

## **National Commercial Fishing Safety Advisory Committee (NCFSAC)**

**Date:** April 11, 2024

**Location:** Jacksonville, FL.

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**From:** NCFSAC

**To:** U.S. Coast Guard

**Task#** 14-24

**Recommendation:**

Be it resolved; the National Commercial Fishing Safety Advisory Committee recommends that the Secretary of Homeland Security initiate regulatory action to amend 46 CFR. The amendment should:

As per the 2010 Authorization Act, introduce a requirement for the issuance of a certificate upon the completion of the training program for mariners in charge of CFVs less than 200 Gross Register Tonnage (GRT) operating outside 3nm from the baseline, thereby ensuring evidence of mariner competency.

Mandate periodic refresher training at intervals not to exceed five years to maintain the validity of the training program certificate per the 2010 Authorization Act, thereby ensuring mariners remain competent in essential skills and knowledge areas.

Furthermore, this Committee recognizes that while local knowledge and recency of experience are valuable, they do not substitute for the mariner competency necessary to safely operate CFVs of less than 200 GRT as defined by the specified training program requirements.

In addition, the NCFSAC wishes to underscore the significance of the United States Coast Guard Authorization Act, specifically section 604(a)(4), which amended 46 U.S.C. 4502(g). This amendment mandates a training program for individuals in charge of Commercial Fishing Vessels (CFVs) under subpart C. This legislative requirement covers essential competencies critical to the safety and efficacy of CFV operations, including seamanship, stability, collision prevention, navigation, firefighting and prevention, damage control, personal survival, emergency medical care, emergency drills and communication, and weather forecasting.

The implementation of this mandate represents a pivotal step towards enhancing mariner competency and operational safety across the commercial fishing industry. Given the substantial decrease in commercial fishing fatalities and accidents, as well as the proactive training and

safety measures now in place, the Committee believes that the objectives of the current accident investigation recommendation are being met through these legislative and industry efforts.

The National Commercial Fishing Safety Advisory Committee (NCFSAC) recognizes the critical role of accident investigations in enhancing the safety and efficacy of the commercial fishing industry. While these investigations are vital for identifying immediate causes and potential safety improvements, the NCFSAC wishes to highlight the importance of considering a wider array of factors when evaluating the feasibility and impact of the recommendations derived from these investigations.

It is crucial to acknowledge that the commercial fishing industry is diverse and multifaceted, with variations in regional fisheries characteristics, fleet compositions, and the socioeconomic and cultural contexts of fishing communities. Specific areas that merit consideration include:

- The diverse characteristics and economies of regional fisheries, which may affect the applicability and impact of safety recommendations.
- The composition and operational specifics of the commercial fishing fleets, including vessel types and sizes, which can influence the effectiveness of proposed safety measures.
- The qualifications, training, and cultural practices of fishermen, which are pivotal for ensuring that safety recommendations are both practical and culturally sensitive.
- The existence of regional safety improvement resources and programs, which may already address some of the concerns identified in accident investigations.

The NCFSAC believes that while accident investigation recommendations are essential for improving safety, there must be an understanding that these recommendations are part of a broader system of factors influencing the commercial fishing industry. Consideration of these additional factors is crucial for ensuring that recommendations are not only technically sound but also practically implementable and culturally appropriate across the diverse landscapes of the commercial fishing industry that the National Commercial Fishing Safety Advisory Committee represents.

The Committee has engaged in a thoughtful consideration of these broader aspects when assessing the implications and practicality of implementing the investigation recommendations. This approach will help ensure that safety measures are both effective and respectful of the complex ecosystem within which the commercial fishing community operates.

Therefore, we recommend that the United States Coast Guard (USCG) consider the impact of these comprehensive training requirements and the observed improvements in industry safety as a basis for closing out the current accident investigation recommendation without further regulatory action. This approach aligns with the Committee's view that current training and safety initiatives are effectively addressing the primary safety concerns identified, thereby negating the need for additional regulatory measures at this juncture.

**From: NCFSAC**

**To: U.S. Coast Guard**

**Task# 15-24**

**Recommendation:**

Be It Resolved, the NCFSAC recommends against the pursuit of legislative authority by the United States Coast Guard to mandate that CFV operators of less than 200 GT obtain a USCG-issued Merchant Mariner's Credential (MMC), and similarly opposes requirements for crewmembers on CFVs to hold crew competency certificates or a Merchant Mariner's Document.

Be It Further Resolved, the Committee encourages ongoing support for and expansion of existing emerging accepted and/or approved training programs that foster critical competencies in seamanship, safety, and vessel operation. These programs are deemed sufficient for ensuring the competency and safety of CFV operators and crew without necessitating formal licensing or certification.

Be It Further Resolved, the NCFSAC advocates for continued emphasis on practical, experience-based training and safety measures, which have proven effective in reducing fatalities and accidents within the industry. This approach ensures the maintenance of safety and competency standards without imposing undue regulatory or financial burdens on the commercial fishing sector.

In addition, the NCFSAC wishes to underscore the significance of the 2010 United States Coast Guard Authorization Act, specifically section 604(a)(4), which amends 46 U.S.C. 4502(g). This amendment mandates a training program for individuals in charge of Commercial Fishing Vessels (CFVs) under subpart C. This legislative requirement covers essential competencies critical to the safety and efficacy of CFV operations, including seamanship, stability, collision prevention, navigation, firefighting and prevention, damage control, personal survival, emergency medical care, emergency drills and communication, and weather forecasting.

The implementation of this USCG 2010 Authorization Act represents a pivotal step towards enhancing mariner competency and operational safety across the commercial fishing industry. Given the substantial decrease in commercial fishing fatalities and accidents, as well as the proactive training and safety measures now in place, the Committee believes that the objectives of the current accident investigation recommendation are being met through these legislative and industry efforts. Therefore, we recommend that the United States Coast Guard (USCG) consider the impact of these training requirements and the observed improvements in industry safety as a basis for closing out the current accident investigation recommendation without further regulatory action. This approach aligns with the Committee's view that current training and

safety initiatives are effectively addressing the primary safety concerns identified, thereby negating the need for additional regulatory measures at this juncture.

**From: NCFSAC**

**To: U.S. Coast Guard**

**Task# 16-24**

**Recommendation:**

Be It Resolved, the National Commercial Fishing Safety Advisory Committee advises against the proposal for a multi-year phase-in for CFV mariners to obtain and maintain an MMC. The Committee believes that the emphasis should remain on practical, accessible, and industry-specific training programs, which have proven effective in promoting safety and competency without imposing unnecessary burdens on the industry.

Be It Further Resolved, the Committee encourages the continued support and expansion of the training program by the United States Coast Guard 2010 Authorization Act, allowing sufficient time to assess its impact on mariner competencies and overall industry safety. This approach aligns with the established legislative framework, which already provides a comprehensive basis for improving safety standards within the commercial fishing industry.

Be It Finally Resolved, that the NCFSAC supports strategies that facilitate commercial fishing industry growth, enhance maritime safety, and promote environmental stewardship through practical training and competency measures, rather than through additional regulatory credentialing requirements. The Committee advocates for a focus on reinforcing and building upon the successes achieved through existing legislative mandates and industry practices.

In addition, the NCFSAC wishes to underscore the significance of the United States Coast Guard Authorization Act, specifically section 604(a)(4), which amends 46 U.S.C. 4502(g). This amendment mandates a comprehensive training program for individuals in charge of Commercial Fishing Vessels (CFVs) under subpart C. This legislative requirement covers essential competencies critical to the safety and efficacy of CFV operations, including seamanship, stability, collision prevention, navigation, firefighting and prevention, damage control, personal survival, emergency medical care, emergency drills and communication, and weather forecasting.

The implementation of the 2010 Authorization Act represents a pivotal step towards enhancing mariner competency and operational safety across the commercial fishing industry. Given the substantial decrease in commercial fishing fatalities and accidents, as well as the proactive training and safety measures now in place, the Committee believes that the objectives of the

current accident investigation recommendation are being met through these legislative and industry efforts. Therefore, we recommend that the United States Coast Guard (USCG) consider the impact of these training requirements and the observed improvements in industry safety as a basis for closing out the current accident investigation recommendation without further regulatory action. This approach aligns with the Committee's view that current training and safety initiatives are effectively addressing the primary safety concerns identified, thereby negating the need for additional regulatory measures at this juncture.

**From: NCFSAC**

**To: U.S. Coast Guard**

**Task# 17-24**

**Recommendation:**

After careful deliberation and analysis of the feedback from Task Statements 14-24, 15-24, and 16-24, the National Commercial Fishing Safety Advisory Committee (NCFSAC) recognizes the critical importance of ensuring the safety and competency of masters/operators on Commercial Fishing Vessels (CFVs) of less than 200 Gross Tonnage (GT), particularly those operating beyond three miles from the baseline in near-coastal zones. Despite this, the Committee recommends against the proposal for a multi-year phase-in for all such CFV mariners to acquire and maintain an Operator of Uninspected Passenger Vessels (OUPV) Merchant Mariner Credential, for reasons including but not limited to:

1. **Regulatory and Financial Impacts:** The Committee reiterates its concern, as voiced in Task Statements 15-24 and 16-24, about the additional regulatory and financial burdens that mandatory OUPV credentialing would impose on CFV masters/operators. This would challenge the economic viability and competitive edge of the American fishing industry.
2. **Barriers to Industry Entry and Sustainability:** Mandatory OUPV credentialing, even if phased in over several years, might deter individuals from entering or continuing in the profession of CFV masters/operators due to increased complexity and the cost of compliance. Such a barrier contradicts the Committee's dedication to promoting accessibility and sustainability within the commercial fishing industry.
3. **Questions on Efficacy and Necessity:** There is a lack of clear evidence linking the possession of an OUPV credential directly to improved safety and competency for CFV masters/operators. The unique operational and safety challenges of the commercial fishing industry may not be fully addressed by the standard OUPV curriculum, suggesting a need for more specialized and flexible training solutions.
4. **Alternative Training Approaches:** Echoing insights from Task Statement 14-24, the NCFSAC recommends further exploration and expansion of existing and new training programs tailored to the commercial fishing industry's specific needs. Such programs can

provide practical, experience-based learning opportunities directly relevant to CFV masters/operators without the broad requirement for OUPV credentialing.

Significantly, the National Institute for Occupational Safety and Health (NIOSH) reports a 52% decrease in commercial fishing fatalities in the United States from 2000 to 2022, highlighting the efficacy of current safety measures and practices without the imposition of additional credentialing requirements.

The Committee thus strongly encourages the United States Coast Guard (USCG) to build upon the foundational efforts of the Commercial Fishing Safety Advisory Committee from 2011 to 2016. This would involve developing a safety and competency certification program based on the 2010 ACT, with modules on Drills, Fire, Flooding, First Aid, Stability, Navigation, and Weather. These modules could be completed in segmented periods, with a total of five years for completion and mandatory refresher training every five years through USCG-accepted courses. This approach ensures that training remains relevant, accessible, affordable, and emphasizes hands-on competencies, meeting the unique demands of the commercial fishing industry. Furthermore, the Committee calls for regulatory adjustments to prevent the National Maritime Center from dismissing courses and instructors for not meeting international standards irrelevant to fishing vessels not engaged in international voyages.

Therefore, the NCFSAC advises the USCG to reconsider the proposed credentialing requirements and instead focus on supporting access to tailored training and certification programs that address the specific competencies needed by CFV masters/operators. This approach will enhance safety and operational efficacy in a practical manner, sensitive to the economic and regulatory realities of the industry.

In addition, the NCFSAC wishes to underscore the significance of the 2010 United States Coast Guard Authorization Act, specifically section 604(a)(4), which amends 46 U.S.C. 4502(g). This amendment mandates a training program for individuals in charge of Commercial Fishing Vessels (CFVs) under subpart C. This legislative requirement covers essential competencies critical to the safety and efficacy of CFV operations, including seamanship, stability, collision prevention, navigation, firefighting and prevention, damage control, personal survival, emergency medical care, emergency drills and communication, and weather.

The implementation of the 2010 Authorization Act represents a pivotal step towards enhancing mariner competency and operational safety across the commercial fishing industry. Given the substantial decrease in commercial fishing fatalities and accidents, as well as the proactive training and safety measures now in place, the Committee believes that the objectives of the current accident investigation recommendation are being met through these legislative and industry efforts. Therefore, we recommend that the United States Coast Guard (USCG) consider the impact of these training requirements and the observed improvements in industry safety as a basis for closing out the current accident investigation recommendation without further regulatory action. This approach aligns with the Committee's view that current training and

safety initiatives are effectively addressing the primary safety concerns identified, thereby negating the need for additional regulatory measures at this juncture.

**From: NCFSAC**

**To: U.S. Coast Guard**

**Task# 18-24**

**Recommendation:**

MOTION: Request USCG collect data on Coast Guard-approved (domestic) liferaft repairs at the first service and up to year 10 to determine if servicing requirements can change. This would require approved servicing facilities to provide service records to the USCG Commandant (CG-ENG-4) with pertinent information containing types and dates of repairs that occur at each servicing. To the extent possible, request USCG also collect historical repair data on Coast Guard-approved (domestic) liferaft repairs for the last 10 years.

**From: NCFSAC**

**To: U.S. Coast Guard**

**Task# 19-24**

**Recommendation:**

Honor Richard Hiscock and close the task.

**From: NCFSAC**

**To: U.S. Coast Guard**

**Task# 20-24**

**Recommendation:**

Summary.

After careful deliberation and consideration of public comments and the potential adverse impacts of implementing fitness-for-duty regulations for mariners on Commercial Fishing Vessels (CFVs) of less than 200 Gross Tonnage (GT), the Committee has concluded that while the safety, health, and well-being of mariners are of utmost importance, mariner fitness-for-duty



standards, including assessments of overall health, physical fitness, and the management of drug, alcohol usage, and fatigue, may not be feasible without imposing significant financial and operational burdens on the commercial fishing industry, and these responsibilities should rest with vessel owners and operators.

#### Considerations and Concerns.

Regulatory and Financial Burdens: The NCFSAC is concerned that the proposed fitness-for-duty regulations could introduce considerable regulatory and financial burdens on operators of CFVs of less than 200 GT. These burdens could adversely impact the industry's competitiveness and viability, potentially exacerbating existing challenges already faced by the commercial fishing industry.

Practical Implementation Challenges: Absent empirical data showing the benefit of the regulations, the burden of implementing standardized health, fitness assessments, and drug and alcohol policies across the diverse and geographically dispersed commercial fishing industry could hinder effective enforcement and compliance. Such measures might not adequately account for the unique operational realities of the fishing community.

Impact on Workforce Accessibility and Sustainability: Mandatory fitness-for-duty assessments could deter individuals from entering or remaining in the commercial fishing industry, especially in remote or rural areas where access to medical services for regular health assessments may be limited. This could exacerbate workforce shortages and negatively impact the industry's sustainability.

#### Existing Alternatives and Industry Efforts:

The NCFSAC recognizes existing efforts within the commercial fishing industry to promote mariner health, safety, and the responsible management of fatigue and substance use. Voluntary programs, industry-led initiatives, and existing regulations already address many concerns related to mariner fitness-for-duty without the need for additional, potentially burdensome regulations.

#### MOTION.

Given these considerations, the NCFSAC recommends against the implementation of new, comprehensive fitness-for-duty regulations for mariners on CFVs of less than 200 GT. Instead, the Committee encourages the following approaches:

- **Enhancing Support for Voluntary Health and Safety Programs:** Encourage and support the development and adoption of voluntary health, safety, and wellness programs.
- **Fostering Industry Education and Awareness:** Promote education and awareness campaigns on the importance of health, fitness, and responsible substance use, focusing on resources and strategies that mariners can implement.



- Collaborating with Healthcare Providers: Facilitate partnerships between the fishing industry and local and national healthcare providers to improve access to health assessments and support services, particularly in rural and remote fishing communities.
- Leverage the website to centralize information concerning fitness for duty, drug and alcohol usage, and management of fatigue.
- Best practices to manage fitness for duty, drug and alcohol usage, and management of fatigue should be incorporated into the voluntary best practices document.

The NCFSAC believes these recommendations strike a balance between promoting mariner health and safety and maintaining the economic viability and operational effectiveness of the commercial fishing industry. Responsibility to implement best practices rests with vessel owners and operators.

Further the Committee recommends that the USCG takes no regulatory action and closes the investigations.

**From: NCFSAC**

**To: U.S. Coast Guard**

**Task# 21-24**

**Recommendation:**

DISCUSSION. The safety and effectiveness of commercial fishing vessel operations are significantly impacted by crew fatigue and sleep deprivation, which can compromise decision-making, reaction times, and overall vessel safety during multi-day voyages. To that end, the "Voluntary Safety Initiatives and Good Marine Practices for Commercial Fishing Industry Vessels" (January 2017) promotes safety and operational best practices within the commercial fishing industry.

MOTION. For multi-day voyages, the Committee recommends the inclusion of the following fatigue limiting strategies into Section XII of the "Voluntary Safety Initiatives and Good Marine Practices for Commercial Fishing Industry Vessels" (January 2017):

- Vessel owners and operators should implement a structured work/rest schedule which reflects the recommended guidelines for a scientifically based work/rest schedule optimizing crew alertness to prevent chronic fatigue and sleep deprivation.
- Vessel owners and operators should facilitate fatigue awareness and management training. Training should be provided for all crew members, owners, and operators to recognize the signs of fatigue and understand its impacts on safety and performance.

In addition, this training should employ strategies to manage and mitigate fatigue and sleep deprivation, particularly during periods of high workloads.

The Committee also recommends that the USCG website centralize information concerning management and mitigation of fatigue and sleep deprivation.

Further the Committee recommends that the USCG takes no regulatory action and closes the investigations.

**From: NCFSAC**

**To: U.S. Coast Guard**

**Task# 22-24**

**Recommendation:**

Our recommendation for Task 22-24 is reflected in our recommendations concerning mitigating fatigue in Task 21-24.

**MOTION:** Pursuant to action taken on Task 21-24, the committee recommends no action on Task 22-24 and close the task.

Further the Committee recommends that the USCG takes no regulatory action and closes the investigations.