

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun

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PILOT FITNESS COMMITTEE MEETING
January 5, 2012
MINUTES

The Board of Pilot Commissioners Pilot Fitness Committee met on January 5, 2012 at 9:35 a.m. at the Board of Pilot Commissioners office, 660 Davis Street, San Francisco, California. Chairman Steve Roberts presided over the meeting with Committee members Brigadier General Chester Ward, MD, MPH, Barbara Price, and University of California Associate Clinical Professor Dr. Robert Kosnik present. Members of staff present were Executive Director Allen Garfinkle, Board Counsel Dennis Eagan, Staff Services Analyst Brian Vu and Office Technician Kelly Dolcini. Present in the audience was Board President Mike Miller, San Francisco Bar Pilots (SFBP) President Bruce Horton and SFBP Business Director John Cinderey. Maritime Institute of Technology and Graduate Studies instructor Jim Clemens joined telephonically for a brief period. Business, Transportation and Housing (BTH) Traci Stevens was represented by BTH Deputy General Counsel Morocz telephonically from Sacramento.

1. Call to Order and Roll Call.

Chairman Roberts called the meeting into order at 9:35 a.m. General Ward and Barbara Price were present, constituting a quorum. Dr. Kosnik arrived later in the meeting.

2. Approval of minutes of November 29, 2011 meeting.

Chairman Roberts requested approval of the minutes of the November 29, 2011 meeting. Barbara Price moved for approval. General Ward seconded the motion which passed unanimously on a voice vote.

3. Discussion the NTSB finding in the report on the EAGLE OTOME collision that recommends to local pilot organizations that have not already done so to implement fatigue mitigation and prevention programs that

(1) regularly inform mariners of the hazards of fatigue and effective strategies to prevent it, and

Commissioner Roberts introduced Jim Clemens to the Committee, instructor at the Maritime Institute of Technology and Graduate Studies (MITAGS).

Jim Clemens briefly spoke on the history of his program, created nine to ten years ago at the request of a pilot group. There is a seven hour seminar available and a condensed version.

The Committee broached previous concerns on the curriculum, chiefly how the focus seemed more informational than hands-on in nature. Jim Clemens emphasized that each topic was a talking point, however, stressed that they induced discussion. He explained that each pilot group has uniqueness yet also commonalities; therefore participation is paramount to a successful dialogue.

Member Morocz inquired as to how often the material is updated. Jim Clemens stated that the curriculum was updated continually and re-iterated that the PowerPoint slides were just talking points. He stressed his due diligence in terms of updating and adding information and staying abreast of fatigue mitigation. Board Counsel Morocz also questioned if training every five years was adequate. Jim Clemens explained that repetition is important, however, training and drills are not the same as formal education. There is only so much information that can be given and it is up to the pilot to incorporate fatigue mitigation information into their current lifestyle. While the training is currently every five years, there are other ways to disseminate information, whether it come in the form of fliers, websites, reminders at meetings. There are ways to accomplish this goal and keep information fresh.

Dr. Bob Kosnik stated that he initially had reservations as he reviewed the curriculum. He felt that there was too much time spent on sleep apnea. In addition, there should be more of an emphasis on action changes and shift management. However, after hearing what Jim Clemens had to say today, he felt more at ease. Chairman Roberts recalled past discussions while participating in the course about individual situational variations.

(2) promulgate hours of service rules that prevent fatigue resulting from extended hours of service, insufficient rest within a 24-hour period, and disruption of circadian rhythms.

There were no discussions on promulgating hours of service rules, the Committee feeling that more research is necessary to do so. This item was deferred until a later meeting.

4. Discuss American Pilot Association (APA) response to the NTSB report and findings in the EAGLE OTOME incident.

Discussion will be postponed until the next meeting.

5. Discuss Federal Aviation Administration Fatigue Summary published on December 21, 2011.

The Committee had a discussion of FAA rules, focusing on travel time, eating, showering, etc. It was noted that approximately 60% of ship moves occurred at night due to the economics of loading and unloading.

Board President Miller stated that FAA rule is absolute. NTSB also wants a regulation or a rule that is absolute. However in the context of our waters, having such hard and fast rules might have unintended consequences that create more dangerous situations than a pilot who has only 11 or 11.5 hours of rest. He cited one example of ships in a holding pattern at the Pilot Station awaiting a rested pilot, which might create a hazard.

6. Discuss Appeals process as contained in 217 (e) (1-9). Develop recommendations for change in light of proposed changes in medical assessment process.

Board Counsel Eagan summarized the alternative appeal processes discussed at the December 9, 2011 meeting. The existing system calls for three doctors, three exams, and a tally in votes. The criticism to this approach is that the third physician could potentially be given too much weight with no particular credentials. An alternative approach consisted of an exam by a BAP and appellant's physician. Both reports would be sent to an ALJ for an administrative hearing.

The Committee discussed the agenda item in length and proposed a process where two doctors provided reports. The Board would then decide to have those doctors comment on each other's reports with the appellant present. The Committee tasked Board Counsel Eagan to look into the matter further and draft language.

7. Public Comments on matters not on the agenda.

There were none.

8. Proposals for additions to next committee meeting agenda.

There were none.

9. Adjournment

The meeting was adjourned at 11:36 a.m.

Respectfully Submitted,

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Brian Vu
Staff Services Analyst