

11-02-2023

From: NCFSAC DFO

Subject: NCFSAC Safety Recommendations to Tasks 04-23 thru 13-23.

This document records the United States Coast Guard (USCG) response to the National Commercial Fishing Safety Advisory Committee (NCFSAC) task recommendations produced at the statutory advisory committee meeting that convened in Seattle, Washington on September 26 - 28, 2023.

Note: Format of individual task recommendations may differ due to NCFSAC response (format) was at the discretion of each drafting sub-committee.

Task #04-23

Description of Task:

Review the multi-year statistics (provided by the USCG) regarding commercial fishing vessels of less than 200 gross ton accidents or losses that resulted in fatalities, injuries, or property damage. Major marine casualties such as the loss of the DESTINATION, NO LIMITS, and other fishing vessels with multiple fatalities and vessel losses should be reviewed to provide the background information necessary to other supplementary taskings in best efforts to make informed recommendations to the USCG.

NCFSAC: Accepted task #04-23.

NCFSAC Recommendation: Following review, no Committee recommendations were made to the Coast Guard.

USCG Response:

This task was for informational purposes and the USCG stands by to answer any additional questions the Committee has.

Task #05-23

Description of Task:

Examine and make recommendations to the USCG on best practices to reduce and mitigate the negative consequences caused by the misalignment of state and federal regulations regarding drug laws legalizing the recreational and/or medical use for drugs also classed as dangerous drugs by federal law and applicable transportation related statutes. This is critical for the safety of operations and creating an environment for vessel personnel to work in a drug-free workplace, with special emphasis on critical safety sensitive jobs such as navigation and engineering duties to bring fishing vessels into alignment with other commercial vessels. Develop recommendations that include testing for pre-employment, routine, and reasonable cause.

NCFSAC: Accepted task #05-23.

NCFSAC Recommendation: Following deliberations, no Committee recommendations were made to the USCG.

Discussion:

- Drug placard is currently required to be posted.
- Under the Drug Free Workplace Act it is already illegal to have drugs in the workplace.
- State and federal law are aligned on the illegality of operating under the influence of drugs/alcohol.
- No recommendation on state/federal law misalignment. Federal law prevails.
- From 2002-2022 there was an average of 11 incidents where drug/alcohol influence could not be ruled out as a contributing factor out of 110,000 vessels.
- There is no current testing available for being under the influence of drugs, just the use.
- There is no database of active commercial fishing crew members.
- Had a thorough discussion with the USCG chemical testing program manager as well as the director of NPFVOA.

USCG Response:

The USCG notes that the Committee has no recommendations on this topic at this time. The USCG plans to stay engaged with the Committee to address future measures that involve substance abuse issues in the workplace.

Task #06-23

Description of Task:

Examine and effectively disseminate recommendations for best practices to ensure full crew access to all parts of a vessel to allow for safe vessel operation. This task should address and examine things like a means to access all areas of the vessel and allow the crew to safely move fore and aft to remove ice, inspect the vessel, and operate critical equipment like the vessel's anchors and similar gear that does not require the crew to climb over the pot stack (for example, in the case of a vessel carrying pots, nets or similar devices to create pathways for access).

NCFSAC: Accepted task #06-23.

NCFSAC Recommendation:

Task 06-23 Crew access to spaces

- In so much as is practicable, all spaces subject to flooding and/or necessary spaces for safe vessel operation should be accessible by crew during normal operations.
- In the event this is impractical and access is over stacked deck equipment (i.e. pot stacks or deck cargo) the committee recommends establishing vessel procedures which may include the use of tag lines, the buddy system, PFD's worn, Personal locator Beacons Man Overboard beacon's etc.
- For spaces where access may be blocked, consideration may be given to supplementing high water alarms with infrared cameras, increased maintenance frequency on watertight seals, dogs, knife edges, etc., and also on bilge level alarms. Consideration may be given as well to secondary means of de-watering (i.e. deck connection for a de-watering/trash pump).

USCG Response:

Vessel operations and best practices should consider full crew access to necessary locations of a vessel, factoring the safety of the vessel and its crew during normal operations. The USCG recognizes each vessel has unique features, as such, it is incumbent of the owner/operator to consider the unique configurations of their vessel when developing a vessel safety plan.

The USCG will incorporate these NCF SAC recommendations in future updates to the Voluntary Safety Initiatives and Good Marine Practices for Commercial Fishing Industry Vessels (CFIVs) guide.

Task #07-23

Description of Task:

Establish best practices for standard procedures and guidance for crew standing navigation watches. This should include a detailed crew orientation for each unique vessel, including the operation of critical equipment and establish clear and easily understood watchstanding orders to protect the safety of the vessel during its applicable operations. This could be accomplished as a standardized form or checklist.

NCF SAC: Accepted task #07-23.

NCF SAC Recommendation:

Task #07-23

- A. The committee recommends that the Voluntary Safety Initiatives and Good Marine Practices Document is updated to include a section on “Best Practices for Standing Navigational Watch”

This section should include the following statement.

1. The individual in charge of the vessel should have a watchstanding policy for their vessel and any crew member standing a navigational watch should be informed and understand the responsibilities stated in the policy.
2. The policy may contain items such as:
 - Be familiar with the use and operation of the vessel’s engine and gear controls.
 - Be familiar with the use and operation of the vessels Electronic Navigation Systems (ENS)
 - Be familiar with the use and operation of the vessels Radar, Depth Sounder, Autopilot, and AIS (Automatic Identification System). Further the CM will understand the use and operation of ARPA(Automatic Radar Plotting Aid) and the use and operation of AIS both with Radar and ENS and know how to determine CPA(Closest Point of Approach).
 - Be familiar with the Vessel’s Rules of the Road handbook and understand how they apply to watch standing on the vessel.
 - Be familiar with the use and operation of the Vessel’s VHF radios, and will understand the need to monitor Channels 16, a common traffic and distress frequency, and Channel 13, a common vessel to vessel frequency.
 - Be familiar with the use and operation of the Vessel’s Watch Alarm, and ensure it is set for an appropriate period, generally 10 minutes after dusk, and 15 minutes during daylight hours.
 - Be familiar with the use and operation of the vessels Navigation Lighting and will ensure the proper outlook is had.

- Be familiar with the use and operation of the Vessel’s Fishing Lights and know their appropriate usage.
- If the crew member is unsure of their observations, they should immediately notify the Individual in Charge.

B. The committee recommends that the USCG change the name of the Voluntary Safety Initiatives and Good Marine Practices document to “Commercial Fishing Vessel Best Safety Practices”.

USCG Response:

1. The USCG agrees that vessel operation policies should incorporate measures that ensure individuals in charge and navigational watchstanders have the necessary knowledge and decision-making capabilities to adequately stand a navigational watch and ensure the safety of a vessel.

The USCG will incorporate a “Best Practices for Standing a Navigational Watch” [section] in the Voluntary Safety Initiatives and Good Marine Practices for Commercial Fishing Industry Vessels (CFIVs) guide.

2. The USCG agrees with the Committees recommendations to change the name of the Voluntary Safety Initiatives and Good Marine Practices for Commercial Fishing Industry Vessels (guide) to “*Commercial Fishing Vessel Best Safety Practices*”.

Task #08-23

Description of Task:

Evaluate and provide a comprehensive list of recommendations to the USCG, in the form of best practices (NVICs, policies, training), or amended or new regulations, regarding stability considerations which may pose severe risk to the safety of a fishing vessel such as icing, loading, the need for stability instructions, and vessel modifications. As part of this task, review the USCG’s current level of oversight, provide recommendations on its adequacy, and specify needed changes to areas of the fishing safety program that need additional attention.

NCFSAC: Accepted task #08-23.

NCFSAC: Recommendation:

08-23 Stability - Training

- Operators of commercial fishing vessels of any sizes are encouraged as a best practice to attend a commercial fishing vessel stability training program. Operators are encouraged to share their experiences/stories of stability related issues in training. Where applicable, operators are encouraged to bring their vessel-specific stability instructions to this training.
- Operators of commercial fishing vessels are encouraged as a best practice to implement procedures prior to departing port, such as observation of the vessel’s trim, check condition of freeing ports and scuppers, watertight/weathertight doors and closures if applicable.

08-23 Recommendations to the USCG

- With regard to smaller vessels, the committee advises the Coast Guard look at other agencies, port controls on how they are implementing best practices for vessel stability safety (i.e. MCA recommendations regarding the Wolfson method).
- The committee recommends that the USCG provides formalized training to its FV Examiners on the topic of compliance with vessel stability regulations, specific to the USCG District and fleets within the District (i.e., vessel service).

USCG Response:

The USCG aims to stay informed with safety advances, particularly on topics linked to vessel stability and decision making. The USCG will continue to evaluate other agencies and organizations to identify best practices and identify new approaches to improve stability on vessels.

The USCG will review current stability training for Fishing Vessel Safety Examiners and develop knowledge-based training, as appropriate, to cover vessel stability regulations specific to USCG district fisheries and fleets. The USCG highly encourages mariners to participate in available stability, damage control, and other pertinent safety training.

Task #09-23

Description of Task:

Evaluate and provide recommendations to the USCG for best practices to address the high degree of risk associated with fishing vessel operations and how the acceptance of risk is prevalent and accepted in the fishing industry. Specifically, the Marine Board recommends the committee focus on topics including icing, heavy weather avoidance in voyage planning, and formalizing the navigation watch duties via onboard familiarization and written standard orders to ensure the safety of vessel during its transit and during fishing operations. \

NCFSAC: Accepted task #09-23.

NCFSAC Recommendation:

Risk Assessment

- The committee recommends the USCG liaise with industry to understand and identify training needs addressing risks specific to individual fisheries. This can be accomplished in conjunction with dockside safety examinations, during industry events, (i.e Pacific Marine Expo) or other forums, and social media. The committee understands some of these training needs may be broadly identified, whereas others may be very specific, based on fishery. The committee recommends the USCG then work with industry to develop fishery specific training programs for implementation.

USCG Response:

The Coast Guard will continue our ongoing measures to partner with industry stakeholders to identify and address unsafe conditions within the commercial fishing industry. The Coast Guard will expand outreach efforts to jointly seek practical solutions, develop potential training programs to mitigate hazards, and facilitate improvements in the Commercial Fishing Industry.

Task #10-23

Description of Task:

Evaluate and provide recommendations to the USCG to ensure the most effective means to widely disseminate critical safety information for the commercial fishing industry.

NCFSAC: Accepted task #10-23.

NCFSAC Recommendation:

USCG CVC-3 use it's FVS examiner network, fishing journals and other internet and printed materials to promote the USCG website as a resource for commercial fishermen.

USCG Response:

The USCG concurs with the recommendation and commits to promoting awareness of the USCG website through various media outlets. The website will be a primary mechanism to centralize information and broadcast critical safety updates to the commercial fishing industry.

Task #11-23

Description of Task:

Review and provide recommendations on the development of a publicly accessible website that contains all information related to fishing industry activities, including vessel safety, inspections, enforcement, hazards, training, regulations (including proposed regulations), outages of the Rescue 21 system in Alaska and similar outages, and any other fishing-related activities.

NCF SAC: Accepted task #11-23.

NCF SAC Recommendation:

USCG continue the development of a publicly accessible website as required by CG Auth Act 2022 Sec 11322 that contains all information related to fishing industry activities. The publicly accessible website should have a button at the bottom of each page to provide suggestions or feedback to [*“improve this page”*]. This website should be available to the full committee for suggestions on improvements for 6 weeks prior to the site going live. Additionally, we encourage the CG to measure the analytics and usage rates for ongoing development of the website, so it is a more useful resource for fisherman.

Coast Guard Response:

The USCG will continue the current initiatives to modernize our publicly accessible website and provide specific information as required by CG Auth Act 2022 Sec 11322. Website updates will incorporate a feature to receive customer feedback for improvements. Additionally, the USCG will verify system capabilities to measure the analytics and site usage rates.

Task #12-23

Description of Task:

Discuss and make recommendations requiring watch alarms on specific types of commercial fishing vessels.

NCFSAC: Accepted task #12-23.

NCFSAC Recommendation:

USCG initiate a rule making that would require Watch Alarms on vessels 36 feet and over that operate outside the Boundary Line as defined in 46 CFR Part 7.

USCG Response:

The USCG agrees with the intent of this recommendation. Watch alarm capabilities provide valuable information to improve commercial fishing vessel safety.

Watch alarm systems may involve complex components, such as motion sensing capabilities, audio/video features; and electric power-source requirements. As such, further research is needed on fleet-wide cost/impacts, equipment capabilities, industry standards, potential type-approval parameters, and regulatory authorities to require such equipment on certain vessels.

The USCG will evaluate this topic for future regulatory project implementation and prospects for inserting watch alarm content into the Voluntary Safety Initiatives and Good Marine Practices for Commercial Fishing Industry Vessels (CFIVs) guide.

Task #13-23

Description of Task:

Examine and make recommendations to the USCG on a way to widely distribute personal location beacons at minimal expense. Ensure availability and access for crewmembers of these critical lifesaving devices which could be acquired by consortiums, associations, or other organizations for distribution to vessel crews through federally funded grant programs or other programs.

NCFSAC: Accepted task #13-23.

NCFSAC Recommendation:

- Task Statement #13–23: Recommend the USCG encourage the availability of FCC approved Personal Location Beacons at reduced cost through grants or funding through such as the USCG/NIOSH research and training grants, Alaska CDQ programs, Sea Grant Regions, local fishing organizations and/or other non-profits or entities.

USCG Response:

The USCG will explore potential funding-options to improve accessibility of certain safety equipment and new technologies for the commercial fishing industry.

The USCG notes that Personal Location Beacons (PLB) can enhance mariner safety in hazardous situations. However, a PLB should not replace required Coast Guard approved safety equipment. Persons using PLB's should be familiar with device features, capabilities, and limitations.