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Committee Members Present:

Knute Michael Miller, Committee Chair and Past Board President
 Joanne Hayes-White, Commissioner
 Captain Einar Nyborg, Commissioner and San Francisco Bar Pilot
 Robert Kosnik, MD (arrived at 9:33 a.m.)

Committee Members Absent:

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

Staff Present:

Allen Garfinkle, Executive Director
 Roma Cristia-Plant, Assistant Director
 Dennis Eagan, Board Counsel
 Luis Cruz, Associate Governmental Program Analyst

Public Present:

Dave Connolly, Board President; Captain Robert Carr, Commissioner and San Francisco Bar Pilot (SFBP); Captain Joseph Long, SFBP President and Port Agent; Captain Anne McIntyre, SFBP Business Director; Ray Paetzold, SFBP General Counsel; Mike Jacob, Pacific Merchant Shipping Association (PMSA) Vice President and General Counsel; and Captains Cevan LeSieur and Greg Tylawsky, SFBP.

OPEN MEETING

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

Committee Chair Miller called the meeting to order at 9:30 a.m. Associate Governmental Program Analyst Cruz called the roll and confirmed a quorum.

**2. Approval of the minutes of Committee meeting held on August 21, 2019.
(Chair Miller)**

Due to extensive edits requested by Board Counsel Eagan, this agenda item was deferred to the next Committee meeting. There was no further comment or discussion.

Committee Chair Miller requested that the Committee discuss agenda item 4 before agenda item 3.

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4. 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 the pilot and trainee fitness determination process involving the Division of Occupational & Environmental Medicine at the University of California, San Francisco Campus (UCSF) continues to progress. He stated that he has received recent feedback from Board-licensees concerning communication and appointment scheduling issues with UCSF staff, that there have been delays between medical appointments and the issuance to the Board of the fit for duty determinations by the physicians, and that he is not certain of what is causing the delayed determinations. Port Agent Long noted two recent examples of Board-licensees experiencing physical examination scheduling issues.

Committee Chair Miller called for a short recess.

RECESS BEGAN: **9:49 A.M.**
RETURN TO OPEN SESSION: **10:14 A.M.**

3. Continue the review and discussion of the July 2018 San Francisco Bar Pilot Fatigue Study produced by San Jose State University Research Foundation and the National Aeronautics and Space Administration, the identification of key recommendations appropriate for incorporation into regulations, and the development of a fatigue risk management policy. Possible recommendation to the Board to approve recommendations for a fatigue risk management policy from the Committee from which fatigue mitigation regulations will be drafted, and to direct the Committee and Board staff to commence draft regulation writing. (Committee Members and Board staff)

Committee Chair Miller continued the review and discussion of the San Francisco Bar Pilot Fatigue Study (Study) recommendations and the Committee's preliminary policy recommendations to the Board with respect to pilot fatigue risk management. He acknowledged the SFBP's proposed amendments to the Committee's preliminary policy recommendations to the Board with respect to pilot fatigue risk management. Committee Chair Miller noted that references to the "SFBP" in the draft policy will be replaced with "Port Agent."

Committee Chair Miller requested that the Committee focus its discussion on the SFBP's proposed amendments to the Committee's preliminary policy recommendations to the Board with respect to pilot fatigue risk management. Port Agent Long prefaced the discussion by stating that the proposed SFBP amendments to the Committee's preliminary policy

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recommendations were an attempt to transfer policy substance into the Fatigue Risk Management Plan (FRMS). He stated that doing so would provide the Board greater flexibility to adjust the FRMS rules, as necessary.

Study Recommendation #1: Interventions intended to prevent or manage fatigue should be introduced as part of an overall Fatigue Risk Management System (FRMS), some elements of which are already in place.

The FRMS would also incorporate specific Board-adopted fatigue regulations, such as that proposed in response to Study Recommendation #2 below.

Study Recommendation #2: A limit on the duration of work periods is advisable. The current Bar Pilot Association policy (a limit of 12 hours) appears to be appropriate.

The SFBP proposed amending the Committee's preliminary policy recommendations to remove language that would authorize the Port Agent to extend the duration of a work period up to, but not longer than 16 hours. Instead, SFBP proposed a general item (#23) that would allow the Port Agent to deviate from the various limitations in the recommendations when doing so would not create an increased risk, and that would require the Port Agent to report monthly to the Board each such deviation and the reasons therefor.

Commissioner Nyborg stated that this policy would set the maximum work period duration at 14 hours, with reporting to the Board of work period durations of greater than 12 hours. Committee Chair Miller stated that the proposed deletion of language from the Committee's preliminary policy recommendations is stating that there is a definite "hard stop," although his concern was that the SFBP proposed recommendation #23 would grant the Port Agent the authority to deviate from all limitations of the Committee's policy recommendations.

The Committee discussed the composition of the FRMS in relation to the Committee's preliminary policy recommendations and the differences between a FRMS policy and a Board regulation. Commissioner Nyborg stated he envisions the FRMS to address all recommendations of the Pilot Fatigue Study. Port Agent Long stated a FRMS policy would be treated equivalently to a Board regulation. Board Counsel Eagan noted that in previous Committee discussions, the FRMS was not the sole source of requirements. He stated that the consensus was that the FRMS would contain certain policies, and that the Board would produce regulations on elements of specific concern.

Mr. Jacob stated that regardless of how the Committee proceeded, the rules had to be clear, enforceable, and documented, noting that the study only identified a low number of situations where fatigue was an issue. He suggested rewriting SFBP proposed recommendation #23 in a negative sentence structure.

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Study Recommendation #3: The maximum duration of a night work period without a rest opportunity should be less than the allowable duration of a daytime work period.

The SFBP proposed amending the Committee's preliminary policy recommendations to include language defining the offshore station boat as a rest opportunity area and to remove language that would limit BOPC-licensees to a maximum night work period of 10 hours but authorize the Port Agent to extend the work period duration to 12 hours if safety considerations require it. The SFBP proposal would leave the issue of maximum night work periods to the FRMS. The contrary view was expressed that such a limitation should be set forth in the regulations themselves. There was also discussion of what were "night-work hours" and what would trigger characterization of a given work period as a "night-work period." These issues were not resolved.

Commissioner Nyborg stated that the intent is to define a rest opportunity. He stated that the current SFBP dispatch system has the ability to track night hours worked in tenths of an hour. Port Agent Long stated that any work completed during or between 0001 and 0559 is counted as night work.

Captain McIntyre suggested defining the time period between 0001-0559 as a circadian low period. She stated a definition without use of the words "work" or "shift" may enhance clarity. Board Counsel Eagan noted that circadian low may be a defined term in the Pilot Fatigue Study.

Study Recommendation #4: A limit to the number of consecutive night shifts is advisable. A limit of two consecutive night shifts would be most desirable; however, a limit of three consecutive night shifts may be more practical.

The SFBP proposed amending the Committee's preliminary policy recommendations to remove language concerning limits on the number of consecutive night shifts worked and instead limiting the number of consecutive night-time hours worked during a 72-hour period. Deviation from this standard was authorized in general item #23 proposed by SFBP.

Study Recommendation #5: The BOPC should explore the reasons for the early morning peak in arrivals and consider options to distribute arrivals more evenly thought the 24-hour day.

There was no discussion concerning this recommendation.

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Study Recommendation #6: The BOPC should consider whether a change to the minimum advance notice required when ordering a pilot would help to increase the predictability of pilot schedules.

SFBP suggested that the FRMS should not be required to include minimum advance notice requirements for pilotage services. While it was conceded that advance notice provisions can have various operational impacts, it was also agreed that they can ameliorate pilot fatigue. While the regulations themselves need not dictate the content of advance notice requirements, the Board should require the FRMS to include provisions on advance notice.

Study Recommendation #7: The BOPC should consider whether technological solutions (such as software applications) could enable the timing of piloting assignments to be predicted with greater accuracy.

There was no discussion concerning this recommendation.

Study Recommendation #8: The BOPC should consider whether pilots who are on-call for 14 days should be provided with a rest break at or around the mid-point of the 14-day period. A midpoint break of at least 24 hours may be appropriate. If such a break does not occur naturally due to the movement of the board, it may be feasible to delay the pilot's BoB [bottom of the board] time to achieve this.

SFBP proposed deleting the maximum of 17 consecutive days on-call, and instead leaving deviations to the general authorization contained in proposed item #23.

Study Recommendation #9: The BOPC should consider ways to minimize advancing shift rotation. An advancing shift rotation occurs when each work period in a series has a start time earlier than that of the preceding work period.

SFBP's proposal to leave the topic of the impact of advancing shift rotation on fatigue to the Combination Course, rather than require its inclusion in the FRMS, was accepted.

Study Recommendation #10: There should be a Minimum Rest Period (MRP) between work periods. The current Bar Pilot Association policy (12-hour MRP) appears to be appropriate.

SFBP proposed deleting the eight-hour lower limit on the duration of minimum rest periods and instead leaving deviations to the general authorization contained in proposed item #23.

Study Recommendation #11: Minimum Rest Period (MRP) exceptions should be monitored to ensure that no individual pilot is disproportionately burdened with MRP exceptions.

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There was no discussion concerning this recommendation.

Study Recommendation #12: The Committee should consider whether an extended rest period is needed following an MRP exception.

There was no discussion concerning this recommendation.

Study Recommendation #13: Recalls of pilots from an off-call period should be managed to minimize disruption of their recovery rest prior to the start of their next on-call.

There was no discussion concerning this recommendation.

Study Recommendation #14: Pilots should receive an appropriate recovery period after awakening, before boarding a ship. A longer recovery period will be needed when the awakening occurs during the circadian low, or when the pilot has been asleep for more than 30 minutes.

There was no discussion concerning this recommendation.

Study Recommendation #15: The BOPC should receive information on the number of Bar Pilots available on the Board.

There was no discussion concerning this recommendation.

Study Recommendation #16: Implement solutions to increase the number of Bar Pilots available on the board at any given time. Approaches could include reducing the amount of “other duties” performed by Bar Pilots, or increasing the number of Bar Pilot Licensees.

There was no discussion concerning this recommendation.

Study Recommendation #17: Implement a system to enable pilots to report fatigue and remove themselves from the roster without consequences when they are significantly fatigued. It will be necessary to address the cultural barriers that could prevent such a system from working.

There was no discussion concerning this recommendation.

Study Recommendation #18: Provide pilots with educational material on the effective use of caffeine, and other aspects of good sleep hygiene.

SFBP's proposal to leave this topic to the Combination Course, rather than requiring informational handouts, was accepted.

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Study Recommendation #19: Provide advice to pilots on how to improve their home sleeping environments. This could include educational material for families on how they can contribute to Bar Pilot rest and alertness.

SFBP's proposal to leave this topic to the Combination Course, rather than requiring informational handouts, was accepted.

Additional Recommendation #20. Pilot Trainees should, when handling vessels, be subject to the same duration of service and other limitations as those imposed on serving pilots.

There was no discussion concerning this recommendation.

Additional Recommendation #21. To ensure that pilots traveling to or from mandated training at facilities distant from the waters under the jurisdiction of BOPC arrive able to pursue their studies or their piloting duties upon return in rested and alert condition, pilots traveling in excess of eight hours and at BOPC expense for training mandated by statutes, regulation, or BOPC action, would be required to travel in a transportation mode that allowed for 180-degree horizontal seating.

There was no discussion concerning this recommendation.

Additional Recommendation #22. Incident Review Committee assessment of whether fatigue contributed to an incident.

There was no discussion concerning this recommendation.

5. Public comments on matters not on the agenda.

There were no comments from the public on matters not on the agenda.

6. Schedule the next Committee meeting, and proposals for items on the next meeting agenda.

The Committee agreed to schedule the next meeting on December 20, 2019.

7. Adjournment.

Committee Chair Miller adjourned the meeting at 12:35 p.m.

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Submitted by:



Allen Garfinkle
Executive Director