

PUGET SOUND PILOTS' RESPONSES TO PMSA DATA REQUESTS Nos. 546-567

DATE PREPARED: January 6, 2023 DOCKET: TP-220513 REQUESTER: Pacific Merchant Shipping Association ("PMSA")	WITNESS: CAPTAIN ERIC KLAPPERICH RESPONDER: CAPTAIN ERIC KLAPPERICH PUGET SOUND PILOTS DATE: January 23, 2023 TEL: (206) 949-7433 EMAIL: eklapperich@pspilots.org
---	--

PMSA DATA REQUEST NO. 546: Regarding Exh. ECK-01T 7:24–8:1, and your statement that “economic priorities can, and sometimes do, influence captains to take unsafe routes, sail in unsafe weather conditions, or otherwise cut corners to save time and maximize profit,” please respond to all of the following:

- 1) Provide all personal knowledge of the motivations of a vessel master to choose vessel routes. If none is provided, admit a lack of personal knowledge of the motivation of a vessel master to choose vessel routes.
- 2) Provide all personal knowledge of the motivations of a vessel master to choose when and how to sail in different weather conditions. If none is provided, admit a lack of personal knowledge of the motivation of a vessel master to choose when and how to sail in different weather conditions.
- 3) Provide all personal knowledge of the motivations of a vessel master to maintain a vessel schedule. If none is provided, admit a lack of personal knowledge of the motivation of a vessel master to maintain a vessel schedule.

Provide all personal knowledge of the responsibilities of a master with respect to vessel management.

RESPONSE:

In my 37-year career in the merchant marine, I have personally observed on multiple occasions ship captains making what I believed to be less safe navigational choices for economic reasons. Moreover, during my 14 years as a Puget Sound Pilot, ship captains have attempted (unsuccessfully) to influence me to take actions I deemed unsafe based on their economic concerns. To cite one example, ship Captains regularly request to drift between the Port Angeles Pilot Station and the Victoria pilot station in order to save fuel costs. These requests are declined, as safety requires the ship to remain sailing under power. It is my opinion that maritime safety regulations serve to reduce the likelihood that vessel owners and ship captains, prioritize economic concerns over marine safety. So much so, in fact, that this is precisely why pilots are not members of the bridge team, and why the official statement on the piloting profession that was adopted in 1997 by the Board of Trustees of the American Pilots Association explicitly requires pilots to “exercise independent judgment without regard to any desires that do not comport with the needs of maritime safety.”

As to subpart (4), my knowledge of the responsibilities of a master is based on my training and experience during my 37-year career in the merchant marine, which includes more than two decades sailing under a master's license. Please see the discussion of my qualifications and experience in my testimony and/or request a copy of my publicly available credentials from the U.S. Coast Guard.

PMSA DATA REQUEST NO. 555: Further regarding Exh. ECK-01T 8:12–13, please admit that your testimony includes no evidence to support any claims regarding the distortion of safe navigational operations of oceangoing vessels in the Puget Sound. If denied, please provide a citation and reference to where such supporting evidence was provided.

RESPONSE:

Deny. My testimony is based on my personal knowledge, training and experience during my 37-year career in the maritime industry that includes 14 years as a Puget Sound Pilot, throughout which time I have had extensive opportunity to observe firsthand the distortion of safe navigational operations by the masters and crews of oceangoing vessels on Puget Sound. Many of these shippers' failures to maintain safe operations have caused marine safety occurrences or "MSOs" that are documented and publicly available from the Board of Pilotage Commissioners.

PMSA DATA REQUEST NO. 556: Regarding Exh. ECK-01T 8:13–18, regarding the pilot’s duty to “exercise independent judgment,” please describe any situation of which you have personal knowledge in which a Puget Sound Pilot did not exercise independent judgment in the carrying out of his or her pilotage duties.

RESPONSE:

In my testimony when I said “the pilot’s independence is intentional,” I meant that it is our duty to act independently from the ship’s crew while on board foreign and domestic ships. Independent judgment is fundamental to pilots’ duty to protect the people and environment of Washington State. I am unaware of any pilot not performing their duty.

PMSA DATA REQUEST NO. 557: Regarding Exh. ECK-01T 11:12–14 please define “the most highly skilled candidates.”

RESPONSE:

“Most highly skilled candidates” as used in my testimony refers to pilot candidates who, through the rigors of the BPC administered examination,, distinguish themselves within the original applicant pool with respect to the skills and knowledge relevant to piloting on Puget Sound.

PMSA DATA REQUEST NO. 558: Regarding Exh. ECK-01T 22:5–7 please admit that you believe that each and every existing member of the Puget Sound Pilots is a mariner who “possesses the elite skill, knowledge, and judgment that are required to ensure the best possible protection” of the waterways of the Puget Sound Pilotage District because the process to become a Puget Sound Pilot necessitates this outcome. If denied, please state the basis for the denial and identify the existing individual members of the Puget Sound Pilots who do not possess the elite skill, knowledge, and judgment required to provide the best possible protection of the Puget Sound waterways.

RESPONSE:

PSP objects that the request calls for information protected by the self-critical analysis privilege. As PSP has stated repeatedly, PMSA’s ad nauseum requests that PSP identify and criticize individual pilots by name is a cynical tactic advanced in bad faith. Subject to the objection, Captain Klapperich responds as follows:

Between their time as a trainee through becoming an unlimited pilot and beyond, pilots continue to acquire knowledge and skills required to provide the best achievable protection for Puget Sound. The training program and upgrade program are both vital to gaining skill and knowledge. These different stages of learning, obtaining upper license levels, and the ongoing training throughout a pilot’s career are critical to pilotage in Puget Sound. Different piloting techniques can be applied to scenarios in different conditions at different times. PSP’s track record speaks for itself and I decline to critique individual PSP pilots.

PMSA DATA REQUEST NO. 559: Regarding Exh. ECK-01T 22:11–13 and your testimony that “I believe there is a clear relationship between the competitiveness of the compensation we offer and the quality of trainee that we are able to recruit and retain,” please respond to all of the following:

- 1) Define the “relationship” between compensation and the quality of trainee.
- 2) Describe how to quantify compensation offered to the trainee.
- 3) Define “quality of trainee.”
- 4) Describe how to evaluate and quantify the “quality of trainee.”
- 5) Describe how to assess the “quality of trainee.”
- 6) Describe when and where PSP assesses the quality of the trainees in the Puget Sound pilot training program, or admit that it does not assess the quality of the trainees in the training program.
- 7) Please provide copies of the PSP assessments regarding the quality of trainees, unless it is admitted that such assessments do not exist.
- 8) Please quantify the relationship between the competitiveness of the compensation offered and the quality of the pilot trainees.
- 9) Please provide the historical relationship between the competitiveness of the compensation offered and the quality of the pilot trainees for the past 10 years.
- 10) Please describe the qualitative value of the current class of pilot trainees, and identify any deficiencies in the quality of the current class of pilot trainees.

RESPONSE:

(1) The relationship is that competitive compensation increases the likelihood of PSP recruiting top candidates from within a small national pool to apply, qualify, and successfully pass the BPC exam to become a Trainee in the Puget Sound Pilotage district.

(2) Competitive pilot compensation includes distributable net income and benefits that are competitive with the distributable net income and benefits offered by other pilot groups with whom we compete for top candidates within a small national pool.

(3) Quality of trainee refers to the degree to which the trainee possesses the qualities that are critical to becoming a licensed pilot..

(4) PSP objects that this request is unduly burdensome in that it calls for public information that is equally available to PMSA. Subject to the objection, Captain Klapperich responds as follows: The BPC-administered training program’s evaluation process and relevant criteria are publicly available from the BPC. Among other things, a trainee is evaluated based on their training reports.

(5) See response to subpart (4).

(6) As PMSA knows, the training program is administered by the BPC, not PSP. Evaluation of trainees is performed by the BPC and the Trainee Evaluation Committee. While individual pilots participate in this exercise, PSP as an association does not.

PMSA DATA REQUEST NO. 561: Regarding Exh. ECK-01T 22:19–23:9 and pilots with a “limited license,” please respond to the following:

- 1) Describe whether a “limited license” pilot has easier assignments than pilots with an unlimited license.
- 2) Describe whether a “limited license” pilot has fewer assignments than pilots with an unlimited license.
- 3) Describe whether a “limited license” pilot has the same rotation schedule as pilots with an unlimited license.
- 4) Describe whether a “limited license” pilot receives the same compensation as a pilot with an unlimited license.

RESPONSE:

(1) PSP objects that the term “easier” is vague and meaningless in this context. Every assignment is different. Subject to the objection, Captain Klapperich responds as follows:

Pilots with limits on their license are given assignments that are consistent with those limits and are not given assignments that would violate those limits.

(2) No. Every pilot follows the same 15-day on / 13-day off schedule and rotation. Although this schedule may result in some individual pilots receiving more assignments than others, the rotation is not based on seniority or license level. Moreover, due to the ongoing shortage of pilots and resulting high level of call backs, the number of assignments may vary considerably among pilots, again, without regard to whether a pilot holds a limited or unlimited license.

(3) A limited license pilot has the same rotation schedule as unlimited license pilots.

(4) All current Puget Sound Pilots receive the same distributable net income and benefits, without regard to whether the pilot’s license is limited or unlimited.

PMSA DATA REQUEST NO. 565: Regarding Exh. ECK-01T 35:13–15 regarding testimony that “climate change” presents a “risk factor for pilotage,” please respond to all of the following:

- 1) Define what you mean by “extreme maritime conditions.”
- 2) Define what you mean by “serious incident.”
- 3) Describe and quantify the relationship such that “extreme maritime conditions increase the risk of a serious incident.”
- 4) Provide historical data from Puget Sound that demonstrates that “extreme maritime conditions increase the risk of a serious incident.”
- 5) If no historical data is provided in response to (4), admit that there is no evidence in your testimony to support the claim that climate change presents a risk factor for pilotage.
- 6) Admit that the reports at Exhibits ECK-07 and ECK-08 do not demonstrate a link between climate change and risk factors for pilotage on the Puget Sound. If denied, please describe the basis for this denial.

RESPONSE:

(1) Extreme maritime conditions means conditions at sea (e.g. wind, swell and current), that are unpredictable or extreme in magnitude and the challenges and risks that they present.

(2) A serious incident is a significant casualty or other incident that presents a substantial risk of significant casualty.

(3) There is a positive correlation and causal relationship between the presence of extreme maritime conditions and the risk of a serious incident.

(4) The causal relationship between extreme maritime conditions and increased risk of a serious incident is common knowledge available from countless sources documenting casualties at sea in waterways around the world since time immemorial. It is also my personal experience during the course of my 37 years in the merchant marine including 14 years as a Puget Sound Pilot. I encourage PMSA to review, for example, my testimony regarding the challenges and risks of navigating at and around the Cherry Point refineries during extreme conditions.

(5) Deny.

(6) Deny. Climate change increases the frequency and magnitude of extreme maritime conditions, and extreme maritime conditions are a highly significant risk factor for pilotage on Puget Sound.

PMSA DATA REQUEST NO. 566: Regarding Exh. ECK-1T 40:4–7, please describe the basis for the statement that Puget Sound Pilot service is “consistently error-free performance,” and provide all documentation to support the claimed basis upon which this statement is claimed.

RESPONSE:

PSP objects that the request is unduly burdensome in that it calls for public information that is equally available to PMSA. Subject to the objection, Captain Klapperich responds as follows:

This is evidenced by the almost total lack of casualties involving vessels under pilotage on the Puget Sound Pilotage District. Statistics regarding the number of pilot assignments on Puget Sound relative the comparatively miniscule number of documented incidents of pilot error during the course of those assignments is available from the BPC.