

REPORT ON PILOTAGE IN THE UNITED STATES

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I am happy to report that the state of pilotage in the United States is strong. Like every pilotage system, we have some issues that we are dealing with; but there are no attacks at the present time, on either the state or federal level, on the basic features of our pilotage system. Pilotage of ocean-going vessels in the United States continues to be provided by fully regulated, non-competitive pilots.

As you know, pilotage in our country is regulated by the individual states. That system of state control provides pilots and the public with many benefits and is the key, in our opinion, to the professional success that US pilots enjoy today. We are mindful, however, that state control exists only because of an act of our national Congress, the Lighthouse Act of 1789, which granted the states the authority to regulate pilotage in their waters. Although the state pilotage system that was created by that act has survived and prospered for the past 216 years, Congress can take back the authority given to the states at any time. That is one of reasons why the APA is politically active and maintains a close relationship with our national legislators in Washington. Our primary mission has always been to protect the system of state regulation.

As many of you also know, the only exceptions among our membership to state regulation are the US pilots on the Great Lakes. They are regulated solely by the Federal Government. That system is not nearly as successful as the state system and represents the strongest argument we have for the wisdom of keeping authority over pilots with the states. Despite the efforts of the US pilots on the Great Lakes to make the federal pilotage system there work, that system is suffering from low rates and inadequate numbers of pilots.

CHALLENGES AND OPPORTUNITIES

The invitation for me to speak suggested that my report on pilotage in the US should highlight challenges and opportunities. My original idea was that this meant I should discuss some items under the “challenges” category and some others under the “opportunities” category. I am not going to do that, however. One of the things that I have learned as president of the APA and, before that, president of the Maryland Pilots, is that every challenge presents opportunities – opportunities to define and explain what it is that pilots do that makes our job so important, to reexamine the fundamental values of our profession, and to refine and update our strategies for protecting that profession and our livelihoods. Similarly, every opportunity carries with it challenges – can we stay

united and focused on what makes us strong, can we avoid the complacency that makes us vulnerable, can we ensure that the lure of short-term gain does not obscure the need to maintain the core features of a responsible, public-interest pilotage operation.

From that perspective, I would mention six subjects that we are dealing with today. As I do that, you might recognize that many, if not all, of them present both challenges and opportunities.

1. Technology. We are convinced that pilots must stay in the forefront of new navigation technology. Pilot groups in the US, Canada, and most other countries are fortunate enough to have working pilots who are very sharp, very committed experts in technology. These pilots are a tremendous resource for our profession. The APA has a Navigation and Technology Committee that works hard to stay on top of, and provide the APA membership with the very latest information on, such things as AIS, ECDIS, ECS, IBS, INS, pilot carry-aboard units, real time tide and current information systems, dynamic underkeel and overhead bridge clearance measurement systems, virtual reality navigation systems, and AZIPODs and other modern propulsion equipment.

Pilots not only have to be able to know how to use the very latest in navigation technology, they also should participate in the development of such technology. They should be as aware of the limitations of new technology as they are of its benefits and uses. Simply put, pilots know what works and what doesn't work under real-life conditions and should be in the best position to make judgments as to the use of new technology.

There is another aspect to the need to stay in front of technology. We cannot let those who do not have our best interests at heart create the false impression that pilots are lost on the bridges of modern ships and, because they don't understand today's shipboard navigation equipment, must assume a new, lesser role of safety monitor. In that respect, let me be clear that pilots are not simply an extra set of eyes on the bridge of a ship, as I have heard suggested in some international publications. Our job is to direct and control the navigation of the ship to prevent accidents and unsafe operations, and pilots must have the technological knowledge to do that.

2. Training. Of course, training is the primary way in which we stay in front of the technology wave. This is also consistent with a larger value that we have always placed on training. Our goal has been that there will be no better-trained, more technologically sophisticated mariners in the world than US, APA-member pilots. I know that many other national pilot associations have the same goal for their pilots and the same commitment to training. Most APA pilot groups have regular rotations of continuing training using full mission bridge simulators, manned models and classroom instruction and covering such subjects as emergency shiphandling, integrated bridge systems, AZIPODS and other modern propulsion devices, tractor and escort tugs, ECDIS, AIS, laptops, Bridge Resource Management for Pilots, and legal aspects of pilotage.

We want to have the most intensive initial and continuing training in the maritime industry for two reasons. First, I genuinely believe that it makes for better and safer pilots. Better and safer pilots, in turn, have fewer accidents, and the fewer accidents we have, the better we fulfill our public responsibilities. Second, the public expects us to be well-trained. Training, and particularly continuing training, is one of the distinguishing features of a profession. If we want to be treated as professionals, we have to train like professionals. If we want the support of legislators and governmental authorities, we have to assure them that we are doing everything we can to earn their support.

3. LNG. The United States, as well as a number of other countries, is committed to increasing substantially the use and importation of LNG. Plans for a number of new LNG terminals are well underway. In fact, there has been an unusual determination to cut through bureaucratic red tape and expedite the normally slow permitting processes. In short, a lot more LNG ships are coming and coming much sooner than anyone would have imagined a few years ago.

This will require a substantial number of new pilots, perhaps as many as 40 to 50 pilots nationwide. A place such as Pascagoula, Mississippi, for example, may see the number of its numbers double, from 6 to 12. Planned terminals in Freeport, Texas; Corpus Christi, Texas; the Sabine River, Texas; Lake Charles, Louisiana; the Delaware River; Fall River, Massachusetts, and other places may also each generate enough work to require an additional 5 or 6 plots.

The pilot groups in such places are already participating in the preparations for the new terminals. To their credit, many of the terminal operators and LNG suppliers are including the pilots in the planning stages, consulting them on berth and approach channel designs. The pilots are working with the Coast Guard and other authorities in developing appropriate operating and traffic management procedures. The pilots will also be doing any additional training that might be necessary.

4. Role of the Pilot. We continue to deal with questions concerning the role of the pilot and the master-pilot relationship. These arise in connection with a number of different subjects, such as: rate cases, questions regarding the use of tugs, movements in zero or reduced visibility, and the desire of some captains to do their own docking and undocking (usually at the insistence of their employers).

Unfortunately, pilots sometimes contribute to this problem by taking excessively lawyer-like restrictive descriptions of their roles. This is counterproductive. Those who do not support pilots want to diminish the pilot's role, and pilots should not be helping them. No one wants to invite liability or encourage lawsuits, but we have to accept the important public responsibilities of licensed, fully regulated pilots and be forthright and accurate in describing the pilot's role in directing the navigation of piloted vessels, subject to the overall command of the master.

The APA's position statement on the Respective Roles and Responsibilities of the Master and Pilot continues to be a widely accepted statement by the US piloting

profession and a valuable tool to guide pilot authorities, training institutions, and pilots themselves in dealing with questions about the pilot's role. Copies of the statement are available with this report.

5. Coast Guard Licensing Program. This past April, the US Coast Guard submitted draft legislation to Congress to completely rewrite the statutes dealing with the federal government's licensing of mariners, including pilots. This proposal, which was developed in secret, would be the most sweeping change ever in the federal licensing and credentialing of mariners and would have had a major impact on all of our members. Although most of our members are state-licensed, they each also hold a federal license, which acts as a national minimum standard.

Owing in large measure to the lack of consultation with the maritime community, the proposal was poorly written and not well thought out. Many of the changes would have been harmful to pilots and other mariners. Traditional licenses would have been replaced by identification "credentials," and the Coast Guard would have been given almost total discretion in issuing and taking away the new credentials with little or no standards contained in statute.

The APA had to respond to this development quickly. We mounted a full scale legislative effort to explain the problems with the proposal and the potentially disastrous effects it could have on the maritime industry. Fortunately, we were able to draw on the relationships that the APA office continually maintains with members and staff personnel in Congress and on the relationships that many of our members have with their local congressmen and senators. Congress eventually refused to include the proposal in a bill and advised the Coast Guard to go back and work with the maritime community in developing a better and more acceptable package.

The Coast Guard is currently engaged in that process. The APA and a number of labor unions and industry groups were called in to meet with the Coast Guard and submitted written comments in July. A new, revised version of the legislation has just been released and will be considered at a meeting of a national advisory panel, the Merchant Personnel Advisory Committee (MERPAC) next week. The apparent intent is to take the new package back to Congress in the hopes of getting it placed in a bill as the current session of Congress concludes this Fall.

The new version corrects or avoids many of the problems that we raised with the original version. We nevertheless question the need to rewrite the license and credentialing statutes and are concerned about unintended consequences of such a major change. We will continue to be very busy with this matter.

6. Security. Pilots throughout the world are dealing with security and antiterrorism measures, and the US pilots are no exception. The APA and the Coast Guard have a formal partnership agreement for cooperation on security matters. Many of our pilot groups put Coast Guard boarding parties on and off ships from their pilot boats, most groups have representatives on area security committees, and pilots have protocols

for alerting the Coast Guard and other authorities to any suspicious situations that they observe.

We have had some isolated problems with excessive access control measures by ships and terminal facilities that have delayed pilots arriving on the bridge. These are usually worked out, however, and this has not turned out to be the major problem that some had expected. The new IMO guidance paper, MSC Circ. 1156, on access of pilots, public authorities and emergency response personnel to ships and facilities should be a help when these situations arise in the future. We were fortunate to work very closely with the Coast Guard on this matter as part of the US delegation to the MSC and had significant input into the final language. The paper recognizes the need of pilots to get to the bridge and get on with their duties without unreasonable delay and encourages pilots and ship representatives to address access and identification measures in advance of the arrival of the ship.

I would be happy to answer any questions or discuss any of these items in more detail.