

<p>Meeting Date: October 23, 2018</p>	<p>Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun 660 Davis Street, San Francisco, CA 94111</p> <p>PILOT FITNESS COMMITTEE MEETING MINUTES</p>	<p>Page 1 of 5</p>
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Committee Members Present:

Knute Michael Miller, Committee Chairman and Past Board President
 Dave Connolly, Board Vice President
 Robert Kosnik, MD
 Captain Einar Nyborg, Commissioner and San Francisco Bar Pilot

Committee Members Absent:

Brigadier General (Ret.) Chester L. Ward, MD

Staff Present:

Allen Garfinkle, Executive Director
 Dennis Eagan, Board Counsel
 Luis Cruz, Associate Governmental Program Analyst

Public Present:

Jennifer Schmid, Board President; Captain George Livingstone, Commissioner and SFBP Pilot;
 Captain Joseph Long, San Francisco Bar Pilots (SFBP) President and Port Agent; Raymond
 Paetzold, SFBP Business Director and General Counsel; Mike Jacob, Pacific Merchant Shipping
 Association Vice President and General Counsel; and Captains David McCloy, Andrew Murry,
 David Cvitanovic, Cevan LeSieur, and Sam D’Aloisio, SFBP.

OPEN MEETING

1. Call to order and roll call. (Chairman Miller)

Chairman Miller called the meeting to order at 10:53 a.m. Associate Governmental Program Analyst Cruz called the roll and confirmed a quorum.

2. Approval of the minutes of Committee meeting held on July 20, 2018. (Chairman Miller)

Committee members were presented with the draft minutes from the Committee meeting held July 20, 2018. There were no comments or edits requested.

MOTION: Commissioner Nyborg moved to approve the draft minutes of the meeting held on July 20, 2018. Vice President Connolly seconded the motion.

VOTE: Yes: Miller, Connolly, Kosnik, and Nyborg.
 No: None.
 Abstain: None.

ACTION: The motion was approved.

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3. Report on the pilot and trainee fitness determination process involving the Division of Occupational & Environmental Medicine at the University of California, San Francisco Campus. (Executive Director Garfinkle)

Executive Director Garfinkle reported that overall, the pilot and trainee fitness determination process involving the Division of Occupational & Environmental Medicine at the University of California, San Francisco Campus (UCSF) is working well. He added that he has received some positive feedback from licensees regarding their recent visits.

Dr. Kosnik concurred with Executive Director Garfinkle and noted that UCSF staff is currently not receiving notice of pilots who have retired. He stated that December will be a busy month and that UCSF will remain proactive in accommodating all pilot and trainee medical assessments. Additionally, Dr. Kosnik requested the need for further development of a notification system to alert UCSF staff of incoming post-incident toxicology test. Commissioner Nyborg noted that when a pilot or trainee experience difficulties in scheduling an appointment they should notify the Executive Director and Port Agent.

4. Review and discuss protocols for pilots when using over-the-counter medications under the Board fitness regime. (Staff and Dr. Kosnik)

Commissioner Nyborg reported that he originally requested this agenda item for more clarity on what over-the-counter medications were acceptable to take, but that he understands that this task may be difficult, and requested the subject be tabled. He stated that he informed all pilots to familiarize themselves with the Board's regulations. There was no further comment or discussion.

5. Review and discuss the Pilot Fatigue Study produced by San Jose State University Research Foundation and NASA.

- a. Review and discuss relevant provisions of Harbors and Navigation Code section 1100, et seq. (Board Counsel Eagan and Executive Director Garfinkle)**
- b. Review and discuss relevant provisions of the Board regulations. (Board Counsel Eagan and Executive Director Garfinkle)**
- c. Review and discuss SB 1408 (2012). (Board Counsel Eagan and Executive Director Garfinkle)**
- d. Review and discuss Pilot Fatigue Study analysis and recommendations. (Committee members and staff)**

Committee members were presented with relevant excerpts from Harbors and Navigation Code (HNC) §1100, et seq., and Board Regulations, a copy of Senate Bill 1408 (2012), and the San Francisco Bar Pilot Fatigue Study (Fatigue Study), authored by researchers at the San Jose State University Research Foundation, in collaboration with the National Aeronautics and Space Administration (NASA) Ames research center.

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Board Counsel Eagan reviewed SB 1408, and noted that the bill’s various provisions are all related to the safety aspect of maritime navigation. He stated that the concern for safety is nothing new to the Board, and noted several sections of the HNC contain provisions related to safety. He also stated that several sections of the Board’s regulations also pertain to safe pilotage, particularly in the duties of the Port Agent. He noted that one provision of SB 1408 required that the Board contract for a study of the effects of work and rest periods on psychological ability and safety for pilots, which is phase 1 of the study, and that Board shall, based on the results of, and recommendations contained in the study, promulgate regulations for pilots establishing requirements for adequate rest periods intended to prevent pilot fatigue, which is phase 2 of the study. The Committee noted that each fatigue mitigation recommendation contained within the Fatigue Study may not need a regulation, but that all recommendations were valuable.

Commissioner Nyborg noted that several sections of the HNC refer to “competent” and “efficient” pilotage, and noted that the SFBP’s work rules adhere to these provisions while mitigating fatigue as efficiently as possible.

Vice President Connolly stated that he thought the Fatigue Study was excellent and well-grounded in science. He also commented that fatigue has a high safety risk that needs attention, although the study identified that pilot fatigue does not now appear to be an immediate problem. The Committee then commenced the extensive review and discussion of the fatigue study.

Mr. Jacob stated that SB 1408 was not intended to result in the micro-management of the pilots, was not intended for the Board to re-create the wheel nor result in over-burdening the pilots, but the overall goal was to identify areas where pilot work schedules may go beyond reasonable safety limits. He stated that everyone wants a system that works efficiently, and that he believes the Board should identify and create hard work schedule limits that should not be crossed.

Port Agent Long stated that the SFBP has experimented with hard and soft limits, and he reminded the Committee that changes to working scheduling rules may have unforeseeable consequences. He also explained that, practically-speaking, any Board-established work scheduling boundaries or hard limits will need to be exceeded from time-to-time to accommodate providing satisfactory pilotage services, and that the Fatigue Study recommendations intentionally did not include hard work scheduling limits to allow flexibility. Chairman Miller stated the work of the SFBP is already challenging, and that the Committee’s intent is to not create more challenges for the licensees.

Mr. Jacob complemented the SFBP for taking initiative about managing fatigue, and their current fatigue-mitigation efforts. He stated that the context of implementing work rules is not that something is wrong, but that the question is how to reach an acceptable level of safety and accountability.

Commissioner Nyborg and Vice President Connolly referenced the requirements of SB 1408 and noted that the legislation did not require the development of hard or soft work scheduling limits.

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Executive Director Garfinkle stated that the overarching recommendation from the legislation is the development and implementation of a pilot Fatigue Risk Management System (FRMS), and that the Board’s efforts should be layered over the fatigue risk management progress already achieved by the SFBP. Commissioner Nyborg concurred with Executive Director Garfinkle about the need for development of a FRMS, and stated that the SFBP should be actively involved.

Port Agent Long responded to a query from Chairman Miller concerning current SFBP work rules, and stated that the SFBP has done its best keeping the Board apprised of all work rules changes. He stated that with the assistance of their own experts in the field, the SFBP implemented hourly working limits that limited work to 13 hours during daylight and 9 hours during nighttime. He stated the 13/9 hourly limits were later amended to a 12 hour limit combined with the introduction of geographical boundaries to facilitate a night differential, which allowed for greater efficiency. He stated that the SFBP’s progress in establishing fatigue mitigation work rules has been evolutionary, not revolutionary. Commissioner Nyborg added that the SFBP has had success in eliminating acute fatigue from certain jobs, that recent SFBP retirement rates and increased shipping activity have contributed to pilot fatigue, and that the temporary 13/9 maximum hourly work rule limits did reduce pilot rest periods and sped up pilot assignments.

Chairman Miller noted that when a pilot is on duty, he or she is on duty for seven days straight, and may be given an assignment at any point in time. Chairman Miller stated that, in the past, he had heard suggestions that pilots should all be on a continuous rotation, effectively on duty all the time, because that would eliminate the problem of minimum rest period (MRP) exceptions. However, Chairman Miller stated that he did not agree that a continuous rotation would be an appropriate solution to MRP exceptions, fatigue, or circadian disruption issues.

The Committee and members of the public briefly discussed the potential impacts of fatigue related to navigation incidents. Commissioner Nyborg noted that, to date, no incident involving a BOPC-licensee have been attributed to fatigue.

Chairman Miller and Vice President Connolly noted that the Fatigue Study identified that the pilots believe the current SFBP work rules are about right with respect to the work schedule, predictability of the schedule, and mitigating fatigue.

Commissioner Nyborg stated that when looking at pilot rest periods, the Committee must acknowledge that pilots rest in different locations using different methods, and that developing work and rest rules that efficiently work for all pilots will be challenging.

The Committee briefly discussed instances in which a pilot would request to be removed from the work schedule due to fatigue. Port Agent Long noted that there have been a few instances where a pilot has requested a substitute in the past eighteen months. Dr. Kosnik wondered if these types of work-related requests were important to track. Commissioner Nyborg explained that when a pilot requests a substitute, the next pilot’s rest time may be reduced, and that maybe

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impacts of altering the pilot assignment rotation should also be tracked. Commissioner Nyborg reiterated that work scheduling flexibility allows for efficiency, and that the goal is to eliminate future fatigue-related incidents.

The Committee discussed the methodology for development and implementation of the SFBP's FRMS. Board Counsel Eagan opined that the SFBP should provide the Board with its current pilot assignment work rules, and develop a proposed FRMS for Board review, and that any FRMS should be subject to further periodic review.

Chairman Miller requested that the Committee continue to review the Fatigue Study recommendations, and consider which recommendations would be amenable to future regulations. There was no further comment or discussion.

6. Public comments on matters not on the agenda.

There were no comments from the public.

7. Schedule the next Committee meeting, and proposals for the next Committee meeting agenda.

The Committee agreed to schedule the next Committee meeting for November 16, 2018, at 9:30 a.m.

8. Adjournment.

MOTION: Chairman Miller moved to adjourn the meeting. Commissioner Nyborg seconded the motion.

VOTE: Yes: Miller, Connolly, Kosnik, and Nyborg.
No: None.
Abstain: None.

ACTION: The motion was approved and the meeting adjourned at 12:31 p.m.

Submitted by:



Allen Garfinkle, Executive Director