



Pacific Pilotage Authority “Pilotage Waiver Standard of Care”

Implementation Guidelines

Introduction

PPA waivers are granted subject to the *Pilotage Act*, *Pacific Pilotage Regulations* and these Implementation Guidelines. The first two are legislative and regulatory instruments that set the minimum conditions under which vessels are required to engage pilotage services through PPA. These also provide PPA the flexibility to issue waivers from this requirement to ships engaged in regular trade through these waters.

The provision of the waiver must be made with reasonable confidence that an acceptable “Standard of Care” is being maintained by the waived company, vessel and crew, such that the risk to life, property and the environment is not substantially greater than would be anticipated if the vessel were under a pilot’s direction. Therefore, these “Standard of Care” requirements, while not having the force of law, comprise the conditions under which PPA consents to grant waivers to qualified applicants.

Nothing in this document or the *Pacific Pilotage Regulations* shall be construed as having an effect contrary to the *Canada Shipping Act, 2001* and Regulations established thereunder for the safe operation of shipping in accordance with Canada’s compliance with IMO Conventions. Similarly, these guidelines should not be considered to relieve or in any way limit the master’s authority and responsibility to navigate his vessel in accordance with the prevailing conditions, applicable regulations, limitations of the vessel, and the “good practice of seamen”.

These guidelines are arranged under key headings for ease of reference.

Tonnage

All vessels over 350 GT (International Tonnage Convention measure) are required by the *Pacific Pilotage Regulations* to carry pilots in the compulsory pilotage areas of the BC coast.

This tonnage threshold applies to the combined tonnage of composite vessels, whether tug and tow, multiple strings of barges, or Integrated/Articulated Tug-Barge (ITB/ATB) units.

Waivers are available to all vessels under 10,000 GT, upon application to PPA and having satisfied the conditions as laid out below.

Yachts under 500 GT are exempt under the *Pacific Pilotage Regulations*.

Certification/Manning

All vessels applying for waivers must be manned in accordance with the *Marine Personnel Regulations*. Masters and mates must be appropriately certified for the vessel type and tonnage. US vessels transiting Canadian waters under waivers must be manned in accordance with Art V of the 2002 MOU between USCG/TC regarding Mutual Recognition of Domestic Mariner Qualifications. Yachts over 500 GT but under 10,000 GT must be manned by Canadian or United States of America officers to obtain a waiver.

Zones

For the purpose of waivers, the following six zones are established:

1. Fraser River, below the New Westminster bridge;
2. Fraser River, above the New Westminster bridge;
3. Second Narrows (MRA-2);
4. Salish Sea (Race Rocks to Seymour Narrows);
5. Seymour Narrows to Pine Island, and West Coast Vancouver Island west of Race Rocks;
6. Central & North Coast (Pine Is to Dixon including Haida Gwaii).

Note: these zones are distinct from the five Pilotage Areas defined in PPA Regulations.

Individual Navigational Experience

When applying for a waiver as a master or watchkeeping officer, individuals must provide documentary evidence of the following experience:

- a. 150 days at sea in coastal waters within the last 18 months, or 365 days at sea (which are understood as 12-hr days of watchkeeping duty) in coastal waters within the last 60 months, which time may be accumulated in a position as any member of the deck watch of a ship over 25 GT (single vessel or combined tonnage of tug & tow), AND
- b. Documented trips associated with the zones for which the waiver is being sought, which time may be accumulated as any member of the deck watch under the supervision of a qualified waiver holder or pilot, as follows by zone:
 1. 5 round trips;
 2. 10 round trips;
 3. 6 round trips;
 4. 10 transits (each equivalent to at least 2 x 12-hr days of watchkeeping experience) within the zone;
 5. 10 transits (each equivalent to at least 2 x 12-hr days of watchkeeping experience) within the zone;
 6. 10 transits (each equivalent to at least 2 x 12-hr days of watchkeeping experience) within the zone.

Companies or waiver applicants may propose to PPA a combined programme of experience, training, simulation or examination equivalent to the above requirements.

Vessels

When vessels are operating under waiver, the following Standard of Care is required:

- a. All vessels operating under a waiver must be fitted with and operating a Bridge Navigational Watch Alarms System (BNWAS)¹ set to (at most) 10-minute intervals; and
- b. All vessels operating under a waiver shall be fitted with and transmitting on Class A AIS. The AIS system must be in compliance with SOLAS V.

These requirements shall not apply to 12-hour shift boats (day boats) operating with two persons constantly present.

Watchkeeping in Confined Waters (see Annex 1 attached re *Marine Personnel Regulations*)

“Confined waters” is defined as any passage in which the vessel’s planned track necessitates passing within 1 nautical mile of grounding dangers to the vessel.

The requirements of the *Marine Personnel Regulations* must be complied with at all times, however when the vessel is operating in confined waters of the Inside Passage or West Coast of Vancouver Island, the following rules are emphasized when considering a waived vessel:

- a. Two persons must be on the bridge for all confined waters,
- b. Two persons must be on the bridge in conditions of restricted visibility; and
- c. The master must be on the bridge for transits of First Narrows, Second Narrows, Fraser River (only Sand Heads to Steveston Island, and passing New Westminster Railway Bridge), Seymour Narrows, Blackney and Weynton Passages, Broughton Pass, Lama Pass, Boat Bluff or Heikish Narrows, Princess Royal Channel, Grenville Channel, and Principe Channel.

Conditions (a) and (c) do not apply to vessels operating solely within the established limits of a port, or to vessels towing logs.

Condition (a) is considered to have been met if two persons are on watch and the second person leaves the bridge for other duties for periods no longer than 10 minutes at a time. This may be extended beyond 10 minutes if the ship is fitted with a BNWAS,

¹ The Bridge Navigational Watch Alarm system (BNWAS) must be in compliance with SOLAS V/19.2.2.3 and Resolution MSC.128(75) “Performance Standards for a bridge navigational watch alarm system (BNWAS)”.

as long as the second person establishes regular contact with the bridge by voice.

Note: This relaxation of the requirement for two persons on the bridge should only be considered available in conditions of daylight and good visibility. *Marine Personnel Regulations* Sections 207 and 213-216 require that the deck watch of vessels up to 500 GT consist of at least two persons. The IMO Principles to be Observed in Keeping a Navigational Watch (STCW 2010 Section A-VIII/2 Part 4-1) infer that the additional person's function is that of lookout (without distraction of other duties) but allows that the officer in charge of the watch may be the sole lookout in daylight under favourable conditions. Transport Canada makes this interpretation explicit in Ship Safety Bulletin of 2017.

Condition (c) above may be relaxed by the master if the deck watchkeeping officer holds a waiver, and has (i) a qualification equivalent to a master's certificate for the vessel in question AND a minimum of 10 transits of the specific passage in question, OR has (ii) a watchkeeping certificate with 20 transits of the passage in question. This relaxation in no way relieves the appointed master of his responsibility for command of the vessel. This condition is also considered to have been met if the vessel uses the services of an assist tug.

Cargoes/Routes

For vessels carrying or pushing/towing oil cargoes, the following are NO-GO areas: FitzHugh Sound, Lama Pass, Seaforth Channel, Boat Bluff and Heikish Narrows, Princess Royal Channel, Grenville Channel, Laredo Sound and Principe Channel.

For the purpose of this rule, "oil cargoes" shall be construed as any quantity of petroleum products, apart from ship's fuel, exceeding 10% of the cargo capacity of the vessel and tow (by volume). This definition applies to petroleum cargoes being carried in vessels purpose designed and built to carry petroleum cargoes in bulk.

This routing restriction shall not apply to vessels engaged in the delivery of fuel to BC coastal communities or to remote work sites.

In the case of adverse weather in Hecate Strait posing a significant risk to the waived vessel (and tow), the protected route through Laredo and Principe may be followed after informing MCTS of this change of route.

PRACTICAL APPLICATION

- a. As noted above, this rule does not apply to a vessel delivering petroleum products to remote locations on the BC coast. These locations, amongst others, would include Sandspit, Masset, Hartley Bay, Bella Bella, Bella Coola, Kitkatla to mention a few.
- b. Any vessel travelling directly to Alaska from a Canadian port with a barge transporting petroleum products will be required to comply with this requirement.

- c. In the event of weather conditions that the master believes could impact the safety of the vessel, the vessel can either wait in the vicinity of Prince Rupert or Port Hardy or alternatively take pilots and traverse the Inside Passage.
- d. An empty, double-hulled, petroleum-products barge with negligible remains on board (ROB) will not be confined by this rule and is free to use the Inside Passage when the master deems the weather conditions a safety risk to the vessel. In fair weather the transit would have to be completed through Hecate Strait between Haida Gwaii and the mainland.

Reporting

Waivered vessels shall report to PPA by email (waivers@ppa.gc.ca), or through MCTS by radio, when entering and departing BC's compulsory pilotage areas.

On the occasion of reporting as detailed above, the master/watchkeeper shall provide: vessel name, names of waiver holders, cargo, routing and ETA at destination.

PRACTICAL APPLICATION

- a. Canadian manned vessels that remain within compulsory pilotage waters are not expected to inform the Authority every time the vessel moves.
- b. For both US and Canadian vessels the process would be to inform the Authority annually of the names of all the waiver holders when making the application for a new waiver and keeping the Authority informed of any changes for the duration of the waiver.
- c. For both Canadian and US vessels officers new to the company or officers qualifying for the waiver program during the year for which the waiver is valid, an application must be submitted so the applicant(s) can be added to the company's waiver.
- d. For US vessels or for Canadian vessels that operate outside the Canadian borders the Authority would need to be informed at waivers@ppa.gc.ca as soon as the vessel departs and re-enters the compulsory pilotage waters of the west coast of Canada.
 - i. *The information required when entering is as follows:***
 - 1. *Name of vessel*
 - 2. *Names of the waiver holders*
 - 3. *Cargo: e.g: bulk fuels or general cargo*
 - 4. *ETA and routing*
 - a. *e.g: Cherry Point to Westridge via Second Narrows*
 - b. *e.g: Seattle to Sitka via southern inside passage and Hecate Strait (or if general cargo via inside passage entire route)*
 - ii. *The information required when leaving is as follows:***
 - 1. *Name of the vessel*
 - 2. *Time and position of leaving compulsory pilotage area*

- e. Canadian vessels leaving Canadian waters for less than 48 hours may provide the leaving and entering (or departure & arrival) information as one notification to waivers@ppa.gc.ca

Note: The Authority will review paperwork being sent to other agencies and if it addresses the items that are required by the Authority the waiver holder can utilize that same form.

Verification

PPA reserves the right of verification of waiver conditions by random checks by a PPA Manager or through cooperative boardings by Transport Canada Inspectors, RCMP or CCG Officers or others who have been requested to do so by the Authority. Copies of logs may be required. PPA has also instituted a system of “geo-fencing” by AIS to verify compliance of vessels passing key check-in points in the compulsory pilotage areas of the BC coast.

PRACTICAL APPLICATION

- a. This will either be done via VHF call to the vessel or an onboard check at the dock or near a pilot station.

Safety Management Practices

Companies operating waived vessels are encouraged to adopt Safety Management Systems (SMS). Examples of recognized system in use by currently waived companies are:

- a. IMO ISM Code
- b. ISO safety standards and safety management systems
- c. BC Forest Safety Council SAFE Certification
- d. American Waterways Responsible Carriers Programme
- e. Worksafe BC Certificate of Recognition programme

Additionally, the drafting of company Standing Orders to clarify a deliberate approach to risk-management is highly recommended. Rather than depriving the master of his authority and prerogative for at-sea decision-making, this establishes the company's expectations of safety culture and prevents excessive risk-taking by well-intentioned masters.

Revised September 15, 2017

Application for Waivers

Companies seeking waivers for their vessels shall submit to PPA annually the following documentation:

- a. Company name and formal business address;
- b. List of names and specifications of vessels seeking waivers;
- c. Current certification documents of the vessels on this list;
- d. List of masters and crew associated with such vessels;
- e. For each person, applicable current Certificates of Proficiency and proof/attestation of required sea-time/trip experience for the waiver zone of application;

PPA will develop an on-line Waiver Application site to facilitate this process. In the meantime, applications must be sent via e-mail to waivers@ppa.gc.ca

For standing waiver holders, this information must be provided each year and updated as required.

Renewal Incentives

The requirement to renew waiver applications annually may be relaxed to a bi-annual requirement on consideration of two or more of the following conditions being met by the waiver company:

- a. An SMS is in place within the company;
- b. The company maintains Standing Orders regarding navigational safety practices on the BC coast and an established training/mentorship programme;
- c. A clean waiver record over the preceding five years;
- d. A clean navigational safety record over the preceding five years.

Penalties for non-compliance

Failure to conform to these Standard of Care guidelines may result in refusal of the application for waiver and the consequent requirement to engage pilots for passage through BC waters.

Implementation Timeline

This Standard of Care document shall become effective immediately on receipt. Requirements for the fitment of equipment and changes to qualifying experience for waivers shall take effect with applications for renewal of waivers for January 2020. The change in timing from 2019 to 2020 is due to the delay as a result of discussions with Transport Canada on the finalization of this document which flowed from the Risk Assessment recommendations.

PLEASE NOTE: Approved waiver holders before that date shall be grandfathered.

Annex 1: Excerpt from *Marine Personnel Regulations*

Canadian Vessels

Canadian vessels shall comply with the following sections of the *Marine personnel regulations* (MPR):

Section 213 of the MPR specifies that the master of a vessel shall ensure its intended voyage is planned and that a deck watch is maintained in accordance with Parts 2, 3 and 3-1 (**now Part 4-1** after the 2010 Manila amendments) of section A-VIII/2 of the STCW Code.

In particular, Part 4-1 (16) allows the officer in charge of the navigational watch to be the sole lookout **only in daylight**, provided that, on each such occasion:

1. The situation has been carefully assessed and it has been established without doubt that it is safe to do so;
2. Full account has been taken of all relevant factors, including, but not limited to:
 - state of weather;
 - visibility;
 - traffic density;
 - proximity of dangers to navigation;
 - the attention necessary when navigating in or near traffic separation schemes.

Section 216 of the MPR sets out that the deck shall consist of **at least** the following persons:

- (a) a person in charge of the deck watch who holds an appropriate certificate of competency and a radio operator certificate;
- (b) except for certain exceptions specified in section 216 of the MPR, if the vessel is 5 gross tonnage or more, an additional person. This person must hold, if the vessel is at least 500 gross tonnage, a Bridge Watch Rating certificate or an Able Seafarer certificate;
- (c) except for certain exceptions specified in section 216 of the MPR if the vessel is of more than 1 000 gross tonnage and is not securely anchored in port or securely moored to shore, a second additional person who holds, at a minimum, a Bridge Watch Rating or an Able Seafarer certificate.

Foreign Vessels

Equivalent requirements are specified in Part 2, **Division 4** of the *Marine Personnel Regulations* for foreign vessels in Canadian waters.