard and is currently Commander of the Coast Guard's Pacific Area.



VADM Paul Zukunft

If confirmed by the Senate, Zukunft will replace retiring Admiral Bob Papp.



COMMENTS SOUGHT ON NEW CASUALTY REPORTING NVIC

The Coast Guard issued a "Notice of Availability and Request for Comments" (Notice) on January 14, 2014 for a draft Navigation and Vessel Inspection Circular ("NVIC") that is intended to provide guidance for the identification and reporting of marine casualties and to provide clear policy interpretations to promote compliance with casualty reporting requirements. The Notice is available at: www.gpo.gov/fdsys/pkg/FR-2014-01-14/pdf/2014-00443.pdf. Comments must be submitted to the Coast Guard no later than April 14, 2014. The APA intends to submit comments. Among other things, this new NVIC should include current federal guidance to pilots regarding casualty reporting requirements.

Specifically, this new NVIC should incorporate ALCOAST 681/09, which the Coast Guard published on November 30, 2009 following lengthy discussions and agreements with the APA. ALCOAST 681/09 is the official Coast Guard guidance to its local units clarifying the "minimum federal reporting requirements for pilots." The Coast Guard discussions with APA and the ALCOAST were aimed at eliminating questions about the application of federal casualty notification and reporting regulations to pilots who are not members of a vessel's crew.

The APA understands that the Coast Guard needs timely notice of hazardous conditions on U.S. waters and will continue to work constructively with the Coast Guard on the development of this NVIC.



RECENT DRAMATIC RISE IN NMC APPLICATIONS INVENTORY— CAUSE FOR CONCERN?

After several years of efforts to eliminate administrative "backlogs" and delays with mariner credential applications, the National Maritime Center (NMC) had recently reduced application processing times and mariner wait times. This situation has changed recently — hopefully temporarily.

In recent months, the NMC has seen a dramatic rise in Merchant Mariner Credential application inventories, which the NMC defines as "the total number of applications in the Mariner Credentialing Program that are currently being processed." The inventory has grown from under 4,000 applications in the inventory throughout the Fall of 2013 to double that number through the Winter months, including January and February 2014. The December inventory was nearly 11,000 applications.

The Coast Guard attributes the ballooning application inventory to the government shutdown at the end of 2013, NMC closures due to severe winter weather, and the changes to the credentialing program brought about by the Manila Amendments to the STCW Convention. The APA will continue to closely monitor the situation at the NMC.

COAST GUARD CLARIFIES: RECREATIONAL / MEDICAL MARIJUANA NOT OKAY FOR MARITIME WORKERS

In a January 14, 2014 "Marine Safety Information Bulletin" (MSIB 01-14), the USCG sought, in response to recent changes to state laws in Colorado and Washington, to "ensure that mariners, marine employers, Medical Reviewing Officers and the public are knowledgeable of the continuing prohibition of marijuana use by those serving in safety-sensitive positions in the maritime transportation industry."

The MSIB noted that federal drug/alcohol testing regulations (49 C.F.R. Part 40) do not authorize the use of Schedule I drugs, including marijuana, for any reason. The MSIB is available at:

www.uscg.mil/msib/docs/002_14_1-14-2014.pdf.



TAKING ANOTHER LOOK? NOAA CONSIDERS APA PROPOSAL ON RIGHT WHALE SPEED LIMITS

Pilots on the East Coast have had serious navigational safety concerns about some of NOAA's North Atlantic Right Whale protective measures, the seasonal speed restrictions in particular, since the measures were first proposed nearly a decade ago. The regulations came up for "sunset" review in 2013 and NOAA asked for public comments. APA submitted comments with the basic theme that blanket speed limits up and down the East Coast, including in federally-maintained dredged channels, pose a risk to navigation safety.

The APA comments stressed that pilots are strong supporters of reasonable efforts to protect marine life and also suggested a slight change to the speed restriction areas. Namely, APA asked NOAA to exclude from its Right Whale speed management areas all federally improved dredged channels from New York to Jacksonville, along with pilot boarding areas. This compromise would exclude less than one tenth of one percent of the entire protective areas.

NOAA took the APA suggestion seriously and issued a separate notice on January 30 seeking public comment on APA's compromise proposal. The January notice is significant and has gotten the attention of major shipping organizations that, until now, have remained largely silent on this issue. The Chamber of Shipping of the U.S., a number of port interests, and several shipping lines have submitted comments in support of APA's position.

In the coming months, NOAA will decide whether or not to proceed with a rulemaking on the APA proposal.

SULLIVAN CONFIRMED AS NOAA ADMINISTRATOR

On March 6, the U.S. Senate confirmed Dr. Kathryn D. Sullivan as Undersecretary of Commerce for Oceans and Atmosphere. In this capacity, she will serve as the tenth NOAA Administrator.

Prior to her confirmation, Sullivan had been "acting" Undersecretary and NOAA Administrator since February 2013. Prior to this position, she was Deputy NOAA Administrator, as well as performing the duties as the agency's chief scientist.



NTSB CHAIRMAN HERSMAN CALLS IT QUILTS

On March 11, Debbie Hersman announced that she will step down as Chairman of the NTSB effective April 25, 2014. Upon Hersman's departure, NTSB Vice Chairman, Christopher A. Hart, will serve as "acting" Chairman until a replacement is named and confirmed by the Senate.

Ms. Hersman, a former Congressional staffer, has served as an NTSB Board member for more than a decade and as NTSB Chairman since 2009.

NTSB ANNOUNCES ITS "MOST WANTED LIST" FOR 2014

On January 16, the NTSB released its "Most Wanted List," the top 10 "advocacy and awareness priorities" that the agency will stress in the coming year. See: www.nts.gov/news/2014/140116.html.

An issue on the "Top 10 List" that is relevant to pilots and the maritime industry is "distracted" operations. The NTSB press release for the "Most Wanted List" states: "Accident investigations and safety studies conducted by the NTSB in all modes of transportation underscore the dangers of using portable electronic devices while operating a car, train, plane or marine vessel. In addition to banning the use of these devices while driving, education and company policies help to reinforce laws and regulations by explaining the dangers of distraction and what companies expect from their employees."

NTSB also singled out cruise line safety as a top concern for 2014. The agency press release noted "for decades, NTSB accident investigations involving passenger vessels revealed in numerous cases that the cause of an accident was not the failure of the vessel but the lack of good safety practices that led to the loss of life and injuries."

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APA Political Action Committee
499 South Capitol St., SW
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APA NEWS

VIRGINIA PILOT PRESENTED MERITORIOUS PUBLIC SERVICE AWARD



On February 21, Captain Lorenzo "Rick" Amory (Virginia Pilots) was recognized by the local Coast Guard Captain of the Port for "his outstanding skill and seamanship while serving as the Virginia State Pilot on board" a 902-foot container ship. The award citation details how Captain Amory expertly avoided collision with a tug and barge unit that was operating erratically in the main shipping channel near the Chesapeake Bay Bridge Tunnel. The citation concludes by emphasizing how Captain Amory's "decisive actions...avoided a collision that would have risked the lives of the 23 people aboard the tug and barge."



USCG Captain John Little (COTP Hampton Roads) and Virginia Pilot, Captain Rick Amory (right) hold the Meritorious Public Service Award.

IMPORTANT DATES

April 6-11, 2014: The 22nd IMPA Congress in Panama City, Republic of Panama. Information can be found at: www.impa2014.com.

September 9-12, 2014: The 4th Canadian Marine Pilots Association (CMPA) Congress in Niagara Falls, Canada. Information about registration can be founded at: www.marinepilots.ca/en/congress.html.

October 19-24, 2014: American Pilots' Association (APA) Biennial Convention in Houston, Texas. Information will be available at: www.americanpilots.org.



SANDY HOOK PILOTS: DRAMATIC RESCUE AT SEA

On January 15, the tug SEA LION, taking on water and sinking 4 miles off of Atlantic Beach, issued a "MAYDAY." Fortunately for the tug crewmen, the Sandy Hook Pilots and the crewman of the pilot boats NEW YORK and AMERICA were ready to spring into action.

The two pilot boats responded to the distress call, using the tug's AIS signal to locate the foundering tug boat, and expertly brought the crewmen safely out of the frigid water. Those involved were:

Pilots: Capt. J.B. Tuthill and Capt. Rob Dobrowolski

Pilot Apprentices: Capt. Jack McCarthy, Capt. Mark Wanderer and Capt. Thomas A. Sullivan

Crew: Tim Haley (Chief Eng.), Michael Gove, Tom Smith, James Signorin, Dan Masse, Greg Masse, Mike Raucci, Ross McNally and Brian Matzkow.

Sandy Hook (NJ) President, Rick Schoenlank, said, "This was a complete team effort that came together instantly and perfectly."

ELECTIONS, SELECTIONS, APPOINTMENTS, ETC.

- ◆ The new officers for the New Orleans Baton Rouge Steamship Pilots Association are: **Captain Stephen H. Hathorn** (President), **Captain Louis M. "Toby" Watigney, Jr.** (Vice President), and **Captain Stephen R. Wall** (Secretary—Treasurer).
- ◆ The 2014 Southwest Alaska Pilots' Association Board of Directors: **Captain Ronald A. Ward, II** (President), **Captain Peter S. Garay** (Vice President), **Captain Joshua S. Weston** (Secretary/Treasurer), **Captain Eric R. Eliassen** (Director), **Captain Jeffrey D. Pierce** (Director), **Captain Michael J. O'Hara** (Director), and **Captain C. Vincent Tillion, III** (Director).
- ◆ The Puget Sound Pilots' 2014 officers are: **Captain Jonathan E. Ward** (President), **Captain David W. Grobschmit** (Vice President—Director), **Captain Stephan E. Moreno** (Secretary/Treasurer—Director), **Captain Peter A. Giese** (Director), **Captain Patrick S. Kelly** (Director), **Captain Eric C. Klapperich** (Director), and **Captain Richard F. McCurdy** (Director).
- ◆ The Officers and Board of Directors for 2014 of the Alaska Marine Pilots, LLC are: **Captain Clayton Christy** (President), **Captain David Arzt** (Vice President), **Captain Bill Gillespie** (Treasurer), **Captain Jay Boyer** (Secretary), **Captain John Schibel** (Board Seat "A"), **Captain Dave Lund** (Board Seat "B") and **Captain Rick Entenmann** (Board Seat "C").