

September 20, 2015

Dear Commercial Fishing Safety Advisory Committee,

My name is Steve Merritt and I am a commercial fisherman living in Craig, Alaska. I have been commercial fishing for about 25 years. I fish off the Southeast coast of Alaska. I have a 44 foot fiberglass salmon troller and spend about 60 days of the year fishing outside the 3 mile boundary line. I have an excellent safety record and hope to continue that record.

First of all, I think there are some regulations that have become, or will become, mandatory that are very logical and make total sense. A new regulation that makes sense is not allowing vessels to use a large life ring in place of a life raft. In 40 to 55 degree water holding onto a life ring is not going to save your life but an actual life raft can and will. Redrawing the boundary line to a rational 3 miles of shore is another one that will eliminate confusion amongst the commercial fleet. As well as including all fishing vessels for safety regulations not just exclusively the documented fishing vessels. These are just a few.

Then there are regulations that make sense for safety sake, like being required to have EPIRBs, life rafts and survival suits, yet the Coast Guard seems to target just the commercial fleet while exempting large numbers of other vessels fishing the same waters. There are sport charter boats fishing right alongside me offshore with clients aboard who are in just as much danger as I am. Because they are not deemed commercial they are not required to have EPIRBs, life rafts or even survival suits for the people on board. IF the Coast Guard is Truly concerned with people's safety fishing beyond the boundary line, then it should not be limiting such things to just the commercial fleet. Many of the better places to fish in Southeast Alaska are located outside the boundary line. Financially, charter vessel captains have just as much at stake to be that far offshore as commercial fishermen. If charter guests do not catch fish, the charter operators don't get returning clients or the catching reputation they need to expand their business. I have witnessed these smaller boats fishing in poor weather conditions without the safety equipment I am required to have. These types of basic safety requirements should be for all vessels out there for financial gain, not just the commercial fishermen.

On the issue of mandatory vessel safety exams, I think once every 2 years is too much and would like to see some additional time in-between. Some people might choose to do them more regularly, but these exams are time consuming and difficult to schedule for some of us who fish all year and far from port.

Finally, there are regulations that have become, or are being considered to become, mandatory for the commercial fleet that I believe are unwarranted, especially after reading the Coast Guard's Analysis of Fishing Vessel Casualties a Review of Lost Fishing Vessels and Crew Fatalities, 1992 – 2010. It is difficult to address all of the new regulations in just this comment paper. So I will cut and paste some of this report's conclusions, with my comments in bold afterward.

Analysis of Fishing Vessel Casualties
A Review of Lost Fishing Vessels and Crew Fatalities, 1992 – 2010

A. Main Points (pp.3-4)

3. There was a statistically significant drop in vessel losses starting in 2006. Given the lack of regulations and the complexity of the industry, the drop is most likely due to a combination of economic, environmental, fisheries management and other regulatory factors, (pp. 8-10).

So why is the Coast Guard increasing the regulation of exams and drill testing, captain licensing etc. with this type of trend developing? What is the rationale since there is a significant drop in vessel losses??

4. A comparison of vessel losses and safety exams showed limited correlation (about 34%). Few of the current regulations focus on preventing vessel loss, (pg 11).

Again is this enough to mandate a safety examination for a 100% of the commercial fishing fleet operating outside 3 miles??

7. Most fishing vessel losses (62%) occurred while engaged in non-fishing operations, (pg. 14).

So again why is this mandate specific just for commercial fishing vessels when 62% of the losses have no correlation to commercial fishing??

17. Inadequate training contributed to at least 3 fatalities, (pg.22).

**3 deaths out of 1,055 over a period of 19 years are significant enough to require mandatory safety training/ decals of all commercial fishing vessels and captains??
 $3/1055 = 0.0028$ or 28/100ths of a single percent over 19 years. ???**

18. Forty four percent of all vessel-related fatalities occurred on steel hulled vessels. Population data showed that steel vessels are generally larger than vessels of other hull materials. Consequently, they are able to operate farther offshore, with larger crews. Given the higher risk factors of crew size and distance from shore,

The regulatory mandates are for ALL commercial fishing vessels steel, non-steel, long, short, fat, tall, instead of where there seems to be a real PROBLEM? The better way to address these safety issues is on the vessels that are the source of the problem, not blanket regulations encompassing the entire fleet.

19. Beginning in calendar year 2000, there was a significant downward shift in the number of fatalities per year, with a record low in 2010, (pg. 24).

Again why are we now mandating such draconian safety regulations for the commercial fishing fleet with this trend prevalent?? The pre 2010 Coast Guard regulations are obviously accomplishing the goals of a safer fishing fleet. The expense of enforcing these mandatory regulations seems wasteful of government funds when the goal was being accomplished without mandating them.

Of the 564 fatalities resulting from vessel loss, only 27% of the vessels had participated in the voluntary dockside exam program and received a safety decal. Conversely, when fatalities occurred on vessels with decals, the vessels were lost suddenly, with little or no time to respond. . In those casualties crewmembers were unable to use survival equipment or, in a few cases, could not fully don a survival suit.

The missing and comparatively important piece of information is ...of the 564 fatalities HOW MANY OF THOSE vessels were lost suddenly with little or no time to respond regardless of a decal or not? We know that it is at least 27%. That is a missing key piece of information/comparison. Why is that not addressed?? I find it suspicious for this comparison to be left out of this report. Most likely it could be shown that a high percentage of the fatalities occurring at sea overall are because of sudden events with no time to respond.

I have some real problems with the rationale the Coast Guard is using to mandate a lot of these regulations, particularly given the statistics contained in this vessel casualty review. I strongly oppose the mandatory licensing of captains of commercial fishing vessels. Given the Analysis of Fishing Vessel Casualties a Review of Lost Fishing Vessels and Crew Fatalities, 1992 – 2010, there is no significant reason to require licensing of these people. If it could be shown that indeed there is a trend developing where unlicensed commercial fishing captains were becoming casualties of the sea then yes, but in fact this report shows the opposite.

I myself have 25 years of high seas fishing experience with an unblemished safety record and now I am faced with taking a test to prove my ability? An accident free record for 25 years should speak to that already. There is no sense in regulating just to regulate. I now have regulations for flares, EPIRBs, survival suits, belt guards, current and tide tables, horns, nav-lights, bilge alarms, fire extinguishers auto and fixed, manual pumps, dockside exams, coast pilots, compass deviation cards, general alarms, first aid, CPR, boarding ladders, bells, whistles, oil signs, garbage disposal signs, drug signs, radio operating directions, drills, light lists, toilet holding tanks, life rafts, rules of the road, and day markers. The list goes on. You people are about to regulate me right out of business!!!

In conclusion, I think that the Coast Guard has its purpose and I have a great respect for them and their needed presence on the sea. Some of the regulations you are considering mandating need serious scrutiny as far as being totally necessary. It should be asked of each statute and regulation you consider. Will this make a

difference? Is there an actual problem here beyond the 3 mile boundary line? The ocean is a harsh and merciless environment and some things happen because of that fact. If you read your own agency's report on vessel casualties, those questions can be answered on some of them. Others I think you will have to demand information not presented in this report. **One of the most relevant stats missing from this report is the ratio of vessel/human casualties that occur INSIDE THE 3 MILE BOUNDARY LINE. Where is that very relevant stat given the additional requirements that this committee is considering mandating for the commercial fisherman operating outside the 3 mile zone???**

Another interesting statistic that should be taken into account is the ratio of safe commercial fishing voyages to the number of commercial fishing vessel/human casualties overall. I think it would be a staggering statistic that would show we do have a safe commercial fishing fleet and it's getting safer without any new draconian mandates occurring. I have about 60 safe voyages a year outside the 3 mile boundary line and I am just one commercial fisherman.

If in fact the Coast Guard deems these mandates necessary for the safety of the commercial fleet operating outside the 3 mile boundary, then it should be mandatory for ALL vessels operating in this zone. Safety of people operating outside the 3 mile boundary line should not be limited to just the commercial fisherman, otherwise you give the impression you are discriminating against him!

Sincerely,

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