35th Meeting
Commercial Fishing Safety Advisory Committee (CFSAC)
Seattle, Washington
September 15-16, 2015

United States Department of Homeland Security
United States Coast Guard

Summary of Meeting

The 35th meeting of the Commercial Fishing Safety Advisory Committee was held at the U.S. District Courthouse, 700 Stewart Street, Seattle, Washington.

Representing the U.S. Coast Guard from the Office of Commercial Vessel Compliance (CG-CVC) and the Fishing Safety Division (CVC-3) were Captain Kyle McAvoy – Designated Federal Officer (DFO), Mr. Jack Kemerer and Mr. Jonathan Wendland - Alternate DFO's. Captain McAvoy addressed the Committee on Tuesday 15 - 16 September 2015. The Committee Chair was Mr. Gerald Dzugan.

Committee Members In Attendance:
Mr. Gerald Dzugan
Ms. Victoria Baker
Mr. Kris Boehmer
Ms. Thu Bui
Mr. Thomas Dameron
Mr. Alan Davis
Mr. Hal Hockema, SGE (Special Government Employee)
Mr. Jake Jacobsen
Mr. Jimmy Martin
Mr. James Neville, SGE
Mr. Phillip Read
Mr. Tom Thompson
Mr. Bobby Virissimo
Mr. Ted Williams
Mr. Chris Woodley

Committee Members Absent:
Mr. Mark Saldi
Mr. Fred Mattera
Ms. Karen Conrad, SGE

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Day 1- Meeting Convened – 8:09 AM, September 15, 2015

DFO Opening Remarks:

CAPT McAvoy Designated Federal Officer (DFO) called the Committee to order and welcomed the Members and audience.

There is a lot going on in the commercial fishing vessel industry in the midst of challenging times. We recently have put out publications on several topics. We have some legislative issues that are governing the five year cycle for mandatory exams. We understand there is some confusion on the interplay between the law and the commercial Fishing Vessel Safety decal cycles and expiration dates. Hopefully, over the next two days we can clear some of the confusion up. We have survival craft changes in the works that are legislatively scheduled to go into effect in February of 2016.

There are important rulemakings in the works with the 2010, 2012, and 2014 Auth Acts and what the modifications of those acts governed us to do. However, we acknowledge there continues to be ongoing debate in the Federal Government and legislation about changes in the future.

Over the next two days we will review the status of commercial fishing vessel safety rulemaking projects, mandatory commercial fishing vessel safety dockside exam requirements, casualty data and risk reduction, tonnage and documentation requirements, alternate safety compliance program requirements, safety and survival equipment changes, safety standards and revisions, competency training and related administrative items. We have a full agenda to get thorough.

Captain McAvoy stated he was honored to be the Designated Federal Officer but that he is going to rotate next year on the United States Coast Guard assignment process, and another person will likely be filling the DFO role for the Committee. He noted that Mr. Kemerer and Mr. Wendland will remain as the Alternate Designated Federal Officers.

Administrative Details:

Mr. Kemerer introduced himself and explained the conflict of interest statement and declaration regarding lobbyist status to all Members. He advised all Members that they have a copy of the lobbyist status form in their folders but only three of the Members are designated as Special Government Employees. Mr. Kemerer requested the Special Government Employees Mr. Hockema and Mr. Neville sign the sheet and return it to him. He noted Ms. Conrad is also designated as a Special Government Employee but could not make the meeting.

Captain McAvoy swore in the two new Members, 1) Mr. Chris Woodley and 2) Mr. Jimmy Martin as well as four reappointed committee Members, 3) Ms. Tui Bui, 4) Mr. Bobby Virissimo, 5) Mr. James Neville, and 6) Mr. Burt Thompson.

Mr. Dzugan was selected and nominated as the Chair of the Committee while Mr. Davis was selected and nominated as Vice Chair. Both received unanimous approval from the Committee.

Chairman Dzugan thanked CAPT McAvoy and Mr. Kemerer and staff for all their efforts. He

reminded all that this committee operates under Roberts Rules where comments should be made through the chair. Mr. Dzugan stated when you're thinking of recommendations, make them as clear as you can, make sure they're reasonable, that they're something that we can have some affect on rather than pie in the sky, something that is actionable that will create some action, something that is doable, is realistic and something I think we say is allowable, that will have an impact.

Chairman Dzugan-
I thought maybe we'd start by going around the table here starting with Jonathan and introduce ourselves and where we're from and our background.

Introductions:

Mr. Wendland: Good morning everyone. My name is Jonathan Wendland and I am on staff at Coast Guard headquarters in the fishing vessel safety division and an Assistant Designated Federal Officer of this Committee.
Member Williams: I'm Ed Williams from Massachusetts.
Member Hockema: Hal Hockema, naval architect with Hockema & Whalen Associates. We're in Oregon and Washington and we primarily design commercial fishing vessels and conversions for Oregon, Washington, and Alaska. We also design all sorts of other commercial craft. I have 36 years experience. I grew up in the fishing community. Two brothers who are retired commercial fishermen. So pretty close to the industry.
Member Neville: Jim Neville.
Member Dameron: Tom Dameron, out of Philadelphia, PA. Commercial fisherman for over 30 years and currently manage a fleet of boats in the Mid-Atlantic.
Member Bui: Thu Bui, Louisiana Sea Grant.
Member Woodley: Good morning. Chris Woodley. I'm with the Executive Director of Groundfish Forum which is a trade association. It represents 18 trawl catcher/processors and operates in the Bering Sea and Alaska's Aleutian Islands. Prior to my going to Groundfish Forum, I spent 24 years in the United States Coast Guard working with fishing vessel safety issues.
Mr. Kemerer: Jack Kemerer, I'm the Chief of the Fishing Vessel Safety Division at Coast Guard Headquarters and also serve as the Alternate Designated Federal Official for this Committee.
Chairman Dzugan: Jerry Dzugan, Alaska Marine Safety Education Association, former fisherman and occasionally still am when I have to get out of the office.
Captain McAvoy: Kyle McAvoy. I'm the Office Chief for what we call Commercial Vessel Compliance Policy at Coast Guard Headquarters. I just wanted to take one more step and mention that Mr. Kemerer and Mr. Wendland are specialists in commercial fishing vessel safety policy matters within that office.
Vice Chair Davis: I'm Alan Davis. I serve as the Safety and Compliance Director for American Seafoods Company. I also serve currently as President of the Seattle Fisherman's Memorial.
Member Thompson: Tom Thompson. I'm Executive Director of the United States Marine Safety Association. And we are the industry association for companies that sell, service, manufacture, do training in life safety equipment, fire systems. I also come from a fishing family. My dad and grandfather were both commercial fishermen. And I've operated a variety of commercial vessels.
Member Baker: Torie Baker from Alaska. I have a couple of hats, but I too have been a

commercial fisherman for 25-some years, working with a smaller fleet. And I'm also a Fisheries Extension Agent with the Alaska Sea Grant, University of Alaska.
Member Martin: Jimmie Martin, Gulf of Mexico. I have a fleet of fishing boats in the Gulf and a fleet of offshore supply boats.
Member Jacobsen: Jake Jacobsen. I've fished along the West Coast since I was seven, and in Alaska, including 28 years in the Bering Sea. I am an active marine surveyor and also executive director of the largest cooperative of crab fishermen in the Bering Sea.
Member Virissimo: Bob Virissimo, South Pacific Tuna Corporation, San Diego. I've been in the tuna business for 45 years.
Member Boehmer: Kris Boehmer with the Ocean Marine Insurance Agency.
Member Read: Good morning. Philip Read, located here in Seattle.

Chairman Dzugan: Welcome to all the returning Members and new Members of the Committee. Captain Gilda I understand you have a few words that you would like to share.

Captain Gilda: Good morning. On behalf of Admiral Cromley, he wanted to welcome you all here and is glad that the Committee chose to come back to Seattle. I personally just transferred from the East Coast up in New England and Maine where it is nice to see some folks from the East Coast that I know. But also I know that there are a lot of local folks here that work day in and day out with our staff in moving this forward besides this Committee. There are folks like Philip Read, Jake Jacobsen, Alan Davis, Jerry Dzugan and the others. I would say across the country those relationships continue. There are other groups where other work on fishing vessel safety is ongoing all the time. Admiral Cromley wanted me to pass his thanks to all of you for being here for this meeting, but also for the daily activity and the engagement. I think everybody in this room has some kind of history with the fishing vessel industry and an interest to continue to move that forward. Again, thank you for being here and welcome to the Pacific Northwest. We wish you a great meeting over the next few days.

Old Business:

A Motion was made to accept the minutes/summary from the 2014 Committee meeting in Providence, RI. Moved by Mr. Davis, and seconded by Mr. Boehmer; passed unanimously after one edit was offered by Mr. Dameron.

Committee and CFVS Program Updates:

Mr. Kemerer - After last fall's meeting we invited Committee Members to listen in on our monthly teleconference with our District Fishing Vessel Safety Coordinators. We do not conduct any committee business on this call. It is just for awareness to let Members know what is going on. I think that's been very productive for everyone. I've had good feedback and I appreciate those of you who are able to call in to do that. I hope the call in helps you keep abreast of what is going on with the program and in the different districts.

Since last meeting there was a Marine Safety Information Bulletin that we posted that addressed the upcoming mandatory exams. In the Spring there was a revised policy letter dealing with assistant engineer officers and required license or credentials on certain commercial fishing vessels. Then a letter to industry again just a month or two ago about the upcoming exams

reminding everybody about that. There have been some other information bulletins issued on survival craft. The Survival Craft issue is coming up and some other things that are new mandates that will affect commercial fishing vessels. There were a couple of safety alerts dealing with fire extinguishers and survival craft and a number of other things already in your packet and available on our websites, fishsafe.info or fishsafewest.info or the Coast Guard home port webpage.

There is a list in your packet of recommendations since the 2011 meeting and in the status column, an update on all of those tasks. As you will see a lot of things are still pending because of rulemaking projects.

New Business:

Committee Membership:

Mr. Kemerer continued- There have been changes with the Membership status on advisory committees. The policy is and the guidance from DHS on our FACA committees is that you can serve two terms. You can be reappointed to a second term or six years total. And then you need to go off the Committee for a cycle, a year or whatever, and then you can reapply. Some Members have been on the Committee for quite a while with numerous reappointments. And that is not necessarily a bad thing. But sometimes it is good to get new blood on the committees. The new policy affects not just this Committee but all Coast Guard committees and I think the DHS committees. And it will be a challenge for some of them because I think there are a couple of committees where appointments are five years at a time. But again two years or two terms and then you can expect that you will have to sit out for a cycle if you are interested in continuing committee work on this committee, and reapply at that point.

For this year's cycle, we have no terms expiring in 2015. But there are six positions that will become vacant as of next May, 2016. And I'll go through these:
Mr. Mark Saldi's term expires. It was his first term. So he is eligible to reapply if he so desires.
Mr. Williams- Your term expires and you are on your second appointment. So unfortunately you not be able to reapply on this cycle.

Mr. Jacobsen- I have record that this is your first term following a break. So you should be eligible to reapply if you so desire.
Ms. Baker- You are on your second appointment. So unfortunately you'll have to take a recess in our next cycle.
Ms. Conrad- Is on her first appointment. So she can reapply if she desires.
Mr. Read- You are on your second term. So you will have to sit out a year or a term.
All Members and their terms can now be found on the federal advisory database at http://database.faca.gov. The Federal Register Notice announcing vacancies is going over to the Federal Register this week. So you should be seeing that shortly. And when it is posted, I will make sure everyone on the Committee gets a copy of it.

Updates on Coast Guard Regulatory Projects:

Mr. Kemerer: An Interim Rule project is ongoing. This Interim Rule is to implement those items from Auth Bills that either have a date attached to them or otherwise Coast Guard has determined they are self-implementing. But to get them enforceable, they need to go into regulation. That is pending. An issue here is if there is another legislative change to some of these items that can affect the time to get it published. It would have to be reworked or re-reviewed and so on. It is going through administrative review.

Just a little bit more on this year's authorization bills that are going through Congress. The House bill has two items in there. One in particular is a provision, a section, that would relax the survey classification requirements from the 2010 Act and delay the date in the 2012 Act. So what the House Bill has text to include is for vessels 50 to 79 feet if you don't get classed you have to comply with an alternate safety compliance program developed by the Coast Guard. And again that's something that would have to be developed and put through rulemaking process most likely and could be years down the road. So that basically relaxes the class requirement for fishing vessels up to 79 feet. Above 79 feet under the House version, the vessel would still have to meet classification and load line requirements, as well because load line now kicks in at 79 feet for fishing vessels.

The Senate version that's out of Committee included language that initially started out with 50 to 79 feet that kind of said to you build to class standards, but you don't have to use class. And then above 79 feet it would go on. But there were some amendments that came in there. So the Senate Bill would allow vessels up to 190 feet to be built to or incorporate class standards, but not use class or not have to be certificated by class and maintain class.

Those differences in the two bills have to go to Conference Committee and be resolved before a final bill comes out. So if they can't come to some kind of resolution on that I guess there's a possibility those sections could be dropped out of any auth bill or an authorization bill doesn't even go forward for votes. I know the committees are working on that now and I don't know what's going to happen. We just have to wait and see.
But we do know that fishing vessels beyond three miles are going to have to have an IBA or life craft after next February.

Other Rules:

The 75/25 Rule that was published last year began a new subpart I in Part 28 regulations.

The 46 CFR Part 105 regulations deal with vessels that carry fuel product or hazardous liquid cargo. If any of you have been following this year's Authorization Bill that came out of the Senate Committee, there is a provision in there to restore the Coast Guard's authority or the Secretary's authority to the Coast Guard to implement rules for carriage of liquid products for fishing vessels and tender vessels that was deleted in law some years ago. If that occurs, then the 105 regs can be extended to all vessels, not just fishing processing vessels.

Aquaculture Support Operations:

There was a provision in the Auth Act that allowed the Coast Guard to issue, temporary interim permits, and for DOT or MARAD to issue clearances for just registry type vessels or even foreign vessels to help with Aqua Culture support operations. That rulemaking project is underway as well.

NPRM:

The other items that were in the Auth Acts, will have to come through as a notice of proposed rulemaking as they are discretionary. That project is in the works as well. I sense there's frustration on some of your parts about how long it takes to do this. And your frustrations probably don't exceed mine because our office is the subject matter experts for it. And we've been working on it for years. It's just a very long, arduous project and many levels of review. At each of those levels, recommendations can be made to revise something and rework. It's a lot of back and forth. It takes a lot of time and all the different steps that we have to go through to get something actually published in the Federal Register.

Safety Alerts and Marine Safety Information Bulletins:

1. Out of water survival craft.
2. New requirements for fishing vessels.
3. Fatigue and navigation systems.

Survival Craft Requirements:

Any vessel operating beyond three nautical miles of the baseline was going to have to carry a survival craft that keeps you out of the water. That means an inflatable buoyant apparatus or an inflatable life raft, or a life boat or any higher safety level device. But IBAs and life rafts are the general ones that any vessel operating beyond three nautical miles would have to carry. That was supposed to take effect in January 2015. The 2012 Act then amended that or revised that mandate that required the Coast Guard to conduct a study and submit a report on to Congress on the requirements for those type of craft. That report was submitted and 30 months after that which makes it February 2016 is when the effective date for those devices on other vessels as well as fishing vessels will be effective. The fishing vessel requirement was not amended. However, that part of the bill also addressed approvals of other devices. So as it stands right now, the Coast Guard cannot issue approval on anything that doesn't keep you out of the water. The old life floats and the old buoyant apparatus are no longer approved devices. After next February, they cannot be installed on a vessel.

Now this year's Auth Bill if you look at that, there is a section in there that may repeal a lot of those requirements. It appears it would continue or allow the Coast Guard to again approve buoyant apparatus and life floats. A lot of this is up in the air. But I think for fishing vessels it's very clear that if you're beyond three nautical miles you have to have an IBA or a life raft. That's not being changed or being affected in this year's Auth Bill.

Inside three nautical miles, there's a possibility that you will continue to be allowed to use life floats or regular buoyant apparatus as long as they are serviceable. But once they become

unserviceable, there won't be an approved device to replace them on the vessel which means if you're required to carry a survival craft you would have to go to an IBA probably at the minimum.
We've got a policy letter that's in the works to discuss this and lay out the pending requirements and what our policy is going to be. Hopefully, it will be out before too long in time, certainly in time, for the February deadline date of survival craft.

Chairman Dzugan: Mr. Kemerer, is there anything known that's public today about where the break point is going to be between an IBA and a life raft in terms of distance from shore or size of crew or size of vessel?

Mr. Kemerer: The current regulations in Part 28 in the Table 28.120, those will still be effective. So beyond 50 miles it has to be a SOLAS A life raft. Twenty to 50 miles it's got to be SOLAS B. And inside 20 miles an IBA is probably acceptable.
In those tables, anyplace you see boundary line you might as well write in three nautical miles. Twelve miles gets dropped as well. Hopefully we can get some rules out and get some of that changed and clarified. But three miles is a pretty clear break point. And what's in there for documented and state registered vessels beyond three miles or up to 20 miles, those requirements would stand.

Chairman Dzugan: When does the parity between documented and state numbered boats become effective? In other words, we know that the documented line is mostly going to go away. When does the lack of parity between those two types of vessels go away? Is that with the interim rule or is that with the future rulemaking?

Mr. Kemerer: The Auth Act changed the break point to three nautical miles from the boundary line. So the divisions that we have in Part 28 regulations, those are the type of things that can be changed by the interim rule. There are other items in Part 28 that when they were initially finalized they were discretionary. So any of those type requirements, specific equipment or system requirements, that were discretionary at that time can't be changed until we do a new notice of proposed rulemaking and take public comment on it.
So Subpart C says for documented vessels beyond the boundary line or vessels more than 16 POB, many of those items were discretionary. So, even though a rulemaking may change that to all vessels operating beyond three miles some of those items will have to be changed to a documented vessel. Moving the boundary line within three nautical miles for a documented vessel won't be an issue because that's the law. That's very clear in the law. But to arbitrarily apply that to a state registered vessel will take a proposed rule. And you can look at Subpart C and probably figure out which of some of those items are. We'll have to stick with documented vessels again. It can't be applied to a state vessel until we get those rules and finalize that. It's going to take a lot of interpretation and a lot of guidance information to come to everyone as we move along with this. And all I can say is it's a long slow process. Please be patient.

If I may speak to just a little bit more on this year's authorization bills that are going through Congress.

The House bill has two items in it. One in particular is a provision, a section, that would relax the survey classification requirements from the 2010 Act and the delay date in the 2012 Act.

The House Bill has text to include vessels 50 to 79 feet if you don't get classed you have to comply with an alternate safety compliance program developed by the Coast Guard. However, that's something that would have to be developed and put through rulemaking process and most likely could be years down the road. So that basically relaxes the class requirement for fishing vessels up to 79 feet. Above 79 feet and under the House version, the vessel would still have to meet classification and load line requirements as well because load line now kicks in at 79 feet for fishing vessels.

The Senate version that's out of Committee included language that initially started out with 50 to 79 feet that said to you build to class standards, but you don't have to use class. And then above 79 feet it would go on. But there were some amendments in there. So the Senate Bill currently allows vessels up to 190 feet to be built to or incorporate class standards, but not use class or not have to be certificated by class and maintain class.

Those differences in the two bills have to go to Conference Committee and be resolved before a final bill comes out. So if they can't come to some kind of resolution on that I guess there's a possibility those sections could be dropped out of any auth bill or an authorization bill doesn't even go forward for votes. So we just have to wait and see what happens on that. I know the committees are working on that now and I don't know what's going to happen. We just have to wait and see.

Member Woodley: Mr. Chairman, Mr. Kemerer, I need a clarification. That 190 foot, that is for catcher vessels only. That doesn't include catcher processors.

Mr. Kemerer: The size limits discussed there are for any commercial fishing vessel. If the Senate version were to become law, any vessel under 190 feet would not have to be surveyed and classed, but built to standards incorporated from class rules. But class would not necessarily have to be involved except for the load line requirement.

Member Jacobsen: There is a current debate on the regs required for a class. Would that rescind that requirement on the 190 foot?

Mr. Kemerer: Yes, that requirement still stands for classification of processing vessels. So if they are being designed and built as a processor, Yes. They would have to be classed.

Member Jacobsen: Okay. Good.

Mandatory Dockside Safety Exams:

Mandatory Dockside Safety Exams were initiated in 2010 Auth Act. It was revised for the compliance date by the 2012 Act. So as of October 15th, any fishing vessel operating beyond three nautical miles is supposed have completed their first dockside safety exam. And the law now says an exam at least once every five years. The letter that we sent out last month was our second one reminding folks about this as we put out a letter to industry in 2012 as well. And if you recall we started doing the mandatory exams in 2012 until that Auth Act changed things. And there was a notice in early 2013 advising people of the new date for compliance.

Now the way it stands because of the way the law was written, Congress gave the Coast Guard, some discretion in the code by saying that the exams will take place at least once every five years. We didn't promulgate a regulation amending our Part 28 requiring dockside exams at different intervals. We could propose regulation to say the exam is one year, two years, three years, whatever we want to do as long as it's at least once in five. But until that regulation is to be published putting forth that criteria, we're limited by the constraints of the law on how often we can require and enforce the dockside safety exams.

Now our policy has been since the early 1990s with the voluntary exam program. This Policy was to do the safety exam and issue a safety decal for two years. The safety decal is still going to be issued for two years. Now there's some discretion on certain vessels that the U.S. might be able to relax that a little bit. But basically the decal is going to stay a two year decal. So it doesn't seem to quite match up. You've got a five year exam or at least once in five with the decals for two years. As an example, a vessel that gets examined in January 2013 technically doesn't have to be reexamined until January 2018. But they got a decal in 2013 that expired in 2015. They're still good from the legal point of the exam requirement, but their decal has expired. How does that affect the vessel or who does it affect?

If that vessel is required to carry a NOAA fisheries observer, NOAA's regulations say the vessel has had to have been examined within the past two years, and successfully completed an exam. I don't have the exact language, but that's in essence what the regulations say. If that vessel has a decal that's expired a couple of months ago and they're subject to observer carriage and they got notified that the observer's coming down there to deploy on their next trip and they don't have a valid decal, then the observer is probably not going to deploy on that vessel. Then that vessel is probably not going to go fish. They need to get re-examined and get issued a new decal.

In essence, you're kind of still keeping the two year exam program particularly for those vessels that have the observer carriage requirement. I know it's kind of confusing on that. But as far as the mandatory exam requirement goes, our hands are tied until we have regulation. The law says at least once in five years. We have discretion to make it more frequent than that. But it's got to go through proposed regulation. And that's going to be quite a while down the road before that could take effect that way.

I think the concern that we're not doing two year exams any more technically it's not a two year exam. It's a five year exam, but it's a two year decal which in essence requires an exam after two years anyhow where there is observer carriage. That's made it perfectly clear to everyone, right?

Member Williams: If the Coast Guard stops a boat with an expired decal and it is three years old. Are they going to issue a citation because they're within five years?

Mr. Kemerer: They shouldn't. Now if they hadn't had an exam within the past five years, then yes. But, just having an expired decal, no.

Member Baker: This is a question from one of the fleets that I've been dealing with.

What are the findings or what's the citation or what's the penalty for having an expired decal? What are the options of enforcement for not having a decal?

Mr. Kemerer: There shouldn't be any as long as they've had the exam within the past five years. So the decal doesn't come into play as far as warnings or violations or whatever. The other enforcement side of it is the no observer requirement.

Member Baker: So then on a non-observer boat, is there anything about having an expired decal?

Mr. Kemerer: If they've had the exam within the past five years -- actually after January 2013, they're good. So all the outreach and education and push that we've done to encourage people to do a two year exam under the voluntary program, hopefully people will remember that and will continue to seek the exam.

Member Baker: We were just recently told by a vessel owner/operator that due to a boarding with noted deficiencies that the owner/operator was notified of an $8,000 fine because he hadn't cleaned up some of the issues within a 45 day period.

Mr. Kemerer: Each one of those deficiency items can carry a certain civil penalty that is assessed. And many deficiencies can be up to $5,000 for each. So that goes to the hearing officer who looks at the circumstances of the violation and determines what's an appropriate civil penalty and that's proposed to the owner/operator. They get a chance to rebut it before the final determination is done. We used to have a pretty effective fix-it ticket program where the vessel was given a certain number of days to fix the discrepancies. And if they did, it just ended up being a warning on their record and no civil penalty assessed. We're going to have to wait and see how some of this plays out with this exam requirement issue.

Captain McAvoy: But in those situations those violations may be independent of whether there is a decal or not. That's the result of a law enforcement boarding when they're checking to the standards of 46 CFR Subchapter C.

Member Baker: And those can result in the termination?

Captain McAvoy: Yes, and that's independent of the decal.

Member Baker: I think that this is confusing at least in our area that the expired decal would then mean you have a termination. So maybe it would be best then bring up the examples.

Captain McAvoy: You are correct. It is confusing. And we acknowledge that it's confusing. And the solution is for us to get the regs in place which is as Jack mentioned at times a hard endeavor.

Member Williams: Unfortunately especially in the smaller vessels safety is not always at the top of the list. And with these decals, what would happen if a vessel was boarded and the decal was over five years? Is that termination of the trip or is that a warning? It's certainly not fair because they're busy and especially if their sticker expires in a busy time at the fishery.

Mr. Kemerer: Based on what is in the regulations for deficiencies or hazardous conditions, a Boarding Officer could terminate the voyage of a vessel. Not having a decal or not having an exam is not one of those items. So if there's anything else in the vessel, if the life raft inspection is out of date, or any of those eight or ten items that are listed as hazardous conditions, those would be the things that could be cause for termination of voyage, not necessarily not having a valid decal or not having an exam. But not having a valid decal would be a violation.

Member Woodley: There is a tremendous amount of concern within our fleets regarding the two year versus five year decal. For 20 years the Coast Guard and the fishermen in the Northwest have been working to make this industry safer. And the safety programs that we enjoy today came together as result of losses of fishing vessels. By moving the two years to five years, we feel this is going to significantly undermine the improvements that have been made in the fishing industry over the last 20 years.

Since 1990 the number of fatalities in the Pacific Northwest fleets and the Alaska fleets have gone down 75 percent. And we feel that these reductions in fatalities are a direct result of the Coast Guard involvement in the fishing vessel safety program and in particular the two year interval that has been part of the Coast Guard policy for the last 20 years.

The two year exam cycle is important for a number of reasons. Number one is that it creates a relationship between the fishing vessel operator and the Coast Guard. And it's a regular and frequent enough relationship that problems that may develop are quickly caught because the Coast Guard has familiarity with the vessel and the master or the crew has familiarity with what the Coast Guard's expectations are. If you shift this to a five year interval, that is far too long for things to go undetected. Safety problems can grow into larger safety problems on a boat. And we feel under a five year scenario what is a minor problem has a much greater chance of escalating to a larger problem over time.

Another key piece with this and you've already alluded to it, is the interaction with the NOAA/State of Alaska fishery observer programs. Currently, these two agencies for us as an operator in the Pacific Northwest, a large number of them are required to have observers on board. The observers are required to spot check safety equipment as part of their pre-check survey before the vessel sails. Under a five year scenario, because every piece of safety equipment for that boat is likely to expire within a five year period.

You are looking at an increased number of potential interactions where the observer is going to be the primary safety official if you will. He is the first person who is going to detect any kind of safety problem. That is going to create additional conflict between the observer program with the vessel operators because the first interaction as it is now is to do a safety check. Right now because you're on the two year cycle, there are fewer safety problems. If you start looking at a five year program, you're going to have more safety issues, more negative interactions with the observer and you're forcing the observer program to do a job that the Coast Guard has done in the past.

The groups that have signed onto a letter represent over 10,000 men and women who work on these vessels. Again, I think it's imperative that the Coast Guard come out with clear policy on

this issue and clearly articulate whether you need either the five-year decal or whether it's a five-year or two-year plan. We talked about the observer program, but the actual regulations for the observer program state that a decal has to have been issued in the last two years or in a time interval consistent with the current U.S. Coast Guard regulations or policy.

The question I believe is what is the Coast Guard policy. It appears to me that this regulatory language would allow that if the Coast Guard policy is applied to your decal that that in fact becomes the interval for the observers right now which then leads us down a slippery slope of additional safety problems and losing safety gains that we've made over the years.

Captain McAvoy: You are correct and I appreciate your comments. And it is a confusing situation. I just would like to point out that right now the forces or the mechanisms that drive the requirement for the two year decal still apply. Another way to look at this would be take the mandatory exam law off the table for just a moment. The forces that drive the two year decal and the consequences of that are still there. So the five year mandatory exam superimposes on top of that. You did raise a key element in the regulatory language and in the policy. That is the essence of what we have to separate and create a much clearer policy. Our tool to do that is going to be through the Federal rulemaking process. And that's what we're working on.

Mr. Kemerer: There has not been any Coast Guard regulation requiring a safety exam.
It was a policy that was instituted early in the 1990s and it was a voluntary program. But it did indicate that the safety decal would be issued for a two year period and would remain valid for two years. That is still effective. But the bottom line on the exam is based on the determination that was given to us. It's that we have no authority until we get regulations to require an exam more frequently than at least once in five years.

Member Williams: If that is the case, -- And you didn't allude to this specifically. Is there a regulatory project already in place to create a mid-period examination or to create Coast Guard regulation to require a two year exam? I feel that it's important to make this a very high priority given the importance of keeping commercial fishermen alive.

Mr. Kemerer: For an exam, say one year, two year, three year, whatever it is, is a discretionary item and would have to go through a proposed rule project.

Member Williams: There is not one currently in place for that?

Mr. Kemerer: There are rulemaking projects in the works.

Member Williams: For a two year exam. That's what I'm trying to get to. Is that part of the rulemaking?

Captain McAvoy: The discretionary part of the rulemaking packet will have things to that nature.

Member Williams: I understand.

Mr. Kemerer: Most of the boardings that are done are for fisheries enforcement, not for safety

checks. But every boarding should be included in a safety check. And some will be done strictly for that. The decal is an indication that you were in full compliance with all the requirements at the time of examination. Depending on how long you would have that decal issued may cause the boarding officer to take a little closer look at some of the more key items.

Member Dameron: I'd like to make a motion that the U.S. Coast Guard require a two year dockside examination interval when drafting a regulation or a policy for commercial fishing vessels operating outside three nautical miles.

Chairman Dzugan: There's a second.

Member Read: Second

Chairman Dzugan: Any discussion?

Member Jacobsen: I think the five year mandatory exams are a step in the right direction. But I agree with Mr. Woodley that it's very confusing and might lead to a diminishing of attention to the safety requirements. So I will be supporting Mr. Dameron.

Vice Chair Davis: As a safety professional, I would like to make a fundamental safety statement based on safety science. The more inspections, the more audits, the less people die. I do not want to add more names to the Seattle Fishermen's Memorial Wall. The last round the name we added was somebody that died in 1928. I do not want to have to help more homeless widows and orphans as I'm currently doing. We need to remove these barriers to getting regulations passed. And we need to not rely on policies which can be changed at a whim or changed because of political pressure. We need to in my option make it mandatory that these exams be every two years.

Member Martin: It doesn't make any difference if you do an exam in two years, five years, ten years. We do our inflatables every year. We don't have to; we do our inflatables every year. We do our fire extinguishers every year. We look at our whistles; we look at our life jackets. We do everything annually. All you have to do is make a phone call and they'll be there. As a boat owner, it doesn't make any difference to me if an exam is two, five or ten years. We do all of it annually.

Captain McAvoy: Just to point out one little aspect, when an exam or inspection is conducted on a vessel, the condition of the vessel and the certificates or decals that are issued are reflective of what was seen on the compliance or noncompliance for that day. Even in a two year cycle, if the equipment expired in six months, you're still going to get your decal. But a decal or a certificate of inspection on an inspected vessel does not govern that everything is good for the term of the decal or the certificate. It's a snapshot in time.

Member Boehmer: I think there is some confusion amongst the commercial fishing realm about the penalties and violations being clear. With the decals, it's also what the expiration date is and what they need to do. Without knowing until they're boarded, it kind of puts them at a disadvantage. So I think if we have something that actually lists out, if you don't have your EPIRBS, or it has expired, this is your penalty. That could actually put some teeth into some of

the things that we're trying to deal with, with the exams.

Chairman Dzugan: I think what this motion is getting at, but not stated that way and just to kind of summarize it, is that a two year decal has become an industry standard. And it's not something that for the people who support this motion want to see end.

Mr. Kemerer: I would like to reemphasize that an expired decal does not generate a violation. It's the exam. If the exam hasn't been done within the past five years, that's the violation. With individual equipment on board the vessel, the life raft inspection an EPIRB or whatever, I think most examiners, if not, all of our examiners when they go out on the vessel and they conduct the safety exam and they see that a battery may expire in an EPIRB in six months. That's noted on exam form and given to the owner/operator. It's incumbent upon the person responsible for the operation of the vessel to see that that battery is replaced before expiration. The Coast Guard pointed it out at the time of the exam that snapshot at the time the exam was conducted. The vessel is in compliance. But six months down the road, there may be things that expire that need to be inspected or readjusted and it is the responsibility of the owner to make sure that they get fixed. Then you continue to be in full compliance. If not, when the vessel is boarded, that's when a violation can be issued in the particular discrepancy. Nothing is changing as far as what's a deficiency that would generate a warning or a violation except the exam requirement gets added now.

Chairman Dzugan: All in favor of the motion as stated signify by raising their hand.
(Show of hands) Any opposed? (None) Passed unanimously.

Coordinator's Reports:

Mr. Kemerer: Members, in your folders you should have a little insert covering the status of initiatives and activities in the 1st Coast Guard District, the 5th, the 7th, the 8th, the 9th, 11th and 17th. But there are a couple of coordinators here that would like to probably update things. District 13 should go first and please limit it to three or four minutes to stay on schedule with our agenda.

District 13:

Mr. Hardin: Thank you, my name is Dan Hardin. I'm the Fishing Vessel Safety Coordinator for the 13th Coast Guard District. On May 3rd 2015, the fishing vessel Sea Beast capsized 15 miles offshore of Neah Bay, Washington. Of the four people on board, three people were able to make it to a life raft, but the vessel's master was on the bridge and had his survival suit half-on and did not make it out of that vessel and they did not find that person. So that's the report of our fatality.

Our dockside examiners have been doing the exams at the request of the fishermen to meet the deadline of 15 October 2015. And they have been able to keep up with that but some days are busier than others.

Coast Guard 13th District just released a new version of the fishing vessel checklist generator after undergoing beta tests by different commercial fishing vessel safety people around the

country we released that yesterday. This version works on a browser based approach on desktop, laptop, tablets and Smart phones with Apple and Droids and the other kind of phones as long as it has some kind of a browser. I suspect this new version will continue to help commercial fishermen prepare for an onsite exam and be ready for an examiner out to the field. Then we'll only need to make one trip to that vessel.

Fatalities and vessel losses have been evaluated in District 13 to identify non favorable risk factors, injuries and equipment failures. We've had Mr. Ernesto working with us here locally to do a lot of that work and feed that information to Mr. Lucas of NIOSH. And so we continue to try to assist NIOSH and give them the data that we'll need to establish our health and safety compliance programs with our various Alternate Safety Compliance Program fleets. In 2016, we need to form regional work groups based upon fisheries' risks and geographic locations.

Finally, Sector of Puget Sound has been meeting with assistant engineers and working with industry to assist companies submit plans to comply with CVC Policy Letter CG-11-11 CH-1 and existing regulations by 15 October 2015 that govern licensed assistant engineers.

Lastly Seattle Maritime completed their course approval for training their students to pass written test requirements. The school engaged the National Maritime Center in efforts to allow some time for industry-specific licenses and reduced manning dependent on a vessel's level of engine room automation.

Any questions? (None.) Thank you.

District 14:
Mr. Medlicott: I'm Charlie Medlicott the District 14 Program Coordinator located in Honolulu Hawaii. Basically, the Auth Act doesn't really have that big of an impact on us. We have 160 permits for long line vessels. And I think right now there are about 150, give or take that is actually being fished. The majority of them are fishing out of Honolulu.

Because of observer requirements, about 90 percent of those vessels currently have decals. So we are reaching out to the additional 10 percent of the logline fleet, to get them in compliance with the mandatory exam program.

The other fleet we have is the Distant Water Tuna Fleet. This fleet consists of 40 US-flagged Purse Seine vessels. These are large industrial vessels. Some of them have as many as 40 people on board. Some of them are as big as 250 feet. Right now, they are pretty much 100 percent in compliance with decals because of their manning exemption efforts outlined in CG Policy Letter

The interesting thing in Hawaii is there are about 1500 vessels between all the main Hawaiian Islands, Saipan, American Samoa. Most are small trailer boats, less than 30 feet, often with one person fishing. They're really subsistence, artisan type fisherman. Traditionally, Hawaiian people fish for food for themselves, for their families, for their neighbors, for their friends. And on occasion we found that they will stick a sign on the back of their pickup truck saying we have some Maui for sale and we sell fish. In the past, we kind of ignored these people because they're not a search and rescue problem. They're not killing themselves. We treat them basically as recreational boats.

Now they're commercial fishing vessels working together with all the boating associations, the fishermen's associations and all the islands. We're trying to talk with some of them so we can encourage these folks to improve safety because most of these vessels don't even have radios onboard. We're requiring them to have radios, and we'll allow them to have CB radios because that's what they've used forever and ever. It seems to work.

So for District 14, I don't think we'll have a very difficult time implementing the Auth Act. I think we've only had one fatality from the small boat trailer fleet in the three years I've been in Hawaii. That was on a man overboard.

The 40 US-flagged Purse Seiners, have been the majority of our Districts injuries and fatalities. That's what keeps me busy are those guys. They seem to have a lot of issues with MARPOL marine pollution. NIOSH came down two and a half years ago and they did a data analysis of the fleet and identified this fleet as being a high risk fleet for injury and death, and we've been continuing to focus on these boats because that's where you see the risk. Any questions?

Member Hockema: Yes, I have question. You mentioned the longline fleet but did not mention their fatalities or injuries? Can you comment on those?

Mr. Medlicott: Yes. I think there have been two man overboard fatalities since I've been in Honolulu. Slips, trips and falls on long liners mostly. People getting injured by snapbacks and things like that, gear entanglement. We had one guy get speared by a swordfish.

On the purse seine fleet, it's the loss of vessels, man overboards; confined space injuries helicopter crashes and industrial accidents.

Member Hockema: Okay. Thank you.

PAC AREA:
Mr. Varghis- No comments. Thank you.

District-17:
Mr. Wilwert: Good morning again. My name is Scott Wilwert from District 17. I have provided a report for District 17 in your packages. Identifying our mandatory exam population in Alaska is quite a challenge. Identifying the population is one challenge, getting out to the fleets is another. Much like District 14, in District 17 there's a lot of geography to cover. And we only have so many people to do the job and so many dollars to do it with. But I think the approach that we've taken in D-17 by using the data that we've gotten access to, and help from Mr. Wendland who worked to coordinate with NOAA and Alaska Fish and Game, has helped us really hone in on our active population, vessels that are actually fishing.

Due to the seasonal nature for a lot of the fisheries in Alaska we anticipate a push for exams in the spring. When folks come back to fishing, they will realize that the October date has passed. I don't really want to say this out loud, but we have had zero operational fatalities this fiscal year. From what I can tell, that probably would be a first time in the history if we can keep that going for the next 14 or 15 days on the fiscal year and hopefully longer than that.

We have been working with the D-13 folks on the assistant engineer and training issues as well.

Survival craft is the other thing that is a big deal for us. We have a very interesting niche of boats, especially in Southeast Alaska, hundreds that still have the ability to use the buoyant apparatus and the lift floats. And we have a lot of people that have survival craft requirements that are fishing inside three miles. So right now, there's a lot of ambiguity. What is a person going to need that's inside three miles? Is it going to be nothing? Are you going to be able to continue to use the life floats and buoyant apparatus?

We also have a lot of individual survival craft exemptions in Alaska where we've allowed people to use a rigid hull as long as it doesn't degrade safety and it does keep you out of the water. But we realize that that's probably not the kind of unapproved craft that meets the description of a survival craft that keeps you out of the water. Those will all have to be addressed in any kind of survival craft floats shakeouts. Questions?

Member Baker: Yes- All good work. Can you give us the figures of what is your target amount of the vessels that you need to cover with the mandatory exam?

Mr. Wilwert: Yes, again, identifying them is kind of the tricky part. However, because of the nature of the approach we're taking we are somewhat predicting the future on historical data. We have information that's someone has fished or operated beyond three miles in say 2010 - 2014. However, we are making the assumption they're going to continue to do that in 2015 when projecting out exam numbers. You know assumptions are assumptions and some assumptions are made within the data. However, to answer your question, we feel very comfortable that we're looking for about 2,500 vessels that appear to operate beyond three nautical miles including those that come up from District 13. But like what D-14 was saying we have trailer-able fleets and we have locals in the Arctic which is a very interesting and remote area. This particular year the way the halibut and IFQ's were doled out, much of the opportunity did not exist and there were not a lot of trailable fleets fishing except for at the coastal villages. However, those boats could be back to fishing next year. So it's very dynamic target number. I don't really always know what that number of the folks fishing beyond three miles is. We have the best data available thanks to some of the work that Mr. Wendland did and with NOAA and Alaska Fish and Game and our Coast Guard MISLE database.

Member Williams: How many examiners do you have that do this?

Mr. Wilwert: Counting active duty, at about last count we had about 54. So civilian examiners we have five. We have a civilian dedicated examiner in Juneau, Ketchikan, Sitka, Kodiak and Anchorage, Mr. Medlicott's old Dutch Harbor job was pulled back to Anchorage. We didn't find anybody to replace Charlie in Dutch Harbor. So we have five civilians and full squadron of auxiliary and some reservists. Then of course we're augmented heavily by the active duty and all the marine safety detachments.

Chairman Dzugan: Thank you.

Public Comments:

Mr. Kemerer: In the docket there was a comment submitted from Mr. Herman, President of Westpac Marine Services in Tacoma, Washington. His comment was regarding regulations bringing parity between documented and state registered vessels regarding life rafts. He thinks the regulations will force state-registered vessels currently equipped with an IBA to upgrade to a SOLAS-A raft if they fish in cold waters outside of 50 miles. In the past, the Coast Guard has allowed existing approved equipment to be grandfathered for the life of the piece of the gear. He's concerned that the implementation date is fast approaching and they need clarity. He's not advocating grandfathering equipment necessarily, but just to make sure the issue is clarified.

Just a quick comment. For state registered vessels if they have an inflatable, buoyant apparatus installed, that's all they are required to have regardless of how far off shore they're going. The current regulations require documented vessels that go beyond 20 miles to have a SOLAS-B- life raft. Beyond 50 miles to have a SOLAS-A life raft. While there's parity in vessels beyond three nautical miles to carry a survival craft that keeps you out of the water, there is not necessarily parity at this time for the type of craft that may be carried for certain distances. And as far as the grandfathering, the existing equipment on board that might not be approved any longer, that still needs to be clarified. But at this point whatever the current regulations are and they're meeting that inside three miles, that will still be effective until the Coast Guard otherwise determines that it's not. With that, I would say we can go to one of the other people requesting to make comments.

Ms. Goblirsch: Okay. I'll make this quick because I think it's very simple. This is in regards to the Coast Guard Search and Rescue Response Time Standard which was created back in the 70s as the way to equally and fairly distribute search and rescue assets around the country. Basically, it's a two hour response standard that the Coast Guard goes beyond two hours of any accident in the United States in U.S. waters. It's about 45 years old now. It's never been updated. It has been reviewed. In 1993, the Search and Rescue Division Chief recommended that a wholesale review happen starting with a clean sheet of paper because there is a lot of new information on cold water survival times that the old standard didn't take into consideration. The time is much faster in cold water than originally thought, but the two hour standard was put in place. The problem with that is if it was just a guideline for two hours as a starting place that's probably okay. However, it has been used as a reason to either not open or close particular facilities, particularly cold water, former stations that are needed during particular fisheries in cold water, things like that.

When budgets are tight, we all understand that. It's easy to go back to an old standard and say we're closing you because you're above and beyond the standard to the point where in our case the Homeland Security Secretary told us that we were redundant. Our fishery was closed because we were simply redundant.

I think that on behalf of, I should have said, Newport Fishermen's Wives Association I'm seeking support from this committee to request probably starting with the 13th District that the Coast Guard undergo a review and update of that standard. It doesn't guarantee that any place that's already open will stay open. I understand that. And it doesn't mean that they're going to have to open a whole bunch of new stations.

I'm just saying with the knowledge that we have now about cold water survival in geographic regions that all have individual requirements or unique requirements that this needs to be rethought with those items in mind. Then the limited resources that are in place are where they should be to do the most good.

To our standard, it's not been met at least as recently as 2013. It's not a criticism of the Coast Guard by any means. But they can't meet their two hour standard. I'm just saying it needs to be relevant. Any support or suggestions this Committee could provide would be very much appreciated. And everything else is in writing. Any questions? (No response)

Chairman Dzugan: Okay. Thank you, Ms. Goblirsch.

Member Williams: I would like to make a motion to request the Committee submit a letter of support asking the United States Coast Guard to complete a review and update U.S. Coast Guard search and response time standard and incorporate the best value available cold water survival data and ensure time to a rescue standard as appropriate for cold water regions. The standard has not been updated since it was created 45 years ago. Consideration should be given to criteria based on regions and/or geography. A knowledgeable third party such as NIOSH should conduct a review of losses, rescues, AIS traffic and other data from the Coast Guard and then make recommendations to the Coast Guard to ensure timely and adequate review.

Chairman Dzugan: Do we have a second on that?

Member Hockema: I second.

Chairman Dzugan: Any discussion? Any dissention? (No response). We can approve it by unanimous consent then. Thank you.

Mr. Cohen: Good morning. My name is Ken Cohen from Latitude 98. We are the inventor of a new technology in immersion suits. As most or all of you know in 1969 was the first immersion suit and nothing really has been changed except for incidental things in the last almost 50 years. We have an immersion suit called the Stearns Shield 24 plus.

Inside of the suit -- you'll see this blue piece in the center of it which is actually an air bladder – it's filled with warm air that you breathe, 87 degrees from this mouthpiece. So basically what you're doing is you're creating warm air from your body into the bladder which goes from the back of your head across your shoulder down to your back and down to your feet and terminates at the bottom of the boot.

You'll notice that we use a hard boot rather than a Gumby-style boot which gives the ability to be able to work in that suit and/or run across the deck whatever. What happens to that is that the air goes into the bladder fills up the suit and pressurizes the suit through the bladder up into the front of the suit and pressurizes it with all warm air. So basically you're creating a cocoon. What happens from there is the suit begins to pressurize -- Inside that cuff is where your hands go. Inside the cuff is a valve, the same valve we use for releasing the air in the pillow. That valve releases the warm air to your hands always allowing you to have heated hands and having the dexterity necessary to either help someone, help yourself when you're being rescued, or

whatever the case might be. That said, again we don't use the Gumby five finger or three finger gloves at all because we do not want your hands to actually be subjective. Your hands are inside the cuff with no gloves on in case you need to work.

The suit was certified back in December of 2013. In September of 2013 we along with UL, five members of the Canadian Coast Guard and all of us went to a university up in Vancouver where they have a kinesiology laboratory. In that lab we had the temperature of the water at freezing. We had to set the air temperature at 37 and put five participants, four men and one woman, in the water with the average core temperature of normal. They asked how long we wanted to have the test. We told them at least 24 hours.

At 24 hours and 15 minutes they called it. We didn't call it. They called it. Actually the guys from the UL called it because they were tired and wanted to go home. At that time when they had the measured core temperature of all five of those, the core temperature only had dropped 1.8 degrees at 24 hours and 15 minutes. Now mind you. You're not out in the Bering Sea being tossed and tumbled and so on, but 32 degrees, 37 degree air.

The mathematicians went from there one step further for us. They stretched the line for us. The line stretched 63 hours before first stages of hypothermia or 95 degrees. So what we've created is a suit that can keep you alive for days as we say not hours.

The question to everyone is whose suit would you rather be in? In a standard suit? Or would you rather be in our suit where you have no issues? You have no problems with hypothermia? You have no problems with frost bite, freezing? Everything is relative as we know to age, physical conditioning? Do you drink? Do you not drink? Do you smoke and all of these other things? So it's all relative. Again, what suit would you rather be in? Ours or theirs?

We can keep you alive for days. At the same time, we'll allow you to come out of the water after five or six or ten hours, get back on the boat. The Coast Guard can pick you up. You can go back home, have lunch, go to the theater in the evening and then go back to work the next day.

That being said, I put some flyers over here on the table. They're marked Latitude 98. I appreciate you taking the time. Thank you very much, gentlemen, Mr. Kemerer, Jerry. Alan, Thank you for inviting me.

Chairman Dzugan: Committee members, any questions? Yes.

Member Boehmer: What sizes are they available in?

Mr. Cohen: We only make two sizes as of right now, a standard universal which is up to 250 pounds, 75 inch tall. And then we make an oversize. We have not made a small simply because when we licensed it to Stearns, Stearns said that they want to see what sales were relative to production before they went ahead and made the smaller size.

Member Neville: I was wondering what the difference in cost is between the standard suits and your improved version.

Mr. Cohen: Roughly about $800. Right now, we're at about $800 which is considerably less than where we were even just a year ago based on the marketplace.

Member Williams: Questions. Is it Coast Guard approved?

Mr. Cohen: Absolutely. Since December 13, 2013.

Member Williams: And what size boots are they?

Mr. Cohen: Fourteen and you don't wear your shoes inside that boot. You take your shoes off.

Chairman Dzugan: Thank you.

Mr. Vincent: Tim Vincent. I'm with the Board of Directors at the Fishing Vessel Safety. With the regard to the two year/five year Coast Guard decal, you're creating confusion with this program. And the worst possible thing you can do to fishermen is create confusion.

I also happen to fish. I'm a Bristol Bay fisherman. So I fish five or six weeks out of the year. And I'm very passionate about fishing.

When you have a deal like this, let's say you go two years. You get decal. Now we're going off to five years. All this stuff takes industrial strength. These things are going to fall apart. Fishermen are very, very busy with a lot of things beyond fishing. They're trying to put food on the table. They're trying to make things go. And all of a sudden the safety things starting slipping through the cracks a little bit. Now we're going to three years. The Coast Guard comes along. You have a boarding. And guess what? You're going to get your voyage terminated because your equipment is not in compliance.

There are a lot of fisheries out there that are peak type fisheries. They're very dependent on revenue. And revenue is what makes the whole thing work here. You know you have to make money to make your operation go, to have safety equipment. If you put hardship you get your voyage terminated. And all of a sudden guess what? I'm out $30,000, $40,000 because I had to go back to town because I didn't meet these requirements. You're creating a snowball effect downhill.

I strongly urge you to do your best due diligence to get this thing moved to two years.

NIOSH/NMFS:

Dr. Lucas: Good morning, Mr. Chairman and Members of the Committee. Thank you for the opportunity to speak to you this morning. I will be giving a brief update on the NIOSH Fishing Safety Program.

To start off with, I've been asked to update the Committee on National Marine Fishery Service (NMFS) Safety Tech Memo. This memo will give some instructions on how risk assessments in fisheries can be done. So it talks about the methodology for collecting casualty data, for

analyzing data and analyzing risk in the fisheries.

This is a document that the NMFS is in charge of preparing and NIOSH has co-authored many of the sections. I understand it will be released in January. This is the only slide I have on this topic. So if there are more questions about the NMFS Safety Tech Memo, please let me know after the presentation, I'll be around.

Moving on, I do want to share with the Committee some of the fatality data that we just saw for 2014, the last year that it was completed and collected. As you can see in 2014, there were a record low number of fatalities in the U.S. fishing industry which was really encouraging and continues the 34 percent decline in the last 15 years in the U.S. of the number of fatalities occurring. So 2014 was the lowest number of fatalities we've ever recorded. Of course, one year doesn't make a trend. So we'll keep watching how things go in 2015. But it's still in the right direction. Besides fatalities, we also do surveillance of all vessel disasters in the U.S. This chart shows since 2010 the vessel disasters that have occurred both fatal and nonfatal vessel disasters. And you can see in 2014 that red chunk the vessel disasters that resulted in fatalities. And it was a lower number than the previous four years.

Member Jacobsen: What is a vessel disaster?

Dr. Lucas: We define vessel disaster as a catastrophic event involving the vessel sinking, capsizing where the entire crew is forced to abandon ship and to be rescued at sea. That's a vessel disaster. If you look at the whole pie, you can see that the dramatic result for 2014 was for the first time ever the number of fatal falls overboard was higher than the number of fatalities from vessel disasters. It's the first time we've ever had more fatalities from falls overboard in a year than from vessel disasters. So again, not a trend yet. But something to pay attention to.

Moving on to the last item here which is a new big, collaborative effort between NIOSH and Coast Guard and Oregon State University to collect and analyze different types of marine casualty data to provide a hazard assessment for fisheries in District 13. This is a collaboration between District 13, NIOSH Alaska office and researchers at Oregon State.

Last year when I had addressed the Committee, I talked about how different fishing regions and fleets have different hazards. And I showed how hazards differ between various fleets in the U.S. And we talked about how other states' compliance programs would be most effective if they focused on looking at the evidence and preparing programs that address those evidenced hazards.

And so in the past NIOSH has already collected information as you know about fatalities and vessel disasters in the U.S. But the piece that we've been missing is information on nonfatal injuries and other vessel casualties, vessel casualties like flooding, fire, groundings, loss of propulsion, that don't result in disasters. And then of course along with that we haven't had the data and information necessary to these hazard assessments. So we're missing these hazard assessments that are needed to develop the alternate safety compliance programs.
This chart shows the full scope of marine casualties that are related to safety. They're broken down first by personnel casualties and vessel casualties. Right now, in the past, we've had information just on the chunk of personnel casualties that result in fatalities. And we've been

missing the nonfatal injuries. On the vessel casualty side, we've been collecting information on disasters. But we haven't been looking at all of the other types of vessel casualties that are depicted here. Now we have reports available for it.

So the objective of the study was to use more resources from different institutions, NIOSH, Coast Guard and academia, to collect data on these other types of casualties and analyze them to provide information to help guide the alternate safety compliance program for District 13.

All the data that I'll be going over is just related to vessels that are applicable to ASCPs which are those at least 50 feet long.

The three institutions here broke up the casualties and the chart there shows that for NIOSH directly we collected information on fatalities and vessel disasters. The U.S. Coast Guard District 13 Dan Hardin had a summer hire to collect data on vessel casualties. And then the researcher, Dr. Kensel, worked on a NIOSH grant to collect information on nonfatal injuries. So all of these casualty cases were entered into various databases that we were then able to analyze.

In District 13, there were a total of 80 fatalities. We're going to talk about fatalities first. There were a total of 80 fatalities on all fishing vessels in District 13 for the 15 year period. Only 21 of those fatalities were actually on vessels at least 50 feet. This is important to keep in mind that the ASCPs are addressing really the minority of the problem. Twenty-six percent of the fatalities are on vessels at least 50 feet. But of those -- again I'm going to use the last chart where something happened to the numbers because they didn't come through here -- in the pie chart, for those 21 fatalities about half were fatalities due to vessel disaster and then falls overboard and some others.

This chart shows the different fleets in District 13 where these fatalities on vessels at least 50 feet occurred. There are 21 fatalities. You see the Dungeness crab fleet had five fatalities mostly from falls overboard. Again, to make a point that this is just on larger vessels at least 50 feet.

But the thing I want you to look at in this chart is that there's not one particular fleet in the fatality picture that really sticks out with these larger vessels as being the most problematic. These 21 fatalities are really spread across a variety of fleets.

I'm going to jump to falls overboard and talk about what some of the factors that caused the fatalities to happen. With the eight fatal falls overboard, you had gear entanglement, being knocked by gear, half an interaction with gear. And the main point here is that none of these victims were wearing a PFD. So PFD is absolutely going to be a recommendation.

I'm going to come back to talk more about the fatality vessel disasters in a moment. But I want to jump to nonfatal injuries. These are the injuries that Oregon State researchers collected through NIOSH and in collaboration with the Coast Guard District 13. They collected 167 nonfatal injuries that were reported on all fishing vessel in District 13.
Of those 167, 133 were nonfatal injuries on fishing vessels at least 50 feet. Notice this discrepancy between fatalities where 26 percent of the fatalities which we know we have all of them happen on these larger vessels. But eight percent of the reported nonfatal injuries were on

vessels at least 50 feet. It doesn't mean that most of the nonfatal injuries that occurred in reality occur on larger vessels. It means that the larger vessels reported them and the smaller vessels don't.

One of the coding schemes that we did with the nonfatal injuries is to look at severity. We used the standardized severity scale that's used a lot in industry. You classify the different nonfatal injuries according to how severe they were. You can see that both of them that were reported were minor and moderate injuries.

Thirty-three were serious. A very few critical injuries. And of course this doesn't include the 21 fatal injuries. We're just talking about nonfatal injuries. One of the really novel approaches that we've done with the nonfatal injury data is to group it by what we call work process or the task that was being done at the time of the injury. And this chart shows all of the work processes that resulted in injuries for all fishing fleets in District 13 all grouped together. So in this way it's not extremely informative, but it shows an example of how we can do the same kind of a chart by specific fleets and by fisheries to break down where exactly the injuries were occurring.
For instance, and these break down even further. These are the broad categories. For instance with the first one, hauling the gear, these are the different injuries and severities that occurred while hauling gear. Now within hauling the gear, we can also look at more detailed analyses of what specific task was being done that produced that injury. And it becomes most informative, when we've looked at it by fleet or by a particular gear type.

Similarly, we're able to look at the type of injury and the specific body part that it occurred to. And again for now this chart shows all of the injuries on all of the fisheries in District 13 grouped together. In the future as we look at injuries in specific fisheries, you can start to make more sense out of where injuries occur and then leave this to the work process.

For instance, here you can see at the very bottom that 55 percent of injuries to the lower extremities, the foot and leg, were fractures. Now we could pair that data with the work process codes to see what work process was being done that produced those leg fractures for instance. And then again we sorted these by fisheries to be able to show which fisheries have the most injuries. But again what we found is that the Pacific Whiting fleet, the catcher/processor fleet, had the most injuries but that's just because they're larger vessels, owned by bigger companies and have better reporting mechanisms in place. So this chart shouldn't be interpreted as the large fleet has the highest risk of nonfatal injuries or even most injuries that occur, but simply that they report the most. Now I'm going to jump back to talk about vessel disasters, fatal and nonfatal vessel disasters. This chart shows the green bars are nonfatal vessel disasters that occurred each year since 2000. And the red parts of the bars are those disasters that resulted in fatalities.

In District 13, if there were 159 fishermen that abandoned ship and were at risk of drowning in the water, ten of them died which equals a 94 percent survival rate which is actually really high and impressive. This is something that has changed because of the 1988 fishing vessel safety regulation that required emergency safety life crafts and other safety equipment on fishing vessels. NIOSH has done studies that show how the survival rate has increased after the 1988 legislation.

This breaks down for the District 13 fisheries where vessel disasters occurred. Dungeness crab fleet does have the majority of the vessel disasters. But it's not a very striking difference to me anyway. The salmon fleet also has some vessels accidents that were fatal. And it goes on throughout a lot of the different fleets in District 13.

This information comes into play with the recommendations or actually suggestions that NIOSH has. One of the neat ways that we look at vessel disaster is by initiating events. We've talked about this before that the initiating event is the first major problem that occurred that set the events in motion that eventually caused the vessel disaster. You can see that in District 13 on vessels at least 50 feet that flooding is the most common initiating event, the very first thing that happens that causes the disaster, both in terms of nonfatal disasters and fatal disasters. But also the second leading initiating event is a grounding event. And we've analyzed this further to show that 80 percent of these were directly related to the person on watch falling asleep at the helm and grounding. Fires and explosions are also common initiating events.

The one point that I will make here too and this will be shown in the suggestions that I have later is that instability is actually pretty far down the list and doesn't seem like instability is a huge problem in District 13 with these vessels causing vessel disasters. A new piece of information that we've been able to get from the Coast Guard and the summer hire was on other types of vessel casualties, those casualties that occur but don't result in a disaster. Again, these are fishing vessels at least 50 feet. This set of data cover a four year period, 2011 through 2014. We found a little over 300 vessel casualties to vessels at least 50 feet in District 13. Over half of them were a loss of propulsion event. But you can also see loss of steering, grounding and flooding as well.

Member Baker: What is the difference between loss of power and loss of propulsion?

Dr. Lucas: Loss of power refers to the electrical power, so a generator.
We've taken these casualties and also looked at them by severity. And we've defined severity a little bit different than the Coast Guard does. The way that we've defined severity here for vessel casualties is that it's a minor casualty that is resolved at sea by the crew without any outside assistance. We've classified them as moderate casualties if the vessel had to return to port to get the issue corrected. But they were able to get there without assistance or if the issue was resolved at sea with assistance. And then the serious casualties we classified those as the vessel being completely disabled and having to be rescued at sea and towed to port for repairs.

The really interesting thing here is in the red box that of 163 of serious vessel casualties pictured there or 86 percent of the serious vessel casualties the Coast Guard towed the distressed vessels to safety. That's one rescue of a disabled fishing vessel every nine days for District 13. And that's just vessels at least 50 feet. So that's just larger vessels. That doesn't count all of the vessel casualties to smaller vessels. This is a huge problem. I'm going to end with two slides of suggestions that NIOSH has for the development of all the safety compliance programs in District 13. And the first suggestion is that there is no evidence of a need for fleet specific ASCPs in District 13. There's not a single fleet that really jumps out at that level for special attention. But that a single program in District 13, a single ASCP program, would be able to address all of the common problems that we've shown here. Then next to focus the ASCPs on preventing flooding as an initiating event of all vessel casualties and especially vessel disasters.

We looked at the data more closely, too -- and I haven't shown the data -- but we looked at the available that down-flooding through open hatches, doors and sea valves are a major cause of flooding as an initiating event. And for below water line flooding, failures of through-hole penetrations and hole corrosion are the most common causes of water line flooding. We can look at the data all the way down to that level and help provide evidence for specific requirements on our safety compliance programs.

The third bullet here is to include provisions to prevent groundings as an initiating event. As we saw, that was the second leading cause of vessel disasters. And I mentioned before that we've looked and seen that 80 percent of those are directly related to falling asleep at the helm. Many others are due to navigational errors by someone who is awake. The last slide here has a few other suggestions. We saw that fires are also the third most common initiating event for vessel disasters and also occurring are those other vessel casualties that didn't go as far as a disaster. Finding provisions that would prevent fires and response to fires are important. The other suggestion here is that we talk a lot about stability and instability. But in District 13 on vessels at least 50 feet there is little evidence -- I would say really no evidence -- to support extensive stability requirements in our safety compliance program. Stability is not -- Instability is not a common cause of vessel disasters.

Collisions, we talked a lot about but in District 13, collisions are not a big issue. Loss of propulsion is clearly a big issue on these vessels. And we don't have any specific recommendations or ideas to prevent or improve that. So the suggestion is that the Coast Guard includes discussions about loss of propulsion with the industry directly to try and generate ideas for solutions. It clearly is an issue that needs to be addressed.

And then down here improving reporting nonfatal injuries, I mentioned a couple times in the slides that some of what we see is a result of for some groups reporting a lot of injuries and other groups not reporting or under reporting injuries. We wouldn't want to target say the whiting catcher/processor fleet for a special program because based on this data we know that they're reporting more injuries than the other fleets. It's not that those other fleets don't have the same number of injuries or more.

And, lastly include provisions for mandatory PFDs on deck to prevent fatalities and falls overboard.

Just in closing briefly, I want to acknowledge the researcher that Oregon State University had, Dr. Kintel and her doctorate student, Laura, who are here who collected the data, analyzed the data on nonfatal injuries. And I also want to thank Dan Hardin for hiring the Coast Guard summer hire to work with us and hash the data.

This is an example of how we can collaborate within different institutions, academia, NIOSH, Coast Guard and work together to collect all of the various casualty information and provide more in-depth and thorough risk assessment. That's all I have. Thank you very much.

Member Boehmer: How big of a factor did fatigue play in a lot of these losses over all.

Dr. Lucas: We haven't analyzed fatigue at this point. In the future I can look at how fatigue and

falling asleep relate to all the different vessel disasters.

Member Boehmer: I also wonder if it plays a small part into people that fall overboard, perhaps how many hours they put on deck and how they would be affected by it.

Dr. Lucas: Sure. We can look at that. I'll make sure that we do specifically.

Member Jacobsen: You showed us a slide about falls overboard and that none of them were wearing a PFD. Do you have any information on nonfatal falls overboard and how many of those were wearing it?

Dr. Lucas: We really don't unfortunately. It would take a special study to look at that probably through survey research or something with fishermen to find that out. There's no readily available data source for nonfatal falls overboard.
We do have anecdotal evidence. For instance, we have a NIOSH video that maybe some of you have seen about the vessel Paul Revere that capsized in the Bering Sea. Three crew members were wearing inflatable PFDs. Were in the water for two hours and clearly saved by the PFDs. We have anecdotal evidence like that, stories, but not a study.

Member Williams: In reference to propulsion loss, did you track down how many were engine failures versus reduction failures or loss of shaft?

Dr. Lucas: We haven't looked at it yet, but this information I am presenting on is very preliminary. But we will.

Member Neville: Last year, at the Providence meeting, we held a meeting with the insurance bureau. Did anything come of that on getting more data from the insurance companies?

Dr Lucas: Yes. Thanks for that question. In that meeting NIOSH was asked to work with the insurance companies, via ISO Insurance. We have worked with them over the last year. We've matched up the requirements in the legislation for reporting with what they already have existing in their various systems and what needs to be added to their systems to collect everything in the legislation. That exercise has been done and we're continuing to work with them now to actually get those new fields added. Once that process is done, the Coast Guard will be able to do outreach and make sure that the insurance companies then know about the new electronic reporting ability and requirements and be able to start submitting data to them that way. That's where we're at with that.

Member Woodley: Thank you for that presentation. That was very informative. One question that I had looking at the recommendations for developing alternate programs for D-13 vessels is I believe the slide said you were looking at vessels over 50 feet and the casualties that resulted. There's a huge, huge distinction I think that needs to be made between the at sea whiting fleet which is catcher/processors. They are fully classified boats. You know 150 plus people on board as opposed to the catcher boat fleet. Have you filtered out the results of the large CP and other mother ship fleets to see if you come to a different set of conclusions or acclamations for the D-13 vessels?

Dr. Lucas: No, That's really a good point that you're bringing up that those vessels are larger there and many or most cases are already classed. So we could definitely exclude them and look at those vessels that aren't at that level. But you can see that in some of the charts where we've broken out the fishery they appear separately. And I made the point that those are also the vessels that would be most likely to report because of the company mechanisms in place.
But, yes, we can look at any specific fleet or exclude certain vessels like that. That's a great point and good idea.

Captain McAvoy: Devin, thank you very much for your work. It's a great study. I do have one question regarding initiating events. How did you go to the detail of deciding those are the specific initiating events? What's the degree of separation between each of them?

Dr. Lucas: That's a great question. It's based on the investigation that's done by the Coast Guard. In the investigation reports the investigating officer will lay out the sequence of events. And it's in the report. So we follow whatever the IO determined based on their investigation.

Captain McAvoy: Thank you.

Vice Chair Davis: When you're doing your evaluations I just wanted to make sure there wasn't a denominator placed in these.

Dr. Lucas: There was not. Good observation. All of the information that I've shown today is just based on counts of numbers of things happening. We do have some denominator or exposure data for various weeks and those were 13. But the problem that we run into is that since we know that reporting varies so widely across the states it's not really valid to calculate a risk when you know that your numerator, your number of cases, isn't a valid representation of what's actually occurring out there. We're stopping short at this point of calculating rates for those nonfatal injuries. Whereas we do calculate the fatality rates because we feel very confident that we capture every fatality that happens.

Vice Chair Davis: The other thing I would encourage you to do is in your last bullet about PFDs preventing fatal falls overboard. You said it differently than it's written. I would like you to break that into two pieces. One there should be discussions about how to keep people from falling overboard. And then we need to all be hammering on people to wear PFDs.

Chairman Dzugan: You're just looking at your immediate injuries and not long-term injuries like strains, sprains, carpal tunnel, tendinitis and things like that.

Dr. Lucas: Right. Only acute injuries. We do look at strains and sprains, but only if they're acute, not if it's a chronic injury.

Chairman Dzugan: It would be interesting to look at that.

Chairman Dzugan: Because there are other reports that show that's the leading cause of injuries to fishermen. It's endemic. If you talk to fishermen especially after the age of 40, most everybody has got some injury that way.

I was surprised at the comment that there's no evidence that stability requirements in D-13 could be recommended. But it's the same district that has a Dungee fishery which has stability issues. I'm just wondering how you deal with that.

Dr. Lucas: Right. The problem goes back to that the alternative safety compliance programs are only addressing vessels at least 50 feet. So the information that I presented here is just vessels at least 50 feet. So that's only 26 percent of the fatalities. Three-quarters of fatalities are happening on vessels smaller than 50 feet. And stability issues could be a huge problem in those smaller vessels.

What I'm saying is that for evidence for the alternate safety plans where you have to restrict our analysis and just look at the vessels that are at least 50 feet. In that case, stability is not really an issue.

Chairman Dzugan: That explains it well. Thank you.

Mr. Kemerer: How serious do you think is the problem of under reporting nonfatal accidents?

Dr. Lucas: It's a huge problem. It's very serious. We should have reports on every nonfatal injury that occurs.

Mr. Kemerer: There are guidelines in the regulations of when a report of a casualty has to occur. And it's based on the extent of the injury or the time the person is out of work or it's beyond first aid. And obviously it sounds like people are not reporting on their 2692s as they should be. That carries over to ISO's data as well from the underwriters.

Dr. Lucas: Yes, it will be excellent to have another data source through the ISO claims if that works out and starts to generate reports. That will be great source of nonfatal injury data. And going back to that discrepancy where we know we capture all the fatalities, only 26 percent are from those larger vessels. But then 80 percent of the nonfatal injuries are from those vessels. That clues you into how big the problem of non-reporting entries is.

I mean you would expect those to be relatively similar percentages. So the larger vessels are reporting more of the nonfatal injuries than the smaller vessels are.

Vice Chair Davis: I would actually hazard to guess that nonfatal injuries would be more likely on the smaller vessels, not trying to tap the big boys too much. But the larger companies, the larger vessels, the larger fleets, we have more people and some other risks.

Dr Lucas: Yes, the fatality risk is lower on those boats. You would expect that the nonfatal injury risk would be lower too. But in the data we show that the numbers are much higher because they're reporting more.

Captain McAvoy: State data for the smaller craft, was that looked at and incorporated into this or is that the next step to try to bring that data stream into the mix?

Dr. Lucas: For the fatalities we don't make any distinction between state registered or

documented. We collect information on all fatalities regardless. And it's the same thing actually with the nonfatal injuries, too, though. We aren't making any determination on documented versus state numbered. But the fact is when we're looking at reported casualties most of the reports are coming from documented vehicles not the state numbered. But there would be some, but it's based on whatever was reported like whoever reported. So we didn't make the distinction. We included everything that was reported.

Chairman Dzugan: Thank you very much again for a good report.

ASCP:

Mr. Rentz: Coast Guard District 13. I've been coordinating suggestions and recommendations for the alternative safety compliance program. And I learned some new information from Devin right now. It may change some things in my presentation. This demonstrates how important it is to have this Coast Guard NIOSH safety expert relationship. And Chairman Dzugan asked a really important question about chronic injuries versus injuries that were reported because they were reportable to the Coast Guard at the time. And when we get the intern's data that might change how we look at things even more because then we'll have access to data on chronic injuries in boat related events. I'm pretty impressed with what NIOSH has been able to do now with their data that they have. They have a lot of fields in there and they can manipulate. They can answer a lot of questions. And these questions are important questions to people who are going to have to comply with alternate safety compliance.

We want to invest in the areas where we're going to make a difference. For instance stability, if we don't have a huge problem with stability in D-13 with these vessels over 50 feet, that's probably not where we want to invest in. But we do have the problem with the falls overboard. So that should be addressed as well as some of the other things that were mentioned like fatigue. This is pretty interesting because going around the country and talking to people doing these exams on vessels that comes up a lot, these onboard injuries, the chronic injuries, fatigue. That comes up a lot and it's mentioned by commercial fishermen. Hey, what about this stuff? What is in there that addresses that?

We have put those things in the matrix. So this is interesting how this is developing. I think it's time to go to the next step where regional committees are formed and you have direct interaction and direct access to the safety information that NIOSH has so that we can develop effective programs.

The Coast Guard in 2010 was required to develop alternate safety compliance programs. Back here on the table we have the nine things that came out in 2010-2011. There's been a lot of progress as far as risk analysis. There's been a lot of progress in outreach. But not in as far as getting substantial things down on the table, the actual requirements, we need to perform some work on that.

This program that we're developing are recommendations for existing vessels that would not fall under the classification rules. Even if the vessel was built in 2012, eventually it would have to comply with alternate safety compliance as it reaches 25 years of age.
This is also for vessels operating beyond three nautical miles from shore. So we still have a few

vessels that are operating close to shore that would not have to comply with alternate safety compliance. In addition, if they have more than 16 people and are operating within three nautical miles, they would need to enroll.

There has been some discussion of the length overall. So that was put in the legislation. That 50 foot is length overall which is different from what is on the documentation certificate. Normally, the length overall is a few feet longer than the registered or documented length of the vessel. So someone who has 48 feet on their document, they probably are over 50 feet in length overall. Now it's different when we get up to the load line requirements. That is based on the load lining length, even though the way they wrote length overall, it just doesn't pan out. In order to line up with all the existing load line criteria, it needs to go by the load line length (Register or documented length). There's a chart. It shows the requirement based upon the built date. And as you can see, most vessels will have to comply when the programs are implemented hopefully around 2020 because we have so many vessels that will be over 25 years of age at that time.

We need to form these regional work groups and start developing the alternate safety compliance programs because next year they need to be prescribed. They need to prescribe these programs. And vessels that go through major conversions after the program is prescribed would need to comply with that program. So that would be the first group that could possibly have to comply with the program in alternate safety compliance before 2020.

We talked about the risk being different based upon the regions and fleets. But as we went through this, one of the tasks was to determine what fleets would this apply to. So we came up with 35 different fleets. But we learned and what Devin's presentation supports is that there are a lot more similar risks than we thought based upon the regions.
Like here in District 13, we were initially recommending five programs for the 13th District. one for Dungee, one for each of those fleets shared with Alaska. And then the overall program here which are with all the other vessels, the long liners and all the others that are over 50 feet operating beyond three miles. We can consolidate and that will make it so much simpler for us.

The questions we still need to answer are these risks for the salmon, the tenders and the crab. We know that as far as fatalities there was a significant difference in what their risks were. So it will be interesting to see for nonfatal injuries what the differences were and if we need any adjustments there. Basically, the main thing is each district will have a regional plan. And within that regional plan, they would have sections that would apply based upon specific higher risk fisheries.

If you find there's a fishery in the area and it doesn't have the same risks as the other vessels then there could be things that do not apply to that vessel. This is the work for related fatalities on vessels at least 50 feet in length. And this is nationwide. It shows different fleets that were broken out here. We have the Gulf of Mexico and Atlantic shrimp fleet there and then scallops. So it's broken out by fisheries as far as fatalities. And this is some of the information that was used to develop that chart as far as which fisheries need to be addressed individually based upon their risks.

These are nonfatal events of vessel at least 50 feet in length 2010 to 2013. We're starting to

populate this information. We're starting to get a picture of what's going on for nonfatal events. We have a much better picture in District 13 now. But for the rest of the country that information still needs to be gathered and entered into the database.

These objectives came out of a memo that was sent up and endorsed by the 13th District, 17th District and Pacific area as far as recommendations early on for developing alternate safety compliance programs. The main objective is to reduce the loss due to fatalities and serious injuries. We want to reduce the specific risks within a fleet and not just adopt standards from other programs. So before we put a lot of cost into it -- There is going to be the cost benefit analysis where we put our resources.

There is not any more personnel or any more money for this program. And of course, commercial fishing was not allocated more money or personnel in this program. That's why we need to address specific risks and do kind of a cost benefit analysis because we want to put that money into resources where we can make the most difference. We determined that best practices if adopted would meet the objectives, leverage new technologies and consider the geographic limitations in areas. Identify and get resources to maintain the program and certainly economic impact.

In 2016 we need to form these regional work groups, work with NIOSH and the Coast Guard to evaluate those casualties. We need to ask the kind of questions that we're getting asked of Devin within these regional work groups. We need to ask those questions and we want to identify the risks that are perceived commonly. In other words, NIOSH, commercial fishing industry and the Coast Guard should have a common understanding of what the risks are that we're trying to address as we come up with these plans. We'll evaluate those casualties. And this evidence and procedure, that's where it comes up and that's where a lot of these questions come up like Jerry's question about the chronic injuries. That's a really valid thing that's not indicated yet.

When we form these regional work groups, people will come up with that kind of stuff and we need to try to get those things answered as much as we can. If not, then we need to have a discussion to see what type of evidence there is or what they've been experiencing within a fishery. The bottom line is to prioritize the job hazards and develop program requirements that address those hazards using the matrix as a tool.

These are some of the standards that have been suggested for all vessels. So there will be some basic standards for vessels. We will review the risk and prioritize them. Examples include to maintain the water tight integrity of the vessels, have a plan for the use of PFDs and the prevention of falls overboard. These regional work groups will go over these items and see if they're addressing the risk within their region and their fleets. These regional work groups would start with that matrix and have a basis for what all vessels should have as part of their best practices. And then in addition to that they would have different requirements based upon specific risks. For instance they might have some requirements for vessels that have winches. They could have other requirements for vessels that are showing that they're having a lot of fatigue problems.

During the last meeting there were some tasks that were given to the subcommittee. And one of

those was to develop a risk-based criteria for fisheries or regions which is what the matrix is all about. The items that are listed as all the recommended for all vessels and the ones that stated risk are identified for specific risks.

The other thing that came out of the last meeting was for the Coast Guard to give outreach and educate fishermen on alternate safety compliance requirements during dockside exams, regional fisher's management council meetings and other venues. So we started on that, but I really think we need something for the dockside examiners to have to talk about. A handout or something like that would be helpful.

Stability was suggested as a minimum standard for all vessels to have some type of stability standard for vessels that fall within this program. Having a haul-out, I did see was another recommendation by the subcommittee. A big one here was the water tight integrity which Devin talked about. And I think we were on the money there for keeping water tightness on the vessels. Water tight doors and hatches maintained or restored. Look at the bulkhead penetrations and recommendations for machinery systems, for piping, for life saving equipment and arrangements. Emergency equipment should be maintained to manufacturer's specifications and be fitted with lights. And then closure around the machinery space hatch. And having Freon detectors. These were some of the recommendations that were made last committee meeting and put into the matrix.

Do you have any questions?

Member Bohemer: I know it's a work in progress. But I think especially in D-1 New England we have a risk of offshore entanglement.

Mr. Rentz: That would be a good thing to look at. What would be helpful is that these regional work groups come up with those types of questions for NIOSH to examine. I have been collecting some of them as I go around the country.

Member Woodley: Troy, I have a question on this slide right here. Right now with the Alaska fleet, you've got Bering Sea crabbers being on there. And I noticed the data that you used is 2004 to 2013. There hasn't been -- Jake, correct me if I'm wrong -- a vessel loss in the Bering Sea crab fleet since 2005. And I think there has only been two man overboard. With updated data it seems like that wouldn't be a fleet that would require its own alternate safety programs. Also, I noticed that you had different time frames for use of data. Some were 10 years. Some were five years. What criteria are you using to put people on that alternate safety compliance list?

Mr. Rentz: The Chart I am showing was based upon these two sets of information from 2004 to 2013 and from vessels over 50 feet. Some of these I don't think were really put on there because they were high risk. They might be low risk fisheries that need to have specific exemptions. All fleets need to comply with these, but this fleet is not having a problem in that particular area.

I think that's something for the regional work groups to meet and decide on. And it's really hard for me being in D-13 to come up with this stuff for around the country. So that's why we need these regional work groups. We need to get together and get those questions answered and find

out what makes the best sense.

Chairman Dzugan: This might be more of a question for Dr. Lucas. I notice that you got in D-13 tenders or AK tenders. But I didn't see any stats on tenders in your D-13 analysis. It seems like it would be useful for the ASCP to have that data, too.

Dr. Lucas: The study that I talked about was looking at marine casualties that occurred in District 13. And so they're up here as a potential shared program because a lot of them are home ported in Seattle. But they fish and operate in Alaska. The casualty data for those fleets would be observed in an Alaska study which hasn't been done.

Chairman Dzugan: But there are tenders that work in Puget Sound. Like eight of them.

Dr. Lucas: If they had reported casualties in District 13 they would appear. They would be in the data for District 13.

Chairman Dzugan: Okay. So the fact that they're not -- they were not listed.

Dr. Lucas: Exactly.

Mr. Kemerer: I would like to point out that the ASCP development doesn't depend solely on fatalities and nonfatal injuries or vessel losses. But we should also be looking at environmental conditions and operating conditions where that fishery occurs. So there's a lot of things that could couple together to develop this criteria and come up with the final plan by 2017.

Vice Chair Davis: You're saying that recent history of fatalities isn't necessarily the only indicator of risk.

Mr. Kemerer: Right. Where your vessel is operating and those conditions certainly poses a risk. Such as the bearing crab fleet. We need to ensure that those vessels have better maintenance or better material condition and other safety measures in comparison to other vessels operating out of areas such as the Gulf who may not need those same standards. There are a lot of things that need to be considered, not just fatalities and injuries.

Member Hockema: For vessel's over 79 feet which is where most of my business is, we do lots of stability work, lots of vessel design of modifications and new construction. As I mentioned in the beginning, I've been in this business 36 years and the 80s were not so good. Lots of change in the industry since then. There were changes from crabbers to trawlers with some pretty bad results. In the late 80s and into the 90s, there was a big change in the regulatory environment when the 1991 fishing vessel regulations were established. And load lines were already being required for processors. And then the 1991 regs required classification for processors. Vessel watertight integrity for the most part was reviewed closely. There was a pretty dramatic reduction in stability and watertight integrity problems after 1991. I'm not advocating for backing off the gas now. But I'm not an advocate for accelerating on the gas either. The 1991 regulations on stability and water tight integrity have had a tremendous positive effect on the fleet. And our continuation of that is important.

Some areas of the country have not had that stability and watertight integrity implementation as closely as we have here on the West Coast and in Alaska where it's more common. I've seen vessel groups, particularly the Alaska tenders for example, who are just tender vessels operating mainly in Spring, Summer and Fall. I've seen letters that were written by the group. It's a safe group overall because they're operating generally in fairly favorable conditions.

Many of our existing vessels we know couldn't meet modern day stability criteria for exposed waters. It just doesn't work. But they've also been out there for 40 to 50 years in many cases. They're operating successfully because there are differences in weather and in December when there is a storm they stay in port. And then maybe they see an opening that's going to be 48 hours of good weather or maybe three days. Okay. Let's go out and run our string of Dungeness pots and get back to port. It's been done since the beginning of time.

But I feel that there ought to be a little bit more Coast Guard involvement in determining when to close that weather door for those smaller vessels. This could go a long way for safety rather than developing complex stability criteria to attempt to do the same. An example of this is for the Coast Guard port officer in charge to close the bar to vessels smaller than a particular size, like 79', when bar conditions are dangerous, or forecast to be dangerous within a short timeframe.

Tonnage:

Mr. Aiken: Good afternoon, everyone. Marcus Aiken from the Coast Guard Marine Safety Center in Washington, D.C. I wanted to speak specifically about fishing vessels that were constructed outside the United States. As you know, a fishing vessel that has been constructed outside of the United States is ineligible for documentation and therefore ineligible to fish. Therefore it basically has to be measured under five net tons to fish illegally.

Net tonnage isn't a measure of weight. It's not a measure of a vessel's cargo hold volume. It's not a measure of the vessel's buoyancy. As such you can see variously sized vessels measured at five net tons.

Getting a vessel measured under five net tons isn't an easy thing to accomplish. I know that certain folks that have been involved with tonnage measurement over the years may mention that it is easy or that they may know how to do it. But it indeed is not an easy thing particularly for a vessel that may be longer than 60 feet.

If someone is considering purchasing a vessel that was built or needs to measure under five net tons in order to operate, if you're considering using a consultant, use do diligence in selecting a consultant. The Marine Safety Center can't recommend a consultant for any owner that's considering it. But we can provide comment as to what to look for.

Also because the drawing requirements, tonnage has gone through quite a bit of change with respect to what the tonnage program requires of the measurement organizations. It comes to graphical evidence of what the vessel looks like when it gets measured. And the drawing requirements have been increased. As such, there may be a need to consider hiring an architect that some of the larger vessels do to properly document what the vessel looks like.

Also not all measurement organizations or class societies regularly measure vessels of these types. As such, you have to use diligence in selecting which measure organization you go to. It's one of those deals where if someone doesn't have good practice in doing something even more basically paying them to do something that they're not used to because that may cost you in effect as far as turnaround time in getting your certificate.

Also this is a note that because we have increased our drawings and what we require from the measurement organizations as far as evidence of the measurement we are now able to do an increased level oversight over these measurements. So take a closer look to make sure that all measurements across the board, across each measurement organization, are done correctly.

Mr. Kemerer: Marcus, if I could just clarify one thing here you said about vessels. Foreign vessels brought in aren't eligible for documentation.

They can be documented. But they're only eligible to get a registry endorsed document. They cannot get a fisheries endorsement on their documentation.

Mr. Wilwert: Marcus, a lot of times the examiners will see tonnage certificates for both instead of having to go through the process. But what's being retained on board the vessel isn't really an indication of the work that was done. It's a number in a box. It's 4.92 without a lot of paper trail sometimes to be able to walk through and understand how it got there. More importantly, was it all undone once they achieved it and take it back to their old configuration? Is there anything that you folks look for when you talk about the drawings that needs to be or should be retained with the vessel or the vessel owner?

Mr. Aiken: The only thing that the vessel has to retain is the proof of the measurement. And one of the things that I'm trying to do, an initiative I just started, is to work with the fleet as far as educating examiners on what to look for on the vessel to ensure that (a) the vessel is indeed the one that matches the certificate and (b) just be able to notice if changes have been made.

Mr. Kemerer: As a reminder in your folders, there is a two-page document on documentation and tonnage. And there are some on the back table there. Marcus' office in the Marine Safety Office put that together. Again, it's available on the websites as well.

Captain McAvoy: It's very difficult to get into the nuances of when tonnage changes. We want to get our field inspectors to look for those structural modifications that may affect tonnage as the first sign. But looking at the bigger picture, the tonnage change if it's a significant enough tonnage change may lead to determinations of major modifications and other things that are also being discussed and put into the rules that will be drafted not with the IR but perhaps the follow-on to that. When the tonnage changes significantly, it forces the commercial operator into a new element of potential regulations that may or may not apply. That's the bigger version of why it matters.

Public Comment NOAA NMFS:

Mr. Hansford NOAA National Marine Fisheries Service: I just want to thank the Committee for

their ongoing support through that unanimous passage of the motion to reiterate the support of examination or two year requirement for the decal. There is an ongoing and continued coordination between NFMS and this Committee and the Coast Guard. And there's small sliver of daylight between our regs and policy that has been able to move forward and I continue to want to encourage that. However, there's a little concern that there is a pinning of the observer with the captains with the five year regs, the two year decal issuance versus the certificate in five years. To that end, it is incumbent on the agency to try and support what the Coast Guard is going to do prior to the implementation of the regs to maintain the two year decal.

I'll share with you that we are currently trying to put in place an official statement from our Office of Law Enforcement and GC that indicate that we will enforce our two year requirement as is laid out in our regs. With that, our intention is to make sure that our observers will stay in and continually work in safety conscious environment. With that, again thank you for this time to speak to you. I'll take your questions if you have any.

Chairman Dzugan: Thank you, Mr. Hansford.

Mr. Kemerer: If I could make a statement here at this time for Dennis and for the observer program, some of you may or may not have heard that they lost one of their observers overboard on a vessel off Central America I think last Friday. So we certainly extend our condolences and sympathy for your personnel. I know that they face dangers just the same as the fishermen. We're sorry for your loss.

Mr. Hansford: Thank you.

Mr. Dennehy: My comments pertain primarily to safety training which I'm kind of curious why that topic has not come up at all this morning. I'm Ed Dennehy. I'm the Director of the Safety Training for Fishing Partnership Support Services out of Massachusetts. We're a nonprofit organization whose mission is to support the health and well-being of commercial fishing families. And one major aspect of our mission is that we provide a very robust safety training program for fishermen. This program is hands-on. It started back in 2005 after the sinking of a major scalloper out of New Bedford with major loss of life. And since then we've trained about 2,300 fishermen in basic safety training and almost 500 drill conductors, all that at no cost to the fishermen.

This program has been enthusiastic and is supported by the fishing community. Several current and former members of this Committee actually were responsible for developing and continue to support that program and they include former member Rodney Avala, current members Fred Mattera, Ted Williams, Tom Dameron and Kris Boehmer. We learned about the fishermen from our program. But a couple of pertinent things really stick out. One is we barely touched the total number of fishermen that have not had any significant safety training. And secondly the level of safety equipment and procedures acknowledged by the fishermen is really to be desired. Not just the new fishermen, the young guys, but some of the old timers as well really don't have the knowledge that they should to operate the equipment. They come to us thinking that they do, but they leave with newfound knowledge and skills. They actually really embraced the training. Frankly, it's slowly but surely hoping to change the safety culture of the fishermen. We have several examples of emergencies in the New England waters where those situations were

effectively handled because the crews of those fishing boats had gone through our training and utilized that training to address the issue. However, our ability to continue our efforts to reach the large number of fishermen who have never been trained in our region depends entirely on getting additional resources. We were very hopeful that the Authorization Act of 2010 that established the Operator Certificate of Competency Program would significantly address some of the shortfalls.

However, it's clear that after five years this program just appears to not be going anywhere. And whether it's legislative procedures, politics, budget issues, a reluctance to take on new initiatives or whatever the reason, frankly it appears that the Coast Guard is dragging its feet and none of these reasons to me anyway are acceptable. And I don't mean to disrespect the Coast Guard. I spent 25 years in the Coast Guard. And I have a very healthy respect for all that it does and is required to do and most often with limited resources. But it appears to me that fishing safety has really gone to the very bottom of the Coast Guard's priority list.

In the meantime, fishermen continue to die, maybe not in high profile instances like the Northern Edge and the Alaska Ranger that had multiple depths and high fatalities, but one here, one there, we continue to have that. And it's absolutely true that safety programs, safety training significantly reduce these types of occurrences. I think we all need to do a better job to support safety programs.

I don't know the answer to getting this certificate program implemented. But I do know this. The Coast Guard has very bright, innovative people who can solve problems to get things done when they want to. I suggest that the Coast Guard needs to want to do much more than it is currently for any success. I would also offer my organization to assist them and I'm sure I can speak for other training organizations. If there is something that we can do different to help move the Coast Guard along, please ask because we're more than willing to do so.

I think it's a shame that the Authorization Act established funding for the implementation of the certification program throughout the country and also research funding to study the efficiency of these programs, but the Coast Guard has never even requested the funding of the program.

I request that this Committee pass a motion asking the Coast Guard to expedite the development of the regulations and to request that Congress fully fund the certification program. I don't want to wait until we have another major disaster with multiple loss of life to focus attention on this program. Thank you.

Chairman Dzugan: Thank you, Mr. Dennehy. I'd like to remind members that it was the 2014 Advisory Committee where we did pass a motion about the training funding to Congress. And I also want to take a moment to separate the hard work that the present Coast Guard Fishing Vessel staff have done to try to get those regulations passed and implemented as opposed to the Department of Homeland Security which is the agency that this has to be massaged through which has fishing vessel safety as a low priority.

Ms. Terry: Good afternoon. Lisa Terry from the Alaska Independent Tenderman's Association. I'd like to give our association's voice with the two year decal for dockside exams.

There's a lot of ambiguity in the Coast Guard regulations. You look at length overall, documented length, as-builts, substantially change. You are confusing all the fleets as to what you want. Now I understand that it's hard to regulate the entire fishing community in the nation. But if you keep things simpler, it makes it a lot easier on a lot of individuals to be able to do the right thing. We all want to do the right thing. But sometimes it seems like the Coast Guard regulations hamper us from trying to just do the right thing. I ask that you consider doing something to try and put it back to a two year dockside exam versus one in five years. I would hate to have someone have to die for the Coast Guard to take action.

I need a definition for what is going to be a regional committee for the Alternative Safety Compliance. And is there a time line for these? I know that the law states that we're supposed to have these by 2017. But is there something governing these regional committees that are keeping them on point to get this done by this time line?

I would like to know so we can move forward as a group ourselves if we're prepared with our information. We want to have it done. We want to have it in place. And we're already trying to institute things as a group.

A lot of our members have already written into their crew contracts that their crews have to go out and buy personnel floatation devices and must wear them on deck as part of their contract. And they need to be responsible for it.

I think placing all of the responsibility on a vessel owner may not be the best thing. You hire a crew. They come work for you. You purchase them vests. You send them to this training. You send them to that. I'm going to go next door now and now we're all starting at square one.

We're going to make our crews responsible for their training because they could take it anywhere they go and their safety to a degree. I mean we'll have our survival suits and all the other things that we have for our vessels. But at some point you have to make an individual a little bit responsible for themselves. And that's what we're trying to do and educate our people because they don't like change. And there's a lot of guys who will say One in five years, great. Sign me up. Don't have to deal with this again. And they'll just shove it under the bed. If they keep it at the forefront, they're more apt to always have it in their conscience, working on it, thinking about it, doing it. It's not different than changing the oil on your engine when you've got 250 hours. You just do it and get it done.

Sub-Committees:

Preface: Mr. Kemerer, discussed three Coast Guard taskings that the Coast Guard seeks the full committees recommendations on and work that needs to be accomplished by the two sub committees including the Alternate safety compliance subcommittee and the Training Subcommittee.

Alternate Safety Compliance Program Subcommittee:

Member Woodley (Chairman of the Alternate safety compliance subcommittee): Mr. Chairman, our group is tasked with looking at alternative safety compliance programs, survival craft

requirements as well as review of Part 28 regulations.

On the first item, the question from the Coast Guard, was the sea validation, the revised draft guidelines and the matrix for the ASCP programs? It was followed on by how to make that available to vessel owners and industry organizations.

The matrix is a good starting point to begin discussions with the industry and that the prioritization right now would be for the Coast Guard to establish the regional committees that would be implementing these programs and determine who would be supervising those regional committees whether it's the OCMI or the district, who the membership is within those groups, who should be invited and then also come up with a data component from NIOSH. And I think tomorrow we'll go into a motion to be put together regarding bringing NIOSH and the Coast Guard together to create some sort of a risk analysis for these regional fisheries.

Chairman Dzugan: Good. Anything else from the subcommittee?

Member Woodley: Two other items. We looked at the survival craft renewals for item number two. And it seems primarily an issue with the 17th Coast Guard District with vessels operating up there. And our recommendation would be that they should continue to allow the carriage of those of the un-approved items until those no longer are serviceable and continue the current process of just going on with the district issuing exemptions for vessels which are carrying that survival craft so that they can upgrade to something that keeps people out of the water. It's essentially remaining status quo.

Tomorrow we will be diving into the review of the Part 28 regulations. So we were looking at it from more of a 30,000 foot level of organization, of key components.

Training Subcommittee:

Member Davis (chairman of Training Subcommittee):
We were asked to discuss how to further develop the training curriculum for delivering the fishing vessel operator training that we worked on in the past and how to better package that to hand it over to the Coast Guard.

Essentially it came down to the general consensus which is we want to expedite this process so that it gets done in as short a time as possible, to utilize as much of the existing course outlines as possible in as much as any of these courses already exist and have already been used for some time and delivered for some time.

Training Subcommittee is considering the following recommendations:

(1) AMSEA and NPFVOA have volunteered to harmonize their existing fishing vessel safety course outlines that are already accepted by the Coast Guard to meet the objectives that we have laid out and forward those on to the Training Subcommittee and other interested parties for review, revision, comments, including safety drills and stability.

(2) That AMSEA AND NPFVOA work together to create new draft course outlines on topics

not already U.S. Coast Guard accepted, for example, weather, seamanship, corrosion prevention, fatigue and navigation as has previously been found by the committee, but based on objectives recommended by this committee and forwarded to the Training Subcommittee for review and comment.

(3) And then the other two parts of that, AMSEA AND NPFVOA will update the national standards drills curriculum for currency and forward to the subcommittee to review and comment. The national standards drills curriculum was developed over 20 years ago, I believe, and shared far and wide throughout the land. It was pointed out that there are going to be some things that need to be updated, modernized and illuminated.

(4) It is the intent of the subcommittee to complete this work within six months to one year from today.

We had a lively discussion of definitions including the definition of the word "watch" and "engineer" and "assistant engineer" license holders on 200 to 500 gross ton inspected vessels. What does the watch in the engine room space need to be above and beyond regularly scheduled maintenance duty? Does watch have to be a person? Can automated monitoring equipment qualify, for example, monitoring equipment alarms, gauges from the engine room that appear on the bridge?

Licensed assistant engineers are not in large supply in the commercial fishing industry. Currently, the office is allowing companies to come up with plans documenting that they are putting crew through appropriate training programs including sea times and licensing exams.

The subcommittee is considering the following input to the U.S. Coast Guard. The current U.S. Coast Guard definition of watch is adequately contained in the current Coast Guard regulations. The question of automated monitoring systems as related to watch standards was discussed. The subcommittee agreed that if someone on watch is monitoring those alarms from the bridge or elsewhere that person is not required to be licensed as an engineer.

And then the second part that we took on the task of trying to define better is operates or operating. It was found that in many places in Part 28 but not defined within Part 28.
The subcommittee discussed other definitions such as if the voyage is intended to or is engaged in fishing, processing, commercial fishing or returning from commercial fishing. And then it's considered operating. Transiting or delivery status such as in Alaska including donut hole kind of situations, going between Washington and Alaska were also discussed. Washington and Oregon was also discussed as well.
The subcommittee is considering the following input to the U.S. Coast Guard. "Operate" as being present on the fishing grounds or engaged in fishing. Transient or delivering status of a commercial fishing vessel is also included the definition of an operating commercial fishing vessel.

Tomorrow we have to define safety sensitive positions and then tie the rest of the stuff that we discussed up with a nice little bow. As well as discuss STCW-F.

Chairman Dzugan: Thank you for both Subcommittees' work today.

Mr. Kemerer: We need to be out of the building by 5:30 p.m. So we're going to have to cut things short here with five minutes to get everybody out. We are going to reconvene tomorrow morning at the same time, 8:00 a.m. and finish at the same time tomorrow.
Chairman Dzugan: This meeting is adjourned. Thank you all.

5:12 PM - Meeting Adjourned for September 15, 2015.

Day 2- Meeting Convened – 8:09 AM, September 16, 2015

Opening Remarks-
Captain McAvoy: Good morning, We had some very interesting discussions yesterday. Some very clear signals and concerns have been genuinely vocalized. And I recognize in talking to some people that there are some things we can do when we get back to headquarters to help out with those situations.

We will get a new safety information bulletin or something to that effect to give greater clarity to two year and five year issues, recognizing that they're separate, but they do influence and have intersections in their approach. Until we can get the writing on the street, I think we do owe the public a little more clarity of conversation as to what the intent is and the path forward in the next couple of weeks and months is. So we will work on that when we get back to headquarters.

I also recognize the need for the regional working groups, a little more definition upon what those regional working groups can be and the absolute need to get started with forming some form of regional work group and in recognizing that they may expand or contract with district boundaries or beyond district boundaries. It seems like as a first step in establishing some regional work groups within the district boundaries other than D-13.

And I applaud D-13 and D-17 and NIOSH for the work that has already commenced on this. And I'm looking at that as a quasi-pilot program if you will and also recognizing and applauding the industry input to help drive that. That's stellar stuff and very good. If we can use that model and start to establish some boundary of regional work groups within the other districts, that's what our goal is going to be within the next couple months.

I may have to depart by a bit early but Mr. Kemerer and Mr. Wendland, as the alternate DFOs, will be here. That's it, Mr. Chairman. Thank you, and great job with facilitating and running the meeting as well, sir.

Mr. Kemerer: I think it would be good to maybe to plan to try to finish up a little bit earlier today so we can have Captain around before he leaves for any last minute remarks he might have if it works out and to make sure that the subcommittees have some recommendations maybe in the form of motions. Motions seem to stick better in the minutes than just conversations and general agreement. So think about capturing those before this afternoon.

Broke into Subcommittees at 8:18 a.m. and resumed general committee meeting at 2:50 p.m.

Chairman Dzugan: We're going to start a few minutes early on reports and recommendations from the subcommittees, take comments from public and then get general recommendations from members and the committee.

Reports and Recommendations from Subcommittees:

Vice Chair Davis: The training subcommittee had some discussions on next steps for development and training curriculum referring to the curriculum that this Committee worked on from the last two cycles for the program to train and certify fishing vessel operators. The general consensus of the committee is that to expedite training progress the desire is to utilize as much existing course outlines as possible. The committee makes the following recommendations/motions: that the Coast Guard collaborate with AMSEA and NPFVOA, Committee members and others to accomplish the following:

(1) AMSEA AND NPFVOA to harmonize existing fishing vessel safety course outlines already accepted by the U.S. Coast Guard and it meet Commercial Fishing Safety Advisory Committee objectives and forward to the training subcommittee and review group for revision and comments including safety drills and stability;

(2) AMSEA AND NPFVOA create new draft course outlines on topics not already Coast Guard accepted or approved, i.e. weather, seamanship, collision prevention, fatigue and navigation, but based on the objectives recommended by the Committee and forwarded this to the subcommittee review group for review and comment;

(3) AMSEA AND NPFVOA will update the National Standard Drills Curriculum for Currency and forward to the subcommittee review group for review and comment.

(4) It is the intent of the committee to complete this work within six months to one year from September 2015.

That was a motion. I made it.

Member Dameron: I second it.

Chairman Dzugan: Any discussion? Seeing no opposition, we'll adopt this by unanimous consent.

Vice Chair Davis: We also were asked by the Coast Guard to define what I thought might be some fairly simple terms. But it engendered lively discussion about ramifications and potential issues. One of the words was "watch." What is a watch? Not in the noun form. What does a watch in the engine room space need to be above and beyond regularly scheduled maintenance duties? Does a watch have to be a person? Can automated monitoring equipment qualify? For instance, alarms, monitoring equipment, gauges from the engine room that appear on the bridge?

Licensed assistant engineers are not in large supply in the commercial fishing industry. Currently, the office is allowing companies to come up with plans documenting the entire crew through the appropriate sea time and license exams. The question of automated monitoring systems as related to watch standards was discussed. The subcommittee agreed that if someone on watch is monitoring those alarms from the bridge or elsewhere that person is not required to be licensed.

Generally, the consensus was is that person has access to licensed people if there's a fire alarm, if there's a high water alarm, if there's an engine temperature alarm. They probably don't have far to go to get the assistance that they need. Any questions, conversations, clarifications on the term watch? (No verbal response).

Vice Chair Davis: Another term that we were asked to deliberate on and define is "operates" or "operating." What constitutes when a boat or a vessel is operating. There was a lot of discussion.

Operates/operating is found in many places in Part 28 but not defined within Part 28. The subcommittee discussed other definitions such as if the voyage is intended to or is engaging in fishing, processing commercial fish or is returning from commercial fishing, then it is considered operating as a commercial fishing vessel. Transiting or delivering status such as in Alaska including the donut holes where the three miles may have a little gap and going between Washington and Alaska were also discussed.

The subcommittee recommends the definition of operate/operating as the person being present on the fishing grounds or vessel and engaged in fishing. Transiting or delivering status of a commercial fishing vessel is also included in the definition of operating a commercial fishing vessel. And the committee notes the person on board who is responsible for the overall safe operation and control of the vessel is the operator. We had various permutations of the same word as it would be defined within the context of the commercial fishing vessel or operator.

Vice Chair Davis: There was some discussion about people that use their commercial fishing vessels for noncommercial fishing operations that might want to be considered recreational vessels one day and might want to be considered commercial or might be a commercial fishing vessel the next day. And the three mile boundaries. The three mile line if you go three miles around this island and three miles around that island and three miles around that other island while you hop, skip and jump down the islands that make up Alaska, there may be places where you may be outside of the three mile line and would therefore be required to have buoyant apparatus on board or life rafts on board.

The subcommittee discussed other definitions such as if the voyage is intended to or is engaging in fishing, processing commercial fish or is returning from commercial fishing, then it is considered operating as a commercial fishing vessel. Transiting or delivering status such as in Alaska including transiting the donut holes going between Washington and Alaska was also discussed.

The subcommittee recommends -- the definition of operate or operating as the person/vessel being present on the fishing grounds engaged in fishing. Transiting or delivering status of the commercial fishing vessel is also included in the definition of an operating commercial fishing vessel. And the committee notes the person on board who is responsible for the overall safety operations and control of the vessel is the operator.

Vice Chair Davis: The next definition that we were asked to discuss was the term safety sensitive position with regard to mandatory drug and alcohol testing. The subcommittee was

sensitive to the cost and as well as industry resistance in requiring crew wide drug testing on smaller vessels. There was discussion of drug testing of persons directly involved in the operation of the vessel versus the testing of all crew as well as vessel size breakpoint, i.e., gross tonnage specifications.

The subcommittee encourages the Coast Guard to evaluate other drug testing methods as alternatives to DOT testing. According to CFR Part 16, the goal of drug and alcohol testing is to minimize the use of intoxicants of non-marine licensed and promote a safety working environment.

Vice Chair Davis: Safety sensitive positions should include positions with duties and responsibilities for operating the vessel as well as depth gear or high risk machinery throughout the vessel or a crew member has emergency response duties.

Member Woodley: Under that definition would a processor who is not -- he's not a launch or a station person or is responsible as an emergency other than an evacuation location would not -- When you talk about high risk machinery, is that the processing machinery or not?

Vice Chair Davis: That was debated and discussed and two companies in the room that had processors and processing machinery said we already had drug testing policies. So it was not captured within this.

Chairman Dzugan: We left room for the Coast Guard to make some further definitions of what those things are because we were getting into pieces of equipment.

To perhaps better define what we were talking about with drug testing method alternatives to DOT testing, DOT testing takes time. DOT testing takes money. DOT testing is good if you are looking at post accident prosecution and things like that because it has for one part the sample is evidence.

But for a fishing vessel operator trying to determine whether his crew is high or not, there are some instant check systems that could be used instead of DOT testing. That testing could be used to determine whether or not somebody needs to be referred to further testing or whether they want to quit or how the company wants to handle that. I feel like we're giving the Coast Guard enough to chew on for a little bit.

Vice Chair Davis: Another one of our tasks STCW-F. Standards of Training and Certification of Watchkeeping Fishing. For those of you that haven't read up on it or haven't been involved in it, there were some meetings back in the 90s. Some standards were established for training and watchkeeping for fishing.

Chairman Dzugan: Internationally.

Vice Chair Davis: Internationally. And those standards languished until they had enough countries ratify them or accept them. Once 15 countries accepted them, they essentially become an international standard. And these pertain to vessels that 79 feet in length and up. And it would of course go up to like 200 gross tons because the 200 gross tons pretty much

internationally you have to have licensing and training to begin with. Where this could come into an issue that at any point in time with American commercial fishing is if a American commercial fishing boat were to go to one of the countries that has signed on and ratified the standard that American fishing boat could potentially be held by that port state authority to that standard.

Some discussion was about the distant water tuna fleet which call on a variety of the countries including Palau and Kirabati. But there's also discussion about the fact that there are plenty of U.S. fishing boats that transit Canadian waters. And while currently we have agreements with the Canadians and a maritime treaty, those things are subject to change.

After going over the training curriculum that's being developed in response to the 2010 Auth Act, it will cover a portion of an STCW-F certification, essentially the safety and survival, but not many of the others that are required under STCW-F including celestial navigation, rules of the road, watchkeeping, etc.

The subcommittee noted that this will be a long review process including a role of updating STCW-F which was first done in 1995 and harmonizing it with the current STCW standards. The U.S. is not signatory to STCW-F. However, we have the opportunity to participate in the discussions of its updating.

Chairman Dzugan: One of the things that STCW-F also does is require physical examinations, eye tests and hearing tests of the individual who is going to be given this STCWF certificate.

Vice Chair Davis: Motion- So the committee strongly urges the U.S. Coast Guard to be in attendance and participate in the IMO human element training and watchkeeping committee meetings and provide active input into the STCW-F review process; that the U.S. Coast Guard makes special note of harmonizing current Authorization Act training developments now underway with STCW-F updates. The committee recommends that the U.S. track all STCW-F papers and analyses and include a U.S. Coast Guard fishing vessel safety staff and a U.S. fishing industry safety representative on the U.S. delegation to Human Element Training and Watchkeeping meetings.

Member Read: I Second.

Chairman Dzugan: Any objections to it? (No verbal response) Then we'll adopt it by unanimous consent.

Vice Chair Davis: There was some review of Auth Act training modules and other topics. There are three recommendations. We made them as three separate motions just to capture them better:

Motion (1) - Thermal protective aids, TPAs, and SOLAS A training be included in the basic drill conductor course.

Chairman Dzugan: Right now the curriculum says the contents of the SOLAS pack, but it doesn't specifically mention the TPA

.

Vice Chair Davis: Was there a second on the motion?

Member Baker: Second.

Chairman Dzugan: Seconded by Torie Baker Any discussion of it? (No verbal response) Any objections to it? (No verbal response) Okay. A Unanimous consent and adopted.

Vice Chair Davis: Motion (2)- Recommend maritime pollution be included as an objective in the seamanship module of the curriculum for fishing-vessel operator training in development to meet the 2010 Authorization Act requirements.

Member Neville: Second.

Vice Chair Davis: As background, this is simply something that was brought up and identified as an objective, bullet point, that could be included in the seamanship module to make sure that we cover something that could cause operators to have problems otherwise.

Chairman Dzugan: Any discussion? (No verbal response) Any objection? (No verbal response) Okay. Hearing no objection, adopted by unanimous consent.

Vice Chair Davis: Motion (3) - Request the U.S. Coast Guard to provide to the committee a draft generic equipment and maintenance log as required in the 2010 Authorization Act for our review in order to create guidance to the industry.

Chairman Dzugan: Is there any opposition to the motion? (No verbal response)
Hearing none, passed by unanimous consent.

Motion (4) – Member Baker: Recommend the Coast Guard accept both written and/or electronic drill logs.

Chairman Dzugan: Discussion?

Member Dameron: Yes. Are we talking about just drill logs or also the logs of emergency instruction and also the logs of equipment, maintenance?

Chairman Dzugan: We're definitely not talking about equipment maintenance. We were going to limit it to the drill logs.

Request the U.S. Coast Guard accept written or electronic drill and safety instruction logs.

Captain McAvoy: Some of these ideas behind the maintenance logs aren't just because the Coast Guard wants them. It's more of a forcing function for the mariner as a requirement to get in a habit. And it's not something that the Coast Guard's going to say, Send everything. But when the Coast Guard steps on board, there's a check if the mariner is in the habit of maintaining his equipment. Now the follow-on part comes into play in the event of the unfortunate casualty where all of the sudden you're in the hearing or in an investigation. And then there is the motivation for somebody that may have not done what they were supposed to do or didn't do

what they were supposed to do and altered logs to cover their tail so to speak.

Member Bui: My concern is for fishermen who may not speak or write in English. Can logs be written in Vietnamese but also contain a translated section?

Chairman Dzugan: They might need to be bilingual in paper or electronic form for the Coast Guard to understand which box was checked.

Vice Chair Davis: As an aside, I can introduce you to the system. And I would bet that you would be able to help create tools for them that would be bilingual I think.

Chairman Dzugan: I think that might have already been done. And if it's not done, it's a pretty easy one to do with resources.

Chairman Dzugan: Any objections to the motion? (No verbal response) Passed by unanimous consent.

Chairman Dzugan: Turning it over to the recommendations from the other subcommittee. Mr. Woodley.

Member Woodley: The three issues that Construction Subcommittee was tasked with were:

To seek validation of the revised draft guidelines and requirements and matrix for the alternate safety compliance program that have been developed in consultation with the committee over the previous meetings. And second to that, what are the committee's recommendations as to how to make it available to vessel owners and industry organizations?

Motion- To recommend an alternative safety compliance program matrix as revised to be used as guidance for developing compliance measures for the specific regions and fisheries. The document should be footnoted on each page with the date and version of the document and a statement that clarifies the matrix is a working document to be used for the development of specific alternative safety compliance programs.
Further, the committee recommends the alternative safety compliance program matrix as revised is posted on the fishsafe website and publicized within each U.S. Coast Guard district.

Vice Chair Davis: Second.

Chairman Dzugan: Okay. Any discussion?

Member Jacobsen: I think the intent of the subcommittee was that this document would go to the regional working group. In a format that they could use to create their own alternate safety compliance programs.

Member Hockema: I recommend that it be posted on the fishsafe website at the same time and not before it is distributed to the regional groups. And then on the fishsafe website we should include the statement that says this has been distributed to each regional work groups. If you have questions, contact these people.

Chairman Dzugan: I'm concerned that I'm hearing a lot about regional and not so much fleet base ASCPs. And I just want to caution that some of the remedies that might be needed.-- The IMO is environmental by regions, but there's also some fleet based needs as well.

Member Woodley: Going back to the point about putting the cart before the horse on this would it be a good idea to form the regional working groups and give them the document first. Then they can review the document, understand the document, before putting it and publishing it on a website where anybody can call up and say, I saw your name on this. What's going on? Can you explain this to me? And the person hasn't a chance to look at that. It seems that the leaders in the industry who are going to be on these regional working groups in order to make this work need to figure out who they are and get them up to speed before we roll this out.

Captain McAvoy: In response to Mr. Woodley's comment, that was the point I was trying to address this morning where I think we want to establish geographic or the regional teams at least in concept and to start massaging that into some sort of forum. And then the devil is in the details of version control and monitoring and whether it's a multiple chat room type thing.

Member Dameron: The only point I wanted to make was the description of the task basically asks for two things. It asked for validation of the revised draft guidelines. The subcommittee voted those revised draft guidelines for the matrix were valid and further asks how to make it available to vessel owners and industry representatives. I think the motion that the subcommittee came up with answer those two questions that they were tasked with.

Chairman Dzugan: Any other comments? (No verbal response) Is there any objection? (No verbal response) Hearing none, this has been adopted by unanimous consent.

Member Woodley: The second task that our group was assigned was the Coast Guard seeks a recommendation on survival craft carriage on vessels operating inside three nautical miles. The current rule allows that carriage of certain types of craft that are no longer approved. Should these vessels be allowed to continue to use these type of craft until they are no longer serviceable?

Motion- Recommend the Coast Guard to continue to allow the carriage of survival craft within the three nautical miles that are no longer approved or previously allowed until such time as those craft are no longer serviceable or Part 28 regulations are revised to address survival craft carriage requirements on vessels operating inside of three nautical miles.

Member Bohemer: Second.
Chairman Dzugan: Discussion?
Member Williams: Who will determine whether they're serviceable or not?

Member Woodley: It was our understanding that that validation would be made by Coast Guard fishing vessel examiners and what's not part of the motion is that currently this process is being managed through the exemption process which is currently an authority of the Coast Guard District. This is already an exercise. And the way they're doing this is evaluating the survival craft that are on board to see if it's in serviceable condition. So it's already something that's

going on. This is a recommendation contained with status quo.

Chairman Dzugan Is there any opposition? (No verbal response) Seeing none, adopted by unanimous consent.

Member Jacobsen: There is one more motion on the load line.

Member Hockema: There's a motion to recommend that the Coast Guard develop the alternative safety compliance program and the alternative load line compliance program so that vessel owners can have naval architects and accepted marine surveyors execute as many of the program objectives as practicable. Coast Guard would provide administrative oversight of these programs. For vessels of less than 140 feet documented length having 16 crew or less, we also recommend that the drawing review/approval of specific vessels, structures and systems are not performed by the Coast Guard Marine Safety Center for these two programs.

Member Jacobsen: Second.

Member Hockema: I owe a little more explanation to that. The one hundred forty foot length and the 16 crew are thresholds that I have comfort in. As a professional engineer, I feel comfortable doing that work, signing off on it, and taking responsibility for the design. When you get above that range, then there are some additional communications and complexities that come in where we invite third party review on things like stability and whatever else may be necessary.

A current example of third party review is for the Alternative Compliance Safety Agreement (ACSA) protocol for vessels with larger crews, which is requiring Marine Safety Center review of our stability. We totally agree with that concept because ACSA is a substitute for both vessel classification and load line. And also they are requiring some structural review for old vessels that are questionable or may be questionable.

Member Bui: I think it would make us more comfortable if it wasn't just a surveyor or that it would be examiners can do the reading or the examiners can do that actual work on it as well, not just saying a third party like a surveyor. If we can add that language in because that's an issue of cost if we're talking about surveyor or an architect. But whenever it's Coast Guard that can come down and help with smaller boats, 79 foot, 87 foot, 55 foot, then that's not an additional cost for them.

Member Hockema: Yes. In this case, mostly what we're talking about is stability versus the exam, as I mentioned in the subcommittee portion, the Coast Guard examiner can still offer to examine the vessel. But we want to make it as flexible as we can. So as we mentioned, if there is an area that only has Coast Guard examiners and the closest Marine surveyor is 200 miles away, it's going to be better to use to the Coast Guard examiner. They're free generally, plus they don't have travel costs.

But if you have the reverse -- and this is true in many cases -- and your local surveyor has been doing work for you for 20 years and there's no Coast Guard guy there within 200 miles, you're going to use the surveyor. With the naval architect, regarding the design of the vessel and

particularly stability issues, I don't know who you're going to get qualified to do that except a naval architect. Surveyors don't do stability work. They're not authorized to do it in Washington state; it must be a professional engineer. This is considered engineering work. And so you must have a professional engineer to do it.

Some states are not that rigorous. I understand that. But generally you need a qualified person to do it whether it's stability or surveying.

Chairman Dzugan: Any other discussion on the motion?

Chairman Dzugan: All in favor of the motion signify by raising your hand.
(Show of hands) That's 11 in favor. Those opposed. (Show of hands) Four opposed. Motion passes.

Member Woodley: We did have one other topic on the subcommittee that I would like to report on and make a motion on.

Member Woodley: Mr. Jacobsen provided us a letter from a crab vessel in Alaska who over the years he had used these vessels as crab catcher vessels as well as tender vessels in summer since he had been in that location about a decade ago. These vessels are no longer actively fishing, but they still continue to act as tenders in the summertime. Previously because these vessels were considered to be fishing vessels or part-time tender vessels, they were not required to be load lined. And they were built much later than most crab boats. They were built in the early 1990s. The issue at hand here which they brought up is currently the crab quota is going down at sea.

There are probably going to be more vessels in the same situation where they used to be fishing vessels/fish tender vessels and they will probably stop their fishing operations for a while. What Mr. Jacobsen was looking for was a motion to the subcommittee to have the Coast Guard provide some guidance on how to address the situation.

Motion- We recommend that the Coast Guard Marine Safety Center develop guidance and provide clarification to the officers in charge of marine inspections and vessel owners on an interpretation of what constitutes a major conversion as it relates to part-time or full time fish tender vessels and whether those vessels are required to have load lines.

Chairman Dzugan: That's been moved by Mr. Woodley.

Seconded by Mr. Jacobsen.

Chairman Dzugan Discussion? (No verbal response) Hearing no discussion, do you have any other comments to make? Can we go to a vote? Actually, I'll just ask if there is any opposition. (No verbal response) Seeing no opposition, it's been accepted by and adopted by unanimous consent.

Motions Outside of Subcommittee Taskings:

Vice Chair Davis: I would like to move that the Committee recommend that the United States

Coast Guard collaborate with NIOSH to conduct an analysis of both fatal and nonfatal injuries as well as fishing vessel disasters for each Coast Guard district to facilitate the accurate prioritization to targeting for alternative safety compliance efforts by each district.

(Second by Mr. Boehmer)

Chairman Dzugan: Discussion?

Vice Chair Davis: Essentially we saw a really nice report that was provided by NIOSH in collaboration with the 13th District. I believe that doing this kind of work helping determine what the risk factors are by district, by gear type, sorting out things that they have in common and things that they may have that are disparate is fundamental for moving forward with the Acts program.

Chairman Dzugan: Anyone opposed? (No verbal response) Passed by unanimous consent.

Public Comment:

Ms. Gordon Dwyer: My name is Jennie Gordon Dwyer. I'm an owner and president of St. George Marine. It's a company my husband and I started in 1986. My husband passed away two years ago from ALS. And he left us a lot of instructions as to how to move forward. My son and my daughter, we continue to run the company in his honor. We own two boats, one fishes up in the Bering Sea, the Jennifer A and the Renna A is a tender in Bristol Bay in Alaska. I'm here to basically go on record as disagreeing with the classification of new vessels built over 50 feet that fish outside three miles. First of all, I'm all about safety and I understand that a lot of this has to do with safety.

In 1992, we lost our first vessel, the St. George, headed to the crab grounds to go fishing. All six hands were lost. The life raft popped up. The EPIRB went on. That was our only indication that the boat went down. The Coast Guard did a 10,000 mile search. Six months later, my survival suit popped up on St. Paul Island and that was all that was ever recovered of the vessel. I've lived through a horrible thing. And my son runs one of our vessels. A good friend of ours runs the other boat. We have our nephews and our nieces and family friends that work on the vessel. I go out on the vessel in the month of August to cook and make cookies for my son.

I'm here to say that I'm not disagreeing with anything that has to do with safety. In my mind, that's first and foremost always. My brother-in-law, John Dwyer is head of Marine Inspection here for Seattle. So our boats have always been operated as safe.

The loss of the St. George was due to ironically stability letters. The stability report was done incorrectly as we determined through the investigation of the loss of vessel. So I'm not here to make any bones about not being in compliance with safety.

Mainly what I'm here to talk about is that as a small vessel owner if I were to try and replace one of our vessels the economic cost for us wouldn't be worth it. I've heard the argument that a class vessel will have a higher resale value.

If I can't afford to build the boat in the first place, then I don't know how I'm going to sell it and also in the market when there are other vessels where someone could buy an unclassed vessel and try to keep it running. Economically in that sense, it just won't make sense for me.

But probably the main thing that hit home with me this summer was that our son was on the Renna A heading up to Bristol Bay for the salmon season and he had just gone to bed, heard this weird sound, clunk. Went down to the engine room to check it out and we lost the reduction gear. Twin screw over 250 miles south of Kodiak. He was able to head to Kodiak and try to start the repairs of the vessel. And all along as I kept thinking about this, we were down 12 days.

We had to find a reduction gear. Get it sent up to Kodiak which luckily for us the first flight that it got on got into Kodiak because the weather was good that day. And they were able to use a combo plane. So it was half cargo/half passengers. The second part of the repair that we needed was on a pallet that had parts on it and was 500 pounds. For two or three days the weather was bad. There wasn't enough cargo. So the combo plane didn't fly into Kodiak. So there weren't any parts coming in. We ended up having to charter a flight to get those last parts out. But all along as this was happening, I was thinking what if my vessel was a classed vessel right now and I was sitting in Kodiak, Alaska needing to call in an inspector to (1) first come and inspect the problem to see what was wrong. Shawn and our engineer were able to diagnose pretty much the problem right away. And that gave us a heads-up in trying to get parts ordered ahead of time before the inspector flew into town. So we were able to save time and not have to pay him so much money for being there. But the whole time I was thinking if this was a classed vessel and I need to fly in a class inspector and needed to get class parts and needed to get a class welder in there because we had to do some adjustments to get the new reduction aligned with the engine, how much more time would that have cost me and how much more money would that have cost me.

We were out 12 days. Our contract with our fish company says if we're out ten days they have the option to let us go as far as charter. Fortunately, they recognized the fact that we were working on it. But had it been a classed vessel and waiting for all of that stuff, I am positive that it would have taken much longer than 12 days to get the repair done. We would have been off charter. That's our only income for that vessel for the year which would make a huge dent in the rest of our income for the rest of the year.

Again, I'm here to advocate safety. But I'm also here to advocate that there has to some kind of common ground as far as what is safety and what will allow me to continue to operate in an economic way with the absolute highest standards of safety. I just wanted to say thank you and I hope we can come up with an alternative. Thank you.

Chairman Dzugan: Thank you for your comments. And the Committee is sorry to hear about the loss. Any other comments?

Mr. Stone: Mr. Chairman, my name is Jim Stone. I'm a Bering Sea crab fisherman since about 1970, well since 1978. I'm also involved in scallops and cod fish in Alaska. I manage three boats. And I just wanted to reiterate Jennie's thoughts. I think she did pretty well. We're all about safety. We have our family around these boats. I've been listening to you guys for a few hours. So I feel like I'm preaching to the crowd more or less. We don't want things so

burdensome that we can't crew our vessels. About a decade ago, our smallest boat is 95 foot by 25, and we wanted to sponson. And that was going to be about $400,000. And at the time we couldn't afford it. We thought we would be able to do it in a couple of years.

Now we've been looking at it in the last couple years because of the unknowns of the compliance, load lining, etc., you know we're looking at $1.0 million, $1.5 million. Part of that is inflation, but part of that is just the unknown cost. Well, it's not going to make sense. We can't catch enough fish to make that up. Anyway, I appreciate you guys coming to Seattle. Thanks.

Chairman Dzugan: Thank you also for your comments.

Mr. Ahuja: My name is Raman Ahuja. I am from DNV-GL. What I heard from the two comments. One is about cost and the second that I could capture was delay and repairs of the production.

As far as the cost is concerned, DMV-GL is the only class society which has made rules just for fishing vessels between 50 feet and 150 feet. We have not gone and said that you have to comply with the rules and regulations of big vessels. So we have gone through the process, amend the rules and extend it out to the industry for comments.
We had a lot of presentations here in Seattle. Your initial cost will be $30,000 to about $50,000. I hope that is the number we are going around telling if the vessel is around 60 to 75. As far as the delay of repairs and flying a surveyor out, the other thing you talked about was a delay due to approved vendors. And in our rules for the 50 feet to 150 feet vessels, we don't require approved lists. If they have been approved by the Coast Guard, we accept them. The second thing was you said to buy classed equipment. In our rules, we have not asked for classed equipment. We have only asked for a few items like the main engine, the propellers and so on. Only the critical items. Reduction gear comes with that, yes. So reduction gear you can't just go and buy a third party reduction gear. You usually buy it from the engine manufacturer. And most of the engine manufacturers are already class approved.

Chairman Dzugan: Thank you for your comments. I'd like to just interrupt this for a minute or we're going to lose Captain McAvoy here. This is your last meeting. It might be his last meeting. So I want him to have the last word before we continue before he leaves.

Captain McAvoy: The future is a little unknown but this is most likely my last meeting. I'm due to rotate by military transfer. First and foremost, I want to thank all of you and especially you, Jerry as Chairman, and Alan as the Vice Chair, and all the members of the Committee as well as the general public. Clearly, the element of safety for commercial fishing is a deeply passionate one. It's a deeply needed movement. We've lost a lot of lives over the many decades. Trends do show as Devin pointed out that we are on a correct path to decreasing the casualties. And I guess the personal fear I have is that if you let your foot off the gas pedal too much the trends can reverse. If you put your foot on the gas pedal and start driving forward too hard with more and more to seek even safer goals, we have economic hardships and we put people out of business. Finding that sweet spot of balance is the tricky part. And to the passions, debates and discussions I heard from folks in the Committee and the public it's not easy to find that sweet spot. But that is our goal. That is our aim.

My most sincere thanks to all of you for the work you guys do towards fishing vessel safety. And I would ask you to keep that passion, keep it ongoing. With regards to this specific meeting, as I mentioned this morning, there's a little chicken/egg thing going on here. I think, Jerry, you had some other analogy. But recognizing the regional work group concept and the regional work group synonymous or interchangeable with the specific fleet concept became much clearer that we do need that.

That's what Jack, Jonathan and I will start to establish when we get back to headquarters. That's going to be a little bit -- And some of this as a naval architect Hal recognized the design wheel. So the first trip around the design wheel, we've just got to take a shot at saying what is a good focus for establishing the first version of the regional work group, recognizing that that may morph a little bit.

Bottom line is thank you to everybody. I've got to head off to talk to the chief inspectors and all the inspectors out in D-14. I'll be back on Sunday night for a meeting with Mr. Dwyer and his staff. If you want to catch me back in the Seattle area, that's when I'll be back. Thank you.

Chairman Dzugan: Thank you. If I could say a word from the Committee, I think from the Committee we've appreciated your work on this. We don't always get the Captain here to all of our meetings. But you've been steadfast in showing up to all the Committees I can remember. I don't think any fisherman comes up to you and says, Oh, by the way, thank you for saving my son because you worked on a regulation. And that goes to all the staff, but for as much to you as you're part of this package. I want to thank and appreciate your commitment.

Captain McAvoy: Thank you, Jerry.

Chairman Dzugan: We need to be out of here in 20 minutes. Are there any other comments from the public? (No verbal response)

Member Jacobsen: Mr. Chairman, I have a motion. This is the latest motion by this Committee objecting to the classification of the vessels by length. As this issue has played out in the political arena, there is apparently a bill that has been submitted by the Senate and one submitted by the House of Representatives as Mr. Kemerer noted on the first day of the meetings. So this motions just says that we prefer the Senate bill. I've provided a letter by Seafood Harvesters of America. Seafood Harvesters of America represents a fishing commercial vessel organization. The organizations are listed at the bottom of the page if you want to read them. They're all across the country. A lot of fishing groups are represented. They are also in favor of the Senate version.

Motion-The U.S. Coast Guard Commercial Fishing Vessel Safety Advisory Committee has noted in previous meetings that classification for newly built commercial fishing vessels is unnecessary. The Committee has advised the Coast Guard that vessels built after the effective date should appear for classification and load line design construction standards that are required classification certification. The Committee has duly noted that along with mandatory compliance programs the requirement to be built to and maintained classed standards, but not society certification would offer adequate safety standards without burdening our commercial

fishing fleets with the unnecessary expense of full classification certification. As such, the CFSAC supports Section 312 of the Coast Guard Authorization Act of 2015. The Committee bill had been reported favorably by the U.S. Senate Committee on Commerce, Science and Transportation and is now awaiting action by the full Senate. The Committee urges the U.S. Coast Guard Congressional liaisons to recommend retention of the specific language in the Section.

Member Woodley: Second.

Member Hockema: Is it okay for discussion?

Chairman Dzugan: Okay. We have four minutes. And by the end of four minutes, we're either going to have someone call for the question or this is going to be tabled.

Member Read: I move to table it.

Closing Comments: None.

Mr. Kemerer: We have to end the meeting and leave the building. I apologize for it but we really have to close the meeting.

Member Read: Move to table the motion.

Chairman Dzugan: Is there a second to table the motion? I see a second. Mr. Williams seconded it. Any objection? (No verbal response) This motion has been tabled.

Chairman Dzugan: This meeting is adjourned. Thank you all.

5:12 PM - Meeting Adjourned for September 26, 2015.

USCG CFSAC Sept 15-16 2015
Summary of Motions (12):

1. Motion made by Mr. Dameron, Seconded by Mr. Read: To make Dockside Exams required every two years.

2. Motion made by Mr. Davis, Seconded by Mr. Dameron: That the Coast Guard collaborate with AMSEA/NPFVOA, committee members, and Others to accomplish the following:
    A. AMSEA AND NPFVOA harmonize existing fishing vessel safety course outlines already accepted by USCG and that meet CFSAC objectives, and forward to the Training Subcommittee Review Group for revision and comments including safety, drills and stability.
    B. AMSEA AND NPFVOA create new draft course outlines on topics not already USCG-accepted (i.e. weather, seamanship, collision prevention, fatigue and navigation), but based on objectives recommended by CFSAC, and forward to the Subcommittee Review Group for review and comment.
    C. AMSEA AND NPFVOA will update the National Standard Drills Curriculum for currency, and forward to the Subcommittee Review Group for review and comment.
    D. It is the intent of the Committee to complete this work within six months to one year from September 2015.

3. MOTION made by Mr. Davis, Seconded by Mr. Read: The CFSAC strongly urges the USCG to be in attendance and participate in the IMO Maritime Safety Committee HTW subcommittee meetings, and provide active input into the STCW-F review process; that the USCG make special note of harmonizing current Authorization Act training developments now underway with STCW-F updates; and the committee recommends the USCG track all STCW-F papers and analyses, and include a USCG fishing safety staff and a US fishing industry representative on the US delegation to HTW subcommittee meetings.

4. Motion made by Ms. Baker, Seconded by Mr. Davis: That the Coast Guard accept Written and/or Secure Electronic Drill and Safety Instruction Logs.

5. Motion made by Mr. Davis, Seconded by Ms. Baker – That Thermal Protective Aids (TPAs) in SOLAS A training be included in the basic drill conductor course.
6. Motion made by Mr. Davis, Seconded by Mr. Neville - Marine pollution be included as an objective in the seamanship module of the curriculum for Fishing Vessel Operator Training in development to meet the 2010 Authorization Act requirements.

7. Motion made by Mr. Davis, Seconded by Ms. Baker: That the USCG provide to the committee a draft generic Equipment Maintenance log as required in the 2010 Authorization Act for our review in order to create guidance to the industry.

8. Motion made by Mr. Woodley, Seconded by Mr. Davis: To recommend the Alternate Safety Compliance Program Matrix, as revised, be used as guidance for developing compliance measures for the specific regions and fisheries. The document should be footnoted on each page with the date / version of the document and a statement that clarifies the matrix is a working document used for the development of specific Alternative Safety Compliance Programs. Further, the committee recommends the Alternate Safety Compliance Program Matrix, as revised, is posted on the FishSafe website and publicized within each USCG District.

9. Motion made by Mr. Woodley, Seconded by Mr. Bohemer: Recommend the USCG continue to allow carriage of survival craft w/in 3nm that are no longer approved but were previously allowed until such time as those craft are no longer serviceable or Part 28 regulations are revised to address survival craft carriage requirements on vessels operating inside 3NM.

10. Motion made by Mr. Hockema, Seconded by Mr. Jacobsen: To recommend the Coast Guard develop the Alternative Safety Compliance Program (ASCP) and the Alternative Loadline Compliance Program (ALCP) so that private naval architects and accepted marine surveyors can execute as many of the program objectives as practicable, while the Coast Guard provides administrative oversight of these programs. For vessels of less than 140 feet documented length having 16 crew or less we also recommend that no review/approval of specific vessel stability, structure or systems be performed by the Coast Guard Marine Safety Center for these programs, unless requested to do so by the participating naval architect or marine surveyor.

11. Motion made by Mr. Woodley, Seconded by Mr. Jacobsen: Recommend that the USCG marine safety center develop guidance and provide clarification to Officer's in Charge of Marine Inspection (OCMI) and vessels owners on the interpretation what it constitutes a major conversion as it relates to part time or full time fish tender vessels. Further the committee recommends guidance on whether these vessels require loadline.

12. Motion made by Mr. Davis, Seconded by Mr. Bohmer: That the Coast Guard collaborate with NIOSH to conduct an Analysis of both fatal and non-fatal injuries as well as fishing vessel disasters for each District to facilitate the accurate prioritization and targeting for Alternative Safety Compliance efforts by each District.

List of Public Attendees (from sign in sheets):

Ahuja, Raman	DNV-GL
Boltz, Lee	Jensen Marine
Choen, Ken	Latitude 98
Dahlt, Phil	Ocean Race Inc.
Dennehy, Ed	FPSS
Gleason, Mark	Alaska Bearing Sea Crabbers
Goblirsch, Ginny	National Fishermans Wives
Hansford, Dennis	NOAA/NMFS
Kincl, Laura	Oregon State University
Knifong, Katie	Trident Seafoods
Kupfer, Richard	NOAA/NMFS
Long, Collin	Iworkwise
Lucas, Devin	NIOSH
Mackiewicz, Tanner	Alaska Independent Tendermans Association
Mason, Brian	NOAA/NMFS
Rilling, Chris	NOAA/NMFS
Smith, Rich	Dantrek-Inc
Syron, Laura	OSU
Terry , Lisa	AITA
Tork, Mike	NOAA/NMFS

List of United States Coast Guard Attendees (from sign in sheets):

Akins, Marcus	Marine Safety Center
Breehibiel, Brandon	MSU Portland, OR
Castaneda, Xochitl	D-13
Cuddeback, Robert	Sector Puget Sound
Desillier, Peter	MSD Santa Barbara, CA
Dwyer, John	Sector Puget Sound
Edwards, Matt	Sector Puget Sound
Farrell, Curt	MSU Portland, OR
Grizzle, Patrick	D-17
Hardin, Daniel	D-13
Kendall, Robyn	Sector Puget Sound
Meadows-Hills, Aaron,	D-13
Medlicott, Charlie	D-14
Nguyen, Marc	Sector LA/Longbeach
Rentz, Troy	D-13
Rudolph, Michael	MSU Portland, OR
Turner, John	Sector Puget Sound
Varghis, Jacob	Pacific Area
Wilwert, Scott	D-17
Young, Ayric	D-13