



August 15, 2018

TO: BOPC Chair Tonn and Fatigue Management Committee Chair Morrell

FR: Mike Moore, VP, PMSA

RE: Proposed Revisions to Pilot Mandatory Rest RCW and Other Recommendations of the Fatigue Management Committee

PMSA respectfully submits these comments regarding discussions and recommendations of the Fatigue Management Committee (FMC).

Nobody appreciates the need for, and the consequences of, safe navigation and maritime transportation more than vessel owners and operators themselves. PMSA's member companies have an exemplary record of safety and continue to improve their own operating environments to accommodate the newest technology and the latest in good management and best practices. With respect to pilotage, we consistently support new investments in pilot training and the use and integration of new pilot technology up and down the West Coast.

We also highly value pilot rest and fatigue standards, training, and management. For instance, the California state Board of Pilot Commissioners recently received a study on pilot fatigue which was supported by PMSA. The study was required by a bill in the state Legislature which was sponsored by PMSA, and PMSA lobbied for an appropriation for the pilot fatigue study to be paid for by surcharge dollars from PMSA members.

PMSA supports both Washington's existing fatigue management rules, which are already in place and have been a model for recently adopted provisions in California, and a process to update RCW and WAC provisions as appropriate to improve pilot safety and fatigue management while also improving dispatch efficiency and accountability. We urge the BOPC to include a comprehensive review of dispatch and watchstanding options to better match pilots to assignments.

We continue to urge caution and advise against rushing into a "solution" driven solely by the current agency-sponsored legislation deadline for 2019 before our state Board of Pilotage Commissioners has completed a thorough analysis of all options for achieving the multiple fatigue management improvements in pilotage in the recommendations made by Dr. Czeisler who for example is no fan of the two weeks on, two weeks off duty rotation.

We understand the current focus is on mandatory rest. However, such discussions eventually get into dispatch, watchstanding, number of pilots, delays, call backs, and so on. We have raised questions and communicated at least some of our concerns and observations with the Fatigue Management Committee including the following:

- PSP reported 300 assignments would be impacted by a 9 hour rest period or 500 with a 10 hour rest period. There was no analysis or discussion of the average number of minutes involved? Was it evenly distributed between 1 minute and 59 minutes?
- The PSP rest period analysis chart includes a column that equates number of pilots, number of assignments, and 9 or 10 or 11 or 12 hour rest rules. It specifies how many pilots would be required to not violate the rest rules at the various levels. I was unable to find the logic of this correlation as detailed below:
 - If you take 300 instances for the 9 hour rule, then that could be 300 total minutes per year or up to 300 hours per year.
 - If a pilot is on the bridge just over 700 hours plus transportation to/from (non-bridge time plus non-resting travel time) then you are looking at 1100 to 1300 hours per year per pilot; 50 pilots would then result in a total of about 60,000 hours per year so the annual impact of waiting collectively 300 minutes to 300 hours does not equal adding 2 plus pilots.
 - In addition, there was no listed causes of the 300 minutes to 300 hours involved; call back refusal, vacation taking, medical, and so on and without knowing all the causes, one can't identify all the solutions.
- How did call backs fit into the PSP rest period impact analysis? Was there an assumption of no call backs accepted? If call backs fully used then wouldn't all of these assignments have been completed by a rested pilot? How did the analysis incorporate "lifestyle pilots" refusing to take call backs? How many "lifestyle pilots" are there?
- Duty rotation plus vacations produces **28 weeks out of 52** when pilots are not on duty and 24 weeks on duty available for assignments if properly rested – so wouldn't vacation taking create fewer pilots on duty and thus feed into to the number of assignments impacted by a 9 hour or 10 hour rest rule/policy?
- Should BOPC oversight duties require the Board to develop policies covering watchstanding, dispatch, duty days, call backs and vacations or will that continue to be completely up to PSP?
- A BOPC set TAL workload of 145 assignments per year results in **220 days of non-piloting per year** – shouldn't there be discussion on how to better fit 145 days of piloting into the 365 days/year to better address dynamics like the seasonal fluctuations of pilot demand? Monthly pilot assignments trends clearly demonstrate the seasonality involved.
- The two watch system is not a good fit for assignments that are seasonal and that fluctuate from day to day without some level of mandatory call backs per pilot. Lifestyle pilots refusing to take call backs diminishes the call back relief valve which in part serves to address the inefficiencies of a rigid two watch system particularly when considering the seasonality issues. Again, shouldn't the BOPC insert some policy on this regard since the Pilotage Act calls for efficiency?
- Cruise months average per pilot assignment workload is more than 12 and non-cruise months is less than 12 - the data is clear and this is expected.
- Pilot Shortage? In June 2018, there were fewer assignments per pilot than June 2015 (16 vs 15.4 on average). In June 2016 the average pilot workload was essentially equal to June 2018. However, recent statements assert a great pilot shortage now with elevated fatigue risk yet the workload is less than before; what is different?

- Past statements indicated that vacations were limited during cruise months but the numbers seem to indicate more vacations are taken in summer months; an assessment of the data will reveal the facts – can that data be summarized?
- Lifestyle piloting is a relatively new term: how many are there and are there any mandatory call back procedures or is it all voluntary? If not, how does workload average out to 145 per pilot each year (or 220 days of non-piloting); this seems to be a fixable issue via watchstanding/dispatch procedural changes.

Data Transparency: Given all of the uncertainties involved, one additional issue that should be included in any proposed package to address potential pilot fatigue would be to address the lack of specific date, time and format of reports to the BOPC. Such reports are necessary to ensure proper enforcement and oversight of any new RCW or WAC against individual pilots who violate the standards. The current reports are not conducive to rest hour oversight now and if the new rules are to be truly effective this is the time to fix that as well. A commitment to discuss this is a good start but falls short of a requirement to ensure sufficient data and transparency to conduct oversight. This should be done concurrently with any other updates to the current fatigue management framework but it remains unresolved.

As such, no one on the Board, at PSP, or in industry can possibly know all the potential impacts on fatigue, and impact causes beyond the rest period (regarding dispatch, vacations, lifestyle pilots, etc.), or what all the reasonable exceptions might need to be (though harbor shifts and most cancellations fit that category as discussed), that could be associated with proposed changes.

Therefore, at this time, PMSA cannot take any position supporting or opposing the Committee recommendation, except to say that action at this time is premature. We respectfully reserve the right to further assess this RCW draft language and future potential related WAC amendments.