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ATTENDANCE

Committee Members Present

Knute Michael Miller, Committee Chair and Past Board President

Joanne Hayes-White, Public Member (by phone)

Captain Lynn Korwatch, Dry Cargo Industry Member

Captain Robert Carr, Pilot Member (temporary appointment, as Captain Nyborg could not attend)

Committee Members Absent

Robert Kosnik, MD at the University of California of San Francisco (UCSF)

Board Staff Present (in person and by phone)

Allen Garfinkle, Executive Director

Matthew Millspaugh, Assistant Director

Alethea Wong, Licensing and Training Programs Manager

Mari McNeill, Administrative Coordinator

Greg Shepherd, Records Management and Program Support Coordinator

Identified Public Present (in person and by phone)

Captain John Carlier, San Francisco Bar Pilots (SFBP) President and Port Agent

Captain Anne McIntyre, SFBP Business Director

Mike Jacob, Pacific Merchant Shipping Association (PMSA) President (by phone)

Kevin Baldwin, SFBP General Counsel

Roma Cristia-Plant, former BOPC Assistant Director (by phone)

Captain Andy Murray, SFBP Pilot

Captain Cevan LeSieur, SFBP Pilot

OPEN MEETING

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

Chair Miller called the meeting to order at 9:31 a.m. Licensing and Training Programs Manager, Alethea (Ally) Wong called the roll and confirmed a quorum.

2. Committee to select new chairperson. (Chair Miller)

Possible committee action to select new chairperson.

Committee Member Carr nominated Committee Member Korwatch to be the new chairperson.

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MOTION: Committee Member Carr moved to approve the appointment of Committee Member Korwatch as the new chairperson. Committee Member Hayes-White seconded the motion.

VOTE: YES: Miller, Carr, Hayes-White.
NO: None.
ABSTAIN: Korwatch.

ACTION: The motion was approved.

Committee Member Korwatch accepted the chairperson position. Chair Miller agreed to continue as chairperson for the duration of the meeting so Committee Member Korwatch could assume the chairperson position starting with the next meeting.

3. Review and approval of Committee meeting minutes. (Chairperson)

Possible committee action to approve the minutes from the meeting held on September 29, 2023.

Committee Members were presented with the draft Pilot Fitness Committee meeting minutes from September 29, 2023. Committee Member Carr requested minor, non-material, changes. There were no further comments.

MOTION: Committee Member Carr moved to approve the amended minutes for September 29, 2023. Committee Member Hayes-White seconded the motion.

VOTE: YES: Miller, Carr, Hayes-White, Korwatch.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

4. Report on the pilot and trainee fitness determination process involving the Division of Occupational & Environmental Medicine at the University of California, San Francisco (UCSF) Campus. (Board staff)

Executive Director Garfinkle reported that the UCSF determination process has evolved and continues to prove successful overall. UCSF has added another examining physician to the program. Feedback was encouraged and, although licensees were challenged by difficulties in obtaining a convenient appointment or by delays in getting their paperwork returned, overall feedback has been positive.

5. Review the Fatigue Risk Management System (FRMS) submitted by the Port Agent as required under new Pilot Fatigue Regulations. Possible committee action to make

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recommendation to Board on approval of the FRMS as submitted. (Port Agent Carlier and Board staff)

Possible committee action to make recommendation to Board on approval of the FRMS.

Executive Director Garfinkle reported that the disseminated attachments corresponding to this agenda item included: a copy of the relevant California Code of Regulations (CCR) section, the SFBP FRMS, and a staff report outlining how the FRMS met the requirements of the regulations.

Attendees discussed the FRMS related staff report, history, changes, approval process, and projected timeline. Some discussion points included:

- Committee Member Carr applauded staff for the Staff Report, specifically the table of references that included of all mandatory elements required by the regulations, which were very helpful in pinpointing specific considerations to focus on.
- Captain McIntyre stated:
 - The SFBP would submit an amended FRMS report, with page numbers that cross reference the staff report.
 - The SFBP determined changes, pending Board approval, such as the solution related to the FRMS report, Section 3.3, five bullet points down, “Work periods that include nighttime hours (0000-0600) shall be limited to 12 hours in duration unless there is a rest opportunity of at least two hours on the offshore station boat between assignments. With such a rest opportunity, the work period duration may extend to 14 hours.”
 - The SFBP projected changes would be implemented one to three months after the FRMS approval, due to the complicated nature of the change.
- Mr. Jacob stated that the FRMS has been many years in the making. The goal has been to balance mandates with a practical and effective fatigue combatting system that can be maintained and managed.
- Captain Murray stated language clarifying rest opportunity was included in the FRMS. This detail was not included in the regulations, leaving it to SFBP to define in the FRMS.

MOTION: Committee Member Carr moved to recommend to the Board that the FRMS be approved. Committee Member Korwatch seconded the motion.

VOTE: YES: Miller, Carr, Hayes-White, Korwatch.
NO: None.
ABSTAIN: None.

ACTION: The motion was approved.

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6. Review proposal to add a mental fitness element to the initial trainee medical assessment conducted prior to contracting with training candidates from the Trainee Training Program Selection Exam list. Possible recommendation to Board to add a mental fitness element to the initial trainee medical assessment. (Board staff)

Possible committee action to make recommendation to Board on adding a mental fitness element to the initial trainee medical assessment.

Executive Director Garfinkle outlined the proposal to add a mental fitness element to the initial trainee medical assessment. He noted that the legislature mandated the Board not only to ensure the physical health but also the mental health of pilots. Mandates cited included:

- The Harbors and Navigation Code confers authority on the Board to set license qualifications, and mandates that they equal or exceed federal standards. Specifically: Code 1171 (a) confers on the Board the authority to set license qualifications: “The Board shall have the sole authority to determine the qualifications for obtaining a license as a pilot pursuant to this division, determine who shall have the license, and issue the license.”
- Code 1171.5 (a) specifies that the standards for licensing be equal to or exceed the federal standards: “The Board shall adopt, by regulation, licensing standards that equal or exceed standards for obtaining federal endorsements and that conform with and support the state policy specified in Sections 1100 and 1101.”
- Code 1175 (b) specifies that to be licensed the following qualifications be met: “The person is of good mental and physical health and good moral character.”
- To achieve these goals, the legislature empowered the Board to choose the medical professionals to administer these programs by implementing Code 1176. Code 1176 (a) sets that “The Board shall appoint a physician or physicians who are qualified to determine the suitability of a person to perform his or her duties as a pilot or a pilot trainee in accordance with subdivision (c).”

Executive Director Garfinkle referenced a previous incident where it was found that a licensee suffered from early onset Alzheimer’s disease. Instituting a project of this nature would provide an opportunity to filter out potential risks before they could result in incidents. Other pilot licensing programs have used mental health screening through forensic psychologists as part of their process, so the Board would not be the first program to implement this type of screening. A large part of mental health assessment proposal relies on the Peace Officer Standards of Training (POST) Psychological Screening Manual, where they point out a variety of benefits of mental health screening, including acceptance and recognition of dangers, absence of gender and racial bias, etc. Although what is relevant for peace officers may not be relevant for pilots, there are several risk indicating behaviors that

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can be identified such as the misuse of information and time, poor quality of work, inappropriate actions, poor attendance, and unsafe behavior. There are several tools available to achieve these goals. The Board of Pilot Commissioners (BOPC) recommends the committee adopt a policy to start instituting an additional mental health screening process prior to accepting applicants into the pilot trainee program.

Committee Member Carr agreed and proposed a recommendation to the Board to authorize the Fitness Committee to conduct further evaluation of implementation methods. Committee Member Carr proposed one option would be to have UCSF as administrator and ask them for advice on how they would do it. There may be value in extending these evaluations to licensees, in addition to trainees.

Executive Director Garfinkle stated that the Board could start with trainee candidates and then, perhaps, expand the scope once the details were worked out and tested. The regulations and the code contain the same standards for licensees and trainees. Starting with trainees is the logical place to start. When expanding the program to include licensees, the screening might not be the same battery of tests; for instance, the tests might be abbreviated for licensees. If mental health screening can start at the candidate stage and everyone can get used to that idea, then the BOPC can add mental health screening to the licensees further down the road.

Captain McIntyre stated it's important to be clear on the focus of the mental health screening process to decide what to address first. Three distinct mental health issues discussed were:

1. Psychological makeup: Can be tested through an initial evaluation.
2. Mental health: Can change; most people experience ups and downs in their lives.
3. Mental acuity (a person's ability to reason, focus, and recall information at optimum speeds): Which includes medical conditions, such as Alzheimer's (or other types of cognitive decline).

Captain McIntyre highlighted that many existing models can be referenced and followed so the Board doesn't need to reinvent the wheel. It is important to make sure the tests are relevant to pilots and meet the statutory requirements. Mr. Baldwin agreed testing at onset of career doesn't necessarily address Alzheimer's, which may come later in life but can still impact a pilot's performance.

Ms. Cristia-Plant noted that the kinds of studies that the Board does are time intensive and costly; and requested the study be as comprehensive as possible and not just focus on the initial medical assessment, to be consistent with the Harbors and Navigation Code.

Committee Member Carr proposed the committee recommend to the Board to refer the matter of mental health evaluation to the fitness committee to review for further evaluation

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MOTION: Committee Member Carr moved for the committee to recommend to the Board to refer the matter of mental health evaluation to the Fitness Committee to review for further evaluation. Committee Member Korwatch seconded the motion.

VOTE: YES: Miller, Carr, Hayes-White, Korwatch.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

7. Public comments on matters not on the agenda. (Chairperson)

None.

8. Schedule the next Committee meeting, and proposals for items on the next meeting agenda, if applicable. (Chairperson)

Executive Director Garfinkle proposed a query be distributed to Committee Members to discuss and decide the next appropriate date.

9. Adjournment.

MOTION: Committee Member Carr moved to adjourn the Pilot Fitness Committee meeting. Committee Member Korwatch seconded the motion.

VOTE: YES: Miller, Carr, Hayes-White, Korwatch.

NO: None.

ABSTAIN: None.

ACTION: The motion was approved.

Chair Miller adjourned the meeting at 10:33 a.m.

Submitted by:



Allen Garfinkle
Executive Director

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ACRONYM INDEX

Acronyms / Abbreviations	Definition
BOPC	Board of Pilot Commissioners
CA	California
CCR	California Code of Regulations
FRMS	Fatigue Risk Management System
PMSA	Pacific Merchant Shipping Association
POST	Peace Officer Standards of Training
SFBP	San Francisco Bar Pilots
UCSF	University of California San Francisco