



## TSB Recommendation M23-03

### Pacific Pilotage Authority oversight of pilotage waivers

The Transportation Safety Board of Canada recommends that the Pacific Pilotage Authority verify that eligibility requirements are met before issuing pilotage waivers to companies operating tugs in compulsory pilotage areas.

Marine transportation safety investigation report	<a href="#">M21P0030</a>
Date the recommendation was issued	08 March 2023
Date of the latest response	July 2024
Date of the latest assessment	December 2024
<a href="#">Rating</a> of the latest response	Fully Satisfactory
<a href="#">File status</a>	Closed

All responses are those of the stakeholders to the TSB in written communications and are reproduced in full. The TSB corrects typographical errors in the material it reproduces without indication but uses brackets [ ] to show other changes or to show that part of the response was omitted because it was not pertinent.

#### Summary of the occurrence

On 10 February 2021, the tug *Ingenika*, with 3 crew members on board, was towing the loaded barge *Miller 204* in the Gardner Canal when the tug sank approximately 16 nautical miles west-southwest of Kemano Bay, British Columbia (BC). The barge subsequently drifted and went aground about 2.5 nautical miles southwest from where the tug sank. The search and rescue operation located 1 surviving crew member on land and recovered the bodies of the 2 other crew members from the water. The barge was recovered; the tug was not found. At the time of the occurrence, the tug had 3500 L of diesel fuel in tanks on board.

The Board concluded its investigation and released report M21P0030 on 08 March 2023.

#### Rationale for the recommendation

At the time of the occurrence, the *Ingenika* was operating in a compulsory pilotage area that falls under the responsibility of the Pacific Pilotage Authority (PPA). The PPA is a Crown corporation that has a mandate to establish, operate, maintain, and administer safe and efficient

pilotage services in British Columbia. Pilotage services are provided by licensed pilots, who are highly trained navigators that use their knowledge of local waters to direct a vessel and navigate it using the safest route.

The PPA has a pilotage waiver system under which some vessels, mainly tugs, may obtain waivers that exempt them from having to take a licensed pilot on board in designated pilotage areas if the operators and tugs meet certain requirements. However, when a company requests a pilotage waiver, the PPA does not check the information submitted to ensure that it meets regulatory requirements, and the PPA relies on operators to ensure that they are complying with waiver conditions once a waiver is granted. In BC, there are currently 364 tugs, owned by 85 different companies, that operate under pilotage waivers.

This investigation identified that, although the master of the *Ingenika* had been issued a pilotage waiver, he held a certificate of competency that was restricted to passenger vessels operated by a specific company and therefore should not have been eligible for a waiver on a towing vessel. As well, one of the deckhands had, on various occasions, been put in charge of a navigational watch on board the *Ingenika*, but he did not hold a certificate of competency or a pilotage waiver. Further, the tug was not fitted with a bridge navigational watch alarm system and did not have a Class A automatic identification system, both of which are requirements for a vessel operating under a waiver.

This investigation is not the first to identify shortcomings around the PPA's process for issuing waivers and its reliance on companies to ensure ongoing compliance with waiver conditions. The TSB found similar issues in occurrences involving the tug *Ocean Monarch*<sup>1</sup> in 2017 and the tug *Nathan E. Stewart*<sup>2</sup> in 2016.

Without an effective process to verify that crew members and vessels meet PPA waiver requirements, there is a risk that non-compliance with waiver requirements will go undetected and compromise safety in compulsory pilotage waters. Given the need to ensure that waived vessels are operating at a level of safety comparable to that afforded by a licensed pilot, the Board recommends that

the Pacific Pilotage Authority verify that eligibility requirements are met before issuing pilotage waivers to companies operating tugs in compulsory pilotage areas.

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<sup>1</sup> TSB Marine Transportation Safety Investigation Report M17P0244.

<sup>2</sup> TSB Marine Investigation Report M16P0378.

## Previous responses and assessments

### May 2023: response from the Pacific Pilotage Authority

The Pacific Pilotage Authority (PPA) has reviewed and accepted the Recommendation M23-03. Prior to issuing pilotage waivers to vessels, the PPA ensures that navigation officers meet all requirements under Section 25.10(3) of the General Pilotage Regulations<sup>3</sup> and the PPA Pilotage Waiver Standard of Care.<sup>4</sup> Commercial operators seeking pilotage waivers for their vessels are required to submit valid Certificates of Competency for their officers, a *Declaration of Compliance—new officers* form (updated in April 2023) signed by an authorized representative, and provide evidence of watchkeeping time for each officer being added to the waiver. Commercial operators are also required to submit a *Declaration of Compliance—renewals and new applications* form (updated in April 2023) signed by an authorized representative stating that they agree to ongoing compliance with the terms of the waiver. The PPA uses a checklist to track each operator’s progress through the application process, and records are uploaded to PPA’s waiver database.

It is important to note, the pilotage waiver regulatory requirement for officers’ sea time does not favourably support the domestic coastal vessels operating in the coastal waters of British Columbia. The PPA is working with Transport Canada to identify a solution to permanently address this shortcoming.

### August 2023: TSB assessment of the response (Satisfactory Intent)

The Pacific Pilotage Authority’s (PPA) response indicates that it agrees with the recommendation and has updated its requirements for documents that authorized representatives must submit to support the issuance of pilotage waivers. Its forms for commercial operators seeking pilotage waivers for both new officers and renewals were updated in April 2023 and now specify that certificates of competency must be appropriate for the vessel. The PPA also indicates that the current pilotage waiver regulatory requirement for officers’ sea time is being discussed with Transport Canada.

The Board notes that the PPA’s actions in addressing this recommendation, once implemented, will significantly reduce the underlying safety deficiency. Requiring authorized representatives to submit certificates of competency and to provide evidence of watchkeeping time will demonstrate whether or not candidates meet the conditions for a pilotage waiver. The Board will continue to monitor the PPA’s progress and considers the response to Recommendation M23-03 to show **Satisfactory Intent**.

<sup>3</sup> <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2000-132/page-10.html#h-1350326>

<sup>4</sup> <https://www.ppa.gc.ca/standard/pilotage/2022-09/Pacific%20Pilotage%20Authority%20Pilotage%20Waiver%20Standard%20of%20Care%20September%2015%202017.pdf>

## Latest response and assessment

### July 2024: response from the Pacific Pilotage Authority

On April 8, 2024, the Pacific Pilotage Authority (PPA) advised the industry that a pilotage waiver will only be issued for vessels whose officers meet all sea time requirements set out in Section 25.10(3)(b) of the *General Pilotage Regulations*.

Prior to issuing pilotage waivers to vessels, the PPA ensures that navigation officers meet all requirements under Section 25.10(3) of the *General Pilotage Regulations*. Commercial operators seeking pilotage waivers for their vessels are required to submit valid certificates of competency for their officers, and *Individual Officer Waiver Compliance* forms signed by an authorized representative, and provide evidence of watchkeeping time for each officer being added to the waiver. Commercial operators are also required to submit an *Owner-Operator Waiver Compliance* form signed by an authorized representative stating that they agree to ongoing compliance with the terms of the waiver. The PPA uses a checklist to track each operator's progress through the application process, and records are uploaded to PPA's waiver database.

### December 2024: TSB assessment of the response (Fully Satisfactory)

The Pacific Pilotage Authority (PPA) has addressed the recommendation by requiring operators to submit documents, including valid certificates of competency and records of sea time, substantiating that "navigation officers" meet all the requirements of Section 25.10(3) of the *General Pilotage Regulations* prior to issuing a pilotage waiver. The PPA uses a database to maintain records of documents for all vessels and officers that operate under a pilotage waiver.

The Board expects that the PPA's review and tracking of the submitted documentation will ensure that any non-compliance with waiver requirements is detected prior to issuing pilotage waivers, significantly reducing the risk associated with the underlying safety deficiency. Therefore, the Board considers the response to Recommendation M23-03 to be **Fully Satisfactory**.

### File status

This deficiency file is **Closed**.