

In the Matter Of:

INAUGURAL NATIONAL COMMERCIAL FISHING VESSEL SAFETY ADVISORY COMMITTEE MEETING N

COMMITTEE MEETING

May 23, 2023



**Vet Command
14810 Brick Road
Carson, VA 23830**

INAUGURAL NATIONAL COMMERCIAL FISHING VESSEL SAFETY ADVISORY
COMMITTEE MEETING

NORFOLK, VIRGINIA

Norfolk Waterside Marriott

235 East Main Street

Norfolk, VA 23510

May 23 - 25, 2023

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Meetings to review and discuss and make
recommendations to the Secretary on matters relating to
Marine Casualty investigation cases related to Personal
Flotation Devices (PFD), Cold Water, and Falls Overboard.

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1 A P P E A R A N C E S

2 COMMERCIAL FISHING INDUSTRY:

3 JIM KELLY - ATLANTA, GA
4 ERIC ROSVOLD - PETERSBURG, AK
5 GREG LONDRIE - BROWNSVILLE, TX
6 BEN DAUGHTRY - MARATHON, FL
7 JERRY DZUGAN - SITKA, AK

8 COMMERCIAL FISHING INDUSTRY REP:

9 MIKE THEILER - WATERFORD, CT

10 TRAINING PROFESSIONAL:

11 FRANK VARGAS - SEATTLE, WA
12 NAVAL ARCHITECT/MARINE ENG:DAVID TURNER - SEATTLE, WA

13 UNDERWRITER:

14 KRIS BOEHMER - OLD TOWN, ME

15 OWNER OF VESSELS:

16 BARB HEWLETT - MARATHON, FL

17 SPECIAL GOVERNMENT EMPLOYEE:

18 MATT ALWARD - HOMER, AK
19 TOM DAMERON - PHILADELPHIA, PA
20 MIKE TERMINEL - HONOLULU, HI

21 ALSO PRESENT:

22 JONATHAN WENDLAND - ADFO
23 CAPTAIN NEELAND - DFO
24 CAPTAIN BEACH - 5PC
25 MR. MYERS - ADFO
 MS. CASE - NIOSH
 MR. LA TORRE REYES - CG-INV
 ALAYNA NESS
 MELANEE LIBBY
 ANGEL L. CALDERON

1 P R O C E E D I N G S -- D A Y 1 of

2 (The Committee Meeting started at 8:00 a.m.)

3 CAPTAIN NEELAND: All right. Good morning, everyone.
4 So, thank you all for coming today. I am now convening
5 our Inaugural National Commercial Fishing Vessel Safety
6 Advisory Committee Meeting.

7 With that -- by the way, I would like to just
8 comment, we're definitely in the Chesapeake. So, for a
9 mallet they gave me a crab hammer. So, I'm a just little
10 bummed that there's not a bucket of crabs that we can use.
11 So, with that, I'll pass it to John. Thank you.

12 MR. WENDLAND: Thank you, Captain Neeland. For those
13 of you that don't know, my name is Jonathan Wendland, and
14 I'm working out of Coast Guard Headquarters, CBC3 under
15 Joe Myers. So, I would just like to take this opportunity
16 to welcome everybody to Norfolk. What an amazing maritime
17 town. A lot of memories here myself. So, welcome. Glad
18 everybody was able to make the trip and make it safely.

19 What we're going to do here this morning is just go
20 over a few admin items, and then, we'll go through the
21 agenda. You know, go through the roll call, that kind of
22 thing. So, just a couple of admin items to start.

23 For those of you that have not been able to walk down
24 the hall, if you walk out of these doors and you need the
25 restrooms, just take a left, and you'll find them all the

1 way at the end of the hall. If there is an emergency,
2 please, use the escalators and not the elevators. You can
3 take the escalators down to the first floor and then exit
4 the building there. Those of you that need coffee like I
5 do, you can find it on the first floor. I purchased mine
6 this morning for \$5. So, that's where you can find your
7 beverage to keep up with things and stay awake. But
8 hopefully, this will be entertaining and skill-driven and
9 we'll accomplish a lot today.

10 As a reminder, please just turn off your electronic
11 devices and phones. Silence those so there will not be
12 any interruptions as somebody is talking on the mic
13 because that can be a little bit distracting. I
14 appreciate that.

15 Also, as a heads up as we talked about in the eight
16 o'clock session here, this meeting is being recorded. So,
17 we have a court reporter. So, everything that you say
18 will be on the record. So, be mindful of that. Speak
19 clearly and concisely with purpose. And also, when you do
20 speak, please state your name, like, my name is Jonathan
21 Wendland. So, that way when the transcript is read, the
22 people will know who is speaking. So, always state your
23 first name at least. I prefer your first name and the
24 last name to start out just for the benefit of the court
25 reporter. So, thanks for that.

1 Also, just as a reminder to people, this meeting will
2 be conducted through Robert's Rules simplified. So, in
3 essence, any motions or discussions go through the Chair.
4 And this meeting is a little bit different for the first
5 day because we do not have a Chair from the committee
6 membership themselves because this is the first meeting.
7 So, Captain Neeland will be the Chair as the DFO. And
8 then, tomorrow morning the members will vote on a Chair
9 and Vice Chair.

10 We had a great question this morning that I'd just
11 like to touch on. And that was how does this committee
12 really work and what happens with the recommendations that
13 they provide. And, in essence, the committee is being
14 tasked with three different tasks over these three days,
15 and the committee will respond to those formally in
16 writing back to the U.S. Coast Guard. And the U.S. Coast
17 Guard will take a look at that, first through CBC-3 and
18 CBC. And those recommendations can be used in future rule
19 makings. And also are provided up the chain to the
20 Commandant and to the Secretary of DHS. So, that's
21 through the Commandant. So, in essence, the Commandant is
22 reporting to DHS, not the committee. So, I just wanted to
23 advise of that.

24 With that, I think what we'll do is we'll do a roll
25 call so it's officially in the minutes. And, again, we'll

1 do the membership first. So, please just state your name,
2 and then, we'll give the audience -- unhook the mic here
3 and give the audience a chance to introduce yourselves as
4 well.

5 So, to my left, if you could just start out.

6 MR. VARGAS: Hello, everyone. My name is Frank
7 Vargas. I'm with American Seafoods in Seattle. I've been
8 with them for thirty-plus years. For the corporate side I
9 am the compliance officer, and for the seafood side I am
10 the regulatory director.

11 MR. BOEHMER: Good morning. Chris Boehmer. In my
12 past life I was a commercial fisherman and now I work for
13 a company, Brown and Brown. We do commercial fishing
14 boats up and down the east coast, both claims and
15 underwriting.

16 MS. HEWLETT: Barbara Hewlett, I'm down in Marathon.
17 I'm a commercial fishing examiner and team instructor.
18 And I have a couple of commercial fishing boats myself.
19 And my husband is also on the board, but he's fishing this
20 week. So, he's not here today, but I'm here.

21 MR. ALWARD: Matt Alward from Homer, Alaska,
22 commercial fisherman, owner and operator of 53-foot
23 vessel, mostly [inaudible] salmon --

24 THE COURT REPORTER: I'm sorry. Can you speak up
25 just a little bit?

1 MR. ALWARD: Sorry. Matt Alward from Homer, Alaska.
2 I own and operate a 53-foot commercial fishing vessel in
3 the Gulf of Alaska.

4 MR. DAMERON: Good morning. Thomas Dameron. I'm a
5 commercial fishermen active for twenty-nine years.
6 Currently, I am government relations and fishery science
7 liaison for Surfside Foods. And I'm also a founder of
8 Overboard Solutions which is a company that has developed
9 a software safety management system for the commercial
10 fishing industry.

11 MR. TERMINEL: Mike Terminel with the Alaska survey
12 in Alaska. We're marine surveyors, a third party
13 organization with the United States Coast Guard and I hold
14 an unlimited master's license.

15 MR. TURNER: David Turner with Elliott Bay Design
16 Group out of Seattle with (inaudible) Techs, marine
17 engineers. We work in the fishing segment and various
18 other industries in the marine sector.

19 MR. KELLY: Jim Kelly. I own a commercial fishing
20 business out of Florida based off of Anna Maria Island.

21 MR. ROSVOLD: Eric Rosvold from Petersburg, Alaska.
22 I'm a commercial fishermen. I own a couple of fishing
23 boats at the shipyard and marine electronics store.

24 MR. LONDRIE: Greg Londrie. I'm from Brownsville,
25 Texas. I'm with Texaco Marco. We own and manage fourteen

1 shrimp trawlers and operate there out of Brownsville. We
2 also have a shipyard machine shop and two marine supply
3 stores.

4 MR. DAUGHTRY: Ben Daughtry out of Marathon, Florida,
5 commercial fishermen, marine life industry.

6 MR. DZUGAN: Jerry Dzugan, Sitka, Alaska. Director
7 of Alaska Marine Safety Education Association. Commercial
8 fishermen off and on since 1980.

9 MR. THEILER: Mike Theiler from New London,
10 Connecticut. I own three commercial fishing vessels,
11 mostly in shore scallops and lobsters. Also involved with
12 safety management systems for fishermen around the world.

13 MR. WENDLAND: Thank you, everybody. And I just --
14 before we get to the audience and headquarters staff, I
15 would just like to advise that we do have a quorum. So,
16 officially, we needed ten members out of the eighteen.
17 And so, Captain, I just do like to advise we have a
18 quorum, and the meeting can proceed.

19 CAPTAIN NEELAND: Thank you, Jon.

20 MR. WENDLAND: Yes, sir. So, I will stand up and get
21 this hand mic on here.

22 MR. COWAN: Good morning, everyone. My name is
23 Trevor Cowan. I'm with the First Coast Guard District out
24 of Boston, MA. I'm the 1st District commercial fishing
25 vessel safety coordinator.

1 MR. LA TORRE REYES: Good morning. My name is Omar
2 La Torre Reyes. I'm with the Coast Guard Headquarters in
3 the Office of Investigations and Casualty Analysis.

4 MR. HAMM: Good morning, Harvey Hamm. Previously
5 from the Coast Guard District 5, commercial fishing vessel
6 safety coordinator. I'm the newest member of CBC-3. So,
7 I look forward to the event this week.

8 MR. SHERLOCK: Good morning. My name is John
9 Sherlock. I'm the commercial fishing vessel safety
10 coordinator, the 8th Coast Guard District, and I reside in
11 New Orleans, Louisiana.

12 MR. MAHONEY: Good morning. Rick Mahoney from
13 Honolulu, Hawaii, D-14 safety coordinator.

14 MR. HENDERSON: Good morning. Brian Henderson from
15 Pacific area, Alameda, California. I'm the towing vessel
16 and fishing vessel specialist.

17 MR. KARR: Mike Karr with NTSB investigator and
18 investigator in charge for the destination and the life
19 safety center.

20 MR. CROSS: Good morning. Craig Cross. I am a
21 vessel safety specialist with Coast Guard.

22 MR. PENLAND: Dave Penland, Sector Virginia
23 Commercial Fishing Vessel Examiner.

24 MR. LOWRY: Chris Lowry. Sector Virginia commercial
25 fishing vessel safety examiner.

1 MR. SHIVIER: I'm Judd Shivier. I'm with commercial
2 -- with Sector Jacksonville. I'm the commercial fishing
3 vessel safety examiner there and I represent D7. Walter
4 couldn't be here today. This would be great for karaoke,
5 by the way.

6 MR. DIGGS: Good morning. Andrew Diggs, Sector
7 Virginia Commercial Fishing Vessel Safety Examiner.

8 MS. MURPHY: Good morning. I'm Peg Murphy. I'm the
9 safety coordinator for D11.

10 MR. WILWERT: Good morning, everyone. Scott Wilwert,
11 District 17, fishing vessel safety coordinator, Juneau,
12 Alaska.

13 MR. HARDIN: My name is Dan Hardin. I'm the
14 commercial fishing vessel safety coordinator for the 13th
15 Coast Guard District out of Seattle.

16 MS. CASE: Good morning, everyone. I'm Samantha
17 Case. I'm a maritime safety researcher from the National
18 Institute for Occupational Safety and Health, or NIOSH
19 based out of Anchorage, Alaska.

20 MS. NESS: Hi, everyone. Alayna Ness, an attorney
21 with the Office of Regulations and Administrative Law.

22 MS. LIBBY:: Good morning, everyone. My name is Melanee Libby
23 from U.S. Coast Guard Headquarters. I'm the FACA coordinator.

24 MR. WENDLAND: Awesome. Thank you, everyone.

25 And from CBC-3 staff, Angel.

1 MR. CALDERON: Good morning. Angel Calderon, CBC-3
2 at your service.

3 MR. WENDLAND: And with that kick it back to Joe.

4 MR. MYERS: Greetings, everybody. Again, Joe Myers
5 with CBC-3. I'm the Chief of the Fishing Vessel Safety
6 Division. Again, welcome.

7 CAPTAIN NEELAND: Good morning, everyone. Captain
8 Mark Neeland. I'm the Office Chief of Commercial Vessel
9 Compliance at the Coast Guard Headquarters in Washington,
10 D.C.

11 CAPTAIN BEACH: Good morning, everyone. I'm Captain
12 Amy Beach, Director of Inspections and Compliance at Coast
13 Guard Headquarters.

14 MR. MYERS: Okay. Thank you, everybody. I just want
15 to check, did anybody get missed? No? Full complement.
16 Great.

17 Just a couple other admin items. There is sign-up
18 sheets on the back. So, every day please sign in.
19 There's an agenda back there, and there's also the
20 membership committee. So, feel free to take a handout,
21 but please do sign in every day. And with that I'd like
22 to turn it over to Captain Beach for opening remarks.

23 Captain.

24 CAPTAIN BEACH: Thank you, Jonathan. Good morning.
25 Again, Captain Amy Beach from Coast Guard Headquarters.

1 It's a pleasure to be here this morning with all of you.
2 I look forward to the discussions and hearing some of the
3 recommendations that come out of the tasks that we're
4 going to be having you look at over the next couple of
5 days.

6 And while this is the inaugural meeting for the
7 National Commercial Fishing Safety Advisory Committee, I
8 certainly want to recognize all of the work that the
9 predecessor, the Commercial Fishing Safety Advisory
10 Committee put forth. The training and the outreach that
11 the Coast Guard has been able to do is largely a credit to
12 the work that the FACA has put in in the past. And if you
13 look at the trends in the commercial fishing industry over
14 the last ten years, there's been a significant drop in
15 casualties involving those who work in the fishing vessel
16 community. So, that's a great thing to see. And, again,
17 I look forward to hearing all of the recommendations that
18 come out of this meeting. Thank you.

19 MR. MYERS: Thank you, Captain. Captain Neeland.

20 CAPTAIN NEELAND: Thank you, Jon. Again, Captain
21 Mark Neeland. I'd just like to reemphasize what Captain
22 Beach mentioned that we're very glad that you're all able
23 to join us today. We know with the pandemic it has
24 stalled several years of the potential progress and
25 meeting with the FACA. So -- but I'm really glad that

1 we're able to get together today and, kind of, pick up and
2 move -- move the flag forward. We continue to try to make
3 recommendations to improve the safety of the commercial
4 fishing vessel industry.

5 So, I look forward to all of your inputs and the
6 discussion throughout the meeting. We do have a good
7 agenda. And the number of areas which we're going to go
8 through and we look forward to reading your
9 recommendations. Thank you.

10 MR. MYERS: Thank you, Captain. So, although you
11 received your letters for

12 this committee as members, we still have an admin
13 item that I'd like to take care of this morning. So, you
14 still have to be sworn in. So, what I would like
15 everybody to do on the members around the table is to
16 stand up and the Captain will read your oath of office and
17 you will repeat after him as he so states. So, please
18 stand up.

19 CAPTAIN NEELAND: So, at this time, I'll ask all
20 members to raise your right hand and repeat after me.

21 I do solemnly swear that I will faithfully execute
22 the duties of a member of the National Commercial Fishing
23 Safety Advisory Committee. And will, to do my best of my
24 abilities [sic] fulfill and carry out the policies and
25 purposes of the Federal Advisory Committee Act. I take

1 this obligation freely and without mental reservation or
2 purpose of evasion, so help me God.

3 Thank you.

4 MR. MYERS: Very good. Congratulations, everybody.
5 It's been a long road and we appreciate everybody's
6 involvement. Well done. We do have one more
7 administrative item before we get into the agenda and
8 things. So, there is a conflict of interest statement
9 that we also read, and I will ask Captain Neeland to read
10 that to all of the members.

11 CAPTAIN NEELAND: All right. As stated in the agenda
12 at this meeting we will be reviewing ten marine casualty
13 investigations related to personal flotation devices, nine
14 marine casualty investigations related to cold water, and
15 two marine casualty investigations related to falls
16 overboard. None of these issues is a particular matter
17 for the purposes of criminal conflict of interest statute.

18 MR. MYERS: Thank you, sir. And, at this time, I
19 would like to pass it

20 Over to the Chief of Fishing Vessel Safety Division,
21 Mr. Joe Myers.

22 Joe.

23 MR. MYERS: Okay. Good morning, again, everyone.
24 Joe Myers here. And I wanted to run down the agenda, some
25 of the aims and initiatives that we have for this week.

1 But I do want to, again, let you know as conveyed by the
2 Captains that we are really excited and happy that you're
3 all here with us this week, you know, passing on the torch
4 from the old initiatives of the advisory committee to the
5 National Commercial Fishing Safety Advisory Committee.
6 This gives new opportunities, new approaches, new
7 engagements.

8 I think one of the big opportunities I see is we've
9 had recent legislation that has influenced our bylaws, and
10 I hope you've all had the opportunity to look at the
11 bylaws and the charter. They've been upgraded or
12 modernized and for good reason. And I think it's going to
13 tighten up and encourage us as a group, as a committee,
14 you as a committee and us, the Coast Guard, to get to know
15 each other a lot more. We're going to be meeting twice a
16 year versus once a year. That's a new requirement. We're
17 going to be drawing you into the review of marine
18 casualties. As -- it's going to be a strong theme this
19 week.

20 We -- there is a -- we have a, as you've seen, a good
21 amount of marine casualties to review, twenty plus.
22 You're going to see that some of these are like-minded by
23 topic, cold water, PFDs, falls overboard. And we --
24 there's a lot of similarities. And we're hoping to tap
25 into your knowledge to get your advice on a recommended

1 path forward, if there is any. You know, everything
2 doesn't necessarily mean a reg project, but it could mean
3 meaningful outreach, guidance. We have Mavericks work
4 constructions policy. You know, those could be viable
5 options or it could be a reg project obviously with a
6 recommendation.

7 So, I think with all of that said, we have a lot of
8 tools in our tool belt. And I think at minimum, the
9 increased meeting -- meetings go, perhaps it's the fall,
10 the spring, I think we're going to have to work with your
11 schedules and our schedules to see what gels and works
12 best. And then, a path forward. And it may not always be
13 marine casualties. It may be other topics, obviously.
14 But, again, I see, as I'm sure you do, good opportunities.
15 The door opening to a new phase. And, again, continuing
16 that path to reducing casualties and increasing safety in
17 the fishing industry.

18 And I'm also excited that we're going to be tapping
19 into your advice and involvement on establishing a new
20 website that's going to publicly accessible and, again,
21 more transparency with the industry. As we all know,
22 COVID-19 flatlined a lot of folks and it was not in a good
23 way, but I think we're back. So, we hope we can push
24 forward.

25 And so, with that being said, I wanted to just

1 briefly run down the agenda. And then, I'll kick it off
2 with some updates, some recent advances and authorization
3 acts, and some -- several initiatives that we have on new
4 construction, and what everyone is always eager to hear
5 about is the status of the current reg project. So, that
6 being said, if you all have a copy of the agenda.

7 As you know we're almost through the first page. So,
8 I'm just going to go to Page 2, actually. After I'm done
9 with my delivery, we're going to have our district fishing
10 vessel coordinators and I think several examiners give
11 their presentations and convey what they have going on in
12 their districts. This is a good opportunity not only to
13 hear what they have to say, but during breaks, to grab
14 that person in your region and have that conversation or
15 maybe somewhere else because as we know, we have, for
16 example, vessels here in D5 that are fishing up in D1, and
17 the same thing going on in the Northwest and other areas
18 of the country. So, we have a very transient fishing
19 industry population. They are going to different
20 districts and regions. And we have that representation
21 here today, and we hope we can connect the dots over the
22 next couple days with those folks. But hopefully be able
23 to put a face to the name after this morning.

24 So, in the -- after lunch, we're going to have -- Ms.
25 Case with NIOSH will be giving a delivery, a presentation

1 of data and also talking about the fishing vessel safety
2 training research grants with NIOSH. And then, as a
3 stakeholder in these initiatives. And then, we will also
4 have a presentation with a grant -- a grant project
5 recipient, ABS, to share some -- an update on their
6 advances with their current NIOSH Coast Guard fishing
7 training and research project.

8 We'll also have a presentation with the Office of IAB
9 marine casualties. This is going to shed some light on
10 some of those marine casualty cases that you've reviewed
11 over the last couple of days that were available online
12 and that you have in front of you. We're hopefully going
13 to set the stage and give you a few thoughts prior to
14 cutting you loose this afternoon to further dive into
15 those marine casualty cases, and there's quite a few of
16 them. But, again, being similar in nature, I think, the
17 synopsis are like-minded. But then, should you wish to
18 dive into the actual case which has redacted information,
19 of course, but we have the cases also that are open to the
20 public.

21 You know, hopefully, between this afternoon and the
22 next couple of days you can really understand what was
23 going on and the contributing cause and factors and, you
24 know, hopefully that is going to help you with a
25 recommendation on these tasks. So, that will be --

1 there'll be, again, a presentation with IAB on that a
2 little bit later this afternoon. Then, we'll have a
3 variety of several breaks to help recharge the battery,
4 and then we will adjourn for the day. Again, this is
5 after -- the intent of everyone getting together, soaking
6 in the cases, working with each other asking questions.
7 We're hoping everyone will gel and get to know each other
8 if you already don't know each other. I know most of you
9 already do.

10 But then, we go into the next day being tomorrow, and
11 we -- it is our hope that you know each other enough that
12 you're going to have a person or persons for chair and
13 vice chair. We'll swear in the chair and vice chair, and
14 then, the expectation will be that the chair will assign
15 -- if -- well, first and foremost accept -- formally
16 accept the task at hand. And if those tasks are accepted
17 by the committee, be enforced by the chair, then
18 subcommittees will be broken out into. And, of course,
19 that will be totally up to the committee to decide that.
20 If it's two subcommittees or three, four, whatever you
21 choose, you know, it's -- you know, that -- that is --
22 that will be up to the committee. But that will more so
23 take action tomorrow morning, first thing. And then --
24 then, we have break-out rooms, and we will allow you to
25 start addressing the issues at hand, should you choose to

1 adopt those tasks. So, that is Wednesday.

2 Then, we go into Thursday. And part of -- part of
3 the presentation today, this afternoon, we're going to go
4 over -- or Omar from the Office of INV will go over --
5 there is a template that we're hoping that's going to make
6 it easy for you to voice your recommendation, should you
7 have one. And it allows you to shape your recommendation
8 and supporting areas of support, references, if you have a
9 reference, you have a foundation of what your -- of what
10 your recommendation is going to be. And then, there's
11 going to be a body where you can just go into detail on
12 your thoughts and recommendations. So, we're going to
13 have a template form that -- to help you. To ease the
14 process.

15 So, the reason I share that with you is that on
16 Thursday, we'll -- and we're going to just allow you to
17 make that decision on when best appropriate to start
18 populating your recommendations or your comments on these
19 tasks that will be reviewed. And then, with that said, in
20 the afternoon we will re-adjourn, and then, the
21 subcommittees will, if they have recommendations to be
22 made to the chair, they will deliver that to the chair.
23 The chair will either accept it or not. And if they are
24 accepted, that will be transferred over to the DFO, or
25 Designated Federal Officer, Captain Neeland.

1 And so, that is basically how the process is going to
2 work in general. I may have skipped over a few things.
3 But, in general, and if you have any questions, by all
4 means, we're here. We can delve into questions and get
5 those answers. So, with that said, does anyone have
6 questions on what I've talked about with the agenda?

7 MR. DAMERON: Yes.

8 MR. MYERS: Mr. Dameron.

9 MR. DAMERON: Thomas Dameron. So, does the chair
10 accept the recommendations from the bulk or from the
11 subcommittees or do those go to the full committee for
12 consideration?

13 MR. MYERS: The -- I -- through the bylaws they will
14 be conveyed to the committee and there will be discussion.
15 There will be also a moment for public comment once there
16 is -- and, again, I slipped -- I passed over some minor
17 details, but, again, yes, a good point. They'll be put
18 forth to the committee for discussion. Everyone on the
19 committee -- the full committee will hear everyone's
20 report. There will be, again, after discussion and after
21 public comment, then it will transfer to the chair. Does
22 that -- does that clarify?

23 MR. DAMERON: Yes. Yes, sir.

24 MR. MYERS: Okay. Thanks.

25 MR. DZUGAN: So, Joe, if I can.

1 MR. MYERS: Please.

2 MR. DZUGAN: If I can further clarify. The seemed to
3 be appropriate --

4 THE COURT REPORTER: I'm sorry. Can you --

5 MR. DZUGAN: I'm sorry. Jerry Dzugan.

6 THE COURT REPORTER: Thank you.

7 MR. DZUGAN: The chair would not really -- well, we
8 accept the report from this subcommittee, turn it over to
9 the full committee, and then, would accept the results of
10 that from the full committee; is that right?

11 MR. MYERS: That sound correct.

12 MR. DZUGAN: Does that sound right?

13 MR. MYERS: That sounds right.

14 MR. DZUGAN: Thank you.

15 MR. MYERS: Yes, sir.

16 MR. BOEHMER: Kris Boehmer. I realize we haven't met
17 in a while, and, you know, we have these three tasks ahead
18 of us and that's going to be our focus for this, but are
19 we going to have a period where we can talk about future
20 things that might not just come out of headquarters but
21 within the industry, perhaps topics that we can look at in
22 the future?

23 MR. MYERS: I believe there will be an opportunity
24 for that, yes.

25 CAPTAIN NEELAND: Captain Mark Neeland. On Thursday

1 in the afternoon when we talk about future initiatives,
2 there's a window there where we can talk about future
3 initiatives, and we'll also talk -- look into scheduling
4 when our next meeting is, just to let the cat out of the
5 bag, we're looking probably the end of September. But we
6 can talk a little bit more on Thursday.

7 MR. KELLY: Jim Kelly. Just following back up on the
8 questions that were asked by Tom earlier. So, is there a
9 vote of the committee in favor of the recommendation of
10 the subcommittees or it's just the subcommittees vote to
11 either accept it or not accept it?

12 MR. MYERS: That'll be -- once there is deliberation
13 and a recommendation by the subcommittee's report to the
14 committee, as it moves to the chair, the chair will
15 reserve the right to initiate a vote to accept those
16 recommendations.

17 MR. KELLY: And if the chair declines, then it stops
18 at that point?

19 MR. MYERS: The chair is representative of the
20 committee. So, the -- it's going to be on the chair to
21 accept or not accept.

22 MR. KELLY: Got you.

23 MR. MYERS: Yes. Okay. Hopefully that was clear,
24 and if we need to further clarify any of those we have
25 time but hopefully that was concise.

1 CAPTAIN NEELAND: Captain Mark Neeland. If anyone
2 has any questions, you should have all received a copy,
3 but if you haven't, we do have a copy of the charter and
4 the bylaws if we need to review that at any point.

5 MR. MYERS: Okay. Joe Myers, back. And what I plan
6 on reviewing now is -- so, that's a general breakdown of
7 the agenda. And now, what I'd like to do is just
8 highlight some of the rule-making status and an update on
9 some recent advances with the Authorization Acts that have
10 been recent during our gap of meeting as a committee.

11 So, with the fishing vessel regulatory project, I'm
12 not sure if all are aware of this, but it is -- it is
13 posted for review on Reginfo.gov -- reginfo.gov. I
14 actually have all of the information here. So, anything
15 I'm going to pass in the next few minutes, if you'd like
16 to come over here and jot any of this down later, I -- you
17 know, that might be helpful if you want to go to that
18 Reginfo.gov. And so, what the rule that is posted on
19 Reginfo.gov does is it's -- it communicates the current
20 status of the reg project that was outlined in the MPRM,
21 and I'll just give you the docket number. Docket ID
22 USCG-2012-0025. So, Docket ID USCG-2012-0025.

23 What you do is when this -- when you go to the
24 unified agenda Reginfo.gov, there will be a timetable laid
25 out and within that timetable it will -- it will reference

1 -- reference that docket number. And what has been the
2 status over the last several years or more than several
3 years. It is said to be determined. But the final rule
4 timetable action, I know, has been advanced to reflect
5 November of 2023, as deliverable for the reg project. So,
6 that's great news. So, November of 2023. Now, that date
7 is always subject to change, obviously, because of what --
8 there is certain steps and measures on the clearance
9 process that could sway that deliverable slightly. But,
10 in general, right now unified agenda reflects November of
11 '23. If you choose to do so, you can get updates. You
12 can go to Reg.info -- Reginfo.gov and -- to view the rule.
13 You can plug in that docket number that I gave you, and
14 they will provide automatic updates by way of an e-mail.

15 And just to remind everyone since it's been a while
16 since we've met, I just wanted to go down the list of
17 items that are in this reg project. Now, the current
18 fishing vessel reg project is aligning with certain
19 mandatory provisions of 2010 and 2012 legislation that was
20 passed by Congress. And that was captured in that Notice
21 of Proposed Rulemaking, which I have a copy of, actually,
22 here today. So, if anyone wants to look at this June 21
23 of '16 federal register announcement, that details out
24 what is going to be in this reg project and that's some
25 extra information, I have a copy right here. Matter of

1 fact, at lunchtime I'll just start at the back of the
2 table and -- so you can look at it. But what everyone
3 should also understand is it doesn't cover every item of
4 the authorization after 2010 and 2012, but it does cover
5 some key mandatory elements.

6 And those are -- and I'll just go down the list to
7 revisit these items so you're aware of these. Vessel
8 parity -- so, for example, vessel parity will outline
9 certain requirements that will merge state and documented
10 regulation vice separating them. And so, for example, the
11 lifesaving requirement tables will incorporate state and
12 documented parity in certain areas. Okay.

13 And by the way, if you have direct questions on
14 interpreting some of these things, I will be around at
15 lunchtime. I can chat with you. Also there will be a
16 substitution of the -- for the baseline for boundary line
17 in certain cases. There are some things -- some areas
18 where boundary line will still remain such as loadline
19 requirements. However, when we talk about that vessel
20 parity and the tables, and I believe it's 46 CFR 28, Table
21 120 which is lifesaving requirements. There are areas
22 that reflect today boundary line which will in the future
23 reflect baseline. Okay. And, again, that's all laid out
24 in this MPRM.

25 And there will be an update on -- with this new reg

1 project of a survival craft, more pointedly, out of water
2 survival craft. So, we will be going away from life
3 floats and, for example, and merging towards some kind of
4 floating device that will keep the person out of the
5 water, like an inflatable buoyant apparatus and that is
6 specifically called out.

7 Recordkeeping. There will be a requirement to record
8 maintenance and require instruction drills to be
9 documented every three -- for at least three years on the
10 vessel. Training, there will be new advances with
11 delegation of drill conducting to a person other than a
12 crew member. And, again, certain requirements of logging
13 those drills and having that instruction for each person
14 aboard at least once a month that that vessel is in
15 operation.

16 Construction standards for smaller vessels under
17 fifty feet. There will be new requirements laid out for
18 rec boat standards that encompass rec boat standards,
19 again, fifty feet and under. Class A vessels fifty feet
20 and over that the vessel was built after 1 July of 2013,
21 you'll see that that's going to be in regulation. And,
22 you know, that's a new thing. Certain vessels will have
23 to be classed. But, again, all in that MPRM.

24 And termination for unsafe operations, there will be
25 some language in 2860, I believe it is, termination of

1 unsafe voyages and unsafe conditions, there will be new
2 language that expand on the authorities of the boarding
3 officers and their focuses on certain certificates and
4 documentation that have to be maintained on board the
5 vessel. And so, for example, you may have a load life or
6 you may -- we're going to be expected to be with this reg
7 project implementing COCs, certificate of compliance. And
8 so, boarding officers would check for that certificate of
9 compliance. We call it a COC as an acronym.

10 So, those are -- that is a great basic snapshot of
11 the reg project which many of you are, I'm sure, aware of.
12 All of which I mentioned are -- they're embodied in this
13 federal register announcement, again, June 21 of 2016,
14 with the same docket number that I've talked about on the
15 unified agenda. And, like I said, if you want to rip this
16 up or mark it up or ask questions, highlighted sections,
17 I'm going to put this in the back, and it's also available
18 online.

19 Are there any questions on the current reg project?

20 Yes, sir.

21 MR. DZUGAN: Jerry Dzugan, here. I have this sense
22 of continuity or I need a sense of continuity. So, bear
23 with me. There was an advance notice of proposed
24 rule-making on the 2010 act. I believe it came out in
25 2013. You can correct me on that. What is the continuity

1 from that proposed rule-making that come out then, which
2 we haven't heard much anything about since then, to what
3 you've just gone over or is that just a dead issue?

4 MR. MYERS: That's a good question. Joe Myers for
5 the record, speaking. Good question. There were certain
6 elements of that advance notice of proposed rule-making
7 that actually -- and I'm going off the top of my head, but
8 I believe it -- the drafting of it started in 2007 or
9 eight-ish. I could be -- but it was -- the content
10 embodied certain criteria at the time. Remember before
11 2015 we did not have mandatory exams -- certain mandated
12 exams and then the Authorization Act -- the Authorization
13 Act changes that required that the old advance notice of
14 proposed rule making to be retracted, and then they came
15 out with a new notice of proposed rule-making being this
16 MPRM. And so -- so, there were new advances from the --
17 that resulted from the 2012 Auth Act, for example, that
18 required a little shift in change. And so -- and with
19 that said, I'm sure I can give you a more detailed answer
20 if I look back in the notes back then because it is a
21 little bit dated. But the -- the bottom line is we
22 retracted that advance notice of proposed rule-making.
23 And then, literally, within the same week we launched this
24 one.

25 And, again, what I can do is I can do a little

1 digging and give you a little more thorough background
2 history on that. And it may be after this meeting, but I
3 can just share that with everybody to give a little
4 synopsis of the transition from the old to the new. So, I
5 hope that was helpful.

6 MR. KELLY: Jim Kelly. Just to follow on that topic.
7 So, these go effective November of this year or how do you
8 see it?

9 MR. MYERS: Yes. This current reg -- the reg project
10 that is based on this MPRM is scheduled on the unified
11 agenda to be delivered on -- in November of 2023.
12 Correct.

13 MR. KELLY: Do you need to be in compliance November
14 2023 or the next inspection?

15 MR. MYERS: No. All this means is that the rule --
16 that the regulatory project comes to final rule in
17 November. And with that said, there may be implementation
18 dates, and so, for example, if -- and this is just an
19 example. If there's a deliverable such as a COC and we
20 say it's not practical on November 11th for everyone to
21 comply, there may be a time period of eighteen months or a
22 period of time that's determined that would ease into
23 compliance.

24 So, the deliverable of the final rule is November of
25 '23, for the unified agenda. And then, the implementation

1 dates may fluctuate and that will be detailed on the
2 preamble. And so there will be a preamble also outlined
3 that will convey due dates. And -- I don't want to say
4 due dates, implementation dates of that reg project.

5 MR. KELLY: Okay.

6 MR. MYERS: And what I would say with -- this is just
7 a guess, that since we are likely to be meeting in the
8 fall around this timeframe, I hope to have some -- if
9 there is any more relevant information we can pass to you,
10 I hope to be able to do that before this becomes final,
11 you know, upcoming fall should we meet then.

12 Any other questions?

13 MR. DAMERON: Yes. Tom Dameron. Mr. Myers, thank
14 you for that. So, if I

15 Remember correctly, the previous notice of proposed
16 rule-making that you're saying was retracted, there was
17 plenty of public comment that went into that rule-making.
18 What -- is that public comment, is that gone now? Is that
19 going to be addressed by the Coast Guard? How are those
20 public comments being handled?

21 MR. MYERS: I would have to look -- I would have to
22 -- I would have to engage with our reg. We have an office
23 called CG Reg and they -- and we partner with them
24 archiving public comments. But first and foremost, Mr.
25 Dameron, to answer your question, we -- that is always --

1 that's historical records. So, we never do away with
2 that. And was that factored in with the new reg project,
3 we can look into -- we -- I'm sure if it was like-minded
4 topics they more than likely did transfer over. We can
5 confirm that. I would say with this -- with this current
6 reg project, I believe we have two -- two go-arounds with
7 public comment which you're likely aware of that. Now,
8 how the first advanced MPRM contributed to the current
9 one, we could gather some more information and give you a
10 followup on that.

11 Mr. Calderon.

12 MR. CALDERON: Yes, sir, Joe.

13 MR. MYERS: Could you do me a favor and just jot that
14 down as a note because I'll probably forget that.

15 MR. CALDERON: Yes, sir.

16 MR. MYERS: Thank you, sir. Yes.

17 MR. DZUGAN: Jerry Dzugan. One more continuity
18 issue. In the previous administration you went through a
19 process, all government agencies went through a process of
20 looking at all the regulations to see which regulations
21 were not needed anymore, were outdated. Where does that
22 fit into all of this? What's the status of that and how
23 does it, if any way, work into the proposed rule-making
24 that's on the docket now?

25 MR. MYERS: I would say that all of the D reg topic

1 content does not influence this whatsoever because that
2 was after this reg project was initiated. And so, this
3 reg project only focuses on the 2010, 2012 affect and as
4 it was initiated -- as the regulatory project was
5 initiated, and I don't have the exact dates but I'll pick
6 a number 2017, and D reg was 2019-ish, that had no -- any
7 decisions would not have impacted this whatsoever. And
8 that's why we -- we meet frequently with our attorneys and
9 our reg team and with CG reg and we met last week
10 actually. We meet weekly, and we're fine-tooth combing
11 this reg project with the expectation of it coming to
12 fruition very quickly. And we're making sure that we meet
13 the exact intent and aim to the letter T with this current
14 MPRM because if we don't, we have to communicate why in
15 the preamble and we're trying to meet that mark. So, to
16 answer your question, we have not deviated from this.

17 MR. DZUGAN: The other half of the question was what
18 happened to the -- is -- does that just die, the -- then
19 what, the effort that went on and the comments that were
20 received from that initiative on deregulation, what's the
21 status of that? That was the other half of the question.

22 MR. MYERS: I will have -- what I'm going to do is
23 I'm going to take a -- I'll give that -- I'll take that as
24 a take-away question because I'm not prepared to comment
25 on that right now, but we'll comment on that. Okay. I

1 wish I had an answer for that. But let me follow up with
2 that with the other questions, if you don't mind.

3 MS. NESS: Joe.

4 MR. MYERS: Yes.

5 MS. NESS: Alayna Ness. If everyone can hear me.
6 The 2010 -- the MPRM you're talking about does have a
7 discussion of the -- does have a discussion of the
8 comments from the 2008 MPRM full session. So, in terms of
9 the action item 4, Angel, I'm looking at it and can
10 confirm there's a discussion of, looks like forty-three
11 public comments were received on the MPRM 2008, and
12 they're discussed in the MPRM that you're talking about.

13 MR. MYERS: Okay. Thank you.

14 MR. ALWARD: Matt Alward. I know we're on 2010/12,
15 Coast Guard Act, but I have a question on 2022 Coast Guard
16 Act. I don't know if now is appropriate since we're in
17 rule making or --

18 MR. MYERS: Yes. And actually that's going to be my
19 next -- after we field through all of the questions, I'm
20 going to get into all the 2020 and 2022 affect. So, I
21 hope to shed some light on that. Thank you.

22 Okay. Unless there are any other questions, what I
23 can do is I can go into the next phase which is the
24 Authorization Act updates of the most recent ones. Okay.

25 And so, now what I'd like to share with you are some

1 notable recent advancements of recent legislation act --
2 acts, I should say, that impact fishing vessel safety and
3 the majority of what I'm going to share also will impact
4 the National Fishing Safety Advisory Committee because
5 they are called out specifically in these authorization
6 acts. The Coast Guard Authorization Act of 2020 -- and
7 I'll be talking about the Act of 2020, the 2022, and the
8 NDAA of 2023 which are -- the last two are pretty much
9 combined. They came out at the same time.

10 But what the Coast Guard Authorization Act of 2020
11 requires now, which is again the result of which are in
12 the legislation in 46 CFR U.S. Code 15102, 46 USC 15102
13 through 15109, just as a reference as I'm talking.

14 Okay. So, the 2020 Coast Guard Authorization Act are
15 required that -- that at our National Fishing Safety
16 Advisory Committee meetings, we have ten people are
17 required to send any recommendations from the committee to
18 the secretary, i.e., quorum. There will be -- there's a
19 requirement for reasonable public notice of any meetings
20 of the committee, and they will be published on the
21 Federal Register on a publicly accessible website, that of
22 which we're shaping that website currently. This affect
23 also requires that posted minutes from each meeting of the
24 committee on a publicly available website are posted two
25 weeks after the date in which the meeting concludes. Post

1 the minutes. Hence, the reason why we utilize a court
2 reporter to get accurate information, and there's no
3 guesswork. So, we're having accurate information to post
4 two weeks thereafter.

5 There is also a requirement that there will be a
6 public response to recommendations made by the committee
7 not later than thirty days after the date of response.
8 So, for example, those recommendations made by you, the
9 committee, we will have thirty days to offer a response to
10 your recommendations. The committee will review proposed
11 Chapter 45 Title 46 regulations during the preparation of
12 the regulations. So, for example, when we initiate the
13 new reg project, you know, the current one is well on.
14 It's in the final stages. But -- so, it would not be
15 appropriate with that, but new reg projects that are
16 generated, this is where we draw in you, the committee, to
17 engage with us during those preparations.

18 To improve safety and reduce casualties, the
19 committee shall review marine casualties and
20 investigations of the vessels covered under Chapter 45
21 Title 46, commercial fishing vessels. And that Chapter 45
22 Title 46 is basically the U.S. Code requirements that you
23 recognize in 4502, 46 U.S. Code 4502. So, that being
24 said, the theme of this meeting, you're agreeing that the
25 substantial amount of marine casualties will be one of our

1 aims, and that's in alignment with the statutory
2 requirement.

3 Also, with regards to the -- with the -- another
4 element of the Authorization Act of 2020, with regards to
5 the Coast Guard NIOSH Fishing Safety Research Grants,
6 which you'll hear a little more about later. The federal
7 cost share has changed from fifty percent to seventy-five
8 percent federal cost share. And that was a huge one for
9 those that are applying for these grants because the
10 federal cost share is seventy-five percent now, absorbs a
11 big brunt of the load. So, that was good that that moved
12 up from fifty percent.

13 I'm just checking my time. And it looks like I am
14 well within the zone. Now, I'll go into the Authorization
15 Act of 2022/NDAA or National Defense Authorization Act of
16 2023. As you may know, they more so launched at the same
17 time in December of last year and January of this year.
18 But what -- this is a big -- there are some big changes in
19 that section of this -- these Authorization Acts, Section
20 11325 highlights loadline requirements for fish tender
21 vessels. And what this does is this calls out GAO and --
22 the Government Accountability Office. GAO shall conduct
23 an assessment and report on fish tender vessel loadline
24 requirements.

25 The analysis will involve reviewing relevant

1 statutory requirements of 46 U.S. Code 5102, which is
2 loadline requirements. They will also review marine
3 casualties, mishaps, other safety information, and other
4 safety information involving fish tender vessels and
5 loadline requirements. And what you have to do when
6 you're looking at this topic is look at 46 U.S. Code 5102
7 and look at the applicabilities because there's a -- quite
8 a few applicabilities that deal with fishing vessels, fish
9 tender vessels, and fish processor vessels, and buildings
10 and relevant dates such as if there -- if there have been
11 major construction or other major changes that are
12 relevant that may change loadline applicability. So, you
13 really have to read 5102 closely to see if that applies to
14 your type of vessel, major alterations, et cetera.

15 And so, the GAO is expected to submit the report --
16 well, they're required to submit the report no later than
17 one year after the enactment of the act which I believe
18 comes to about being December of 2023. And what I can
19 share is that CBC-3 or our Office of Commercial Vessel
20 Compliance, we're engaged with GAO right now in this
21 process and it's going to be a lengthy year-long process
22 with their assessment, and that will require us and our
23 district coordinators in D13 and D17 which is called out
24 in the Authorization Act to help answer questions so they
25 can do a thorough assessment and come up with their

1 recommendation. So, that was a big one. That's a big
2 chunk.

3 Also, within the same Authorization Act, Section
4 11509 now requires two-year examinations for older fishing
5 vessels that are over fifty feet in length, twenty-five
6 years and older, and were built after 1 July 2013. So,
7 that -- so, that's another big one that now we have a
8 two-year period of these older fishing industry vessels.
9 And so, now that the statutory language in 4502, I think
10 it's F -- I'll say F-ish because I don't have it in front
11 of me. But what that is changing to now is rather than --

12 Yes, sir. I'll get with you. What that -- that's
13 going to change the

14 language in that statutory requirement to capture the
15 two-year older vessel language requirement. And also, if
16 requested by the owner operator such as with a no-events
17 fishery observer and owner-operator if they ask for an
18 extra exam.

19 Yes, please.

20 MR. THEILER: Mike Theiler. Do you have that date
21 correct? Did you misspoke -- misspeak on that? 2013,
22 that's only ten years, right? Doesn't seem to be an older
23 vessel.

24 MR. MYERS: Let's see. I -- what it says is built
25 after -- it says twenty-five years or older or built after

1 1 July of '13. That's what the -- that's what the U.S.
2 Code language states, 2013. So, what that does is that --
3 that -- you have older vessels twenty-five years or older
4 and you have that 2013 place holder date and eventually
5 those twenty-five years and older vessels will catch up to
6 that 2013 date. And so -- and so, what I would encourage
7 everyone to do is look out for that change in U.S. Code.

8 Now, I just checked E U.S. Code, this language that
9 was part of the affect has not caught up to the online
10 version of U.S. Code yet, but it is -- been signed by the
11 president and it is in law right now. So, if you want to
12 talk about this afterwards on a break, I'm happy to walk
13 you through it. And if there is any confusion about how
14 to interpretate [sic] this language.

15 Yes, Mr. Alward.

16 MR. ALWARD: Matt Alward. So, the act will update
17 U.S. Code because it also has to go through a reg process
18 too, or once it's in U.S. Code, it's a done deal or --

19 MR. MYERS: Yes, correct.

20 MR. ALWARD: Could be that you mentioned that in the
21 -- in the act that removed -- we removed alternative
22 safety compliance program --

23 MR. MYERS: Correct.

24 MR. ALWARD: -- from the book.

25 MR. MYERS: You must have been reading from my notes

1 because that was my next one. Yes. But you are correct,
2 sir, because, in fact --

3 Yes, sir, Captain.

4 CAPTAIN NEELAND: Just to make one comment. You can
5 look up these Authorizations Acts using a simple internet
6 search and you can get the full text and you can actually
7 read verbatim within it. Within the act, some of it will
8 actually update U.S. Code and it'll have specific language
9 for updates in U.S. Code. Some of it's just other
10 direction, but it's all publicly available once it's been
11 passed and even when it's in draft form, you can also look
12 up, I believe, it's congress.gov, you can look at any of
13 these acts.

14 MR. MYERS: Thank you, Captain. And, yes, and the
15 next line item was the legislation repeal of Section
16 4503a, lowercase a, which was the alternate safety
17 compliance program. And so, yes, that -- in this
18 legislation that was repealed, also. Okay.

19 Also, the commandant in Section 11322, the commandant
20 -- excuse me -- the commandant in coordination with the
21 National Commercial Fishing Safety Advisory Committee
22 shall develop a publicly accessible website that contains
23 all information related to the fishing industry and their
24 activities including vessel safety, inspections,
25 enforcements, hazards, training, regulations, and

1 including proposed regulations and outages to Rescue 21
2 system in Alaska and other similar outages. And so, that
3 -- that again is a big one that will be -- this will be a
4 topic of future engagement with us as a committee. And
5 we've -- we're starting to put thoughts together on how
6 this is being shaped.

7 To add to that, the communications efforts, the
8 commandant shall provide the method for regular automatic
9 e-mail communication with stakeholders who elect through
10 website development to receive such communications. Okay.
11 So, that's forthcoming.

12 And lastly, with -- well, not lastly, but the last
13 line item also with regards to the NIOSH Coast Guard
14 Fishing Training and Research grants, the fishing vessel
15 training and research grant appropriations, which is \$6
16 million annually, will extend to the end of fiscal year
17 2023. Now, other grant appropriations after that time
18 period, we have to see what may come. But the -- but,
19 again, with this -- these authorizations, they've extended
20 it to 2023 which NIOSH is aware of.

21 Lastly, other approaches that were influenced by
22 statutory developments with regards to alternative to
23 class approaches and -- that many of you may be aware of
24 which are in 46 U.S. Code 4503 delta or D. 46 U.S.C.
25 4503(d). The commercial fishing vessels -- commercial

1 fishing vessels and tenders built after the date of the
2 enactment of the Coast Guard Authorization Act of 2016
3 which are between 50 feet and 180 feet in length may meet
4 alternative requirements to classification requirements.

5 Now, as you may remember that one of the -- one of
6 the statutory requirements of 46 U.S. Code 4503(a), that
7 will be in our next reg project is that certain fishing
8 vessels fifty feet and over have to maintain class, B
9 class, maintain class fifty feet and over. And the key to
10 this legislation is we have to put it in buckets that, you
11 know, you have the class society that cover -- that class
12 society requirement that covers fifty feet and over and
13 there's no cap on that in length. But 4503(d), which I'm
14 speaking of now, gives opportunity or relief of vessels 50
15 feet to 180 feet for fishing vessels and fish tender
16 vessels to have relief of these class requirements. So,
17 in other words, they will be able to be constructed under
18 the oversight of a third party organization.

19 Yes, sir.

20 MR. BOEHMER: Kris Boehmer, I may be overthinking
21 this, but I thought for the reason -- one of the reasons
22 that our Ultimate Compliance Program didn't work last time
23 was because there wasn't a compliance program to look at.
24 Are we going to have that same problem with this alternate
25 loadline provision?

1 MR. MYERS: The -- well, and I wouldn't call this an
2 alternate loadline provision, in that this is a
3 construction provision. And so, the alternate -- so,
4 there is no -- we do not have an alternate loadline
5 provision. And what I was speaking of before was a
6 classification society provision. So, two different
7 animals. Now, could one evolve in the future? There's
8 always room for that, but right now that is not a current
9 issue, loadline -- ultimate loadline provision yet. More
10 to follow on that.

11 MR. BOEHMER: But the fact that there's the same
12 alternate, there's going to be something to compare it to
13 so it won't get nixed in the eleventh hour.

14 MR. MYERS: Potentially.

15 MR. BOEHMER: Thank you.

16 MR. MYERS: That's my safe answer. I'm going to
17 finish this, and I -- but I would say if -- since certain
18 initiatives do not have an ongoing aim, we leave the door
19 open for further consideration. But right now we just
20 haven't done so. But that being said, so everyone can
21 understand the current initiative on the alternate two
22 class approach of -- I'll just say 4503(d) because that is
23 a section in U.S. Code that gives us a relief to vessels
24 50 to 180 feet. Those alternative requirements that are
25 outlined in 46 U.S.C. 4503(d) stipulate that the vessel is

1 to be designed by a state licensed Naval architect or
2 marine engineer, and the design incorporates standards
3 equivalent to those prescribed by a classification society
4 which the Secretary has given authority. So, that means
5 they have to be approved by the Secretary or the
6 Secretary's representative being the Commandant which is
7 the Office of Commercial Vessel Compliance.

8 Also, the construction of the vessel must be overseen
9 and certified as being in accordance with its design by a
10 marine surveyor of an organization accepted by the
11 Secretary. So, that marine surveyor basically attests
12 that what that naval architect or marine engineer did in
13 their design and incorporate those design in the design of
14 that vessel that they meet the relevant standard.

15 So, what it -- and basically, when you go to 4503(d)
16 if you want to revisit this, there's eight subparts within
17 4503(d) and it talks about the construction and oversight,
18 the certification, and then, items -- I'm visualizing in
19 my head, three through eight are the post-construction
20 expectations such as maintaining a loadline or load mark
21 depending on your size, and then, reoccurring visits with
22 these accepted third party organization. And the keyword
23 here is accepted, because these third party organizations
24 have to be approved by our office, CDC, and they are
25 permitted to provide that oversight and maintain that bar.

1 And that being said, what is happening right now is with
2 regards to adequacy study which is required and is talked
3 about in 4503 U.S. Code, the Coast Guard is currently
4 conducting an adequacy study of 4503(d), this adequacy
5 study is to conclude in 2026. If the Coast Guard
6 determines that 4503(d) is not adequate or if additional
7 safety measures are necessary, an alternative program may
8 be developed. So, that almost talks to what was just
9 brought up on what do we do next.

10 Now, this is with regards to construction standards.
11 Again, we are charged in statute that our office has to do
12 an adequacy study, I think it's ten years and 2026 is
13 coming quick, and so what we are doing is our office is
14 engaged in -- with the third party organizations,
15 shipyards, the different entities that may have oversight
16 of these projects. Again, we're trying to reach out to
17 shipyards, examiners, district coordinators. We're
18 getting the word out and put out MSIBs, Marine Safety
19 Information Bulletins, to communicate this requirement so
20 there's no surprise of the expectation. And this has
21 taken shape and, in general, you know, we have a -- we
22 have a good handle on the population that we see now today
23 and what that population looks like. And when we look at
24 these applicable vessels, we also have to -- we have to
25 incorporate that 2016 applicability date and whether kill

1 the dates before that date or after. You know, there's a
2 lot of variables that we have to factor in and whether
3 they are operating in certain areas that are relevant to
4 this statutory requirement, i.e., do they operate beyond
5 three nautical miles from the baseline, yes or no? So,
6 that all influences our oversight on this adequacy review.

7 Does anyone have any questions of what I just went
8 over?

9 Mr. Dameron.

10 MR. DAMERON: Thank you. Tom Dameron. So, a new
11 vessel over fifty-foot is going to have to be designed by
12 a state-certified Naval architect and overseen by a
13 surveyor that has been, was the word, accepted -- accepted
14 by the Coast Guard?

15 MR. MYERS: Yes.

16 MR. DAMERON: Is there a -- if I'm building a vessel,
17 how do I -- how do I find those surveyors that have been
18 accepted?

19 MR. MYERS: In MSIB eight of twenty-one, we put a
20 Marine Safety Information Bulletin out -- again, eight of
21 twenty-one. We talk about this topic. And what we --
22 what we conveyed was our office -- the Office of
23 Commercial Vessel Compliance, we list approved third party
24 organizations, and right now those approved third party
25 organizations are recognized organizations or ROs.

1 They're class society -- a select group of class
2 societies, not all of them, but they are as listed on our
3 website. And we have a listing and those are the -- so,
4 for example, RINA, ABS, you know, builders can reach out
5 to them and they are approved to provide this oversight
6 and certification. Now, the naval architect or marine
7 engineer that designs the vessel, they simply have to be
8 designed -- they have to be licensed by a state. That's
9 what -- that's all it says in this statute. That gives a
10 lot of wiggle room, but the key thing is that within their
11 design, say that -- you know, they have to incorporate a
12 class standard. So, I'll say -- say it was ABS rules for
13 a vessel type, they have to prove to that third party
14 organization that is certified that this is accurate, they
15 have to prove that it meets -- that it incorporates the
16 appropriate standards. So, for example, ABS rules and if
17 it's -- if there's certain welding standards such as
18 American Welding Society Standards or IX Standards that
19 ABS recognizes. Within that design, we should be able to
20 -- or they should be able to identify that those designs
21 were incorporated. You know, A60 steel or certain
22 bulkhead standards with the design of that vessel. So,
23 again, by objective evidence that is what is going to be
24 -- that is what is going to go under or through this
25 certification process.

1 But going back to your question, we list the approved
2 third parties if you go to the CDC website, if you Google
3 fishing vessel safety, U.S. Coast Guard or CDC3, either
4 one, you will see our site pop up. And I'm not sure if --
5 and I'm talking, i'm not even looking behind me. Mr.
6 Calderon is ahead of the game. We have our -- we actually
7 list the approved third parties. What I would say is it's
8 -- again, it's a short list because we haven't received a
9 lot of applications yet to date, but we -- but by mere
10 fact that an RO or certain class societies have reached
11 that bar and are recognized as an RO by CDC, they're
12 automatically approved by default such as ABS, RINA,
13 Lloyd's, et cetera.

14 MR. DAMERON: Can I follow up? Thomas Dameron. So,
15 I'm hearing two different things. I'm hearing that the
16 naval architect designs to classification standards, but I
17 think I'm also hearing not only does the surveyor make
18 sure that the builder is following the naval architect's
19 design, are you saying that they are also double checking
20 to make sure that the standards are to a classification
21 standards?

22 MR. MYERS: Well, so, and let me -- let me -- I want
23 to go back just so I can walk us through this. So, bear
24 with me one second. I want to make sure that we're
25 walking through this appropriately. And I'll make this

1 short and sweet, hopefully.

2 And so, the -- we have three -- we have a couple of
3 key players here. The key thing is the design of the
4 vessel that incorporates standards equivalent prescribed
5 by class, that's the key thing, and, again, i.e., ABS
6 rules, right? That is -- that is up to the licensed naval
7 architect and marine engineer to incorporate those
8 standards within the vessel design. Okay. So, that's --
9 you know, they're going to design that vessel and it
10 either meets standards or it does not. The homework is on
11 that designer that -- that, again, naval architect or
12 marine engineer, their homework is, to meet that aim is to
13 demonstrate that it is very clear that if they're adopting
14 RINA rules or Lloyd's or ABS, that that's clearly by way
15 of objective evidence incorporated in that vessel design.

16 So, when it comes down to that marine surveyor,
17 again, a different entity, a marine surveyor that's --
18 that's -- that works for an organization accepted by the
19 Secretary or Commandant. That marine surveyor, if
20 everything is done appropriately, their job is pretty
21 straightforward. They look at the design and they say,
22 okay, what is this built to? Okay. ABS rules. Okay. It
23 either meets it or not. There may be electrical
24 standards. There may be welding standards, et cetera.
25 That is up to the standard of that class society. It's

1 not up to the surveyor. It's not up to the Coast Guard.
2 It's up to that class society that they are incorporating
3 those standards within that design. So, that's where it
4 lands. So, again, for them to make a decision and to
5 certify that that vessel is built in accordance with this
6 design, they either attest that it is or it is not. So, I
7 hope that offers a little clarity.

8 Captain, did you have --

9 CAPTAIN NEELAND: Just for clarification. The marine
10 surveyor is -- Captain Mark Neeland, by the way -- is
11 looking at the approved plans, the naval architect puts
12 the plan together. So, the surveyor's role is to make
13 sure that that boat is built in accordance with the plans.
14 So, i.e., the boat is made with the standard. So, its
15 focus as surveyor is just making sure it's built with the
16 plans that are equivalent to class rules.

17 MR. MYERS: Are there any questions? And if you want
18 to -- I see some folks thinking a little bit on this. If
19 you want to reengage, again, like all of these other
20 topics, we're here for, you know, a week. And I'm more
21 than happy to carve out some time so we can walk through
22 it. Because it is not easy -- I believe that I understand
23 it because I've gone through it every other day for the
24 last two years, but that doesn't mean everyone else does.
25 It doesn't mean it's easily read, and we want to make sure

1 that everyone here is -- including the public, is crystal
2 clear on this when you walk out of here this week.

3 So, if there is any -- you know, think about it.
4 Think about some questions and maybe we can grab a corner
5 and talk about it because it does us no good if you're not
6 understanding this, also.

7 MR. WENDLAND: Thank you, Mr. Myers. It's a lot of
8 detail there, a lot of information going all the way back
9 to 2010, 2013, some great questions from the committee.
10 I'd just like to -- I'd just like to say that we're going
11 to -- it's 10:31 now, so we'll take a break -- go ahead,
12 sir.

13 CAPTAIN NEELAND: Earlier -- before we go on break
14 there was a discussion about the role of committee
15 chairman and subcommittee. I just wanted to go back. I
16 took a quick look at the bylaws. At the end, per the
17 bylaws, the committee is ultimately the one moving forward
18 with the recommendation. So, the chairman would use the
19 Robert's Rules to essentially engage with the committee to
20 make a decision and to move forward with that
21 recommendation. So, it's not the chairman unilaterally
22 moving forward, they're following the Robert's Rules which
23 is a majority vote. Correct.

24 There are some cases where if you want to change a
25 vote, you -- two-thirds rules per the Robert's Rules which

1 you are provided, but correct.

2 MR. KELLY: I think the -- my reaction was why would
3 the chairman --

4 THE COURT REPORTER: I'm sorry. Can I get your name
5 and can you speak up?

6 MR. KELLY: Jim Kelly, sorry. My concern is, I was
7 going to look at the bylaws after the break, was why would
8 you vest that much authority in the single person as
9 opposed to having everybody here, it should be the group
10 making the decision, I would think.

11 CAPTAIN NEELAND: Correct. And that's what the --
12 that's what the bylaws do state following the Robert's
13 Rules. If you want to look at the roles and
14 responsibilities for the chairman, please take a look at
15 that as tomorrow morning I will be selecting -- or you
16 will be selecting a chairman. The specific roles are
17 identified there. But really, the chairman is to lead
18 these meetings. And also, will be kind of a direct
19 liaison as we set the agenda with CBC3 staff and the Coast
20 Guard.

21 MR. ALWARD: Matt Alward. Just to be clear to the
22 committee members, it's Article 5, Section 5. And it
23 states all recommendations submitted to the agency must be
24 voted on and will be in the form of a resolution recorded
25 in the minutes of the meeting. Actually, it will be a

1 motion but it will have to be turned into a resolution at
2 some point to be voted on.

3 CAPTAIN NEELAND: Yes. Thank you.

4 MR. WENDLAND: Thank you, Captain. Actually that was
5 -- it was on my list so I'm glad you got that. I was
6 going to mention that. Hopefully, that's clear to
7 everybody now. I was going to suggest we huddle and go
8 over that on break. But Captain already addressed it.
9 So, hopefully everybody is clear and that'll be put forth
10 to the chair. The chair is not the king, you know, as Mr.
11 Kelly was saying, right? It's membership. So, hopefully
12 that's clear.

13 I'd also like to say, you know, it's coming up on
14 10:35. We'll take a break to 10:50. A fifteen-minute
15 break. Puts us a little bit behind, and we do have a
16 couple breakout rooms when we get to that point. I just
17 want to mention that one is the Chesapeake Room behind you
18 there, and the other one is the James 1 Room over there.
19 But that's a little bit later on in the agenda. So, at
20 this point in time --

21 Mr. Dzugan, do you have a question?

22 MR. DZUGAN: Just a comment. Just doing some quick
23 math. That's two-thirds of the majority is nine people if
24 there's thirteen people present. For the full committee.

25 MR. WENDLAND: Yes, sir. Yes.

1 MR. DZUGAN: Thank you.

2 MR. WENDLAND: The full committee that's here.

3 Right. Thank you. Okay. Any other questions? Okay.

4 Let's take a break, then. Very good. 10:50.

5 (The meeting recessed at 10:35 a.m. At 10:56 a.m.
6 the meeting continued as follows:)

7 MR. WENDLAND: Okay. Welcome back. I just want to
8 say for clarity on the agenda, tomorrow and Thursday, so,
9 Wednesday and Thursday, this meeting will start at 0800
10 rather than 0900. So, we just as we opened the meeting at
11 0800 today and just for the committee, tomorrow, Wednesday
12 and Thursday, the meeting will commence at 0800. Also, we
13 have built in a couple of public comment periods.
14 Actually, one per day. So, if you are in the public and
15 you would like to speak, you can either tap my shoulder or
16 Mr. Calderon's shoulder, and we will get you to speak.
17 And today that timeframe is 1430 or 2:30. So, just let me
18 know if there's any comments from the public and we can
19 give you a few minutes or so to speak at the lectern.

20 At this point in time, I'd like to move onto the
21 agenda for district presentations. So, the district
22 coordinators have forwarded to our office their
23 presentations. And I'd just like to, you know, advise
24 each district coordinator that we'll be going in order.
25 So, do you want to be first for D17, and you have the

1 chance to either speak from the lectern, which doesn't
2 have the -- you know, your laptop there or your -- you can
3 move over to sit next to Angel and run through your laptop
4 presentation on his computer. Whatever you feel best, you
5 can do so.

6 I'm going to open it up. Does anybody have any
7 questions before we get into the district presentations?
8 See none. Then, District 1.

9 MR. COWAN: Good morning, everybody. My name is
10 Trevor Cowan. Again, I'm the First Coast Guard District
11 Commercial Fishing Vessel Coordinator. First off, I just
12 want to say a thanks to the committee. Thank you for
13 letting me have the opportunity to talk to you. Maybe
14 this was forced on you, but still I appreciate you letting
15 me come here and talk to you this morning. Captain Beach
16 and Captain Neeland, thank you. Good morning.

17 All right. So, what I want to do for you guys is
18 just kind of give you, kind of, some stats, some
19 statistics from the First District, what we've been seeing
20 go through our 2022 and 2023 stats, talk about some
21 ongoing efforts that we've had with safety, that's our
22 Commercial Fishing Vessel Safety working group. And then,
23 one of the big things we have been dealing with is the
24 commercial fishing vessels working in the off-shore
25 industry and the challenges and the way it's working out

1 with that.

2 If you have any questions or anything while I'm
3 talking, please interrupt me and I'll try to answer your
4 question the best I can. So, the first slide here is just
5 the fleet size. So, for D1 we have approximately 15,000
6 commercial fishing vessels of which 5,000 are documented
7 and 10,000 are state registered. The two graphs here show
8 NOAA commercial fishing vessel permits issued by a size
9 that requires a Coast Guard exam. And then, the other
10 graphic is the GIS population density, and that's just for
11 Massachusetts, again.

12 Okay. And moving on to the next slide. We've got
13 our 2023 stats, and the key takeaway is highlighted in red
14 --

15 THE COURT REPORTER: I'm sorry. Can you slow down a
16 little bit.

17 MR. COWAN: Sure thing. Okay. Sorry. The key
18 highlights here are highlighted in

19 red from calendar year '22 for the safety compliance
20 stats from our commercial fishing fleets overall has an
21 eighty-three percent compliance rate. That's pretty good.
22 Seventy-one percent with the current exams and sixty-one
23 with current decals. It's kind of hard to see that, but
24 those red -- red blocks is what that shows.

25 And then, on a more positive note something we've

1 been doing up in D1 working the fishing partnership for
2 support services is PFD wear and trying to track that.
3 Also, providing that to our friends over in NIOSH as well.
4 And what we can see is we've got a thirty percent observed
5 PFD wear which I think is pretty good. Talking to some of
6 the old salty guys in the industry they thought it was
7 actually less. So, I think, thirty percent, I think,
8 everybody thought that was pretty good, so.

9 All right. Next slide, please. Moving on to our
10 2022 top three boarding violations. Coming in with
11 seventy-eight is missing or expired exam. Number two is
12 expired flares at fifty-nine. And then, ePer expired or
13 other issues, forty-two. All right. Next slide. So,
14 looking at our 2023 stats, this is as of the end of April.
15 You can see pretty similar to last year, we've got an
16 eighty-one percent compliance rate, seventy-one percent
17 current exams, and sixty-two percent in decals, and our
18 observed PFD wear is up to thirty-three percent for the
19 year so far. So, not too bad.

20 All right. Next slide. As of the end of April for
21 our top three boarding violations. Number one is expired
22 exam with twenty-five so far. Number two is our missing
23 or expired flares with eighteen. And then, number three,
24 is survival craft issues, thirteen. So, next slide,
25 please. So, this is, kind of, a wrap-up of our calendar

1 year '22 stats. And then, also we threw in some of the
2 data for, like, the past, you know, twenty years or so
3 just to give you guys a little perspective of what we're
4 seeing up in the First District.

5 So, for D1, we had sixteen -- sorry. Can you go back
6 to that one? Thank you.

7 Sixteen safety terminations. And then, we had two
8 deaths which actually our death toll has been declining
9 since we saw a huge spike in 2020 with seventeen
10 commercial fishing vessel casualties. You can see the
11 trend, kind of, show over the past couple of years you
12 have a spike, and then, you, kind of, see the down trend.
13 And then, it spikes again, down trend, and then it spikes
14 again. This year so far I think we've only had one death,
15 but it wasn't fishing vessel safety related. It was a
16 medical issue.

17 So -- all right. The next slide, please. The next
18 thing I wanted to talk about was our commercial fishing
19 vessel safety working group. So, this was a -- based on
20 that spike we had in 2020, the District Commander wanted
21 to convene a group of response prevention and industry
22 members to discuss fishing vessel safety and develop some
23 nonregulatory ways that we can work to increase safety.
24 The way we did that is through this working group that we
25 established. Our goal is really to develop, like I said,

1 nonregulatory ways to enhance safety.

2 Our main way of doing that is through safety
3 enhancement bulletins. Essentially, what that is is a
4 Coast Guard message [inaudible] mainly, we pick an item to
5 highlight for the examiners, and then, the boarding
6 officers would go out and highlight that. We did our
7 first SEB back in June of last year focusing on water tank
8 integrity. So, what that meant was that the boarding
9 officers and the examiners would, when they were doing
10 their exams, they would ask the operators to exercise
11 watertight doors, open hatches, look at the different
12 watertight closings and openings, and have them work and
13 exercises to see what condition it was in.

14 And we found some really good stuff. Some operators
15 haven't been able to open those doors in a long time.
16 They were painted shut. So, it took a while to get them
17 open. Found some gaskets that were bad and a bunch of
18 more stuff. But the fleet got word of it, and all of a
19 sudden, when the examiners started showing up, they had
20 all the hatches open, and they were ready to go. And I
21 think it was a good thing that we did, you know. And,
22 again, the reason we looked at that was because of our --
23 we did, kind of, an analysis of the casualty stats. So,
24 we looked at one of the top reoccurring trends and some of
25 the casualties up in D1. One's the watertight --

1 THE COURT REPORTER: I'm sorry. Can you slow down a
2 little bit?

3 MR. COWAN: Sorry. Watertight integrity was the key
4 issue.

5 So, we focused on that as one of the first things we
6 looked at. Moving forward. Our next SEB, which is in the
7 final round right now, is focusing on drills and PFD wear.
8 So, for that we will have the examiners ask about drills.
9 As well as boarding officers, say, when was the last time
10 you did a drill, and take the lowest crew member on board
11 [inaudible] when was the last time you did a drill and
12 make sure that they feel comfortable and they know what
13 they're doing on board. As well as referring the number
14 of PFDs on board and asking, you know, hey, it would
15 probably be a good idea to be wearing PFD.

16 So, all right. Next slide. All right. So, another
17 big thing up in D1 is commercial fishing vessels operating
18 in support of offshore wind. I know it's a pretty good
19 position or job that they can do as these wind farms came
20 online or came into the -- the fray they had promise, so
21 additional opportunities for fishing vessels to work, and
22 what that meant was that they would be working as either
23 scout guard safety or chase vessels.

24 So, working at the district, we, kind of try to
25 figure, okay, you're a fishing vessel, but you're not

1 really a fishing vessel when you do this type of work.
2 Through our analysis we classify that as uninspected
3 commercial vessels. So, what that means is that they are
4 uninspected, inspected under subchapter C, but a lot of
5 exemptions that fishing vessels have do not apply to these
6 types of vessels. So, what does that mean? That means,
7 licensing, drug testing, manning, watch tower
8 requirements, and then, it's all based on gross tonnage as
9 well. What that additional credential would comprise and
10 so on would be.

11 So, we, you know, worked with the developers and some
12 of the other individuals who are looking to do this type
13 of work. So far the response has been pretty positive.
14 Usually, the industry standards, a lot of these companies
15 from Europe will bring the European standards over. It
16 supersedes what the Coast Guard's requirements are, but at
17 the end of the day, we're still the regulatory agency that
18 should, you know, at least have a stance on this. So,
19 we're working with D1 to develop a D1 policy similar to,
20 you know, oceanographic research vessels, fishing vessels
21 doing that type of work. You would have to, you know, let
22 your work be known and then we could work with you to be
23 sure you're in compliance. But ultimately we view the --
24 OCMI would be the one working with the examiners and
25 inspectors to issue some type of documentation to these

1 boats.

2 So, next slide. And like I said, we're working with
3 wind farm developers, their fishery liaisons to make sure
4 that the boats that they're employing work to meet the
5 standard and that we've got a draft policy that's in the
6 works that hopefully we'll get at soon.

7 But any questions? That's all I have. Thank you.

8 Go ahead.

9 MR. ALWARD: Since we have offshore wind --

10 THE COURT REPORTER: I'm sorry. Can I get your name?

11 MR. ALWARD: Sorry. Matt Alward. Since we have
12 offshore wind development

13 happening pretty much everywhere expect D17 right
14 now, are your standards going to be looked at for a, kind
15 of, overall Coast Guard standards for vessels
16 participating in offshore wind --

17 MR. COWAN: They're not D1 standards. They're
18 regulatory standards. All we're doing -- there's already
19 rules in place for this funneling everybody to the
20 standard which is uninspected commercial service. So, to
21 answer your question, yeah, they're already the standard.
22 It's just changing from the fishing vessel standard over
23 to that uninspected commercial standard.

24 Go ahead.

25 MR. BOEHMER: Did I hear you correctly, you said

1 that's thirty percent of the people --

2 THE COURT REPORTER: I'm sorry. Your name?

3 MR. BOEHMER: I'm sorry. Kris Boehmer. Did I hear
4 you correctly that thirty

5 Percent of the people wear flotation?

6 MR. COWAN: Correct. Yeah. The boarding officers
7 observed thirty percent of the crew were -- had PFD on
8 when they were on board.

9 MR. BOEHMER: Do you know what fisheries that may
10 have been in?

11 MR. COWAN: It's probably scallops, you know,
12 draggers, maybe lobstermen. There was a big push up in
13 New England, too, for the wearing of PFDs.

14 MR. BOEHMER: (Inaudible.)

15 (Overtalking of members.)

16 MR. COWAN: (Inaudible) the fishing partnership for
17 support services has a great program. You do their
18 training, and they'll buy -- pretty much give you fifty
19 percent off of any PFD that you want.

20 MR. BOEHMER: That's surprisingly encouraging.

21 MR. COWAN: Yeah. It's a great thing.

22 MR. DZUGAN: Jerry Dzugan. Just to follow up on
23 Chris' question. Was

24 That an observational study or a self-reporting, that
25 30 percent?

1 MR. COWAN: It was reported by the boarding officers.
2 So, the Coast Guard, when they get a commercial fishing
3 vessel boarding at sea, the boarding officer would go on
4 board, and then, he would take a note -- he or she would
5 take a note that says we observed X number of the crew
6 with their PFDs on board.

7 MR. DZUGAN: Thanks. And the second question which
8 isn't related to the first is, those vessels that are
9 commercial fishing vessels that are doing wind work
10 classed as just commercial vessels, are the wind companies
11 requiring to be -- have any kind of training or be
12 licensed or anything when they're doing that?

13 MR. COWAN: Well, yeah, they are.

14 MR. DZUGAN: Licensing?

15 MR. COWAN: The -- from what I -- from the people
16 that I've talked to, they are. That is a requirement, and
17 they're supposed to be licensed.

18 MR. DZUGAN: Okay.

19 MR. COWAN: If you're working in that service,
20 depending on your gross tonnage, and everything, you
21 should be having a license.

22 MR. DZUGAN: Thank you.

23 MR. ALWARD: Matt Alward. Follow up on the life
24 jackets. So, do

25 They take note if they are U.S. Coast Guard-approved

1 or just flotation devices?

2 MR. COWAN: I think they just -- flotation devices.

3 Yeah. So I know like, some people are in bib overalls and
4 some other ones. They're not standing in the big perky
5 life jackets.

6 Go ahead.

7 MR. TERMINEL: Mike Terminel. Where is the OCMI
8 drawing the line between

9 subchapter I and the tonnage of some of these fishing
10 vessels because you're working industry now. You're going
11 into a more inspected vessel. So, where -- where is the
12 OCMI going to draw the line between subchapter I and the
13 term used, uninspected commercial vessel?

14 MR. COWAN: Well, yeah. I think it's with carrying
15 freight or cargo. They're not carrying any freight or
16 cargo or passengers. I don't know.

17 Captain Neeland, do you have some thoughts on that?

18 CAPTAIN NEELAND: Yeah. So, it really goes to
19 applicability, what the boat is doing. So, it's a
20 function of the tonnage in the vessel and what it's doing.
21 Is it carrying passengers for hire or is it carrying
22 cargo? What it's doing. So, each individual situation
23 would be based off of the circumstances. For example, if
24 you're transporting cargo for a wind farm, so Chapter I
25 doesn't kick into until you're over fifteen gross tons.

1 However, if you're transporting personnel, passengers for
2 hire, subchapter T doesn't kick in until you're over six.
3 But if you're below six, it's supposed to have a six packs
4 to license. So, it all depends on the specifics of the
5 operation of what the vessel is doing and that determines
6 what subchapter the vessel would be inspected under.

7 MR. DAMERON: Tom Dameron. So, my question would be
8 if a boat is

9 strictly a Guard vessel, no outside personnel
10 carrying no -- carrying no cargo, just out there looking,
11 patrolling, what uninspected regulations would they be?

12 MR. COWAN: Would be subject to the uninspected
13 commercial vessel.

14 MR. DAMERON: So, requirements for commercial fishing
15 vessels are under subchapter C. So --

16 MR. COWAN: But they're not fishing. They're
17 guarding the shallows so they don't have -- those fishing
18 vessels don't have to be licensed. They don't have to be
19 drug tested. They don't have watch standard requirements.
20 But because they're leaving the realm of fishing now going
21 around to the uninspected, they've opened the door to
22 these other requirements.

23 MR. DAMERON: So, what part would that be under?

24 MR. COWAN: This is Subchapter C. You go to C, and
25 it takes you to all of the different parts fifteen, drug

1 testing, and so on.

2 MR. CALDERON: It goes under UPV?

3 MR. COWAN: What's that?

4 MR. CALDERON: It goes under UPV?

5 MR. COWAN: UPV. UPV. And, I mean, I can give you

6 guys the other steps, but the diagram, kind of, explains

7 the slide I had with the little track that took you to

8 where your service routes were, and then, kind of

9 explained everything that you need to do. I can get that

10 out to you guys.

11 CAPTAIN NEELAND: If I may interject. Just keep in

12 mind it really goes to applicability, and even with

13 Subchapter C, there's different parts. In applicability

14 different parts depend on different operations that your

15 vessel may be operating in. So, within Subchapter C,

16 there's a number of different types of uninspected

17 services.

18 MR. DAMERON: Tom Dameron. So, I still don't

19 understand if they're --

20 if they're just out there as a scout vessel and

21 they're not carrying cargo, they're not carrying

22 passengers, they're on a commercial fishing vessel, I'm

23 trying to figure out what additional requirements do they

24 have to meet and why.

25 MR. MYERS: Joe Myers speaking. Going back to

1 applicability, I think what
2 we have to do is look at what the vessel is doing at
3 the time, by definition. So, if you are not commercially
4 fishing by definition and you're doing something other
5 than that, that is why the OCMI has to get engaged to pay
6 a visit to that vessel to determine what is best
7 appropriate. And so, for example, in Subchapter C, Part
8 28 that applies to the commercial fishing industry
9 vessels, well, they also merge into Part 25 and Part 26
10 within Subchapter C that may be applicable for lifesaving
11 and firefighting, for example, portable extinguishers, et
12 cetera.

13 So, that is why on a case-by-case basis, if you're
14 doing something unique and novel, almost like an
15 individual excursion permit that we just can't say
16 blanketly, we're going to call you this, and we're going
17 to make this determination. We have to make a weighing in
18 on applicability which would be done at the locals in my
19 level. And if you're not working with passengers and
20 you're not fishing and you're just a scout vessel or
21 whatever, well, they will apply that as such. And so,
22 there's a lot of factors at play. And so, it may be Sub C
23 and yes it may creep into Subchapter I also, depending on
24 the characteristics of what's going on.

25 MR. DAMERON: One more follow up. Tom Dameron.

1 So, if the OCMI is getting involved, I could
2 potentially have a scout vessel from District 1 and one
3 from District 5 working the same areas that are under --
4 that have two separate sets of requirements?

5 MR. MYERS: And I'll let -- the way I'll answer that
6 is we have similar scenarios in other districts, D7, D8,
7 D13, D17. We have merging districts and merging OCMI
8 zones, and that's where the OCMI's discretionary authority
9 pays in, and they have that discussion between OCMI's.
10 And, you know, so, if that is the case, we'd expect them
11 to decide what's appropriate to cross zones.

12 Captain Neeland.

13 CAPTAIN NEELAND: Captain Mark Neeland. Just to
14 interject quickly, the regulations
15 are the same regardless of what district you operate
16 in. However, within different districts, you have
17 different people with training, knowledge, and
18 responsibilities. There is always a chance that you will
19 have some inconsistency when you have people. But the
20 bottom line is underlying regulatory framework is the same
21 across the districts.

22 MR. DZUGAN: Jerry Dzugan. You know, some of this is
23 driven by the

24 Companies themselves in terms of who they have. And
25 using the European model because most of the companies are

1 from Europe and they have licensed people in Europe,
2 licensed fishermen. And we're forgetting about the fact
3 that some of these requirements for licensing ABs on board
4 comes from the company. It doesn't come from the
5 regulations. That's all.

6 CAPTAIN NEELAND: Because we're only aware of what we
7 know as well, it is entirely possible some of these wind
8 farms have not informed the Coast Guard or maybe the
9 fishermen are unaware, so it is likely quite possible that
10 there are operations that shouldn't be occurring that we
11 just don't have visibility yet. So, that's always the
12 nature of trying to ensure safety. Obviously, the Coast
13 Guard wants to be consistent, but we're only aware of what
14 we have knowledge of.

15 MR. THEILER: Just to comment further on that, Tom.
16 The idea of using fishermen is they have local knowledge.
17 So, generally speaking, the -- anything that's off the
18 coast of Massachusetts, it's going to have Massachusetts
19 fishermen working there. You're not going to find someone
20 from Virginia coming up to as a scout vessel or a safety
21 vessel, it is going to be that local area because of local
22 knowledge and ability to speak with the local fishermen.

23 MR. ROSVOLD: Eric Rosvold. I had a question on your
24 first slide. I

25 Think you said you had 15,000 commercial vessels.

1 MR. COWAN: Correct. Yeah.

2 MR. ROSVOLD: How many safety exams were given?

3 MR. COWAN: I think we have around a total of 3,000 a

4 year.

5 MR. ROSVOLD: I thought it was 1,000, but I don't see

6 it.

7 MR. COWAN: Yeah. I don't think I have that.

8 MR. ROSVOLD: It might have been your next slide.

9 MR. COWAN: Yeah. That was just numbers. We usually

10 ask for a third of about 3,000 a year, I think, is kind of

11 how many we do.

12 MR. ROSVOLD: So, about thirty percent?

13 MR. COWAN: Yeah. About --

14 MR. ROSVOLD: Thirty.

15 MR. COWAN: Two-year and five-year.

16 MR. ROSVOLD: So, it's close to 100 percent of the

17 boats are taking the mandatory exam?

18 MR. COWAN: No. Only ones that go out more than

19 three nautical miles. So, those are the only ones.

20 MR. ROSVOLD: Thank you.

21 MR. WENDLAND: So, we're going to move to D5 and

22 Harvey Hamm. We certainly appreciate Trevor's in-depth

23 presentation there. And these guys in the northeast

24 sometimes can -- they got a lot in them. They got a lot

25 going on there. So, they can speak pretty fast. So,

1 being the court reporter, it's hard to do. So, we
2 appreciate that. And Trevor thanks for trying to slow
3 that down a little bit.

4 Now, as we move to D5, way down in the south you
5 notice this big change here.

6 MR. HAMM: I really didn't want to go after him.
7 Harvey Hamm, formerly of the Coast Guard District 5. Now
8 working at CBC-3. I wanted to -- you know, I thought when
9 I took that job up there, I wouldn't have to get in front
10 of everybody. I guess that's not the case, I was told to
11 be here. So, I'm very happy to be here. And what I want
12 to do is tell you I believe in the program. I know this
13 is kind of off script a bit. But I very much believe in
14 the program having been retired from the Coast Guard.
15 Went to work for industry for eight years, come back to
16 the Coast Guard for two years.

17 Having worked with some of my fellow coordinators and
18 then with headquarters, I know what works. Very happy to
19 be a part of it. So, with that Captain Neeland, Captain
20 Beach, members of the committee, thank you for allowing me
21 to be here first of all, because I really, truly believe
22 in what we do. I wasn't lying when I told you I learned
23 something from his because mine is not quite that
24 in-depth. Again, I didn't think I was going to have to do
25 this, but it is important.

1 I want to talk about during 2022 we had three vessels
2 lost, total losses, and as of 2023 we had zero. So -- and
3 later on as we get into the next slide or so we'll talk
4 about them. Something we're very proud of is zero
5 fatalities. I'd like to think we have something to do
6 with it. Obviously, our industry is not as big as some of
7 our art room districts, but, you know, we really push that
8 hard. So, zero for 2023 as well. If you can believe it,
9 zero industry -- zero injuries throughout the year with
10 those. We've had several different mishaps and different
11 types, but never anyone hurt. We went out, escorted a
12 vessel back in, but we were very fortunate to, you know,
13 one of them thought he was having a heart attack. It
14 ended up being heartburn and stuff. So, that was a good
15 thing as well. Again, zero injuries for 2023.

16 As you can see, within the district we've had roughly
17 about 2,600 state registered and about 3,100 documented
18 vessels within the district. Last year we did 478
19 dockside exams completed. This year we've done 163. And
20 the hope is every year since my small tenure with D5,
21 we've increased it by two varices, some of it is mandatory
22 and through efforts from without the various units within
23 the district.

24 So, some of the things we've talked about, you know,
25 we've increased our unit training as we've come on board.

1 You know, you cannot train enough. So, we did unit and
2 cutter training. Mr. Dzugan, we worked with you several
3 times. We appreciate you being here and being a part of
4 it because our numbers within that program within industry
5 have -- when I was with industry, I got to see the numbers
6 and it was, kind of embarrassing to see some of this when
7 you had one or two people showing up. But there's no cost
8 for somebody's life. I take that no more than nobody.

9 But I feel every year our classes are getting more
10 full, and that's a good thing because the message is
11 getting out. And we're getting more participation within
12 industry, and that interaction, too, which I think is
13 important because when I was on the other side of
14 industry, I would run and hide when the Coast Guard came.
15 I only did it because I was in it for thirty something
16 years. Now, I'm on the other side. My heart still bleeds
17 blue.

18 So, some of the initiatives. Dock loading, we've
19 increased that. We've done fliers. You know, we've done
20 cold water is a biggie for us around here. It's a big
21 deal for us because this coming year we're going to try
22 some different initiatives to get the word out better
23 because our last five captain of the ports had to do with
24 survival suits and stuff. And nobody wants to lose the
25 day's work. And ultimately, that's what ended up

1 happening with a couple of them.

2 Sector Virginia which is the three gentlemen are here
3 behind me. They drop everything to help industry which is
4 a good thing. I went with them on several of the captain
5 of the ports. And mine was, you know, we heard the same
6 thing. I have been doing this forty years. And it kind
7 of struck home with me. I mean, anything can happen at
8 any time. But a gentleman thanked us one night at a
9 dinner, and it kind of hit home and makes you feel good
10 about what you're doing. So, we knew we was doing the
11 right thing. We don't have to drop everything and work
12 after hours to do things like that. But they went above
13 and beyond. And we were really just doing our job. And I
14 know it is much appreciated as well.

15 District sponsored training. Can you go back to that
16 real quick? The only reason is that we tried to do more
17 outreach. Reach out, what do you want from us, from the
18 Coast Guard standpoint, from the program? And we got some
19 good feedback. You know, some of it was you need to be
20 more involved. You need to show up. I thought, okay. We
21 can show up. We'll come to your dinners and so forth
22 because I'll steal Mr. Cross' from -- we're not too old to
23 learn something new. I've got one, an education from it.
24 And two, they give us some ideas that we can use to get
25 more industry -- I'm not going to say binding -- but

1 giving us something to work with.

2 We've done -- we've added the Atlantic City, New
3 Jersey boat show which is huge. I hear that the one out
4 on the west coast is bigger. But my little hometown
5 didn't have 36,000 people in it. I was amazed at the
6 number of people up in New Jersey that went to this boat
7 show. And we got a lot of good feedback and interest and
8 all. So, you know, that's something that we're doing.

9 I want to talk about a vessel, and I'd like to -- I'd
10 like to pass this around. It wasn't part of the script.
11 I asked Mr. Myers if I could talk a little bit about it.
12 We had a D1 vessel last year come down to D5. You know,
13 the siren alarm goes off. They go out. Thirteen
14 individuals were rescued off a vessel that was down from
15 D1 fishing in D5 down off the coast of Virginia. I'm
16 reading the article. The article kept saying thirteen
17 people, but it said twelve fishermen. So, I'm looking at
18 it going, somebody doesn't know what's going on. So, I
19 got to looking at the pictures and they had a child on
20 this vessel.

21 Two things with that. I didn't realize they had a
22 survival suit that small. But our team up in D1, after it
23 was over, I reached out to him. I said, educate me on
24 this because I was flabbergasted to see a lady carrying a
25 small child that was part of the crew. It's not the first

1 place, I'm sure. But the vessel, when it hit the
2 container ship, it didn't have a lot of time. For me, I
3 knew the system worked because I asked the examiner, I
4 said, what'd you do? He said, The initial suit that they
5 had did not fit the individual, and it was a small kid
6 she's carrying.

7 So -- and he sent the work list of items that he had.
8 And the captain personally reached out to them and thanked
9 them afterwards. You know, the incident happened here,
10 but it just made me feel good about our program. Our
11 partners up in D1 because they do go in different areas to
12 fish to some degree. So, I know the program works, and I
13 was very happy with that. So, you know, that vessel was a
14 total loss. It didn't take long when they got the mayday.
15 Good samaritans, all thirteen were saved. And much like
16 with Samantha Cay, there were four people on board when it
17 hit an object out -- somewhere in the Elizabeth River
18 wherever my bearing is, right behind us here. The vessel
19 went down. Four folks were saved. You know, all had been
20 totaled. I believe it was the program. I'll go back to
21 the program. So, you know, that's something that we take
22 pride in.

23 So, next slide, please. These are just some of the
24 things we did. You know, we -- and the pictures I put for
25 a reason because not just the Virginia Waterman's

1 Association. We've done Maryland. They've reached out
2 and said we want more involvement from D5, and we said
3 okay. The examiners, we sat down with them and we talked
4 about some concerns they had. And we've had good luck
5 with reaching areas that are hard to get, much like in
6 North Carolina, as well. But, you know, that's basically
7 in a nutshell. And I'll leave you with this.

8 NOAA sent me a list. 4,700 folks applied for a
9 permit, a tuna permit, and that's along the whole east
10 coast. I got to looking at the list and I thought, well,
11 let me do my due diligence. But that was just one of many
12 lists. I know Jonathan came from NOAA's organization.
13 But I was flabbergasted at the number, and this is just --
14 he said this is just one of many that are coming out. And
15 these are some of the obstacles that we're trying to
16 target. And when I say target, I don't mean it that way.
17 But outreach with the programs and stuff. With NOAA
18 working within the department to get the mom and pops, the
19 folks that may not understand the program.

20 So, I was -- you know, I was, like I said, I was
21 really surprised that I do this overnight until I've seen
22 the number. I'm still working on it. But basically
23 that's about it. New kid on the block in headquarters.
24 I'm looking forward to it. I'm looking forward to working
25 with you folks as well. I'm open for questions.

1 Yes, sir.

2 MR. DZUGAN: Jerry Dzugan. First of all, thanks to
3 you and your examiners for being so helpful during the
4 training out there. But do you have a -- and I know it's
5 new to you, you might not have the number. Do you know
6 about how many commercial fishing vessels you have in
7 District 5?

8 MR. HAMM: I think it was almost 6,000, that number
9 is skewed because our biggest concern here in D5, District
10 5, is the state vessels, the ones flying under the radar.
11 I don't know if it's Coast Guard-wide. I think it is.
12 Talking with my counterparts that have come up behind me,
13 but our biggest issue is the ones that are getting the
14 permits that are flying under the radar that we're trying
15 to reach out to. Those seem to be the ones, with the
16 exception of the trademark, you know. I can say it, but
17 that was the vessel. You know, most of them are smaller.
18 Thank you.

19 MR. WENDLAND: Okay. Very good. I don't know about
20 you, but I felt kind of heat of passion there, and a
21 little bit of the draw. So, that's good. I think the
22 programs that were just being spoken about, with NOAA and
23 some of the fishing regulations that have occurred since
24 2010 and how they have progressed, it's been a great
25 partnership reducing casualties and fatalities, the trend

1 continues to increase as a result of that partnership and
2 as a result of this program as well as many others. So,
3 just want to tip our hat to all of those involved in that.

4 And this is no small task here. Walter Hop
5 [phonetic], the district coordinator, was not able to
6 attend. So, Walter reached out, and from Jacksonville we
7 have Mr. Joe Shivier filling in for Walter Hop. So, thank
8 you, Joe. We appreciate you for coming.

9 MR. SHIVIER: Hi. I'm Joe Shivier. Did he tell you
10 where he went? Why he's

11 not here? Because he's in Ireland. And the funny
12 thing is, he actually sent me a picture of a commercial
13 fishing vessel from Ireland. So, that's why Walter isn't
14 here right now. He's with his wife.

15 A little bit of background on myself. I've been in
16 the Coast Guard thirty-two years. I know this old hire
17 over here, Joe Myers. He was actually -- taught me at
18 Marine Inspection School, years and years ago. Great guy.
19 Nice to see you, Joe, Captains, and nice to see the board
20 here. Thank you for having me.

21 I started out as a commercial fishermen. I was a
22 teenager pulling blue crab pots until I couldn't feel my
23 arms anymore, you know, with Captain Ron back in the day.
24 So, I'd like to say I have a little skin in the game.
25 I've been doing search and rescue my whole career.

1 Flip to the next slide. This is a report that Walter
2 gave me. We had three commercial fishing vessel losses
3 for CY22 and three commercial fishing vessel losses in
4 2023. We cited four. I know two of those were vessel
5 fires, and they were -- it was electrical issues on them,
6 so. We had four fishing vessel fatalities in 2022 and
7 they haven't had any this year which is a good thing. We
8 got six commercial fishing vessel injuries in 2022. We've
9 had two this year. I don't know the specifics behind
10 those, but I do know we had two. Our commercial fishing
11 vessel population within District 7, we've got 4,900 state
12 vessels and 1,943 documented vessels.

13 And then, primarily where I'm stationed at, my area
14 runs from pretty much the Georgia-Florida line all way
15 down to Canaveral, Florida. And I'm looking at those
16 vessels and that looks like -- more like my fleet up there
17 than it does the entire district. But, Walter put this
18 one together so I'm throwing him under the bus right now.
19 Let's see. We did 507 dockside exams in 2022 and 741
20 dockside exams in '23. I know I've done thirty -- around
21 thirty-five this year so far. And I did like ten last
22 week. It's really been ramping up here lately for us.

23 Outreach initiatives, unit training for stations and
24 cutters. I primarily do that, like, within my sector.
25 That's my bread and butter, along with AMSEAS trainings.

1 That's our drill conductor training that we do. We just
2 did one in New Brunswick. And I think we had twenty
3 commercial fishermen that we actually trained up.

4 Dock walking is a big thing. I feel like if you're
5 in the office, you're not doing it right, you know. We
6 need to be out there with the fishermen, you know, and I
7 pride myself on that. I do a lot of dock walking with the
8 fishermen. I mean, just sitting down and talking to
9 commercial fishermen on a daily basis, it really -- it
10 creates a connection with them, you know. They know that
11 we're just not out there, a regulatory agency. That we
12 actually care about them and I do. And I feel like it's
13 my job to give them a fighting chance when I'm out there.

14 District -- let's see -- sponsored, fishing industry
15 expos, forums, meetings. I know I agree and I meet with a
16 group of fishermen once a month that we have, and we have
17 a get-together. And I sit down with them. A lot of time
18 is spent talking about a number of other things, but I
19 always bring in that safety aspect for the Coast Guard.

20 Major events of 2022. Hurricane Ian, September 28,
21 2022, Fort Myers. I wrote down a few things about Ian.
22 They didn't pull the last shrimp boat out March 15, 2023,
23 a commercial fishing boat was put back in the water.
24 Those are some pictures of the devastation. Those are
25 pictures of the devastation for the Fort Myers area. They

1 said Ian was a CAT 5 hurricane. It was the third largest
2 weather disaster on record in Florida. It was the
3 deadliest hurricane to strike Florida since 1935 Labor Day
4 hurricane. 1935. So, it's a pretty significant weather
5 event. They pulled 1.3 billion pounds of debris out of
6 the water. So, pretty significant weather event that we
7 had to respond to as a commercial fishing industry.

8 In closing -- I'll go ahead and close with this
9 because he gave me three slides. And they told me to not
10 talk too long up here, so I won't. You know, I've always
11 said that no good sea story started with it's a calm and
12 beautiful day. It's always a dark and stormy night,
13 right? And it's our jobs out there, especially when
14 you're on the front line, to give those guys a fighting
15 chance. I've seen a lot throughout my career. I've
16 responded to a lot, and I just want to thank you guys for
17 having me. And I hope to learn a lot here today from you
18 guys and your recommendations moving on forward.

19 Thank you. Any questions? Okay. So, if you're down
20 in Daytona in August, I'll be in turn one for the NASCAR
21 race, if you want to come visit me.

22 MR. WENDLAND: And I'd just like to give a shout out
23 to the shrimp industry. I just got off the phone
24 yesterday, and, you know, they were in paralyzed just
25 stemming from Ground Zero five days before the hurricane

1 hit. And, you know, that hurricane wiped out pretty much
2 fifty boats of the shrimp fleet and the third-party
3 examiner called me up yesterday and just gave me an update
4 and said they have about thirty -- thirty boats back in
5 the water. But they're still down approximately twenty is
6 the latest report.

7 So, our thoughts go out to the industry. You know,
8 there's a big challenge there. And so --

9 So, we'll move on now to -- we're going to go to
10 District 9, The Great Lakes. But I don't think District 9
11 --

12 UNIDENTIFIED SPEAKER: 8.

13 MR. WENDLAND: Oh, I skipped eight. Well, my good
14 friend John Sherlock. It's great to see you, John,
15 District 8.

16 MR. SHERLOCK: Always good to see you, and I won't
17 talk too fast. And, you know, about hurricanes, D8, the
18 Gulf Coast, and just told the floor to hold my beer. I
19 enlisted in the Coast Guard in 1980, and my first station
20 was Ocean City, Maryland. Born and raised in Montgomery,
21 Alabama so the most I -- my fishing background up to that
22 was basically getting sardines at the food wharf.

23 And the night that I reported to my first unit, I
24 heard this whooping noise going off in the station. I was
25 emptying my sea bag, and I stuck my head out, [inaudible]

1 and he said, there's a SAR case. I said, what is a SAR
2 case? He said search and rescue. Do you want to go? I
3 said, well, hell yeah. I was nineteen years old. I jump
4 on a 44-footer out of Ocean City, Maryland, it was the
5 Gulf Rambler. It lost power and was laying in the surf
6 right there at the jetty and a helicopter from Cape May
7 came and eventually got them off. And to this day that
8 boat is still there with a wrecked buoy right there just
9 south of the jetty from Ocean City.

10 So, that was my introduction to the Coast Guard and
11 to fishers. Three days later, I went on a SAR case, and
12 me and one of the petty officers pulled a fishermen out of
13 a winch. So, pretty shocking. Since that time, I have
14 twenty-nine years served at five stations and five
15 cutters. My background is response. So, not so much as
16 the regulatory side as I'm involved in now, but actually
17 getting down, involved in the search and rescue of
18 fishermen. My wife is from Morgan City, South Louisiana.
19 A lot of my friends are commercial fishermen. Family is
20 commercial fishermen.

21 So, I believe in the program that I'm in. It's
22 necessary and our success that we've seen in D8 is a
23 partnership that our examiners have with the local
24 fishermen. And that goes to fishermen being invited to
25 Coast Guard weddings. And Coast Guard people being

1 invited to commercial fishing weddings. It's a
2 friendship. It's something that's real, and I'm very
3 proud to be a part of it.

4 The 8th District is by far the largest district in
5 the Coast Guard. We have eleven examiners in the 8th
6 District. The area of responsibility goes from the Big
7 Bend area -- if you draw a line from the Big Bend area,
8 the Gulf side of Florida down to Virginia Beach here,
9 everything west of that is our area of responsibility. Of
10 course, we have a huge swath in the center of the country
11 from Mexico up to Canada, but we don't have any commercial
12 fishing vessel examiners in that area.

13 Our mission is to -- as it's stated on the slide
14 there, we're here to save lives and reduce injury,
15 incidents, and it's an every day -- every day mission.
16 It's an honorable mission. The fishermen in the Gulf
17 Coast are pretty much generational. It's not so much
18 industry-driven as it is one generation to the next. So
19 there's not that collective goal. You know each family or
20 each group has a goal and that's essentially, feed your
21 family. And it's -- it's interesting. Next slide,
22 please.

23 Getting involved with the industry. We just had a
24 fishery symposium in New Orleans and we had like 750
25 fishermen come out, and the Lieutenant Governor of

1 Louisiana come out. And a good back and forth, and that's
2 the way it has to work to really get to know people and
3 address challenges that the commercial fishing industry is
4 undertaking. Right now it's pretty tough for the
5 fishermen in the Gulf Coast because a large portion of
6 fishery involves shrimp. And the imports are really being
7 felt by the commercial fishermen in the Gulf Coast. So, I
8 mean, we imported 2.2 billion pounds of shrimp into the
9 country. We only consume one-and-a-half billion. It's
10 really tough. So, they're looking at different ways of,
11 you know, supporting the fisheries on the Gulf Coast and
12 feed their families. Next slide.

13 We've partnered with Sea Grant Universities in these
14 settings to find better ways of addressing the lifesaving
15 equipment and measures. We also have a diverse fishery in
16 the Gulf with Hispanic and Vietnamese fishermen. And we
17 worked with interpreters because sometimes you're speaking
18 with people over the radio and they don't speak English
19 and it's a challenge. And I think we've seen success with
20 effective communication. These are the numbers from the
21 calendar year '20 up until the beginning of May. Last
22 year we only saw one safety-related death and two this
23 year so far into the beginning of May. Next slide.

24 Questions? I like to keep it simple. Any questions?

25 Yes, sir.

1 MR. THEILER: Mike Theiler. I noticed that on that
2 last slide you had,
3 like, death determinations which seemed, like, it was
4 pretty consistent. What is the majority of those?

5 MR. SHERLOCK: Well, a lot of times, fire
6 extinguishers, firefighting equipment. That seems to be
7 the common theme in a lot of the determinations that we
8 have to deal with. It's -- I don't see much in the way of
9 life jackets or life rings and things like that. It's
10 really firefighting equipment. I think the more pricier
11 things, the industry looks at the -- the priority of
12 shrimp boat or fishing boat is first thing to go and sadly
13 is sadly safety equipment -- and sometimes it is sadly to
14 mention that some people actually accepted that in the
15 course of doing business in commercial fishing industry.
16 And it's -- that is turning, they understand that, you
17 know, when something happens you don't have time to
18 makeshift. You've got to grab and go.

19 So, what's fortunate is that the low amount of
20 incidents involving death. One is one too many. But it's
21 actually surprising that it is as low as it is. I think a
22 large part of that is because the water is not that cold
23 in the Gulf.

24 Yes, sir.

25 MR. DZUGAN: Jerry Dzugan. Thanks again for your

1 examiners and their

2 help in training, Mr. White and others. How many
3 would you estimate fishing vessels -- commercial fishing
4 vessels that you have in your region?

5 MR. SHERLOCK: Just under 14K. We've got 4,500
6 documented and just around 9,500 state registered. That's
7 what's reported. It's kind of hard to really nail down
8 the number because in the state of Texas if you land your
9 shrimp or if you land your catch in the state of Texas,
10 not only if you're documented, you're also required to be
11 state registered. So, it's double count. No one's had --
12 they have people dedicated to doing these types of
13 numbers, and they have a hard time with nailing that
14 number down. So --

15 MR. DZUGAN: Thank you.

16 MR. SHERLOCK: Yes, sir.

17 MR. KELLY: Yes. One last question. This is Jim
18 Kelly.

19 The stats up here are based on the combination of
20 state and documented vessels or just documented?

21 MR. SHERLOCK: It's a combination of both. Yes, sir.

22 MR. WENDLAND: Okay. Thank you, John. So, we were
23 going to have a presentation

24 from D9, a very active Great Lakes region in the
25 Coast Guard. Mark Bubble [phonetic] was not able to make

1 it as the coordinator. So, we're going to just skip over
2 D9 and just because he's not here. But there's a lot of
3 activity and increasing activity up in the Great Lakes, as
4 I understand it, with fishing. And also, obviously, with
5 the Asian carp that's occurred over a number of years.

6 So with D11, we have Peg Murphy. Welcome, Peg.

7 MS. MURPHY: Thank you. Hello, everybody. Thank you
8 for having

9 me. It's really great to be here. I'd like to carry
10 on the theme of the program, in general, and say that I'm
11 very proud to be a part of this program as well. I think
12 when you look at it from a taxpayer's point of view, I
13 think the taxpayer gets a really big bang for their buck
14 with this program. So, with really dedicated people and
15 highly skilled professional people who come with years of
16 experience with looking at boats and safety.

17 I'm Peg Murphy, by the way, if I didn't say that.
18 And I am retired active duty from the response side, and
19 I've been doing this job for about twenty years in
20 California, a native of California. So, I'll try to
21 modify my valley girl inflection as I continue. But I do
22 have a newsletter that I put out every year, and if it
23 wouldn't clutter up your desk, I can pass it out now or
24 leave it in the back.

25 So, in D11 we have about 1,100 miles of coastline.

1 So, it's a very big state. When you add in the channel
2 islands, it gets a little bit bigger. 1,100 miles of
3 coastline. We have nine major ports in San Diego, and
4 that's the city, and we have six dedicated examiners that
5 cover those major ports. I work in Alameda, California,
6 so, the San Francisco Bay area.

7 We have approximately 2,600 commercial fishing
8 vessels that employ about 7,000 workers. That number
9 when I first started the job twenty years ago was about
10 4,200. So, the fleet's really reduced over the last
11 twenty years. A lot of different factors for that.
12 Fisheries have closed the ground fish -- fishery was
13 bought out to reduce the number of vessels in that. It's
14 the fisheries, in general, California along with the
15 marine protected areas have really made it challenging for
16 the fleet in terms of numbers and to continue with what
17 they have been doing.

18 Eighty percent of our fleet is between thirty and
19 fifty feet in length. So, we have a lot of mom and pops,
20 one and two percent on board. I did a quick survey of our
21 casualties, and I have been focusing the last year on our
22 high-risk vessels, over fifty feet or over twenty-five
23 years or more in age, and fishing outside of three
24 nautical miles. We had three deaths -- if you could go
25 back, that would be okay on that slide.

1 We had three deaths and eight vessels lost in that
2 group. And in contrast, in the under fifty-foot group, we
3 had thirty-four vessels lost and twenty-three deaths. So,
4 in my AOR, that's where most of the casualties occurred on
5 the smaller boats.

6 The majority of our fleet fish outside of three
7 nautical miles. Comparing it to other districts, it's not
8 a huge economic driver, but there is a very substantial
9 and historical commercial fishing fleet and commercial
10 fishing [inaudible] in California. We have six full-time
11 civilian examiners along the coast. So, we have really
12 good coverage, and our guys build relationships. And
13 that's what we focus on, safety, awareness, and building
14 relationships.

15 Prevention is a really hard thing to measure as
16 probably everybody knows. So, we don't really know, like,
17 if a guy doesn't have an exam, but we engage with him and
18 talk with him. And explain, you know, why it's important
19 to wear PFD, and we don't care if it's Coast
20 Guard-approved or not, frankly. It's hard to know how
21 that carries over, but we hope it does. That's where our
22 focus is. Although -- and we try to be the good guys on
23 the dock, and let response be the bad guys across to sea.

24 Our response side is so buried in other missions,
25 such as migrant ops and the Port of Los Angeles and San

1 Francisco take up a lot of security operations. So, we
2 only get about five percent fleet boarded every year.

3 So, as far as compliance goes, I'd have to think that
4 we get on more -- we get on four boats dockside for every
5 one boat that's boarded at sea. And we have no authority
6 dockside to make any kind of compliance violation. So, we
7 focus on just getting these guys, you know, aware of what
8 they need and how they're going to save their life and
9 their crew at sea.

10 Okay. Next slide. So, in 2022, '23, this is last
11 year we had nine casualties. We had four man overboards
12 none of which had PFD on. One of those man overboards was
13 a twenty-four-year-old fisherman who sleepwalks. And he
14 got -- he would tie himself into his berth at night to
15 make sure he didn't sleepwalk overboard, but he forgot to
16 do it because he was tired this one night and he fell
17 overboard in Santa Barbara Channel, which is just a little
18 bit north and west of LA -- the Port of LA. Did not have
19 PFD on. Fortunately, for him he was a former water polo
20 person in high school. So, he was treading water for five
21 hours, and was picked up after a UMIB went out by a
22 merchant ship, which I think is quite amazing for them to
23 actually respond and see him in that early morning hours.
24 Incredible. He got picked up and had some mild
25 hypothermia. That was it. This was in Bay, and most of

1 California is cold water. It's always cold water north of
2 [inaudible] but really, that California current comes down
3 from Alaska, and while it's a little west of the coast,
4 the water is just cold water most of the year, except for
5 September through December, oddly enough where it warms up
6 about half-way down the coast to San Diego and it's
7 considered warm water, which is relative, for about three
8 months out of the year. So, that makes our application of
9 the regs a little dicey in those parts where it's warm
10 water for a couple of months. We just get everybody
11 together and do what you have to do to meet the higher
12 standards.

13 I track our SAR incidents. I think it's -- for me,
14 it's good to know how our units are responding to
15 commercial fishing vessels, you know, breakdowns, tow
16 jobs, who's sinking at the dock, who had a soft grounding
17 but pulled themselves off. Who had some flooding but was
18 able to use [inaudible] to stop it and modify, that sort
19 of thing. We do about -- we used to do about 600 exams,
20 but with COVID and shutdowns, our exams just really
21 haven't come back. And for about every three boats we get
22 on, we issue one decal. So, our -- you've got eighty-five
23 percent compliance rate with our high-risk vessels and
24 about fifty percent compliance rate with the rest of the
25 fleet. We do 600 -- sorry -- eighty-three no observer

1 exams every year, approximately.

2 Our response side, like I said, we board fishing
3 vessels but at very low numbers. We do have a target for
4 boarding, and we rarely meet that target of 150 vessels a
5 year. So, it's hard to sell the program sometimes when
6 you -- when we know that, you know, there's really no
7 consequence for not being in compliance. If they do get
8 boarded, they -- a lot of times they're looking more at
9 the fish than they are at the fishermen. So, we try to --
10 when we do our training with the units, we try to make
11 that distinction. Otherwise, fish and fishing vessel
12 safety is about the fishermen and saving them. And when
13 we do our boarding -- our training with the units, we
14 focus on the big eight, the things that are going to save
15 their lives when they are at sea, and just drill that into
16 their heads. Okay. Next slide.

17 We have two special operations every year. We have
18 *OP Safe Crab and OP Safe Salmon. So, this last year, OP
19 Safe Crab, we go out and do a three-day post-up and target
20 all the high risk docks and try to get, at least, some
21 interaction with the fishermen before they go out to sea.
22 Unfortunately, we had an epic winter in California last
23 year. So, it rained -- it, like, poured rain all three
24 days we did that operation. So, we didn't have a lot of
25 opportunity there. And then, OP Safe Salmon, this year,

1 we cancelled because the commercial salmon season was
2 cancelled in California as it was up and down the east
3 coast.

4 We have a team of about twenty-five different team
5 Coast Guard members, active duty, reserve, auxiliary, and
6 other civilians that help out when we do our post-ups.
7 You can see the breakdown of chain that we do. We've had
8 great coverage with AMSEA and conductor chain and we try
9 to do as many as we can every year. We had an initiative
10 of an apprenticeship program in San Diego where we had old
11 fishermen, fishermen that were getting out of the
12 business, recruit and work with younger fishermen, in a
13 two-week course that, kind of, showed all of the
14 relationships of how -- what it was like to be a
15 commercial fisherman. They took them out on the boats and
16 they -- once they got 1,000 hours, both at port and at
17 sea, then they were considered to be a graduate of that
18 program.

19 So, we do have the same issue that D8 does with our
20 smaller fleets. We have a lot of trailered boats. We're
21 trying to focus on them, but it is difficult. We did have
22 some luck in San Diego recently where we had operations
23 [inaudible] that target about 100 of these guys that come
24 in and just fish with -- under the radar, and we got exams
25 on about half of those guys. Okay. Next slide.

1 I think that's it. I hope I didn't talk too fast
2 there. Any questions for me?

3 Yes.

4 MR. BOEHMER: I'm not sure if I understood it
5 correctly, but --

6 Sorry. It's Kris Boehmer. 150 vessels and at least
7 thirty-eight

8 violations, are those just safety violations?

9 MS. MURPHY: Yes.

10 MR. BOEHMER: So, twenty-five percent violation?

11 MS. MURPHY: Yeah.

12 MR. BOEHMER: All right.

13 MS. MURPHY: Thank you for letting me be here.

14 MR. WENDLAND: Thank you, Peg. Great detail in the
15 presentation.

16 Now, I think we're going to move to D13, Mr. Hardim.
17 Doesn't need any introduction. I think most people know
18 who Mr. Hardim is. And I don't know if I'm giving
19 anything away here, but Dan is approaching, I think, or
20 just surpassed fifty years of service with the U.S. Coast
21 Guard.

22 MR. HARDIM: That's about right.

23 MR. WENDLAND: I'll turn the mic over to you before I
24 conclude -- after your conclusion, I'll say a couple of
25 words. Dan Hardim.

1 MR. HARDIM: I've been told by court reporters to go
2 slow. So, don't be afraid to yell at me when I go too
3 fast.

4 My name is Dan Hardim. I'm the commercial fishing
5 vessel safety coordinator for the 13th District. And I
6 thought I'd bring a map of the district since I found that
7 Coastees tend to throw around all of these numbers like we
8 know what we're talking about, which we do, but other
9 people go I don't know what thirteen is from eleven. So,
10 you can actually see the districts up there. There
11 actually used to be seventeen districts, and then, through
12 time they combined districts. For example, you see D1 up
13 there, and then, you'll see D5, well, there had to be some
14 other districts, so they folded in with one of these
15 districts. So, I happen to be in the 13th District which
16 is in the upper left hand corner there. Area of
17 responsibilities is Oregon, Washington, Idaho, and
18 Montana. Most of our fishery ports are out on the coast.
19 And so, we're talking most about Oregon.

20 I do want to say, as Jonathan was saying, so, I spent
21 twenty-five years active duty in the service. I started
22 up in Kodiak as a C-130 rescue air crewman. Flew
23 helicopters for a while as an air crewman. And then,
24 about halfway through career, I went to do marine safety
25 which is prevention and is closer to response which is

1 what search and rescue is. So, I was a marine inspector
2 for the remainder of those seventeen years -- excuse me --
3 the active duty years. And then, I got into the
4 commercial fishing vessel safety program, and I've done
5 that now for twenty-five years. So, I'll be retiring here
6 in a little bit. So, I don't know if I'll meet with you
7 guys before that happens. But it's been a long ride.

8 So, Captain CBC staff, advisors, committee members,
9 and my fellow CBC coordinators, in the 13th District these
10 are our response units. So, you can see we have several
11 helicopters up and down the coast. We have several
12 cutters that work for us. Actually, twelve cutters,
13 eleven helicopters, and fifty-five small boats that do
14 response for us and do our search and rescue. We work
15 closely with these folks to make sure that they're
16 familiar with the fishing and seafare regulations. Next
17 slide.

18 And I wanted to share with you my fisheries that are
19 in my area, and you can see, kind of, what our timeframe
20 is for the different fisheries for opening and closings.
21 So, the one fishery that I'm going to really concentrate
22 on is the dungeness crab fishery which is near the second
23 to the last one on the list there, crab. You can see that
24 it opens in December and it closes in August somewhere.
25 And its opening time affects us as a response -- our

1 response folks, because when that fishery opens, is
2 usually when we get most of our business responding to
3 search and rescue.

4 And the fishery, the Dungeness Crab fishery, which
5 again, I'm going to concentrate on, opens either on the
6 first -- it's supposed to open on the 1st of December but
7 it may open on the fifteenth or it may open on the
8 fifteenth of January. You never know based on different
9 factors, like, is the crab meat of a sufficient amount
10 within the shell. We have a domoic acid problem with the
11 crabbers, we have to make sure that there -- not me, but
12 the fishery folks to make sure that that domoic acid is
13 not in the crab meat when they go for fishing. And then,
14 sometimes there's disagreement in the price. So, that may
15 push the opening date forwards or back.

16 And so, here I've got our casualties. For example,
17 in February 2nd, 2023, a few months ago we had a vessel
18 called the Ethel May, it's the Dungeness Crabber, had sank
19 while it was entering the mouth of Willapa Bay, which is
20 just north of Oregon in the Washington area. There was
21 three people on board. Two people survived and one
22 fatality. So, that's a Dungeness Crabber. And, if you
23 look in 2022, we had a dungeness crabber go down in Oregon
24 and we lost two people there. And you can see that
25 further down in February of 2021, Dungeness Crabber

1 overturned in Tillamook Bay Bar. Four people on board,
2 and we had two fatalities. And so, generally, our
3 dungeness crabbing -- crab fishery is our most avid
4 fishery. And so -- yeah, this slide.

5 So, I'm kind of like Peg in if I try to like pay
6 attention to our search and rescue responses to see what
7 is happening and actually you can see in -- I can see a
8 lot of stuff in here, but I'll share one example. The
9 casualties that are on this bar chart here, and I'll go
10 through it to, kind of, explain it to you.

11 The casualty on this slide represents any incident
12 that we've responded to, we, the Coast Guard response
13 folks, either by surface or air assets. And the kind of
14 responses we get, you know, help calls for engine or
15 transmission failures of some kind. That's our biggest
16 problem or reason for the call. Steering guidance is
17 next, then propeller entanglements, fire, flooding,
18 drowning, sinkings, and medevacs. So, those are the kinds
19 of things that we respond to.

20 So, let's go through these. For example, let's look
21 at 2021. In tracking the trends here, we can see that in
22 2021 -- don't advance the slide yet. So, 2021, is the bar
23 -- the bar in gray and you can see that in 2021 the
24 dungeness crab fishery opened up December 1st, 2020. And
25 so, next line. For 2021, then you can see that when that

1 fishery opened, this is December 2021, we had twenty-seven
2 requests for search and rescue. So, that's indicative of
3 the fact that the fishery opened and everybody was going
4 out to get fish and a lot of people were getting in
5 trouble and they had to call for help.

6 All right. Next slide. And then -- okay. So, this
7 is -- we opened up December 2021. So, now let's go to
8 2022. This is January and February following that
9 December. And the next slide. You'll see that again for
10 2022, the orange bar shows a lot of Coast Guard responses
11 and requests for help. And so, that proves to me that,
12 you know, we need to be looking to be ready for those
13 potential calls for help. And so, you can see that we had
14 a lot of activity from our response units during that
15 timeframe. Next slide.

16 Okay. Let's look at 2023 now. You see down there, I
17 say, the 2022 crab season didn't open until January 15th,
18 2023. So, a lot of fishing boats didn't go anywhere. So,
19 we didn't have anything big happening until twenty --
20 until 2023 when the fishery opened. And you can see that
21 in January we had thirteen requests for assistance.
22 February, we had nineteen requests for assistance. And
23 March, 14 requests for assistance. Again, that shows us
24 that some things happened that we're getting people to ask
25 us for help. And so, this helps us then to inform our

1 response units that during these timeframes, as soon as
2 the fishery opens up, they're going to be responding to
3 search and rescue requests. And so, that's some of the
4 stuff that I can pull out of this information. So, I
5 think, like, hey, this is pretty valuable for us to look
6 over those things.

7 Another thing that's happening in my 13th District is
8 we have about 3,500 commercial fishing vessels, but I
9 share those vessels with Scott Bloomberg [phonetic] and
10 his folks up in D17. And so, what we're seeing up there
11 of those 3,500 a good portion of them also go to Alaska
12 fisheries. So, we have shared interest. We're starting
13 to see more -- Scott and I are starting to see more
14 commercial fishing vessels that are turning into fish
15 tender vessels. In other words, they are no longer
16 fishing for fish. They're going and operating as tenders.
17 And I'm going to let Scott talk more about that because it
18 is really happening up in his zone. But this is affecting
19 me and my zone and our attempts to get these folks in
20 compliance. Because where most fishing vessels are exempt
21 from loadline, certain fishing vessels that operate as
22 tenders are not exempt from loadline and required to
23 comply with it. So, that's a problem that we've been --
24 that's been a hot button item for us. So, I'm going to
25 let Scott talk about that when he gets up here.

1 I have brief -- briefed this advisory committee on
2 several occasions about our ultimate compliance and safety
3 programs that we have. And I just want to report back to
4 this -- and some of you guys aren't familiar with this.
5 But as it relates to the Ultimate Safety Compliance
6 Agreement which is an agreement between the United States
7 Coast Guard and some larger fish processing -- actually
8 not processors. They're fishing vessels that also, kind
9 of, cross the line into processing. So, we brought them
10 into an ultimate compliance program so that they continue
11 to do what it is they do. And so, we started with
12 sixty-two vessels back in 2006, and as time and attrition
13 goes on, these vessels have been going to either being
14 replaced or go out of service and now we're down to
15 twenty-one vessels here in 2023. So, we're slowly getting
16 ready -- you know, reducing the number of these vessels in
17 this ultimate safety compliance agreement. So, I wanted
18 you to be aware of that. That ultimate safety compliance
19 program, although it may never sunset, those numbers are
20 going down. These are older vessels that are slowly going
21 out of service. Next slide.

22 And then, I always like to pitch our website,
23 FishSafeWest.info. I think that this website is partially
24 solution to our congressional folks telling us to create a
25 website that has all of the information in place. And so,

1 do you have the ability to launch that, that link right
2 there? Okay. So, this FishSafeWest.info. It's job is to
3 provide information about anything to do with commercial
4 fishing vessels. And so, I created this -- I originally
5 -- when I first came into this program back in 19 -- I'll
6 say 2001, I constantly was going to my counterpart up in
7 Alaska. Her name was Sue Jorgenson [phonetic], and she
8 had all of these files of all of these decisions that were
9 made, and she knew where all of the regulations were. So,
10 I decided I would get copies of all those things and I
11 would put them somewhere where everybody could get their
12 hands on. So, they're here within this website. So,
13 you'll see on the homepage it's kind of like my newsletter
14 to the industry. Sort of like basics.

15 Next slide. There's a page, if you go across the
16 top,

17 there's states -- go back down. Go back down.
18 Across the top you have dockside exams. So, that talks
19 about dockside exams and tells commercial fishermen what
20 to do to get a dockside exam. It also has our checklist
21 generator on it. Our checklist generator will
22 automatically generate a checklist for any vessel anywhere
23 in the country. I'm understanding in talking to -- I'm
24 sorry. I can't remember her name. She was saying, It
25 doesn't always work for our zone. So, what I want to say

1 is if you use the checklist generator and it makes a
2 mistake, then I need to know that. But what it does is,
3 is it catches a bunch of variables and then it runs
4 through that sequence and creates tables of what the
5 vessel is required to have. So, generally it works about
6 ninety percent of the time. But if it doesn't, I'm always
7 interested in feedback to make that work better. So, the
8 checklist generator is there. I know it's being used to
9 help commercial fishermen get their boats ready so when
10 the document examiner comes out, they know what the vessel
11 is required to have and they pass the exam on the first
12 time.

13 Section in regulations, I just want to share that
14 with you. We were talking about regulations earlier in
15 the Coast Guard Auth Act. So, if you'll launch that just
16 real quick for me. So, here is where I still work.
17 Everything that has anything to do with commercial fishing
18 vessels. And if you'll scroll down. And then there's
19 folders. And you'll see on there all of these folders,
20 and you'll see for -- you don't need to open this up. But
21 there's an alphabetic listing of topics. And it -- for
22 example, if you want to know about lifejackets, down there
23 is a regulation or anything down a little further that has
24 anything to do with lifejackets for commercial fishing
25 vessels.

1 Down below we were talking about the Auth Acts, if
2 you go down to program guidance post 2010, 2012 Auth Act,
3 open that up. So, all of the Auth Acts are in there
4 except for the latest one which will be in there shortly.
5 But you see the 2010 Auth Act, 2012 Auth Act, 2015 Auth
6 Act, and now the 2022 Auth Act in there. If you want to
7 read those, like the Captain was talking about before, if
8 you want to read those, those are there. You can also
9 Google them and go find them. And I just put them here to
10 make life easier.

11 We have the navigation vessel inspection searchers
12 and policy guidance and so on and so forth. All of that
13 is placed in one place where you can easily go find that.
14 Let's close that page out and go back to my slide.

15 And then, here it is the final thing that I wanted to
16 share with you. I was talking about the checklist
17 generator. I checked the checklist generator to see how
18 many people visit that website or that particular app on
19 the website, and you can see that I have a total of like
20 10,793 over the last year of folks that came in to use the
21 checklist generator. Those are all people that were able
22 to get their vessels into compliance. And they get a
23 dockside exam which is one visit, normally, usually, and
24 go fishing, which is really what they want to do. So,
25 just a little bit of feedback on the number of folks that

1 hit the checklist generator and use it to prepare their
2 vessels. So, that's all I have. If anybody has any
3 questions for me.

4 Yes, sir.

5 MR. THEILER: Yes. Mike Theiler. First off, I'd
6 like to say thank you for
7 your service. Fifty years is quite an
8 accomplishment. Back on Page 11, if you want to bring
9 that up. There were increased events in July and August.
10 Is that just because of all the fishery was happening at
11 one time or is that a specific -- is that a specific
12 fishery?

13 MR. HARDIM: Yes. So, if you look -- if you remember
14 the fisheries and the seasons when they open, they're all
15 starting bright -- so, I have all of those boats, see
16 right there, July and August, that's everybody fishing.
17 So, that's the total number of the population.

18 MR. THEILER: That's what I thought. I just wanted
19 to see if that was specific to one fishery.

20 MR. HARDIM: That's what I'm finding.

21 MR. ROSVOLD: Eric Rosvold. Does fishing game in
22 those states have the

23 capacity to manage the openings of the fisheries and
24 to delay them because of weather events or are they just
25 open on that date certain --

1 MR. HARDIM: So, generally they just open. So, on,
2 like Alaska where, by regulation, they delay opening if
3 there's a weather event, they can't do that in your
4 location. We don't normally do that. Is that it? All
5 right. Thank you for your time.

6 MR. WENDLAND: Awesome. Thank you, Dan. Truly it's
7 amazing fifty years of service. I will say that Dan is
8 one person I really enjoy calling and talking to because
9 he usually knows the answer. I know he doesn't like
10 hearing from me, and it is truly amazing. I would like to
11 take this opportunity, if I could, but I would like to
12 stand up and give Dan an ovation because he has done an
13 amazing job.

14 So, now, we have fears what happens when Dan retires,
15 right, which he mentioned. So, that checklist generator,
16 all that kind of stuff, we're working through some of
17 that.

18 CAPTAIN NEELAND: We were supposed to do lunch at
19 noon. Do we want to break now for lunch and continue the
20 presentations after lunch? I don't know how that impacts
21 our later project agenda.

22 MR. WENDLAND: I was looking around, looking at the
23 eyes and I think the vote would probably be for lunch and
24 just continue the presentations afterward. That's just my
25 eye, you know, vote, but let's ask the members. What

1 would you like to do by show of hands, would you like to
2 finish up?

3 CAPTAIN NEELAND: All that want to do lunch now,
4 raise your hands, please.

5 MR. WENDLAND: Is that two-thirds? So, let's break.
6 It's an hour -- one hour.

7 CAPTAIN NEELAND: We'll come back at 1:25.

8 (The meeting recessed at 12:20 p.m. At 1:40 p.m. the
9 meeting continued as follows:)

10 MR. WENDLAND: So, we're going to continue on.
11 Awesome presentation from Dan Hardim, who's going to say a
12 few things more. But what can you say about Dan? Fifteen
13 years of awesome service.

14 All right. So, we're moving on, as I count around
15 the districts here to fourteen.

16 MR. MAHOWTY: Aloha, everybody. Rick Mahowty
17 [phonetic]. District 14 safety coordinator. Been there
18 for about a year now. Three years as a civilian. I was
19 thirty years active duty marine inspector, warrant
20 officer. So, happy to be back up in Hawaii. It's a great
21 place. Angel was just out there last week. So, he's got
22 a nice tan. Next slide, please.

23 Of course, Hawaii tuna is king. Low volume, high
24 value with the uptake in cost of poke and sushi, different
25 tuna products. You can see it's a highly valuable

1 commodity out there in D14. The industry is centered in
2 Honolulu where seventy-two percent of landings are
3 received. This is the fish auction there. If you ever
4 get a chance to go, it's early. It starts about 5:00 a.m.
5 And it's pretty impressive to see kind -- you can kind of
6 see how it's all laid out. All that talk out there. But
7 just to get out there and watch these guys auction off
8 fish first thing in the morning is quite the sight to see
9 if you ever get out there. Next slide.

10 This is kind of what my industry looks like out
11 there. These are all long liners. I got 180 of them that
12 are U.S. flag home-ported in Honolulu. That's typically
13 what they look like. They're between seventy and eighty
14 feet. Less than 200 GT. Usually, just with one U.S.
15 master. They're highly -- they fish highly migratory
16 species. So they're not required of the seventy-five,
17 twenty-five rule. But -- so, you'll -- they usually see
18 just one U.S. citizen and the captain. The rest are all
19 foreign. So, the language barrier alone, just to
20 communicate, that's probably one of my biggest challenges.

21 Also, I have thirteen U.S. Flag person, the gist of
22 what are tuna fleet, and then, we have 1,800 small state
23 registered boats with the same problems everybody else has
24 with those guys. They're less than thirty-six feet. They
25 fish less than fifteen miles and less than four POV. Next

1 slide.

2 This is where they fish. You can, kind of, see how
3 big a region we really cover. The Hawaiian islands are
4 the blue ones highlighted up there. But most of the
5 fishing for tuna is done in the western Pacific region
6 right down there on the bottom. And you can, kind of, see
7 this is where those guys go to fish. So, when they have a
8 problem, they pretty much rely on themselves to -- for
9 search and rescue. There's really no assets that will be
10 in that area unless we got a PV or something big enough to
11 get them. So, they rely on each other.

12 This is the distant water tuna fleet. We had what --
13 Jonathan knows the number more than I do. It was like,
14 forty-five at one time?

15 MR. WENDLAND: Forty-three.

16 MR. MAHOWTY: Forty-three. And now we're clear down
17 to thirteen. We have thirteen currently U.S. assigned to
18 the South Pacific tuna trade. These are typically 200 to
19 250 feet of 400 gross tons. They fish all over the
20 Pacific Ocean. These are the landings from last year.
21 You can see in 2021, majority of the landings were -- for
22 tuna were done in Pago Pago, American Samoa, and last year
23 it really changed. Everything started coming in in Manta,
24 Ecuador. You can see the percentages there on the bottom.
25 So, it's really spread out to catch these guys. Just in

1 water ten feet.

2 I'm kind of a one-man show out there. There's really
3 no other -- I have a couple of auxiliary guys that work.
4 And then, there's some civilians, but pretty much just
5 myself. So, last year I did eighty-one exams, had zero
6 fatalities, five injuries; mostly hand injuries, small
7 stuff. And we didn't lose any vessels in 2022. Our big
8 thing is working with NOAA, an observer program. As you
9 can see, that's -- the course is mandatory, two-year exams
10 for those guys to take an observer.

11 We have a good relationship with those folks,
12 especially with the sexual harassment that's been going on
13 out there. This is the current SIB -- MSIB that we have
14 for the small trailer vessels. We talked to Angel about
15 that when he was out there. So, we're looking at changing
16 that. Initiatives are get out there, since I'm new, and
17 get my name out, my business cards, continue working with
18 NOAA, make sure they're aware of our program, especially
19 the new SASH requirements and then increase awareness with
20 the small trailer vessels by doing some types of roundups
21 and stuff.

22 So, that's all I got. Anybody? All right. Thank
23 you.

24 MR. WENDLAND: Thank you, Rick. And up now from
25 District 17 we have Scott

1 Wilwert. Scott.

2 MR. WILWERT: All right. Good afternoon, everyone.
3 Happy to be here. Appreciate you giving us time to tell
4 you about what goes on in our districts. Again, my name
5 is Scott Wilwert. I'm the District 17 coordinator, out of
6 Juneau. Been doing the Coast Guard thing for about
7 thirty-eight years now, twenty active and eighteen or so
8 as a civilian. So, about four more to go, hopefully, and
9 that will be that.

10 Alaska is an interesting place. It's a big place.
11 133,000 miles of shoreline and, you know, not a lot of
12 population relative to that, but makes for some
13 interesting challenges. So, the way that our forces, kind
14 of, broke out with examiners, kind of show you up there.
15 We have myself in the district, and then, we have five
16 civilian examiners who are scattered, three in the
17 southeast in Sitka, Ketchikan, and Juneau, and then one up
18 in Anchorage, and one out in Kodiak. The strength of our
19 program is unlike a lot of places, it doesn't necessarily
20 lie in the civilian side because there are so many places
21 where we rely on the active duty component to do those
22 exams. And we have entire units like, Dutch Harbor,
23 Valdez, Homer, where we don't have a civilian examiner,
24 and that's -- you know, in some of those places, you know,
25 we could probably use one, but the fort gets held down by,

1 you know, third party examiners, civilian -- auxiliary
2 examiners, and largely active duty. So, on a good day, on
3 transfer seasons, I'd like to say we have about fifty to
4 fifty-five people that are qualified to do the job at any
5 given moment. So, in the middle of June when everybody
6 starts washing in and out, that number can shrink down to
7 thirty, and then, depending on who comes in, we can be
8 back up in the fifties. But for us, it's extremely
9 important to provide a lot of training in-house and make
10 sure that we have qualified personnel to take care of that
11 rather large state.

12 We conduct about 1,500 to 1,700 exams annually. You
13 can see some of the outreach locations that we go to. So,
14 another thing unique about Alaska -- pretty unique is, and
15 maybe with Hawaii, is everything is a plane ride for us.
16 If the exam isn't happening in your town, you're probably
17 flying there to do it. So, a lot of our work is outreach
18 based. And that's -- to tell you the truth, other than
19 being expensive and sometimes, you know, with the weather,
20 geography gets challenging to get around and there's just
21 not enough days in the year, especially when everything is
22 sandwiched into a very seasonal time of year for most of
23 the species. It's nice doing work that way because when
24 we find them, when we show up in a town to do outreach
25 visits, people are inclined to take us up on our services.

1 So, we have a lot of fishermen in Alaska who are getting
2 examined annually just because we're there, they're there,
3 and they -- they just think that's the thing to do. And
4 we don't try to change the mind when it comes to that.
5 So, it's really handy doing the outreach approach.

6 Some of the towns are in for twenty-four hours. Some
7 of them five days. Some of them like Bristol Bay will be
8 up there for two weeks. So, the outreach approach is not
9 only -- you know, it's necessary in Alaska, but it's
10 really handy, and these are, again, an example of some of
11 the communities that we try to get to every year, and
12 that's an all hands on deck, kind of, evolution since most
13 of that work happens between April and July.

14 So, you know, this is part of the good news theme.
15 In Alaska, kind of, broke out the operational fatalities
16 in commercial fishing, and I did it by decades. You can
17 see, in the nineties we had 210, and that was whacked
18 almost in half exactly in the early 2000's, and that was
19 almost halved again in the mid 2000's, and right now in
20 2021 and -2 and what's of, you know, -3 that we're in,
21 we're way down. So, you know, knock on wood, that's a
22 trend that's going to continue. Some of the significant
23 dates in that box, there, you know, that we would love to
24 take all the credit, but, you know, I think, the program
25 and the personnel out doing the job definitely have, you

1 know, some say in that arrow trending down. But I give
2 most of the credit to the fishermen and, you know, their
3 willingness to participate and, you know, put safety as a
4 priority up in Alaska.

5 Some significant dates that may have helped, you
6 know, along the way and different things were the Fishing
7 Vessel Safety Act of '91. Halibut and Sablefish go into
8 an IFQ type of fishery in the late nineties and in October
9 the variance in crab rationalizations. So, you know, that
10 took that derby style of variance in crab fishery and
11 turned it into -- it's still dangerous and, you know, it's
12 still a pretty nasty piece of water out there, but the way
13 they approach it now, seems to be a little more manageable
14 as far as pot loads and things like that.

15 And then in 2015, we had the mandatory exams so that
16 was huge for us. That was just, you know, another way
17 onboard vessels when we were already, you know, enjoying a
18 pretty healthy participation rate when the program was 100
19 percent voluntary, we still had a really high
20 participation rate for the dockside program even before it
21 was, you know, required.

22 This is a bit of a breakdown, again, just another
23 graphic of the types of fatalities and, kind of, where
24 they happened. A little circle up there. You know, you
25 can't really see it very well. These weren't very good

1 colors to pick, apparently. But they are, kind of,
2 color-coded by vessel disasters, and capsizing, and
3 overboards, fires, and dive incidents. We do have a few
4 commercial dive harvest fisheries, mostly in southeast
5 Alaska. Some over in Kodiak but they harvest cucumbers
6 and Geoduck clams and some urchins. But that's kind of a
7 breakdown of, you know, where these sixty-nine fatalities
8 in that particular eleven-year stretch that I made this
9 graphic for.

10 Interestingly enough, you know, everything -- you
11 know, this has been a little bit of a theme this
12 morning, too. All the regulation lately seems to want to
13 point toward boats over a certain size operating out in a
14 certain area and, interestingly enough, over those
15 sixty-nine fatalities, twenty-one of them were boats that
16 were engaged in a federal fishery that that mandatory exam
17 crowd, you know, over fifty feet, beyond three miles. But
18 the forty-eight fatalities happened, you know, onboard
19 boats that operate in the state fisheries, which in
20 Alaska, generally implies that you're operating inside
21 three miles within the state water.

22 So, that's also very challenging. It's challenging
23 because a lot of those boats at the state fishery are not
24 mandatory exam candidates. And the other thing is when
25 the Coast Guard, kind of, breaks out their -- you know,

1 their boarding targets and we -- you know, we're obligated
2 and mandated to, you know, conduct boardings on so many
3 vessels engaged in federal fisheries. So, to try to talk
4 an asset into spending a significant amount of time in the
5 state fishery, it just -- it's not penciling out for them,
6 you know. Even though, we usually win those battles. You
7 know, we hash it out and we do get coverage of trolling in
8 places like Bristol Bay and some of our smaller shrimp or
9 dungeness crab fisheries because the risk doesn't go away.
10 They have to align their, you know, days at sea with
11 meeting their boarding goals that are handed down from
12 them, and they are generally federal fishery type goals.
13 So, that's, again, just kind of a breakdown, a little bit
14 of where the incidents happened and what the nature of the
15 business is.

16 So, this is the slide I like to call the AK anomaly.
17 So, everybody in every district that you heard from has
18 got something weird or crazy going on, and I'd like to
19 think that we have the market cornered on a lot of that in
20 Alaska. Interesting. And, you know, some of the stuff,
21 it doesn't mean that it's bad. It just means that these
22 are some alternative approaches to some challenging
23 things. You heard Dan talk about ACSA [phonetic] which
24 was a collaborative effort to keep a bunch of boats out.
25 Fishermen, who otherwise were stating to head into a

1 direction of fish processing, which would have shut them
2 down. So, you know, we had a collaborative agreement and
3 a lot of meetings back in the early 2000's to keep that
4 going.

5 Labor of the day right at the moment is, we have some
6 really large fish tender barges, some projects that are
7 going on. And I'm talking, like, 400-foot-by-100-foot
8 deck barges that are being brought around from the Gulf
9 and they're being retrofitted. They're housing as many as
10 seventy to ninety people. They have the capacity to haul
11 15 million pounds of frozen, in the round, salmon out in
12 Bristol Bay and take it back down to Seattle, in one case.
13 So, you can imagine the regulatory tug of war that's going
14 on right now as we look at, you know, what is this thing,
15 you know, and how should it be regulated with regard to
16 inspection under Subchapter I. Is it just get away with a
17 dockside exam, spends a lot of its time inside the
18 boundary line. So, they're very challenging and it's
19 something we've been, kind of, dealing with probably for
20 the last couple of months, you know, maybe a little bit
21 longer.

22 Some other creative exemptions we have up there, you
23 heard someone talk earlier about an infant being -- or a
24 toddler being on a commercial fishing vessel. In Alaska,
25 that is not out of the normal. In Alaska, especially

1 those vessels, in some cases in the smaller communities
2 there are -- that's people's homes. They don't have an
3 option to not have their family onboard. There isn't
4 anything that we can do to tell them they can't have their
5 family onboard. But, as you know, there's not a Coast
6 Guard approved immersion suit for anyone under thirty-nine
7 inches. So, we have to address that the best we can. And
8 we do -- you know, we do plug and try to steer them
9 towards a non-Coast Guard approved immersion suits that
10 are out there that are made by, you know, some different
11 companies. And -- so, we do have a process for people,
12 you know, who want to try to be as safe as they can with
13 the little ones onboard.

14 We have a, you know, pretty interesting southeast
15 Alaska survival craft exemption. We've got the -- an
16 exemption from the mandatory examination on the inside
17 waters of southeast Alaska. That's kind of a long story.
18 I'm not going to go into it. But if you can see the
19 geography of the southeast Archipelago and how the
20 three-mile line comes in and dips in and out and in and
21 out. You could literally be going from donut holes
22 anywhere from the size of this room to, you know, a mile
23 across where if you're in it, you're a mandatory exam, and
24 then ten minutes later, you're out of it and now you're
25 not, right. So, we came up a long time ago, back in 2015,

1 with a little bit of a workaround for that.

2 Fleet exemptions for Bristol Bay due to the nature of
3 that fishery. Some of our set-net fisheries, some very
4 interesting things there with the wearing of life jackets
5 and POVs in lieu of carrying an immersion suit in a
6 16-foot open skiff. Again, the large fish tender barges,
7 we have dude fishing going on, if you've never heard of
8 that. That's, you know, it's like -- I blame television
9 for a lot of that. So, there's about eighty shows about
10 Alaska on TV, and everybody wants to see it and do it.
11 So, you can now pay to go onboard a commercial fishing
12 vessel and watch it all happen, you know. And so, those
13 boats have to be regulated both as commercial fishing
14 vessel and as an uninspected passenger vessel. So, for
15 those of you who are looking for another, you know,
16 business venture, do fishing. It's a thing.

17 And some of the things we do, you know, out west more
18 initiatives. It's not really an anomaly, but after a
19 couple of the -- you know, a couple of the fatality
20 incidents resulting in eleven fatalities between some of
21 our crab vessels that we lost, we got really heavy into,
22 you know, weighing pots, stability instructions, comparing
23 pot weights, you know, known pot weights by carrying
24 around these yellow scales we see in that top right
25 picture, and getting actual weights on pots and then

1 comparing them to what the stability instructions say.
2 And -- yeah. So, it's been really well received and eye
3 opening to both us and the fishermen, in some cases, about
4 how much this gear really weighs.

5 Just a little breakdown of the industry. We've got
6 about, oh, I think, we're comfortable saying about 8,500
7 permanent vessels fishing in Alaska. Like we had
8 mentioned earlier, many of them come up from Seattle, so
9 there could be some double counting somewhere between Dan
10 and I. But these are vessels that are permitted to fish
11 in Alaska. They employ about 30,000 people, 26,000
12 processors. About 2 billion dollar annual labor income,
13 and about five-and-a-half billion dollars in economic
14 activity.

15 On the right there's a little breakdown again of
16 operational fatalities. You can see, based on, the fiscal
17 calendar in 2015 we had zero. In 2022 we had zero. And
18 knock on wood, we're heading down that road again. Our
19 last operational fatality in Alaska was July 1st of '21.
20 So, we're coming up on two calendar years which that'll be
21 the first time in history with people or fish that that's
22 happened. So, I'm hoping that's -- that stays.

23 Things we're working on. So, this is really
24 exciting. This immersion suit study. It's -- this is
25 really new. I actually haven't told anybody about this.

1 We just found out maybe four or five days ago. Devon
2 Lucas is one of Samantha's counterparts at NIOSH. He
3 talked to me about putting in a project for a grant for an
4 immersion suit study. We kind of talked through it. He
5 wrote up, obviously, a really awesome proposal, and it
6 made it through the NIOSH gauntlet, and it was picked as
7 one of the funded projects. So, I believe, it's going to
8 be a 4-year, \$200,000 grant. And our tentative plan right
9 now is -- I've been capturing immersion suit data this
10 calendar year. So, I have about a nine -- a 900 line
11 spreadsheet. Every time we go on an exam, we capture the
12 type of suit, size, the condition, whether it passed or
13 failed, how it was being stored, and that's all part of a
14 giant spreadsheet that we'll use as kind of an interim
15 argument into the study. This will start at the turn of
16 the fiscal year, October 1st. Devon will get his first
17 \$50,000 influx of money. And our plan is to buy suits.
18 Do one-for-one swaps with fishermen, old suits for new
19 suits.

20 And as far as the grant, we're going to take the
21 suits that we collect and we'll probably contractually
22 have some suit testing facility where we'll send the old
23 suits. We'll get them pressure tested, and get the data
24 on whether they passed or failed the test. And then,
25 NIOSH will take over from there and probably come out with

1 some really awesome tri-fold in a couple years that tells
2 you everything you that you ever wanted to know about
3 sizes and what suits where, at what rate, passed what
4 test. So, it's a really exciting project. Glad it got
5 funded. And, yeah, it hasn't even started yet. So, I'm
6 really looking forward to that.

7 Fish tender loadline 2023 NDAA. So, we talked about
8 that a little bit. That's, you know, taken a lot of Dan
9 and I's [sic] time in D13 and 17 the last five or six
10 years. We have pending GAO audit for said topic and we're
11 working through that right now, like Joe mentioned. We're
12 working on a third ever fiscal year with no operational
13 fatalities. We have an MOA that we crafted. It looks a
14 lot like the MOA we have with NOAA with regard to fishing
15 vessels, ORB designation, that kind of thing with Alaska
16 Department of Fishing and Game. So, that is finished.
17 It's been vetted through all of the legal folks. And it's
18 sitting with, I think, we're out of the war right now.
19 D17 and Commissioner Lang will be signatory on the Fish
20 and Game end. So, that'll be -- that'll be an exciting
21 venture to go into with Fishing and Game when they charter
22 commercial fishing vessels to take their personnel out for
23 studies.

24 You know, things that we're always working on every
25 year, Dutch Harbor is a very unique unit with the

1 exception of last year where three people decided to stay
2 for a second year. Those seven people switch out every
3 year. So, every year you never really know who's coming
4 and who's going. So, that usually requires a little bit
5 of our attention. We go out there in August, give them
6 some training, get them ready for, hopefully, a crab
7 season that's going to start two months later, but that
8 hasn't been the case the last couple of years.

9 We do annual fishing vessel safety training in the
10 form of a very large York Town light five-day training
11 that happens out in Kodiak every September. That's where
12 we get a lot of our new examiners started and get them
13 going down a path so they're ready for us for the next
14 season.

15 Various crab stability outreach. You know, there's
16 been a lot with that. Mike Rudolph from Sector Portland
17 down in Dan's area has done a lot of really awesome things
18 with stability and stability supplements. So, you know,
19 we've been getting a lot of mileage out of that during
20 dockside exams. And it actually has, I think, officially
21 become part of the supplements of the dockside exam form
22 that we carry around. So, that's something that we're
23 working on.

24 And, you know, one of our biggest events is always
25 going to Pacific Green Expo early November. That's a

1 great outreach opportunity for us to interact with
2 fishermen and industry folks. So, it looks like they just
3 announced the dates the other day. It's November 8th
4 through the 10th. So, Wednesday, Thursday, Friday, this
5 year. That's kind of weird, but had to do with the CBOCs
6 or something. So, that's something that, you know, we
7 look forward to every year that's coming up.

8 You know, training and industry engagement, we
9 believe, you know, like everyone else that you heard from
10 here, getting out there and being overt and interacting
11 with fishermen. We do that by attending association
12 meetings on very smaller levels. You know, just whether
13 it be Alaska Longline Association or the trollers and
14 having a meeting to try to pop in. Usually, we're
15 invited, but sometimes we'll just show up.

16 The advisory committee meetings like we have right
17 here. Working with the AMSEA and the MPFVOA and whether
18 that's assisting them in training or if they're looking --
19 you know, maybe needs a letter of support for some venture
20 or, you know, something that they're -- you know, a road
21 that they're heading down and they're looking for Coast
22 Guard support, we give that. We have seats on the Board
23 of Directors for AMSEA Elites. So, that's handy to stay
24 up to date with what's going on with the AMSEA
25 organization.

1 Local industry days. I just came back from two of
2 them in April and May out in Seward and Homer. We have
3 flooding control trailers, you know, that we drag around
4 and people can practice flooding control skills. Expos
5 and trade shows, those are a few there. Stability and pot
6 weighing, again, a lot of these things are rehashed from,
7 you know, a lot of social media stuff, a lot of Facebook
8 posts, you know, our national comps plan, that kind of
9 thing. So, just basically staying in touch with all of
10 the user groups and everybody in the industry.

11 And then there's some of our deliverables. We have
12 this national communications plan which is something that
13 we've been trying to do to document our interactions with
14 the industry. You know, checking through our data after
15 we get back from dockside exams, you know, make sure it's
16 correctly entered. Reviewing cases in our missile system,
17 which is the system that we enter all of those dockside
18 exam forms into. Just provide a different kind of decal
19 list and crab-specific list, or ghost fisheries. Again,
20 the at-risk vessels, casualty and fatality stats, you
21 know, as requested. Training as needed program-wise when
22 we're told, and updates the industry whenever we can. And
23 sometimes, unfortunately, testimony when that's needed.
24 So, those are kind of some of the deliverables.

25 That's it from me. Anyone got any questions?

1 Yes, Tom?

2 MR. DAMERON: Thank you, Scott. Interesting
3 presentation. Tom Dameron.

4 So, on your immersion suit study, a couple of
5 questions. Are you recording previous inspections of
6 those immersion suits?

7 MR. MAHOWTY: Well, since it -- technically -- I
8 mean, obviously, it hasn't started. It doesn't start
9 until October 1st of '23, the turn of the fiscal year. I
10 think we have a lot of decisions to make. Devon mostly,
11 but I imagine he and I will collaborate a little bit on
12 exactly, you know, what do we want to accomplish? I mean,
13 he clearly laid all of that out, enough to get it funded
14 and picked as one of the projects. And I don't know how
15 competitive that process was. But I think there is still
16 as many questions as answers, so.

17 So, I think that in the sampling and suits that, you
18 know, we can certainly target suits that have been stamped
19 and checked that they have had, you know, a pressure test
20 at some time and try to swap one out for that. And then,
21 see how the test is -- you know, how's it's acting a year
22 or two after the test. So, I'm not exactly sure of a lot
23 of particulars just because it hasn't started yet.

24 MR. DAMERON: So, a follow-up question. On your
25 one-for-one are you -- are you taking out -- are you

1 taking random suits out of the industry and replacing it
2 with a new one or are you targeting specific suits for
3 swap out?

4 MR. MAHOWTY: I think to start out this line -- this
5 Excel spreadsheet, this 900 and something lines of data,
6 that's how many suits we've looked at since January. When
7 we go to Bristol Bay here in June, if we do 500 exams and
8 there's four suits on every boat, there will be 2,000
9 lines of data entered just after that trip. I think we'll
10 use those three or 4,000 lines of data to immediately tell
11 us if there is some suits we should be targeting based on
12 whether they passed or failed. But if we want it to be
13 truly random, I think that we will take suits from age
14 range, you know, in a ten or fifteen-year period in size
15 small, universal, jumbo, mustangs, sterns, imperials, a
16 good cross-section of everything to be -- you know, to be
17 able to validate it.

18 MR. DAMERON: If I could ask one more question. What
19 are the pot weights being used for? Are those actually
20 being fed back into vessel stability analysis or is it
21 just for the general knowledge of the captain or being
22 compared with what was used on their original stability
23 analysis?

24 MR. MAHOWTY: Well, hopefully all of that. So, at
25 the moment, you know, when we're literally hanging a pot

1 from a scale capturing that pot weight, we immediately go
2 back inside and look at the stability instructions and see
3 what the pot weights were assumed to be for the loading
4 table. And if it's not a problem at that point because
5 they're taking less pots or, you know, whatever the case
6 may be. I know several people who have taken the new pot
7 weights and have forwarded that information to their Naval
8 architect. So, when they have their stability
9 recalculated, they say, hey, these pots that we said are
10 seven-by-seven-by-forty, 750 pounds, they actually weighed
11 853. So, let's -- let's use that number. So, it serves a
12 couple of different purposes.

13 Yes, sir?

14 MR. VARGAS: Yeah. Frank Vargas. On your survival
15 suits, we started doing

16 the testing on the survival suits. We always have.
17 We have, like, a seven-to ten-year cycle, we recycle, we
18 dispose of them. But DMV currently has asked us for
19 certificates to pass our CLT inspection. So, we would do
20 it in Viking because you're pretty detailed on the
21 survival suits that -- from the year they were purchased
22 to the specs that are going to give you a need-by date,
23 next time, unless they fail. So, it's -- like I said, DMV
24 is asking for that already. They started this last year.

25 MR. MAHOWTY: So, you have a bunch of data for me, is

1 that what you're saying?

2 MR. VARGAS: Oh, yeah.

3 MR. MAHOWTY: Okay. That's awesome. That's pretty
4 great to hear.

5 MR. VARGAS: Yeah. I can give you all of the
6 information that we have.

7 MR. MAHOWTY: Thank you.

8 MR. ALWARD: Matt Alward. So, on those suits when
9 you swap them out,

10 have you guys pressure tested the new suits, because
11 we know certain percentage of new suits fail pressure
12 test.

13 MR. MAHOWTY: So, that's definitely something that,
14 again, since we --

15 UNIDENTIFIED SPEAKER: Are you indicating skippers if
16 they are or not? You can't just assume because you got a
17 new suit that you're good to go.

18 MR. MAHOWTY: Right. There are -- you know, there
19 are -- yep. I mean, they're lot tested, right? So, if a
20 bunch of immersion suits come out, only a certain amount
21 of suits are pressure tested or tested to the standard and
22 the Q spec. There are lemons in everything in life,
23 right? So, it's entirely possible you have a brand new
24 suit right out of the bag that has some failures. I
25 think, for the purpose of the study, since we can stack

1 the deck however we want, that will be something that
2 Devon and I talk about as to these suits that we're going
3 to hand out, do we want to make sure that, you know, they
4 -- that will add a step, obviously, and some back and
5 forth. You know, \$200,000 sounds like a lot of money.
6 Actually, it doesn't ever sound like a lot of money now,
7 but when we start mailing them back and forth and testing
8 them on the front end and testing them on the back end,
9 I'm not sure how many suits at the end of a \$50,000 year
10 that's going to cover when you talk about shipping and
11 what the suit testing facility charges us for pressure
12 tests. The purchase of the suits, if anyone's bought a
13 suit lately, they are like double. I don't know. There's
14 a neoprene shortage like everything else. You know, eggs,
15 neoprene. But -- so, suits are now climbing up into the
16 -- you know, used to be able to get a suit for \$239 from a
17 bigger supply house and now they're in the fours. And if
18 you're buying them like in Bristol Bay next month, they're
19 more than that.

20 So, all of that will impact, you know, how big of a
21 footprint we can have. But, you know, we don't want to
22 minimize any part of it for moneys sake. So, maybe
23 testing them before we hand them out would be, you know --
24 would be the prudent thing to do rather than just saying,
25 oh, here is a new suit with the tags on it. It should

1 work, you know. Thanks.

2 MR. ALWARD: Is that what I really want, to trade out
3 my suit that hadn't been tested even if it's older for one
4 that never had.

5 MR. MAHOWTY: We'll skip your booth. Yes, sir.

6 MR. VARGAS: I'm Frank Vargas. Again, do you know
7 anything about those

8 new suits, Glacier? They're Arctic-approved and
9 they're U.S. Coast Guard-approved now. I've been
10 following them. Now, they've finally got approval.
11 There's more buoyancy. Instead of being in the water,
12 you're on top of the water. And the -- you can put a face
13 shield on. So, you don't -- you can breathe and you can
14 move your arms out.

15 MR. MAHOWTY: No, I haven't -- I have not personally
16 come across any of those. Anyone that's --

17 MR. VARGAS: I've got the information on my computer.

18 MR. MAHOWTY: Are those the ones that you breathe in
19 through a tube into the inside of the suit --

20 MR. VARGAS: No.

21 MR. MAHOWTY: -- to provide warmth and, you know,
22 some more buoyancy? That was somebody -- I think that was
23 a few meetings ago somebody -- I don't know if anybody's
24 been here long enough to remember, somebody came in with a
25 suit that he was looking to get on the market and it was

1 -- that's what I was thinking it was. But, no, I haven't
2 seen those yet.

3 MR. VARGAS: I've been following them for a couple of
4 years and talking to the manufacturer there and they
5 finally got them sold and standard-approved and they're
6 Artic-approved.

7 MR. MAHOWTY: Okay. Coast Guard-approved?

8 MR. VARGAS: Coast Guard-approved.

9 MR. MAHOWTY: They're probably not giving those away,
10 are they?

11 MR. VARGAS: No. They're over 1,000 bucks. I got
12 information if you want that, too.

13 MR. MAHOWTY: Sure. Eric.

14 MR. ROSVOLD: Hey, Scott. I've been doing these
15 exams with you for

16 over twenty years, I think, thanks to you and your
17 team. It's been a good experience. Could you speak a
18 little bit about the -- you know, how long an exam takes,
19 how many people, how much time you guys spend on the
20 boats?

21 MR. MAHOWTY: Sure. There's a lot of different
22 answers to that question. Of course, size matters, right?
23 So, if we're on a 16-foot skiff, take about twenty
24 minutes. If we're on a two-or 300-foot boat with thirty
25 or forty suits to check, it could take three hours. So,

1 I'd say the range of time is from fifteen minutes to, you
2 know, three or four hours depending on the boat itself
3 and, of course, how things were going. Personnel-wise, I,
4 more times than not, did them myself. That's just the way
5 it worked out. We only have so many people, but when we
6 can, we have the team concept, you know, just to have
7 people out gathering information and bringing it all back
8 to the person doing the form.

9 So, yeah. I would say, you know, fifteen minutes to
10 three hours with -- but if I was going to, you know, pick
11 an average, I'd say, you know, an hour, I think, you know,
12 a boat like yours, you know, it all depends how much we're
13 shooting the breeze and talking and, you know, that kind
14 of thing. But if you're on an outreach trip where it's
15 kind of, all business, you know, we're on and off a
16 Bristol Bay Boat in thirty to thirty-five minutes
17 probably, and document that and then take that
18 documentation back and enter it into the system which
19 probably takes longer than the exam sometimes.

20 MR. ROSVOLD: Thank you. The 1,700 exams that you do
21 annually does burn up a lot of manpower and time.

22 MR. MAHOWTY: Yep. Yeah. All of it.

23 MR. TERMINEL: Mike Terminel. Of the forty-eight
24 fatalities that were

25 In-shore, okay, is there any type of tracking to see

1 if those vessels, let's say, were -- had their commercial
2 fishing vessel examination for inside the boundary, is
3 there any type of documentation that they were traveling
4 from Homer to Bristol Bay and they just happened to have
5 that fatality within three miles and didn't have, you
6 know, all of the equipment that the vessel should have if
7 they're working outside of the boundary?

8 MR. MAHOWTY: Right. Yeah. I see what you mean.
9 So, the answer for the purpose of the slide that depicted
10 that, the answer is no. Because I was able to put --
11 scatter those dots on the map, that means I know what
12 happened to the boat, what the problem was, you know,
13 where it was fishing or where it happened. So, I could go
14 backwards and answer that question. I didn't prepare it
15 that way. I think with the Dye fisheries, I'd be pretty
16 comfortable saying that of the forty-eight state fishery,
17 there were probably -- they were probably all engaged in
18 the fishery, and a lot of those were man overboards,
19 people, you know, like Bristol Bay, people going to up
20 anchor, falling overboard.

21 So, of those forty-eight in the state fisheries, with
22 dive and one particular clam digging accident, a skiff
23 that flipped over with five people in it, I would say --
24 I'd be pretty comfortable saying, and I bet you forty of
25 the forty-eight all happened, two boats who were in the,

1 you know, regulatory scheme that they were supposed to be
2 in, in waters that we thought they'd be in, and that's
3 just where the incident happened. As far as whether they
4 did or didn't have a voluntary exam, that I did not break
5 that out for the purpose of that slide.

6 MR. WENDLAND: All right. Thank you, Scott.

7 MR. MAHOWTY: I'll be here all week.

8 MR. WENDLAND: Almost. Can you just stay at the
9 lectern for on second?

10 MR. MAHOWTY: Sure.

11 MR. WENDLAND: So, oftentimes we look at the doom and
12 gloom and it gets our attention in this business. But I
13 don't know if people really picked up on one of the sides
14 there. Can you repeat for everybody how many fiscal years
15 you've had no operational fatalities?

16 MR. MAHOWTY: Two for sure, working on number three.

17 MR. WENDLAND: Working on number three. So, that's
18 something to really celebrate with the industry. The
19 industry partnership that's happening. That doesn't
20 happen by accident. And that's happening in Alaska. So,
21 I've heard a lot of talk we'll never get to zero, but with
22 it happening in Alaska, that's pretty damn good. So, all
23 the effort that's going on up there, something to be
24 learned from it, but also something to be celebrated.
25 Let's keep that up. Thanks, Scott.

1 MR. MAHOWTY: Thanks.

2 MR. TERMINEL: I can say from being an Alaskan,
3 calling Scott quite often --

4 THE COURT REPORTER: I'm sorry. Can you state your
5 name?

6 MR. TERMINEL: Mike Terminel. Sorry.

7 THE COURT REPORTER: Thank you.

8 MR. TERMINEL: And he doesn't always answer his
9 phone. That's because he's in areas pounding the docks.
10 He's always out there, you know, doing these inspections.
11 Even Sector Anchorage, it's sometimes difficult this time
12 of year to get anybody. But they do call back, but
13 they're usually out somewhere. So, it's for a reason that
14 those numbers are low.

15 MR. MAHOWTY: Thanks.

16 MR. DZUGAN: Jerry Dzugan. Just for some historical
17 perspective.

18 When I started fishing in the 1980s in Alaska, it was
19 thirty-six a year, thirty-eight a year, forty-two a year.
20 So, it's -- that's where we started.

21 MR. WENDLAND: Yeah. It's quite amazing. If you
22 look at the -- in the last ten years the trend, it's very
23 impressive. So, what's happening, it's really encouraging
24 and everybody -- you know, there's a lot of agencies and a
25 lot of people involved, including you, Jerry, and AMSEA

1 that's a big part of that. So, thank you.

2 MR. DZUGAN: So, noting that some of that is due to
3 the reduction in fleet, but it is not responsible for all
4 of it.

5 MR. WENDLAND: Right. It's a big population drop.
6 Okay. So, that concludes our coordinator -- district
7 coordinator presentations from the United States Coast
8 Guard. And some of you veterans have been around this
9 committee for a little while might have remembered Dr.
10 Jennifer Lincoln with NIOSH. Dr. Jennifer Lincoln is no
11 longer at -- you know, presenting at this meeting. And we
12 do have Samantha Case who is amazing in her own right.
13 And I'd like to introduce Samantha Case, not only just
14 Samantha Case, but two-and-a-half weeks ago Samantha Case
15 became Dr. Samantha Case. So, awesome, awesome
16 achievement.

17 MS. CASE: Thank you so much. I wasn't expecting
18 that. I appreciate it. I know we're after lunch so I'll
19 try to keep you guys all awake. But it's really great to
20 be back. I know it's formally a new committee, but I see
21 a lot of familiar faces. And I'm just really pleased to
22 be here to give the NIOSH update.

23 So, as Jonathan mentioned, I'm Samantha Case. I'm an
24 epidemiologist at the National Institute for Occupational
25 Safety and Health or NIOSH. So, the plan today, I'll

1 first give a NIOSH introduction. So, for those of you who
2 might not know about NIOSH very much, I'll talk about who
3 we are and what we do. The bulk of the presentation today
4 is really going to be a data update. I'm going to focus
5 on, kind of, a high level overview of commercial fishing
6 fatalities in the U.S. And for timing purposes, I don't
7 have a lot of time to talk about our recently published or
8 current and future research projects, but I will be able
9 to talk about the Coast Guard NIOSH Commercial Fishing
10 Safety Research and Training grants.

11 So, I always like to show this slide to show where
12 NIOSH fits in the federal government especially when
13 compared to OSHA and the Coast Guard. So NIOSH sits
14 within the Centers for Disease Control and Prevention of
15 the CDC, within the Department of Health and Human
16 Services. We are nonregulatory. We do not do any
17 enforcement activities. NIOSH's role really is to conduct
18 scientific research and make recommendations regarding
19 workers' safety, health, and wellbeing.

20 And I work part of NIOSH's Center for Maritime Safety
21 and Health Studies, or CMSHS, which really was built upon
22 the success of the commercial fishing safety research that
23 started out of our Alaska office in the 1990s. Now we've
24 kind of expanded into other maritime industries. And the
25 point of the center is really to bring focus to the safety

1 and health needs of workers in maritime industries
2 including commercial fishing.

3 We have multidisciplinary scientists to do projects
4 to understand and reduce hazards. So we have
5 epidemiologists, like myself. We're the numbers people.
6 We have engineers, industrial hygienists, and health
7 communications specialists. And really all of our
8 research really relies on collaboration and partnerships
9 with the industry, workers, and regulators, and other
10 stakeholders.

11 So, I'm going to move into, again, the bulk of the
12 presentation, the fatality update. It is a pretty high
13 level overview today. So, much of our work is able to be
14 accomplished because of our really close, long-standing
15 working relationship with the Coast Guard. We have a
16 formalized Memorandum of Agreement with the Coast Guard
17 that really facilitates data sharing between our agencies.
18 For example, I have Coast Guard credentials as a federal
19 affiliate. I'm able to access incident investigation
20 reports, collect data and analyze the data, and then,
21 present it back to the Coast Guard and the public and this
22 committee. It's been a really great partnership.

23 And this process outlined here is basically when a
24 crew member fatality or a vessel loss occurs, the Coast
25 Guard typically will respond or investigate to that

1 incident. There are some incidents where we actually rely
2 more on local law enforcement reports. But regardless,
3 we, at NIOSH, are able to look at those reports, so the
4 incident investigation, the 2692 forms, witness
5 statements, and collect data from those reports. We have
6 a database called the Commercial Fishing Incident Database
7 or CFID, where we collect over 100 variables that describe
8 the incident as well as the vessels and crew members that
9 are involved. And then, we go from there with our
10 analyses.

11 So, our data may look a little different than what
12 you see from the Coast Guard. Not that one is right or
13 wrong, we just have some different definitions in what we
14 include. So, at NIOSH we collect information on
15 commercial fishing fatalities that are due to a traumatic
16 injury. So, these include all of your typical operational
17 fatalities, drownings after a vessel sinking, or a fall
18 overboard, or a deck injury. But we also include some of
19 these more non-operational fatalities. So, these are
20 incidents that are not directly related to fishing
21 vessels, gear, or operations. These tend to be things
22 like unintentional drug overdoses, suicides, and homicides
23 that unfortunately do occur on fishing vessels and other
24 fishing-related work sites like settlement camps. In
25 addition to commercial fishermen, we also collect data on

1 offshore seafood processors and fishery observers.

2 So, we all know that commercial fishing is one of the
3 most hazardous occupations, not just in the United States
4 but really around the world. As you can see here,
5 commercial fishermen experience fatalities at work at a
6 rate of about twenty-one times higher than the average
7 worker. But as we've kind of heard already today, there's
8 been a lot of really great progress made, and you can kind
9 of see that in this chart.

10 So, this chart shows the number and rate of
11 fatalities by year in the fishing industry. The number of
12 fatalities is represented by the blue bars and the axis on
13 the left. And the rate of fatalities is represented by
14 the green line and the axis on the right. And what I want
15 to point out here is that overall since 2009, we've seen
16 an overall decrease in trend in the rate of fatalities.
17 We did see, kind of, an uptick between 2015 and 2019, but
18 we've been on a downward trend since 2019 in both the
19 number and rate of fatalities.

20 Now, I did want to mention that obviously the
21 COVID-19 pandemic had a significant impact on the fishing
22 industry. NOAA put together an excellent report that,
23 kind of, outlines all of that, the supply chain effects,
24 the reduction in landings. So, some of this may be
25 explained by the pandemic, but the rate should, in theory,

1 account for any changes in effort. For the fishing
2 industry, the source here is Bureau of Labor Statistics.
3 There is a margin of error there, so, I'm not sure if it
4 does. So, all of that to say it really is unclear to what
5 extent the COVID-19 pandemic had on this reduction in
6 fatalities. But, obviously, we've seen a lot of great
7 work through the district and hopefully this trend
8 continues moving forward.

9 So, this is just showing, again, the number of
10 fatalities. So, over this twenty-three-year period, 2022,
11 we recorded 944 commercial fishing fatalities, averaging
12 about forty-one deaths per year. But overall we saw a
13 significant decline in the number of fatalities, about
14 fifty-two percent. And then, if we just focus on the most
15 recent ten-year period of data, 2013 through 2022, we saw
16 322 commercial fishing fatalities averaging a little bit
17 lower. So, thirty-two deaths per year, but still a
18 significant decline over the ten-year period of a forty
19 percent decrease. By region, commercial fishing
20 fatalities most frequently occurred off of the east coast,
21 with thirty-six percent, followed by Alaska at
22 twenty-seven percent, and the Gulf of Mexico at twenty-two
23 percent. And then, the west coast and Hawaii had even
24 fewer fatalities.

25 So, this chart shows the number and proportion of

1 fatalities by incident type. It's how we classify
2 fatalities at NIOSH. And I'll start kind of from the top
3 and go clock-wise. So vessel disaster fatalities are
4 represented in red and they make up thirty-seven percent
5 of all fatalities. Vessel disasters are catastrophic
6 vessel incidents that result in fatalities or the entire
7 crew needing to abandon ship. Vessel falls overboard are
8 in blue, and thirty-three percent of commercial fishing
9 fatalities were drownings after falls overboard. On-board
10 fatalities are yellow, and these account for twenty
11 percent of commercial fishing fatalities.

12 And this is a really broad category. This
13 incorporates usually single victim events, really any
14 traumatic injury, death that happens on a fishing vessel
15 usually related to things like gear and in equipment. So,
16 I'm going to talk about each of these in a little more
17 detail. And I'm not going to delve too much into on-shore
18 fatalities or diving fatalities, but I did want to mention
19 them here.

20 So, on-shore fatalities are five percent of the
21 fatalities and represented in orange. These are kind of
22 what it sounds like, fatalities that occur off of a
23 fishing vessel. So, these then to be drownings from
24 falling from a dock as well as incidents that occur at
25 those fishing related worksite like settlement camps. And

1 then, we have diving fatalities. Again, at about five
2 percent represented in purple. These most often are
3 fatalities among dive harvesters. So, fishermen who are
4 diving for urchins, cucumbers, Geoduck clams, even
5 lobster. But we also have diving fatalities where
6 fishermen are doing mostly unplanned maintenance or repair
7 for the vessel.

8 So, starting off with the vessel disasters, we'll do
9 a little deep dive here. Again, this -- these represent
10 thirty-seven percent of all fatalities during the ten-year
11 period, and these 119 deaths resulted from seventy unique
12 vessel disaster events. This chart shows the initiating
13 events of those fatal -- those seventy fatal vessel
14 disasters grouped by vessel length. Let's see. So, most
15 of the vessels you can see are under fifty feet in length.
16 So, forty-nine to seventy vessels were those smaller
17 vessels. Overall, flooding was the most common initiating
18 event or the very first problem to arise, followed by
19 unknown events, instability, and struck by a large wave.
20 And I did want to point out the distinction of like
21 flooding compared to struck by a large wave as an
22 initiating event. While struck by a large wave can then
23 result in downflooding, typically we do pull this out
24 separately so that we know from a prevention standpoint
25 that those incidents in particular were during and because

1 of heavy weather and wave conditions. Most of the
2 flooding events at the top, these are below the water line
3 flooding. So some type of holes to reach, issues with
4 through hole fittings, and even internal flooding is kind
5 of what we're seeing in the flooding category.

6 You'll see that unknown events are next. And this
7 often occurs when an incident is very rapid or there are
8 no survivors to really account for what happened. And
9 even after the course of an investigation, there's just
10 not enough evidence to piece together what went wrong in
11 the first place. And then, we have instability involved
12 in ten disasters. So, the causes of instability really
13 range from structural modifications, overloading, uneven
14 loading, free surface effect, and icing. And then, the --
15 just quickly -- the other category at the bottom, these --
16 this is a grouping of initiating events that had very few
17 incidents attached to each. Things like fires, prop
18 entanglements, fishing gear caught on the sea floor,
19 things like that.

20 So, this slide shows the factors that were associated
21 with these fatal disasters. Each little icon represents a
22 single case and multiple factors can be present in a
23 single case, as well. You can see that heavy weather was
24 a contributor in over half of these fatal vessel
25 disasters. Alcohol and drug use was identified as a

1 contributor in seventeen percent of cases. Fatigue was
2 present in six percent of cases. And I do want to mention
3 here that this looks really low. But I think we all know
4 that fatigue is pretty ubiquitous in the fishing industry.
5 It's really hard work. It's all hours of the day. Long
6 fishing seasons sometimes. So, this is not to say that
7 fatigue largely does not exist, only that fatigue was
8 specifically identified by Coast Guard investigators as a
9 contributor to the incident.

10 And then, at the bottom we have navigational error
11 and unattended helm which tend to be associated more
12 frequently with collisions, allisions, and [inaudible]
13 Moving on to falls overboard, again, representing about a
14 third of fishing fatalities. So, this chart shows the
15 number of fall overboard fatalities by their more
16 immediate causes or you can think of it as, kind of, the
17 method of entry into the water. So, most frequently we
18 saw cases of lost balance followed by jumping, gear
19 entanglement, and trips and slips. When it comes to loss
20 of balance, that often occurred when a fisherman was
21 leaning over the side or even working on an outrigger.
22 For the jumped category, unfortunately, most often these
23 are deaths by suicide although this category also includes
24 some cases where there were intentional entries into the
25 water but it was not a suicide attempt.

1 So, one case that I can think of off the top of my
2 head was a rescue attempt, one crew member fell over,
3 another went in after him, and they died during that
4 rescue attempt. Gear entanglements tend to occur when
5 there's cables or lines or ropes on deck and
6 unfortunately, people are pulled overboard. So, this
7 often occurs when they are setting fishing gear. And
8 then, at the very bottom you will see that over half of
9 the fall overboard fatalities really had unknown causes.
10 And we'll talk a little bit more about that in a minute.
11 So, this is a similar slide as before which is showing the
12 factors associated with fatal falls overboard. And you
13 can see that two-thirds of fatalities were not witnessed.
14 So, these falls were not witnessed and that tends to be
15 why we have unknown circumstances. They were either
16 working alone on deck or alone on the vessel. And then,
17 throughout the course of an investigation and recovery, it
18 was unable to be determined how they fell into the water.
19 Alcohol and drug use was present in a third of fall
20 overboard fatalities. And being under the influence, of
21 course, can result in loss of balance, coordination, which
22 can contribute to the fall as well as the ability to
23 self-rescue. Fatigue was identified as a factor in
24 thirteen percent of cases. And finally, but perhaps one
25 of the most important contributing factors was that a PFD

1 was only worn by two victims. And in one of them, there
2 was an error. So, one of them was an inflatable PFD that
3 did not inflate when they entered the water. And the
4 other one, I believe the -- I don't believe there was a
5 wear error but the fall was not witnessed. It was dark.
6 And there was no PFD light on that vest, and it did take
7 quite some time for that person to be found.
8 Unfortunately, they did not survive. But largely PFDs are
9 really not worn amongst these victims.

10 MR. HAMM: Harvey Hamm. On the alcohol and drug use,
11 was that

12 during, prior to, or do you break that up? I'm just
13 kind of curious, you know, was it before, during, or, you
14 know, something -- you may not even know.

15 MS. CASE: Yeah. So, that's a great question. So,
16 regarding the alcohol and drug use that is when the Coast
17 Guard investigator identified that the person at the time
18 had tested positive for alcohol or drugs. So, they were
19 currently under the influence at the time. For vessel
20 disasters, I would say it's probably more common where
21 alcohol or drugs could be present in a case, but not
22 actually identified as a contributing factor. But for the
23 falls overboard, these tend to be victims who either, from
24 witness statements or through testing postmortem of the,
25 you know, blood, they could tell that they had been under

1 the influence at the time.

2 Okay. And finally we'll move on to the onboard
3 fatalities, again, making up twenty percent of all fishing
4 fatalities. So, this chart shows the causes of these
5 fatalities. And I've color-coded them, again, talking
6 about which ones are more operational. Those are going to
7 be in yellow. Again, associated with the fishing vessel
8 gear and operations and the nonoperational in gray. You
9 can see that by far the leading cause of death in the last
10 ten years for these onboard fatalities has been
11 unintentional drug overdoses. Opioids are often
12 implicated in these. So, fentanyl, heroin, and some
13 prescription medications. And this is not unique to the
14 fishing industry by any means, work-related overdoses are
15 becoming very common across industries and occupations.
16 And you can see also in gray for these nonoperational
17 fatalities, we do have some instances of suicides and
18 homicides that are occurring on the fishing vessels.

19 For the operational fatalities, the groups with the
20 highest number are the struck by gear and equipment and
21 gear entanglements. The struck by category often involves
22 cables and blocks. And the gear entanglement often
23 includes entanglement in deck.

24 And this chart shows the number of fatalities by
25 fishery and incident type. So, it's really important that

1 we kind of narrow down where these hazards are and where
2 they are not. So, about fifty-two percent of fatalities
3 that occurred during this ten-year period can be
4 attributed to these nine fisheries. Most frequently they
5 occur in the Gulf of Mexico shrimp fishery, followed by
6 Alaska salmon, east coast scallop, Alaska cod, and west
7 coast dungeness crab. And here we're able to see some
8 differences in hazards and incident types. For example,
9 for Gulf of Mexico shrimp, Alaska salmon, and let's see,
10 the east coast lobster, for example, falls overboard are
11 the leading contributor to fatalities. But we can compare
12 that to, let's see, the west coast dungeness crab fishery
13 where vessel disasters are the leading contributor.
14 Typically, as a result of these rapid vessel capsizings
15 when crossing a bar. So, it's always good to be able to
16 look these regional and fishery specific differences in
17 safety hazards.

18 And I'm not showing it today for brevity, but we can
19 also dig even further in -- looking at gear type. For
20 example, Alaska salmon is comprised of set and drift
21 gillnets, seine, troll, and tender operations. They're
22 all very different and the hazards are different as well.

23 So, I just wanted to quickly go over some of the
24 NIOSH recommendations that we've made over the years
25 regarding vessel disasters, falls overboard, and onboard

1 fatalities. For vessel disasters, we recommend that each
2 crew member on the vessel takes a marine safety training
3 class at least once every five years. So, it's really
4 important that all of the crew have the skills and
5 knowledge and how to respond to an emergency and get that
6 refresher training so that they can refresh and maintain
7 those skills. We also recommend that everyone's
8 participating in monthly drills and not just table-top
9 exercises, but really making them active, really
10 practicing the skills that are learned from the marine CB
11 training class. Watertight integrity is a big issue,
12 again, with the flooding. So, this -- ensure watertight
13 integrity, this recommendation kind of encompasses
14 checking through hole fittings, making sure that valves
15 are operating as designed, and what else was there?
16 Making sure that the high water alarms, for example, work
17 before each trip. Maintaining proper watch is a
18 recommendation that's mostly related especially to
19 groundings, collisions, and allisions, but making sure
20 that there are watch alarms that are used as well as
21 developing a fatigue risk management system are some ways
22 that you can make sure that someone is standing watch when
23 the vessel is under way and they are alert while doing so.
24 And then, finally you heard stability, that's a big issue.
25 Obviously adhering to stability instructions is critical.

1 A Naval architect should be consulted periodically to
2 review those instructions where applicable. You know,
3 weight creep is a concern, any changes in the structural
4 modifications of the vessel. Those are going to be really
5 important to check, and then ensuring that the vessel is
6 always loaded in compliance with those instructions.

7 For falls overboard, we recommend that every crew
8 member wears a PFD any time they are working on deck. So,
9 I was really happy to hear from District 1 about the
10 thirty percent PFD use. That's really great. It's
11 encouraging. I know, for me, when I'm reading like
12 National Fisherman or Pacific Fishing, it is not uncommon
13 to see pictures of crews wearing PFDs. So, it's very
14 exciting to see. There's a lot of new styles that are
15 commercially available. And so, we just hope that it
16 becomes more of a standardized piece of work here for
17 fishermen. We also recommend the use of a man overboard
18 alarm system to alert when a fall overboard occurs. As
19 you saw, two-thirds of man overboard fatalities, those
20 falls were not witnessed. So, having an alarm system can
21 certainly help have a quicker recovery. And once a person
22 is in the water and they're located, making sure there are
23 effective recovery devices such as a life sling and, you
24 know, how to get someone back on board. Again, that can
25 be done through monthly man overboard drill training, man

1 overboard drills to make sure that your crew knows their
2 role when a fall overboard happens and you've figured out
3 how to get someone back over the side of the vessel.

4 And finally, for onboard fatalities, we recommend
5 that where possible, safety devices should be installed on
6 deck machinery. So, this photo shows an emergency site
7 stop button and on a capstan winch on a Purse Seiner in
8 the Pacific Northwest which can reduce injury severity if
9 an entanglement occurs. So, where these devices are able
10 to be adopted either through a new installation or through
11 a retrofit, that's absolutely something that should be
12 done, if possible. Slips and trips are issues on fishing
13 vessels, obviously wet decks, vessel motion. So, nonskid
14 coatings, fiber mats, these can be implemented on fishing
15 vessels to try to reduce slips and trips and the resulting
16 injuries.

17 The third recommendation here is develop safe work
18 policies and practices, and this is kind of just a general
19 principle of safety management. And in order to make sure
20 that how the work is actually done, is how the work is
21 imagined on a fishing vessel. And so, any type of
22 deviation from, kind of, the standardized way to do things
23 can increase risk of an injury. So, that's what that
24 recommendation is referring to. And lastly, we saw a lot
25 of drug overdoses on fishing vessels. And this is

1 obviously a very complex issue that requires really a
2 multifaceted prevention strategy outside of a traditional
3 marine safety solution, but there are a few things that
4 the industry can do really more immediately, and that
5 includes establishing and enforcing drug-free policies on
6 vessels as well as consider having Naloxone, also known as
7 Narcan, available on fishing vessels. And like I
8 mentioned, this issue is not unique to the fishing
9 industry. We're seeing this, kind of, nationwide in all
10 sorts of industries and occupations but Narcan is an
11 emergency lifesaving medication that can help prevent
12 deaths from opioid overuse. So, it's something simple
13 that can be included in your first aid kit.

14 So, with that, I'm going to briefly talk about the
15 Coast Guard and NIOSH Commercial Fishing Safety Research
16 and Training Grants. So, the Commercial Fishing
17 Occupational Safety Research and Training Program was
18 really initiated from the Coast Guard Authorization Act of
19 2010 and the Coast Guard and Maritime Transportation Act
20 of 2014 with two goals in mind. One, to foster and
21 enhance new research to improve commercial fishing safety.
22 And two, to enhance the quality and availability of safety
23 training for fishermen. The Coast Guard and NIOSH signed
24 into a Memorandum of Understanding in 2018 so that NIOSH
25 could help administer these funds. And we have some

1 really exciting projects going on. You'll hear next about
2 one in particular. So, I'll just run through some
3 examples.

4 But we have researchers and practitioners working on
5 developing a near-miss sharing system, assessing sleep
6 deprivation in the fishermen, improving fall overboard
7 recovery in the Gulf of Mexico, and reducing ergonomic
8 hazards in the Pacific Northwest dungeness crab fishery.
9 Next slide.

10 And on the training side of things, we have
11 organizations like the Alaska Marine Safety Education
12 Association, AMSEA, Fishing Partnership Support Services,
13 Oregon State University and the Maine Center for Coastal
14 Fisheries working on either developing new safety
15 trainings or expanding the availability and accessibility
16 of existing safety trainings for fishermen. So, these
17 grants have been administered for a few years now. And
18 here is what it's looking like for this year.

19 In fiscal year 2023, there was \$6 million available
20 for these grants and it's generally split between the
21 research and training side. Individual grant awards are
22 \$150,000 to \$975,000 and the funding is for three years.
23 And there is a -- as Mr. Myers mentioned earlier, there is
24 a cost match so the organization is responsible for
25 providing twenty-five percent of the grant amount. The

1 last application cycle was at the end of January. We
2 received nine applications and they are currently under
3 review. And the next application deadline is the end of
4 August.

5 And who is eligible? Well, I kind of always laugh
6 and say as long as you're not with the federal government,
7 you are probably eligible. Universities and colleges,
8 nonprofits, businesses, state, local, and tribale
9 governments, tribale organizations, fishing associations,
10 and faith-based or community-based organizations are all
11 eligible to apply. And I personally am not involved in
12 the grants so much. I'm not as intimately familiar with
13 all of the details. There's a great FAQ on the website.
14 And if you have a question about the grants that I can't
15 answer, I'm definitely happy to get an answer for you and
16 follow up with you.

17 And yeah. I think that's it for now. Jonathan, I'm
18 not sure how we're doing on

19 time, if I was too long. But if you want questions
20 or if not.

21 MR. WENDLAND: Yeah. We're a little behind here.
22 But I do -- about an hour-and-a-half behind. But we have
23 -- we've built into the schedule, you know, time to make
24 this up with the task. So, not too bad. I'd like to open
25 it up for a couple of questions just to give, you know,

1 you folks an opportunity to chat with Dr. Case. Anybody
2 have any questions?

3 MR. BOEHMER: Kris Boehmer. I'm just wondering, do
4 we know what the

5 Number of fishermen were when we started this, I
6 think, in 2000 -- I don't remember what it was, 2001 or
7 something like that, compared to what the number of
8 fishermen are today in 2023?

9 MS. CASE: I don't know it off the top of my head.
10 The Bureau of Labor Statistic, does an estimate, but it's
11 not number of workers. It's full-time equivalent workers.
12 So, it accounts for how many people and then how much time
13 do they spend working. And there's an adjustment so that
14 you can compare, say fishermen, to other types of workers.
15 So, they do have FTE estimates. I don't remember what it
16 is off the top of my head. And there is quite a margin of
17 error with that estimation, as well.

18 MR. BOEHMER: I was just actually wondering if that
19 rate, although it's great seeing the decline in fatalities
20 and injuries, but is it compared to an equal number or are
21 we possibly looking at different -- comparing a greater
22 number of fishermen at one end of the spectrum to the
23 other?

24 MS. CASE: So, it could be fewer fishermen, but the
25 rate should account for that.

1 MR. BOEHMER: Okay.

2 MS. CASE: So, that's a good thing about the rate is
3 that, you know, the numbers are up. They're, of course,
4 really important that is the loss of human life. But the
5 rate allows us to see, you know, how it compares to the
6 effort and the number of people.

7 MR. DAMERON: Dr. Case, Tom Dameron. Do you have
8 falls overboard by vessel
9 size? Is that some of the data that you can pull out
10 of your statistics? I didn't see a slide on that.

11 MS. CASE: Yeah. I do not have a slide on that, but
12 that is data that we collect, and can very easily get that
13 data.

14 MR. DAMERON: And another question. So, I noticed
15 the fatalities by fisheries, and I've seen that data for
16 different ten-year periods. Do you see that that actually
17 varies a lot? That you might look at ten years earlier
18 and there be, you know, a fishery that is -- that is
19 present, that isn't present at all, that had high rates of
20 fatalities in a different decade?

21 MS. CASE: Yeah. That's a great question. A lot of
22 the ones kind of at the top of the chart are pretty
23 consistent in the previous analysis that we've done, so
24 shrimp, salmon, scallop. It -- I did notice when I was
25 putting this together that the east coast lobster fishery

1 had a lower number than I expected or was familiar with
2 from previous analyses. So, in different time periods
3 when we've looked at this, east coast lobster tended to
4 be, like, higher on the list. So, that is one difference
5 that I noticed.

6 MS. HEWLETT: Yeah. Barb Hewlett. I was wondering
7 if there -- if you had the

8 data that we could break down east coast in general
9 because east coast lobster could be Maine or Florida
10 spiny, which also breaks down your cold water and warm
11 water breakdown which is a lot of issues.

12 MS. CASE: Yeah. Absolutely.

13 MS. HEWLETT: There are two completely different
14 industries on the east coast.

15 MS. CASE: Yeah. Absolutely. So, this is shown by
16 our, kind of, larger regions. We can also break it down
17 by Coast Guard district, incidents as well as where the
18 actual incident occurred. We keep the -- kind of, the GPS
19 coordinates of each incident. So, if you wanted to
20 actually have, like, a latitude but you wanted as a cut
21 off, we could look at that as well. So, lots of ways to
22 look at it.

23 MR. THEILER: Mike Theiler. Just in light of our
24 schedule here, would

25 You be willing, like, to share your web e-mail

1 address or something where if we had some questions we
2 could just fire those off to you?

3 MS. CASE: Yes, absolutely.

4 MR. THEILER: Is that appropriate?

5 MS. CASE: The last slide has it. And I also will be
6 here for the remainder of the meeting this week just
7 hanging around. So, if you have like further questions or
8 if there is data, you know, again, this is a pretty
9 high-level overview. So, if you wanted to dig into some
10 of these things during the course of the meeting, then I
11 will be around.

12 MR. DZUGAN: Thank you for your -- Jerry Dzugan.
13 Thank you for your work in compiling all of this data,
14 this work you've been doing for many years now. Do you
15 still have -- do you have an update on the number of
16 fishermen that have died falling overboard without PFD?
17 You were keeping track of that for a while. It was a
18 pretty impressive number.

19 MS. CASE: Yes. Since 2000 -- it's over 200, I
20 believe. And there were maybe three or four with a PFD,
21 but similar to what I talked about here, the ones -- there
22 were issues with the PFDs. So, I remember one was, they
23 were wearing a PFD when they entered the water, but they
24 were using a hook to try to get the person out of the
25 water and pulled the PFD off. And then, the one I

1 mentioned here, the inflatable did not inflate when they
2 entered the water.

3 So, very rare that PFDs are worn in these fall
4 overboard events -- these fatal fall overboard events. And
5 when they are, there tends to be some type of error that
6 happens.

7 MR. DZUGAN: So, that was 238, I believe you said the
8 last time I talked to you, in a row, consecutively, except
9 for those two PFDs which were not proper. Thank you.

10 MR. WENDLAND: Okay. Very good. Awesome. So much
11 information. So well done, Samantha -- Dr. Case. Sorry
12 about that. So, just to move the agenda along a little
13 bit here. Our next presentation will be from ABS
14 Consulting. And I just want to make a distinction here.
15 It's Mr. Joe Myers, right?

16 MR. MYERS: The other Joe Myers.

17 MR. WENDLAND: That's what I wanted to make a
18 distinction for the record. So, it's not Joe Myers of
19 CBC-3, my boss. It's Joe Myers from ABS Consulting. Mr.
20 Myers from Florida, thank you for joining us.

21 MR. MYERS: Thank you.

22 MR. WENDLAND: We're going to just take five minutes
23 -- take a five-minute stretch break here just so we can
24 get the presentation up and running. Just having a couple
25 of technical difficulties loading. So, let's just take

1 five minutes.

2 (The meeting recessed at 3:00 p.m. At 3:05 p.m. the
3 meeting continued as follows:)

4 MR. WENDLAND: So, Mr. Joe Myers.

5 MR. MYERS: Thank you. I appreciate the opportunity
6 to be here. You've heard a bit about the Coast Guard
7 NIOSH grant program. I'm from ABS Group which is part of
8 the American Bureau of Shipping, ABS. Our parent
9 organization who is -- are actually working three of these
10 grants simultaneously. So, I'll talk about the first two
11 fairly briefly. And then, I'll spend a little bit of time
12 talking about the near-miss reporting system that was
13 mentioned. Talk a little bit about the different
14 projects, the timelines we're working towards. And I'll
15 do a little more of a description on the near-miss
16 reporting system, and fingers crossed, technology willing,
17 I'll do a quick demo of our prototype on the near-miss
18 reporting system.

19 So, the first grant is a commercial fishing vessel
20 simulation based stability training tool. So, I'm
21 leveraging a lot of our naval architecture expertise
22 looking at different types of fishing vessels, how they
23 are loaded, environment, and different things. An
24 emerging trend that we're looking at is the second one
25 around the energy transition for commercial fishing

1 industry. And that would be everything from alternate
2 fuels, whether it's LNG, ammonia, what have you, as well
3 as the increasing use of the offshore for energy
4 generation capture. So, we're going to be looking at, you
5 know, topic earlier today around the offshore renewable
6 installation, wind farms. Looking at that impact on the
7 commercial fishing industry. And then, the third is the
8 near-miss reporting system.

9 So, for the simulation-based tool, it's a three-year
10 project. None of these are being done individually by
11 ABS. We're all supported by a great team of partners.
12 AMSEA and George Mason University, in this case. So we're
13 trying to develop a useful tool where they can -- you see
14 that column in the middle where there are different
15 options in terms of wind direction, wind speed, you can
16 play with some of the vessel loading characteristics.

17 THE COURT REPORTER: I'm sorry. Can you say that
18 part again?

19 MR. MYERS: Looking at the wave direction, wave
20 height, wave speed, and other issues around the loading of
21 the vessel so that then you'd be able to run a simulation
22 based on those parameters and see how the vessel would
23 respond in those conditions. And that is due in 2024.
24 The other project is safety and energy transition. So, as
25 I said, it's a team effort. We're working with AMSEA, the

1 Washington Maritime Blue Water to identify potential
2 safety impacts. Part of this will be risk assessment,
3 alternate fuels, whether it's LNG, hydrogen, electric,
4 battery. What those novel technologies might be hazards,
5 those novel technologies might introduce to fishermen in
6 the industry. And we also want to look at the impacts of
7 the offshore renewables in terms of collision risk,
8 allision, subsea cables, landing, and those type of
9 issues.

10 Our third one is -- as the one I'm going to spend the
11 most time talking about is the Near-Miss Reporting System.
12 This one, anybody who's worked in safety realizes that
13 underreporting is a chronic problem. So, we get the big
14 bad things that happen, but a lot of the smaller things
15 kind of fly under the radar. ABS and Lamar University
16 have developed a Mariner Safety Research Institute which
17 collects a lot of near-miss data for other elements in the
18 maritime industries. Primarily companies will report the
19 near misses that are reported as part of their safety
20 management system. And they've got a database of over
21 100,000 reports now. So, to develop ours we actually
22 borrowed some of that data, kind of randomized it, and
23 used it just to exercise the -- our system.

24 Again, it's a team effort. ABS. I'm from ABS Group,
25 working with AMSEA, the Northeast Center, and as far as

1 Oregon State University. So, our process on this was a
2 seven-step process. We started literature review looking
3 at other guidance for near-miss systems, what the
4 International Maritime Organization recommends, their ASDM
5 standards. We looked at other countries and how they've
6 collected and used near-miss reporting data. And then we
7 did a needs assessment with the -- who could use this and
8 how would they use it? What would it be used for? We
9 worked a long time on defining the taxonomy for the data
10 collection. We looked at the CFID that Dr. Case just
11 mentioned and tried to align our variables as best we
12 could so that would support comparing actual casualties
13 with near-miss reports and trying to better understand why
14 that near-miss didn't proceed to a casualty.

15 Looked -- and then we get a little more technical in
16 terms of data collection and analysis. One of the goals
17 is to develop a mobile app so somebody could enter a
18 near-miss from their phone. We also have a web site that
19 is -- what I'll show later. And the big challenge coming
20 up is the roll-out plan to try and get buy-in from the
21 industry and help folks see why this would be a benefit to
22 them to report a near-miss. Everybody loves sea stories,
23 but we want to take it a little bit further and try to
24 capture some of those. So, some of the big challenges
25 around this is we are not tying it to Coast Guard. It's

1 not going to a regulatory agency. It will ultimately be
2 hosted by AMSEA.

3 We are looking at ways to anonymize the data so that
4 there's no identifying information back to whoever reports
5 it or the vessel on which it occurred. So, we're looking
6 at applying some data mining and machine learning
7 techniques to remove things like proper nouns, specific
8 dates and locations and that sort of thing to try and keep
9 it -- capture as much useful information as we can without
10 being able to point the finger back at anyone who may have
11 reported it.

12 The other thing we're looking at is a research portal
13 where researchers such as Dr. Case would be able to
14 extract this data once we capture it and use for a variety
15 of analyses. We're also -- I'll show you the dashboard as
16 we envision it, in a minute, which is just going to
17 provide some very high-level statistics as to where these
18 things -- where the reports are coming from, the types of
19 conditions that -- under which they're being reported, the
20 nature of the reports, those kinds of things.

21 So, this is our timeline. We're in May of '23. We
22 have a pretty close to working prototype, and ready to
23 turn on to the rollout. I think we're targeting the
24 Pacific Marine Expo as our big -- as our big splash, if
25 you will. So, as I said, we envision a mobile application

1 as well for reporting, but we'd be able to report on the
2 web as well. So, I'm just going to, kind of, go over the
3 main screen, talk a little bit about our dashboards, show
4 you how you might be able to add a near-miss report, and
5 then, look a little bit at how the near-miss data will be
6 accessible for a researcher. Fingers crossed. It's a
7 prototype.

8 So, our working name for this app is NEMO,
9 near-misses onboard. We haven't cleared that with the
10 lawyers at Disney yet, but we think it's different enough.
11 Finding Nemo, we know they have copyright. So, we're
12 hoping this will be okay. I apologize that the screen is
13 a little wonky. Just the home page flash screen looking
14 to add an FAQ type thing as well. But just to -- a
15 description of what we're trying to do here. So, let's
16 start with trying to add a near-miss.

17 So, as I've mentioned, we've got -- the only data in
18 here about 9,000 records just to kind of expedite the data
19 collection and processing. So, these are the types of
20 fields you would be entering in terms of the near-miss
21 data autopopulates the data you're reporting, how many
22 days into the voyage, hours in the shift. We're still
23 working out some of these -- some of these terms since
24 fishermen don't necessarily work a shift. Maybe it's
25 hours on duty. Physical conditions, looking at things

1 like the incident type, region, generally where it
2 occurred. Alaska, east coast, those type of things. We
3 spend a lot of time trying to figure out how to capture
4 things like weather, wind speed, and sea state in terms
5 that would be understandable. Overt scale doesn't
6 necessarily seem user friendly enough to try to and
7 capture any of these things. So, we, kind of, pumped it
8 in more common terminology, if you will. So, we're
9 getting some vessel information, but not -- hopefully not
10 too specific. Location onboard, would be things like on
11 deck, in the engine room, where the near miss occurred,
12 what the worker was doing at the time. Whether they're
13 handling cash or hauling gear.

14 Then, we've got a bunch of free text -- this is not a
15 free text -- in terms of the equipment that is involved.
16 And we've got a big free text field where they can write
17 the description of what happened and a description of the
18 corrective actions taken. So, one of the challenges as
19 anyone who's worked accident, incident casualty data knows
20 is when you get these long free text fields, it's kind of
21 difficult to make the connections between. So, what we're
22 looking to do is leverage -- excuse me -- some of that
23 machine learning technology where we'd be able to capture
24 common terms and develop categorical variables based on
25 the free text.

1 So, if we can go back. Just a notional idea what the
2 dashboard might tell us in term of where things are
3 occurring, what types of weather conditions we're seeing
4 that may or may not be causing near misses, wind speeds,
5 where they're taking place, vessel type, gear type. Our
6 goal is that you'd be able to drill down on these. That's
7 probably not what we want to know about. But, you know,
8 look at the galley, are they being struck by or cut type
9 things, what the workers are up to. I'm wondering if we
10 need to add something around drug overdose near-miss as an
11 event to capture based on what Dr. Case just shared.

12 So, ultimately, you'd be able to -- you can also view
13 the near miss data from here. So, when one gets
14 submitted, it'll have to be verified that it's anonymized.
15 And we're also looking at ways to prevent bots from just
16 inundating us with false reports. So, eventually it will
17 be approved -- excuse me -- improved and added to the
18 database.

19 So, this is the days in the voyage, hours in the
20 shift, these kinds of things. You can filter on these, if
21 you like. So, if we want to look at cases where we have
22 icing. It's just like an Excel spreadsheet where you can
23 filter and sort. And then, you can actually export the
24 data. So, what you're exporting is what you filter. So,
25 you use this -- use this screen to try and hone down as

1 best you can the particulars of what you might be
2 interested in and then export what you've filtered.

3 So, with that, this database has 10,000 records.
4 We've got 1,080 related to icing. You can explore all of
5 those, if you'd like. Some of them, you know, if you just
6 want to look at icing in Alaska you can do that. And
7 maybe you can't. As I said, this is randomized made-up
8 data. So, that's why we're not seeing any icings and all
9 of that stuff. And, like I said, this operates mainly
10 just like an Excel spreadsheet. You go across and look at
11 the various columns. So, that's about what I had to
12 share.

13 Any -- as I said, for the rollout, we're trying to
14 target the Pacific Marine Expo in November. Also, looking
15 at some media outlets, National Fishermen and Work Boat,
16 other social media. And we're open to suggestions as to
17 how we can get this out there. Where we think -- we hope,
18 is that this would provide not only information for
19 researchers who are trying to better understand the
20 initiating events, the close calls, if you will, that
21 don't necessarily propagate to a casualty, but it would
22 also be kind of a useful tool for the fishermen themselves
23 to look at what's going on, what kind of problems are
24 everybody else having. You know, you can, kind of, filter
25 down to your specific region and fishery and see what's

1 happening. I think it will also be a useful tool for
2 folks like AMSEA to do tailored training once we get a
3 better idea what's really going on out there.

4 So, we would appreciate -- as I said, we've been
5 working with some industry partners, but from this broader
6 group we would appreciate any feedback, comments,
7 questions, and thoughts.

8 Mr. Myers.

9 MR. MYERS: Mr. Myers. I was just thinking, and I
10 may have missed

11 This some when you're going to -- when you discussed
12 mariner buy-in, you know, to get this going or do you get
13 a sampling of population that will give you good data to
14 move with. Is there something that lays out the
15 expectation or a definition of what a near-miss is so when
16 the mariner that may not be used to using this, that
17 they're saying, oh, wow, I just had almost a near-miss by
18 definition per this program and then they'd be more apt to
19 report it? If that makes sense.

20 MR. MYERS: Yeah. That's something we certainly need
21 to do. I'm not certain if our FAQ page is populated.
22 Okay. But that's -- there it is. So it, kind of,
23 describes what this is, how I can submit, but we can
24 certainly add something here about what is a near-miss and
25 what should be reportable.

1 MR. MYERS: Good. Because I can see the average
2 person is not thinking like the folks in this room.

3 MR. MYERS: Right.

4 MR. MYERS: And may wonder -- and then, if they're
5 taking two or three minutes to think about it, then maybe
6 they forget about it. But I'm looking forward to the
7 marine expo in Seattle and see the demo.

8 MR. MYERS: Yeah. One of the other potential names
9 we came up with was fish [inaudible] which was -- stood
10 for that was a close one which, I think, kind of
11 reinforces the idea of what a near-miss is. So.

12 MR. THEILER: Mike Theiler. Just so I get this
13 straight then. This

14 information is submitted anonymously. And then, the
15 person that submits it, other than the research groups and
16 maybe a board like this, what's the incentive to the
17 fishermen? So, there would be no feedback to the
18 fishermen, like, this could be rented or there's nothing.
19 So, this is just something that I'm just looking at from
20 the average Joe fisherman on my dock, what's the incentive
21 for him to promote this or to move forward individually?

22 MR. MYERS: That's one of the things we're wrestling
23 with is how we're going to get that, kind of, industry
24 buy-in. What's in it for me? As I mentioned, I think,
25 you know, there's some value in the aggregate knowing

1 what's going on in your specific industry or region. But,
2 you know, it's going to take a couple of minutes for
3 somebody to report something, certainly. And, you know,
4 trying to help motivate them to do that, is one of the
5 things that we're going to be wrestling with. And I think
6 that's probably our biggest challenge is going to be to
7 get users to see value in this. Getting the operators to
8 see value in this. I think the researchers are on board
9 and they see where the benefits come from.

10 Yes, sir.

11 MR. BOEHMER: Kris Boehmer. Just a comment on what
12 your -- I'm on the

13 Main Fishing Vessel Safety Advisory Committee or
14 whatever they call themselves now. And we did a -- sent
15 out a query to all the license holders for this type of
16 information. It wasn't quite as detailed. And we were
17 shocked at the response. I think we got like 200 back,
18 where we figured we'd probably get ten.

19 MR. MYERS: You're making me get my hopes up now.

20 MR. BOEHMER: Well, here's the caveat. I would say
21 sixty percent of it was like, what are you going to try to
22 do, shove more regulations down my throat? You know, what
23 is this going to lead to? That's the problem just trying
24 to get the people to realize, there's no question, there's
25 a lot of value in this. But how do you get these -- I was

1 one of them. How do you get fishermen like myself to give
2 some information that I'm afraid is going to be used
3 negatively against me later, which I know is not the
4 intent and not what it's going to do, but that's going to
5 be the obstacle for all fishermen.

6 MR. MYERS: That's the perception. We're hopeful
7 that since the Coast Guard's only involvement is funding
8 that that will take it out of that regulatory realm. But,
9 you know, I think folks are suspicious about sharing any
10 additional information and with good reason.

11 MR. WENDLAND: Mr. Myers, I may have missed it. I
12 apologize if I did. What is your target audience with
13 this? Is it the master to the vessel or anybody on the
14 vessel?

15 MR. MYERS: Anybody. So, there's also the issue of
16 disgruntled workers.

17 MR. WENDLAND: Wives. I was just going to ask how
18 you filter out the non-true data, right?

19 MR. MYERS: Well, the non-true is going to be the
20 challenge, I think, with folks with an axe to grind, we'd
21 certainly work to anonymize it and not point the finger at
22 anyone. But if it is a fallacious report just because
23 somebody wants to get back, there's no repercussion.

24 MR. WENDLAND: Right.

25 MR. MYERS: So, there's -- you know, I think there's

1 a little value in that for disgruntled employees.

2 MR. WENDLAND: Going to Mr. Myers' point, I just
3 think there's -- may have somebody think near-miss on the
4 back deck is different than what the master thinks of
5 near-miss and to decipher between those and that kind of
6 as well as the false statement.

7 MR. MYERS: Thank you very much.

8 MR. WENDLAND: Thank you. All right. So, at this
9 point in time, I think we will turn it over to Mr. Myers,
10 again, but the other Mr. Myers, CG CBC-3. He's on the
11 schedule to present and introduce the marine casualty
12 initiatives. Joe, the floor is yours.

13 MR. MYERS: Thank you, Jonathan. Joe Myers speaking.
14 And as what -- first

15 and foremost, does anyone need to take a break?
16 Five-minute break for anyone or maybe if you need a break,
17 feel free to get up and take a break and come on back. I
18 think what we've -- I don't see any hands so I'll just go
19 with the flow here.

20 We have -- so, we've kind of set the stage so far
21 with our discussions up until now today. We had Dr. Case.
22 We had Mr. Myers. We had -- we've had a lot of discussion
23 on the tasks that we are going to be seeing at hand,
24 primarily which cases, which many of you have already
25 reviewed to a certain point, at least on the surface,

1 touching base on personal flotation devices, cold water,
2 and falls overboard. And what I've really enjoyed, Dr.
3 Case's presentation on the NIOSH data that is extracted by
4 our Coast Guard missile data that's -- that comes from
5 marine casualties. And I'm not going to steal the thunder
6 of the office of IMD because I just got the smile there
7 and I'm not going to -- I don't want to rob them of their
8 time on this.

9 But what I would say is, you know, these contributors
10 that we've just saw data on or matrixes on, along with the
11 cases that you may have reviewed but you -- and if you
12 haven't, you will review, they connect to PFDs, falls
13 overboard, contributing factors that we'll read in the
14 marine casualty cases which are redacted, but you can
15 still understand the key content within those cases which
16 will discuss drug use, fatigue, the elements that
17 contributed to those marine casualties. So, there's a
18 variety of things that we're going to be factoring in over
19 the next couple of days.

20 And so, next what we will have is the Office of IMD
21 come up and give a brief delivery on, okay, what's the
22 Coast Guard's thinking and position and process when we go
23 through a -- when we receive a major marine casualty, and
24 how do we shape that into a -- something that we can use
25 to weigh an opinion, take an actionable item, and

1 hopefully come up and influence policy, procedures,
2 regulations as warranted. And so, Mr. Omar Reyes, first
3 is going to come up now and give us a delivery on -- from
4 the Office of IMD's perspective.

5 MR. LATORRE REYES: Thank you, sir. Good morning,
6 everybody. Just to

7 introduce myself a little bit while Angel finds my
8 PowerPoint. I think it's that second one on the bottom.
9 Little more. To the right one. That one.

10 So, my name is Omar LaTorre Reyes. I'm with the
11 Office of Investigations and Casualty Analysis. I've been
12 in the Coast Guard for a total of, I would say, almost
13 seventeen -- almost eighteen years. Tomorrow, eighteen
14 years. So, sixteen of those years was active duty Coast
15 Guard, and two of those years is reservist plus now
16 civilian. My career has, kind of, gone through all of the
17 facets of the marine safety program. That includes
18 prevention that we call, which is all of the compliance,
19 inspections, and the response sides which is a lot of the
20 enforcement side. So, I've had pretty a diverse career in
21 pretty much everything marine safety-related.

22 First, I'd like to start to give a quick brief --
23 very, very, very brief overview of the investigations
24 process, and then I'll, kind of, give some caveats on
25 that. So, during the Coast Guard investigation, the Coast

1 Guard investigating officer's responsibility is try to
2 figure out what happened, right. So, they are going to be
3 gathering the facts of the case. They're going to be
4 conducting analysis on those facts and coming up with a
5 conclusion of what -- you know, what led to some of the
6 causes. After all of that is complete, the investigating
7 officer has the option to recommend some safety
8 recommendations. Also, not to convolute, they also have
9 administrative recommendations. So, if it's -- has to do
10 with policies, regulations, laws, those kind of go into
11 the safety admin -- recommendation realm. And if it has
12 to do with, like, internal Coast Guard procedures or
13 something that will effect, like, the Coast Guard members
14 or some sort of interdepartmental policies, those would be
15 administrative actions.

16 That being said, the Coast Guard's process for
17 investigations in the past is a little different than what
18 it is today. So, before the incident happens, the
19 investigation occurs, recommendations may or may not be
20 made. After it goes through all of the different levels
21 of review from the unit to the district, sometimes the
22 area all the way up to headquarters, it will have a review
23 process. After that review process, if there are
24 recommendations, at each level there will be an
25 endorsement whether that unit -- so, either district or

1 headquarters will either concur, concur with the intent,
2 partially concur, recommend an alternative action, or does
3 not concur with those recommendations. Before, it had to
4 get to that entire process before the case -- the marine
5 casualty could be closed and then be offered up for public
6 -- you know, posting on public sites.

7 Today, we're doing it a little bit differently.
8 We're kind of decoupling the investigative process and the
9 safety recommendation process because the previous process
10 just took too long and cases would be open, you know, way
11 too long. As you'll notice, some of the dates on some of
12 the cases that we'll review throughout this, some of the
13 cases are pretty old. So, this new process of decoupling
14 them will allow us to close the actual investigative
15 process a lot quicker and get those reports out to the
16 public quicker. And then, we'll be able to adjudicate
17 some of the recommendations easier. Because, as you know,
18 if you're trying to recommend an addition -- a regulatory
19 addition or a change, that may take a long time going
20 through the whole, you know, rule-making process. So --
21 next slide please.

22 So, that being said, so, these numbers are not to
23 detract from all of the statistics that we've heard today.
24 This is purely based off of open safety recommendations.
25 So, not to say that there weren't many more cases that

1 involved flotation devices. These were just, of the open
2 cases right now, ten cases we're dealing with like
3 personal flotation devices. Of these ten cases, there
4 were eleven fatalities, one injury, and two vessel losses.
5 The second task statement is dealing with cold water.
6 There is nine investigations there. Of these
7 investigations there was thirteen fatalities. There were
8 no injuries and no vessel losses in these. In the third
9 task, related -- these cases related to the falls
10 overboard, and two -- there is two fatalities in those two
11 cases. Next slide.

12 So, the goal of, I guess, the meeting this week is
13 to, kind of, go over some of these safety recommendations
14 that were, kind of, categorized that were like
15 recommendations. So, out of the three categories, you
16 know, you have your PFDs, all their recommendations, all
17 of those cases had to deal with PFDs whether it's
18 requesting a regulatory change or addition or some action
19 for PFDs. And the end result, we're looking for a
20 recommendation from the committee to basically either
21 concur with the recommendations made, partially concur,
22 concur with their intent, or, you know, do not concur.
23 And that would be the recommendation that the committee
24 would make to the Coast Guard so that they can make their
25 final decision. And some of the, I guess, the flavors --

1 and I don't want to put words in you guy's mouth. These
2 were -- it's the same recommendation stated several
3 different ways of like the different options. So I don't
4 want to -- don't take these as what you guys are going to
5 write.

6 So, for example, after reviewing the Marine Casualty
7 Investigation associated with the National Commercial
8 Fishing Vessel Safety Advisory Committee, task 01-23,
9 existing this recommendation, the Coast Guard should
10 pursue --

11 THE COURT REPORTER: I'm sorry. Can you slow down
12 just a little bit?

13 MR. LATORRE REYES: Sorry. Should pursue legislative
14 actions to

15 require the use of personal flotation devices for the
16 commercial fishing operations. And so, the next two
17 examples are similar. Just kind of a different stance.
18 So, the portions in red are the only things that changed.
19 The next one is like --

20 MR. DZUGAN: Jerry Dzugan. Just for clarification on
21 number two. It

22 says, should partner with the commercial fishing
23 industry to determine the sufficient PFD type that should
24 be required. Types can be in parenthesis? I mean, we're
25 not limited to one type. Or it could be types as well

1 should be interpreted as -- it could be multiple.

2 MR. LATORRE REYES: Like I said, this isn't to be
3 used as this is what -- you guys are going to be using as
4 the responses. This is just an idea. You guys can
5 recommend whatever you want.

6 MR. DZUGAN: Thank you.

7 MR. LATORRE REYES: Yep. So, as I was saying, should
8 partner with

9 the commercial fishing industry to determine
10 sufficient PFD types that should be required to use while
11 conducting commercial fishing operations. And the last
12 one would essentially be, we don't concur with the
13 recommendations but the Coast Guard continues to monitor
14 and collect data regarding casualties where PFDs may have
15 prevented the loss of life or injury. However, this
16 committee does not see the current need for legislative
17 action.

18 So, the first one is, you would be recommending
19 legislative action. And the last one is we don't think
20 that legislative action is needed. So, again, you're not
21 required to use these. These are just some examples of
22 what may come out of the review process.

23 MR. KELLY: Just for clarification. This is Jim
24 Kelly. If you go back to that previous slide. Is the
25 expectation from the committee that it is going to be a

1 binary decision, either everybody's going to do it, or
2 it's going to be more like the third one, or are there
3 flavors based on the type of commercial fishing that's
4 going on that it may or may not apply?

5 MR. LATORRE REYES: It would be based off what the
6 safety recommendations are requesting. So, some of the
7 recommendations are specific. Some of the recommendations
8 are all inclusive. Like, you may see some of the
9 recommendations say all commercial fishing vessels. You
10 may say -- and I can't remember specifically off the top
11 of my head, but some may say like for the deep water tuna
12 fleet or for, you know, different types of commercial
13 fishing operations, some may say only while on deck, and
14 it depends on the recommendation.

15 MR. KELLY: That's my point. And is the expectation
16 that the committee is clarifying the deviations or it's
17 just saying, well, maybe some -- it would apply to some
18 and not others.

19 CAPTAIN NEELAND: Captain Mark Neeland. Really, it's
20 up to you. I'd like you to

21 take a look at the cases and based off of your
22 experience and knowledge and the facts of the
23 investigation, make a recommendation, whatever you believe
24 is the most appropriate. Every casualty is slightly
25 different. There's different circumstances. However,

1 just a lot of these casualties have similar
2 recommendations. That's why we grouped them -- why they
3 were grouped together. Really, what we're looking for is
4 your perspectives and your knowledge, each of you on this
5 committee comes with different backgrounds and experiences
6 within the fishing industry. And all of you contribute
7 and are going to have a slightly different take. And all
8 of those perspectives can help formulate ultimately
9 whatever the committee's recommendations are going to be
10 moving forward.

11 So, please do not use these as stock. It's just an
12 example of something you could say. But do not feel
13 restricted in any way, shape, or form other than making
14 sure the recommendations are appropriate based off of the
15 casualty investigation per the task. So, if you want to
16 recommend a whole bunch of different types of PFD usage
17 for different fisheries, that could be an option. If you
18 think the legislative change is not appropriate, but some
19 other mechanism, that could be an option. If you think
20 we're -- the base is already covered. Pretty much the --
21 you're open ended. You're not restricted in what your
22 recommendation other than to the task.

23 MR. LATORRE REYES: So, this is -- the next part is
24 how you guys decide you're going to break up to address
25 these. That is going to be left to the committee. And

1 the final recommendations should be submitted via the
2 associated form which we have some forms printed out for
3 you guys. We also have them available electronically as
4 well. And that's where you guys can submit the
5 recommendations.

6 So, things to consider. You know, if you're going to
7 consider if the recommendation is asking for legislative
8 action, you know, why do you agree, why do you disagree,
9 right? You don't have to basically just go with what the
10 recommendation is saying. And that means the next one is
11 alternative actions. If you feel like there is a
12 different approach or a different method to get to the
13 same resolution of keeping the mariner safe, then, you
14 know, feel free to make those alternative recommendations.
15 Any questions?

16 MR. DAMERON: Is the electronic version of the form
17 you mentioned available to us?

18 MR. LATORRE REYES: Yeah. So, we will e-mail that
19 out when we break up.

20 MR. MYERS: Joe Myers here. And also, what we can do
21 is, do you think

22 we can probably leave some copies maybe on the back
23 table while we're -- yeah. So, you can see the hard copy,
24 paper copy, obviously. So, we'll get that electronic and
25 also have hard copies.

1 MR. LATORRE REYES: So, I didn't pass them out
2 initially because I didn't know what groups people were
3 going to take part in. So, you may get a form that you're
4 not part of the group. So, in order to save paper and
5 confusion, whenever you guys get into whatever groups
6 you're going to be in, we can pass out those forms. Okay.

7 CAPTAIN NEELAND: I wanted to highlight a background.
8 Captain Mark Neeland.

9 The purpose of the Coast Guard investigation process
10 is after a casualty, our investigators go out, they look
11 into the accident, the incident, and ultimately we're
12 trying to take the lessons learned to try to prevent that
13 situation from occurring again. The Coast Guard, at the
14 completion of the investigation, they can make a
15 recommendation. There is no requirement for the
16 investigation that they make a recommendation, but these
17 recommendations are based off perspectives of the
18 investigators but it's coming from a Coast Guard
19 investigator who is looking at it trying to look at what
20 we can do to potentially prevent that incident from
21 occurring again. The value, I think all of you had, is,
22 as I mentioned earlier, you have different perspectives
23 and experience in industry. So, by you providing us your
24 recommendation, it helps us to look, what can we do in the
25 future, organizationally, is there something that we can

1 do to try to prevent these type casualties from occurring
2 in the future.

3 MR. LATORRE REYES: I just have like one last thing
4 to close. This is the first time we're using this sort of
5 venue to address some of these recommendations. And the
6 reasons we selected the associated investigations is
7 lifesaving appliances were the highest on the list for how
8 many recommendations were associated with casualties. So,
9 for example, there were approximately ninety-eight open
10 recommendations -- excuse me -- fatalities and forty, I
11 think, six of those fatalities were associated with
12 lifesaving appliances. So, these recommendations were
13 taken from that higher chunk of recommendations that were
14 associated with thefts to try to figure out to get more
15 bang for our buck to address the recommendations that were
16 higher on the list.

17 MR. DZUGAN: Jerry Dzugan. Just for the process and
18 understanding,

19 Did you take all of our personal information and
20 background into your great computer and decide who should
21 be -- who is best suited for each task or are we
22 self-selecting?

23 CAPTAIN NEELAND: Captain Mark Neeland. No, we
24 haven't -- who is best suited, that's the committee --
25 really the responsibility of the committee to select and

1 divide how you would like to evaluate and take a look at
2 that -- at these recommendations. So, that's all within
3 the purview of the video.

4 MR. LATORRE REYES: All right. If there's no other
5 questions. Thank you. Appreciate it.

6 UNIDENTIFIED SPEAKER: Were you going to say
7 something, John?

8 MR. WENDLAND: Yes, sir. Thank you. I just
9 recommend before you decide how you're going to split up
10 into the committees, and, of course, three tasks, the
11 first thing at hand here is really to name the
12 subcommittees. So, just to get a name for the
13 subcommittees and decide on the name. And it could be as
14 simple as PFD cold water --

15 THE COURT REPORTER: I'm sorry. Can you say that
16 again, PFD --

17 MR. WENDLAND: I'm sorry. Yes, PFD, cold water,
18 falls over. Or it can be as simple as that. Just to name
19 the committee but that's up to you folks, how you want to
20 do it, name it, and how many committees you want to have.
21 But we need to do that, I think, first.

22 MR. DZUGAN: And that will be done when? When should
23 we decide it?

24 Jerry Dzugan. It should be done when? Is there a
25 time on the schedule that we're going to determine the

1 methodology?

2 MR. WENDLAND: I think this is the time.

3 MR. DZUGAN: Okay.

4 MR. WENDLAND: Yep. As far as naming the committee
5 is what I'm referring to.

6 CAPTAIN NEELAND: Okay. I'm Mark Neeland. I think
7 you have two options. We're kind of at a decision point
8 here. You can, if you feel like you're ready, or if you'd
9 like to take the evening to think about it and have some
10 discussions tomorrow morning after maybe selecting a chair
11 we could also then decide, or the committee can decide how
12 they would like to split and us tackle these
13 recommendations. I think we can work either way based off
14 of your recommendations.

15 MR. DZUGAN: Jerry Dzugan. If I may make a
16 suggestion as to another

17 possibility of methodology is passing around a piece
18 of paper now and -- with the three categories. And
19 passing it around and have people sign up. And then,
20 looking at that list tonight and in the morning seeing
21 where we need to fill in our committee. That would give
22 us a little more prethought, but it's up to the group.

23 CAPTAIN NEELAND: So, I think following Robert's
24 Rules we have a motion on the floor; is that correct, to
25 put a sheet of paper? Do I have a second?

1 MR. BOEHMER: I second.

2 CAPTAIN NEELAND: Okay. All right. All in favor in
3 writing a sheet of paper?

4 COMMITTEE: Aye.

5 CAPTAIN NEELAND: All opposed -- any opposed? All
6 right. It appears unanimous. I didn't hear opposition.
7 So, we'll route a sheet of paper and use that methodology.

8 MR. DZUGAN: I'm just going to -- if it's okay with
9 the group --
10 Go ahead.

11 MR. ALWARD: I was just going to ask the motion maker
12 if that included the name of the three committees, i.e.,
13 PFD, cold water, and falls overboard.

14 MR. DZUGAN: I was going to simplify it to just use
15 that. Yes. PFD --

16 THE COURT REPORTER: I'm sorry. Can you --

17 MR. DZUGAN: PFD, cold water, and the third one,
18 falls overboard.

19 THE COURT REPORTER: Can I get your name down here?

20 MR. ALWARD: Matt Alward.

21 THE COURT REPORTER: Thank you.

22 MR. DZUGAN: So, if you could print your name legibly
23 underneath the category, we'll start over here with you.

24 CAPTAIN NEELAND: John, at this point, on the
25 schedule I believe our next agenda item is basically

1 allowing our members to review and familiarize the case.

2 I know we're also routing the sheet of paper. I recommend
3 us take a break for the -- at this point, to allow people
4 to write, have some side dialogue, review the case, and
5 then come back. Does that work?

6 MR. WENDLAND: Yes, sir. That works absolutely. And
7 when we do come back, we'll also mix in if there's any
8 public comments.

9 CAPTAIN NEELAND: Okay. So, anyone concerned with
10 that plan? All right. So, we'll take a break. What
11 time?

12 MR. WENDLAND: Ten minutes, maybe. Is that long
13 enough?

14 CAPTAIN NEELAND: Let's take until 4:10. We'll do a
15 twenty-minute break.

16 MR. WENDLAND: Twenty minutes. Be back at 4:10.
17 Thank you.

18 (The meeting recessed at 3:50 p.m. At 4:20 p.m. the
19 meeting continued as follows:)

20 MR. WENDLAND: Welcome back. So, I just want to -- I
21 have not received a tap on the shoulder from anybody in
22 the public that would like to have a moment or a few
23 minutes to bring any topics to the committee's attention.
24 But I would like to give this opportunity, at this time,
25 anybody out there in the public that would like to have

1 that time to do so, to raise your hand. Is there anybody?

2 I see none.

3 So, I just wanted to make sure we had that
4 opportunity for the public. Thank you.

5 And, Captain, do you want to have a little discussion
6 on moving forward or you want me to, kind of, present
7 those ideas?

8 CAPTAIN NEELAND: You can present a couple of ideas
9 and we'll go from there.

10 MR. WENDLAND: Okay. Very good. So, I think at this
11 point in time, you know, just listen to a couple of
12 different members around the table. It was suggested that
13 I overheard and it was actually discussed with me to make
14 decisions on even the three groups. So, I know everybody
15 did the motion and put the names on the page, and you can
16 always, sort of, withdraw that motion if you don't like
17 the names or if you don't like the three committees, if
18 you want to move forward that way. Because I was
19 contacted and said, you know, maybe there's a better way
20 to do this. And we certainly like to leave that up to the
21 members to make that decision. We'd also like to give --
22 if that's a decision point, we'd -- you know, we'd like to
23 give the entire membership an opportunity to discuss
24 amongst yourselves because you may feel that you have
25 knowledge in two or three of those topics and don't want

1 to be pigeonholed into just one.

2 So, I will turn it back over to -- it's kind of hard
3 to do this without a chair, of course. But turn it back
4 over -- a membership chair. I'll turn this back over to
5 the Captain, I think, to maybe make that recommendation,
6 if it's in the so interest of the membership.

7 MR. DZUGAN: Jerry Dzugan. I think in the morning
8 once we have a

9 chairperson for the committee, there will be a motion
10 on which way to tackle this.

11 CAPTAIN NEELAND: Okay. So, that sounds appropriate.
12 So, in the morning once we -- after designated
13 chairperson. So, we can do that. So, technically,
14 Robert's Rules. So, I have a motion. Does someone second
15 that plan?

16 UNIDENTIFIED SPEAKER: Second.

17 CAPTAIN NEELAND: Second. All right. All in favor?

18 COMMITTEE: Aye.

19 CAPTAIN NEELAND: Any opposed? All right. So, that
20 -- that will be the plan for the committees after the
21 chairperson tomorrow morning make the -- make that
22 committee -- subcommittee assignment.

23 MR. DZUGAN: Thank you, Mr. Chairman.

24 MR. WENDLAND: And also, depending on how that is
25 resolved, if there is one or two committees or three

1 committees, the idea is maybe to have three or four,
2 depending on how many committees there are, Coast Guard
3 representatives to sit, maybe one person each, in each
4 subcommittee as a facilitator of the process, not
5 facilitating the decisions.

6 So, at this point in time, I'd like to see a show of
7 hands, who would be interested in being a facilitator of
8 the process?

9 Omar, we're definitely having you. And I think we're
10 going to have maybe -- depending on how many, I'll select
11 three or four here. Omar, maybe you can roam between the
12 three or two or one, however it's decided.

13 I'm sorry. Show of hands, again. It's a tough
14 decision, Captain. What do you think?

15 CAPTAIN NEELAND: So, I think -- so, we have several
16 people that are volunteering to facilitate. What I'd like
17 to do is, we'll have to make a decision there. But I
18 don't think that necessarily that the committee needs to
19 make that decision how we'll organize that. We can
20 probably do that separately.

21 UNIDENTIFIED SPEAKER: Correct.

22 CAPTAIN NEELAND: What I would like -- what I
23 recommend is at the conclusion of today's agenda, we'll
24 break. The committee will remain here to give them an
25 opportunity to talk potentially about chairman selections

1 -- how they would like to go about selecting the chairman
2 and having a little dialogue. And then, for all of our
3 Coast Guard members, I recommend going outside with Mr.
4 Myers, and we can talk about how we can best facilitate
5 and assist the committees as they go about their work.

6 MR. WENDLAND: Excellent. That's why he's the
7 captain.

8 CAPTAIN NEELAND: All right.

9 MR. WENDLAND: Very good. So, at this point in time,
10 let's do that break. All right. Do you want to break and
11 do it or do you want to --

12 CAPTAIN NEELAND: So, I guess, before we break for
13 the day, so that would be next, are there any agenda or
14 other items that we need to cover today prior to us
15 splitting up into these two groups?

16 MR. WENDLAND: I don't believe so on the agenda. We
17 were going to just have final thoughts, you know, on day
18 one, if we need to do that. And just some admin, just as
19 a reminder, tomorrow's meeting does start at 0800. And
20 so, maybe after the folks have a chance to discuss today
21 and Coast Guard goes outside, maybe we just come back in
22 and just have those final thoughts on the day, then to
23 adjourn the meeting accordingly when appropriate.

24 CAPTAIN NEELAND: Okay. Sorry. So, I understand
25 you're recommending that we actually not adjourn now, do

1 our two separate meetings, and then come back?

2 MR. WENDLAND: Yes, sir.

3 CAPTAIN NEELAND: Okay. Any objection to that plan?

4 All right. So, at this point, let's break. How much
5 times does everyone need? Fifteen minutes? All right.

6 So, we'll give ourselves twenty minutes. So, we'll
7 reconvene here with everybody at 4:45.

8 MR. WENDLAND: 4:45. Great. Thank you.

9 CAPTAIN NEELAND: All right. Thank you.

10 (The meeting recessed at 4:31 p.m. At 4:45 p.m. the
11 meeting continued as follows:)

12 CAPTAIN NEELAND: Great. So, do you want to do final
13 thoughts before I go or do you want me to kick off?

14 MR. WENDLAND: I think if we just talked about what
15 you were just referring to in the meeting, that would be
16 probably the way to go.

17 CAPTAIN NEELAND: Okay.

18 MR. WENDLAND: And that way its structurally sound
19 and then we can get the final thoughts.

20 CAPTAIN NEELAND: Okay. Great. So, for the
21 committee there's a couple of

22 items I'd like to just, kind of, relay to you.

23 Tomorrow after you select a chairman and subcommittees,
24 when you divide up into subcommittees, our commercial
25 fishing vessel staff that presented that's here from the

1 Coast Guard is available. They will -- are there to
2 facilitate as you guys work through your recommendations.
3 So, if you have any questions on Coast Guard policies or
4 if you need any additional information or whatnot, the
5 staff is there to facilitate as you guys work through, if
6 you have questions or need anything from the Coast Guard.
7 But they are in no way, shape, or form there to guide
8 because ultimately it's you as the committee who will make
9 your recommendations. So, they are there to facilitate
10 and assist. So, I just wanted to make sure that it's
11 clear, and if you run into any issues, please let know as
12 the DFO and I'll interject to make sure that we are not --
13 that it's truly your recommendation, that they are there
14 to assist and help you.

15 So, that's all I wanted to relay. Is there anything
16 I'm missing?

17 MR. WENDLAND: No, sir.

18 CAPTAIN NEELAND: Okay. So, with that, I think we'll
19 go to final thoughts, John.

20 MR. WENDLAND: Yes, sir. Again, meeting tomorrow at
21 0800. And I think it's a good opportunity, you know,
22 maybe just to go around the table to get final thoughts,
23 you know, on your thoughts of the timing of this, how the
24 first day went, just so, you know, as a staff we can make
25 things better for you. Just like to hear individually and

1 if you don't have anything to say, that's fine. But maybe
2 just start with Mr. Theiler and go around the horn that
3 way.

4 MR. THEILER: Coffee. Just I'd like to thank you
5 all. I think

6 it was very interesting and informative and I'm
7 looking forward to serving.

8 MR. DZUGAN: Ditto. Thank you for all of the work
9 that you've done to set us up. I know it's a lot of work.
10 And we're looking forward to getting to work ourselves,
11 coffee or not.

12 I'll use my chance to say that we talked as a group,
13 and we would like to meet as a committee as a whole --
14 subcommittee as a whole tomorrow. So, we'll tackle each
15 task statement as a whole. We think it will save time so
16 we don't have to repeat it all over again. And thanks for
17 the ability to be able to do that.

18 MR. WENDLAND: And please just state your name as
19 we're going here.

20 MR. DZUGAN: Jerry Dzugan. Thank you.

21 MR. DAUGHTRY: Ben Daughtry. And just it's been an
22 interesting day.

23 Thank you for having me on this committee, and I look
24 forward to building relationships here with all of the
25 people around the table. Thank you.

1 MR. LONDRIE: Greg Londrie. Thank you, Coast Guard,
2 for putting this

3 committee back together and getting us back together
4 again. And looking forward to tackling our tasks. But
5 it's good to be after COVID and everything else that we're
6 back up and running, so.

7 MR. ROSVOLD: Eric Rosvold. I'd like to see if you
8 guys can't fix it

9 so Angel could use Alaska Airlines as a flight to fly
10 on.

11 MR. CALDERON: Will take into consideration.

12 MR. KELLY: Jim Kelly. I would say for the first
13 time I've sat

14 through one of these, I was very impressed by the
15 materials. Very informative relative to tomorrow's
16 discussions.

17 MR. TURNER: David Turner. This is also my first
18 time sitting through

19 This, and it was very interesting and I'm looking
20 forward to learning more tomorrow.

21 MR. TERMINEL: Mike Terminel. I want to thank all of
22 the coordinators

23 for all of your presentations. Very informative,
24 Doctor and ABS Consulting today. That was very
25 informative.

1 MR. DAMERON: Tom Dameron. I appreciate the Coast
2 Guard getting the

3 safety advisory committee back together, and I'm
4 looking forward to the good work that we'll do.

5 MR. ALWARD: Matt Alward. Same, good to be on the
6 committee again.

7 I'm glad to be on it. I'm looking forward to the
8 work we do not only on the tasks that you assigned us, but
9 also maybe on any other tasks we might as a committee and
10 industry be relevant and important to discuss.

11 MR. HEWLETT: Barb Hewlett. This is a thank you for
12 everything that

13 you guys are doing to get this committee back
14 together. And I'm glad I'm on this side of the table this
15 year. I've been in the audience for years watching and
16 it's a little different when you're up here. But I'm
17 looking forward to the opportunity working with everybody
18 and thank you.

19 MR. BOEHMER: Kris Boehmer. Again, I'm glad to be
20 back, and thank all

21 of the hard work everybody put in. The presentations
22 we had were really informative. And I want to give a
23 special thanks to both Angel and Jonathan for keeping us
24 in the loop on all this stuff. And I remember my first
25 meeting years ago. It was very -- you didn't know where

1 you were going or what was going on. And it's really nice
2 -- and the first meeting makes everything come together
3 and looking forward to working cohesively with all of you
4 guys. I'm really glad that we're working in a year with
5 downward trends in fatalities rather than reacting to the
6 bad tragedy. I was afraid that was going to happen. So,
7 looking forward to the work we do.

8 MR. VARGAS: Frank Vargas here. Thank you everybody
9 for all of the work.

10 And it's a pleasure to be here and looking forward to
11 be able to help with my knowledge in the future.

12 MR. WENDLAND: Great. Thanks everybody. I just have
13 a couple of comments. One, in talking to a couple of new
14 members onboard, you know, it's been stated to me that
15 they just were trying to maybe just listen in a little bit
16 more than participate. You're here. You're a member.
17 So, you know, these terms go fast. They're three years.
18 So, your time is now. Don't wait. You got opinions, you
19 got thoughts, you got your expertise, that's why you're
20 here. That's why you were selected. So, that's what
21 we're asking you to do. So, don't be bashful. Didn't
22 feel look you're -- you know, whatever the pressure is on
23 you. You're a member just as much as every member on this
24 committee. So, please, you know, speak up and speak your
25 minds and represent who you're representing. And I think

1 the industry and the safety of all personnel will benefit
2 from that.

3 Lastly, you know, my thoughts is just to remind
4 everybody that, again, the nomination of the chair and
5 vice chair will be tomorrow, first thing in the morning,
6 and then, kick off the tasks. And that's all I have. And
7 I'll pass it back to Joe and the Captain.

8 MR. MYERS: Yes. Thanks, Jonathan. And everyone,
9 just we are -- we're very

10 excited to have this committee together. We look
11 forward to what's going to take place over the next couple
12 of days. I thought today was really successful. We had a
13 lot of good information from our district coordinators,
14 our guest speakers. Again, a lot of foundational things
15 to set the stage for the work we're going to do over the
16 next several of days. So, again, thanks for carving out
17 time out of your busy schedules. We know your time is
18 valuable. And we really look forward to your comments and
19 recommendations. Thank you. See you tomorrow.

20 MR. WENDLAND: Just one more, Captain, if I could.
21 Sorry about that.

22 Also, you know, this is your time this evening. You
23 know, you could have dinner, have a beer, whatever, get to
24 know each other, you know, if you want to do that. Set a
25 time, set a place -- say again?

1 UNIDENTIFIED SPEAKER: Do we have to do both?

2 (Inaudible chatter.)

3 MR. WENDLAND: So, anyway, the point is to get to
4 know each other, you know, that kind of thing. You know,
5 come together as a group and get -- you know, and work
6 through things. You all have different opinions. So, I'd
7 encourage that this evening. You know, find the time,
8 find the space, if you have that time. Thank you.

9 Sorry, Captain. It's all yours.

10 CAPTAIN NEELAND: Thanks, John. So, I want to thank
11 you for the valuable feedback. I'm always about trying to
12 continuously improve. So, we'll take the feedback from
13 this meeting as we look into the next meeting and trying
14 to continue to build upon momentum. So, thank you for all
15 of our presenters today. And just to reiterate, I look
16 forward to our discussions and continue to work over
17 tomorrow and the next day as we take a look through these
18 issues and gain your insight and thoughts as we try to
19 make the best decisions possible as we move forward. So,
20 with that, that's it for the day. I got to use my crab
21 hammer and we're done. Thank you.

22 (The meeting recessed at 5:02 p.m. on May 23, 2023
23 until May 24, 2023 at 8:00 a.m.)

24

25

1 Day 2 of 3 Wednesday, May 24, 2023

2 (The Committee Meeting started at 8:00 a.m.)

3 P R O C E E D I N G S -- D A Y 2 of 3

4 MR. WENDLAND: Okay. Good morning, everybody.

5 Welcome back to the second day of the National Commercial
6 Fish and Safety Advisory Committee. I'd just like to make
7 a couple general comments.

8 First was last night was amazing. Thank you for
9 getting together and having some fresh conversations
10 around the tables. I learned a lot, and I think those are
11 some of the most valuable evenings and discussions you can
12 have. So I really appreciate that.

13 Oftentimes, you know, when you are doing these
14 virtually, whatever, you don't have that opportunity. So,
15 you know, when you leave these meetings like this, you
16 take a lot back from those discussions. So I certainly
17 appreciate it. And I learned a lot, so thank you very
18 much.

19 Just as a reminder today, we do have another point in
20 the agenda for public comments. So the public out there,
21 if there's something you want to say or discuss, you know,
22 what the committee's discussing here as well, just tap me
23 on the shoulder and we'll get you up to the mic, and
24 you'll have your chance to speak to the committee. Again,
25 just tap me on the shoulder, and we'll get that moving.

1 For those that may be new today that weren't here
2 yesterday, the restroom's just out the door, take a left,
3 end of the hall. And also if there's any kind of
4 emergency, that type of thing, don't go down the
5 elevators. Use the escalators down to the first floor and
6 out.

7 Also, as a reminder, every day we are asking for
8 people to sign up. So sign-in sheets are in the back
9 room. So I'd like to have you sign in at some point
10 during the day, usually sooner is better so you don't
11 forget. Again, that's on record. So that will be posted
12 on our website and also the FACA website at the conclusion
13 of the meetings.

14 Also I wasn't kidding when I said that I went out and
15 got Robert's Rules, the book, but we are using Robert's
16 Rules simplified. So the people who come asking, you
17 know, the Robert's Rules things, I'll just pass this
18 around just for a look-see so people can actually see what
19 Robert's Rules looks like. And we are going to use a
20 simplified version. All comments go through the Chair
21 today.

22 Okay. So I think, at this point in time, I will pass
23 it back to Joe Myers to go over the agenda for the day.
24 Mr. Myers.

25 MR. MYERS: Thank you, Jonathan. Joseph Myers here.

1 And good morning everyone, and great day yesterday, and
2 welcome back. And it's good to be back.

3 I'm just going to briefly go over the agenda, which I
4 hope everyone has a copy, but if not, we'll -- again we'll
5 just go over this right now. For the first items on the
6 agenda this morning, we will -- our DFO will -- well,
7 first and foremost, we will reconvene the meeting. We'll
8 offer up general comments to Captain Neeland, our DFO.
9 Then there will be a nomination, a selection of the Chair
10 and Vice Chair of the committee, and pretty much the
11 review of the agenda we are doing right now.

12 Around the time 8:30, there will be an assignment of
13 the tasks, which we have three tasks to be assigned. And
14 if they are accepted by the new Chair and the Committee,
15 then we will -- or the Chair will identify the
16 subcommittees and any relevant working groups.

17 Next, the subcommittee -- there will be direction and
18 expectations which are outlined on the agenda. And there
19 will be established timelines, subcommittee break-out
20 sessions, and the subcommittee nominating their chair and
21 scribe as needed for whatever tasks are assigned and
22 accepted.

23 Then around 10:15 there will be a break, 10:30
24 reconvene the task working groups, and then as the
25 subcommittee groups and working groups, slash, working

1 groups will meet, there will be a lunch break on or about
2 12 o'clock noon.

3 One o'clock, an hour later after that lunch break,
4 there will be a reconvening of the working groups.
5 There's a scheduled break at three o'clock p.m., and 3:15
6 there is scheduled to have a reconvening of the work
7 groups to continue their works, and then at 4:30, the
8 committee regroup.

9 And there will be a call for any public comments,
10 should there be any comments from the public at that time.
11 If so, we request that public comments are kept to roughly
12 three minutes per person. And then at 4:50, final day
13 thoughts, and then that will be myself and Mr. Woodland
14 kind of initiating that and adjourning for the day at five
15 o'clock with the committee chairperson leading that.

16 Are there any questions? That's just a general
17 rundown of the agenda. I am sure things can flux a little
18 bit, but that's the general rundown. And that being said,
19 Captain Neeland, is this a good time to go into our first
20 initiative of nominating the Chair and Vice Chair?

21 CAPT. NEELAND: Yes. We can move to the agenda item
22 and start taking nominations.

23 MR. MYERS: Yes, sir.

24 CAPT. NEELAND: So, with that, I would like to open
25 it up for any nominations for Chair.

1 MR. BOEHMER: Kris Boehmer. I would like to nominate
2 Jerry Dzugan for Chair.

3 CAPT. NEELAND: All right. I have a nomination for
4 Jerry Dzugan. Do I have any seconds?

5 MR. DAMERON: Thomas Dameron. I would like to second
6 that.

7 CAPT. NEELAND: All right. So we'll -- do we have
8 any other nominations? All right. Hearing none, let's
9 vote all in favor of Jerry Dzugan.

10 RESPONSES: Aye.

11 CAPT. NEELAND: Any opposed?

12 (No responses)

13 CAPT. NEELAND: All right. The votes -- there are
14 ten members, correct? Or, sorry, twelve.

15 MR. WENDLAND: Should be 13.

16 CAPT. NEELAND: Thirteen. Thirteen to zero. Thank
17 you. All right.

18 So. Mr. Dzugan, you have been selected and nominated
19 as the chairman. So, at this point I would like to open
20 it up for nominations for vice chair.

21 MR. BOEHMER: Kris Boehmer. I would like to nominate
22 Matt Alward for vice chair.

23 CAPT. NEELAND: All right. Nomination for Matt
24 Alward. Do we have any seconds? Do I have a second? All
25 right. David Turner is a second. So, at

1 this point, let's take a vote. All in favor of Matt
2 Alward to be the vice chair?

3 RESPONSES: Aye.

4 CAPT. NEELAND: All right. Any opposed?

5 (No responses)

6 CAPT. NEELAND: All right. The votes are 13 to zero
7 for Matt Alward being the vice chair. As such, he has
8 been nominated as the vice chair. Congratulations,
9 gentlemen.

10 (Applause)

11 CAPT. NEELAND: All right. At this point, I hand
12 over the crab mallet to Jerry.

13 MR. DZUGAN: Want me up there or here?

14 (Overlapping Discussion)

15 MR. DZUGAN: That's a good sign of working together
16 already. We all set? Okay.

17 For some of you, I have the feeling I've been here
18 before. Have we been here before? Have you had one of
19 those dreams where it keeps repeating? I think the next
20 thing on the agenda -- thank you all, first of all, and
21 Matt coming forward also, and captains.

22 We have acceptance of the task that's ahead of us. I
23 think we are all familiar with by now Task 1, 2 and 3.
24 And our duty is to accept these tasks.

25 Is there any -- is there anybody who does not want to

1 accept the task? Can we make a motion to accept the task
2 and have it official?

3 MR. MYERS: Mr. Chair, before we do that, would you
4 like me -- I'm happy just to read just for the public and
5 everyone, would you like me to read these tasks?

6 CHAIRMAN DZUGAN: Sure.

7 MR. MYERS: And just for the folks in the crowd that
8 may not be familiar, and if you are okay with that. So
9 task -- our first task at hand, review 10 marine casualty
10 investigation cases related to personal flotation devices,
11 PFPs, and make recommendations to the Secretary of
12 Homeland Security.

13 The second task -- and by the way, that first one I
14 read was 01-23. The second task, 02-23, review nine
15 marine casualty investigations related to cold water, and
16 make recommendations to the Secretary of Homeland
17 Security. And task number 03-23, review two marine
18 casualty investigation cases related to falls overboard
19 and make recommendations to the Secretary of Homeland
20 Security.

21 Thank you, Chair. CHAIRMAN DZUGAN. Thank you. Any
22 discussion about the tasks from the committee?

23 MR. BOEHMER: I think it makes sense, we talked it
24 over, that we'd look at all these together because they
25 are all so closely related. And where there's 13 of us

1 here in this committee, we all share experiences that
2 could benefit one working group or the other.

3 And as we have discussed, I believe it will save time
4 if we look at this as a group rather than have to come
5 back and re-explain it to everybody else. So I guess that
6 would be something I would like to have us all think
7 about. Kris Boehmer.

8 CHAIRMAN DZUGAN: Good. Can we call that a motion?

9 MR. BOEHMER: I make a motion that we look at all
10 three tasks as one. Well, all three tasks in one working
11 group.

12 CHAIRMAN DZUGAN: Comments?

13 CAPT. NEELAND: I would like to make a comment before
14 you move forward on that motion, if you please. Mark
15 Neeland, DFO.

16 I think I would just like to point out there, if you
17 choose to look at all the tasks at one, then you have to
18 act as a FACA, and we have to follow all these formal
19 rules with Robert's Rules and everything else. If you do
20 divide up into subcommittees, then you can have more
21 informal discussions, and it allows you some flexibility
22 and freedom, and also allows if you want some public
23 perspective as well on the subcommittee.

24 So there is one challenge if you do look at them all
25 together. An option, you can have multiple groups that

1 could look at all three tasks and then merge them together
2 in the normal FACA in the full committee, but I just
3 wanted to point out that if you do look at all the tasks
4 together, then we are acting -- the group is acting as a
5 FACA, and we do need to follow all the formal rules.

6 CHAIRMAN DZUGAN: Thank you, Captain. Do we want a
7 second first and then get more clarifications? Okay.
8 It's just going to be moved by one person so far. Matt,
9 comments?

10 MR. ALWARD: Is that in the statute that we can't
11 create a subcommittee and then assign all members to said
12 subcommittee and create it as a subcommittee? Matt
13 Alward.

14 CAPT. NEELAND: So we have to follow our bylaws and
15 our charter. But if the subcommittee can pose it all,
16 then that is not a subcommittee, that is the full
17 committee, by definition.

18 CHAIRMAN DZUGAN: Mr. Dameron?

19 MR. DAMERON: I would like to make a motion that the
20 committee accept the Task 1, 2 and 3.

21 MR. ALWARD: I think we didn't have a second yet.

22 CHAIRMAN DZUGAN: We didn't have a second yet on that
23 first one. And I'm not sure how this second motion
24 differed from the first motion.

25 MR. BOEHMER: Want me to make mine now.

1 CHAIRMAN DZUGAN: Yeah, please.

2 MR. BOEHMER: Kris Boehmer. I retract my motion,
3 please.

4 CHAIRMAN DZUGAN: Okay. It's agreed -- well it
5 wasn't seconded, so it's fine. You can retract your own.
6 Can you repeat yours one more time, Mr. Dameron.

7 MR. DAMERON: My motion was just that the committee
8 accept the Task 1, 2 and 3 from the Coast Guard.

9 CHAIRMAN DZUGAN: Okay. Is there a second?

10 MR. TURNER: Second.

11 CHAIRMAN DZUGAN: Second, Mr. Turner. Discussion?

12 MR. DAUGHTRY: I don't know if this is the time, but
13 --

14 MR. WENDLAND: State your name, please.

15 MR. DAUGHTRY: Ben Daughtry. Maybe the discussion
16 needs to be about how are we going to accept these three
17 tasks, whether we are going to actually break up into
18 subcommittees based on information from Captain Neeland,
19 or do we want to accept this motion as is and then have a
20 discussion? You want to do that? Okay.

21 MR. ALWARD: Matt Alward. Yeah. I think we just
22 accept this motion and then we accept the tasks. Then we
23 can proceed to figure out how to deal with the tasks being
24 accepted.

25 CHAIRMAN DZUGAN: Any other comments on the motion?

1 All in favor, signify by stating aye or raising your hand.

2 RESPONSES: Aye.

3 CHAIRMAN DZUGAN: Motion passes.

4 MR. ALWARD: Should ask if there's any opposition.

5 CHAIRMAN DZUGAN: Yeah. For the record, any
6 opposition? Passes unanimously then.

7 Then the discussion is how do we want to accept --
8 how do we want to go about this.

9 MR. ALWARD: So, to clarify, if we -- if we stay
10 together, then we have to act as a faculty committee and
11 everything is recorded. And then if we break up into
12 subcommittees, then we can have non-recorded
13 conversations. I also point out in the bylaws, it says
14 you, the DFO, has to attend all committee and subcommittee
15 meetings. So I don't know how you are going to do that,
16 if we are following bylaws to the letter.

17 CAPT. NEELAND: So if I -- well, we can double check
18 the bylaws, but my understanding -- oh, sorry, Captain
19 Mark Neeland. By bylaws, it could be myself or a
20 representative from the Coast Guard. So we do have the
21 ADFO, and so we do have the capability to subdivide.

22 MR. ALWARD: I figured you did.

23 CAPT. NEELAND: Yeah. My direction. But going back
24 to the original question, you can tackle all the tasks if
25 you want as a committee, but technically we have to -- if

1 you meet entirely as a committee, that is the FACA
2 committee, and we have to follow the FACA laws.

3 If you divide into the subcommittees, then you can
4 follow the rules within the subcommittee, which allows you
5 more flexibility to have some discussions without the
6 formal rules, and then bring it back and have the
7 recommendations from the committee.

8 MR. KELLY: Jim Kelly. Actually, I think based on
9 that information we probably would go back -- my
10 suggestion is to go back to what we were originally going
11 to do, which is to break up into three groups, whether
12 those three groups do all three or just do the one that's
13 assigned, then go back here to the discussion.

14 CHAIRMAN DZUGAN: Is that a motion?

15 MR. KELLY: I don't know if it's a motion for
16 discussion, but sure, it's a motion.

17 CHAIRMAN DZUGAN: Any comments? Second? Kris, Mr.
18 Boehmer?

19 MR. BOEHMER: Kris Boehmer. I'm just wondering, is
20 it possible if we want to meet as a full committee under
21 the FACA situation that we could periodically go off the
22 record and have a discussion, and then get back in on the
23 record.

24 CAPT. NEELAND: Yeah. I believe we can take a break,
25 ask the public to step out and have a short discussion

1 internal administratively. I'm looking at Miss Libby,
2 just trying to confirm there's no concern with that.

3 Ms. LIBBY:: Just step out and discuss it? Yes.

4 CAPT. NEELAND: Yes, we can do that.

5 CHAIRMAN DZUGAN: Mr. Dameron?

6 MR. DAMERON: I have a question about procedures. So
7 if we stay as a full committee and operate under FACA
8 rules, is there any limitation on the amount of time that
9 we -- that the committee discusses the motion?

10 CAPT. NEELAND: I'll have to default to the bylaws.
11 The short answer is I don't believe so. Within reason, if
12 we do though, there are procedures to stop the discussion
13 where you have to have a two-thirds vote.

14 CHAIRMAN DZUGAN: Ms. Hewlett?

15 MS. HEWLETT: Barb Hewlett. I guess I just have a
16 question to clarify. It kind of sounds like if we stay as
17 whole group, we have to follow strict laws. If we break
18 up into subcommittees, we could be more free to just have
19 discussion and talk. So possibly a suggestion is just to
20 break up into two groups. That will make it a lot easier.

21 If we meet with two groups, discuss three tasks and
22 then come back, instead of breaking up into three groups.
23 There's no rule that says it has to be three. That gives
24 us a bigger group and more freedom to discuss things
25 without being official-ish. Does that make sense?

1 CHAIRMAN DZUGAN: Thank you, Ms. Hewlett. Mr.
2 Boehmer?

3 MR. BOEHMER: Kris Boehmer. My concern with this is
4 that we still spend the time having to circle back and
5 discuss with the other group at some point under the FACA
6 rules what we have decided. So it seems like we are just
7 spending a lot of time discussing the same thing twice.
8 Maybe there's no way around that.

9 CHAIRMAN DZUGAN: Any other comments?

10 MR. WENDLAND: Jonathan Wendland. Just in regard to
11 time, we have built in time into the schedule for the next
12 two days. So if the concern is just time, it shouldn't
13 really be a concern.

14 CHAIRMAN DZUGAN: Looking at the schedule last night,
15 I see we have about six hours set aside for these three
16 tasks. Mr. Kelly?

17 MR. KELLY: Just a suggestion. Instead of taking on
18 what Kris just said and what Barb said, if we had two
19 groups instead of three, all two groups and all three of
20 the tasks, and then each of the groups had a
21 representative, could those two representatives just meet
22 instead of the entire group to just discuss the viewpoint
23 of the two groups, instead of having everybody have to get
24 together and discuss it out loud? Because I think that
25 was the idea was to appoint somebody as a representative

1 of the subcommittee.

2 CAPT. NEELAND: So the subcommittees meet and are
3 doing any formal action, I mean, you have the flexibility
4 for the bylaws for the subcommittee. If the -- if there
5 is a side bar conversation, the two subcommittees could
6 probably always have a side bar conversation. At the end,
7 the subcommittees do -- they are going to make a
8 presentation or recommendation ultimately for a vote for
9 the full FACA board.

10 So I'm not aware of something that would explicitly
11 prohibit that; however, the subcommittee would have to
12 make the presentation for the board to -- for the full
13 FACA committee to either accept it.

14 MR. KELLY: I think it would give everybody a sense
15 of what both groups are aligned on a viewpoint for each of
16 the three cases, instead of doing it as a group of 13.
17 Just a suggestion.

18 MR. ALWARD: We still don't have a second for the
19 motion. There's a motion with no second right now, and a
20 suggestion to amend the motion, but --

21 CHAIRMAN DZUGAN: So hearing no second, unless I
22 missed somebody over here, the floor is open for another
23 motion. Mr. Dameron?

24 MR. DAMERON: Mr. Chairman, I would like to point out
25 that in the committee's charter, the Chairman may

1 establish and disestablish subcommittees for any purpose
2 consistent with the function of the committee. So I'm not
3 sure that it's even the whole committee's decision whether
4 we split into subcommittees or stay as one. According to
5 our charter, that would be your decision.

6 CHAIRMAN DZUGAN: So you are throwing it back in the
7 Chair's face. Yeah. That didn't last very long, about
8 ten minutes.

9 (Laughter)

10 CAPT. NEELAND: So, ultimately, it does say the Chair
11 may establish or disestablish a subcommittee for the
12 purpose consistent with the function of the committee. I
13 think it's up to you, Mr. Chair, as how you choose to
14 establish or disestablish. You can use the input from all
15 of the committee, or if you would -- nowhere does it say
16 you can't act unilaterally. I'll leave it to your
17 judgment on that.

18 CHAIRMAN DZUGAN: The advantage of breaking into
19 three committees, to me, seems to be the ability to talk
20 freely, to move it along --

21 MR. ALWARD: Or two committees.

22 CHAIRMAN DZUGAN: Or two committees. Thank you. To
23 -- yeah, to talk more freely amongst each other. That's
24 been brought out. The other -- the disadvantage is of
25 course we were going to rehash this with the full

1 committee.

2 The problem I see with -- and I have seen in the past
3 with subcommittees who free flow, so to speak, is it's
4 really hard to keep order and keep on the mission
5 sometimes, keep on topic. And there's no -- it's harder
6 to have control that way. I guess I'm favoring on the
7 side of meeting together as a whole and trying that out.
8 If it doesn't work out, we can change out.

9 In looking at the schedule last night, again I was
10 thinking we will give an hour or hour and a half to each
11 topic, try to come up with some resolution out of that,
12 see how that works. If we are not making any headway
13 still, we can't come up with motions that can pass, we can
14 break into committees if we need to. But I would like to
15 try that out, if it's okay with everybody unless I have
16 any group of objectioners, I guess, and proceed that way.

17 MR. ALWARD: Did you want to vote?

18 CHAIRMAN DZUGAN: It doesn't seem like we need to
19 have one, since it was going to me in the first place.
20 So, yeah, thank you.

21 MR. THEILER: We still need to accept the tasks? Do
22 we have a vote?

23 CHAIRMAN DZUGAN: We did. That was the first thing
24 we did.

25 And maybe before we go on with this, as long as we

1 are talking about the bylaws and the charter, maybe this
2 is the time to pick up -- there's the bylaws state we are
3 supposed to meet once a year. The charter states we meet
4 twice a year. So there's a conflict between the two,
5 between the bylaws -- and I have it marked on page, I
6 think it's 3 or 4 in the bylaws.

7 Yeah. It's on page 4. Section -- Article 5, Section
8 1, in the bylaws on that. This is the one that -- this is
9 the bylaws that were done in 2012.

10 MR. ALWARD: Those are not the current bylaws.

11 CHAIRMAN DZUGAN: Oh, they are not the current
12 bylaws. As long as the current bylaws say two years, then
13 --

14 MR. ALWARD: Two meets a year.

15 CHAIRMAN DZUGAN: Two meetings a year, then we are
16 good.

17 CAPT. NEELAND: So this committee has also -- with
18 the recent Coast Guard authorization packs as established
19 by statute, and if I recall correctly, by statute we are
20 supposed to meet twice a year. So if it doesn't have that
21 flexibility in there, we will need to amend and update the
22 bylaws to be consistent with the statute.

23 MR. MYERS: I believe the updated bylaws reflect
24 this.

25 CHAIRMAN DZUGAN: Mr. Alward?

1 MR. ALWARD: Article 5, Section 1, meeting schedule,
2 call a meeting, the committee shall meet at least twice
3 each year, but may meet more frequently as needs may
4 require.

5 CHAIRMAN DZUGAN: Okay. Good. Sorry about that
6 interjection then. Just wanted to make sure we are good
7 on that.

8 CAPT. NEELAND: Okay. We are good.

9 MR. WENDLAND: Mr. Chairman?

10 CHAIRMAN DZUGAN: Yes, sir.

11 MR. WENDLAND: Just, I heard your comment regarding
12 the agenda and looking through and the concern for time.
13 I'd just like to point out that we do have two days to
14 complete this -- these three tasks. So you have tomorrow,
15 a full day, as well.

16 CHAIRMAN DZUGAN: Yeah. Exactly. Thank you for the
17 reminder. So I think we can start.

18 Do we need, first of all, a scribe for the whole --
19 for the group as a whole?

20 CAPT. NEELAND: So, Mr. Chair, if I may, if you are
21 meeting as formal FACA, we already have a scribe as the
22 court reporter. If you do choose to go to subcommittee,
23 then you would need to appoint a scribe. So if you choose
24 to move forward with that full, I do not believe you need
25 to establish a scribe.

1 CHAIRMAN DZUGAN: A scribe might be helpful for our
2 motions to write within the committee, a backup to that.
3 So unless the recorder can repeat back motions, as
4 conversations develop, sometimes you'll lose track of the
5 exact word of the motion in terms of the wording. Is that
6 possible?

7 CAPT. NEELAND: I'm looking at John.

8 MR. WENDLAND: Yeah. There is -- I'm sorry about the
9 mic here. There is in the bylaws the DFO will assist,
10 appoint for a scribe. You know, obviously that gets
11 directed back to the Chair, so you select your own scribe
12 for the subcommittee. So, yes, the scribe is the way to
13 go for the subcommittee. So how you want to do that for
14 that scribe is completely up to you, Chairman.

15 CAPT. NEELAND: That is for a subcommittee, but if we
16 want to -- if the committee's going to move forward as an
17 entire committee, then we do have the court reporter.

18 I don't know, ma'am, are you able to read back a
19 motion?

20 COURT REPORTER: Yes, I can.

21 CAPT. NEELAND: All right. Thank you.

22 CHAIRMAN DZUGAN: Thank you very much. That would be
23 ideal. Thanks for clearing that up.

24 Yes, Mr. Rosvold?

25 MR. ROSVOLD: Eric Rosvold. I would just like to say

1 that I'd prefer being in the subcommittee routine as
2 opposed to a committee as a whole. I would prefer to do
3 it that way. And I remember going back and reading past
4 meeting records, the meeting of the whole committee after
5 the subcommittees, the discussion that takes place puts
6 all that into public view, that discussion that went on in
7 the subcommittee. I don't know how you would do it
8 without doing it that way. Thank you.

9 CHAIRMAN DZUGAN: So you are proposing a motion to go
10 back to subcommittees?

11 MR. ROSVOLD: I'm just saying that's what I would
12 prefer.

13 CHAIRMAN DZUGAN: Do I hear a motion in that regard
14 from anybody on the committee? Mr. Kelly?

15 MR. KELLY: Yeah. Just as a discussion, I support
16 what Barb said about having two committees. I haven't
17 done this before, but I think it would be more effective
18 to have an open discussion. Many of us are new. And I
19 think it's as Kris has said, we all have different
20 experience to commercial fishing.

21 So I think if the groups are broken up in such a way
22 that it covers the areas that we fish, and the types of
23 fishing that we do, then what we should be able to align
24 pretty closely on, one, in regard to -- (inaudible)

25 (Court Reporter clarification)

1 MR. KELLY: Sorry. I don't know if you heard it as a
2 motion, but I'll support yours as a motion.

3 MR. ROSVOLD: Eric Rosvold. I'd make it a motion
4 that we break into two separate subcommittee groups.

5 MR. KELLY: I second it. But as a point of
6 clarification, can the representatives of those two groups
7 have side discussions?

8 CAPT. NEELAND: I believe, yes, they can.

9 MR. KELLY: Okay.

10 CHAIRMAN DZUGAN: Mr. Dameron?

11 MR. DAMERON: I agree with the Chair that it would be
12 worth trying to do one of these tasks as a full committee.
13 If it doesn't work out, we can break up into
14 subcommittees, 15 minutes, 20 minutes, whatever it takes
15 if it doesn't work out.

16 CHAIRMAN DZUGAN: Okay.

17 MR. BOEHMER: Kris Boehmer. I'm just trying to think
18 is there -- are there things that we are worried about
19 that will be on the record? I mean, I think everything is
20 pretty much transparent here, right, as far as I can see.
21 We may have different feelings on why we should or
22 shouldn't do or approach a solution for a task, but I
23 don't think -- unless if we find something where we need
24 to break up, and I would say then we need to go to
25 subcommittee.

1 CHAIRMAN DZUGAN: That sounds like what I was
2 proposing when it was thrown back in my lap. So I'm going
3 to acquiesce to the committee over, you know, what I
4 chose, if I felt the committee was -- wanted to do that as
5 a majority, but I am not -- I'm not hearing that right
6 now. Any other -- so I would like to hear some other
7 comments.

8 MR. THEILER: Mike Theiler. I actually agree with
9 Eric's thought of going back to committee. And I would
10 just follow up with that is that, you know, I think that
11 there's Task Number 1 that seems to be a big one that
12 maybe both, if we split into two committees would tackle
13 that, and then possibly one committee would take cold
14 water and the other committee would take fall overboard.

15 CHAIRMAN DZUGAN: Any other comments? We have a
16 motion and a second. No other comments, I'm going to ask
17 for the question to be called.

18 All in favor of the motion as it stands, signify by
19 raising your hand. One, two, three, four, five, six,
20 seven, eight. That's majority.

21 So I will again withdraw my idea, motion or decision,
22 and we will meet in a committee of two. And we'll break
23 it down into those two. Want to repeat those again, Mike?

24 MR. THEILER: Mike Theiler. Yeah. The initial task,
25 which would be 01-23 regarding flotation devices maybe

1 both committees would tackle; and then task 02-23, one
2 group would take, which would be the cold water; and the
3 second group would tackle 03-23, which is the man
4 overboard.

5 CHAIRMAN DZUGAN: Okay. So the final vote is passed.
6 How do you want to divide up? Mr. Kelly?

7 MR. KELLY: Jim Kelly. My suggestion again is that
8 it's representatives of the different regions or division
9 districts, so that we have good representation for maybe
10 coming to a decision as opposed to Alaska is one group and
11 Florida is another group, and we are going to have
12 completely different views on some of the responses. Jim
13 Kelly.

14 CHAIRMAN DZUGAN: Also, we are going to have a group
15 of 7 and 6, just by the numbers. So, could we see if we
16 -- go ahead, Mr. Rosvold.

17 MR. ROSVOLD: Eric Rosvold. Seems like it would be
18 -- I'm not so sure about dividing it up by area, because
19 we would end up with too many groups, but if you just
20 split the hall down the middle, we have six on one side
21 and seven on the other.

22 MR. WENDLAND: Mr. Chairman, if I may, just breaking
23 news. I've been informed that one of the members has a
24 family situation and is going to have to leave at the end
25 of today. So it will be six and six after today.

1 CHAIRMAN DZUGAN: Okay. Thanks. So let me look
2 around the room for a second.

3 So we have a pretty good distribution here already,
4 just by the size of the room that we are looking at, as
5 was mentioned. And we could parse this out back and forth
6 for another hour just in terms of balance. So I'm -- I
7 think it would be fine to break into two groups just as
8 the way we are aligned right now. One, two, three, four
9 -- I'm counting somebody extra.

10 MR. ALWARD: We have two staff over there.

11 CHAIRMAN DZUGAN: Oh, I'm counting Omar. Okay. Yeah.
12 That's -- we'll make the dividing line right here. Any
13 objection to that? Going once? Yes, Mr. Boehmer.

14 MR. BOEHMER: Just a question. If we are going to
15 have a member leave, do we have to kind of figure out
16 which side of the room they are going to be on?

17 MS. HEWLETT: May I ask who's leaving?

18 MR. BOEHMER: I'm sorry you have to leave, but it
19 will work out that way because it will balance out.

20 CHAIRMAN DZUGAN: It will still be six and six then.
21 Sorry to hear about that. All right. That's settled. So
22 we will break it into two different groups then.

23 MR. ALWARD: You guys decide which side of the table
24 is Group 2?

25 CHAIRMAN DZUGAN: Cold water, Task 1 and 2. I'm

1 sorry. PFDs, Task 1 and 2. Task 1 is PFDs, this side of
2 the room, starting with you. You are in charge of that
3 one.

4 MR. ALWARD: They have got to pick their own leader.

5 CHAIRMAN DZUGAN: Well --

6 MS. HEWLETT: That would be you.

7 CAPT. NEELAND: So, just a point of clarification.
8 Before they break up, we should just understand who the
9 chair is for each subcommittee so we know who will be
10 reporting back to their full committee.

11 CHAIRMAN DZUGAN: Right. We need to do that here.
12 Group 2 and 3, then the Task 2 and 3 will be from me
13 onward.

14 MR. ALWARD: One and two.

15 MR. TURNER: Task 1 and 2.

16 (Multiple inaudible speakers)

17 MR. ALWARD: Got your back.

18 CHAIRMAN DZUGAN: You do.

19 CAPT. NEELAND: So, Mr. Chair, just for
20 clarification, this side of the room is covering Tasks 1
21 and 3. And that side of the room is covering Task 1 and
22 2; is that correct?

23 MR. ALWARD: Cold water is Two.

24 CHAIRMAN DZUGAN: Two is cold water.

25 MR. THEILER: So all of us are warm water guys, with

1 the exception of Eric and Matt.

2 CHAIRMAN DZUGAN: We'll take cold water.

3 MS. HEWLETT: Sure.

4 CAPT. NEELAND: All right. So, clarification, I

5 don't have the task in front of me.

6 MR. KELLY: One and two, one and three.

7 CAPT. NEELAND: One and three on this side of the

8 room. One and two on that side of the room.

9 CHAIRMAN DZUGAN: Okay. Good.

10 MR. THEILER: Mike Theiler. Just to be clear, we are

11 going to come back together and we are going to discuss

12 both issues at the end of the day or at the end of

13 session, right? Correct?

14 CHAIRMAN DZUGAN: Yes. So could we use this time to

15 pick a leader for each group. Starting over here on this,

16 with -- calling you --

17 MR. DAUGHTRY: Ben Daughtry. May I suggest that we

18 use the vice chair as our leader for our group.

19 MR. KELLY: Second.

20 CHAIRMAN DZUGAN: Okay. Any objection? Hearing no

21 objection...

22 MR. KELLY: Congratulations, Matt. You are moving

23 from chair to chair.

24 CHAIRMAN DZUGAN: Any nominations for this side of

25 the table, besides me?

1 MR. BOEHMER: Sorry. Kris Boehmer. I nominate the
2 Chair to be -- I mean, it makes sense to be that of the
3 subcommittee. Do you not -- you can unaccept it, but --

4 CHAIRMAN DZUGAN: Is there a second?

5 MS. HEWLETT: I second.

6 CHAIRMAN DZUGAN: Any objection? Okay. We have a
7 chair for the second group.

8 MR. ALWARD: So we need to do the scribe.

9 CAPT. NEELAND: I think the scribes you can identify
10 within the subcommittee. I don't think we need to
11 identify that here. Just a point of clarification,
12 though.

13 When you present as the chair, but also chair of
14 subcommittee, I'm trying to understand how that's going to
15 work.

16 CHAIRMAN DZUGAN: Yeah. That's why I was trying to
17 exclude myself, it seems like.

18 MR. KELLY: How about Kris? He's been raising his
19 hand a lot.

20 MR. BOEHMER: Kris Boehmer. I would like to withdraw
21 my --

22 (Laughter)

23 MR. BOEHMER: And, if that's allowed, may I make a
24 motion that we appoint Tom Dameron as the chair of the
25 cold water -- or of our group.

1 CHAIRMAN DZUGAN: Does most of the group agree to
2 withdraw that motion? Hearing no objection, Tom's been
3 nominated. Do I hear a second? I hear a second and a
4 third. Any objections to Tom?

5 MR. BOEHMER: Not about this.

6 (Laughter)

7 CHAIRMAN DZUGAN: Okay. Tom, you'll lead for your
8 group then. Thank you.

9 MR. ALWARD: Question. Matt Alward. Do we have to
10 have a scribe that's a committee member, or can we ask a
11 staff member to take notes so that someone's not -- unless
12 we have someone who likes taking notes?

13 CHAIRMAN DZUGAN: Then we have all powers in the
14 hands of the editor, note taker.

15 MR. WENDLAND: Mr. Chairman, just one comment on
16 that. You know, you can do it any way you want, but the
17 past history on this is sometimes the Coast Guard member
18 may not capture everything that you want, or -- so it's,
19 you know, it's up to you, but the fact that you would be
20 presenting what your members are trying to convey back to
21 the Coast Guard, you know, is a strong option.

22 CHAIRMAN DZUGAN: I would like a member of the
23 committee to be a scribe, just generally speaking, to keep
24 it more on the committee's purview.

25 CAPT. NEELAND: That would be my recommendation. I

1 mean, the Coast Guard obviously here we have experts that
2 can help facilitate, but really this is the committee's
3 work, so it would be best for the scribe to be a committee
4 member.

5 CHAIRMAN DZUGAN: Okay.

6 MR. ALWARD: Can we do that now, or we can figure
7 that out when we break in the subcommittees?

8 CAPT. NEELAND: Yes.

9 CHAIRMAN DZUGAN: You are going to show us to our
10 rooms, but before we go to that, I just want to go over
11 the time scheduled on this. We do have a break at 10:15.
12 So I would suspect and hope that we keep to that time
13 schedule, and that we reconvene on 10:30 and work on our
14 task until -- the goal I would have for this first group
15 is for our first subcommittee meetings are to have
16 something to bring forth before lunch in terms of where we
17 are at, any motions that have been made, any progress
18 that's been made before we go on. Is that okay? Sound
19 sufficient? Just to kind of mark our progress and have
20 our goal in terms of time, rather than leave it open.

21 That gives us -- actually that gives us almost three
22 hours besides the time we've spent already on it. So --
23 yeah, go ahead, Matt. You had a comment.

24 MR. ALWARD: I do agree with that. Just
25 process-wise, as subcommittees, since we are informal

1 subcommittees, do we need to actually make motions in the
2 subcommittee until we are ready to bring a recommendation
3 to the full group?

4 CAPT. NEELAND: So, as a subcommittee, you are not
5 bound by the Robert's Rules. So as a subcommittee, you
6 can work however you work as a subcommittee. Just present
7 that work. You just need to come to an agreement,
8 whatever the recommendation that you are going to move
9 forward to present to the committee. So you have a lot
10 more flexibility in however you choose to work as a
11 subcommittee.

12 CHAIRMAN DZUGAN: Just as a preference, though, I
13 would like to see some statement come out of it, even if
14 it's not a full motion, but of the words that would likely
15 be used to the full committee. We don't have to worry
16 about maybe wordsmithing it to the final point. The full
17 committee will probably do that, but if we could come up
18 with some kind of general agreements, that's really
19 helpful, I think, rather than just we have heard 50
20 different ideas and here they all are.

21 CAPT. NEELAND: Mr. Chair, if I may, we have given a
22 template which the subcommittee can work from that
23 template. That's just a recommendation. You don't have
24 to follow that, but that may help the subcommittee put
25 something together to present to the committee.

1 CHAIRMAN DZUGAN: Agreed.

2 CAPT. NEELAND: Sorry. For those who didn't hear,
3 it will be presented during the breakout. Mr. Myers will
4 make sure each subcommittee has a copy of that template
5 for documenting.

6 MR. BOEHMER: Mr. Chair?

7 CHAIRMAN DZUGAN: Mr. Boehmer.

8 MR. BOEHMER: Kris Boehmer. I think the way I am
9 understanding this, and I may have this wrong, we are
10 going to have to spend a little time as a full committee
11 to discuss our two subcommittees working on Task 1,
12 because they are both -- we may come up with independent
13 solutions, even though we are going to talk, you know.
14 Two or three seem to be a lot simpler, I think, from the
15 outside -- not the solution necessarily, but one group is
16 working on one, one on the other.

17 So do we want to devote some time to come together as
18 a group to discuss what one working group did on the first
19 task, and talk it over with the second one?

20 MR. THEILER: We can meet in the hallway.

21 CHAIRMAN DZUGAN: Seems like that's a good idea. Can
22 we set a time for that? I'm sorry?

23 CAPT. NEELAND: So I believe that was a discussion
24 with Mr. Kelly, if a representative from the two
25 subcommittees could meet to kind of have that dialogue.

1 We just can't all meet together, because if we all meet
2 together, then we are in the FACA, but if there's a
3 representative from each subcommittee that would like to
4 have a discussion, take it back, that's acceptable.

5 MR. KELLY: I think at that point, if they are not in
6 alignment, then we can go back and continue to work the
7 committee, so when we get here, we have a written
8 statement; you are done.

9 CHAIRMAN DZUGAN: So what's a good time for those two
10 subcommittee leaders to meet?

11 MR. DAUGHTRY: If it's not too early, we can start at
12 the break at 10:00 and just see where everybody's going
13 and then do it again.

14 MR. KELLY: When we see white smoke.

15 (Laughter)

16 MR. DAUGHTRY: It's a Catholic joke.

17 CHAIRMAN DZUGAN: So, Ben, you are saying when?

18 MR. DAUGHTRY: Well, there's a natural break right at
19 I think it was 10 o'clock, 10:15. So if at that time the
20 committee heads can just get together and see the
21 direction that they are going, we can find out if
22 everybody's kind of aligning. I think it's a good
23 starting point.

24 MR. KELLY: I agree.

25 CHAIRMAN DZUGAN: That's a good stopping point.

1 Good. Good. Any other questions or comments from anybody
2 in the committee? Tom?

3 MR. DAMERON: Tom Dameron. Mr. Chair, I wonder if it
4 makes sense that we name these subcommittees just in case
5 they carry forward past today? I make a motion that we
6 name the subcommittees so that we can track our work,
7 and...

8 CHAIRMAN DZUGAN: You want to pick -- does each
9 subcommittee want to pick a marine mammal?

10 (Laughter)

11 CHAIRMAN DZUGAN: Whatever you choose to name
12 yourselves. Subcommittee 1, this group over here to the
13 left?

14 MR. DAUGHTRY: We should rely on our leader to name
15 us.

16 MR. ALWARD: We are Subcommittee 1.

17 CHAIRMAN DZUGAN: That's what I'm thinking. So it's
18 going to be One, and we are Subcommittee Two? No marine
19 mammals. Okay.

20 Any other comments from the group before we break?
21 Captain Neeland?

22 CAPT. NEELAND: So I would just like to reach out to
23 John. For point of order, we have multiple breakout
24 rooms. Let's assign a breakout room for each subcommittee
25 so they know where they are going to meet. And any other

1 administrative items we need to complete before we break?

2 MR. WENDLAND: Yes, sir. So we have two breakout
3 rooms. The first breakout room is behind the doors behind
4 Subcommittee Number 1. That's called the Chesapeake Room.
5 The second breakout room for Subcommittee Number 2 is just
6 out these doors, it's called James I. So those are the
7 two breakout rooms.

8 And just I think what would help from the Coast
9 Guard's side to facilitate the process, only the process,
10 is to assign a member of the Coast Guard, you know, as the
11 bylaws to sit in on these meetings, to help facilitate in
12 any need you may have. And I asked for a raise of hands
13 yesterday, and I think everybody true to Coast Guard
14 fashion raised their hand.

15 So if it's -- if no one has any objections, I would
16 say, you know, Mr. Wilwert, maybe be assigned to
17 Subcommittee Number 1. Maybe Mr. Sherlock be assigned to
18 Subcommittee Number 2, and Mr. La Torre Reyes to roam
19 between the two, so that way you have a little diversity,
20 East Coast, West Coast and IND in the room.

21 CHAIRMAN DZUGAN: And just for clarity, again, make
22 sure Group Number 1 is going to go on the left side right
23 behind you. Group Number 2, that's your corner over there
24 basically. Yes, sir. Omar?

25 MR. LA TORRE REYES: Sorry. Just a little bit of

1 administration. We had a little issue with the Task 2
2 book. So everybody in -- that's not in the group that's
3 going to be looking at the cold water stuff, if you would
4 please give those books to the group that is going to be
5 looking at the cold water stuff, just so that we have
6 enough books. So I apologize for a little mess up with
7 the book two.

8 (Inaudible multi-speaker discussions off record)

9 CAPT. NEELAND: So, hold on.

10 CHAIRMAN DZUGAN: Order for a second. Excuse us.

11 CAPT. NEELAND: That's all right. Mr. Myers, you
12 wanted --

13 MR. MYERS: Joe Myers here. Just wanted to add that
14 when we break out to these subgroups, the public that are
15 here are welcome to join and sit in on those subgroup
16 discussions.

17 CAPT. NEELAND: With that, so I think just follow the
18 Robert's Rules, Mr. Chair, may I recommend at this point
19 you had a handout you wanted to pass, and then maybe --

20 CHAIRMAN DZUGAN: Two handouts. Yeah.

21 CAPT. NEELAND: Okay. Any other questions about
22 documentation or timelines for the subcommittees? All
23 right.

24 CHAIRMAN DZUGAN: Pass these out in the subcommittee.

25 CAPT. NEELAND: And then just make a motion to split

1 the subcommittees at this time?

2 MR. KELLY: You can unilaterally do it. - - -

3 (Breakout to subcommittees at 9:06 a.m.)

4 (Reconvened at 3:32 p.m.) - - -

5 MR. WENDLAND: So, again welcome back. The
6 Subcommittee 2 that I sat in on was a very collaborative
7 and I believe a productive session with the group. And I
8 hope Subcommittee 1 was as well. It sounds like it. So
9 as a result of your hard work and efforts, we are back
10 meeting an hour early with our schedule so - to have some
11 deliberations between Subcommittee 1 and Subcommittee two.

12 And after those deliberations, I would just like to
13 remind anybody in the public, if you do want to speak,
14 just to tap me on the shoulder and let me know, and we
15 will provide that opportunity for you. So, at this time,
16 I would like to pass the meeting back to the chair. Mr.
17 Jerry Dzugan, Chairman.

18 CHAIRMAN DZUGAN: I don't know if we need this, but
19 we are reconvening for a full committee now. It's a
20 little over 3:30 in the afternoon. We are going to open
21 it up for the subcommittees to present to the other
22 subcommittee their recommendations on any of the tasks.
23 We'll start with whatever task people want to go first
24 with. We'll have some discussion back and
25 forth after that. If the time seems to be right and the

1 spirit moves people to do a motion on it, that's up to you
2 as a committee. And then we'll take it from there and
3 we'll go on to the next task. Does that sound reasonable?

4 Anybody want to give the committee -- the
5 subcommittee chairs will be doing the presenting of the
6 recommendations.

7 MR. ALWARD: My scribe will be.

8 CHAIRMAN DZUGAN: Your scribe will be. You okay,
9 Tom? Mr. Dameron?

10 MR. DAMERON: Sure. Tom Dameron. So I've got a
11 question on process. You said that we were going to
12 discuss and then decide if motions were going to be
13 brought forward.

14 CHAIRMAN DZUGAN: Yes. In other words, present your
15 recommendations from your subcommittee. Give the other
16 group a chance to respond to theirs -- to yours or to
17 theirs, have a discussion about those, and see where that
18 discussion goes. See if there's areas of agreement,
19 disagreement, anything to be resolved by changing wording
20 or other things in it.

21 A reminder that in your recommendations, they have to
22 be things that were already published in the agenda in the
23 Federal Register. So we can't take something to change a
24 regulation out of the blue that wasn't on the agenda
25 basically, so, yeah.

1 MR. DAMERON: So, Mr. Chairman, point of order, I
2 guess. So my question is isn't it usually motions -- the
3 reason to bring a motion forward is so that can be
4 discussed among the committee?

5 CHAIRMAN DZUGAN: I didn't say anything about not
6 bring motions forward. I just said if you could present
7 your recommendations so the other side can hear them and
8 give feedback, and then we can make a motion at an
9 appropriate time.

10 MR. KELLY: I think substantively it's the same
11 thing. I think you are going to describe what your views
12 were on the task that you had, and we'll react to that,
13 and then if there's alignment, then you can make the
14 motion. Otherwise, we'll make a motion and then we'll go
15 right to a vote.

16 CHAIRMAN DZUGAN: And I realize both subcommittees
17 may not have the recommendations in the form of a motion
18 yet or they may. So I can't speak for the committees on
19 that.

20 Any of the presenters from their subcommittee wish to
21 talk about their recommendation, present their
22 recommendation to the full committee?

23 CAPTAIN NEELAND: Mr. Chairman, if I may, my
24 recommendation is maybe pick a task and then each
25 subcommittee could present on that task, maybe just so

1 it's organized maybe. A recommendation. That's all.

2 CHAIRMAN DZUGAN: We'll prime the pump then, so to
3 speak. Anybody wish to present the recommendation on Task
4 1?

5 MR. ALWARD: Thought you were at the end of that one.

6 CHAIRMAN DZUGAN: You want me to make a decision on
7 this or not? Here we go again.

8 MR. BOEHMER: Let's start with three.

9 CHAIRMAN DZUGAN: Let's start with three. Is that
10 good, good with three?

11 MR. WENDLAND: Just as a reminder, point of order, if
12 there is communication through the chair and with the mic
13 so the transcriber can understand and hear. Thank you.
14 And please state your name.

15 MR. ALWARD: Again, this is Matt Alward chair of
16 Subcommittee 1. So we did look at Task 3 and have some
17 recommendations. So, us as a subcommittee felt like we
18 would review, come up with recommendations to bring to a
19 full committee, not in the form of motions, but what we
20 are recommending the full committee to consider. So that
21 is what we will do. And my scribe will present our
22 recommendations on Task 3.

23 MR. DAUGHTRY: So, Ben Daughtry. I am the scribe of
24 Committee 2. So our recommendation is for Task Number 3
25 is to prioritize the issuance of the voluntary safety

1 initiatives and good marine practices for commercial --
2 the commercial fishing industry. Apparently, a lot of
3 this information is already out there, and it's just not
4 prioritized to be handed out to folks.

5 So on the golden eagle incident, an absence of the
6 dedicated man overboard recovery system, the -- the
7 absence of a dedicated man overboard recover system
8 constitute an amendment to 46 CFR 28.105, life-saving
9 equipment, general requirements, to include the following
10 or similar language: The owner, slash, operator of the
11 commercial fishing vessel subject to this part must
12 identify and maintain a suitable means on board the vessel
13 to safely recover persons from the water and bring them on
14 board the vessel. So that was basically right out of the
15 recommendation of -- so, I'm sorry. Angel is trying to
16 pull it up so you guys can read it. That's right out of
17 the recommendation from that event.

18 And then on the Sea Foam, US Coast Guard to issue
19 MSIB on best practices for solo operations on carrying
20 reboarding mechanism, and consider use of tether or
21 wearable transmitter engine shut-off in the event of a
22 fall overboard, and use of vessel examinations as an
23 opportunity to educate vessel masters.

24 So, as our chair said, these are recommendations that
25 -- that we felt should be as part of our Task 3. Do we

1 have -- so that will be obviously once we get it pulled
2 up, it will be easier for you guys. So scroll down to the
3 recommendation part, if you would, sir. There you are.

4 So once again on the top part, prioritize the
5 issuance of the volunteer safety initiatives and good
6 marine practices for commercial fishing vessels. That was
7 dated in January of 2017. That's a product that is
8 already out there and already basically has these
9 recommendations in it, but maybe is not being handed out
10 at all vessel inspections.

11 Then the golden eagle one is actually the
12 recommendation on the task itself for that. And it's the
13 Sea Foam, U.S. Coast Guard, basically once again
14 prioritizing education and awareness as a means for
15 reducing these issues.

16 CHAIRMAN DZUGAN: Any comments from the committee?
17 Yes, sir.

18 MR. VARGAS: Frank Vargas. Can you identify the
19 equipment you have in question here that they are going to
20 be using?

21 MR. THEILER: Mike Theiler. I can try to -- each
22 boat is a little bit different, is set up differently and
23 has different needs. So rather than putting in say a
24 boarding ladder or life sling or, you know, obviously
25 depends on the size vessel where they are operating.

1 There's a lot of mitigating factors.

2 So to put in just one, one piece of equipment
3 wouldn't necessarily -- we didn't feel would be
4 appropriate.

5 MR. DAMERON: This is Tom Dameron. So i have a
6 question. Did we agree two recommendations or one?

7 CHAIRMAN DZUGAN: For the task?

8 MR. DAMERON: No. For what was just presented to the
9 full committee. I thought I heard two recommendations. I
10 wasn't sure.

11 MR. DAUGHTRY: Ben. It's -- it needs to be created
12 in a form of a motion that needs to be wordsmithed, but
13 these are the recommendations that we have for this task.
14 It's in essence two.

15 One is prioritizing basically education and the use
16 of existing information that's already out there. And the
17 second part of that is the life-saving equipment general
18 requirements to include the following language, which was
19 just talked about by Frank: The owner operator of
20 commercial vessel. Basically you need to have the
21 ability to get a crew member back on board if you go to
22 sea. There's no doubt about that. But to try and write
23 that in exact wording, we felt with the differences in
24 vessels, it's best just to prove that you can do that and
25 you have that capability and you have made that thought,

1 versus trying to come up with an exact definition of
2 whatever that on-boarding equipment is going to be.

3 So if it's on a shrimp boat with a wench, it will be
4 different than if it's on a lobster boat that doesn't have
5 that wench or that has low sides.

6 CHAIRMAN DZUGAN: Okay. Mr. Dameron?

7 MR. DAMERON: Tom Dameron. So I'm wondering if you
8 might be amendable to add recovery of persons responsive
9 or unresponsive to that language. Thank you.

10 CHAIRMAN DZUGAN: Mr. Alward.

11 MR. ALWARD: Well, we did discuss that as a
12 committee, because we discussed the language that the
13 Coast Guards themselves recommended, and we discussed it
14 with the Coast Guard that was in the room, and they felt
15 that it was adequate language.

16 MR. KELLY: It says suitable means to board the
17 vessel. So whether a person's unconscious or on their own
18 can get on the boat, I think it covers both. And again,
19 this is exactly what was in all our books. So we didn't
20 modify the language at all. It was basically their
21 recommendation.

22 MR. BOEHMER: Kris Boehmer. On the Sea Foam, I think
23 it was a sole operator. And obviously that gives some
24 logistical issues of when you go over, getting back on.
25 And I think in this case, the guy was 72 years old.

1 Would you be -- would you consider a sole operator
2 position to have them required to wear some sort of
3 flotation if they are operating by themselves?

4 MR. ALWARD: I mean, I would say we haven't really --
5 we didn't make that recommendation. So as a subcommittee,
6 we are now a full committee. So someone makes a motion,
7 we are voting on it as individuals in a full committee.
8 So, but us as a subcommittee did not vote to bring that
9 recommendation forward. So we are not going to consider
10 it as a subcommittee because we are not met as a
11 subcommittee now.

12 CHAIRMAN DZUGAN: Just a reminder too, don't feel
13 pressure to make motions just for making a motion. If you
14 need to think, I imagine you'll be having to think about
15 some of these things -- this is a good example of it --
16 overnight. And, you know, we can do this in the morning,
17 but in the morning then we expect to kind of move some
18 motions along since you've had some time to think about it
19 then.

20 Anyone else? Any other motions on Task 3? Tom?

21 MR. DAMERON: Mr. Chairman, Tom Dameron. So it
22 sounds to me like Subcommittee 1 and Subcommittee 2 are
23 fairly aligned on this item. I would like to move that
24 the committee recommend the adoption of a regulation
25 requiring the owner operator of a commercial fishing

1 vessel subject to 46 CFR, 28.105 life-saving equipment,
2 general requirements, to establish and maintain a suitable
3 means on board the vessel for safe recovery of persons
4 from the water and their subsequent embarkation onto the
5 vessel.

6 CHAIRMAN DZUGAN: Is there a second?

7 MR. BOEHMER: I second.

8 CHAIRMAN DZUGAN: Thank you. Discussion? Yes, Ben.

9 MR. DAUGHTRY: Ben. I'm just wondering if we can
10 make sure that we can see that and read it up there. It's
11 just easier for us to read it.

12 UNIDENTIFIED SPEAKER: Which one is it?

13 MR. DAMERON: Number 7.

14 MR. DAUGHTRY: Number 7. okay. Thank you.

15 MR. KELLY: I have a question. That's only a
16 component of the task. So how do you rope in the second,
17 the concept that was at least covered?

18 MR. ALWARD: I think when we are dealing with
19 motions, I think this is a proper procedure to have a
20 single motion for a single item, so that if we want to
21 make more recommendations in the form of a motion, then I
22 think that would just be a subsequent motion after we deal
23 with the one on the table.

24 MR. KELLY: All right.

25 CAPTAIN NEELAND: So I think you have options how you

1 can go about it. And also I think if you want to go back
2 to the subcommittee after discussion, because we do have
3 time tomorrow, and you want to put a set of
4 recommendations as a holistic package, you can do that.
5 Or you can do line item by item. I think you have those
6 options.

7 It's up to the committee how you would like to
8 evaluate and move forward, as long as we follow the
9 Robert's Rules.

10 CHAIRMAN DZUGAN: Mr. Dameron.

11 MR. DAMERON: Tom Dameron. I think at this point we
12 have a motion and a second, and that it should be up for
13 discussion for the full committee.

14 CHAIRMAN DZUGAN: Agreed. Matt?

15 MR. ALWARD: I think this is close enough to what we
16 have in terms of a motion put forward, so I would be
17 supportive of it, speaking for myself.

18 CHAIRMAN DZUGAN: Ben?

19 MR. DAUGHTRY: Ben here. So, one of the kind of main
20 differences from what the safety recommendation from Coast
21 Guard is versus what you are recommending is the
22 responsive or unresponsive terminology in there. Is there
23 something else in there that I'm not reading?

24 MR. ALWARD: I'm sorry. I dropped that language and
25 didn't inform Angel. Angel, I dropped that language

1 before I read my motion.

2 ANGEL: Do you want me to relieve some?

3 MR. DAMERON: So, for the -- Tom Dameron. For the
4 record, I did drop the language between the comment after
5 persons and the comment after responsive, when I -- when I
6 read my motion.

7 CHAIRMAN DZUGAN: Kris, you had a comment on this?

8 MR. BOEHMER: Well, yeah, I think -- Kris Boehmer.
9 One is the reason we had the responsive -- an unresponsive
10 was that they might be a situation where somebody didn't
11 consider, okay, I can get a responsive guy on the boat,
12 but how do I actually think about and plan to get an
13 unresponsive guy. We thought that would be part of the
14 thought process and educational process. That was one.

15 And the other part was we also discussed, and I'm not
16 sure how you guys feel about this, but we didn't
17 necessarily have to do just what the Coast Guard tasked us
18 with. We could come up with what we thought as a
19 committee made more sense to address the problem. So we
20 didn't exactly follow the task. I'm just laying that out
21 there, how we looked at these tasks.

22 CHAIRMAN DZUGAN: Tom?

23 MR. DAMERON: Tom Dameron. On this responsive or
24 unresponsive, I would agree with Jim Kelly that it is
25 included in the language even though it doesn't say

1 responsive or unresponsive.

2 MR. KELLY: Yeah. This is Jim Kelly. I don't
3 personally care if you want to keep it in or out. I think
4 it's redundant. That's all I would say. Again, I'm sure
5 an attorney wrote it, so I'm sure they took that into
6 consideration.

7 CHAIRMAN DZUGAN: We'll keep the language as is then?

8 MR. KELLY: Yeah. I was just pointing it out.

9 CHAIRMAN DZUGAN: Okay. Any other discussion?

10 MR. DAMERON: My motion took out --

11 MR. BOEHMER: If you put it back in --

12 MR. DAMERON: I took out this --

13 (indicating)

14 (Inaudible multiple speakers)

15 MR. ALWARD: The motion on the floor has that out.

16 CHAIRMAN DZUGAN: Do you wish to keep that out, or do
17 you want to --

18 MR. DAMERON: I agree with Mr. Kelly that it's
19 redundant.

20 CHAIRMAN DZUGAN: Okay.

21 ANGEL: So out.

22 CHAIRMAN DZUGAN: Out.

23 MR. ALWARD: That's the motion on the table.

24 MR. DAMERON: Right.

25 CHAIRMAN DZUGAN: Any other discussion? Hearing

1 none, somebody want to call to the question and repeat the
2 motion one more time.

3 MR. DAMERON: I'll call for the question and then
4 repeat the motion. I move that the committee recommends
5 the adoption of a regulation requiring the owner/operator
6 of a commercial fishing vessel subject to 46 CFR Section
7 28.150, life-saving equipment, general requirements to
8 establish and maintain a suitable means on board the
9 vessel for the safe recovery of persons from the water and
10 their subsequent embarkation onto the vessel.

11 CHAIRMAN DZUGAN: Matt?

12 MR. ALWARD: To clarify, it's Section 28. 105 is
13 written up there not, 150.

14 MR. DAMERON: I'm dyslexic. I stand corrected.

15 MR. ALWARD: Just so we are all clear.

16 CHAIRMAN DZUGAN: Just so we are all clear, it's the
17 -- what's written on the --

18 MR. DAMERON: Thank you for catching that.

19 CHAIRMAN DZUGAN: Is what we are going on. okay.
20 Then we'll ask for a show of hands. All those in favor of
21 the motion, please raise your hand. It's 11. And any
22 nays? One nay. Okay. Thank you. Moving on. Motion
23 passed eleven to one. I may have missed a nay there
24 somewhere.

25 Does either subcommittee wish to bring up a

1 recommendation? Mr. Kelly?

2 MR. KELLY: Jim Kelly. I think we are 13 in the
3 room.

4 CHAIRMAN DZUGAN: 13?

5 MR. KELLY: People.

6 CHAIRMAN DZUGAN: Yeah.

7 MR. KELLY: You missed one.

8 CHAIRMAN DZUGAN: Let's see a show of hands again.

9 MR. KELLY: You didn't count yourself.

10 CHAIRMAN DZUGAN: One, two, three -- seven.

11 MR. KELLY: Yeah. You are eight.

12 CHAIRMAN DZUGAN: Busted. Twelve to one. Thank you.
13 Now we can go on to any other recommendations. Any other
14 recommendations people would like to share with the other
15 group? Tom.

16 MR. DAMERON: Tom Dameron. I move that the committee
17 recommends that the Commandant amend 46 CFR Section 28.50,
18 definition of terms used in this part to include skiff,
19 which means a fishing vessel up to 32 feet in length of
20 open construction, arranged with little or no
21 accommodation for interior space. That is number 4,
22 Angel.

23 MR. TURNER: David Turner here. I would just like to
24 say that Subcommittee 1 had two recommendations on Task 3,
25 and we've only voted on one of them at this time.

1 MR. KELLY: Exactly. So I think we need to finish
2 off what we started and I think we should finish off what
3 Ben originally read, and have the other side react to
4 where we modified what was recommend ed by the Coast Guard
5 under the Sea Foam example. And those two together is
6 what our task -- which one is this -- three, answer was.

7 So I don't think you guys reacted to that. I think
8 you went right into your view on the point that we just
9 resolved, but I think we need to get your response to the
10 Sea Foam.

11 CHAIRMAN DZUGAN: I know we -- I would defer to the
12 letting the other group finish their question first and we
13 get back to your statement, if that's okay.

14 MR. DAMERON: Sure.

15 CHAIRMAN DZUGAN: Thank you. Okay.

16 MR. KELLY: Yeah. I just think we need a response
17 from group two as it relates to the comment we read on Sea
18 Foam.

19 MR. DAUGHTRY: This is Ben. If I can add some
20 clarification. So we wrote the response on the Sea Foam
21 specifically. And then at the top where it talks about
22 prioritizing the issuance of the voluntary safety
23 initiative, that information came to us later that
24 basically that what we are recommending on the Sea Foam is
25 basically already in existence and was published in 2017

1 in that manual, but it hasn't been handed out at vessel
2 inspections. It hasn't been prioritized by the Coast
3 Guard to do that.

4 So, in essence, prioritizing that will raise the
5 awareness of those issues and create recommendations for
6 best practices on how to avoid those kinds of fatalities
7 in the future for solo operators.

8 CHAIRMAN DZUGAN: Go ahead, Matt.

9 MR. ALWARD: To move this along, I'll just make the
10 motion that the committee recommends that the Coast Guard
11 prioritize issuance of voluntary -- safety initiatives and
12 good marine practices for commercial fishing industry
13 vessels dated January 2017.

14 CHAIRMAN DZUGAN: Is there a second? Mike?
15 Discussion?

16 MR. ALWARD: No. Matt Alward. I'll just reiterate
17 what Ben said, that this is a document that the Coast
18 Guard has put together that is full of a lot of good best
19 practices and good information. When we heard from some
20 examiners, one examiner that he does actually hand this
21 out when he's doing exams, personally I have never had it
22 handed to me during an exam, so it's certainly not a
23 prioritized Coast Guard-wide, prioritized Coast
24 Guard-wide, and we feel like this would just be a great
25 opportunity to use a tool already in the toolbox for

1 educating the fleets.

2 CAPTAIN NEELAND: For point of clarification, Coast
3 Guard does do MSIBs at the local level, also the national
4 level. Is it possible to pull up the MSIB that's
5 specifically being referenced here.

6 MR. ALWARD: This motion is not referencing an MSIB
7 at all. It's prioritizing the document you have, which is
8 called The Voluntary Safety Initiatives, Good Marine
9 Practices.

10 CAPTAIN NEELAND: Okay. Sorry. I was on the Sea
11 Foam.

12 MR. ALWARD: We are not down there yet.

13 CAPTAIN NEELAND: Okay. Thank you.

14 CHAIRMAN DZUGAN: Any other comments? Discussion?
15 Yes.

16 MR. BOEHMER: Kris Boehmer. I'm just concerned that,
17 I mean, I understand that we'd like to do everything to
18 education, but the voluntary ability to put on an engine
19 shut-off is already there. And it seems unlikely to me in
20 my experience that a guy working alone that hasn't already
21 got one on is going to consider putting one on if he's not
22 made to do it, but maybe I'm wrong.

23 CHAIRMAN DZUGAN: Matt?

24 MR. ALWARD: Matt Alward. Well, this motion is just
25 about prioritizing the Coast Guard actually issuing this

1 document that they already have. So if someone wants to
2 make another motion on that issue, they can, but that's
3 not what this motion is about that's on the table right
4 now.

5 CHAIRMAN DZUGAN: Tom.

6 MR. DAMERON: Tom Dameron. So I have a question.
7 You said that this document already exists?

8 MR. ALWARD: That's right.

9 MR. DAMERON: So, and it has existed since 2017?

10 MR. ALWARD: Correct.

11 MR. DAMERON: If my memory observed me, I believe
12 that when this document was drafted, the previous
13 Commercial Fishing Safety Advisory Committee actually
14 asked that the vessel examiners did prioritize educating
15 commercial fishermen during the dock side exams. So I
16 think this has been asked and answered.

17 CHAIRMAN DZUGAN: Matt.

18 MR. ALWARD: The previous committee that is no longer
19 a committee, whose recommendations are, I don't know
20 where, but may have done that, but with our discussions
21 with examiners in the room, it is certainly not a
22 coast-wide occurrence of the examiners doing that. So
23 it's kind of just been left in the shelf in a lot of
24 regions. So we felt like this was an opportunity to
25 encourage the Coast Guard to dust it off and actually

1 prioritize getting it out coast-wide, not just to certain
2 regions that are doing it. And we didn't consider past
3 decisions by the committee, because some of us are new and
4 we are taking action now.

5 CHAIRMAN DZUGAN: Yes, Ben.

6 MR. DAUGHTRY: This is Ben. This is a -- there's a
7 -- this is like a no-harm deal. This is information that
8 already exists. It's best practices that is good, and we
9 felt as a committee that the information exists, the time
10 and effort went into building that information, and that
11 it should be prioritized to be passed out.

12 I think that -- I can't think of a reason why we
13 wouldn't want to pass this information out. It's like a
14 no-lose situation. So that's why we've made that
15 recommendation.

16 CHAIRMAN DZUGAN: Go ahead, Mike.

17 MR. TERMINEL: Mike Terminel. I am a third-party
18 organization. I do do these Coast Guard voluntary --
19 mandatory commercial fishing vessel inspections. I just
20 reviewed this document very quickly, and I'd have to agree
21 this is good information. It's all relevant to what we
22 are talking about. And first time I've laid my eyes on
23 it, so. So I believe this is something very relevant and
24 should go forward.

25 CHAIRMAN DZUGAN: Any other comments on this motion?

1 Matt.

2 MR. ALWARD: I want to call the question.

3 CHAIRMAN DZUGAN: Motion's been called. All I favor
4 of the motion on the board.

5 MR. DAMERON: Can we get it on the board and get a
6 look at it?

7 CHAIRMAN DZUGAN: oh, sure. Always good to repeat
8 that.

9 MR. ALWARD: You want me to repeat the motion?

10 MR. DAMERON: Yeah. It's not up there right.

11 MR. ALWARD: So the motion is that we recommend to
12 the Coast Guard to prioritize the issuance of the
13 voluntary safety initiatives and good marine practices for
14 commercial fishing industry vessels.

15 CHAIRMAN DZUGAN: Looks like you are ready to vote.
16 All in favor, signify by raising your hand. One, two,
17 three -- seven, eight. Anyone I leave out? Nine, ten,
18 eleven, twelve, thirteen. Thirteen. That's unanimous.
19 It passes, 13-0. Moving on.

20 MR. KELLY: Chairman, would you like to further
21 discuss Sea Foam, our recommendation?

22 CHAIRMAN DZUGAN: Okay. Discussion? Ben?

23 MR. DAUGHTRY: With that information that we just
24 passed, I question honestly if we need to include the Sea
25 Foam parts that we put in there, because that other one

1 came to light after the fact, and it kind of covers it
2 once again, if you look in those best practices. I'm not
3 sure that we need to add the part of that Sea Foam in
4 there, because it's in the best practices.

5 CHAIRMAN DZUGAN: Okay. So we put that back on the
6 shelf, unless there's other comments.

7 MR. KELLY: Question. Jim Kelly. Does it have the
8 tether piece item?

9 MR. DAUGHTRY: I'm going from memory, yes it did.

10 MR. LA TORRE REYES: It's on page 5, life saving.

11 MR. KELLY: It has the tether piece?

12 MR. LA TORRE REYES: You want to bring up the
13 voluntary thing for them.

14 MR. ALWARD: I'll just add a little context. We also
15 talked about state-registered vessels that are operating
16 near shore and not subject to mandatory dock side exam.
17 So that was why we had talked about an MSIB as well, to
18 try to make sure we don't forget any part of fishing
19 population.

20 Just information on why our recommendation had
21 included an MSIB, because --

22 MR. LA TORRE REYES: It's D under life saving.

23 MR. DAUGHTRY: D under life saving --

24 (reading quickly and inaudibly) -- In the case of a
25 single operator vessel, additional or alternative

1 life-saving devices should be in place. These could
2 include an engine kill device, a reboarding ladder and/or
3 a personal locator beacon --

4 I'm sorry. Were you able to get that?

5 COURT REPORTER: I was able to read it...

6 MR. DAUGHTRY: Okay. So just there on D, it talks
7 about it could include an engine kill device which is kind
8 of the equivalent to an electronic tether, reboarding
9 ladder, and/or personal locator beacon.

10 So once again, this document seems to be full of
11 great information that's out there that could be
12 beneficial.

13 CHAIRMAN DZUGAN: So are -- what I'm hearing is are
14 you wanting to keep it in or -- the recommendation, this
15 part of the recommendation?

16 MR. DAUGHTRY: I think Matt had a good point, which
17 is that potentially we could reach a broader audience
18 potentially with the MSIBs if we were to issue those. I
19 would be happy to have more discussion on that.

20 CHAIRMAN DZUGAN: Matt?

21 MR. ALWARD: Question for the Coast Guard. Could you
22 guys issue that voluntary best practices document in an
23 MSIB, just to remind the entire coast-wide fleets that
24 it's out here and they should read it and pay attention to
25 it?

1 CAPTAIN NEELAND: So, Captain Mark Neeland. Yes, the
2 Coast Guard could issue it as part of an MSIB. Typically
3 most of our MSIBs are issued on a specific topic and tend
4 to be narrow in scope, but doesn't have to be. So we
5 could issue a broader MSIB.

6 MR. ALWARD: Matt Alward. Follow-up, is there a
7 better vehicle in your opinion to disseminate that
8 information to everyone or would the MSIB be the proper
9 way to do that?

10 CAPT. NEELAND: So, yeah, so there's a couple
11 different options. We do have maritime comments blog,
12 which we do publish a lot of different guidance out to
13 industry on. So that's one method. I think when you
14 think about the MSIB, that's a method where we could, in
15 addition to the examiners pushing out and sharing that,
16 the good -- voluntary good practices, so that could be a
17 secondary. Another thought is if you are really concerned
18 which this task is specific to, which is man overboard,
19 you could write MSIB that's more tailored to that man
20 overboard to emphasize that topic and not the broad. So
21 there's advantages and disadvantages with each different
22 approach.

23 And there's a couple other mechanisms, but generally
24 again out to the public we tend to do maritime comments,
25 MSIBs or education campaigns, concentrated inspection

1 campaigns, those type of activities.

2 CHAIRMAN DZUGAN: Go ahead, Mike.

3 MR. TERMINAL: Mike Terminel. After looking through
4 this document, it is published by the Federal Registry in
5 2016. Could it be perhaps, now 2023 and some of this
6 information is updated, and the Coast Guard needs to
7 update this document, review and update it? Because I
8 know fire equipment has changed, the requirement for
9 pending load line requirements for load line and for
10 having the commercial fishing vessel examination more
11 every two years versus the five years. Some of those
12 things have changed, so would it be relevant to possibly
13 request that this document be updated and then it would be
14 reissued --

15 CHAIRMAN DZUGAN: Make a motion.

16 MR. TERMINEL: I propose a motion that the U.S. Coast
17 Guard amends and updates the voluntary safety initiatives
18 and good marine practices for commercial fishing industry
19 vessels dated January 2017.

20 MR. DAMERON: I second. Tom Dameron.

21 CHAIRMAN DZUGAN: We have a first and second.
22 Anywhere discussion on this? Hearing none, we'll call the
23 role. I guess a show of hands. All in favor of this
24 motion, raise your hands. One -- okay. Thirteen, zero,
25 it's unanimous.

1 Now, any other recommendations? All right. Tom,
2 let's get back to you. And if we are through with this
3 set of your task recommendations, Task 3, I mean. Okay.
4 Tom, back to you again. Sorry for delay.

5 MR. DAMERON: Yeah, no problem. In considering the
6 Sea Foam was just discussed, I think we have a motion
7 that's a good follow-up to that. I move that the
8 committee recommends the adoption of a regulation to
9 include language that requires each vessel must have a
10 written policy for the prevention of falls overboard and
11 for wearing of PFDs. The policy must identify known
12 hazards that result in falls overboard, list best
13 practices to prevent falls overboard, and the methods for
14 recovering a man overboard.

15 CHAIRMAN DZUGAN: Is there a second to the motion?
16 Kris second. Discussion?

17 MR. DAMERON: Angel, that's number 2 on my list.

18 MR. ALWARD. Matt Alward. I offer an amendment to
19 the motion to change the word "must" to "should".

20 CHAIRMAN DZUGAN: Mike?

21 MR. THEILER: Mike Theiler. I'll second that, Matt.

22 CHAIRMAN DZUGAN: Discussion on the proposed
23 amendment? Tom?

24 MR. DAMERON: So the proposed amendment was
25 recommending the adoption of a regulation, so the maker of

1 the motion would not accept the substitution of the word
2 must to should.

3 CHAIRMAN DZUGAN: Matt?

4 MR. ALWARD: I didn't ask for a friendly, so I
5 actually put an amendment on the table and it's seconded.
6 Then procedural-wise we would discuss and vote on the
7 amendment to the original motion and vote that up or down.
8 And if it passed, then the motion would be amended. If it
9 failed, we would be back to the original motion.

10 CHAIRMAN DZUGAN: And we've heard back from Tom.
11 We'll have that vote.

12 MR. ALWARD: Yes. I did not ask for a friendly
13 discussion.

14 MR. DAMERON: I don't think you asked for a
15 substantive motion for that which you were making.

16 MR. ALWARD: I was offering an amendment to your
17 motion to change one word in your motion, which under
18 Robert's Rules is certainly allowed.

19 CHAIRMAN DZUGAN: Kris?

20 MR. BOEHMER: Procedural question. Is that just a
21 simple majority or two-thirds majority to the amendment?

22 CHAIRMAN DZUGAN: This would be a -- yeah, simple
23 majority, but I think under the simplified rules here, all
24 it needs is a majority. Yeah.

25 MR. KELLY: Question.

1 CHAIRMAN DZUGAN: Yeah. Majority.

2 MR. KELLY: Question, just a clarification. Are we
3 on task -- which task number have we moved to at this
4 time?

5 CHAIRMAN DZUGAN: Can you speak closer.

6 MR. KELLY: Which task have we moved to at this time,
7 in the initial motion that Tom raised?

8 MR. DAUGHTRY: The reason for the confusion or
9 question perhaps is because this is kind of our Task 2
10 recommendation. So is it also your Task 2 recommendation
11 or --

12 MR. DAMERON: I don't have my recommendations broke
13 out by task. I apologize for that.

14 CAPT. NEELAND: If I may interject, I think the
15 confusion is, Angel, if you go back to the motion that was
16 most recently passed, there was a discussion to amend one
17 word on that.

18 Separately, there was another discussion about
19 introducing a new motion. So I think we just need to be
20 clear what we are -- which one we are taking action on.
21 Are we adjusting the language on "must" or are we on what
22 Tom had just talked about?

23 CHAIRMAN DZUGAN: I think we are talking about the
24 must.

25 CAPTAIN NEELAND: Okay.

1 MR. DAUGHTRY: Of Tom's motion.

2 CAPTAIN NEELAND: Of Tom's motion. Okay.

3 MR. DAMERON: Which is where?

4 (Overlapping speaking)

5 CAPTAIN NEELAND: So --

6 MR. KELLY: Tom, just for clarification, it would be

7 helpful to know which task when you read one of these,

8 because they are not identified as such, and we broke it

9 up based on tasks. So I think we are done with the task

10 that you were just pointing to.

11 CAPTAIN NEELAND: Okay.

12 MR. KELLY: Which I don't recall that number. Okay.

13 Three is done. Three is done.

14 CAPTAIN NEELAND: Okay.

15 MR. KELLY: So we won't talk about three anymore.

16 CAPTAIN NEELAND: Understood. We are all on the same

17 page now.

18 MR. KELLY: So what task is Tom talking about?

19 CHAIRMAN DZUGAN: On the change, the word change. Go

20 ahead, Matt.

21 MR. ALWARD: The question -- well, the question is

22 Tom's original motion, think about the amendment to the

23 motion right now, which task is that motion related to,

24 Task 1 or 2?

25 MR. DAUGHTRY: One or two?

1 MR. ALWARD: Or does it matter?

2 MR. DAMERON: I made a motion.

3 CHAIRMAN DZUGAN: It's related -- yeah.

4 MR. DAMERON: Doesn't matter to me what task it's
5 related to. It came out of our subcommittee.

6 CHAIRMAN DZUGAN: And it's related to -- yeah, a
7 couple of these tasks overlap. So it's kind of hard to
8 pick which task to pull out of, but it's definitely
9 related to the tasks in general in the agenda. So what we
10 still have is a motion, countermotion to change one word
11 in the amendment to the original motion to change it from
12 "shall" to "should" essentially.

13 MR. BOEHMER: Must.

14 MR. DAMERON: Must, not should.

15 MR. DAUGHTRY: Mr. Chairman, I still need
16 clarification on whether the Coast Guard needs to know
17 which tasks these recommendations are going for, because
18 the whole thing was broken out by those three very
19 specific tasks, and we were actually at one point the
20 suggestion or concept was to break up into three
21 subcommittees where each of those tasks, so -- so I guess
22 we need to make sure what we are providing to the Coast
23 Guard is what they need also.

24 And so I'm -- I don't know if Captain Neeland can
25 tell us that, if it needs to be by task, or if it can just

1 be this recommendation, or if that's up to our group to
2 do, but it's confusing to me at this point.

3 MR. KELLY: I second that.

4 MR. TURNER: David Turner. The three points listed
5 up there were from Task 1 in our discussions.

6 MR. DAUGHTRY: Okay. Great.

7 MR. KELLY: Could you repeat that? I didn't hear it.

8 MR. TURNER: The three points currently shown are
9 from Task 1.

10 MR. KELLY: Thank you.

11 MR. DAUGHTRY: Ben. And so we are discussing Task 1,
12 number 2 of your guy's recommendations. And then the
13 current discussion is whether or not it could be should to
14 must? Okay. I'm caught up now. Thank you, guys.

15 CAPTAIN NEELAND: So, to answer your question, the
16 Coast Guard gave three separate tasks. So for each task
17 there should be a recommendation, whatever committee would
18 like to make the recommendation. So there may be some
19 overlap, but at the end, Coast Guard's expecting for each
20 task that the recommendation -- you can always have
21 duplication if you choose to do so, but each task should
22 have recommendations associated with it.

23 MR. DAUGHTRY: Great.

24 MR. BOEHMER: So are we going to have a vote on that
25 task?

1 CHAIRMAN DZUGAN: We are going to have a vote on the
2 amendment to change it from must to should.

3 MR. BOEHMER: All right.

4 CHAIRMAN DZUGAN: That's the question. All those in
5 favor -- any other discussion on this? Tom.

6 MR. DAMERON: So I'm curious if the best practices
7 doesn't already cover should, as policy prevention. Do
8 you still have that up?

9 MR. ALWARD: Policy on --

10 MR. TURNER: David Turner here. What it says is:
11 Each vessel with more than one individual on board should
12 have an effective man overboard recovery device that is
13 appropriate for the vessel.

14 CHAIRMAN DZUGAN: So the original motion was making
15 it to a must. The amendment was putting it back to a
16 should.

17 MR. BOEHMER: Kris Boehmer. I think the motion that
18 Tom made includes a little bit more than the best
19 practices as well. I think it digs a little deeper.

20 MR. DAUGHTRY: There it is.

21 CHAIRMAN DZUGAN: Yeah.

22 MR. DAUGHTRY: Yeah. This language actually
23 originally I think came from Peggy, information that she
24 put out. So it didn't come from the best practices. It
25 came from the handout that she had originally. At least

1 that's the basis of where I think both of our groups got
2 it from.

3 So if it is more detailed than what was in best
4 practices, then I think it is -- it is different and
5 should be voted on accordingly.

6 CHAIRMAN DZUGAN: Tom?

7 MR. DAMERON: Tom Dameron. So I'm curious what the
8 group thinks the lift is. If we said must have a written
9 policy for the prevention of falls overboard and wearing
10 PFDs, I mean, we are talking two or three sentences of
11 written policies. Is that too much to ask?

12 CHAIRMAN DZUGAN: Matt? And then Mike, if you could
13 --

14 MR. THEILER: Yeah. I think that our group discussed
15 both those options, Tom, as requirements or as
16 recommendations. And our group decided that -- our
17 committee decided that it was again noted differences in
18 areas, difference in fishing practices that it was best to
19 leave it up to the masters to follow whatever they thought
20 was best.

21 So I stand by the second of the motion that Matt made
22 that, you know, we use language should rather than must.

23 CHAIRMAN DZUGAN: Kris?

24 MR. BOEHMER: Yeah. Kris Boehmer. Mike, I think
25 this still leaves it up to the individual. If you have

1 must, as I'm reading this, it still doesn't say whether
2 you have to or not have to. It just says that you have to
3 have a written practice. You have to have a practice, not
4 you should, but you have to have a written practice of
5 what that individual boat wants to do. It's not saying
6 that you have to have a life jacket. It's just saying
7 that you have to state what your plan is.

8 MR. THEILER: I recognize that, but I stand by the
9 amendment.

10 MR. DAUGHTRY: Ben, Mr. Chair.

11 CHAIRMAN DZUGAN: Ben.

12 MR. DAUGHTRY: Yeah, I think it's a difference of is
13 this a requirement or a recommendation basically, as far
14 as what must and should, it could end up meaning, right?
15 Is it going to be a recommendation or is it going to be a
16 regulation. And I think that's the difference on what
17 those two words mean.

18 CHAIRMAN DZUGAN: So question for the Coast Guard.
19 I've been trained by the Coast Guard about shoulds and
20 should dos and must -- what's the other word, mandatory
21 dos. What's the definition of must on that level of how
22 you interpret that as a requirement?

23 CAPTAIN NEELAND: So, generally, must means you shall
24 -- I mean, shall.

25 CHAIRMAN DZUGAN: Shall.

1 CAPTAIN NEELAND: Do that. If you use the term
2 should, it means that it's optional; it's the best
3 practice. Generally that's how we view it.

4 CHAIRMAN DZUGAN: Yeah. That's what I would take it
5 as, and I think most of us do. Mike?

6 MR. TERMINEL: So I know this is jumping industries,
7 but the dive vessel conception off of California conducted
8 their drills for the U.S. Coast Guard, and didn't do a
9 single other drill. And that was left up to the captain's
10 discretion, and 31 people died because they left it up to
11 that captain's discretion to do drills.

12 If you put must, then they must do it. Otherwise, we
13 are going to end up with another conception.

14 CHAIRMAN DZUGAN: Any other comments? Ben?

15 MR. DAUGHTRY: I'll just make one more, which is that
16 current casualties and trends have been trending down.
17 And that's certainly what we are all in this room wanting
18 to continue to see those trends go in that direction, but
19 while it's not perfect, and as I think it's been said more
20 than one time, one loss of one life is too much. You will
21 never be able to regulate the loss of every life out
22 because there's human error and mistakes and bad decisions
23 that are made by people.

24 So what is currently happening is trending in the
25 right direction in a pretty significant way. We saw that

1 in Day 1 of our meeting here. So just take that into
2 consideration.

3 CHAIRMAN DZUGAN: Okay. And we are going to move on
4 to a vote, but go ahead. Last word.

5 MR. ALWARD: You can move on to a vote.

6 CHAIRMAN DZUGAN: No, go ahead.

7 MR. ALWARD: So mandate -- Matt Alward. Mandating
8 that you have a written policy on board won't necessarily
9 do anything to change the behavior. It just gives
10 enforcement another reason to give you a ticket if you
11 don't have your written policy. But as we've just stated,
12 the written policy doesn't have to say you have life
13 jackets on board.

14 So that's why I feel like should is appropriate here
15 to make it a recommendation as opposed to mandate that is
16 enforceable and finable.

17 CHAIRMAN DZUGAN: That will be the last word from the
18 promo side, I guess.

19 MR. DAMERON: Tom Dameron. Must have a written
20 policy does guarantee that the master and crew goes over
21 man-overboard situations, and thinks through what it's
22 going to take to get a person back on board. And I think
23 that's what we all want.

24 CHAIRMAN DZUGAN: I think in the discussions, but I
25 would also mention this would fit well into if it's a

1 must, into the 28.275 safety instruction manual that's
2 required already in terms of a -- there's already a
3 section on persons overboard. And this would fit into
4 that one.

5 It's not like a new document or something. It just
6 makes it more -- certainly more enforceable, so nor is it
7 going to lead to another placard on the wall. I think we
8 are done with the discussion.

9 We are going to move to a vote. Those in favor of
10 substituting the original motion by the word should,
11 signify by raising your hand. One, two, three, four,
12 five, six. Do that again. One, two, three, four, five,
13 six. Okay.

14 Six is not quite a majority, so the amendment.
15 Fails. We'll move back to the original motion. Does
16 anybody want that motion read again?

17 MR. KELLY: Is it that one right there.

18 CHAIRMAN DZUGAN: It's number 2, the middle one.

19 MR. ALWARD: Must or shall be a motion.

20 CHAIRMAN DZUGAN: Any discussion about the original
21 motion now? Hearing none, then we'll call for the
22 question.

23 MR. DAMERON: Call for the question.

24 CHAIRMAN DZUGAN: Yeah. Those in favor of the
25 original motion in the language, please -- which is a

1 shall -- must. Not shall. Raise your hand. Seven.
2 Okay. Seven-six. The original motion passes seven to
3 six.

4 And I recommend that there's a break time for public
5 comment at 4:35 before we take on another comment. We
6 want to turn over to the public or any people in
7 attendance to make any comments. This is the time do it.
8 We have 15 minutes. Come on up, Omar.

9 MR. LA TORRE REYES: My name is Omar La Torre. Just
10 a point of clarification on that one. The intent is to
11 create a new regulation to include that language that you
12 guys are proposing, correct?

13 CHAIRMAN DZUGAN: That's the task. Yes.

14 MR. LA TORRE REYES: Okay. Just wanted to confirm.

15 CHAIRMAN DZUGAN: Like I said, it might be involving
16 a tweak to something that's already there in terms of the
17 safety instruction manual, but it depends on how the Coast
18 Guard wants to do it.

19 MR. WENDLAND: Just for the record, that was Coast
20 Guard. So we are in a spot now for the public to have the
21 opportunity to come to the mic and present or have a
22 discussion as well. So I just wanted that clarification.
23 The public would like that opportunity or has an
24 opportunity at this point in time.

25 CHAIRMAN DZUGAN: All we got was Omar. So the

1 invitation to the public is still there. And if we don't
2 hear anything from the public in another half minute or
3 so, I suggest maybe we take a stand to take a stretch and
4 sit down again and continue with business, but we'll give
5 them -- going once, going twice. We'll just move on.

6 You want to take on another topic, do you think? At
7 4:50 we are going to conclude the day with some thoughts
8 from Mr. Myers and Mr. Neeland. You want to take on
9 another topic? Take it to 4:50? That's 15 minutes from
10 now about. If we don't finish that talk, we could table
11 it and bring it up tomorrow. It's up to you, up to the
12 committee.

13 MR. BOEHMER: Mr. Chairman, Kris Boehmer. What if we
14 look at topic 2. I think Task 2, the next one, it seemed
15 like I thought it would be a simpler conversation. Then
16 we can get that out of the way. Not Amendment 2, Task 2.

17 Mr. DAMERON: That would be number 4.

18 MR. BOEHMER: Are we going to take a break first?

19 CHAIRMAN DZUGAN: Yeah. Let's stand up for a second
20 while we read this.

21 (Pause in the proceedings at 4:37 p.m.)

22 (Resumes at 4:50 p.m.)

23 CHAIRMAN DZUGAN: Okay. Committee, we are ready to
24 meet again after a little stretch. We are good to is --
25 we are not going to take any more recommendations. Let's

1 turn it over back to the Coast Guard.

2 CAPTAIN NEELAND: All right. Thank you. So, a point
3 of administrative. John, do you want to cover a couple of
4 administrative items?

5 MR. WENDLAND: Yes, sir. Just one point of
6 clarification. It wasn't worth breaking up that
7 discussion, but anybody that's reading the minutes or
8 whatever, commercial fishing vessels are uninspected. So
9 the Coast Guard doesn't inspect those vessels. We examine
10 those vessels.

11 So it's always difficult to keep that in mind, but
12 inspection is more of a COI, not to be confused --
13 certification of inspection, not to be confused with a
14 COC, which is a certification of compliance. And, you
15 know, our exam process is an exam. It's not in an
16 inspection. So just point of clarification on that for
17 the record. So something to think about. Just try to
18 keep it in the back of your head.

19 The other thing we wanted to raise here with a full
20 committee is we are looking to the next -- the next
21 meeting, right? So we are trying to put two meetings
22 together in a calendar year. There are strong
23 considerations on the Coast Guard side right now. And
24 just for everyone's awareness, the captain is the captain
25 of CVC, which is Commercial Vessel Compliance. So that

1 covers all vessels, not just fishing vessels but, you
2 know, all the vessels out there.

3 So his schedule is very busy. So we are trying to
4 meet that demand. And so for the next meeting, we are
5 proposing the dates, the last week of September, the 25th.
6 And part of the reason for that time frame is the Coast
7 Guard has funding at this point in time. And that funding
8 doesn't carry over to the next fiscal year. So we have
9 the funds to get that done now.

10 So we are going to ask each member to kind of look at
11 your calendars and advise us tomorrow, there is a spot in
12 the agenda for this discussion. And just to let us know
13 if that time frame works for you, that last week of the --
14 the last week of September, the 25th. Does anybody have
15 any questions?

16 MR. KELLY: I have a question. Could you just be
17 more specific as to is it the same three days like we just
18 did, or is it --

19 MR. WENDLAND: Yeah. That's a great question. And I
20 think that's going to depend on the task, the tasking for
21 that meeting. So, you know, we're not -- we are not
22 beholden to a three-day meeting. So if we could do it in
23 two days, if it works best for the committee for a two-day
24 meeting instead of a three, we could adapt to that if the
25 task associated can be fitted into that time frame. So

1 that needs to be developed with the agenda.

2 MR. MYERS: And Joe Myers here, if I can add to that.

3 Thanks, Jonathan, but I think in general that's a good
4 model to shoot for because, you know, we have the travel
5 day, travel days. And generally we try to shoot for three
6 days, but that could grow or shrink depending.

7 MR. BOEHMER: Is this like you did on the West Coast?

8 MR. WENDLAND: Speak into your microphone.

9 MR. BOEHMER: Kris Boehmer. Is this likely to be on
10 the West Coast?

11 MR. WENDLAND: Yes, it is. We try to go from East
12 Coast to West Coast, just for the diversification, but
13 that's what we are looking at right now. We are not, you
14 know, we are not restricted to that, but that's there's
15 our objective.

16 MR. KELLY: Is Pebble Beach open? Pebble Beach is
17 that open?

18 MR. WENDLAND: We can look at that for sure.

19 MR. KELLY: It's a public facility.

20 MR. WENDLAND: Mr. Rosvold?

21 ERIC ROSVOLD: Eric Rosvold. Do you ever consider in
22 the middle, like Brownsville?

23 MS. HEWLETT: What a great idea.

24 MR. BOEHMER: That's the bottom.

25 MR. WENDLAND: Truth be told, Brownsville could be an

1 option, if it's called the middle. What we also like to
2 do is, you know, not just for the committee members but,
3 you know, the Coast Guard is cognizant of the fishing
4 community and the public. And we do try to meet, you
5 know, in a fishing or marine area where it could be
6 accessible to the public. So that's also part of the
7 matrix that goes into our decisions.

8 MR. LONDRIE: Greg Londrie. Technically, I would not
9 consider the Gulf Coast during that time frame because of
10 hurricanes, so which would potentially knock it out. So I
11 would not consider all travel.

12 MS. HEWLETT: Hurricane season in Gulf of Mexico
13 right there.

14 CHAIRMAN DZUGAN: Go ahead.

15 MR. DAMERON: Tom Dameron. Mr. Chair, I'm curious
16 how far before our next committee meeting will there be a
17 call for agenda items to the committee members?

18 CHAIRMAN DZUGAN: Captain Neeland?

19 CAPT. NEELAND: So if my interjection helps, we will
20 have to publish the agenda in the Federal Register. And I
21 believe it's 30 days before every meeting we have to have
22 that published. So at least, I'd say -- John?

23 MR. WENDLAND: Fifteen days, sir.

24 CAPT. NEELAND: Fifteen. Okay. I apologize. So 15
25 days. But ideally we would like to give more warning, so

1 ideally we would have the agenda, I would like to have it
2 finalized at least 30 days in advance.

3 There's no hard and fast, but we do have to have it
4 published in the Federal Register 15 days in advance. So
5 we can start having a discussion potentially tomorrow, if
6 there's some items you would like to discuss for us for
7 consideration, incorporation of the agenda. That is
8 always an option, but the agenda will not be firmed until
9 we have a chance -- the Chairman may proposed agenda items
10 in discussion with Coast Guard and see what we believe
11 realistically can accomplish.

12 MR. DAMERON: So does that mean that between now and
13 posting in the Federal Register there's an open call for
14 agenda items for the committee?

15 CAPTAIN NEELAND: Yes. So as committee members, you
16 can engage with the chairman and propose items for to be
17 added to the agenda per the bylaws. The chairman can
18 propose agenda items to be agreed upon with the Coast
19 Guard to actually go forth.

20 So I would say that there's never really a closed
21 item for an agenda, but if you want to get it incorporated
22 under the next meeting, sooner rather than later to make
23 sure we have time to prepare for it.

24 MR. BOEHMER: Must or shall?

25 (Laughter)

1 CAPTAIN NEELAND: Must, as far as 15 days for the
2 Federal Register.

3 MR. WENDLAND: And just a recommendation there, Tom,
4 as you know in the past, it's also maybe behoovant to work
5 that through the vice chair so there's a full
6 understanding going to the chair, right?

7 MR. DAMERON: Well, I'm Tom Dameron speaking. So I'm
8 just looking at the bylaws, and it says that the call for
9 agenda items will be sent to the committee chair. The
10 chairman will communicate the call for agenda items to the
11 committee members and request their input.

12 So I was just wondering what the timeline for that
13 was.

14 MR. WENDLAND: I think, you know, after this meeting,
15 you folks can get together and present those topics as
16 soon as you'd like to, right? And so just for an
17 awareness purpose of the full members of the committee,
18 there are timelines that it takes the Coast Guard to get
19 things through the process and all approved, right?
20 That's typically a three-month window on a good day, two
21 to three months really on a good day.

22 So your actions to work it through the vice chair and
23 the chair proposed to the DFO, the sooner you folks are
24 able to do that, obviously the quicker it can be done.

25 CHAIRMAN DZUGAN: Matt.

1 MR. ALWARD: But just to be clear, the committee
2 wants to have a discussion tomorrow on topics we would
3 like to see on the next meeting's agenda. We can do that,
4 right?

5 MR. WENDLAND: Yes. If we have time available and
6 you folks are all done with your tasks, we can utilize
7 that time here. And that would be highly recommended.

8 CAPTAIN NEELAND: Specifically if you look at the
9 agenda for tomorrow, there is plans for interim work,
10 future actions. I think that is a time where you can also
11 propose agenda items you would like for the next meeting.

12 So this evening after we break, if you could please
13 look at your calendar, there's some challenges with our
14 change in the fiscal year. So we would like to try and
15 meet before October first. We are looking at the last
16 week in September, probably somewhere on the West Coast.
17 And we would like to have a discussion tomorrow to see if
18 we can actually get a quorum. If we can't, then we'll
19 look at other alternatives, but at that point that's a
20 proposal I would like you to at least take a look at and
21 be prepared to have a little discussion on that tomorrow.

22 CHAIRMAN DZUGAN: Okay. Any other closing comments
23 from anybody on the committee? Well, I want to thank you
24 all for a productive day and for working through the day
25 and getting some work done, and having a few of these task

1 statements put up, up or down. And also thank you a lot
2 for your -- it is really helpful to have the day before to
3 get to know each other better. I think it helped
4 lubricate some of the rough edges for today.

5 And really appreciate the professionalism you do, and
6 the tolerance you have for each other at sometimes. So
7 it's a pleasure working with you all, so just keep it up.
8 We have more to do tomorrow. And thank you all for
9 coming. Last word, Coast Guard?

10 CAPTAIN NEELAND: No, I echo. Just thanks for all
11 your good work. Thanks for your input and perspectives
12 and work through these recommendations. And if you have
13 any questions, do not hesitate to ask any of -- myself or
14 any of the CDC through staff or any commercial fishing
15 vessel staff that's here from the Coast Guard. So thank
16 you, and look forward to continuing tomorrow.

17 CHAIRMAN DZUGAN: Anybody opposed to adjourning?
18 Hearing none, we will recess until tomorrow.

19 - - -

20 (Meeting Day 2 was adjourned at 5:02 p.m.)

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1 Day 3 of 3 Thursday, May 25, 2023

2 (The Committee Meeting started at 8:00 a.m.)

3 P R O C E E D I N G S -- DAY 3 of 3

4 MR. WENDLAND: Okay. We are going to kick this off.

5 If you could just take your seats again and settle in.

6 All right. Another fantastic night. I don't know about
7 you, but I feel like I slept with one eye open. Anybody
8 that's spent any time down in Blacksburg, Virginia, knows
9 what I am talking about.

10 So this morning let's keep the energy up, harness the
11 inner Sandman and keep this process moving. A lot of
12 great energy in the room. A lot of great energy that
13 occurred yesterday. So exited for Day 3 here at the
14 National Commercial Fishing Safety Advisory Committee.
15 Welcome back, and welcome to anybody that missed Day 1 or
16 Day 2.

17 Just as a refresher, anybody who hasn't been here,
18 bathrooms are out the door down the hall to the left. In
19 any type of emergency, we are going to take the escalators
20 down and stay out of the elevators. Also just like to
21 remind anybody to silence any electronic devices, phones,
22 whatnot.

23 And to recall, we are under Robert's Rules. So when
24 you do speak, go through the Chair and first state your
25 name. It's very important for the transcription because,

1 as everyone is aware, this will be posted, so just so the
2 transcription reads accordingly and correctly.

3 Also just wanted to remind everybody if you haven't
4 signed in on Day 1 or Day 2, I took those sheets off the
5 back table there and have them. So just tap me on the
6 shoulder and I can break those back out, but Day 3 is on
7 the table. So please, everybody both in the audience, and
8 the membership, please just sign in, because that will be
9 posted as well. All right.

10 All right. So without further ado, I guess what's up
11 here is we'll go over some general comments perhaps and
12 review the agenda. So, Mr. Myers, do you like to take
13 over the agenda for today?

14 MR. MYERS: Yes, sir. Thank you, Jonathan. Joseph
15 Myers speaking here. Good morning. It was good to see a
16 lot of good, healthy discussion yesterday. I think
17 everyone was really connecting good with their sub groups
18 and their topics, and that was evident on how things were
19 progressing once the committee convened, reconvened
20 yesterday. So we were happy to see that, because that's
21 what the process is all about. And again we were happy --
22 at least I was -- to see how the process was working and
23 coming together as a result of the subcommittee meetings.
24 So, again, we are happy that the -- our new National
25 Commercial Fishing Safety Advisory Committee is working as

1 intended. And it seems like everyone is getting along and
2 getting something out of this week-long session.

3 And so I wanted to, just before we got going today,
4 just go over the agenda. We do recognize that the
5 template agenda here will likely or has the potential to
6 shift due to time management and if things go ahead of
7 schedule or not. And so, but in general, we'll -- I'll
8 just go over the agenda for the record.

9 At 8:15 we have of course -- 8 o'clock we've
10 convened, so I'm going over the eight o'clock right now,
11 but at 8:15, we reconvened task subcommittee work groups
12 to commence and continue their tasks add at hand. 10:15
13 is scheduled for break. 10:30, reconvene the task work
14 groups. And at noon there's a scheduled lunch break.

15 At one o'clock p.m., subcommittees report out to the
16 committee and which involves full committee reconvenes to
17 hear reports and recommendations of subcommittees and work
18 groups. And there will be a time for public comment. And
19 again that is at 1:00.

20 Now, there is quite a bit of time allotted for that
21 discussion of course. And at 4:15, the National
22 Commercial Fishing Safety Advisory Committee will have
23 time to -- will have time to discuss with them, with you,
24 future initiatives and events and plans for if there is
25 need for interim work, future action items, as we

1 discussed yesterday, if there's anything anyone needs to
2 voice or intends to bring up.

3 And we'll try to give you a brief discussion on the
4 next meeting plans and suggested locations. We'll be
5 talking about all that. And again that's scheduled for
6 4:15, but we'll obviously be flexible to see how the
7 committee's time frame works. You know, that may be
8 adjusted a little bit.

9 And 4:45 is scheduled for general comments from the
10 committee and all members. And 4:55 is slated for the DFO
11 comments, and the adjourning of this session or this
12 meeting at five o'clock p.m. So that is the general
13 breakdown of today's schedule. Other than that,
14 again I look forward to today's events, and I wasn't
15 listening to everything Mr. Wendland was saying. I was
16 multitasking. And so I just want to put a plug in t -- we
17 mentioned the district coordinators at 10:00.

18 MR. WENDLAND: Actually, I did not mention that.
19 It's on my list here, and so I'll just mention that right
20 now. I was going to follow up with that. So at ten
21 o'clock, it will be ten o'clock for all Coast Guard
22 district coordinators, we are going to get together. So
23 just set your watches or phones for that time frame, and
24 we can coordinate depending on what's happening in which
25 meeting room that we'll break out in.

1 MR. MYERS: It will be one of the back rooms here.

2 MR. WENDLAND: Yes, sir.

3 MR. MYERS: Thank you. With that said, Captain, do
4 you have any words you would like to...

5 CAPT. NEELAND: Yeah, no, thanks. Thank you, Joe.

6 Captain Mark Neeland. Thanks again for all your
7 great work yesterday and the good discussions. I look
8 forward to team discussions today and see where we go, so
9 plenty of opportunity. So, with that, John, I'll kick
10 back to you.

11 MR. WENDLAND: Yeah. Thank you, Captain. And again,
12 good morning everybody. At this time I have nothing
13 further, so I'll just pass it to the chair, Mr. Jerry
14 Dzugan.

15 CHAIRMAN DZUGAN: Well, good morning everybody. Glad
16 to see most everybody come back. I thought we'd just
17 begin with any more of the recommendations that the groups
18 have talked about yesterday and get right into that again.
19 Yes, Kris?

20 MR. BOEHMER: Kris Boehmer. Listen, I've been
21 thinking. Full committee members, I know we've got a
22 really challenging tasks ahead of us with these two tasks
23 and motions that we have in front of us. And I know we
24 have different reasons for how we are feeling about this,
25 but the prevailing thought I had on this was that I don't

1 think anyone of us would argue that wearing a personal
2 flotation device if you go overboard would exponentially
3 increase your survivability. And we are on here because
4 we are on this fishing vessel safety committee.

5 None of us want regulation. I get that. But it's
6 been said you can't regulate common sense. I agree with
7 that. But you can regulate best practices. And I just
8 looked at a study, nobody liked putting seat belts on in
9 1976, and it's estimated that 50,000 people a year are
10 saved by that.

11 So I would urge us all to think about before we vote,
12 to vote with our mind, not our heart; because if we can
13 save one or two guys every year, somebody's brother,
14 father, sister, whatever. It's not easy, but I really
15 would like us to really think about what our task is and
16 how we can really cost effectively make the biggest
17 impact. The two biggest things we have are losses and
18 sinkings. And there's a variety of things that impact
19 that, and a lot of different costs that are going to be
20 involved to remedy that.

21 The man overboard is probably the simplest fix we
22 have. Is it easy, nah. But I really think it's our
23 responsibility to vote, and maybe even vote by name of how
24 we stand on this, because this is something that we can
25 make a big difference here. And so, anyway, I just wanted

1 to say that and have us think about that before we go to
2 the next ones. Thank you.

3 CHAIRMAN DZUGAN: Yeah. Thank you, Kris. We'll take
4 Mike over there.

5 MR. THEILER: Just as a follow-up, Kris, what you are
6 asking the Coast Guard and this group to do is regulate
7 behavior. And, you know, sometimes it's easier to change
8 the behavior, change the culture, educate and train first
9 before we take the leap. And from a fisherman's point of
10 view, you know, we are over regulated to begin with. And
11 I think that, you know, committee one here shares my
12 feelings that regulation is, you know, it's something that
13 we are keeping a very close eye on.

14 We are the guys that are wringing the salt water out
15 of our socks every day, and understand the risks, and
16 don't take those risks lightly. So I wouldn't want it to
17 be inferred that we are being irresponsible.

18 CHAIRMAN DZUGAN: Any other comments? Okay. Usually
19 I'll say a few things before I begin on the first day.
20 Almost every meeting we have something to talk about and
21 decide upon that. It is typically difficult for us
22 personally, and we fret over it. It's a matter of
23 balancing people's, quote, freedom versus what society
24 will accept as a risk and a cost of those risks.

25 And I just want to remind people that you need to

1 vote your consciousness as best as you can. I know that
2 we all have our own groups that we represent, and our own
3 peer groups, but it's important to kind of look inside
4 your souls a little bit about that when you are making
5 those decisions and to not abstain from votes. I've seen
6 that happen in the past. Make those -- you have to make
7 those decisions. Abstaining is -- and I haven't seen it
8 this week. I'm not talking about anything this week, but
9 it's a poor show.

10 You know, we are spending people's time and the
11 government's money right here doing these, and we need to
12 make those hard decisions, as hard as it has been. And I
13 have to go through that one myself. We all have to go
14 through that in our lives, so just do the best you can.

15 I appreciate everybody's viewpoint on those, but
16 that's what we are here to do is to make those hard
17 decisions. So I always err on the side personally of a
18 high tide raises all ships, when it comes to things like
19 that. So that's kind of my own personal prejudice, but
20 you need to decide for yourselves. Ben?

21 MR. DAUGHTRY: Thank you, Mr. Chair. Ben Daughtry.
22 With that in mind, and I'm perfectly comfortable voting
23 and voting by person, but if the intent is to have
24 everybody vote, perhaps somebody that's less comfortable
25 voting would abstain in a situation where they have to

1 vote by name. I'm comfortable either way. I just want to
2 put that out there.

3 CHAIRMAN DZUGAN: Anybody else on this topic, or
4 anything to say about the methods by which we are voting?
5 What's the feeling of the group, in terms of we have just
6 been asking for raises of hand and counting numbers. We
7 haven't been doing it by person.

8 (No responses)

9 CHAIRMAN DZUGAN: Go ahead.

10 MR. DAUGHTRY: That has been the standard this whole
11 time. I don't know why it needs to change today. Once
12 again I'm comfortable and happy with it, but it has been
13 faster and more efficient to work that way. So I would
14 suggest that it stays that way, I guess. And I'll just
15 leave it at that.

16 CHAIRMAN DZUGAN: Okay. Yeah. We'll continue that
17 then. There will be times where either I or members of
18 this committee will feel it would be best to do it by
19 name, and we can make that decision as we come through,
20 but for efficiency, I also agree that just a hand count
21 would be fine. Anything, Matt?

22 MR. ALWARD: You are the chair.

23 CHAIRMAN DZUGAN: Okay. Any recommendations from our
24 deliberation yesterday? Mr. Dameron.

25 MR. DAMERON: Thank you, Mr. Chair. Tom Dameron. I

1 move that the committee recommends that the Commandant
2 amend 46 CFR Section 28.50, definition of terms used in
3 this part, to include skiff, which means a fishing vessel
4 up to 32 feet in length of open construction, arranged
5 with little or no accommodation or interior spaces.

6 CHAIRMAN DZUGAN: And could you repeat which task
7 statement that's from or related to.

8 MR. BOEHMER: I think it's Task 1.

9 CHAIRMAN DZUGAN: That's One? There's some confusion
10 about that yesterday, so I'll be asking this of people who
11 have recommendations.

12 MR. BOEHMER: It's Two.

13 CHAIRMAN DZUGAN: Two. Okay.

14 MR. BOEHMER: So it's number 4, Angel, but Task 2.

15 MR. DAMERON: That is Task 2.

16 CHAIRMAN DZUGAN: Two? Task 2? Thank you. Is there
17 a second yet? Kris, second?

18 MR. BOEHMER: (Raises hand.)

19 CHAIRMAN DZUGAN: Yes, sir.

20 MR. TURNER: David Turner here. I would just like to
21 point out that this item number 4 up there is completely
22 tied to number 5. There's no point in voting on the two
23 separately.

24 CHAIRMAN DZUGAN: Yeah. We have a motion on the
25 floor still, and there's a second. Any other discussion?

1 MR. DAUGHTRY: Sure. This is Ben. Is there a
2 current Coast Guard definition of skiff? Are we changing
3 something? Are we adding something? I just -- that's
4 what I'm unclear about this.

5 CHAIRMAN DZUGAN: Dave?

6 MR. TURNER: David Turner. There is no definition of
7 skiff in part 28. There is in other portions of the CFR.
8 So this definition would apply only to part 26.

9 MR. KELLY: Jim Kelly. But I think the question was
10 -- I had the same question. Is there definition anywhere
11 relative to the size of the skiff, and if so, what is it?
12 What's the existing one?

13 MR. DAMERON: Our able architect that had all that
14 information is not here with us, but from my knowledge,
15 there is no definition of skiff in part 28.

16 MR. KELLY: I don't know the difference between part
17 28, 27, 26, so I was just curious, is there a definition
18 of a skiff somewhere within the regs that you are asking
19 to modify?

20 MR. DAUGHTRY: Mr. Chair?

21 CHAIRMAN DZUGAN: Jim, could you move a little bit
22 closer to the mic. I think we got that, but just for the
23 future. We had a little bit of a problem with that
24 yesterday. Yeah. Kris?

25 MR. BOEHMER: I think the thought in the working

1 group -- Kris Boehmer -- is that there are some mentions
2 of small craft under 26 feet, but we wanted to make sure
3 that up to 32 feet or bigger, or less than 32 feet, an
4 open skiff like this, you know, and tiller controlled
5 probably, that people would -- we want to define that.
6 And once we define that, then the next motion is going to
7 address what we'd like to do, but they don't have to run
8 together. They can be separately voted.

9 So we don't want some people in a 27-foot skiff to
10 get around the definition of skiff.

11 MR. KELLY: Jim Kelly. But they'll build a 33-foot
12 skiff to get around the 32. That's just the nature of
13 people. I'm just wondering is the skiff defined today,
14 because you are otherwise modifying it.

15 MR. BOEHMER: I can't answer that.

16 CHAIRMAN DZUGAN: Okay. We are going to go Ben.

17 MR. DAUGHTRY: Thank you, Mr. Chair. I guess my
18 concern with it is that we could in two separate parts of
19 regs have two different definitions of skiff in Coast
20 Guard regs. And so are we modifying or are we making two
21 different types of skiffs, doesn't need to be. We just
22 don't want to make things were confusing in regs. I don't
23 have any problem with what this says, but I just don't
24 know what it's changing and how it's changing it. And I
25 think that that's important throughout the regs to know

1 that. Looks like we are going to get some answers.

2 CAPT. NEELAND: So we were doing a quick search
3 through the regulations. For clarification, under 46 CFR,
4 subchapter M, which is for towing vessels, 136.110, the
5 definition of skiff under that subchapter is defined as
6 means a small auxiliary boat carried on board a towing
7 vessel.

8 Just for clarification, you can have different
9 definitions in different subchapters. So a skiff and a
10 fishing skiff could mean different than a skiff in a
11 towing vessel but, however, going back to the root
12 question, it is defined under subchapter M for towing
13 vessels, as I've just read.

14 MR. DAMERON: Could you repeat that? Tom Dameron.

15 CAPT. NEELAND: Okay. A skiff means a small
16 auxiliary boat carried on board a towing vessel.

17 CHAIRMAN DZUGAN: And that's under subchapter M; is
18 that correct?

19 CAPT. NEELAND: Correct. That's subchapter M, which
20 is the regulations for towing vessels.

21 CHAIRMAN DZUGAN: So you didn't find anything under
22 fishing vessels, commercial fishing vessels?

23 CAPT. NEELAND: So I have looked up under 46 CFR,
24 subchapter C, which is uninspected vessels, which many
25 fishing vessels are regulated, but not all. And there is

1 no definition for skiff under 46 CFR, subchapter C.

2 CHAIRMAN DZUGAN: There was a some -- go ahead.

3 MR. VARGAS: Yeah, Frank Vargas. I think when we
4 studied this yesterday, we were going to a skiff, and we
5 went to 32 feet because this is for the cold water. And
6 we were basically talking about Alaska. And we have 32
7 feet, but which is a maximum. That's why we went to that
8 footage. Yeah.

9 CHAIRMAN DZUGAN: Thank you. There is a -- I'm just
10 going to ask if this is helpful for clarification, there
11 was somebody who had a comment in the back on this topic?
12 Do you still wish to make that comment?

13 UNIDENTIFIED SPEAKER: No. Thank you though.

14 CHAIRMAN DZUGAN: Thank you. Go ahead, Matt.

15 MR. ALWARD: Matt Alward. So in some fisheries we
16 have an auxiliary craft, which we call a skiff, the same
17 skiff. And I'm concerned there could be legal
18 ramifications we have not thought through to defining the
19 same skiff. Under this definition would be as defined
20 skiff in the regulations which would change over --
21 currently an auxiliary craft does not have carrying
22 requirements for flares or anything like that because it's
23 auxiliary to the fishing operation.

24 So if we are going to do this, especially since we
25 are not lawyers and haven't thought this through very long

1 at all, I certainly want to see auxiliary crafts exempted
2 from the definition of skiff, if we are putting it in
3 regulations.

4 CHAIRMAN DZUGAN: Mr. Dameron? And then we'll get to
5 you.

6 MR. DAMERON: Aren't auxiliary craft already except
7 from --

8 MR. ALWARD: They are, but if you define it under
9 this -- this is in regs, they would all of a sudden become
10 a skiff, so I don't --

11 MR. DAMERON: No, this is --

12 MR. ALWARD: I would like to hear from the legal
13 people on that before I'm voting on something that could
14 have serious ramifications that we have not thought
15 through at all.

16 CHAIRMAN DZUGAN: Omar had a comment on this, and
17 then we are back to Tom.

18 MR. LA TORRE REYES: Captain, did you want to go
19 first?

20 CAPT. NEELAND: Thank you, Omar. I would like to
21 make a point of clarification. If the committee makes a
22 recommendation to the Coast Guard, the Coast Guard would
23 review that recommendation and then potentially implement
24 it. If the Coast Guard took this definition and tried to
25 implement it in regulations, we still have to follow our

1 rule-making process where the regulation, or in this case
2 the definition would be published in the Federal Register,
3 and there would be a comment period. And then based off
4 of that comment period, then we would finalize the
5 definition.

6 So my point to that is that just helping you
7 understand if you make a recommendation, it would -- and
8 the Coast Guard chose to move forward with it, there's
9 still a process through to address some of your potential
10 concerns.

11 CHAIRMAN DZUGAN: Mr. Dameron.

12 MR. DAMERON: Tom Dameron. So the way the motion
13 reads is to include skiff, which means a fishing vessel up
14 to 32 feet in length of open construction, arranged with
15 no accommodation or interior space.

16 So what we are talking about is already a fishing
17 vessel. It wouldn't be anything but a fishing vessel that
18 is also considered a skiff. It's not an auxiliary vessel.
19 It's a fishing vessel.

20 CHAIRMAN DZUGAN: Yeah. Eric?

21 MR. ROSVOLD: Eric Rosvold. Wouldn't it be easy just
22 to, at the end of that sentence, to say, Excluding
23 auxiliary craft? What we were told by the examiners we
24 talked to is our seine skiffs are considered auxiliary
25 craft when they are working with the seiners. They are

1 fishing vessels already.

2 MR. DAMERON: That would be easy to do. Sure.

3 CHAIRMAN DZUGAN: I would second that, that word
4 change.

5 MR. BOEHMER: Kris Boehmer. Is auxiliary craft
6 defined?

7 RESPONSES: Yes.

8 CHAIRMAN DZUGAN: Yes.

9 MR. MYERS: Mr. Chair, if it's helpful, we are just
10 looking up -- Joseph Myers. We were looking up some
11 definitions, and I just wanted to read the definition of
12 auxiliary craft. That's in 46 CFR 28.50, if that's
13 helpful. Auxiliary craft means a vessel that is carried
14 on board a commercial fishing vessel and is normally used
15 to support fishing operations.

16 I'll read that one more time: Auxiliary craft means
17 vessel that is carried on board a commercial fishing
18 vessel and is normally used as a -- to support fishing
19 operations. And again that's in 28.50.

20 CHAIRMAN DZUGAN: With the word change has been --
21 yeah. Go ahead.

22 MR. ALWARD: Process-wise, we either need to ask the
23 maker of the motion for a friendly amendment, or we need
24 to offer an amendment to vote on it.

25 MR. DAMERON: So agree we can change to add the

1 wording. This definition excludes auxiliary craft.

2 MR. ALWARD: We need ask the second if they agree.

3 CHAIRMAN DZUGAN: Yeah. Second? Okay. That was
4 Kris was the original second. Do you agree? Kris was the
5 original second on that one. Yeah.

6 MR. BOEHMER: (Raises hand.)

7 CHAIRMAN DZUGAN: Does anybody not agree? We all
8 good with that? Then we'll take -- oh, go ahead, Matt.

9 MR. ALWARD: Matt Alward. Technically it's only up
10 to the maker of the motion and the second to agree or not,
11 not the rest of us, but I call a question.

12 CHAIRMAN DZUGAN: Okay. Good. All in favor of the
13 motion as changed, signify by raising their hand. One,
14 two, three, four, five, six, seven, eight, nine, ten,
15 eleven, twelve. Twelve is unanimous. It passed. Thank
16 you, Mr. Dameron.

17 Any other recommendations anybody wants to bring up
18 now? Go ahead, Ben.

19 MR. DAUGHTRY: I'll just go ahead and bring up what
20 committee one spoke about yesterday in recommendation for
21 task number two was the same as recommendation for task
22 number one. I don't know if I've got it up there because
23 I feel like we missed it yesterday, but maybe you can
24 bring up task number one.

25 And it was that each vessel should have a written

1 policy providing recommendations for the prevention of
2 falls overboard and recommendations for wear of PFDs.
3 Policy identifies known hazards that may result in falls
4 overboard, lists best practices to prevent falls overboard
5 on the vessel, and identifies methods for most practical
6 and efficient recovery of man overboard.

7 Number 2, each member is familiar with the vessel's
8 PFD wear policy. And, Number 3, PFDs must be maintained
9 in good working order.

10 MR. ROSVOLD: It's not up there. Yes, there it is.

11 MR. DAUGHTRY: I'm going to try to send this to you
12 again.

13 MR. BOEHMER: Mr. Chairman, can I ask a question.

14 CHAIRMAN DZUGAN: Kris.

15 MR. BOEHMER: Ben, just for point of clarity, I think
16 in the beginning we are using should have for the
17 policies; is that right?

18 MR. DAUGHTRY: That is correct. So, and it was voted
19 yesterday on Task 1 that should changed to must. So if we
20 were to adopt this, I would assume that that would be a
21 discussion again here this morning to talk about.

22 MR. BOEHMER: The reason I bring that up is the
23 second part talks about the crewmen must be familiar with
24 the procedures, and I don't think you can be familiar with
25 the procedure on a may.

1 MR. DAUGHTRY: It doesn't -- it says each crew member
2 is familiar with. It doesn't say must be. It says, But
3 the PFDs must be maintained in good working order.

4 MR. BOEHMER: So my question is, is -- can that work
5 with a may or does it have to work with a must? Can you
6 be familiar with something if it's only a may?

7 MR. DAUGHTRY: If it exists.

8 MR. BOEHMER: Okay.

9 CHAIRMAN DZUGAN: Barb? Question?

10 MS. HEWLETT: Yeah. Barb Hewlett. I thought that
11 that was part of the Task 3 that you were finishing
12 yesterday -- or two, whichever one you guys were working
13 on, and it was already voted on and passed and over. So I
14 don't know where we are going.

15 MR. KELLY: Yeah, it stalled. Jim Kelly. That
16 stalled at like 4:35. And then it kind of delayed to
17 4:50, and then we adjourned at five o'clock. So we never
18 got past should versus must.

19 MS. HEWLETT: On, we only voted on the should versus
20 the must. So now we need to vote on the actual
21 recommendation?

22 MR. DAUGHTRY: I'm not sure. I think we did. Point
23 -- this is Ben. Yeah. On Task 1, I believe that we did
24 finish and complete that. We did vote that it needed to
25 be must, and that it did go through, but we are on -- was

1 it Task 3? So there are lots of task that we are getting
2 confused by, but it was -- it was --

3 ANGEL: So you want One, I think?

4 (Inaudible discussion)

5 MR. DAUGHTRY: So there's some confusion here, so
6 sorry about that. But once again these tasks, I think we
7 have all had some issues with. The point is is that our
8 task for wearing PFDs and wearing PFDs in cold water, our
9 recommendation was the same basically. And that's what I
10 just read.

11 CHAIRMAN DZUGAN: Matt?

12 MR. ALWARD: So we just voted on a motion on Task 2.
13 So we are on Task 2. Committee one just gave you our
14 recommendation for Task 2, which is the same as the
15 recommendation as Task 1. So we simply read our
16 recommendation. Didn't make it in the form of a motion.
17 Putting information out on table. So there it is.

18 MR. DAUGHTRY: That's good clarity.

19 CHAIRMAN DZUGAN: Kind of waiting for this to show up
20 on the screen so we are all reading off the same page.

21 MR. DAUGHTRY: I'm trying to get something. What
22 task is that? So that's task three, which is falls
23 overboard? Keep going then. That's not the one.

24 (Inaudible discussions)

25 MR. ALWARD: Matt Alward. I mean, I don't think you

1 really need to say the language because --

2 MR. DAUGHTRY: It was the same language.

3 MR. ALWARD: -- it's the same language we already

4 voted on except for one word change. So if we were to

5 simply put in on the table that was our recommendation

6 when we went to Task 2.

7 MR. DAUGHTRY: There you go. That's it. That's the

8 language so that we can all see it. Thank you.

9 MR. ALWARD: We did not make a motion. We are not

10 voting on this again.

11 CHAIRMAN DZUGAN: So unless somebody's going to make

12 a motion to make this small word change --

13 MR. ALWARD: I don't believe you could do that

14 without doing a motion to reconsider, which would have to

15 be made by somebody on the prevailing side.

16 CHAIRMAN DZUGAN: Yeah.

17 MR. ALWARD: According to Mr. Robert.

18 CHAIRMAN DZUGAN: That's what we are asking for.

19 MR. ALWARD: We didn't ask for that.

20 CHAIRMAN DZUGAN: But it's open to -- it's open to

21 the floor for someone to do that, if they so choose.

22 That's why I'm giving it my usual -- okay.

23 MR. BOEHMER: Kris Boehmer. I would like to make a

24 motion that we change the word from should to must.

25 CHAIRMAN DZUGAN: Is there a second?

1 MR. ALWARD: Must already passed.

2 MR. DAMERON: Must already passed.

3 MR. BOEHMER: So what are we --

4 MR. ALWARD: Matt Alward. Yesterday we voted on this

5 language with must in there. And there was an amendment

6 on the table that changed must to should that failed.

7 Then the main motion with must passed.

8 MR. BOEHMER: Okay.

9 MR. ALWARD: So that is passed.

10 MR. BOEHMER: I retract my motion.

11 CHAIRMAN DZUGAN: Thanks for bringing this to our

12 attention. Unless there's any need to take any action on

13 this, we are going to keep moving on. Mr. Dameron?

14 MR. DAMERON: Thank you, Mr. Chairman. Tom Dameron.

15 I move that the committee recommends that the Commandant

16 amend 46 CFR Section 28.110, life preservers or other

17 personal flotation devices be modified to include a

18 paragraph C, which reads: Individuals on board fishing

19 vessels, defined as skiffs, when operating in cold water

20 shall wear a Coast Guard approved personal flotation

21 device with an attached personal flotation device light.

22 At least one PFD per skiff must have a GPS personal

23 locator beacon attached.

24 CHAIRMAN DZUGAN: Is there a second?

25 MR. BOEHMER: (Raised hand)

1 CHAIRMAN DZUGAN: Kris, second. Matt?

2 MR. ALWARD: Matt Alward. A question, did you guys
3 have any discussion on why you would want Coast Guard
4 approved PFD versus just a PFD, because working on a skiff
5 is a pretty physical environment. And most Coast Guard
6 approved life jackets are pretty cumbersome to work in
7 that environment with.

8 People that do actually wear PFDs in this environment
9 tend to often wear one that are not Coast Guard approved
10 but do the job.

11 CHAIRMAN DZUGAN: Mr. Dameron.

12 MR. DAMERON: So, yes, we did have that discussion.
13 We had a -- we had a list of examples of Coast Guard and
14 non-Coast Guard approved PFDs that we considered. So,
15 yes, to your question.

16 CHAIRMAN DZUGAN: Motion is on the floor. Comments?
17 Ben?

18 MR. DAUGHTRY: I'll just say that in our group there
19 were discussions that in certain situations that the
20 wearing of personal flotation devices can be cumbersome
21 and potentially create other risks and danger with getting
22 caught in gear and that sort of thing. This is certainly
23 not my area of expertise in cold water, but I can
24 understand that with ropes and nets and things going
25 overboard. So those are risks that need to be weighed.

1 CHAIRMAN DZUGAN: Matt was first then Tom.

2 MR. ALWARD: First I had a question for the Coast
3 Guard. Could you guys -- so the record -- I know we had
4 this conversation in subcommittee groups yesterday, but
5 could you guys actually pass a regulation that required
6 non-Coast Guard approved flotation devices to be worn?

7 CAPT. NEELAND: So, I'm going to answer that as best
8 I can. It is possible we could pass the regulation. The
9 challenge is if it's non-Coast Guard approved, then what
10 approval would be acceptable or what is the standard.

11 We would want to avoid a situation where somebody
12 creates a T-shirt and labels it PFD, and that would be --
13 so typically we use a standard to make sure that it meets
14 some sort of minimum. However, there may be opportunities
15 to accept a non-Coast Guard approved, but it's a challenge
16 what standard to ensure that it does -- performs the
17 intended function.

18 CHAIRMAN DZUGAN: I'm just going to interject quickly
19 before we take Tom and Michael's comments. There was
20 discussion about this. I remember at the committee quite
21 a bit actually yesterday. I suggested using the term a
22 garment that's designed for flotation as an addition.

23 We had quite a bit of give and take about that. I
24 was watching the subcommittee working. And I would
25 suggest if we are going to make a change to the language,

1 we use something like that, so that puts the onus on
2 somebody, and that's the manufacturer; but Tom?

3 MR. DAMERON: Tom Dameron. I wonder how the
4 committee would feel about language such that Coast Guard
5 or United Labs, UL, approved personal flotation device as
6 a -- bring that up for discussion.

7 CHAIRMAN DZUGAN: We'll take the mic over there then
8 you can come on, sir.

9 MR. THEILER: Mike Theiler. Before we get too far
10 along, if you look up a lot of the definitions as written,
11 it will specify you know, for example, a buoyant apparatus
12 tends to be a US -- in the definition will be a US Coast
13 Guard approved buoyant apparatus. And the same thing goes
14 for survival craft and right down the list.

15 So anything that's put 90 percent, if we use a term
16 such as PFD, it would probably be prudent to look up the
17 definition to see what that is, because chances are no
18 matter what we say, it's a Coast Guard approved device for
19 flotation. I do like your idea about the garment rather
20 than device though.

21 CHAIRMAN DZUGAN: Thank you. Go ahead, Joe.

22 MR. MYERS: Thank you, Mr. Chair. Joseph Myers
23 speaking here. I just wanted to add a general comment to
24 the conversation and/or general thought. In stating Coast
25 Guard approved, that is a very -- that in itself is very

1 broad. You have Coast Guard approved hardwood inflatable
2 life jackets or vests, or those fanny packs or horse
3 collars that may be approved for reg boats or, you know,
4 canoeing or whatever or vessels under 40 feet.

5 And so if the general statement a Coast Guard
6 approved personal flotation device was used,
7 hypothetically, that could involve a Type 1, 2, 3, a Type
8 5 vest, again very open-ended. So I just plant that
9 thought, because I don't think you would be restricting
10 yourself. I think it actually broadens the options, vice
11 stating type one or two. So that's my general thoughts,
12 Chair.

13 CHAIRMAN DZUGAN: Barb and then --

14 MS. HEWLETT: Barb Hewlett. So I just wanted to
15 maybe put this in perspective of what we were looking at
16 in the task number 2, what our thought process was. The
17 reason we had to define skiff, because up in Alaska in the
18 cold water, there's a lot of small, open skiffs running
19 around, and there's a large accident fatalities because
20 they get swamped.

21 There's exemptions for them to have -- they don't
22 have to have survival suits on their boats because there's
23 no place for them to store them, even if it gets swamped
24 right away, the likelihood of them getting them on or
25 surviving. So the thought process was if they don't have

1 a survival suit, they still have to have a Coast Guard
2 approved PFD on board.

3 So we were saying, well, if they have to have one on
4 board and there's likelihood of getting swamped a lot,
5 then wear it. If they still -- if they have approved
6 survival suit on board, then they can supplement it with
7 any non-Coast Guard approved flotation device while they
8 are operating the fishing vessel. So we are talking
9 small, open boats in cold water. And that's really all
10 this has to do with. And that's why the word skiff
11 had to be defined in that CFR regarding to cold water
12 skiffs, so this won't trickle down to the warm water
13 skiff. So that's kind of what we were looking at our
14 task, the book, and why we were talking that direction.

15 CHAIRMAN DZUGAN: Frank?

16 MR. VARGAS: Yes. Frank Vargas, Chairman. When we
17 discussed this yesterday, it was about open skiffs. And I
18 see what Matt is talking -- he's considered a skiff, for
19 like the same skiff, but we just add that it was
20 considered an auxiliary vessel and it's exempt. Could we
21 ask that paragraph and that would satisfy?

22 MR. ALWARD: Matt Alward. So this language here
23 would say you are wearing a Coast Guard approved life
24 jacket. I know many people in the fishery, that all they
25 all wear life jackets, but a lot of them are not wearing

1 Coast Guard approved life jackets. This language says:
2 Shall wear a Coast Guard approved personal flotation
3 device.

4 So you could have other life jackets on the boat.
5 You could not be wearing them if this language passes as
6 written. You would have to be wearing a Coast Guard
7 approved life jacket. And I understand Mr. Myers thinks
8 that's extremely broad, but it does not capture the actual
9 PFDs that are most commonly actually used in the industry.

10 CHAIRMAN DZUGAN: Kris?

11 MR. BOEHMER: Kris Boehmer. When we had this
12 discussion, I think there was -- it may not have been
13 exactly on this topic but there was some thought that we
14 would just put it up there and let the Coast Guard kind of
15 figure out exactly what they wanted to do, but maybe we
16 should just say personal flotation device. And if the
17 Coast Guard wants to fatten it up, they can do that or
18 not. Does that make more sense, Matt?

19 MR. ALWARD: Matt Alward. I don't personally,
20 necessarily want to vote for something leaving it up to
21 the Coast Guard. And I wouldn't really -- because then
22 they could just say, well, they left it up to us; so we
23 are going with Coast Guard approved only and the committee
24 supports this, when that was not necessarily the intent.
25 My thoughts.

1 CHAIRMAN DZUGAN: Yeah. Observing this and the
2 conversations we are having now, the crust of the whole
3 biscuit of this is there's a highly likelihood of belief
4 amongst us that once this gets to the Coast Guard, they
5 will not allow anything other than a Coast Guard approved
6 device. And I think there's more support for having
7 expanded to any flotation device, or like a language like
8 I've said a garment decide to provide flotation than the
9 poison pill is -- in this one perhaps for a lot of people
10 which sticks in our craws is Coast Guard approved.
11 Device. And having worked in this field for almost 40
12 years, we see that non-Coast Guard approved devices are
13 much more in use, as has been stated several times here,
14 and are going to be more acceptable to the fleet and
15 actually be worn, legal or not. What I'm saying is legal
16 in terms of whether this passes or not. They are still
17 going to wear unapproved devices more often.

18 NIOSH studies have shown this also, in terms of being
19 more popular with fishermen. So it's almost like if you
20 vote for this now the way it's worded, we are saying it's
21 a Coast Guard approved device, as you have noted, Matt and
22 others. By saying it's a -- or any other garment that's
23 designed for flotation, the underlying message -- in our
24 minds, so if the Coast Guard is going to cut that out
25 anyways, so it's the same thing as voting for this.

1 I guess what I'm hoping someone will do besides me is
2 offer an amendment to this that make this is more
3 palatable to everybody and get more people in some type of
4 flotation device, to expand that language to other types
5 of PFDs.

6 MR. DAMERON: Mr. Chairman, Tom Dameron. I would
7 like to remove the words Coast Guard approved from my
8 motion so that for everybody's knowledge it would then
9 read: I move that the committee recommends that the
10 Commandant amend 46 CFR Section 28.110, life preservers or
11 other personal flotation devices, be modified to include
12 paragraph C, which reads: Individuals on board fishing
13 vessels defined as skiffs, when operating in cold water,
14 shall wear a personal flotation device with an attached
15 personal flotation device light. At least one PFD per
16 skiff must have a GPS personal locator beacon attached.

17 CHAIRMAN DZUGAN: Is that okay with the second? Want
18 to say that?

19 MR. BOEHMER: I second it.

20 CHAIRMAN DZUGAN: Thank you. Any other discussion?
21 Comments? Yes, Mike.

22 MR. THEILER: Mike Theiler. Tom, I still move, you
23 know, go back to the idea that there's probably a
24 definition for PFDs that is Coast Guard approved. And I
25 really did like Jerry's -- and I don't want to hijack your

1 motion there, but I did like Jerry's idea of garment
2 designed to provide flotation rather than PFD in there.

3 CHAIRMAN DZUGAN: Tom?

4 MR. DAMERON: So, looking at the definitions in this
5 part, I do not see that personal flotation device has been
6 defined in this section. Could the Coast Guard help us
7 out with that?

8 CAPT. NEELAND: So, personal flotation device is a
9 definition that's consistent across all subchapters. I
10 don't believe it's specifically identified in this
11 subchapter, but I believe it's consistent throughout all
12 subchapters if there's questions, since it's already
13 defined within the 46 even with a different subchapter,
14 often we will go back if there's questions that need
15 clarification. But I would have to do more research to
16 answer 100 percent definitively.

17 (Document is shown on screen)

18 CAPT. NEELAND: Thanks, Angel. So even though in the
19 subchapter it doesn't specifically say PFD, it says
20 equipment that's specified. So, by default, it refers to
21 the approval.

22 CHAIRMAN DZUGAN: Jim?

23 MR. KELLY: Yeah. Jim Kelly. Reading that, I would
24 suggest the language that Jerry outlined might be more
25 appropriate, Tom.

1 MR. DAMERON: Angel, I didn't get a chance to see
2 what you --

3 ANGEL: Oh, yes. Sorry.

4 CAPT. NEELAND: Mr. Chair, if I may make a comment.
5 In addition to the formal recommendations, the committee
6 is more than welcome to submit a discussion or background
7 information with any of their recommendations so it's part
8 of the public record, so that there's little bit more
9 background on that recommendations that could be used for
10 the Coast Guard and available for the public to understand
11 the background behind some of these recommendations. So
12 the committee's more than welcome to do that.

13 CHAIRMAN DZUGAN: That would be important I think for
14 this one. Tom?

15 MR. DAMERON: I would like to point out that the --
16 that the chapter does refer to unapproved devices,
17 including I believe unapproved PFDs.

18 CHAIRMAN DZUGAN: I'm not sure about that.

19 MR. DAMERON: I'm going to --

20 CHAIRMAN DZUGAN: I would like to make sure we have
21 that in writing. Matt?

22 MR. ALWARD: It does. I can't remember which 28
23 point that is, but maybe Scott could give us the number
24 real quick. But in that section it says any equipment
25 required in that section, which this would be -- has to be

1 Coast Guard approved, so --

2 CAPT. NEELAND: Can you zoom out just a hair, because
3 I think it says unless otherwise specified by the -- or
4 otherwise as specified by the Commandant. So that's where
5 you could potentially get -- so by the Commandant would be
6 -- I think we are getting a little bit legal here, but as
7 otherwise specified by the Commandant I think gives us
8 flexibility if it specifically states you can use a
9 non-Coast Guard approved, that's your line that gets you
10 there.

11 CHAIRMAN DZUGAN: Jim?

12 MR. KELLY: I don't know why we are holding on to
13 this. If the idea of the committee is to make it more
14 broad, just make it more broad and take the language out
15 so we don't have to worry about whether it gets
16 interpreted differently later on.

17 CHAIRMAN DZUGAN: I think the minutes of this meeting
18 will be pretty clear on the fact that it's was used as
19 background for writing regulation. It's been pretty clear
20 that the committee's made it obvious that we are wanting
21 to include PFDs in the broad sense of the word, including
22 garments manufactured with the idea of flotation.

23 And I know that any rule making that came out, and a
24 proposed rule making, you could be assured there will be
25 comments on that very same thing from members here. Matt?

1 MR. ALWARD: So, another question, did you guys at
2 all discuss personal locator beacons and the costs? Some
3 set-up operations may have 15 to 20 skiffs and are rather
4 low income and the cost of having to have a beacon on
5 every boat could be cost prohibitive.

6 MR. DAMERON: Tom Dameron. Yes, we did.

7 CHAIRMAN DZUGAN: And can you come up with that -- I
8 think I heard a price mentioned that those are selling for
9 now? It's about \$300 is the cost that we are talking
10 about.

11 MR. DAMERON: And I'd like to remind the committee
12 that this accident investigation and recommendation came
13 because there was a large loss of life with a -- with a
14 skiff that was open, did not have -- it was considered a
15 fishing vessel. It did not have room for storage for
16 survival suits because the survival suits would have been
17 kept out in the weather, as they were given the exception
18 not to have those. I believe that the case actually had a
19 couple people that were wearing personal flotation
20 devices, but by the time they were found, they had -- they
21 had passed.

22 CHAIRMAN DZUGAN: Kris?

23 MR. BOEHMER: Kris Boehmer. If I could just add to
24 Tom's comment. Also some of the stuff we are looking at
25 was, you know, three miles seaward of a boundary line, but

1 it was talked about that a lot of this stuff happens
2 inland and in rivers, so we removed that. And the reason
3 we pick just one personal locator is that we figure if
4 everybody's thrown from the skiff, that one personal
5 locator would work as well as having them on everybody.
6 So that's how we sort of considered the cost on that is
7 making it as reasonable as possible.

8 CHAIRMAN DZUGAN: Matt?

9 MR. ALWARD: Matt Alward. I'd also point out that
10 incident, that skiff was grossly overloaded. And it was a
11 stability issue that was the issue, which is human error,
12 which we are trying to regulate.

13 CHAIRMAN DZUGAN: Overhearing that, that came up
14 quite a bit in the deliberations. Yeah. I would also
15 add, working a lot with western Alaskan communities, if
16 there was a requirement for a PFD on -- for a skiff, there
17 would be a lot of groups very interested in helping out
18 those most needy of communities provide those communities
19 PLBs, including AMSEA and Native Health Corporations, et
20 cetera, who would I think welcome that, I would say, those
21 organizations.

22 MR. DAUGHTRY: Mr. Chair? Ben Daughtry. In that
23 incident also I -- if I recall correctly, at least some of
24 those POBs were wearing life vests and expired as well. I
25 think, right, due to hypothermia. So, you know, this

1 might make things safer. It might be easier to find
2 bodies, but it didn't solve the problem. I mean, people
3 wearing life vests died in that incident, unfortunately,
4 so...

5 CHAIRMAN DZUGAN: It's also worthy to note that due
6 to NIOSH survey and in-state surveys, fatalities in
7 Alaska, since we are talking about's western Alaska in
8 particular, open boats, skiffs, have the highest fatality
9 rate of any kind of operation in the state of Alaska,
10 which has one of the highest drowning rates of the state.
11 And a lot of those are people commercially fishing those
12 boats as well. So it's a high-risk group that we are
13 trying to reach.

14 MR. KELLY: Having never been to Alaska, I don't know
15 how cold the water is, but how long does it take if an
16 EPIRB goes off, you are in the water, you have a PFD; how
17 long would it take for somebody to get to them generally?
18 Because I can tell you in Florida it takes a while.

19 CHAIRMAN DZUGAN: Yeah. We are just talking about a
20 POB, which is a little personal size beacon. It doesn't
21 make any difference. The response time is the same in
22 either one. And the answer is it depends. It depends on
23 local resources for monitoring 121.5.

24 MR. KELLY: Jim. That as compared to the -- the
25 impact of being in the water, even if you are in a life

1 jacket. How long do you last in water. Like the two
2 people that perished in this incident that had jackets on,
3 I don't know how long you last in the water versus how
4 long it will take for somebody to get you to a rescue
5 because you have got that beacon.

6 CHAIRMAN DZUGAN: And -- go ahead Tom.

7 MR. DAMERON: Tom Dameron. So the recommendation
8 with this motion was a GPS personal locator beacon as
9 opposed to just a personal locator beacon. So when that
10 signal gets sent, it gets sent with the exact GPS
11 position. So normally it's within a few minutes, one,
12 two, three minutes that the closest Coast Guard station
13 has the position of the distress.

14 So how long it takes them to get there, I don't know,
15 but they have the position of the distress pretty in
16 realtime.

17 MR. KELLY: That I understand. I just don't know the
18 response time, given the size of Alaska and how many
19 stations there are.

20 MR. ALWARD: Matt Alward. It's usually hours. I
21 don't know of any response team that is much quicker than
22 an hour for a chopper or somebody on the scene.

23 MR. KELLY: So Would you last -- would you last in
24 the water for an hour?

25 MR. ALWARD: No.

1 MR. KELLY: Okay.

2 MR. ALWARD: Some people.

3 CHAIRMAN DZUGAN: You know, this is a frequently
4 asked question is how long will people last in the water.
5 And the standard answer is it depends which chart you look
6 at. It could be hours. It could be minutes. Depending
7 on body type, what people are wearing and what they are
8 doing in the water, and those are the three main criteria.

9 And that's where training comes in. We try to train
10 people to expand that window of opportunity to get but,
11 yeah, definitely it is rural Alaska, which is third world
12 in terms of resources. But I know at the rescue
13 coordination centers they will also notify local resources
14 as well, their national guard and local search and rescue
15 as well.

16 And almost all of the villages have -- well,
17 depending on the size, but a lot of the villages have
18 local search and rescue as well with boats and local
19 knowledge. So, yeah, it's definitely going to be longer,
20 but even in Sitka where we have an air station, the
21 minimum time is going to be an hour for a helicopter, once
22 they get done with the heat bridge and weather and warming
23 it up and everything else, so yeah. Go ahead.

24 MR. VARGAS: Frank Vargas. The advantage of having
25 the POB is whether not having one, at least the Coast

1 Guard is going to know you are in distress. If you -- if
2 you don't have one, it might be days before somebody knows
3 you are missing.

4 CHAIRMAN DZUGAN: Somebody over here had a question?
5 Tom?

6 MR. DAMERON: So, Angel, we have already removed the
7 Coast Guard approved language from this. Was there any
8 request for any other word changes for the personal
9 flotation device?

10 CHAIRMAN DZUGAN: Mike?

11 MR. THEILER: Yeah, Tom, I go back to Jerry's
12 definition of garment designed to provide flotation. I'm
13 fine with the POB personally, but that one there, I would
14 like to see that changed to a more -- a different
15 definition.

16 CHAIRMAN DZUGAN: Okay. We ready for a question?

17 MR. DAMERON: Is --

18 CHAIRMAN DZUGAN: As with the language as stands with
19 the change?

20 MR. DAMERON: Which change? Taking Coast Guard
21 approved out?

22 CHAIRMAN DZUGAN: Yeah.

23 MR. DAMERON: Mr. Chairman, Tom Dameron. I would
24 like to call for a question.

25 CHAIRMAN DZUGAN: All in favor by a show of hands.

1 One, two, three, four. Motion fails. I counted myself.
2 Four to eight. Motion fails. Mike looks like you have a
3 comment.

4 MR. THEILER: Yeah. Would it be possible to amend
5 that to include the language as you suggested earlier.

6 CHAIRMAN DZUGAN: Is that acceptable to the mover of
7 the motion?

8 MR. DAMERON: It is.

9 CHAIRMAN DZUGAN: And to the second?

10 MR. BOEHMER: Okay.

11 MR. ALWARD: Technically we need another motion,
12 because that motion was just voted on.

13 CHAIRMAN DZUGAN: That motion is dead. Do you want
14 to bring another motion to the table with a change of
15 language?

16 MR. DAMERON: Can you tell me which language that you
17 actually used.

18 CHAIRMAN DZUGAN: They kept repeating a garment
19 designed to provide flotation. Is there a second, just so
20 we can put this on the floor. Kris?

21 MR. BOEHMER: Second.

22 CHAIRMAN DZUGAN: And Matt.

23 MR. ALWARD: Just a technical question. Has there
24 been any studies on PLBs and what will actually set them
25 all off? Because if they are on a work vest in a skiff,

1 they are going to be pretty darn wet. I just don't know
2 what the chances of false signals are from having a PLB on
3 in a totally high-intensity work environment. I don't
4 think there's been any studies on that.

5 CHAIRMAN DZUGAN: Well, I can tell you how they
6 operate. And that is they need to be turned on. They are
7 not self-activating like a Category 1-406 EPIRB on a
8 vessel. The switch has to be moved. So just setting it
9 in the water and having contacts with the screws won't set
10 it off.

11 CAPT. NEELAND: Just for clarification, Coast Guard
12 Office of Engineering Design Standards would potentially
13 be able to answer that question; however, I don't have
14 their expertise here to specifically to answer that
15 question today.

16 MR. ALWARD: I think they do have to be manually.

17 CHAIRMAN DZUGAN: But that's what they are going to
18 say. Otherwise, you have been teaching wrong for the last
19 36 years, with Coast Guard people in the class. So, yeah,
20 I think that's fine. Mike?

21 MR. THEILER: I would like to make a motion that --

22 CHAIRMAN DZUGAN: We have a motion on the table. We
23 have a second already.

24 MR. THEILER: So that's as it reads, right there
25 then, am I correct?

1 CHAIRMAN DZUGAN: Matt? Correct? Mr. Dameron?

2 MR. DAMERON: I'm looking. That's correct.

3 CHAIRMAN DZUGAN: Mr. Dameron?

4 MR. DAMERON: Mr. Chair, Tom Dameron. I would like

5 to call for the question.

6 CHAIRMAN DZUGAN: The question has been called. Can

7 we repeat the language as it stands right now before we

8 vote on this?

9 MR. DAMERON: Sure. The language as it stands is I

10 move that the committee recommends that the Commandant

11 amend 46 CFR Section 28.110, life preservers or other

12 personal flotation device, to be modified to include

13 paragraph (c), which reads: Individuals on board vessels

14 defined as skiffs when operating in cold water shall wear

15 a garment designed to provide flotation with an attached

16 personal flotation device light. Period. At least one

17 PFD -- no. Thank you. So there's two changes.

18 CHAIRMAN DZUGAN: There's going to be three,

19 actually. I just realized the third change.

20 MR. DAMERON: At least one garment per skiff must

21 have a GPS personal locator beacon attached.

22 CHAIRMAN DZUGAN: Can I make a slight change to that

23 by adding must have a light if operating at night? That's

24 the way it's usually stated for --

25 MR. BOEHMER: For a skiff.

1 CHAIRMAN DZUGAN: For skiffs. Yeah.

2 MR. DAMERON: So you would like to change the

3 language --

4 CHAIRMAN DZUGAN: But, you know, I withdraw that.

5 I'm going to withdraw that because also --

6 MR. ALWARD: You can't even do that, Mr. Chair.

7 CHAIRMAN DZUGAN: As a chair, I can make motions and

8 I can suggest changes. That's in Robert's Rules too. I'm

9 going to withdraw that though, because in an emergency,

10 you don't know. You may be planning -- it's the day

11 height mentality. You don't know when you are going to

12 have to spend the night, so I will withdraw that idea.

13 Question's been called. Do you all understand the

14 question? The question's been called. Everybody

15 understand the question now?

16 Seeing yes, show of hands. All in favor of the

17 motion signify by raising your hand. One, two three,

18 four, five six, seven. Seven is a majority. Seven. It

19 passes seven to five.

20 MR. KELLY: There's a period.

21 MS. HEWLETT: Angel's doing it.

22 MR. KELLY: Okay. The word devices has got a period.

23 I think it should be a comma.

24 CHAIRMAN DZUGAN: Mr. Dameron, is that the language

25 that you intended for the motion we just voted on passed?

1 MR. DAMERON: It is. The quotation marks, are around
2 life preservers or other personal flotation devices.
3 Period. Quotation.

4 MS. HEWLETT: Comma.

5 MR. DAMERON: No, period. Not quotation, period.
6 Period, quotation.

7 After devices, there's a period in the CFRs. That's
8 the name of the section.

9 CHAIRMAN DZUGAN: I don't want to micromanage it, but
10 do we need the period there? It seems like we need the
11 connection to the first part of the sentence, and by
12 putting a period there, we've kind of separated it to be
13 standing alone, it could have a different meaning to
14 someone.

15 MR. DAMERON: I'm just pointing out that, that the
16 name of the section, 46 CFR Section 28.110, reads: Life
17 preservers or other personal flotation devices. Period.

18 CHAIRMAN DZUGAN: I think it would be better without
19 the period.

20 MR. DAMERON: That would be fine.

21 MR. TURNER: David Turner here. I don't think we
22 need to get wrapped up about this.

23 CHAIRMAN DZUGAN: I'm good with that too. I think --
24 yeah. Matt?

25 MR. ALWARD: We do have to. I mean, these are

1 motions that are in public record. They need to be
2 exactly what we intend them to be so there's no -- I's
3 need to be dotted and T's need to be crossed when we are
4 making motions that are going into the public record.

5 CHAIRMAN DZUGAN: Yeah, I agree. Omar?

6 MR. LA TORRE REYES: This is Omar. Just for
7 clarification, that section where it says life preserves
8 or other flotation devices, period; that's just the title
9 of the section. So that's actually separated from the
10 rest of the stuff.

11 The paragraph C is going to be lower down when you
12 are reading the CFR. Right? There's going to be an A, B,
13 and then C, right? The section that you are adding there,
14 C, is going to be completely separate from that part where
15 it says life preservers or other flotation devices.
16 Period.

17 That's just the title of that section when you are
18 reading the CFR, just for clarification. So there would
19 be a period there. And then it would be -- you are going
20 to be looking A, B, C, it's a different section.

21 MR. ALWARD: I mean, we didn't even need the title.
22 We didn't even really need the title.

23 MR. DAMERON: No.

24 CHAIRMAN DZUGAN: It's up to you.

25 MR. ALWARD: It passed with the period in there, so

1 the period is in there.

2 MR. DAMERON: Yeah. That's fine.

3 CHAIRMAN DZUGAN: I think if we are good there, then
4 I'm fine. We are moving on. Seven-five, It's passed. We
5 are moving on. Oh, Mike?

6 MR. THEILER: I have got one quick question that is
7 actually for Kris. And I realize this has passed already,
8 but you guys in Maine that use a dinghy to row out to
9 their boat every day --

10 MR. BOEHMER: Can you say that again.

11 MR. THEILER: So, in Maine, it's cold water. Right?
12 They use a dinghy, a skiff to row out to the boats every
13 day. So by passing this, is each one of those skiffs
14 going to have to have a GPS locator beacon?

15 MR. BOEHMER: Unfortunately, that's the hard truth of
16 this. That's going to be the challenge and, yes, because
17 we do have accidents of guys embarking, disembarking on
18 the boat and not being able to get back on single-handed
19 with crew, so --

20 MR. THEILER: So every one of those skiffs in Maine
21 is going to put -- because like I said, to me all of
22 sudden -- I mean, I guess I probably should have thought
23 about that earlier. I was thinking Western Alaska, rather
24 than --

25 CHAIRMAN DZUGAN: Barb?

1 MS. HEWLETT: Barb Hewlett. I don't think you are
2 talking about a skiff that's attached to a commercial
3 fishing vessel. That's a tender or something that's
4 attached. This is a skiff that is commercial fishing, not
5 the boat that goes back and forth to the big boat. So
6 this -- that's why skiff had to be defined.

7 MR. THEILER: Thank you for the clarification.

8 MS. HEWLETT: As the fishing vessel, not a part of
9 another boat.

10 CHAIRMAN DZUGAN: Tom, you are lit up. Do you have a
11 comment you want to make or --

12 MR. DAMERON: She made the clarification.

13 CHAIRMAN DZUGAN: That's okay. I'm going just call
14 for a stretch, asking people not to leave the room. We
15 have been sitting here for an hour. Is that okay with
16 people, if you want to just stand up for a minute.

17 SPEAKER: Mr. Chair, can I do a bio break?

18 CHAIRMAN DZUGAN: We've got a break scheduled for
19 10:15, but if you want, we can do one earlier. Let's call
20 for a break now. We'll take a 10-minute break.

21 - - -

22 (Recessed at 9:20 a.m.)

23 (Reconvened at 9:36 a.m.) - - -

24 MR. WENDLAND: Can we have everybody back in the
25 seats here. We are moving forward here. All right. Very

1 good. Mr. Chairman, if I could just make one general
2 announcement, if that's okay.

3 CHAIRMAN DZUGAN: Go ahead.

4 MR. WENDLAND: So I've been approached by a few
5 members, and I just want to let you know that at the
6 conclusion or near conclusion of this meeting, we are
7 going to have Angel speak for five to ten minutes on what
8 he needs to get your travel claims processed, so the
9 receipts and everything, how he's going to wants those
10 sent to him. So just as a reminder we'll build in five,
11 ten minutes at the end of this meeting for that. Thank
12 you, Mr. Chair.

13 CHAIRMAN DZUGAN: Thank you. Just a quick pause
14 here. Angel, do you have anything to say?

15 MR. WENDLAND: I don't want to fill up the time right
16 now with it. It was at the conclusion of the meeting so,
17 you know, let's get the business in order and accomplished
18 first.

19 CHAIRMAN DZUGAN: Understood that. Okay. We'll
20 begin again. Anything to start out with? Any issues?
21 Yeah, Michael.

22 MR. THEILER: Yeah. Upon further consideration,
23 regarding the last motion that was passed, I didn't
24 realize that there didn't thoroughly -- I would like the
25 change or amend that to remove the GPS personal locator

1 beacon.

2 In New England particularly, we have quite a number
3 of small boat fisheries that are generally fleet
4 fisheries, mosquito fleets. And I do think that that
5 would be an unnecessary burden to a vast number of small
6 boat fisheries that have little or no casualty rate, a
7 very small casualty rate, not zero, but very small. They
8 are usually amongst a fleet of boats and very close to
9 shore.

10 CHAIR DZUGAN: So you are asking for that last motion
11 to be rescinded or reexamined?

12 MR. THEILER: Reconsidered. Possibly amended. And
13 again, you know, we have a -- after discussions with my
14 district, with Trevor Cowan, our cold water there is in
15 New England in particular is a lot longer period. It's
16 pretty darn the whole year other than three months there.
17 So it would have an impact on these small fleets as well
18 that are not in remote areas and are relatively close to
19 shore in calm waters.

20 CHAIRMAN DZUGAN: Yeah. Just to make sure there's at
21 least some support for this, can we get a second on that
22 just informally? Anybody second that so we can begin a
23 discussion on it.

24 MR. KELLY: Yes.

25 CHAIRMAN DZUGAN: Okay. Second. So discussion.

1 Barb?

2 MS. HEWLETT: I have a question for your fleet. Is
3 your fleet these small skiffs, open skiffs that we are
4 talking about in Alaska, or are they just you are talking
5 about small vessels, small fishing vessels?

6 MR. THEILER: No. They are small skiffs, pretty
7 similar, 20 to 22 feet. Generally --

8 MS. HEWLETT: Open skiff with no storage?

9 MR. THEILER: Open skiffs with no storage.

10 CHAIRMAN DZUGAN: Kris?

11 MR. BOEHMER: Kris Boehmer. Where we have had a
12 motion that's passed, do we require a two-thirds motion to
13 get over this hump on this?

14 CHAIRMAN DZUGAN: Go ahead. Sergeant at arms.

15 MR. ALWARD: So you can move to reconsider if the
16 majority agrees the motion comes back on the floor as
17 though the vote had not occurred. So a simple majority
18 for a motion to reconsider. If you want to rescind, then
19 that would take a two-thirds, which is different.

20 So we have a motion on the floor to reconsider. So
21 it's been seconded. So first, technically we would have
22 to vote on that motion, the motion to reconsider.

23 CHAIRMAN DZUGAN: Yeah. We did make it into a
24 motion, so we are at that point. Tom?

25 MR. DAMERON: Could you explain what fisheries you

1 are referring to and then describe the types of vessels?

2 Tom Dameron.

3 MR. THEILER: Sure. For the most part, in
4 Narragansett, as Kris can tell you, there's a huge fleet
5 of clam guys, you know. They are clammers. They use
6 rigs. So in Maine they are the same type of fishery.

7 Generally they get out of their skiffs with waders
8 and either rig sea worms or clams. It's generally those
9 types of fishers, very close to shore, usually with a
10 fleet of other boats around in populated areas.

11 In addition, there's probably, you know, several
12 thousand of these, you know, I would say between Maine and
13 New York, Rhode Island and Massachusetts, probably more
14 than 7,000.

15 CHAIRMAN DZUGAN: Tom?

16 MR. DAMERON: Thank you for that, Mike. It is my
17 feeling that I would be in favor of letting this stand.
18 And if there was several thousand vessels that this was
19 not appropriate for, it would be very easy for that group
20 to get together and go to your district coordinator and
21 request an exemption. And if there was -- if it did not
22 lessen the safety for that group, the district coordinator
23 is free to give that group an exemption.

24 CHAIRMAN DZUGAN: I have a question for you. What's
25 the -- I guess, yeah, question for you, Mike, is what's

1 the -- do you know anything about the fatalities there in
2 the last five or ten years? What's -- I'm trying to get
3 an idea of the risk for that group. Might ask NIOSH if
4 they have anything too, but go ahead.

5 MR. THEILER: It's not without risk. There have been
6 instances of a clammer that was tending beds offshore,
7 tide came up, skiff floated away, probably with the PFD in
8 it. He was in boots, and ultimately it was cold water,
9 and he had no place to, you know, meet ground, or expired
10 from hypothermia. So it's not without, but again, you
11 know, generally these guys are very close to shore, within
12 another fleet of boats. And the guys that we, you know,
13 Kris could probably speak about it a little, you know,
14 which defined as one or two guys a year fall out of their
15 dinghies, row into their boats rather than in the act of
16 actually commercially fishing.

17 CHAIRMAN DZUGAN: Any other discussion? Thank you
18 for that. Any other discussion? Yeah. Kris.

19 MR. BOEHMER: Kris Boehmer. In Maine we seem to lose
20 one periwinkle guy or clammer a year to unknown causes,
21 but he's -- you know, the situation like you are talking
22 about. And we are only talking about so many deaths in
23 our -- fortunately in our fishery overall, but I kind of
24 -- I understand your concern, and I think it's valid, but
25 I like the comment that Tom Dameron brought up is that if

1 it's something that the Coast Guard deems could be an
2 exemption, that we could deal with it that way, because,
3 you know, again we are trying to reduce. One death makes
4 a difference for us all, so I don't --

5 CHAIRMAN DZUGAN: Go ahead.

6 MR. TURNER: David Turner. I would suggest an
7 alternative to deleting the PLB requirement. It would be
8 to state something like for skiffs operating on exposed
9 waters, at least one garment, et cetera.

10 CHAIRMAN DZUGAN: Repeat that again. For skiffs?

11 MR. TURNER: Operating on exposed waters, at least
12 one garment would have the PLB.

13 MR. ALWARD: Point of order. Matt Alward.
14 Technically right now we have a motion to reconsider on
15 the floor, so that's what we are discussing. So we vote
16 this motion up or down. If it passes, then the original
17 motion is back on the table and someone could offer an
18 amendment at that point, but we haven't got there yet.

19 MR. BOEHMER: Yeah.

20 MR. ALWARD: So on the motion to reconsider, I call
21 the question.

22 CHAIRMAN DZUGAN: Yeah. Those who wish to reconsider
23 the question, the motion that was passed most recently,
24 for those who wish to rescind that order, raise your hand.

25 MR. ALWARD: Consider, not rescind.

1 CHAIRMAN DZUGAN: Consider. For those who wish --
2 repeat the motion, that language again.

3 MR. THEILER: It's the motion to reconsider. The
4 motion filed, I guess, under which -- I don't know if I
5 have to read it or not, but that's --

6 CHAIRMAN DZUGAN: Got it. Those who wish to
7 reconsider the motion, please show your vote by hand.
8 One, two, three, four, five, six, seven. Okay. That
9 passes by simple majority.

10 MR. ALWARD: So now the original -- the motion has
11 passed. It's back on the floor.

12 CHAIRMAN DZUGAN: I need to ask those opposed, just
13 for the record, raise your hand. One, two, three, four.
14 We are missing someone. I counted myself. We have an
15 abstention. Okay.

16 That would be seven to four to one abstention. Okay.
17 We -- it's now the floor is now clear to consider another
18 motion.

19 MR. ALWARD: No. Technically this motion is on the
20 floor.

21 CHAIRMAN DZUGAN: It's on the floor.

22 MR. ALWARD: As written on the board.

23 CHAIRMAN DZUGAN: Okay. You are right. Discussion?
24 Barb.

25 MS. HEWLETT: Barb Hewlett. I have a question for

1 Coast Guard. Can you make someone put on a PLB which is
2 not Coast Guard approved for commercial use? Can you make
3 that rule where something that is -- because the PLBs are
4 additional to obviously required equipment. So can the
5 Coast Guard actually say, yeah, you are required to have
6 this, even though it's not a Coast Guard approved piece of
7 equipment on the vessel or on the person?

8 CAPT. NEELAND: So technically -- so, technically the
9 Coast Guard could pass the rule for any piece of
10 equipment. Traditionally, talking PFDs, we often want
11 specifications on that piece of equipment. So it is
12 possible, but generally we tend to be more specific. So
13 that it's clear the piece of equipment, what the
14 performance standard is for that piece of equipment.

15 CHAIRMAN DZUGAN: Tom?

16 MR. DAMERON: No device may be marketed or sold in
17 the United States as a PLB or personal locator beacon,
18 unless it is compliant with all the rules of COSPAS,
19 SARSAT, and RTCM standards 47 CFR 95.2991.

20 CAPT. NEELAND: So, PLBs commonly specifically read
21 is all the frequencies, which is really regulated by the
22 FCC. And so the concern is if it's not on the same
23 frequency, that it could interfere with other electronic
24 devices.

25 CHAIRMAN DZUGAN: Just for the sake of the

1 discussion, and without putting Dr. Case on the spot, do
2 you have any statistics that might help clarify the risk
3 in this particular group we are talking about in Maine?

4 DR. CASE: Yeah. I can look.

5 CHAIR DZUGAN: And you can come up to the microphone,
6 if you don't mind.

7 DR. CASE: I can look. I don't have anything off the
8 top of my head, but I can look into it.

9 CHAIRMAN DZUGAN: Okay. Thank you. This is a
10 perfect example of one of those situations why I'm sure an
11 Agency like the Coast Guard finds it hard to handle a
12 group like fisher men who are so fragmented around the
13 country and have such different operations, over 100
14 different types of fisheries in the U.S. And the risks
15 scenario for each fishery in each region is so different.
16 And trying to establish rules and regulations to cover the
17 one-size-fits-all thing, that makes everybody crazy.
18 Right?

19 And how can we provide a protective regulatory safety
20 net for those that are higher risk as opposed to those
21 that are lower risk. So that's kind of the big picture
22 that we are having a discussion about. And just
23 personally, some member of the committee can have an
24 opinion. I do feel a protective inclination for the group
25 of open vessel fishermen, and especially the ones from

1 Alaska, noting that the high fatality rate and knowing the
2 number of members of families that I've met where they've
3 lost four out of five of their closest family members due
4 to drownings, whether commercial or noncommercial. They
5 are both represented in there. And knowing their economic
6 status as well. So, my own inclination is to see that
7 group protected better, but...

8 MR. THEILER: So can we have an amendment to remove
9 the personal locator beacon requirement?

10 MR. ALWARD: If you make that a motion, you can.

11 MR. THEILER: Yeah. I would like to make a motion to
12 remove the requirement of a personal locator beacon.

13 CHAIRMAN DZUGAN: Is there a second to that motion?

14 MR. BOEHMER: Does it have to come from -- I was just
15 wondering if the amendment had to come from the original
16 motion maker?

17 CHAIRMAN DZUGAN: No. No. This is a new motion.
18 The other one is -- we have already decided it's been
19 rescinded.

20 MR. BOEHMER: No. No. No.

21 MR. ALWARD: No, it was --

22 MR. BOEHMER: Amended.

23 MR. ALWARD: No. It was, so we -- Matt Alward.

24 CHAIRMAN DZUGAN: We are reconsidering.

25 MR. ALWARD: So we are reconsidering the original

1 motion. The original motion as written is on the table
2 right now. And then he just offered an amendment, which
3 anybody can -- the motion to reconsider had to come from
4 someone on the prevailing side of the vote, which it did.
5 Someone on the losing side couldn't have made that motion.
6 That passed.

7 So the original motion right here as written number 5
8 is on the table right now and open for amendments, if so
9 moved by anyone of the committee.

10 MR. KELLY: Jim Kelly. Mike, can you repeat it?

11 MR. THEILER: Just so I understand the order here.
12 So we are back to voting on the original motion then, is
13 that correct, Matt?

14 MR. ALWARD: The original motion is on the table, so
15 it is open to have a motion to amend it made.

16 MR. THEILER: So what I'm asking is is this motion --
17 we are reconsidering the original vote then? So right now
18 this is a -- this as it stands is a motion on the table in
19 its entirety or --

20 MR. ALWARD: Yes.

21 MR. THEILER: -- has that passed already?

22 MR. ALWARD: No. So when you rescind a motion, it is
23 then back on the table as if --

24 MR. THEILER: Understood and appreciated. I'm just
25 going to leave like it is then. Thank you.

1 CHAIRMAN DZUGAN: This is open for surgery now. So,
2 your motion --

3 MR. THEILER: I'm just going to leave that as such.
4 I'm not going to change the motion.

5 CHAIRMAN DZUGAN: You are not going to change
6 anything. Okay. Dr. Case?

7 DR. CASE: Okay. Okay. So I looked really quickly.

8 CHAIRMAN DZUGAN: Make sure your mic is on.

9 DR. CASE: So just for informational purposes, I
10 looked at 2013 through 2022. All fatalities where the
11 vessel type was reconsidered an other skiff, so not a set
12 net skiff, not a set net skiff, not a seine skiff. So
13 there we have 20 fatalities.

14 Looking at New England, one in Connecticut, one in
15 Massachusetts, that looks like it. We have some in the
16 Carolinas, Florida, Louisiana, Texas. And then of course
17 we have Washington and Alaska, so --

18 CHAIRMAN DZUGAN: And what was the total?

19 DR. CASE: Twenty.

20 MR. ALWARD: But three in --

21 CHAIRMAN DZUGAN: How many in Maine, did you say?
22 Three?

23 DR. CASE: None in Maine.

24 CHAIRMAN DZUGAN: None in Maine.

25 DR. CASE: One in Massachusetts, one in Connecticut.

1 That looks like it for New England.

2 CHAIRMAN DZUGAN: Mike has a question for you.

3 MR. THEILER: Would you know if those were in cold
4 water months or does -- it really doesn't matter, because
5 there's a really minimal amount, right, compared to the
6 amount of fishermen?

7 DR. CASE: I can look up the date.

8 MR. WENDLAND: And, Dr. Case, if I may as well,
9 understand NIOSH is under the Department of Health and
10 Human Services. And you often look at casualties and
11 fatalities that include health issues such as heart
12 attacks, drug overdoses, that kind of thing.

13 Is that statistic that you mentioned, the 20, is that
14 operational fatalities or is other information included in
15 that statistic?

16 DR. CASE: So, let's see. These all look
17 operational.

18 MR. THEILER: I know that one was a skiff operating
19 at high speed at night, ran into a bridge abutment so, I
20 mean, probably wasn't exactly a fishing fatality, but
21 certainly would be considered, you know, an accident,
22 operator error.

23 DR. CASE: Yeah. I believe these are all operational
24 fatalities. Ten were vessel related, so skiff swampings,
25 eight falls overboard, and two on-shore fatalities. And

1 so sometimes those are clam harvesters, like Mike
2 mentioned.

3 So I was just going to look up when the New England
4 fatalities occurred. One was in July and one was in
5 September.

6 MR. THEILER: So warm weather.

7 MR. DAUGHTRY: Mr. Chair. Can you stay, Doctor. So
8 over the last ten years on vessels that we are considering
9 skiffs, not same skiffs, which would be a different
10 category than what we are talking about here, there were
11 20 commercial fishing fatalities?

12 DR. CASE: Yes. And excluding set nets, yes.

13 MR. DAUGHTRY: And excluding set nets. So, and at
14 least those two were warm weather ones, so 20 fatalities
15 over 10 years.

16 DR. CASE: Two in New England.

17 MR. DAUGHTRY: Than what we are talking about. Just
18 to put it in perspective. And once again, if it's one of
19 your family members or you, it's definitely a lot, but we
20 are talking about doing a lot of regulation here over that
21 number of people. And we can't -- the only way you can
22 get to zero on deaths and automobile accidents is to not
23 drive. Nobody drives.

24 So, I mean, we can't get to the point where we can't
25 go fishing, so we just need to keep that in mind.

1 CHAIRMAN DZUGAN: Go ahead, Mike.

2 MR. THEILER: I think it's very helpful to understand
3 too, which obviously I'm getting quite an education here
4 myself, is that some of these -- at least the fatalities
5 in my area happened in warm weather months.

6 CHAIRMAN DZUGAN: Can you speak into your mic.

7 MR. THEILER: These fatalities happened in warm water
8 months. What we are talking about is a measure for cold
9 water. So that certainly doesn't appear to be applicable
10 under this Task Number 3, cold water.

11 MR. BOEHMER: Kris Boehmer. I think the cold water
12 is north of like North Carolina all the time, by Coast
13 Guard definition.

14 MR. THEILER: That's incorrect.

15 (inaudible) -- just left, but right now the cold
16 water line is basically off of New York City, and that
17 will move north.

18 CHAIRMAN DZUGAN: That's not -- just a point of
19 order. That's not correct.

20 MR. THEILER: All right. What is correct then? I
21 was talking to my examiner.

22 CHAIRMAN DZUGAN: It's 32 degrees latitude, which I
23 think goes through the Carolinas year round, when that 32
24 degree latitude was set, because it's all year round.
25 Yeah.

1 Thank you, Mike. Any other discussion? Go ahead,
2 David.

3 MR. TURNER: So cold water is actually defined in
4 Part 28, point 50, and it says: Cold water means water
5 where the monthly mean low water temperature is normally
6 59 degrees Fahrenheit or less.

7 MR. THEILER: Thank you for the clarification.

8 CHAIRMAN DZUGAN: Other discussion? Anybody have a
9 motion?

10 MR. ALWARD: There is motion on the table.

11 CHAIRMAN DZUGAN: There is a motion on the table.
12 Can you repeat the motion, please. I don't think -- I
13 thought the motion was to --

14 MR. BOEHMER: Amend.

15 CHAIRMAN DZUGAN: -- Amend.

16 MR. ALWARD: There is no motion on the floor to
17 amend. The original motion is written on the screen,
18 which we can read again.

19 CHAIRMAN DZUGAN: Tom? That's what I'm asking.

20 MR. DAMERON: So the motion that's being reconsidered
21 states: I move that the committee recommends that the
22 Commandant amend 46 CFR Section 28.110, "life preservers
23 or other personal flotation devices," be modified to
24 include paragraph C, which reads: Individuals on board
25 fishing vessels defined as skiffs, when operating in cold

1 water, shall wear a garment designed to provide flotation
2 with an attached personal flotation device light. Period.
3 At least one garment per skiff must have a GPS personal
4 locator beacon attached.

5 CHAIRMAN DZUGAN: So does anybody have a motion ready
6 so that we can -- and a second so we can continue the
7 discussion on this issue?

8 MR. ROSVOLD: Eric Rosvold. As in wording for a
9 motion?

10 CHAIRMAN DZUGAN: Unless there's just more general
11 discussion.

12 MR. ROSVOLD: No. I move that we change the language
13 from -- let's see. Individuals on board fishing vessels
14 defined as skiffs, when operating in cold water, shall
15 wear a garment or device designed to provide flotation.
16 And then strike everything after flotation.

17 CHAIRMAN DZUGAN: Is there a second?

18 MR. THEILER: I would second that.

19 CHAIRMAN DZUGAN: Second, Mike. Discussion on the
20 motion?

21 MR. BOEHMER: I just want to get the idea of why some
22 people may want to remove the personal locator beacon,
23 although it wouldn't be my choice. Kris Boehmer. I'm
24 sorry. But why would we want to remover the light?

25 MR. ROSVOLD: Eric Rosvold. I think some of these

1 devices we are talking about are worn underneath your rain
2 gear. So you are attaching a light to a device that's not
3 going to be visible.

4 CHAIRMAN DZUGAN: Any -- go ahead. Sorry, Matt.

5 MR. ALWARD: And even more than that, some of those
6 devices are rain gear itself that floats, which your bibs,
7 you have a coat over, so you would have a life coat.

8 CHAIRMAN DZUGAN: Any other discussion? Oh, Tom.

9 MR. DAMERON: Tom Dameron. So I want to point out
10 that when we removed the Coast Guard approved, we also
11 remove the requirement to have any reflection of any kind
12 on that -- on that garment.

13 CHAIRMAN DZUGAN: Any other discussion?

14 MR. DAUGHTRY: Mr. Chair? I have maybe a procedural
15 question. If this is voted on and fails, do we go back to
16 what was originally approved as staying, or does the whole
17 thing go away?

18 CHAIRMAN DZUGAN: We have -- that's history for the
19 20 minutes it was there.

20 MR. DAUGHTRY: So nothing is open if this passes.

21 CHAIRMAN DZUGAN: Yeah. If this passes, this
22 replaces it, the previous motion.

23 MR. DAUGHTRY: And if it doesn't pass, then nothing
24 --

25 CHAIRMAN DZUGAN: Then the previous motion will stay.

1 MR. DAUGHTRY: Okay. Okay. That's what I was
2 talking about.

3 MR. ALWARD: Just to be clear, if it fails, then the
4 original motion is still on the table and still needs to
5 be voted on. So I call the question. And we are voting
6 on the amendment. So if this passes, then the original
7 motion is amended, but we are still discussing the
8 original motion. So we have to vote on it as amended.

9 CHAIRMAN DZUGAN: Questions's been called. Those in
10 favor of the new language in the motion, please signify by
11 raising your hand. One, two, three, four, five, six,
12 seven. Nays, raise your hand. Seven to five. The motion
13 passes.

14 MR. ALWARD: So now the amended motion is on the
15 floor.

16 CHAIRMAN DZUGAN: Any discussion about the amended
17 motion?

18 MR. THEILER: I thought we just voted on the amended
19 motion?

20 MR. ALWARD: We just voted to amend the motion, but
21 we still have to vote now on the motion as amend.

22 MR. DAMERON: Mr. Chair, if there was some confusion
23 on what we were voting on, I think we should make that
24 clear to the group. I'm not sure that it was clear to
25 everybody exactly what was being voted on.

1 CHAIRMAN DZUGAN: On the previous --

2 MR. DAMERON: Just now.

3 CHAIRMAN DZUGAN: Just now.

4 MR. ALWARD: Was anyone confused on what we just

5 voted on?

6 MR. BOEHMER: Just the language.

7 MR. THEILER: Yeah, I was. I thought we were voting

8 on -- I'm clear.

9 CHAIRMAN DZUGAN: Everybody clear? Clear here?

10 Okay. Everybody clear where we are at right now? Okay.

11 This is what we are looking at. Any comments on this?

12 MR. DAMERON: I have a question. So we are re-voting

13 on what is marked here as five that was previously passed?

14 MR. BOEHMER: Yes.

15 CHAIRMAN DZUGAN: Yes. It's a -- you can consider

16 this a substitute for the previous motion that was -- has

17 been taken off the table.

18 MR. ALWARD: So there was a motion to pass. Then

19 there was a motion to reconsider by someone on the

20 prevailing side, which was seconded and passed to simple

21 majority, which is in the rules. That then put the

22 original motion back on the floor as if the vote had not

23 occurred in the first place. Then there was a

24 motion to amend that motion, which passed. So the motion

25 was just amended. And now the motion as amended is on the

1 floor for discussion and then a vote.

2 CHAIRMAN DZUGAN: So we are voting on what we see on
3 the screen right now that reflects the most recent
4 amendment. Is everybody clear on this? We are all good
5 on this, I mean, in terms of the language? Okay.

6 I don't hear any other discussion right now. Shall
7 somebody call for the question? I just did.

8 All in favor of the motion as stated as you see on
9 the screen, signify by raising of hand. One, two, four,
10 five, six, seven, eight, nine, ten, eleven. Those
11 opposed?

12 (No hands raised.)

13 CHAIRMAN DZUGAN: Seeing one abstain, abstainment,
14 we'll put one down for abstain. Eleven pass, one
15 abstained. Motion passes.

16 Okay. Any other recommendations the committee wishes
17 to bring to the full committee? Tom. Cautiously
18 approaches the mic.

19 MR. DAMERON: Thank you, Mr. Chairman. I move that
20 the committee recommends the adoption of a regulation to
21 include language that requires every person working on
22 exposed decks aboard underway commercial fishing vessels
23 with less than 39.5 inch bulwarks would have to work lower
24 the side to wear a personal flotation device, PFD, as
25 described by 46 CFR Section 28.110. Period. When worn at

1 night, the PFD must be equipped with a light that meets
2 the requirements of 46 CFR 25.25-13. Period.

3 CHAIRMAN DZUGAN: Is that a -- we need a second here.

4 MR. BOEHMER: Second.

5 CHAIRMAN DZUGAN: Second. Kris. Okay.

6 MR. ALWARD: Coast Guard is -- is there a legal
7 definition of underway?

8 CHAIRMAN DZUGAN: Yeah. Underway is defined in rules
9 of the road.

10 MR. WENDLAND: I can call that up, but it is defined
11 in the rules of the road, the co-regs. Do you want me to
12 look that up and read it? Or are you just asking if it
13 is.

14 MR. ALWARD: I would like to understand the
15 technically legal definition of something before I vote on
16 it.

17 MR. WENDLAND: Understood. Stand by, please.

18 CHAIRMAN DZUGAN: While that's being looked up, we
19 are going to continue with the discussion. So bring us
20 back to it, if we get otherwise engaged. Yeah, Ben?

21 MR. DAUGHTRY: Mr. Chairman, the 39 and a half
22 inches, just for my understanding and reference, where
23 does that number come from?

24 CHAIRMAN DZUGAN: That's I believe a standard that's
25 already in some regs. Yeah.

1 MR. ROSVOLD: Mr. Chairman, Eric Rosvold. I think
2 there's two numbers that float about. I think the naval
3 architect is still here, right? Yeah. We were abusing 39
4 inches previously. And I can find it like under the IMO
5 standards for boats. Our boats are all built to 39
6 inches, but I see 39 and half as passenger vessels, party
7 boats, et cetera. So there's two standards, I think, or
8 at least our architect was using a 39 inches.

9 MR. TURNER: David Turner here. So the design
10 standard that we always apply is one meter or 39.5 inches.
11 So the 39.5 comes from the translation from metric.

12 CHAIRMAN DZUGAN: So somebody rounded down.

13 MR. ROSVOLD: Eric Rosvold. I guess I'm going to
14 have to add a half inch to my rail. But I just -- I mean,
15 adoption of regulation to include the language that every
16 person on an exposed deck aboard underway, while the
17 boat's say for instance moving underway, the guys are out
18 on the lawn chairs sunning themselves as we travel over
19 the fishing grounds. And the Coast Guard boarding team
20 slides by and sees, hey, my guys aren't wearing life
21 jackets. They are in violation.

22 It seems, you know, most of the time we are not
23 involved in commercial fishing. That gets a little
24 sticky, I think.

25 CHAIRMAN DZUGAN: I think if you are -- just for

1 clarification, I think by the Coast Guard regs, when you
2 are on your way to the grounds, or if you are doing
3 anything on the boat with the intent of commercial
4 fishing, it's considered commercial fishing. For example,
5 the injuries and the fatalities in NIOSH reports are
6 sometimes just on the way or from the grounds. So just
7 keep that in mind in terms of definition.

8 MR. ROSVOLD: Eric Rosvold. Yeah, I understand that.
9 That's why I say it's pretty broad. You'd have to have a
10 life jacket on every time you left the galley to go to the
11 back deck. I mean, that's just not going to -- that just
12 won't work.

13 CHAIRMAN DZUGAN: Jonathan, are you making a motion?
14 Okay. Yeah. Go ahead.

15 MR. WENDLAND: Mr. Chairman, just to get back to the
16 reading of the definition of underway, Jonathan Wendland,
17 the definition is found in the coal regs rules of the
18 road. Rule number 3, part I, under definitions. It's not
19 on the screen but, oh yeah. So I'll just read it for the
20 record.

21 The word underway means that a vessel is not at
22 anchor or made fast to shore or aground.

23 CHAIRMAN DZUGAN: So, by that definition, even a
24 drifting vessel not under command is already underway.

25 MR. WENDLAND: And just be advised there is a

1 different definition for underway and making way.

2 CHAIRMAN DZUGAN: I have a question. I'll just bring
3 it up. When I think about

4 the railing 39 inches and a half above the deck, I
5 usually think of the aft deck behind the pilot house. And
6 I think about the boats I've been on where if you go
7 forward on the vessel, you don't have that railing. And
8 trollers, salmon trollers, some long liners I've worked
9 on, it kind of becomes you have a toll rail maybe, but not
10 a railing that goes around, all the way around to the bow.

11 This would mean that we'd be making changes to that,
12 or not, because, yeah, it would be making changes to that.
13 Those vessels would -- and the forepart of the vessel is
14 one of the most dangerous parts of the vessel, if you are
15 anchoring, for example. So consider that too, people are
16 going to have to make changes to their vessel because of
17 this.

18 First Kris and then Tom.

19 MR. BOEHMER: Yeah. Kris Boehmer. At least two of
20 the cases we've studied involved people going up to the
21 bow to tie up and then fell off the bow because of no
22 railing, no bulwark. So that's one of the reasons we are
23 considering this.

24 CHAIRMAN DZUGAN: Tom?

25 MR. DAMERON: Tom Dameron. I think that the wording

1 says requires every person working on an exposed deck
2 underway on a commercial fishing vessel with less than
3 39.5 inch bulwarks. So you would be working on an exposed
4 deck that has less than 39.5 bulwarks.

5 CHAIRMAN DZUGAN: Okay. Thanks for the
6 clarification.

7 MR. ALWARD: I don't think the wording -- I wouldn't
8 read it as a 39 in relation to the exposed deck. I'm not
9 a lawyer either, though. I could see how you can infer
10 it, but this language does not clearly say that it's only
11 the exposed deck that you are working on has to have -- it
12 just says bulwarks at 39.5 inches.

13 MR. DAMERON: So, with that point, I would be willing
14 to move the with less than 39 and a half inch bulwarks, to
15 immediately after on exposed decks. So --

16 MR. ALWARD: That would make it clear.

17 MR. DAMERON: So it would read working on exposed
18 decks with less than 39 and a half inch bulwarks, aboard
19 underway commercial fishing vessels.

20 MR. TURNER: David Turner here. I would recommend it
21 also be bulwarks or rails.

22 CHAIRMAN DZUGAN: Repeat that again.

23 MR. TURNER: I would recommends it also read bulwarks
24 or rails.

25 MR. BOEHMER: I'm still -- Kris Boehmer. I'm still

1 concerned about the guy going forward with no bulwarks, no
2 rails, tying up, untying, anchoring, whatever he may be
3 doing. So how do we address that? Do we add that or
4 while docking?

5 CHAIRMAN DZUGAN: Barb?

6 MS. HEWLETT: Barb Hewlett. Yeah. I think that's
7 already addressed. The idea is unless the side of the
8 boat inside is 39 and a half inches, if you are going to
9 the bow, which is obviously not, so you have to wear a
10 life jacket. If your boat doesn't have a high gunnels,
11 you have to wear a life jacket. That's the -- what we are
12 looking at.

13 So if we start nit picking and tearing apart a boat,
14 well, if you are in the front or the back of this, I mean,
15 the basic is if you don't have 39 and a half inches when
16 you are standing on the deck, you have to wear a life
17 jacket. You can go to the bow, obviously there's not 39
18 and a half inches. You have to wear a life jacket. And
19 that's what they are looking at. That's the way it was
20 written. Without changing anything, that's the way it was
21 written. So you just vote yes or no on the way it's
22 written.

23 CHAIRMAN DZUGAN: So, working decks, would you
24 include the bow portion of the vessel on a working deck?

25 MR. ALWARD: It's not a working deck. It's exposed

1 deck.

2 CHAIRMAN DZUGAN: It's exposed deck. That makes more
3 sense to me. Tom?

4 MR. DAMERON: Am I permitted to change the language
5 of the motion?

6 CHAIRMAN DZUGAN: With a second.

7 MR. DAMERON: Okay. So I would like to change the
8 language of the motion to read: I move that the committee
9 recommends the adoption of a regulation to include
10 language that requires every person working on an exposed
11 deck with less than 39 and a half-inch bulwarks or rails
12 aboard underway commercial fishing vessels, or have to
13 work over the side, to wear a personal flotation device as
14 described by 46 CFR Section 28.110. Period.

15 When worn at night, the PFD must be equipped with a
16 light that meets the requirements of 46 CFR 25.25-13.
17 Period.

18 CHAIRMAN DZUGAN: Is there a second to that change?
19 Kris.

20 MR. BOEHMER: (Raised hand)

21 CHAIRMAN DZUGAN: Discussion?

22 MR. LONDRIE: Point of clarification specifically
23 from where I would be coming from. So some of the -- I
24 say older, we are all older, but folks that don't have 39,
25 the man is going to be required to put a PDF on to work on

1 a winch? So I'm going to trade the small chance -- in my
2 industry, we don't follow the work during the course of
3 working. So I'm going to trade that for gear
4 entanglement? Just not going to do it. I'm going to
5 increase that risk by doing that. Greg Londrie.

6 MR. BOEHMER: Would you be more comfortable with a
7 garment designed to provide flotation, like a bib overall
8 or something or, you know, one of those belts? Would that
9 work?

10 MR. LONDRIE: In the Gulf of Mexico, no.

11 MR. ROSVOLD: Yeah. The idea that we are going to
12 require life jackets, it sounds good, but you are talking
13 about virtually every boat in Alaska you have added this
14 extra requirement to. Almost everybody would have to
15 purchase new equipment. And I was sort of curious, we had
16 two subgroups, right, two subcommittees. And this
17 subcommittee never got to put forth their recommendation
18 for this task, correct?

19 I think I'm correct. So we are -- I wonder if we
20 shouldn't -- can we have a chance maybe just to read what
21 our recommendation was for this task, or is that after
22 this is voted on?

23 CHAIRMAN DZUGAN: Procedurally we have a motion on
24 the table. We need to deal with that one first. And the
25 plan was for us to do exactly what we just did, to bring

1 things back to full committee any away. So we are going
2 to have discussion anyways. Greg?

3 MR. LONDRIE: Greg Londrie. Kris, it's just hard.
4 What we are doing here to try to blanket, like we have
5 talked about every different fishery, different -- we all
6 operate different. I mean, even for our guys that are on
7 the back deck, once they drop the load on the deck and
8 they are sitting on benches that are six, seven inches off
9 the deck, they can't -- they wouldn't be able to -- they
10 wouldn't even be able to physically do their work with the
11 device on.

12 MR. BOEHMER: Greg, I get that. And, you know, I do
13 think there might be -- I don't understand your fishery,
14 but there's those belts that are Coast Guard approved that
15 are inflatable belts. And I think this is one of the only
16 commercial industries that doesn't require flotation to be
17 worn on deck.

18 Every other oil field, towing, passenger, you know,
19 when working, it's required. So it just seems like it's a
20 stand we have to maybe have to think about getting into
21 the 21st century but have something that works as
22 practically as possible. And I don't have the answer to
23 that.

24 MR. ALWARD: I just point out like say the charter
25 industry, you are not required to wear a life jacket. So

1 I wouldn't say all industries besides commercial fishing.

2 CHAIRMAN DZUGAN: And I would point out that there's
3 a different risk ratio there as well.

4 MR. HEWLETT: They don't go fishing as deep --

5 CHAIRMAN DZUGAN: But regardless. I understand that
6 issue a little bit in the Gulf. And we do all our classes
7 down there, and we show PFDs that are wearable to people.
8 And there are a couple that are of interest to people down
9 there that are mostly -- the only approved one I can think
10 of is the belt pack they find comfortable. They can put
11 the pack behind their back.

12 They are wearing a belt anyways. If they are using a
13 knife, they can put it on the same belt. But I also
14 understand that it's a change in culture to make with that
15 too. I also know that the Gulf of Mexico has the highest
16 drowning rate for man overboard -- or the fatality rate
17 for man over -- as you know, is pretty high.

18 There are one by ones. They don't make their paper
19 like the destination or the big crowd vessels because it's
20 not multi, but it is a problem. I'm just wanting to
21 acknowledge that. And it's a change in culture that way
22 as well, a big one.

23 MR. LONDRIE: I agree, but -- and the numbers will
24 play out that it doesn't want happen -- the overboards
25 don't happen in the course of work. It happens when a

1 majority of them are all sleeping or taking a nap, and the
2 one guy goes out back to relieve himself, and all a
3 sudden, you know, that's one of time when they are going
4 out by alone. It would be great for them to do it, but
5 insofar as requiring them to wear it all the time, just
6 not physically able to -- possible to do that and perform
7 their work safely, most certainly around the winch and
8 ropes and nets going overboard. It's just -- we've looked
9 at it before. We've looked at it with previous Coast
10 Guard coordinators and examiners. It's just for shrimping,
11 it's not going to work. But you are right as well, even
12 if you could get it, there's a huge cultural problem.

13 CHAIRMAN DZUGAN: And since we are under the task of
14 falls overboard still, I believe, so we are on topic.
15 What do you think the percentage of vessels operators have
16 onboard procedures for going out at night? Alone? You
17 think that's pretty common? In terms of the skipper
18 telling people and enforcing that they don't go out on
19 deck alone at night to pee over the side?

20 MR. LONDRIE: I couldn't speak to what other
21 companies do. I would have no idea. I know what we do,
22 and our recommendations to them, but you know as well
23 being down there it goes -- it goes in one ear and out the
24 other, or it's the Hispanic mentality machismo is, oh,
25 that's not going to happen to me.

1 CHAIRMAN DZUGAN: Yeah. Discussion ready for -- go
2 ahead, Eric.

3 MR. ROSVOLD: Jerry, you mentioned a high rate of
4 overboards. I don't see a high rate of overboards.

5 CHAIRMAN DZUGAN: In the Gulf of Mexico?

6 MR. ROSVOLD: Nationwide.

7 CHAIRMAN DZUGAN: It's about, yeah --

8 MR. ROSVOLD: It's 110 years. It's a year. For our
9 part of the industry, we are talking about here is about
10 three incidents a year.

11 CHAIRMAN DZUGAN: Yeah. You know, it varies, but
12 just to throw some rough numbers out, in different parts
13 of the country, it's usually between 20 and 30 percent of
14 the fatalities are. It's the second leading cause of
15 death. It's overall, looking at it from that way.

16 Looking at it more locally like in Alaska, it was 2005
17 where we had eight fatalities in Alaska in commercial
18 fishing. And seven of the eight were persons over board.
19 So, you know, it also changes from year to year as well.

20 Generally speaking, it's going down. The one -- the
21 loss of death that's gone down the least is person
22 overboard. We have got -- we are saving a lot of people
23 when boats sink because of the equipment requirements and
24 hopefully some training, but there has been very little
25 impact to the number of -- there's been less impact on

1 falls overboard, mainly because they don't have the
2 engineering solution on board of wearing PFDs.

3 You have life rafts. You have EPIRBs. You can see
4 how they can help in an emergency, but we don't have
5 similar things like that for falling overboard. Again,
6 it's what the greater society and we all think the risk is
7 worth or not.

8 MR. BOEHMER: Kris Boehmer. Mr. Chair, if I could
9 add it's -- you know, we do training to teach people how
10 to use their equipment. And the tools aren't any good if
11 you don't use a tool. And the life jacket is the tool
12 here.

13 MR. DAMERON: Mr. Chair, Tom Dameron. Again, I would
14 like to point out that if there's a group of fisherman
15 that there's a regulation that makes fishing inherently
16 more dangerous, that there's a easy process to go to the
17 district coordinator and if -- if an exemption would make
18 that fishery more safe, they will easily offer that
19 exemption.

20 MR. KELLY: Jim Kelly. So I just did that yesterday,
21 talked to my coordinator about something that's coming
22 through the parity rules. He said absolutely not.
23 Nobody's going to dumb down the regulations. So once they
24 are in there -- I know you said that now twice. I don't
25 know what your reference point is.

1 If you had six examples where that actually took
2 place, then I think it would have more merit, but for you
3 just saying, it I think that's not fair to the
4 consideration of what my concern is, I'll speak for me, is
5 that these blanket statements about how regulations are
6 going to be applied across a very big country with lots of
7 different characteristics about how we go about fishing.

8 And I think -- I'm not sure that's fair to the
9 ultimate user. And some of these fisheries are under
10 pressure anyway from exports going into the country. And
11 more regulation is going to make it more difficult for
12 them to continue to earn a living.

13 MR. DAMERON: Mr. Chair, I wonder if it would be
14 possible to ask Scott Woodward, the district coordinator
15 of Alaska that -- did they go next door for something?

16 CAPT. NEELAND: I can go grab him. But I'll let him
17 speak specifically on the exemptions for D17. He can
18 provide more details, but in a nutshell, the requirement
19 is actually to carry an immersion suit. The exemptions
20 that are granted in Alaska is in lieu of carrying the
21 immersion suit in an open skiff, operators are having the
22 option of a wearing life jacket with a PLB indicator and I
23 believe a light, but I will have Scott come in and confirm
24 all the fisheries that that is the exemption for.

25 MR. DAMERON: Yeah. I'm just asking him to explain

1 the process and the conditions under which an exemption is
2 permitted.

3 MR. KELLY: I think that's the bigger issue is that
4 we make a -- this is Jim Kelly -- we make a resolution on
5 a task on the expectation as it's one-size-fits-all, and
6 then everybody goes off and tries to sort it out locally
7 then -- and customize it, is that really practical.

8 CAPT. NEELAND: So what I can answer is the Coast
9 Guard, typically our objective is to ensure the safety of
10 the mariner. And if somebody proposes an exemption that
11 really doesn't provide that equivalent level of safety,
12 generally that's not viewed upon favorably by the Coast
13 Guard.

14 MR. LONDRIE: I mean, Tom, no disrespect to you and
15 certainly the Coast Guard, but easy process in government;
16 I've never seen that used in the same sentence for
17 anything, so it's just...

18 CHAIRMAN DZUGAN: Yeah. It would be interesting to
19 compare that. Alaska's been pretty successful about
20 exemptions, but I think it's also we are all aware of the
21 dangers of voting on something you really don't believe
22 in, in hopes that you'll just get an exemption later or
23 something. That's not a very good philosophy.

24 CAPT. NEELAND: Just a point of clarification, the
25 exemption, although you made a request, the exemption

1 ultimately is determined by the district commander. So it
2 would be the admiral in charge of that district.

3 MR. KELLY: My understanding is reducing the roles
4 are very difficult for a district commander to do.

5 CAPT. NEELAND: Typically, yes. You know, obviously
6 look at the whole picture and look at all the factors in
7 it, but as a rule of thumb, we want to try to maintain at
8 least equivalent level of safety.

9 CHAIRMAN DZUGAN: Any other comments while we are
10 waiting for Scott?

11 MR. DAUGHTRY: Mr. Chair.

12 CHAIRMAN DZUGAN: Yes.

13 MR. DAUGHTRY: Ben Daughtry. Just -- I'm just making
14 sure that I'm understanding the full capacity of what we
15 are talking about here. This would basically -- this is
16 every single commercial fishing vessel of any size, right?
17 There is no -- so the skiffs that we talked about, what
18 Mike was talking about with his small boats, my 20-foot
19 center console, which I'm jumping in and out of the water
20 to go diving, every time I got out of the water, I would
21 have to don that equipment to move 100 yards and then back
22 on is, I mean, that's the intent as it's written, correct,
23 as I'm reading it? It would also certainly not function
24 and work in my fishery in any way. It would be very
25 difficult to do that.

1 CHAIRMAN DZUGAN: When you say it doesn't work, do
2 you mean culturally or in terms of what's available out
3 there in equipment?

4 MR. DAUGHTRY: I think it's an over reach and
5 unnecessary, but to give you an example, there are times
6 when I'll have three divers on a 23-foot skiff that we are
7 putting individuals in the water up to about 20 times in a
8 day at each spot for a few moments, and then they are back
9 on the boat. And they move between 100 and 200 feet, and
10 then they are back in the water. And we are doing that
11 throughout the day. So it would make that task -- it
12 would not work for us to be able do that task where every
13 time they got in -- now they are wearing typically
14 neoprene wetsuits but not -- not PFDs, you know.

15 So, and once again I understand we are working in a
16 very different environment than other people. So we are
17 in less than one foot seas and in three meters of water
18 and all of these different things, which makes our
19 operation less prone to having an issue and falling
20 overboard is what we are asking them to do all the time.

21 (Laughter)

22 MR. BOEHMER: We are not trying to stop that.

23 CHAIRMAN DZUGAN: They are wearing neoprene suits.
24 I'm surprised.

25 MR. DAUGHTRY: Not in the summer, but in the winter.

1 CHAIRMAN DZUGAN: Okay. Okay. Yeah.

2 MR. WENDLAND: Mr. Chairman, we do have Mr. Wilwert
3 in the room. And Tom kind of just briefed him on that you
4 would like an explanation of the exemption process in D17.
5 Is that the full question or to you want to repeat the
6 question?

7 CHAIRMAN DZUGAN: I think, yeah, do you understand
8 the question, Scott?

9 MR. WILWERT: If it's to explain the exemption
10 process and within District 17, yes.

11 CHAIRMAN DZUGAN: Yeah. And just be prepared for a
12 few questions.

13 MR. WILWERT: Yeah, no problem. So, within District
14 17 we have several -- we entertain several exemptions from
15 both fleets or what we call class exemption or from
16 individuals. Those exemptions are technically being
17 granted by the district commander. That delegation, that
18 signature of authority is delegated down to within the
19 prevention department.

20 So Admiral Moore currently is not signing, you know,
21 an exemption request for -- from a fisherman for a
22 survival grant exemption, or a group that wants to have an
23 exemption from the immersion suit to, you know, in a set
24 net, you know, in a set net camp. So the process is just
25 a request from an individual or from a group requesting

1 what it is that, you know, which variants from the
2 regulations they are looking for. And they usually, you
3 know, explain away in their letter some alternatives, and
4 what they think that the good cause is, and how safety of
5 the people won't be adversely affected. And that's pretty
6 much how the process goes.

7 So there's a template up there I think that someone
8 is showing that has an exemption request format for --
9 that is for certain individual survival craft exemptions.
10 Once we get the request, you know, of course we will take
11 a look at what's being asked, and then we see if we can
12 meet those two criteria in 28.60. Does good cause exist
13 and are the persons on board going to be adversely
14 affected.

15 So I can give you an example for one of our many set
16 net groups, we are talking skiffs. So that's right along
17 the lines of what you guys have been hashing out here. We
18 have requests from SET NET groups that say, hey, we
19 realize -- or at least we think that carrying and
20 immersion suit in an open skiff may not be the best way to
21 survive a capsizing or an incident. So we work with the
22 SET NET groups and we tended to agree after some case
23 studies where skiffs had turned over, all that equipment
24 had been rendered useless.

25 And two things that we realized in a SET NET skiff,

1 or any kind of open skiff, more times than not you are
2 probably better off wearing some sort of inherent
3 flotation than you are trying to don an immersion suit
4 that's already, you know, washing around in the ocean.
5 And, two, you need to be able to communicate your
6 distress. That was to us always the biggest problem.

7 If nobody knows something happened, nobody's going
8 come looking. So in our current SET NET exemptions that
9 we have, we probably have ten groups that are covered.
10 They are seasonal for us. It's just in the SET NET
11 season, and that's lined out in the exemption what the
12 season is, what the geographic boundaries are. Those are
13 provided to us by the group. And they would require the
14 wearing of a type one, two, three or five life jacket, a
15 GPS-enabled ORO 6 personal locator beacon needs to be on
16 least one of the people in the group. So if that's one
17 person, two persons or three, they just need one per boat.

18 We defined, you know, based on their request, some
19 type of hours of operation of with regard to daylight
20 only. And again, it's what's asked, and we respond to
21 what's asked, and then we grant those exemptions. And in
22 some cases signatory to those and in some cases in a
23 larger class exemptions that are going to affect a bunch
24 of boats, sometimes it would be my boss, you know, the
25 district prevention chief, Captain Boss right now, and

1 like the individual survival craft exemption requests they
2 just -- I just entertain and either grant or don't grant
3 those.

4 So does that answer the question about the process?

5 MR. DAMERON: Yes, thank you.

6 CHAIRMAN DZUGAN: Yes, Ben.

7 MR. DAUGHTRY: Okay. I'll take that. So, kind of
8 two-part question. In general, it sounds like it takes
9 horse trading, to use that term. Basically it's usually
10 not a blanket exemption. We want an exemption unless
11 there's some sort of other -- other thing that has to
12 happen to make sure that there's something there. And
13 then are there exemptions that are denied?

14 MR. WILWERT: So, of course there has to be an ask to
15 for an exemption. We generally don't create exemptions
16 just because we dream up something that might be good for
17 the industry and tell them, hey, you don't need to do
18 that. So there always has to be an ask.

19 As far as the horse trading, there usually is a
20 little give and take. So if someone comes to us and says,
21 hey, we don't want to carry this because we don't think we
22 need to; if that seems reasonable, then I guess if it was
23 reasonable, it wouldn't be a reg in the first place,
24 maybe; but usually that will come along with, well, we'll
25 do this. How about we do this instead of that. And if

1 that's not presented, we'll sometimes come back and say,
2 okay, you don't want to carry the immersion suit in a
3 skiff. We see that. Why don't you wear a life jacket,
4 you know. And that's where the horse trading part
5 sometimes comes in.

6 As far as if there ever -- denied or not granted, I
7 would say that the possibility certainly exists depending
8 on the ask for the answer just sometimes to be no. We
9 just can't get there. But I have not experienced that
10 because the -- you know, most of the asks that we have
11 gotten in the industry, 17 have been reasonable. And
12 again they met those two criteria that we have to meet in
13 28 part 60 is: Does good cause exist, so are you asking
14 for a good reason, and are the safety of those on board
15 adversely affected.

16 If the answer is no, then usually we'll grant those
17 exemptions again if we find them to be reasonable and
18 effective, or maybe in some way superior to the regulation
19 as it's written.

20 CHAIRMAN DZUGAN: Kris?

21 MR. BOEHMER: Yeah. Thank you. That answered my
22 question as well.

23 CHAIRMAN DZUGAN: So, Scott, about how many
24 exemptions letters have you -- are out there for Alaska?

25 MR. WILWERT: So, individual survivor craft

1 exemptions, I probably have in Southeast Alaska -- that's
2 a Southeast Alaska only exemption for survival craft
3 probably -- there's probably 200 of these. And SET NET
4 groups, we have SET NET groups on Kodiak. Most of the
5 western communities I would say there's at least ten class
6 exemptions for SET NET groups. They are all consistent.

7 So every SET NET exemption reads exactly the same
8 with regard to its requirements. The only thing that
9 changes in some variable is the season and the geographic,
10 you know, area that the exemption is valid for, but all
11 the requirements are consistent amongst all the
12 exemptions. And we do have some exemptions in Bristol Bay
13 for the different netters, again for that short two and a
14 half, three month season where we allow them to operate
15 without a survival craft with four people on board. And
16 again that goes back way into the nineties, the granting
17 of that exemption for the four person.

18 CHAIRMAN DZUGAN: So am I understanding right there's
19 over 210 exemptions?

20 MR. WILWERT: Yes.

21 CHAIRMAN DZUGAN: And some of these are group, and
22 some of these are individual boats. Are you including
23 that as well?

24 MR. WILWERT: Yes. The 200 part was more the
25 individual survival craft exemptions. And the groups are

1 probably eight to ten groups I can think of off the top of
2 my head that have been given a class exemption.

3 CHAIRMAN DZUGAN: Okay. Thank you.

4 MR. WILWERT: Yeah.

5 CHAIRMAN DZUGAN: Any other questions for Scott?

6 MR. KELLY: So that represents Alaska. Is that
7 consistent across the other districts, that volume of
8 exemptions?

9 MR. WILWERT: Are you asking me that?

10 MR. KELLY: No, I'm asking the captain.

11 CAPT. NEELAND: So, I'm not aware that that is
12 consistent across the other districts, but I don't have
13 the full information. We could ask the other district
14 coordinators who may be able to articulate.

15 MR. KELLY: Yeah, I think that would be helpful.

16 CHAIRMAN DZUGAN: Are we done with questions for
17 Scott? Okay. Thank you, Scott.

18 Yes, Eric.

19 MR. ROSVOLD: Eric Rosvold. It seems the way this is
20 written, it implies enforcement. And when we do a safety
21 inspection, like Scott, it's more of a static thing. You
22 come on board. You've got your safety equipment, or you
23 don't have it, it's up to date or it's not.

24 What concerns me about any of that language is say,
25 for instance, in Bristol Bay there's 1,500 boats. And

1 they may be the guys that really should be wearing life
2 jackets. So we have got the over horizon boat there off
3 the cutter, you know, doing enforcement and watching the
4 fishery.

5 Do we expect them to go start writing tickets for
6 guys that aren't wearing these life jackets? In Prince
7 William Sound or Valdez, they have the same fishery in the
8 summer with 200 boats in a really compact area. They've
9 got the over horizon boat there with the enforcement guys.

10 Again, are we expecting them to go write tickets to
11 enforce this stuff? It just does not make any sense to
12 me. It just doesn't.

13 CHAIRMAN DZUGAN: What if there is an implementation
14 period, so that --

15 MR. ROSVOLD: No, it's just not going to work. It's
16 not going to happen. I thought the proposal that we came
17 up with covered what could work, that we have to vote on
18 this one to get to that one, correct?

19 CHAIRMAN DZUGAN: Well, let's move on. Any other
20 discussion about this motion?

21 MR. DAUGHTRY: Mr. Chair, I'd like to call a
22 question.

23 CHAIRMAN DZUGAN: Okay. Let's look at the motion
24 again. Everyone understand the motion? All in favor,
25 signify by show of hands for aye. One, two, three, four.

1 All signify nays by show of hands. One, two, three,
2 four, five, six, seven, eight. So the motion fails, four
3 to eight -- or eight to four.

4 All right. This would be perhaps a good opportunity
5 to bring up your recommendations.

6 MR. DAUGHTRY: Thank you, Mr. Chair. I would like to
7 do that. Just checking to see if Omar was able to find
8 that on Angel's computer because it has been kind of
9 difficult with us, and this is very similar to what --
10 it's actually the same to what we were showing earlier,
11 which is let's see if we can get it up on the screen here.
12 I think that might be it. If you scroll down to the
13 recommendation.

14 That's three. So we need one. So even if -- so see
15 if two has it, because once again it's the same.

16 MR. LA TORRE REYES: Please bear with me. I'm not
17 sure. I'm sorry.

18 MR. DAUGHTRY: I'll resend it to Angel, and then I'll
19 wait for Angel.

20 MR. LONDRIE: Mr. Chairman, might we while we get
21 this straightened out could we take a -- we have been at
22 this for almost getting on two hours. Can we take a short
23 break.

24 CHAIRMAN DZUGAN: You are proposing a ten-minute
25 break. Just what I was thinking. I think we are all

1 there. Ten minutes, we'll come back at four minutes after
2 the hour.

3 - - -

4 (Recessed at 10:54 a.m.)

5 (Reconvened at 11:14 a.m.) - - -

6 CHAIRMAN DZUGAN: Okay. We are going to get started
7 now again. Everybody is here.

8 MR. WENDLAND: Mr. Chairman, I would just like to
9 report back in the room whenever it's convenient, or I can
10 report back on a request as far as the exemptions,
11 whenever it's good for you, sir.

12 CHAIRMAN DZUGAN: So we can continue?

13 CAPT. NEELAND: Yes, we can continue. And if the
14 committee would like the numbers, John has the numbers for
15 other districts on exemptions.

16 CHAIRMAN DZUGAN: Okay. We'll start with that.

17 MR. WENDLAND. Okay. Jonathan Wendland. The report
18 back from the different district coordinators, and as you
19 recall when Scott articulated that he had a D17 around 200
20 individual exemptions, and 8 to 10 class exemptions, so
21 that's what the question was to the district coordinators,
22 because there's two types of exemptions. When we say
23 class, it means a type. You know, maybe it's the size of
24 the vessel, maybe it's the gross tonnage, maybe it's a
25 certain kind of vessel.

1 We didn't break it down into all the different class
2 types like Scott did. It's just a class. So one
3 exemption would cover a certain number of vessels within
4 whatever the class that was. Does that make sense? Okay.
5 Great.

6 So as the numbers, District 1, they had 8 to 12
7 individual, no class. District 5 had one individual, one
8 class. District 7, one class. District 8, one
9 individual. District 13, 13 class. District 14, 2 class.
10 And as mentioned before, District 17 had 200 individuals,
11 8 to 10 class.

12 So if I did my math right on that, that's between 213
13 and 217 individual, and 28 to 30 class exemptions going
14 around the country. And note that does not include D9,
15 because the district coordinator was not here, but there
16 are some exceptions I believe up there with the tribal
17 communities.

18 Does that answer the question asked? CHAIRMAN
19 DZUGAN. I think it does.

20 Thank you.

21 MR. WENDLAND: Yes, sir.

22 CHAIRMAN DZUGAN: Looks like some parts of the
23 country could make better use out of their exemptions
24 perhaps. I remember I think one of the tips in that --
25 and it's already been mentioned is showing that it's going

1 to be the same, or at least increase the level of safety;
2 but I remember one was done -- was tried in District 8.
3 And they wanted to get excluded from life rafts. And by
4 getting excluded from life rafts, they would then take the
5 training that was required.

6 Those kind of things don't work as well because they
7 are all on the big 8 or 9 list. But, so they didn't get
8 approved for that one as at all. It's kind of a
9 nonstarter. Okay. Back to the discussion.

10 Any more discussion on the recommendation that's on
11 the board?

12 MR. ALWARD: Matt Alward. So, just for the record,
13 Subcommittee 1 said we would report our recommendations
14 from Task 1, which we also think are the same as Task 2.
15 And we realized that this has already passed and is a
16 motion to pass with must in it, but our recommendation was
17 that each vessel should have a written policy providing
18 recommendations for the prevention of falls over board and
19 recommendations for wear of PFDs.

20 So that was our recommendation for Task 1,
21 understanding we have already voted on it, and it's
22 already passed with must.

23 MR. DAUGHTRY: And this is the language as it passed
24 specifically yesterday with the word must in it. Just so
25 that everybody at the table understands, I think the

1 discussion that we were having on our break was that this,
2 even though it is in Task 2, will cover the entirety of
3 Task 1, because it's already passed. It's not just going
4 to be for cold water. It's going to be everywhere all the
5 time.

6 So we voted on it, it's there, but we wanted to make
7 sure that our reflection of what we recommended in
8 Committee 1 was there.

9 MR. ALWARD: Thank you, Mr. Chair.

10 CHAIRMAN DZUGAN: Yeah. I'm just making sure we have
11 got the motion on the screen that we are voting on.

12 RESPONSES: We are not --

13 MR. ALWARD: I did not make a motion.

14 CHAIRMAN DZUGAN: You did not make a motion yet, but
15 I want to make sure the one we are going to make the
16 motion on is on the screen.

17 MS. HEWLETT: We are not making a motion?

18 CHAIRMAN DZUGAN: I'll repeat that. I just wanted to
19 see which one was on the screen, which motion.

20 MR. LA TORRE REYES: So, this is Omar. So I have
21 that so he can compare the two right now.

22 CHAIRMAN DZUGAN: Yeah. Just trying to note the
23 difference.

24 MR. ALWARD: Matt Alward. To be clear, in yellow
25 passed yesterday. That is passed motion. Below was our

1 -- is our recommendation for Task 1, even though that's
2 already been dealt with. We are not offering a motion.

3 CHAIRMAN DZUGAN: So that will just go down as a
4 recommendation from your subcommittee.

5 MR. ALWARD: Yes.

6 CHAIRMAN DZUGAN: Okay. Understand. Done. Any
7 other recommendations?

8 MR. DAMERON: There are. And subcommittee 2
9 recommended that if our last motion did not pass, that we
10 -- please give me just a second. That we insert the word
11 cold water in a new motion, so it would read: I move that
12 the committee recommends the adoption of a regulation to
13 include language that requires every person working on
14 exposed decks with less than 39 and a half-inch bulwarks
15 on rails aboard underway commercial fishing vessels in
16 cold water, or must work over the side, to wear a personal
17 flotation device as described by 46 CFR Section 28.110.
18 Period. When worn at night, the PFD must be equipped with
19 a light that meets the requirements of 46 CFR 25.25-13.

20 MR. BOEHMER: I think that we want to have the cold
21 water in a different spot. I think we want to have it
22 after exposed deck. I mean, no, excuse me, after working
23 over the side, not before, correct?

24 MR. DAMERON: Working on the -- Tom Dameron. So it
25 would in part read: Requires every person working on

1 exposed decks in cold water with less than 39 and a half
2 inch bulwarks or rails.

3 MR. BOEHMER: Okay. Yeah. That works.

4 MR. LA TORRE REYES: Can you repeat that one more
5 time.

6 MR. DAMERON: I move that the committee recommends
7 the -- I'm sorry, Tom Dameron. I move that committee
8 recommends the adoption of a regulation to include
9 language that requires every person working on exposed
10 decks in cold water -- should I say in areas of cold
11 water? In areas of cold water, with less than 39 and a
12 half inch bulwarks or rails aboard underway commercial
13 fishing vessel, or must work over the side, to wear a
14 personal flotation device as described by 46 CFR Section
15 28.110. Period. When worn at night, the PFD must be
16 equipped with a light that meets the requirements of 46
17 CFR25.25-13. Period.

18 CHAIRMAN DZUGAN: Second? Kris. Discussion?
19 Hearing no discussion, call for the question.

20 MR. DAMERON: Call for the question.

21 CHAIRMAN DZUGAN: Okay. All in favor of this motion,
22 signify by raising your hand. All nay, raise your hand.
23 Okay. It's eight to four. The motion fails.

24 Any other recommendations?

25 MR. DAMERON: I do have one more. Mr. Chair, Tom

1 Dameron. May take me just a second to find this. This is
2 related to Task 3 and a inability for a crew member to get
3 a person back out of the water, and they discovered that
4 man overboard drills had not been done. Just as a bit of
5 background, I move that the committee recommends the
6 adoption of a regulation requiring the owner-operator of a
7 commercial fishing vessel subject to 46 CFR Part 28,
8 subpart C, to maintain comprehensive documentation of
9 conducted drills, provided instruction, and emergency
10 equipment inspections performed. Period.

11 CHAIRMAN DZUGAN: Is there a second? Kris.

12 MR. DAUGHTRY: What number?

13 CHAIRMAN DZUGAN: What task number? That was Task
14 Number 3.

15 MR. DAUGHTRY: On what we are seeing, what number so
16 he can find so it we can read it. Did you have a number
17 next to it?

18 MR. DAMERON: Do you have Angel's?

19 CAPT. NEELAND: As far as on page 2. I don't see it
20 on page 1 either.

21 CHAIRMAN DZUGAN: I think it's Task 3.

22 MR. DAMERON: This came this morning. Did I say this
23 came from the subcommittee?

24 MS. HEWLETT: No.

25 CHAIRMAN DZUGAN: This is -- yeah. This is an

1 individual.

2 MR. DAUGHTRY: Se he doesn't have it. So it's not a
3 committee report.

4 MS. HEWLETT: Thank you. I thought I was losing it.

5 CHAIRMAN DZUGAN: Yeah. We are going to second.
6 Okay. Matt. Go ahead.

7 MR. ALWARD: A question for Coast Guard. In the
8 current rule making that is going on, is there not going
9 to be requirement to maintain records of your -- records
10 of your logs, your drill logs?

11 MR. WENDLAND: I'm sorry. Could you repeat the
12 question.

13 MR. ALWARD: So in the current rule making process
14 that you guys are undertaking right now, I believe there
15 -- one of those rules that will be proposed for a new reg
16 will be the requirement to maintain written records of our
17 drill logs on board; is that correct?

18 CAPT. NEELAND: So, once a rule-making process has
19 begun, we really can't talk what's specifically in the
20 rule-making process or not, until it's actually publishd
21 in the Federal Register.

22 MR. ROSVOLD: But it's right here.

23 CAPT. NEELAND: Oh, thank you.

24 MR. ROSVOLD: The record is right there.

25 MR. WENDLAND: I think at this point in time, if we

1 just table that question and we'll get back to that.

2 MR. ALWARD: I'm only asking because I believe that
3 this is like already going to be covered in regs, and I
4 don't know why we would have to --

5 CAPT. NEELAND: Again, if there's a current rule
6 that's open, we can't talk the specifics until it's been
7 published in the Federal Register based off to rule-making
8 process.

9 MR. WENDLAND: By definition, it's ex parte
10 communications. So that's what we are trying not to get
11 involved with, but I'll double check on that.

12 CHAIRMAN DZUGAN: Frank?

13 MR. VARGAS: Frank Vargas. There is a retention
14 policy that we have. And we are following the regs
15 through our attorneys that we have. And I know there is
16 for drills to maintain them. I don't know the period. I
17 could probably log in and find out. We have to maintain
18 them with the board.

19 CHAIRMAN DZUGAN: The committee has in the past made
20 motions on things that were currently in the process of
21 being written, the regulations, to further support that
22 particular issue, or to not support it sometimes. It's --
23 that's what we are here for is to make recommendations for
24 things. And we don't know where they are in the process
25 all the time anyways, so...

1 CAPT. NEELAND: I'm going to grab Mr. Myers because
2 he may be able to provide a little bit more additional
3 clarity.

4 MR. DAMERON: Mr. Chairman, I would like to point out
5 that there is currently no regulation requiring this
6 documentation.

7 MR. KELLY: Jim Kelly. We do it in Florida. I mean,
8 I'm required to do it. I have a log. Jim Kelly. I have
9 a log that does exactly what you are just talking about,
10 doing drills once a month, and we keep track of them.

11 CHAIRMAN DZUGAN: Barb.

12 MS. HEWLETT: Barb Hewlett. Yeah. The part of the
13 rules are that you keep a log that you did the drill. I
14 think what he's saying is we did the drill, and this is
15 how we did it. This is what we used. And have more
16 detail about documenting a lot more about the drill, not
17 just I did the drill. All right. I think that may be
18 what you are trying to get at?

19 CHAIRMAN DZUGAN: And the fact that the Coast Guard
20 has -- well, two things: One, the Coast Guard has a
21 problem enforcing it because there's no requirement to log
22 the drill, number one; and, number two, fishermen are
23 missing an opportunity to protect themselves if they don't
24 know about this. And by having those documents that they
25 done the drill, it protects themselves in a civil case as

1 well as a fine. Ben?

2 MR. DAUGHTRY: Thank you, Mr. Chair. Ben Daughtry.
3 So expanding on what Barbara says, and maybe looking for
4 clarification from Tom, who is proposing the motion, is
5 the real difference here that we are talking about the
6 word comprehensive? Because that word kind of makes me
7 uncomfortable and that what does that mean exactly.

8 I would ask for perhaps a friendly removal of that
9 word, if possible, because that could mean any number of
10 things, but that might be the whole justification of it
11 based on what Barbara Hewlett said.

12 CHAIRMAN DZUGAN: That was going to be my suggestion
13 too, just to drop that word. I'm sorry, Barb.

14 MS. HEWLETT: Yeah. No, I'm thinking that the drills
15 -- and correct me if I'm wrong -- are required on vessels
16 documented beyond the boundary line. So your fleet
17 wouldn't even need to do drills.

18 CHAIRMAN DZUGAN: But we are talking about the -- the
19 word documentation means we are documenting the drill
20 being done.

21 MS. HEWLETT: Correct. For vessels that are required
22 to do drills.

23 CHAIRMAN DZUGAN: Yeah. Right.

24 MS. HEWLETT: So you wouldn't even be required to do
25 drills. So this wouldn't affect your fleet, but we are

1 talking about fleet in general, documented vessels beyond
2 the boundary line.

3 CHAIRMAN DZUGAN: As it now stands.

4 MS. HEWLETT: As it now stands. Yeah.

5 MR. DAUGHTRY: I'm not just thinking about me.

6 MS. HEWLETT: No, I know that, but you have got to --
7 (inaudible)

8 CAPT. NEELAND: So Mr. Myers can provide some
9 clarification to that question.

10 MR. MYERS: Joseph Myers here. I was informed that
11 there may be a question on whether the upcoming reg
12 project includes logging of records, for example, and
13 maintenance.

14 CAPT. NEELAND: And drills.

15 MR. MYERS: And drills. Yes. And that was part of
16 my presentation the other day, and what I'd encourage --
17 well, first and foremost, the answer is question. And
18 then the second part of that is if everyone takes a look
19 at -- which I think we have a hard copy of here today, of
20 the MPRM that was posted in 2017, that lines the mandatory
21 elements of the regulatory project that is on the unified
22 agenda for November of 2023. It outlines the elements of
23 recordkeeping, and then it also includes that discussion
24 of the proposed requirements on drills. And so we
25 actually have a hard copy of that here today, if you would

1 like to look at that.

2 MR. ROSVOLD: Eric Rosvold. I think it also speaks
3 to the maintenance and recording of the maintenance of
4 that equipment, I mean, as that language, so...

5 MR. MYERS: Yes, sir.

6 MR. ROSVOLD: It covers working under survival gear,
7 logging the date on the EPIRB, logging your dates on your
8 raft and what you are doing on them.

9 CHAIRMAN DZUGAN: Right. Tom? You had your hand up.
10 Well, first of all, any other questions for Joe?

11 MR. MYERS: Joseph Myers here. What I can do for the
12 committee is would you like me just to give this to you,
13 Chair, and then maybe at lunch time, if you all want to
14 distribute it and read it, this is yours to keep by the
15 way, so...

16 CHAIRMAN DZUGAN: Thank you. We'll leave it right
17 here in the front for now, if anybody wants to see it.
18 Okay. Tom, go ahead.

19 MR. DAMERON: So the way this is written, it's anyone
20 subject to the 46 CFR Part 28 subpart C, which all
21 commercial fishing vessels. Oh, uninspected. If the way
22 this is written, it wouldn't matter where you were if you
23 were subject to do drills or not do drills. You would
24 still be subject to keep a log of the said drills.

25 CHAIRMAN DZUGAN: Well, I don't read it that way,

1 because by saying it's subject to that, CFR Part 28, Part
2 28 already describes who should be doing drills. It's
3 documented vessels beyond the boundary line, so it's
4 inherent. We are not changing that. We are saying if you
5 are subject to this under Part 28, then you need to
6 basically log the drills is what it's saying.

7 In fact, you would have to change Part 28 to have it
8 read any differently. Tom?

9 MR. DAMERON: For the group's understanding,
10 comprehensive is defined as complete, including all or
11 nearly all elements or aspects of something.

12 MR. DAUGHTRY: So, with the information that Mr.
13 Myers just spoke about, does this motion do something
14 different than what is already being considered or not?
15 I'm confused at this point now. I thought he said that it
16 does have those requirements.

17 CHAIRMAN DZUGAN: We haven't dealt with a friendly
18 amendment yet. Is the person who made the motion just
19 declined the friendly amendment, I take it that you are
20 not accepting the friendly amendment of dropping that.
21 You defended it. So do you wish to drop it or not?

22 MR. DAMERON: Well, I don't believe I defended it.
23 We -- someone asked what does comprehensive mean, and I
24 looked it up in the dictionary and --

25 CHAIRMAN DZUGAN: Okay. I'll take it neutral.

1 MR. DAUGHTRY: So I asked for friendly amendment, for
2 it to be dropped and -- but I guess before we get to that,
3 does it -- do we need to move forward with this motion
4 based on what was already said, that this was going to be
5 covered in current rule making? That's my question.

6 CHAIRMAN DZUGAN: That's a question for the
7 committee. Kris?

8 MR. BOEHMER: I think, at least in my industry, the
9 intent for something like this would be that we want to at
10 least find out what drill was conducted and who did it and
11 when it was conducted. I mean, we'll be able to capture
12 some of that stuff because right now there's no real --
13 some guys are saying, yeah, we did a drill. They don't
14 even identify that they did a man overboard drill or they
15 did this or that or what crewman run it.

16 So -- and I think to the chairman's point before,
17 that even if they said rule making wouldn't hurt if we
18 support this to make this amendment or this motion to
19 support the fact that we want to have drills logged.

20 MR. KELLY: Jim Kelly. Why don't we wait and see
21 what actually was written before we amend or add to it, so
22 if it's missing what you've just outlined, then maybe this
23 would be appropriate, but if we -- if it's already
24 documented as such, I think the answer is just redundant.

25 CHAIRMAN DZUGAN: Yeah, we can just leave it as a

1 recommendation by the subcommittee. It's a little bit
2 stronger statement if we all -- if it was voted in.

3 MR. ALWARD: So this is --

4 (Overlapping speaking)

5 MR. ALWARD: -- an individual.

6 MR. DAUGHTRY: Yeah. This is not a subcommittee
7 recommendation.

8 MR. ALWARD: It's a motion on the table.

9 CHAIRMAN DZUGAN: Yeah. So we have to deal with that
10 motion. Too late to just leave it as is. Tom?

11 MR. DAMERON: So I actually would like to amend this
12 to include after the word inspections, maintenance and
13 service. So it would read: Maintain comprehensive
14 documentation of conducted drills, provided instructions,
15 and emergency -- and I put that in there for you Matt --
16 equipment inspections, maintenance and service performed.

17 MR. BOEHMER: Are you removing that?

18 MR. DAMERON: No.

19 CHAIRMAN DZUGAN: Are you good with that language
20 change, Kris?

21 MR. BOEHMER: I'm sorry?

22 CHAIRMAN DZUGAN: Are you good with this language
23 change?

24 MR. BOEHMER: I'm fine with it.

25 CHAIRMAN DZUGAN: Yeah. I think it improves it.

1 Yeah, Mike?

2 MR. THEILER: So, if I've got this right, Tom, you
3 would like the Coast Guard to get involved in our oil
4 changes and belts and --

5 MR. DAMERON: No. Emergency equipment.

6 MR. THEILER: Oh, so it's just emergency equipment.
7 All right. I wasn't clear. I thought it was maintenance
8 and service.

9 MR. DAUGHTRY: Mr. Chair. Ben Daughtry. I don't
10 know how we do this, but until I can read what is
11 currently being done, if this is already being done, and I
12 can fully read it, I'm not comfortable necessarily passing
13 this or voting on this because this may already be 100
14 percent in there, it may not be. We may need to change it
15 based off of what the wording is that I'll look at now.

16 CHAIRMAN DZUGAN: Well, we still have a motion on the
17 floor, so we have to deal with that. Any other comments?
18 Tom.

19 MR. DAMERON: So something similar to this was in one
20 of the aught acts. I don't know if it was 2010 or 2012.
21 One of the things that they did not do in the aught act
22 was define what equipment had to be documented the
23 inspections for. So one of the things this does is does
24 narrow it down to the emergency equipment.

25 MR. DAUGHTRY: Question for clarification. In this

1 manual, where I'm reading it currently now, this states:
2 46 USC 502 -- I think that's an F. My eyes are going bad.
3 But basically was amended to -- was amended to requires --
4 which is not right, but an individual in charge of a
5 commercial fishing vessel's operating beyond the three
6 nautical mile -- beyond three nautical miles to maintain a
7 safety logbook written -- a written record of all
8 equipment, maintenance, emergency drills and other
9 required instructions conducted on board the vessel. So
10 it does call out specifically vessels working beyond three
11 nautical miles.

12 Does this 46 CFR, Part 28, subpart C, distinguish
13 which vessels that is? Is this every single vessel then?
14 100 percent of commercial vessels? That's -- looking for
15 clarification on that.

16 CHAIRMAN DZUGAN: That does tie any changes in part
17 28 for the future. So if they changed the boundary line
18 from the -- well, if they changed the line from the
19 boundary line as in the 2010 Act to the three-mile line
20 for this particular requirement, then your language -- I
21 think it's good that way, is it will change with the
22 regulation. That's the -- that's already referenced.
23 That's the way I see it.

24 MR. DAUGHTRY: So, Ben Daughtry, again for
25 clarification. So is this specific to three nautical

1 miles or is this for every commercial vessel operating
2 everywhere? That was my question for clarification that I
3 don't understand still.

4 CHAIRMAN DZUGAN: Currently, correct me if I'm wrong,
5 as of today, it applies to vessels beyond the boundary
6 line. But if in the regulations it changes the boundary
7 line to three miles for this particular logging of drills,
8 then it would automatically refer to three miles because
9 it's tied to Part 28.

10 So it's kind of a -- yeah. It will live with any
11 change that's made to it. And we don't really know what's
12 going to happen with those changes in lines. I think you
13 were first, and then -- or maybe Tom was first.

14 MR. ALWARD: Matt Alward. I don't agree with you,
15 Jerry. The way this is written, it is all -- all boats
16 will maintain a log, subject to 28 subpart C. The way
17 this motion is written, this motion, regardless of who has
18 to do drills or not, you'd still be having to maintain a
19 log for emergency equipment. And if the rule making is
20 for vessels beyond three miles, this motion is different
21 than that.

22 This motion clearly says -- it doesn't anything about
23 vessels that are subject to conduct drills in the first
24 place.

25 CHAIRMAN DZUGAN: It does if Part 28. It's inherent

1 in Part 28. Yeah. It's inherent right in the Part 28.

2 MR. ALWARD: All right.

3 CHAIRMAN DZUGAN: This is the discussion we had
4 before, and --

5 MR. DAUGHTRY: Mr. Chair, I'm asking if Omar can pull
6 up that 28 subpart C so we can read it.

7 CHAIRMAN DZUGAN: About drills.

8 MR. DAUGHTRY: Yes.

9 MR. ALWARD: This is not just referencing drills.
10 This is also referencing a log for emergency equipment,
11 inspection maintenance and services.

12 CHAIRMAN DZUGAN: That's what I'm interested in
13 looking at too.

14 CAPT. NEELAND: Mr. Chairman, if I may provide a
15 limit clarification potentially. So what you were reading
16 on this document here is you are reading the 46 U.S. Code
17 which is the statute, essentially the law that was passed.

18 The notice of proposed rule making, that went out in
19 -- the date was June, I believe, June 2016 or -- I forget
20 the exact date. And that is the rule, or another proposed
21 rule making where we would develop the regulations to
22 implementation this statute. So that's till under
23 development. And that's what's open per that MPR app.

24 So, going back to your question, the task at hand
25 that you have, you can make whatever recommendation you

1 would like to do. And you can use three miles. You can
2 use whatever you want. But that's your recommendation to
3 the Coast Guard for that task. And that just asks it be
4 attached to either Task 1, 2 or 3 so it's clear to the
5 Coast Guard; but you can make whatever recommendation you
6 feel appropriate, whether it's a distance or a boundary
7 line.

8 For those of you who aren't familiar, the boundary
9 line is set very different throughout the United States.
10 It's all defined in 33 CFR where the boundary line in the
11 United States. There are certain areas where the boundary
12 line is the coastline, like much of Alaska. There's other
13 areas where there's large bays. So you can actually be
14 beyond three miles, or be more than three miles from
15 sheer, but within the boundary line depending on the
16 geographic specific where you are in relation to the
17 boundary line.

18 Hopefully that was clear. Unfortunately I don't have
19 pictures and diagrams to show you how each of those
20 scenarios.

21 CHAIRMAN DZUGAN: Tom?

22 MR. DAMERON: Just for clarification, subpart C in
23 the Code of Federal Regulations is requirements for
24 documented vessels that operate beyond the boundary line
25 or with more than 16 individuals on board, or for fish

1 tender vessels engaged in Aleutian trade.

2 MR. ALWARD: Thank you for that clarification.

3 CHAIRMAN DZUGAN: Any more discussion on this motion?

4 Go ahead, David.

5 MR. TURNER: David Turner here. Frank was looking at
6 the regulations his own vessels are subject to in its
7 OSHA. And one of the aspects is they have a five-year
8 retention requirement for records. There's no limit on
9 retention here.

10 CHAIRMAN DZUGAN: Tom?

11 MR. DAMERON: I believe that the Coast Guard is
12 considering the length of record retention in their rule
13 making.

14 CAPT. NEELAND: I don't believe as far as a
15 rule-making process, any comments received ever disappear.
16 There is a federal -- there are laws that require certain
17 documents will -- we are only required to maintain them
18 for a certain period of time. However, these public
19 rule-making processes, there is -- to my knowledge there
20 is not a statute or -- where they could disappear at a
21 certain period of time.

22 CHAIRMAN DZUGAN: Go ahead.

23 MR. DAMERON: If I remember correctly, reading the
24 notice of proposed rule making, part of that was the
25 length of retention of these records that we are referring

1 to.

2 CAPT. NEELAND: Yes. Sorry. Thank you. For your
3 vessel, on board your vessel. Yes. There is a certain
4 length of time where you need not indefinitely -- I
5 misunderstood your comment to mean the comments that are
6 published in the Federal Register are part of that public
7 record. So that's separate.

8 Those do not disappear. However, each owner-operator
9 would only be required to maintain for a certain length of
10 time their records.

11 MR. WENDLAND: Mr. Chairman, just as an example that
12 the distant water tuna fleet was sold off, so we would
13 communicate, you know, part of it, right. So the COMs
14 came back to headquarters and asked what records do we
15 have to keep for how long. And it really depends on the
16 agency that's, you know, it might be radio equipment or
17 whatever that the Coast Guard doesn't have that authority
18 over.

19 So it could depend on, you know, might be the FCC for
20 the requirement. Such as the Coast Guard requirement, I
21 believe the deck log was for one year That they had to
22 keep it. But, you know, we could break that down,
23 whatever you are interested, and we could follow up with
24 that.

25 CHAIRMAN DZUGAN: You know, the state law comes into

1 effect here too, actually, because on a liability case,
2 which as I'm saying these logs are good for protecting the
3 company, the owner, it's two to three years is the statute
4 of limitations. So it would just make sense, if you deal
5 with a lawyer who's having to defend you, to keep them for
6 at least a statute of limitations for your state in terms
7 of civil cases.

8 MR. BOEHMER: More likely be -- I think it would be
9 more likely a maritime federal statute of limitation on
10 the state one, actually. And I think that's three years.

11 CHAIRMAN DZUGAN: Well, it could happen either way.
12 Yeah. Any other comments? Discussion on this issue?

13 MR. DAMERON: Call for the question.

14 CHAIRMAN DZUGAN: All in favor of the motion as
15 stated, signify by raising your hand. One, two -- nays
16 raise your hand, one, two -- six, seven, eight. Ten to
17 one, motion fails. Ten to two, motion fails. I'll repeat
18 that. Ten to two, motion fails.

19 MR. DAUGHTRY: Mr. Chair.

20 CHAIRMAN DZUGAN: Yes, sir.

21 MR. DAUGHTRY: Ben Daughtry. As we are approaching
22 the lunchtime hour, I'm wondering if we are not close to a
23 good breaking point?

24 CHAIRMAN DZUGAN: Since we were supposed to have a
25 break in here also for any public comments, I will just

1 say for the record, if there's anybody out there in the
2 audience, which is diminished greatly, if you want to make
3 any comments so we can check this off. Any comments
4 anybody wants to make in the audience?

5 MR. WILWERT: Do you need someone to say something?

6 (Laughter)

7 CHAIRMAN DZUGAN: Okay. Hearing none, any
8 disagreement with breaking now for lunch? Seems like it's
9 been a long morning. Wordsmithing takes a lot of energy
10 out of you. Thanks. In that case then, are you good with
11 this gentlemen, Coast Guard?

12 CAPT. NEELAND: Yes. We are good with a break.
13 Let's stick with the schedule and return at 1300, or one
14 o'clock, 1:00 p.m.

15 CHAIRMAN DZUGAN: So we'll recess until one o'clock.

16 - - -

17 (Recessed at 11:56 a.m.)

18 (Reconvened at 1:15 p.m.) - - -

19 MR. WENDLAND: Since we have a little bit of a pause
20 here, I'm going to try to utilize this time. And for the
21 members, we are going to have Angel Calderon speak to you
22 about what you need to do to get reimbursed for the hotel
23 or your travel, you know, the whole thing.

24 (Discussion off the record at 1:16 p.m.)

25 (Meeting reconvened at 1:22 p.m.)

1 MR. WENDLAND: So, welcome back. For the court
2 reporter here, welcome back. The last day here, Thursday,
3 the afternoon session. I think we are going to try to
4 wrap things up.

5 So at this point in time, I'll pass it over back to
6 the chairman. Jerry, would you like to move forward?

7 CHAIRMAN DZUGAN: Yes. Thank you. So our task now
8 is to close out the tasks. And the way we are going to do
9 that is we are going to take a recess for a bit for some
10 of us, except for the chairs of the subcommittees and
11 their scribes. And we are going to go in another room,
12 and we are going to make sure that we've got the
13 recommendations that we've passed as per task written out
14 so they can be displayed. And they can be shown to the
15 whole group.

16 When we are done putting it on the computer, we are
17 going to make sure we've got our computer exactly what we
18 have said the task -- the recommendation was. Then we are
19 going to show them to everybody to make sure we are on the
20 same page. And you want to say something?

21 CAPT. NEELAND: Yeah. If I make a recommendation,
22 before you move to close out the task and take a recess,
23 my recommendation, Mr. Chairman, is make sure that there
24 is no more discussion on any of the tasks prior to doing
25 so.

1 CHAIRMAN DZUGAN: Yes. Okay. And then we'll
2 reconvene here. We'll go through the recommendations. I
3 jumped ahead a step. So we will, if we have no more
4 questions, we will retire to those other rooms. Are there
5 any questions before we begin, or comments, or any more
6 recommendations? Tom.

7 MR. DAMERON. Yes, Subcommittee 2 did have an
8 additional recommendation. I move that the committee
9 recommends the adoption of a regulation to include
10 language requiring seaward of the territorial sea baseline
11 carriage of PFDs in addition to any required immersion or
12 survival suits.

13 CHAIRMAN DZUGAN: Is there a second to that? Okay.
14 We have a second. Any discussions, once you have read
15 that? Go ahead, Tom.

16 MR. DAMERON: So I'll give a little bit of background
17 on this. So there are immersion and survival suits that
18 replace the carriage of a PFD. So there's vessels that
19 have immersion suits on them that are not required to
20 carry a personal flotation device besides that PFD. And
21 the thinking is that in situations like Coast Guard
22 rescues or the like, that persons on board vessels need to
23 have a PFD other than the immersion suit.

24 CHAIRMAN DZUGAN: Any comments? Clarifications
25 wanted? Yeah, Ben.

1 MR. DAUGHTRY: Thank you, Mr. Chairman. Ben
2 Daughtry. Just trying to get a feel for -- that doesn't
3 affect us in warm water. So I would like to get a better
4 understanding of how that affects folks and in what kind
5 of numbers of people it affects and boats and that kind of
6 stuff.

7 CHAIRMAN DZUGAN: Does the motion just restrict
8 itself to cold waters or is it -- who's it intended to
9 cover, I think is the question.

10 MR. DAUGHTRY: Well, we don't have immersion suits.
11 And we carry personal flotation devices only in the warm
12 water areas. So, so I'm trying to get a feel for
13 obviously this will include guys in Alaska and the
14 northeast. Is it once again the -- I don't know if the --
15 what the scalloppers have to carry, but you were talking
16 about earlier, Mike, the guys doing little stuff near
17 shore or -- this is seaward of the territorial sea
18 baseline which I am not even familiar with what that is.

19 UNIDENTIFIED SPEAKER: Just shoreline, right? That's
20 what I thought.

21 CHAIRMAN DZUGAN: So that's the -- correct me Coast
22 Guard, if I'm wrong, the seaward -- oh, seaward of the
23 territorial line. Can you help define that further so we
24 are all clear?

25 CAPT. NEELAND: Yes. So I would have to pull up the

1 regulatory site, but in 33 CFR of the baseline is defined,
2 that's what I mentioned earlier in my comment. It varies
3 in different geographic locations.

4 Some places, like a lot of western Alaska, it is
5 basically the shoreline. In other areas it covers
6 straight lines across entrances to bays. Some areas it
7 actually connects islands, so -- John, did you want to add
8 something in addition to that?

9 MR. WENDLAND: Yes, sir. I think the question was on
10 territorial sea baseline and not the boundary line.

11 CAPT. NEELAND: Oh, thank you. Sorry. Baseline.

12 CHAIRMAN DZUGAN: You just described the boundary
13 line.

14 CAPT. NEELAND: Yeah. Sorry. Thank you.

15 MR. WENDLAND: So it is defined and -- without
16 calling up the exact definition, it's the mean lowest low
17 water line, how that's measured around the coastline of
18 the United States.

19 CHAIRMAN DZUGAN: And in some areas it's three miles
20 from mean low water. Some areas it's further.

21 MR. WENDLAND: No. No. No. From the territorial
22 sea baseline.

23 CAPT. NEELAND: Yes. Thank you, John, for that.

24 MR. WENDLAND: Sure.

25 MR. BOEHMER: Chris Boehmer. The thought also was

1 that like consider a scallop boat that's gets disabled,
2 and they roll around out there, have got to rig up a tow
3 and stuff. If it's not really practical to do it in
4 survival suit or immersion suit. Something like being
5 able to have life jackets readily available to have
6 everybody to put on seemed like a good idea, especially
7 with some of the other recommendations we made about
8 getting somebody aboard that may be overboard. So I was
9 kind of working this all together. I think that's the
10 idea of this motion.

11 CHAIRMAN DZUGAN: David.

12 MR. TURNER: David Turner. This is I think
13 reflective 46 CFR, Part 28, Table 110. If we could get
14 that up for everybody to see.

15 MR. ALWARD: I don't have an answer to your question
16 then but, I mean, the fleets, Oregon, Washington and
17 Alaska, there are tens of thousands of boats, multiple
18 crew members each. So you are talking many tens of
19 thousands of life jackets, PFDs on the West Coast. No
20 idea on the East Coast.

21 CHAIRMAN DZUGAN: Eric?

22 MR. ROSVOLD: Eric Rosvold. Does it -- it seems like
23 we've covered that sort of in the thing we talked about
24 before lunch, where we have a policy for using the jacket,
25 has to include a jacket; but are we talking just flotation

1 devices or are these Coast Guard approved life jackets?

2 And, you know, is the Coast Guard going to be -- the
3 same question we've asked before.

4 MR. DAMERON: So the motion reads PFDs. In addition
5 to any required immersion or survival suit and I -- sorry
6 about that. And the subcommittee had discussion around
7 Coast Guard approved or -- and we decided to leave that
8 out and just leave it PFD. So it's not Coast Guard -- not
9 Coast Guard approved. It's just PFDs in the addition to
10 an immersion suit.

11 MR. WENDLAND: I'm not looking to add confusion,
12 Jonathan Wendland, into this, but PFD, how that's defined,
13 there's essentially three different types of PFD:
14 Recreational, commercial and throwable that's found in
15 USCGE and G4 definitions. So how you are defining a PFD
16 may be important.

17 CHAIRMAN DZUGAN: And i have a friendly change here.
18 Barb.

19 MS. HEWLETT. Barb Hewlett. Yeah. Trying to put
20 this in perspective. We came up with that with the
21 thought that if the other motion had passed where you were
22 required to wear a PFD on a vessel when you were on the
23 deck, obviously the boats would now have to carry PFDs or
24 other flotation devices for the work deck.

25 So even though I'm on this committee, my question is

1 since those did not pass, is this now only because of the
2 possibility of a rescue or that the captain should just
3 maybe have them on board as part of his protocol in case
4 during rough weather someone has to run out and do
5 something, instead of making it a law, have it more in
6 your practices or something you discuss with your captains
7 and crews.

8 CHAIRMAN DZUGAN: Tom, you want to say something?

9 MR. DAMERON: Yes. I would like to make an amendment
10 to the motion so that this reads: Carriage of wearable
11 PFDs in addition to any required immersion or survival
12 suit. So with the inclusion of wearable.

13 CHAIRMAN DZUGAN: I was wondering if you would accept
14 a friendly change to just call it flotation devices
15 instead of PFDs. PFDs kind of have an official acronym,
16 you might say, for what you call something that's Coast
17 Guard approved. And I think what we wanted, or what I
18 heard in that committee was flotation device.

19 Frank was first and then Kris.

20 MR. VARGAS: Yeah. I agree when we said flotation
21 device, because we intended this so when the boats were --
22 the crew was working on deck or during skiff transfers,
23 you know, to -- for parts or whatever out at sea. So that
24 was, yeah, so flotation would be the word.

25 CHAIRMAN DZUGAN: Okay. Thank you. Kris?

1 MR. BOEHMER: Well, just because kind of confused
2 about what Jonathan said earlier. Would that mean a life
3 ring is a flotation device, sir?

4 MS. HEWLETT: Wearable flotation.

5 MR. BOEHMER: Oh, okay. Wearable flotation device.
6 Thank you. Sorry.

7 CHAIRMAN DZUGAN: Tom?

8 MR. DAMERON: Going back to the question of how many
9 boats this would impact, I know that all the boats that I
10 work with and service, which isn't a lot but, you know,
11 30, 40, they all are required to only have the immersion
12 suit, and they all do have some type of wearable flotation
13 device for each crew member.

14 CHAIRMAN DZUGAN: I was looking through a catalog
15 over somebody's shoulder yesterday and I saw flotation
16 devices, this was a Coast Guard approved one, were
17 available for \$18 a piece. And you can pay up to \$300.
18 So there's a wide range of, of course, styles and costs.

19 Any other comments? Questions?

20 MR. DAUGHTRY: Mr. Chair, Ben Daughtry. I would like
21 to ask Eric and Matt maybe to let us know if either of the
22 vessels that they are on or the fleets that they work
23 with, if it's common for them to carry other flotation
24 devices? Wearable?

25 MR. ROSVOLD: Eric Rosvold. I don't think so, not --

1 Matt will tell you he's got them on board. I've got them
2 on board. But as rule, I don't think they are carrying
3 both. Some of the boats are small enough that stowage
4 would be an issue. Small enough, meaning a 42 footer, you
5 are going to have to have room to put life jackets.

6 MR. ALWARD: I carry life jackets, but they barely --
7 with survival suits and life jackets takes a huge chunk of
8 not much storage space that I have, 32 -foot gill net,
9 Bristol Bay boat with five people on board with survival
10 suits, you don't have room probably to even store some of
11 them, but I don't know how common it is. I would say some
12 guys have life jackets on board and some don't.

13 CHAIRMAN DZUGAN: You know, part of that variety in
14 life jackets also is sizing. I mean, those little belt
15 packs that we've talked about before take about this much
16 space. Five of those, you know, is not very much room.
17 It's really you have got a lot of options, I think.

18 We'll take a comment from the back there. Want to
19 come up and state your name?

20 MR. SHERLOCK: Yeah. John Sherlock. Eighth
21 District. I just wanted -- just for my own self, just is
22 the intent of this to exclude internal waters, because
23 it's -- I seem to remember that early on you guys were
24 wanting to include the inland waters, bays and so forth.
25 So if that was what your intent is, the way I would read

1 that, I don't know that that, you know, I just want to
2 make sure you all are aware of what you are saying.

3 CHAIRMAN DZUGAN: Thank you. Any other comments from
4 the full committee? Barbara?

5 MS. HEWLETT: No. I just have a question, because
6 part of the idea of keeping the PFDs on board were in the
7 case of a hoist. And you said if they didn't have them,
8 the Coast Guard would drop them down to you.

9 Would the Coast -- does the Coast Guard allow you to
10 put on a non-approved PFD for hoists? If you just had
11 some sort of a flotation device, would they make you take
12 it off and put an actual PFD on? I don't know is that a
13 -- no? They don't care, or --

14 CAPT. NEELAND: So, I personally don't have any
15 expertise in that to tell you what our Coast Guard
16 policies are for that. I'm looking around the Coast Guard
17 room, but I would have to get back to you separately.

18 MS. HEWLETT: I was just curious. A weigh in.

19 CHAIRMAN DZUGAN: Go ahead, Tom.

20 MR. DAMERON: Tom Dameron. Call for the question.

21 CHAIRMAN DZUGAN: I want to make a comment before
22 that, but the question has been called. That's okay. My
23 bad. People, think about this a few more seconds.

24 Those in favor of the motion as stated, please let us
25 know you're in favor of this by a show of hands. One,

1 two, three, four, five, six. Nays by show of hands? One,
2 two, three, four, five -- five. Thank you.

3 MR. BOEHMER: Six.

4 CHAIRMAN DZUGAN: One, two, three, four, five, six.
5 So the motion fails. We need to have a majority. So it's
6 50/50. All right.

7 MS. HEWLETT: Question on procedural, if it's a
8 50/50, how do you decide that it fails? Is that your
9 decision?

10 CHAIRMAN DZUGAN: No. No. By the rules. We have to
11 have one more than a 50/50 split. In other words, if we
12 are 12 people and it's divided, we have to be of majority.
13 We have to one over fifty percent.

14 MS. HEWLETT: Okay. Thank you.

15 CHAIRMAN DZUGAN: Yeah.

16 CAPT. NEELAND: I believe that's accurate, but if you
17 want to double check, there is a copy of the Robert's
18 Rules float around.

19 CHAIRMAN DZUGAN: It's in there. And that's the way
20 it is in most versions of Robert's Rules as well. Okay.

21 Any other recommendations that want to be brought in
22 front of the committee before we break out? All right.
23 So the scribes and the subcommittee chairs are you -- you
24 know what's expected of you during the break. We are
25 going to ask you to write out the -- go ahead.

1 MR. ALWARD: I believe that, Omar, do you have that
2 as written as past motions, a document you can just send
3 us so we are all working off the same thing of what was
4 actually on the screen that we voted on in the past?

5 CHAIRMAN DZUGAN: Okay.

6 MR. ALWARD: Can you email that to me, please. Thank
7 you.

8 CHAIRMAN DZUGAN: So you are getting all of them.
9 Okay. Do you have a comment, Dave?

10 MR. TURNER: Just wondered how much time we are going
11 to take for this. Is it 30 minutes, we then put it
12 together, and then we reconvene?

13 CHAIRMAN DZUGAN: Yeah. I'm just thinking about that
14 now, how much time we need for this. It should be pretty
15 quick. Maybe we can do a 10-minute break, after lunch
16 break, do a few laps around the halls and then come back.
17 And if we are not done in ten minutes, we'll give a shout
18 down the halls to whoever you are to let you know we need
19 you in another five minutes or something. So will that be
20 okay, recess for ten? That will be 1:53 we'll come back.

21 - - -

22 (Recessed at 1:43 p.m.)

23 (Reconvened at 2:16 p.m.) - - -

24 MR. ALWARD: So I think -- procedural-wise I move
25 that the committee adopts this -- these recommendations

1 and send them to DFO.

2 MR. KELLY: Jim Kelly. Second.

3 CAPT. NEELAND: And just for clarification, these are
4 for Tasks 1, 2 and 3. So these are all three tasks.
5 These are the conditions. Okay.

6 MR. ALWARD: So just process-wise, we have to as a
7 committee make this formal -- send these formal
8 recommendations to the DFO. So just passing the motions
9 was not the action that actually transmit the
10 recommendations to the DFO. So this document will make
11 this -- make it all official.

12 CHAIRMAN DZUGAN: So the question I have for you --
13 well, if you are thinking of things like friendly
14 amendments, can that still be done? And I'm not saying
15 it's advisable, or I'm not promoting it, but if it does,
16 if you are so moved by that, is that -- or unfriendly
17 amendments, is this a stage at which we can pull that out
18 and rehash it all over again?

19 MR. ALWARD: I mean, this is a motion that's a
20 recommendation for sending. I would sure hope that if we
21 were going to do any more hashing out, we would have done
22 it while we were making motions on the tasks that we've
23 decided.

24 CHAIRMAN DZUGAN: That's the way I would want to
25 interpret it.

1 MR. ALWARD: I think procedurally wise, if someone
2 wanted to do something --

3 CHAIRMAN DZUGAN: Come to the next meeting.

4 MR. ALWARD: I will note that if you scroll to the
5 bottom, the actual motion we passed didn't have our
6 comments that was to recommend actually updating that
7 document, but we did have the discussion. I just -- it
8 didn't get captured in that motion, so I added that in as
9 a sub bullet. Prioritize the issuance of the voluntary
10 safety initiatives and good marine practices for
11 commercial fishing industry vessels, which I also would
12 recommend personally that the Coast Guard comes up with a
13 shorter better name for that document.

14 So I think it might be easier to actually disseminate
15 throughout the fleet if we knew what to call thing, but...

16 CHAIRMAN DZUGAN: Okay. Jonathan?

17 MR. WENDLAND: No. I think at the time we just
18 wanted definitely to distinguish it between AFCP, so there
19 was a long non-acronym name not to be confused. So we can
20 definitely take that under consideration and advisement
21 now.

22 MR. ALWARD: It's part of updating.

23 CHAIRMAN DZUGAN: Tom.

24 MR. DAMERON: Mr. Chairman, Tom Dameron. So our
25 motions had the words recommend or adopt. So I'm not sure

1 that if we brought up a motion to send these as a group to
2 the -- wherever they are going, that they could be
3 wordsmithed, because they have been -- they have been
4 voted on and tasked.

5 CHAIRMAN DZUGAN: Yes. Agreed. Did we -- I missed
6 it over here. Were we going to go through these verbally?
7 Somebody is going to say them verbally or you going to be
8 content with just reading this, and everybody's done
9 reading it we'll move on? Is that okay? Okay. I think
10 that's a good way to do it too. Okay. We shall begin.

11 CAPT. NEELAND: Okay.

12 MR. ALWARD: Are we reading it?

13 CHAIRMAN DZUGAN: We don't need to read it. They are
14 all going to read it themselves. And maybe when you are
15 all done with that section, just raise your hands so we
16 can see when we can move on. This is kind of a test of
17 reading ability.

18 (Laughter)

19 CHAIRMAN DZUGAN: So, the next one. Are we raising
20 our hands? I think that was it for Task 1.

21 CAPT. NEELAND: It was one, two and three.

22 MR. ALWARD: One, two and three. We are done.

23 CHAIRMAN DZUGAN: We are done.

24 MR. ALWARD: We are done. And I call the question.

25 CHAIRMAN DZUGAN: All in favor of passing this on to

1 the Coast Guard, signify by a show of hands. Okay. Good.
2 Any opposed? Okay. Passes unanimously. Good job.

3 Thank you all for everybody who worked on these,
4 which is all of us here.

5 CAPT. NEELAND: And Mr. Chairman, thank you for the
6 work. I'm SDFO. I accept the work. I just request just
7 please, Omar, just convert it to PDF and email it to all
8 the members in addition to myself. Or I think we have --
9 however you distribute it to make sure everyone has the
10 final copy.

11 CHAIRMAN DZUGAN: I would like to thank the chairs of
12 the subcommittees too for the work they did, and their
13 scribes. It's intense work to participate and --

14 MR. ALWARD: Especially if you were a chair scribe.

15 CHAIRMAN DZUGAN: Okay. So wrapping up here. So we
16 are supposed to talk about some plans for interim work
17 between meetings, future action items and next meeting
18 plans for suggested -- it would be interesting just to ask
19 the group before we ask the Coast Guard, what does the
20 group see as what we need to do between now and the next
21 meeting, if we have a meeting as soon as next fall? Your
22 ideas for that? Go ahead.

23 MR. ALWARD: I mean, I think besides what we've come
24 up with now with anything to recommend to the Coast Guard
25 to have on our agenda for next meeting, because I see the

1 only other task would be there would be an open call of
2 committee members if they have a subject they wanted to
3 add up to a certain date at least three months before
4 whenever we set our meeting.

5 CHAIRMAN DZUGAN: Yeah. We talked about, you know, I
6 think it would be nice to get that at least a month before
7 the meeting, in the Federal Register.

8 MR. ALWARD: Well, I mean, I thought I heard staff
9 say it really takes about three months to get ready for
10 the meeting.

11 CHAIRMAN DZUGAN: Right.

12 CAPT. NEELAND: Our next meeting -- well, I guess we
13 could work backwards. Do we want to talk about our next
14 meeting date and then we can work backwards from there.

15 MR. WENDLAND: Yes. If I could just jump in here
16 maybe just to refresh everybody. With all the conflicts,
17 considerations, you know, monetary issues, potential
18 issues on the Coast Guard side, that we have for the month
19 of September and the calendar year ending, we were
20 proposing the week of the 25th of September. So four
21 months from today exactly, the 25th of September. That
22 week, likely out on the West Coast somewhere.

23 So, what we'd like to hear from the Coast Guard side
24 is how many members would be able to participate if the
25 meeting did occur the week the 25th of September. And by

1 a show of hands, we can take a look at that. So it looks
2 like --

3 MR. KELLY: Can I just clarify?

4 MR. WENDLAND: Yes, sir. Mr. Kelly.

5 MR. KELLY: Last time we talked about, we talked
6 about this yesterday was the number of days.

7 MR. WENDLAND: Yes.

8 MR. KELLY: So I do have a conflict on Thursday and
9 Friday, but Monday, Tuesday or Wednesday I was available.
10 My conflict is on the West Coast, so it will make it
11 easier, but it would be helpful to know how many days and
12 which days you were contemplating.

13 MR. WENDLAND: Yeah, which gets into the agenda,
14 right? So let's just think about it for this moment for a
15 three-day meeting. And understand you may be able to make
16 two of the three days perhaps is what I think I hear you
17 saying, maybe all three if it was Monday, Tuesday,
18 Wednesday. So just for the questions, let's think about
19 it a three-day meeting. And just for everybody's
20 awareness, after the meeting last night I place a call to
21 the five members that aren't here at this meeting. And in
22 essence I got two out of the five that said yes. One I
23 couldn't reach. And I think the other one had the same
24 concern as Mr. Kelly, maybe two days. I think they were
25 actually the opposite. I think they couldn't attend

1 Thursday, Friday.

2 So, but that's fine. I mean, what I'm seeing right
3 now is a quorum. That's what we wanted to be able to see,
4 if there was going to be -- we were going to be able to at
5 least host this meeting. So from what I gather here
6 today, at this point in time we -- it looks like we can
7 host with a quorum with the members for the 25th of
8 September. Now it's just a matter of finding, you know,
9 on our side finding the right designation and all that
10 that goes with that. So typically, yes, three to four
11 months it takes to put this together, get this through the
12 system, that kind of stuff. So, you know, you can back it
13 up now. So you would have -- yeah, I mean, in essence if
14 you are talking -- it's 15 days.

15 We need to pump 15 days prior to the meeting we need
16 to publish it in the Federal Register. So if you are
17 putting together the agenda and you are talking a month
18 back from that, right, four weeks I think is what you guys
19 wanted. Is that what I just heard? Mr. Chairman, or --

20 CHAIRMAN DZUGAN: Oh, I'm sorry. I thought you were
21 looking at --

22 MR. WENDLAND: Yeah, I was. That actually was a
23 misdirect. I just wanted to go through you but to Matt.

24 CHAIRMAN DZUGAN: Yes, I understand.

25 MR. ALWARD: I mean, just listening to the

1 conversation yesterday, there was sounds like some
2 interest to have as much time as possible to add things to
3 the agenda, but I don't think it would be responsible of
4 us to ask for more time than staff could handle giving us.
5 So I guess it's a question of staff, how much time do you
6 guys want to --

7 MR. WENDLAND: Yeah. So I guess my recommendation on
8 hearing kind of that and understanding sort of the
9 processes, my recommendation would be maybe take, you
10 know, three or four weeks to think about things. And then
11 within that next -- I'm talking about from this point
12 forward, then within the next month, kind of come
13 together, route the ideas through the vice chair and
14 chair. Have that discussion on what you want to actually
15 bring to the DFO for that consideration through the chair.

16 Does that make sense? Because that should allow us
17 enough time to get it, form the agenda and get everything
18 out, because we need to move forward on other things as
19 well, not just the agenda.

20 MR. ALWARD: So, process-wise, would it be helpful
21 for staff to actually have a motion from the committee for
22 a meeting date, or is that's your guys' decision anyway,
23 according to the bylaws.

24 MR. WENDLAND: Ultimately it's the Coast Guard's
25 decision but, you know, it's always in conjunction what

1 the members can do.

2 MR. ALWARD: Well, I'll move that we hold our next in
3 person meeting the week of September 25th.

4 CHAIRMAN DZUGAN: I hear a second?

5 RESPONSE: Second.

6 CHAIRMAN DZUGAN: Okay. I'm a little bit reluctant
7 to -- well, it's just a motion for the committee if the --
8 it allows the Coast Guard still to change if they have to
9 change for other reasons, but if it can be helpful as a
10 formal recommendation to reserve that date, then I don't
11 have any objection to that.

12 MR. WENDLAND: Yeah. I think it's a good idea. It's
13 on the calendar now. Everybody knows about it, and then
14 we can move forward. So I think that's a great idea.

15 CHAIRMAN DZUGAN: No objection? Is there any
16 objection to that week? Okay. Then it's passed.

17 MR. WENDLAND: Okay. Very good. We appreciate that.

18 CHAIRMAN DZUGAN: You would like us to bring you some
19 items to share by, you know, in a couple of weeks. Can
20 you give us a hard date for that?

21 MR. WENDLAND: No, I wasn't saying in a couple of
22 weeks. I was saying maybe take a break, take like two or
23 three weeks to think about, right? And then within maybe
24 -- so essentially, you know, a month and a half from now,
25 present that, those agenda items to the DFO so there's

1 enough time for consideration to formulate everything and
2 think about it.

3 CHAIRMAN DZUGAN: By the end of June.

4 MR. WENDLAND: I would say mid July would probably
5 work.

6 CHAIRMAN DZUGAN: Okay.

7 MR. WENDLAND: Yeah.

8 CHAIRMAN DZUGAN: Matt and then Tom.

9 MR. ALWARD: I just was going to ask are we going to
10 have a discussion here before we leave about items we
11 would like to see?

12 CHAIRMAN DZUGAN: We can have that.

13 MR. WENDLAND: Yes. After -- that's the next step
14 right here. Yes.

15 MR. ALWARD: And I guess another question is does the
16 committee have any input on meeting locations or
17 suggestions?

18 MR. WENDLAND: We'll take any thoughts. Yeah. I
19 mean, generally what we try to do, just so you know the
20 matrix that we try to do is move it East-West Coast. We
21 try to have it in some type of marine environment where
22 fishermen can typically get to. So, but we are always
23 open to any suggestions from the committee.

24 CHAIRMAN DZUGAN: Kris?

25 MR. BOEHMER: Kris Boehmer. How can we get the

1 message out to the fisherman with enough time so they --
2 if they are interested, other than the Federal Register,
3 which I don't think a lot of fishermen are reading, so
4 they have an opportunity to actually be aware and possibly
5 attend? I mean, I know we are trying to be in these
6 places to do it, but if they are not aware we are here, we
7 might as well be in Minnesota.

8 MR. WENDLAND: No, understood. And we do have
9 outreach systems, and actually, you know, even for you
10 folks to get the people on the board, we have been out
11 three times, but what we do with that as well is we went
12 out to our district coordinators, and they reach out to
13 the examiners. Examiners reach out the to fishing vessel
14 folks. So we try to spread the word that way. We also
15 have our web page and other outlets to do that. Captain
16 Neeland?

17 CAPT. NEELAND: If I may offer, if you have
18 suggestions of ways that we can get the word out in a
19 forum that you know that the fishermen would use, that
20 would encourage their attendance, by all means we are all
21 ears for suggestions to improve the communication to get a
22 larger audience and larger participation.

23 CHAIRMAN DZUGAN: Matt and then Tom.

24 MR. ALWARD: I was just going to say I think us as
25 committee members, it's also on our shoulders to get word

1 out to all of our networks, whether that means trying to
2 get national fishermen to write something up encouraging
3 folks to show up or -- between all of us, we probably have
4 a lot of different networks we can tap into as well.
5 Coast Guard means.

6 CHAIRMAN DZUGAN: Yeah. The problem with those
7 national or regional publications is they have a lead time
8 of six months. So by the time you get it out, it will be
9 already happening. But I think I wanted to say through
10 fishing vessel organizations like in Alaska UFA and Alaska
11 Trollers Association, and I know I've talked about this in
12 the past, but I still hear of fishing vessel organizations
13 who are not getting contacted by the Coast Guard directly.
14 So there's some more work that could probably be done
15 there regionally to reach out to those local fishing
16 organizations, who then can get the word out to their
17 members. So just keep those in mind.

18 MR. WENDLAND: And in addition to that we are also
19 liaison with other agencies such as NOAA. We do let them
20 know when these meetings are occurring. One issue is
21 that's why we are having this prospective date now, but we
22 really can't go out officially, you know, in a publication
23 for the date until it's published in the Federal Register,
24 because that's the real officialness of it. Right?

25 So planning, you know, planning, potentially having,

1 you know, whatever the language is, but we can't just say
2 it's going to be this date.

3 CHAIRMAN DZUGAN: Yeah. Understand that. It's
4 always been a problem. Yeah. Tom.

5 MR. DAMERON: So my suggestion would be because I
6 know that a lot of people are busy, my schedule personally
7 fills up a couple weeks in advance. I would suggest that
8 the Coast Guard do its best to get that in the Federal
9 Register more than 15 days in advance, preferably 30 or
10 45, if at all possible.

11 CHAIRMAN DZUGAN: Kris.

12 MR. BOEHMER: And can we use social media? I mean,
13 I'm not a Facebook guy per se, but is it possible for us
14 to have a social media presence, a Facebook page to
15 announce this and spread it amongst the group?

16 CHAIRMAN DZUGAN: Once it's in the Federal Register,
17 does have it to wait for social media?

18 MR. WENDLAND: I'm not sure of the question. Are you
19 asking if the Coast Guard can put it out on social media
20 or do you folks put it out on social media?

21 MR. BOEHMER: Either. Both.

22 MR. WENDLAND: Yeah. So the Coast Guard has certain
23 requirements that things have to be blessed through
24 through their PR system. So we would have to look into
25 that and how that went out, but it's not all social media.

1 MR. BOEHMER: So could this committee put something
2 like a Facebook page for the National Commercial Fishing
3 Vessel Safety Committee and say, hey, we are talking about
4 this stuff and we might -- sounds like we are going to
5 have possibly a meeting, possibly in the West Coast,
6 possibly in the last month of September, would that be
7 allowed or are we treading on thing ground?

8 MR. ROSVOLD: I think going through our organizations
9 is probably enough. You are not trying to fill up a
10 gymnasium of people.

11 MR. BOEHMER: All right.

12 MR. ALWARD: I would say there's nothing stopping you
13 from getting on your Facebook account your don't have and
14 telling all your people that you are planning on having a
15 meeting.

16 CAPT. NEELAND: So the Coast Guard, Mr. Chairman, The
17 Coast Guard social media presence is through the Maritime
18 Commons. And that's where we publish. There are some
19 challenges which we would have to jump through a bunch of
20 legal hurdles, which I don't -- for us to be able to
21 create a Facebook page for the National Fish SAC. So at
22 this point my recommendation is to utilize all the other
23 networks that we have. You can always post as an
24 individual, hey, next fish SAC's at this date, but to
25 create a national Fish SAC social media page is a bunch of

1 hurdles that we need to jump through, and I'm not sure we
2 can actually do that.

3 MR. WENDLAND: And so, Tom, to go back to your point,
4 you know, as early as possible, you know, more than 15
5 days advance in the Federal Register, I think everybody
6 would like that. And there's nothing that says we can't
7 do that. There's just a process. And part of
8 that process is on this committee. So if my thoughts
9 there of mid July is too late, then if you folks want to
10 get your thoughts together sooner than that and present
11 them to the DFO through the chair, then, you know, that
12 helps things out. You don't need to wait. I'm just
13 giving you time to think about it. But if you think you
14 already know what you want to have and present, then
15 earlier you do that I think is the better, because then an
16 agenda can be firmed up earlier.

17 And if we get everything through the process and push
18 everything as hard as we can then there's, you know, a
19 likely chance we can get that before, you know, 30 days
20 maybe.

21 CHAIRMAN DZUGAN: Any other future action items?
22 Anybody wants to bring up Coast Guard or members? Okay.
23 Next meeting plans we have covered, suggested location. I
24 think, Matt, go ahead.

25 MR. ALWARD: Didn't our Mr. Chair have and an idea on

1 training to be the topic of the next meeting?

2 CHAIRMAN DZUGAN: Training definitely.

3 MR. ALWARD: Now is the time to have that discussion
4 I think right now.

5 CHAIRMAN DZUGAN: So, the previous committee, I think
6 the last one was in Savannah where we did work -- we
7 worked -- this committee has worked for few years on sort
8 of like a national standard curriculum for some of the
9 training content in 2010 Act. Like we did in 1989, 1990
10 for the drill conductor course where a number of people
11 who were trainers around the country doing voluntary
12 fishing vessel training at that time got together and
13 figured out how many, the content and the length of a
14 drill conductor course, since there is really no drill
15 conductor course already established they could follow.
16 And that was very helpful.

17 It was seen as it need because we realized that if
18 there was a national standard, two things: One, it would
19 be easier for somebody to get their Coast Guard approval
20 or acceptance for the course, because otherwise it's
21 without a standard someplace, an IMO standard in a model
22 course or something, then you are starting from scratch.
23 And NMC is not going to tell you what to put in it.

24 You are going to have to throw stuff on the wall
25 until National Maritime Center says, yeah, okay, you got

1 it right this time. And send it in. the other
2 reason why the national standard is important was
3 fishermen are like fish. We have fins and we work from
4 one part of the country to the next. Ad that way you are
5 getting the same information. Not that there's not
6 regional adjustments made, because those are needed
7 regionally but, you know, this standard platform, people
8 are getting the basic information. They are hearing the
9 same thing.

10 The committee, the training subcommittee took on this
11 task, like I said three or four years to do it, and we
12 came up with an outline of objectives for those. And they
13 were finalized in Savannah. And I was hoping to bring
14 them here, and I haven't -- I've got the ones from the
15 meeting before. I'm waiting for someone else who was the
16 record keeper at the time to give us that final list of
17 the contents and objection objectives so then we can start
18 presenting classes to the National Maritime Center with
19 the backing, and running it through the Coast Guard
20 Fishing Vessel Safety Office as well, to make sure as an
21 additional editor or advisor on that, and then we can run
22 it through National Maritime Center. And we have a much
23 faster and more efficient way to get those courses
24 approved and out there.

25 We've got the drill conductor class done. Like I

1 said, that was already a national standard. The stability
2 class was done also by the subcommittee. And that's
3 already been accepted, and we have been -- another
4 organization has been teaching that stability awareness
5 class for the last two or three or four years. That
6 worked off the national standard, so that's really
7 healthy, but we still have navigation, weather. I think
8 those are the big ones.

9 We have covered flooding and fire under the drill
10 class scenario approval. So, I think we need to pick up
11 from there. And when we get that list again and we are
12 sure of it, where we ended up in Savannah, and that needs
13 to be approved by I think this committee in the fall. And
14 we need to make some more progress on that. So we can
15 continue that.

16 I think it's been a really successful model, and the
17 numbers of people that have been trained in this time. I
18 know we have trained 25,000 people just in the drill class
19 through our network. And I know BFUA has almost done that
20 much. And we have done it in 248 different ports around
21 the country. So it's made it -- it's really helpful right
22 now.

23 Right now, what's going on with NMC is STCW,
24 Standards for Training and Certification of Watch Keepers.
25 That's really all they want to talk about. That's all

1 they want to look at. Fishing vessel training seems to be
2 just -- this is a personal observation, not a knock on
3 NMC, but it seems to be put on the back burner all the
4 time and they get delayed.

5 It's hard for them to see a standard we are applying
6 to, because the STCW models for some of these topics are
7 much more non-fishing vessel related. And are a huge
8 amount -- much larger amounts of time and money to conduct
9 than what we are trying to do with this basic training for
10 commercial fishermen.

11 I think we've mentioned before one of the standards
12 we've used for training here in the past is the training
13 needs to be affordable. It needs to be relevant. It
14 needs to be hands on. And I don't have my list right now,
15 but the third one -- it needs to be credible, taught by
16 fishermen.

17 So another problem we are having currently is if you
18 are not licensed, they are giving us problems and other
19 trainers now, this is coming from NPFUA as well. She
20 asked me to bring this up, of rejecting our instructors
21 because some of them don't have licenses or their licenses
22 have expired and -- but they have got tons of experience,
23 and things moving forward, and are really some of our best
24 instructors some of the time. Retired fishermen, for
25 example. And that just makes it harder for -- they don't

1 want to approve those people as instructors, when they
2 have been shown to be really effective in training.

3 So those are the kinds of things that if we hand them
4 a model course for fishing vessels and have them consider
5 fishing vessels as needing to be seen as a specialty,
6 rather than a one-size-fits-all in terms of training, then
7 we need to push those things forward and put it in front
8 of them. Am I clear? Is that clear?

9 Sorry if I was a little verbose about that, but
10 that's the background and where we need to go, I think.

11 CAPT. NEELAND: So, Mr. Chairman -- oh, sorry. Go
12 ahead.

13 MR. VARGAS: Go ahead. I'll go after you.

14 CAPT. NEELAND: I was just going to try to summarize
15 but basically to try to condense what I heard is a
16 proposal for an agenda item to discuss training concerns,
17 approvals, and the challenges, and is that accurately
18 catching it in a concise manner?

19 CHAIRMAN DZUGAN: Correct.

20 CAPT. NEELAND: Okay.

21 MR. VARGAS: Frank Vargas. There's something else I
22 would like to see is -- one up is fatigue. I know that's
23 coming up, and I see it in all these magazines, boats
24 crashing, sinking through a lot of human error. People are
25 tired, especially on small boats that there's only a few

1 people running the shuttle 24 hours a day. So I would
2 like to see maybe if we could address something on fatigue
3 in the future.

4 CHAIRMAN DZUGAN: What was that again? Could you say
5 that once more, on what?

6 MR. VARGAS: On fatigue.

7 CHAIRMAN DZUGAN: On fatigue. Tom?

8 MR. DAMERON: Thank you, Mr. Chairman. Tom Dameron.
9 Did I hear you mention a national standard for the drill
10 conductor's course?

11 CHAIRMAN DZUGAN: Yeah.

12 MR. DAMERON: And is that the original national
13 standard that was -- is that the original national
14 standard that you were referring to?

15 CHAIRMAN DZUGAN: Yes. The original one actually
16 AMSEA wrote, and New Jersey Marine Science and Consortium
17 took that outline and put it into a national standard.
18 Yeah. So it had been around for -- they did that in '90,
19 but the curriculum has been around in the '80s for that.

20 MR. DAMERON: Yeah. So that is sorely out of date.

21 CHAIRMAN DZUGAN: It's very out of date. And the --
22 every five years you have to resubmit a course for
23 reapproval. And that has been updated by individual
24 training organizations now five times. Yeah. So it's
25 been updated when that happens, but there's -- there are

1 differences that have grown out of it because there's no
2 national standard that was updated. It was all the
3 individual training organizations had to get theirs
4 redone.

5 So, you know, that's also -- that was also looked at,
6 and there was an outline made for the drill conductor
7 course as well, which is what we are following now when we
8 do our updates, but other organizations don't know that.
9 Again the beauty of that was that anybody could get a hold
10 of New Jersey Marine Sciences Consortium and get that.
11 They no longer exist.

12 So it would be nice to have a new public source where
13 people could get that from, for all the reasons I just
14 mentioned. Yeah. Go ahead.

15 MR. ALWARD: I think another topic we could look at
16 is if you look at the more recent data, certainly from the
17 Alaska region on actual incidents and stability issues.
18 And I think as a topic to look at for another meeting,
19 that would be something worth looking at as a committee.

20 CHAIRMAN DZUGAN: Yeah. If I may say something about
21 that. One of the real inefficiencies going on right now
22 is that NIOSH is funding us and other organizations to do
23 these stability awareness classes, but there's no
24 requirement for it. And so we've canceled the last three
25 or four classes we've advertised. It's just we have one

1 or three people show up. Occasionally we'll get a class
2 there's eight or ten people, but that's pretty rare
3 anymore.

4 And there's I feel a great need to be able to get
5 that codified so that it becomes a requirement. It is in
6 the 2010 Act, but it hasn't been put in the CFR yet. It's
7 not made into a regulation that could be enforced. And we
8 are wasting our time and money with that. And in fact
9 there's a big need for it.

10 Stability, this is from the Dick Hughe Report, Coast
11 Guard dated '95 or 2005. Fifty percent of the casualties
12 were due to stability and flooding, both of which are
13 related. So just, you know, it's a priority, I feel.

14 MR. DAMERON: Mr. Chair, Tom Dameron. Yes, I feel
15 it's a priority that the items that have not had
16 regulations associated with them out of the Authorization
17 Act of 2010, 2012, 2015, 2018 be prioritized. And that
18 may be some of the things that the committee takes on.

19 CHAIRMAN DZUGAN: In fact using my priority, we are
20 still in session, I would make a motion that we establish
21 a subcommittee, a training subcommittee again and we
22 re-establish that training subcommittee with accommodation
23 of relevant people from this committee on it to work on
24 that specifically during the next meeting.

25 MR. ALWARD: I think processwise you don't need to

1 make a motion, as you as the chair have the authority to
2 make subcommittees and assign members through the bylaws.

3 CHAIRMAN DZUGAN: So stated. Thank you.

4 MR. ALWARD: So you can just do it.

5 CHAIRMAN DZUGAN: Just as a heads up, I think that
6 fits under this heading, anyways subject wise. Anything
7 else? Comments?

8 MR. DAMERON: So, Mr. Chairman. Tom Dameron. So the
9 chairman may establish and disestablish subcommittees, and
10 currently we have a subcommittee number one and a
11 subcommittee number two. Would you consider
12 disestablishing those before the end of the meeting?

13 CHAIRMAN DZUGAN: I think now that the subcommittees
14 have finished their work on the tasks that's, something
15 that needs to be voted on?

16 MR. ALWARD: No. I think you have the authority to
17 do that.

18 CHAIRMAN DZUGAN: Yeah. Then I would state that --
19 appreciate to work again that the subcommittees have done.
20 And we can consider your work closed on those
21 subcommittees. And thank you again for your work.
22 Anything else?

23 MR. ALWARD: Before we are done with this topic, does
24 any committee members have any recommendations to the
25 Coast Guard for the West Coast meeting location for

1 September?

2 MR. BOEHMER: not necessarily location, but a
3 thought. I remember the last two meetings we had somebody
4 somehow funded coffee.

5 (Laughter)

6 MR. BOEHMER: No, I'm not kidding. How do we plan
7 for that next time? I can pick it up.

8 CHAIRMAN DZUGAN: We'll let the Coast Guard explain
9 that.

10 MR. BOEHMER: Well, one way or the other, we have got
11 to take care of that.

12 CHAIRMAN DZUGAN: I'm throwing this to the Coast
13 Guards. In the past, we have taken -- we have passed a
14 pot around, right? But then you get into troubles with
15 some rules about providing services for a meeting makes
16 the FACA folks nervous. So I'll let you finish the
17 sentence.

18 MR. MYERS: Thank you, Mr. Chair. And as you are
19 stating that, I was thinking I couldn't have said it
20 better. There are some restrictions that we have that we
21 are able to finance and fund for these meetings. And I
22 see Mr. Wendland leaning in. Did you have something to
23 add to that? Oh, but I -- it's all tied to funding
24 restrictions.

25 MR. WENDLAND: Yeah. So I think as everybody

1 probably -- or I should say most people around the table
2 know, the Coast Guard when it comes to a conference
3 hosting the requirement, we can't allocate funds towards
4 coffee or food or pastries or anything like that. You are
5 correct in the past we had a work-around, and that was
6 going to be on kind of my final comments, because both
7 ears are ringing on this throughout the week about the
8 coffee. And I will tell you that the tie that I'm wearing
9 was passed down to me from Mr. Jack Kemeran, and he, you
10 know, in the past, you know, he might have come up a
11 little bit short.

12 So I think, you know, we certainly can pass that hat,
13 and maybe with an expectation of maybe, you know, \$10 or
14 \$15 a day by member or whatever, you know, the cost is, if
15 everybody chips into the hat, and we know that ahead of
16 time, then we can have somebody in whatever location we
17 meet, you know, bring in maybe Starbucks or something to
18 sit on the back table.

19 CHAIRMAN DZUGAN: I'm glad to hear they can still
20 accept that. I did notice -- I will repeat though that
21 sometimes the kitty came up more than a little bit short.

22 MR. ALWARD: Would it also be an option like if we
23 are going to a community that had some local fishing
24 organizations to see if they would want to sponsor coffee
25 for a day or something?

1 MR. WENDLAND: I'd look into that, but I think that's
2 an amazing thought, and it's a great partnership. I don't
3 know, and I would have to check into the rules on that if
4 we could actually do that, but I love the idea.

5 So regarding coffee, one way or the other, I don't
6 want my ears ringing at the next meeting as loud as they
7 are at this meeting, so we'll address it one way or
8 another, you know, and just with an expectation of however
9 it's done, by staff, you know, putting out the dollars for
10 it or whatever just -- or, you know, a member just to
11 understand that it always comes -- it always is more
12 expensive than what people believe it would be just for
13 the one cup of coffee, right?

14 So there's all these other finance charges and things
15 that get built on top of that. So it usually ends up a
16 lot more than what you and I think that five dollar coffee
17 was. It's probably double or triple that sometimes.

18 CHAIRMAN DZUGAN: Frank, you had a comment?

19 MR. VARGAS: I just said that I would volunteer for
20 our company to pay for the coffee.

21 CHAIRMAN DZUGAN: If it's allowed.

22 MR. VARGAS: If it's allowed. Yes.

23 MR. WENDLAND: And I'll look into that and get back
24 to the Chair on that.

25 CHAIRMAN DZUGAN: Which then is kind of brings up a

1 site for the meeting again, to get back on that topic
2 perhaps -- I'll draw Seattle because Seattle is a good
3 nexis between Alaska and California. It's kind of a
4 meeting place there. And coffee. Absolutely.

5 I mean, that would be a venial sin not to have coffee
6 in Seattle.

7 MR. VARGAS: I would like to see San Pedro. You
8 know, they have got all the old fishermen there, a lot of
9 --

10 MR. ALWARD: And it's warmer.

11 MR. VARGAS: That would be a good site.

12 CHAIRMAN DZUGAN: And tuna, used to be tuna.

13 MR. VARGAS: Tuna, sardines, anchovies.

14 MR. ALWARD: Squid.

15 MR. VARGAS: And there's a lot of old fishermen
16 there.

17 MS. HEWLETT: I vote for nothing cold.

18 CHAIRMAN DZUGAN: Nothing cold.

19 MR. KELLY: Can we add San Diego to the
20 consideration?

21 MR. WENDLAND: And just for committee's awareness,
22 Norfolk turns out to be one of the cheapest places, you
23 know, to hold the meeting. So when we do have thresholds
24 that we can't surpass, right, so we typically try to
25 utilize federal facilities so we wouldn't have to pay for

1 this room and the breakout rooms and all the other stuff
2 at these certain areas, like the high-cost areas such as,
3 you know, California or others, you know. So we utilize
4 government GSA facilities. That's why we do that, to get
5 that under those thresholds.

6 CHAIRMAN DZUGAN: I would also throw up not
7 necessarily for the next one, but we have held I don't
8 know how many dozens of these meetings since 1989, 1990,
9 we never have done one in Alaska where 50 percent of the
10 fish comes from and the people -- 50 percent. That's
11 right. Sixty percent. I stand corrected.

12 And if you consider that, not this time for next
13 year, and I would offer Sitka as one that's just -- in
14 September, it's one jump away from Seattle. And I -- and
15 we have -- we know the lay of the land there and places we
16 could be held, et cetera. And we can help with that --
17 not financially, but we'll help find places.

18 MR. WENDLAND: Right. Understood. And then you get
19 into a little bit of risk with the weather in Seattle and
20 that kind of stuff, or Alaska as well. You know,
21 Anchorage, you know, we were actually looking at that
22 potentially. And the costs are exorbitantly higher than
23 Norfolk and the thresholds that we are talking about.

24 CHAIRMAN DZUGAN: And for Alaska, I would --
25 especially southeast of Alaska, Juneau or Sitka, I would

1 recommend May. The same time of the year we are doing it,
2 it's the best month of the year through hundreds of years
3 of historical data. So you are less likely to have any
4 travel problems.

5 MR. WENDLAND: Right. Also just for consideration,
6 Mr. Chairman, when you get into the mid-calendar year, and
7 the requirement now is two meetings, that affects that
8 next meeting, right, to be able to process and get through
9 that next meeting. So you are going to be bumping up
10 against Thanksgiving and Christmastime, if you are not
11 having it in January, you know, the first one.

12 CHAIRMAN DZUGAN: Right. Right. Mike and then Greg.

13 MR. THEILER: Yeah. I wasn't sure if we were going
14 discuss the follow-up meeting, but certainly from I think
15 from the industry side, fishing industry side, you know,
16 the later we get on in the spring towards the summer is
17 the worst for a lot of us, you know.

18 CHAIRMAN DZUGAN: Well, and the fact just to keep in
19 mind, you know, winter travel is always awful. So that's
20 a bad time of year in general. But Greg?

21 MR. LONDRIE: I was just going to throw out if cost
22 is an issue, it is pretty cheap in Brownsville, so...

23 (Laughter)

24 CHAIRMAN DZUGAN: We have to do one other order of
25 business before we adjourn for this, so are there any

1 other comments or feedback?

2 MR. WENDLAND: I would just like to say if do you
3 have ideas, like Key West or Brownsville, you know, the
4 places that we are not aware of that could host such a
5 facility, like a GSA facility, no cost, something like
6 that, feel free to pass those along if you've got thoughts
7 on that because we may not know everything. You know,
8 Coast Guard usually does, but if this case maybe we don't.

9 So, yeah, pass us the information on what you have,
10 and we'll certainly take a look at that.

11 CHAIRMAN DZUGAN: Yeah. Eric?

12 MR. ROSVOLD: Eric Rosvold. I think it would be
13 handy if for the next meeting and future meetings, if we
14 had a way of sharing a printer in the room, and if we were
15 able to use our devices to share information back and
16 forth, as opposed to having Angel try to sort through
17 things. I'm sure it's possible. And if we had all of our
18 emails together or a way of dropping documents back and
19 forth, it would speed things up. Thank you.

20 CHAIRMAN DZUGAN: We could have like a Dropbox or --
21 there's many formats for that.

22 MR. ROSVOLD: Many besides this.

23 CHAIRMAN DZUGAN: Um-hmm.

24 MR. WENDLAND: It could be an idea we have a new
25 system in the Coast Guard called MS Teams. As most of you

1 know, we have had those meetings on MS Teams, right, the
2 virtual part of it. And perhaps a motion out of the
3 committee to, you know, look to see for all FACA
4 committees if that system could be partitioned for the
5 FACA committees so people such as yourself could utilize
6 it, because the DOD system doesn't allow you to -- you
7 know, we can't hang things and that kind of thing
8 currently.

9 CHAIRMAN DZUGAN: What's that program called again?

10 MR. VARGAS: Microsoft.

11 MR. WENDLAND: It's MS Teams. It's Microsoft Teams,
12 but it's a Coast Guard system. I don't, you know, that
13 would be a project, right? But if it's for all FACA
14 systems and what we are talking about is efficiencies is
15 what I'm hearing, right? And we understand that.

16 There's systems out there. It's just difficult
17 because we are under a DOD environment and it doesn't
18 cross over. So we are looking to maybe we would need to
19 partition that to allow that to happen. But again that
20 would be a project that would have to happen that would
21 obviously take time and probably some funds.

22 CHAIRMAN DZUGAN: So would a motion be helpful in
23 that effort, did I hear?

24 MR. WENDLAND: I don't think it could hurt. You
25 know, we have had some brief discussion on this, how to

1 best do efficiencies.

2 CAPT. NEELAND: Mr. Chairman, before we go down
3 there, we'd have to get back to you whether we can use the
4 Coast Guard network to use as part of MS Teams. Another
5 option which I would have to check in with our legal folks
6 is if the FACA committee wanted to use their own system
7 setup, their own MS Teams account or some other Google
8 account or whatever software, Zoom, I think that's
9 potentially allowable, but I would like to make sure that
10 there isn't a conflict or something why you can't do that.
11 It might be a little easier than going straight through
12 the Coast Guard system. Although I'd love to have you
13 part of it, there's just a lot of firewalls with the
14 government to try to prevent bad actors from doing stuff
15 on networks.

16 MR. ALWARD: So I think you can -- I mean,
17 conversation around the table, take that as direction from
18 the committee to you guys to investigate options for us.

19 CAPT. NEELAND: Yeah. That's something we will take
20 and get back to you.

21 CHAIRMAN DZUGAN: Anything else from the committee?
22 Now that we are already on the topic of what I guess we
23 are already gravitating towards that topic, but this is a
24 good time to give the Coast Guard more feedback on what
25 worked, what didn't work, what could be improved in the

1 next meeting.

2 MR. ALWARD: Besides coffee?

3 CHAIRMAN DZUGAN: Besides coffee and a copier, and
4 may come up with some Cs, make some alliteration here.
5 How can we make this better. What worked. Yes, Mike.

6 MR. THEILER: One of the things that was very evident
7 early on was the way that we split up the committee
8 arbitrarily, but it ended up being basically the fishing
9 industry with the exception of Barbara, and the other
10 industries in subcommittee. And I thought it might have
11 been possibly -- might have been possibly a little more
12 efficient if we had in hindsight split it up a little bit
13 differently so that maybe there was industry was split in
14 half as well as the other members. I say industry, I'm
15 talking about the commercial fishermen and the other
16 members were split up a little bit differently and were
17 able to, you know, hash out some of the things before we
18 got to the -- you know, we did arbitrary, just go divide
19 it up basically about how we sat at the table, and didn't
20 really think about that until --

21 CHAIRMAN DZUGAN: And the demographics you are
22 talking a little bit about too, right? Mixing them up?

23 MR. THEILER: Yeah. Just a thought.

24 CHAIRMAN DZUGAN: Yeah. Well, we began this meeting
25 by experimenting I guess, with doing it together or not,

1 and we learned a little bit from our experiment, I think.
2 Yeah.

3 CAPT. NEELAND: Mr. Chairman, if I may make a
4 recommendation. Feedback and improvements we could make
5 to this meeting, we can maybe do that after we adjourn and
6 hang back and have that conversation for improvement,
7 unless you want to have it part of the public record.

8 CHAIRMAN DZUGAN: Understand.

9 MR. THEILER: You want me to strike that?

10 CAPT. NEELAND: No. Not at all. All I'm suggesting
11 is --

12 MR. THEILER: It's a suggestion.

13 CHAIRMAN DZUGAN: I've turned my mic off. So we have
14 had enough public input on that for now.

15 MR. ALWARD: I would also suggest that maybe the
16 committee, if they have thoughts as they are traveling
17 home or whatnot, could just get them to the Chair.

18 CAPT. NEELAND: Absolutely.

19 CHAIRMAN DZUGAN: Any -- I think we are ready for any
20 -- one more chance to say anything you want to say before
21 we start wrapping this up, and then we'll let the Coast
22 Guard have the last words. Well, I get to do a
23 last word just to thank the Coast Guard and everybody
24 who's come in attendance here for their help and setting
25 this up. I know it's a lot of work. So thank you on a

1 job well done for this meeting, especially since we
2 haven't met in person for quite a while. So that was a
3 really good start to it.

4 I'm glad to see some templates that came up, you
5 obviously put a lot of work and effort in just this for
6 the past few months, so thank you.

7 CAPT. NEELAND: All right. Thank you, Mr. Chairman.
8 From the Coast Guard perspective, first I just want to
9 acknowledge that the staff, and I'm sure I'm going to miss
10 a couple of folks, but Omar and the staff from the Coast
11 Guard investigations for putting together the tasks and
12 the investigations and the booklets. Thank you to John
13 Wendland for all the work that he's done trying to put
14 this all together.

15 Thank you to Angel Calderon, as well as Joe. They
16 worked quite a bit of time to try to make this meeting a
17 success. So thank you to all of them. I also want to
18 thank you all of you for participating in this committee,
19 providing us the feedback and working through the
20 recommendations.

21 We have got a list of some good agenda items, and I
22 look forward to other suggestions. The Coast Guard, we
23 are going to take a look at and also propose some
24 potential other agenda items, but I'm looking forward to
25 our next meeting as we continue to work through and work

1 to improve the safety of -- for all our folks who are
2 working in the fishing vessel industry.

3 So, with that, I wish you all safe travels, and I
4 look forward to our next meeting and, yeah, just thank
5 you.

6 CHAIRMAN DZUGAN: Thank you. Do I hear -- I think
7 were at the point where we can take a motion to adjourn.

8 MR. BOEHMER: I make a motion to adjourn.

9 CHAIRMAN DZUGAN: Kris has made a motion to adjourn.
10 Do we have a second? We have a second by Barbara. Any
11 nays?

12 (Laughter)

13 CHAIRMAN DZUGAN: Hearing none, this is concluded.
14 Thank you all.

15 - - -

16 (The meeting was concluded at 3:10 p.m.)

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Elizabeth Mingione
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