



UNITED STATES COAST GUARD

**REPORT OF THE INVESTIGATION
INTO THE
LOSS OF LIFE ON BOARD THE COMMERCIAL FISHING
VESSEL MISS WINNIE (O.N. 1047703) IN THE
GULF OF MEXICO ON DECEMBER 02, 2023**



MISLE ACTIVITY NUMBER: 7833847

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

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16732/IIA #7833847
07August 2025

FALL OVERBOARD AND SUBSEQUENT LOSS OF ONE LIFE FROM THE COMMERCIAL FISHING VESSEL MISS WINNIE (O.N. 1047703) WHILE ENGAGED IN FISHING IN THE GULF OF AMERICA APPROXIMATELY 120 NAUTICAL MILES SOUTHWEST OF PORT FOURCHON, LOUISIANA ON DECEMBER 2, 2023

ACTION BY THE COMMANDANT

The record and the report of the investigation completed for the subject casualty have been reviewed. The record and the report, including the findings of fact, analysis, conclusions, and recommendations, are approved subject to the following comments. This marine casualty investigation is closed.

ACTION ON RECOMMENDATIONS

Recommendation 1: Title 46 Code of Federal Regulations (CFR) Part 28, Subpart B lacks a mandate for commercial fishermen on all vessels to wear a Personal Floatation Device (PFD). Title 46 CFR § 28.110(b) requires that a PFD be stowed in a readily accessible manner from either the berthing area, work area, or both. It is recommended that Commandant amend 46 CFR § 28.110 and add language to make the wearing of a PFD when working on deck a requirement.

The National Institute of Health and Safety (NIOSH) maintains a Commercial Fishing Incident Database (CFID) and has shown that the second most dangerous risk a fisherman faces is a fall overboard. From 2000-2019 there were 266 deaths from falls overboard; none of those victims were wearing a PFD. Federal Register, Vol. 88, No. 67, dated Friday, April 7, 2023, Proposed Rules for Lifejacket Approval Harmonization will enable manufacturers to develop more innovative lifejackets that could be easily worn while not interfering with freedom of movement needed while conducting commercial fishing operations. This innovation in conjunction with mandating wear, could drastically decrease the number of lives lost each year.

Action: I concur with the intent of this recommendation. Subsequent to this casualty, the Coast Guard published a *Commercial Fishing Industry Vessels Best Safety Practices Guide* that recommends wearing an activity appropriate Coast Guard-approved life jacket or buoyant work vest when working over or near water, where the danger of drowning exists. Similar federal regulations exist for the Occupational Safety and Health Administration's jurisdiction in 29 CFR § 1926.106. The recommendation states the following: "It is recommended that every person on board the vessel, when on an open deck (especially at night, when alone, when gear is being set/hailed, in bad weather, crossing hazardous bars, or when other hazards exist), wear an activity appropriate flotation device of sufficient buoyancy to keep the wearer afloat. The device may be in addition to but not replacing the PFDs required by 46 CFR § Part 28. (Use of a non-Coast Guard approved PFD is not a violation as long as the required PFDs are also onboard)." Coast Guard Commercial Fishing Vessel Examiners discuss the *Commercial Fishing Industry Vessels Best Safety Practices Guide* (2024) with the vessel representatives during Coast Guard dockside safety examinations.

In addition, the web-link (https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/CG-5PC/CG-CVC/CVC3/NCFSAC/2024/CFIV_Best_Practice_Guide.pdf) is included on the Coast Guard Dockside Safety Examination form (CG-5587).

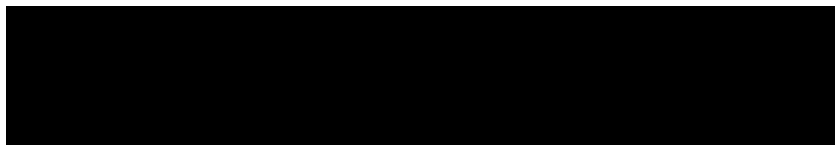
When considering that 29 CFR 1926.106 already addresses wearing PFDs and work vests while working over or near water, and that the above-mentioned content was acted on/updated in the *Commercial Fishing Industry Vessels Best Safety Practices Guide* in December of 2024 (after this incident occurred), the Coast Guard considers that this Safety Recommendation has been adequately addressed.

Administrative Recommendation 1: Recommend the Marine Safety Unit Houma Officer in Charge, Marine Inspection (OCMI) initiate additional training during Fishing Vessel Examiners Industry Day informing mariners of the importance of wearing personal floatation devices while actively engaged in operations.

From 2000-2019, a review of data found that 30% of fatalities reported in the Commercial Fishing Incident Database (CFID) were from falls overboard, trailing only vessel disasters. The on-the-job death rate for fishermen in the Gulf of America (Mexico) accounts for 23% of the total deaths in the commercial fleet according to the NIOSH which maintains the CFID. It is well-documented that wearing a PFD can help prevent tragedy, but most fishermen choose not to wear a PFD.

There are many new, innovative options that will not interfere with the free movement necessary for fishing operations while still maintaining an increased level of safety if an accidental fall overboard occurs. By increasing the local fishing industry's awareness of not only the importance of wearing a PFD, but also the wide variety of user-friendly options available, the Coast Guard can continue to work towards increasing mariner safety and decreasing the number of fishermen lost each year to falls overboard.

Action: I concur with this recommendation. Marine Safety Unit Houma reinforces this message through an annual commercial fishing vessel industry day with the local fishing community, where the Coast Guard and industry stakeholders discuss the importance of selecting and wearing appropriate PFDs while operating on deck. Additionally, the unit's Commercial Fishing Vessel Examiner consistently provides this information to fishermen during routine dock walks and examinations.



R. C. COMPHER
Captain, U.S. Coast Guard
Director of Inspections & Compliance (CG-5PC)



16732

MAY 12 2023

**LOSS OF LIFE ON BOARD THE COMMERCIAL FISHING VESSEL MISS WINNIE
(O.N. 1047703) IN THE GULF OF MEXICO ON DECEMBER 02, 2023**

**ENDORSEMENT BY THE COMMANDER,
EIGHTH COAST GUARD DISTRICT**

The record and the report of the investigation convened for the subject casualty have been reviewed. The record and the report, including the findings of fact, analysis, conclusions, and recommendations are approved. It is recommended that this marine casualty investigation be closed.

COMMENTS ON THE REPORT

The investigation and report contain valuable information which can be used to address the factors that contributed to this marine casualty and prevent similar incidents from occurring in the future.

ENDORSEMENT ON RECOMMENDATION

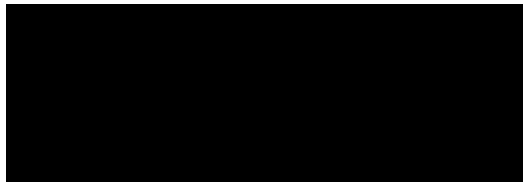
Safety Recommendation 1: 46 CFR Part 28 Subpart B lacks a mandate for commercial fishermen on all vessels to wear a Personal Floatation Device (PFD). 46 CFR 28.110(b) requires that a PFD be stowed in a readily accessible manner from either the berthing area, work area, or both. It is recommended Commandant amend 46 CFR 28.110 and add language to make the wearing of a PFD when working on deck a requirement. The National Institute of Health and Safety (NIOSH) maintains a Commercial Fishing Incident Database (CFID) and has shown that the second most dangerous thing a fisherman faces is a fall overboard. From 2000-2019 there were 266 deaths from falls overboard, none of those victims wearing a PFD. Federal Register, Vol. 88, No. 67, dated Friday, April 7, 2023, Proposed Rules for Lifejacket Approval Harmonization will enable manufacturers to develop more innovative lifejackets that could be easily worn while not interfering with freedom of movement needed while conducting commercial fishing operations. This innovation in conjunction with mandating wear, could drastically decrease the number of lives lost each year.

Endorsement: I do not concur with this recommendation. This case involves a crewmember who went overboard under circumstances that highlight critical safety considerations aboard the CFV WINNIE.

Despite repeated emphasis on safe handling practices, the deployment of the retrieval line presented inherent risks. While the exact cause of the incident was not witnessed, prior guidance from the crew advised against wrapping the line around one's arm, suggesting this may have been a contributing factor.

Another key concern is the importance of swimming ability in maritime environments. Given the crewmember's inability to swim, additional precautions—such as the consistent use of a personal flotation device (PFD) might have improved survivability. However, wearing PFDs while operating fishing gear also introduces potential entanglement hazards that must be carefully managed.

This incident underscores the need for heightened attention to safety protocols, training, and personnel suitability for work aboard the WINNIE. Ensuring full compliance with safety procedures and assessing crew readiness remain essential in mitigating risks and promoting a secure working environment for all aboard.



J. E. FOTHERGILL

Commander, U.S. Coast Guard
Chief of Prevention, Acting
Eighth Coast Guard District
By Direction



16732
April 16, 2024

**LOSS OF LIFE ON BOARD THE COMMERCIAL FISHING VESSEL MISS WINNIE
(O.N. 1047703) IN THE GULF OF MEXICO ON DECEMBER 02, 2023**

ENDORSEMENT BY THE OFFICER IN CHARGE, MARINE INSPECTION

The record and the report of the investigation convened for the subject casualty have been reviewed. The record and the report, including the findings of fact, analysis, conclusions, and recommendations are approved subject to the following comments. It is recommended that this marine casualty investigation be closed.

ENDORSEMENT/ACTION ON RECOMMENDATIONS

Safety Recommendation 1. 46 CFR Part 28 Subpart B lacks a mandate for commercial fishermen on all vessels to wear a Personal Floatation Device (PFD). 46 CFR 28.110(b) requires that a PFD be stowed in a readily accessible manner from either the berthing area, work area, or both. It is recommended Commandant amend 46 CFR 28.110 and add language to make the wearing of a PFD when working on deck a requirement. The National Institute of Health and Safety (NIOSH) maintains a Commercial Fishing Incident Database (CFID) and has shown that the second most dangerous thing a fisherman faces is a fall overboard. From 2000-2019 there were 266 deaths from falls overboard, none of those victims wearing a PFD. Federal Register, Vol. 88, No. 67, dated Friday, April 7, 2023, Proposed Rules for Lifejacket Approval Harmonization will enable manufacturers to develop more innovative lifejackets that could be easily worn while not interfering with freedom of movement needed while conducting commercial fishing operations. This innovation in conjunction with mandating wear, could drastically decrease the number of lives lost each year.

Endorsement: Concur. This has been a longstanding issue on commercial fishing vessels that has yet to fully be addressed through regulatory enforcement. The data provided by NIOSH as well as U.S. Coast Guard marine casualty investigation statistics should provide Commandant with enough data to push forward with a regulatory project addressing this gap in fisherman safety. While there is already a wide variety of PFDs available on the market today that would greatly reduce the risk to the wearer while allowing for freedom of movement and comfort when working long hours out on deck, forward movement of the Proposed Rulemaking for Lifejacket Approval Harmonization will only help encourage the development of more innovative lifejackets, thus providing even more options to wear a proven lifesaving device. Commandant should take this opportunity to implement a regulatory change to 46 CFR Part 28 and require the mandatory wearing of a lifejacket when

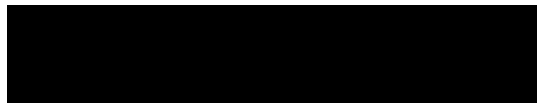
working out on deck. A similar regulatory change was recently applied to towing vessels when 46 CFR 140.430 was implemented, requiring “personnel dispatched from the vessel or that are working in an area on the exterior of the vessel without rails and guards” to wear a lifejacket. Had the fishermen in this particular incident been wearing a lifejacket, the likelihood of him being recovered from the water and/or saving his life would have been significantly greater.

Administrative Recommendation 1. Recommend the Marine Safety Unit Houma Officer in Charge, Marine Inspections (OCMI) initiate additional training during Fishing Vessel Examiners Industry Days informing mariners of the importance of wearing personal flotation devices while actively engaged in operations. According to the National Institute for Occupational Safety and Health (NIOSH), from 2000-2019, a review of data found that 30% of fatalities reported were from falls overboard, trailing only vessel disasters. The number one cause of death of commercial fishermen in the Gulf of Mexico during that same timeframe was drowning (82% of all fatalities) with the number one incident type that led to a fatality being falls overboard. It is well documented that wearing a personal flotation device (PFD) can help prevent tragedy, but most fishermen do choose not to wear a PFD. There are many new, innovative options that will not interfere with the free movement necessary for fishing operations while still maintaining an increased level of safety if an accidental fall overboard occurs. By increasing the local fishing industry’s awareness of not only the importance of wearing a PFD but also the wide variety of user-friendly options available the Coast Guard can continue to work towards increasing mariner safety and decreasing the number of fishermen lost each year to falls overboard.

Action: Concur. Marine Safety Unit Houma will continue to work with our fishing industry partners and provide further education to the fishing vessel fleet on the importance of wearing lifejackets as well provide information on the wide variety of lifejackets available on the market today that can best meet the working conditions on board commercial fishing vessels.

Administrative Recommendation 2. Recommend this investigation be closed.

Endorsement: Concur – recommend this investigation be closed.

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L. T. O'BRIEN
Captain, U.S. Coast Guard
Officer in Charge, Marine Inspection
Houma, Louisiana



16732
April 2, 2024

LOSS OF LIFE ON BOARD THE COMMERCIAL FISHING VESSEL MISS WINNIE (O.N. 1047703) IN THE GULF OF MEXICO ON DECEMBER 02, 2023

EXECUTIVE SUMMARY

On December 02, 2023, at approximately 0145 hours, the commercial fishing vessel (CFV) MISS WINNIE (O.N. 1047703) was underway approximately 120NM southwest of Port Fourchon, LA conducting shrimping operations with three persons onboard when a crewmember fell overboard and was never recovered. The MISS WINNIE's voyage began on November 1st, 2023, and was scheduled to last approximately 45-50 days with a three-person crew: the master, rig man, and deckhand. The rig man began his watch on December 1st, 2023, around 1800 while the master and deckhand slept. The rig man woke the master and deckhand on December 2nd, 2023, at 0100 to begin hauling in the fishing gear. The master was working the vessel's port quarter while the deckhand was working the starboard quarter, and neither crewmember was wearing a personal flotation device (PFD). The rig man was driving the vessel and maintaining course. The master and deckhand each threw hooks to the easy line to begin hauling in the nets. The master began hauling in his line, turned his back to the deckhand to haul the line to the winch. When the master turned back around, the deckhand was no longer seen on the back deck. The master immediately dropped his lines and went to the starboard side of the deck to look for the deckhand but saw no signs of him in either the water or on the deck. The master ran to the wheelhouse and told the rig man who was on the helm to reverse the vessel and call "MAN OVERBOARD" on the radio. The master grabbed a life ring on the way to the aft deck along with a flashlight to search for the deckhand. The MISS WINNIE, a nearby Good Samaritan vessel, a Coast Guard cutter and two HC-144 aircrafts conducted search and rescue efforts for approximately two days. The deckhand was never recovered and subsequently presumed dead.

Through its investigation, the Coast Guard determined the initiating event to be the deckhand falling overboard. This event subsequently led to the deckhand's presumed loss of life. Causal factors contributing to this casualty were: 1) The ineffective aft railing arrangement on the vessel, 2) sea conditions causing the vessel and back deck to become unstable, 3) failure of the deckhand to adhere to safety concerns when hauling in fishing lines, 4) failure of master to mitigate known safety concerns, 5) failure of the deckhand to wear a personal flotation device (PFD), 6) lack of deckhand's ability to swim, and 7) lack of requirements for PFD use on Commercial Fishing Vessels.



16732
April 2, 2024

LOSS OF LIFE ON BOARD THE COMMERCIAL FISHING VESSEL MISS WINNIE (O.N. 1047703) IN THE GULF OF MEXICO ON DECEMBER 02, 2023

INVESTIGATING OFFICER'S REPORT

1. Preliminary Statement

1.1. This marine casualty investigation was conducted, and this report was submitted in accordance with Title 46, Code of Federal Regulations, Subpart 4.07, and under the authority of Title 46, United States Code, Chapter 63.

1.2. No organizations or individuals were designated a party-in-interest in accordance with 46 Code of Federal Regulations (CFR) Subsection 4.03-10.

1.3. The Coast Guard was the lead agency for all evidence collection activities involving this investigation. No other persons or organizations assisted in this investigation.

1.4. All times listed in this report are in Central Standard Time using a 24-hour format and are approximate.

2. Vessels Involved in the Incident



Figure 1. MISS WINNIE, taken in Palacios, TX on 12/05/23 by USCG.

Official Name:	MISS WINNIE
Identification Number:	O.N. 1047703
Flag:	United States
Vessel Class/Type/Sub-Type	Commercial Fishing Vessel (CFV)
Build Year:	1996
Gross Tonnage:	140 GRT
Length:	78.5 feet
Owner:	MISS WINNIE INC Port Lavaca, TX, United States
Operator:	[REDACTED] Port Lavaca, TX, United States

3. Record of Deceased, Missing, and Injured

Relationship to Vessel	Sex	Age	Status
Deckhand	M	50	Missing, presumed dead

4. Findings of Fact

4.1. The Incident:

4.1.1. The MISS WINNIE left its home port of Port Lavaca, TX on November 1st, 2023, with an anticipated underway duration of 45-50 days.

4.1.2. On December 2, 2023, The MISS WINNIE was approximately 120 nautical miles (NM) southwest of Port Fourchon, LA, conducting commercial fishing operations with 03 persons on board (POB).

4.1.3. At 0100 the Rig Man, who was on watch at the helm, woke up the Master and Deckhand to begin to haul in the nets.

4.1.4. At 0130, the Master and Deckhand went to the stern of the vessel to start hauling in lines. The Master was on the port side, the Deckhand was on the starboard side, and the Rig Man was on the helm.

4.1.5. The Master and Deckhand started the operation by throwing a hook on the sugar line to retrieve the easy line. Once the sugar line was hooked to the vessel, the Master was able to retrieve the easy line. The Master had visual contact of the Deckhand at this time.

4.1.6. The Master turned his back to the Deckhand to hook the easy line to the vessel's winch, in effort to start hauling in the line and net.

4.1.7. At 0145, just moments later, the Master turned back around and noticed the Deckhand was no longer on the starboard aft deck of the vessel.

4.1.8. The Master immediately dropped his lines and went to the starboard side to search for the Deckhand but could not obtain a visual nor did the Master hear any signs of the Deckhand in the water.

4.1.9. At 0146, the Master ran to the pilothouse to alert the Rig Man, ordered the Rig Man to reverse the vessel and call "MAN OVERBOARD" on the radio.

4.1.10. The Master ran back down to the aft deck with a flashlight to continue searching for the Deckhand and threw a life ring in the water.

4.1.11. The Master then instructed the Rig Man to turn the vessel around and to call another vessel in the nearby area over the radio to assist.

4.1.12. The MISS WINNIE, a Good Samaritan Vessel, a Coast Guard Cutter and two HC-144 aircrafts searched for the deckhand until the search was suspended on December 4, 2023, when the Deckhand was presumed dead.

4.2. Additional/Supporting Information:

4.2.1. The MISS WINNIE was an uninspected commercial fishing vessel subject to the regulatory requirements of Title 46, Code of Federal Regulations (CFR), Subchapter C.

4.2.2. Weather conditions at the time of the incident were observed as approximately 3-foot seas, choppy, with no moonlight present.

4.2.3. During normal operations, it was common practice to not wear a personal flotation device (PFD) or work vest while working on the back deck and hauling in lines. The Master was aware that the Deckhand did not know how to swim and would avoid jobs that would require leaning over the side of the vessel in fear of falling in. There is no law or regulation requiring the crews of vessels subject to 46 CFR Part 28 to wear a PFD while onboard, only that the vessel have serviceable PFD's available for use near the work area and berthing area.

4.2.4. Due to the sea conditions, the Master noted that the waves were pulling on their individual sugar lines at the time of the incident. It was common practice to observe the waves while hauling in the sugar line by hand, to avoid the line being pulled by the waves and subsequently pull in the person handling the line into the water. The Master observed the Deckhand having a habit of wrapping the sugar line around their arm and was warned previously to not do that to avoid being pulled into the water.

4.2.5. The Master stated that the Deckhand would get defensive when corrected for unsafe actions. The Master corrected the Deckhand frequently regarding safety concerns and the Deckhand became confrontational and argumentative. Consequently, the Master ceased to correct the Deckhand regarding safety concerns.

4.2.6. The Master had been in the shrimping industry for the last 15 years, and a Master for the previous two years on different vessels.

4.2.7. The Rig Man had been in the commercial fishing industry for more than 20 years and had previously conducted man overboard drills on various vessels but only one aboard the MISS WINNIE.

4.2.8. The Deckhand had been on 3 previous trips, each trip being between 45-50 days, on the MISS WINNIE with the same master and same rig man. The Deckhand was wearing the bottom part of a wet suit, black shorts, tan shirt, white work boots, and yellow/black gloves.

4.2.9. The gunwale for the MISS WINNIE is 35.5" high. There is regulation in 46 CFR 28 that requires a minimum rail height aboard Commercial Fishing Vessels, however, it is not applicable to this specific platform due to the total persons allowed on board. 46 CFR 28.410 requires the height of deck rails to be at least 39.5", except, where this height would interfere with the normal operation of the vessel, a lesser height may be substituted.

5. Analysis

5.1. **Ineffective aft railing arrangement.** At 35.5" high off the deck of the vessel, the aft railing arrangement provided limited protection for crewmembers in the vicinity of the transom of the vessel. On Commercial Fishing Vessels built after 1991 that carry more than 16 persons on board, the minimum deck railing high is 39.5", except where this height would interfere with the normal operation of the vessel. Although this specific regulation did not apply to this vessel, it is common practice for commercial fishing vessels to have, and be allowed, lesser deck railing height requirements due to the nature of their work and the gear that is being utilized off the stern of the vessel. If there had been a higher railing or bulwark around the aft deck area where the deckhand was line handling, it may have prevented him from falling overboard.

5.2. **Sea conditions causing the vessel and back deck to become unstable.** Weather conditions at the time of the incident were reported to be choppy seas, approximately three feet in height and the vessel was trolling around three knots. With the size and speed of the vessel in a choppy sea state, it is reasonable to assume that the sea state could have caused the pitch, or rolling of the vessel, to increase. With an increase of rolling, it may have caused standing or working on the back deck to become unstable or resulted in someone falling overboard. If these conditions did not exist, the stability of the vessel may have been in a more ideal state to work on the back deck and may have prevented someone from falling over the side.

5.3. **Failure of Deckhand to adhere to safety concerns while hauling in fishing lines.** The Master and Rig man both stated that the Deckhand had a history of disregarding safety concerns that were addressed by them while underway. One concern that was addressed on multiple occasions, was not to wrap the fishing line around a person's arm because it could cause a person to be pulled towards or over the side of the vessel. When holding onto the

daisy line, it was common for waves to cause excess tension or pull the line. By wrapping that line around an arm, it would prevent that person's ability to let go if the tension or pulling would become dangerous. The Deckhand continued to execute line hauling in this manner, likely because nothing adverse had happened in the past. If the Deckhand was handling the line in this manner at the time of the incident, it can be assumed that the line may have caught a wave and pulled the Deckhand over the side.

5.4. Failure of Master to mitigate known safety concerns. The Master was aware of the Deckhand failing to comply with safety precautions and was aware that the Deckhand was unable to swim. The Master stated that the Deckhand was not always receptive to being corrected, and in some cases became defensive, which caused the Master to eventually discontinue acknowledging safety concerns or hazards with the Deckhand. Although the Deckhand may have not been receptive to constructive feedback, the Master should have maintained awareness of safety concerns and required the crewmembers to adhere to safety standards. Had the Master required the Deckhand to stop working lines incorrectly or required the wearing of PFDs, especially for crewmembers not knowing how to swim, it may have prevented the Deckhand from falling overboard and prevented the presumed death from occurring.

5.5. Failure of Deckhand to wear a Personal Floatation Device (PFD). The crew of the MISS WINNIE did not wear personal floatation devices while fishing, nor were they required to by regulation. The MISS WINNIE did have PFDs onboard for the crew to use if they chose to, or in the event of an emergency, but it was common practice to not utilize them during work on deck. This is likely due to nothing adverse happening in the past requiring a need to wear PFDs while working on deck. Had the deckhand been wearing a PFD while working, it is likely that the deckhand would have remained afloat after falling overboard and could have been recovered by the crew of the MISS WINNIE or other assets responding on scene.

5.6. Lack of Deckhand's ability to swim. The Master stated that the Deckhand noted on several occasions of the inability to swim. It was common practice to want to avoid leaning over the side for that reason, so the Master would always conduct any work items that required leaning over or getting close to the side of the vessel. Knowing how to swim is not a requirement by regulation to work aboard a vessel nor did the vessel's company have a policy in place requiring all crewmembers to know how to swim. However, if the Deckhand was able to swim, it may have allowed the other crewmembers the ability to visually observe the Deckhand in the water and provide assistance.

5.7. Lack of requirements for PFD use on Commercial Fishing Vessels. It is common practice for commercial fishing vessels to not wear PFDs while working out on deck, likely due to the lack of maneuverability when wearing one and handling fishing gear. No law or regulation currently requires crewmembers to implement these safety precautions and wear a PFD while working near the side of a vessel. PFDs are crucial to keeping persons afloat and enable rescue of persons in the water. Even if the person wearing a PFD is unconscious, the floatation will enable recovery of the person in the water. Had the deckhand been required to wear a PFD, it can be assumed that he may have been recovered during the search.

6. Conclusions

6.1. Determination of Cause:

6.1.1. The initiating event for this casualty occurred when the deckhand fell overboard from the MISS WINNIE. Causal factors leading to this event were:

6.1.1.1. The ineffective aft railing arrangement.

6.1.1.2. The sea conditions causing the vessel and back deck to become unstable.

6.1.1.3. The failure of the deckhand to adhere to safety precautions when hauling in fishing lines.

6.1.1.4. The failure of the Master to mitigate known safety concerns.

6.1.2. The deckhand falling overboard led to the subsequent event of the presumed death of deckhand. Causal factors leading to this event were:

6.1.2.1. The failure by the deckhand to wear to a Personal Floatation Device.

6.1.2.2. The lack of the deckhand's ability to swim.

6.1.2.3. The lack of requirements for PFD use on Commercial Fishing Vessels.

6.2. Evidence of Acts by any Coast Guard Credentialed Mariner Subject to Action Under 46 USC Chapter 77: This investigation did not identify any evidence of acts by any Coast Guard credentialed mariners subject to action under 46 USC Chapter 77.

6.3. Evidence of Acts or Violations of Law by U.S. Coast Guard Personnel, or any other person: There were no potential acts of misconduct, incompetence, negligence, unskillfulness, or violations of law by Coast Guard employees or any other person that contributed to this casualty.

6.4. Evidence of Acts Subject to Civil Penalty: This investigation did not identify any evidence of acts subject to civil penalty.

6.5. Evidence of Criminal Act(s): This investigation did not identify potential violations of criminal law.

6.6. Need for New or Amended U.S. Law or Regulation: This investigation identified the need to require mariners to wear a personal floatation device while working on deck of a Commercial Fishing Vessel; see section 8.1 below for recommended action.

6.7. Unsafe Actions or Conditions that were not Causal Factors: This investigation did not identify potential unsafe actions or conditions that were not causal factors.

7. Actions Taken Since the Incident

7.1 No actions have been taken since the incident occurred.

8. Recommendations

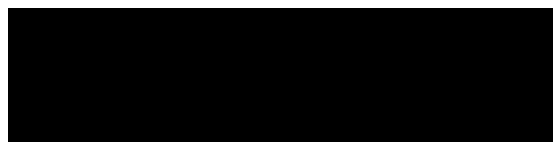
8.1. Safety Recommendations:

8.1.1 *Safety Recommendation 1*: 46 CFR Part 28 Subpart B lacks a mandate for commercial fishermen on all vessels to wear a Personal Floatation Device (PFD). 46 CFR 28.110(b) requires that a PFD be stowed in a readily accessible manner from either the berthing area, work area, or both. It is recommended Commandant amend 46 CFR 28.110 and add language to make the wearing of a PFD when working on deck a requirement. The National Institute of Health and Safety (NIOSH) maintains a Commercial Fishing Incident Database (CFID) and has shown that the second most dangerous thing a fisherman faces is a fall overboard. From 2000-2019 there were 266 deaths from falls overboard, none of those victims wearing a PFD. Federal Register, Vol. 88, No. 67, dated Friday, April 7, 2023, *Proposed Rules for Lifejacket Approval Harmonization* will enable manufacturers to develop more innovative lifejackets that could be easily worn while not interfering with freedom of movement needed while conducting commercial fishing operations. This innovation in conjunction with mandating wear, could drastically decrease the number of lives lost each year.

8.2. Administrative Recommendations:

8.2.1 *Administrative Recommendation 1*: Recommend the Marine Safety Unit Houma Officer in Charge, Marine Inspections (OCMI) initiate additional training during Fishing Vessel Examiners Industry Day informing mariners of the importance of wearing personal floatation devices while actively engaged in operations. From 2000-2019, a review of data found that 30% of fatalities reported in the Commercial Fishing Incident Database (CFID) were from falls overboard, trailing only vessel disasters. The on-the-job death rate for fishermen in the Gulf of Mexico accounts for 23% of the total deaths in the commercial fleet according to the National Institute for Occupational Safety and Health (NIOSH) which maintains the CFID. It is well-documented that wearing a personal flotation device (PFD) can help prevent tragedy, but most fishermen do choose not to wear a PFD. There are many new, innovative options that will not interfere with the free movement necessary for fishing operations while still maintaining an increased level of safety if an accidental fall overboard occurs. By increasing the local fishing industry's awareness of not only the importance of wearing a PFD but also the wide variety of user-friendly options available the Coast Guard can continue to work towards increasing mariner safety and decreasing the number of fishermen lost each year to falls overboard.

8.2.2. *Administrative Recommendation 2*: Recommend this investigation be closed.



Lieutenant Junior Grade, U.S. Coast Guard
Investigating Officer