

APPROVED BY COMMITTEE

36th Meeting

Commercial Fishing Safety Advisory Committee (CFSAC)
Savannah, Georgia
September 27-29, 2016

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United States Department of Homeland Security
United States Coast Guard

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Summary Minutes of 36th CFSAC Meeting

The 36th meeting of the Commercial Fishing Safety Advisory Committee was held at the U.S.
Federal Building, Conference Room #1, 124 Barnard Street, Savannah Georgia

Representing the U.S. Coast Guard from the Office of Commercial Vessel Compliance (CG-CVC) and the Fishing Safety Division (CVC-3) were:

CAPT JENNIFER WILLIAMS - Designated Federal Officer (DFO)
JACK KEMERER - Alternate DFO
JONATHAN WENDLAND - Alternate DFO

Committee Members In Attendance:

GERALD DZUGAN, Chair
ALAN DAVIS, Vice Chair
KRISTIAN BOEHMER
KAREN CONRAD
THOMAS DAMERON
JOSEPH DERIE
HAL HOCKEMA
JAKE JACOBSEN
GREG LONDRIE
FREDERICK MATTERA
JAMES NEVILLE
ERIC ROSVELD
BOBBY VIRISSIMO
CHRIS WOODLEY

Committee Members Absent:

JIMMIE MARTIN
THU BUI
BURT THOMPSON
MICHAEL KAMPNICH

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Meeting Convened – 10:00 AM, September 27, 2016

DFO OPENING REMARKS:

My name is CAPT Jennifer Williams. I'm the office chief at headquarters for commercial vessel compliance. I just reported it in August so I'm fairly new, but I'm not brand new because I've been at headquarters before and I've dabbled in commercial fishing vessel safety throughout my career and it is something that's very important to me, and it's great to see familiar faces back here again. So technically I'm considered the new designated federal official for this committee. We haven't been in the southeast region for a CFSAC meeting since 2009 when it was held in Jacksonville. Savannah is a great city.

Thank you to the Marine Safety Unit of Savannah for assisting in coordinating this meeting.

Mark Nemec, Thanks for helping out and thanks to GSA and the managers of this federal building for the use of the spaces throughout this meeting.

The fishing vessel community, it's always a challenge to balance facilitating commercial vessel success with safety, and it continues to be an issue even to this day. Some of the challenges that we have coming up we'll discuss throughout the meeting, are:

- 1) Class requirements for new builds;
- 2) Alternate standards for vessels that are 50 to 79 feet;
- 3) Mandatory exams that became effective last October;
- 4) Survival craft requirement changes the applicability of requirements changing from the boundary line to three nautical miles;
- 5) Alternate Safety Compliance Program development that was suspended in lieu of an Enhanced Oversight Program.

We'll talk a little bit about that later, why that happened, and where we're going with that.

So our challenges ahead is making sure that we can get our regulations published and promulgated. There was a national notice of proposed rulemaking that was published on June 21.

I think the original comment was supposed to be September 18 and they were extended 90 days until December, and that was done at the request of the industry to ensure that fishermen who

were out had ample time to review that and provide comments. Meeting exam requests in remote areas within reasonable time. I think that's an issue that we're trying to tackle. Use of Coast Guard Auxiliary or third party that could be authorized to conduct the mandatory exams. We want to finish developing the Enhanced Oversight Program. Recommended safety guidelines and best practices for 2017, we'd like to get information from you and out to the industry for comment. And finally,

- 6) Getting the operator competency training standards completed and accepted so programs can start being developed.

So we have a couple of task statements that we'll issue to the committee to work on in subcommittees including: the training standards, the Enhanced Oversight Program in lieu of the ASCP, loadline alternatives for vessels 50 to 79 feet and the Federal Register non-discretionary regulatory requirements.

Administrative Details:

CAPTAIN WILLIAMS swore in two new Members:

- 1) Mr. Gregg Londrie
 - 2) Mr. Eric Rosveld.
- [Mr. Kampnich - absent]

as well as two returning committee Members:

- 1) Mr. Jake Jacobsen
- 2) Ms. Karen Conrad.

CAPTAIN WILLIAMS discussed the conflict of interest statement and declaration regarding lobbyist status to all Members. CAPTAIN WILLIAMS requested the Special Government Employees Ms. Karen Conrad, Mr. Hal Hockema and Mr. Neville to sign the sheet and return it to MR. KEMERER.

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: Reminded all that this committee operates under Roberts Rules, Wait to

be recognized before you speak, address your comments to the chair, to keep some organization to the meeting.

CHAIRMAN DZUGAN: We've tried in the past, and I think we've done a pretty good job, at having a culture among the committee of having a respectful dialogue, despite our passions about certain topics at certain times. So just a reminder to keep things non-personal and express your views. Try to keep those views concise, think about them. Time is always a big element at these meetings, we always seem to run out of time, so I'm tasked with being Timex in terms of keeping track of time. I will try to do a better job this time of sticking to that. One of the things I will try to reinforce more this time is when there's a dialogue going on between two people, after they've responded back and forth two times, we're going to go on and recognize other people. I'm not doing that to be rude but just to keep it moving and just to get other opinions out on the floor. So please be respectful of that. Please make motions to move things ahead. We can get into extended dialogues, and without those motions being put on the table, we don't have any direction. So we're going to have some specific tasks on these task statements and a lot of the motions should be directed towards getting those tasks done and answered and accomplished and move things along. For the new members, and as a reminder for the old members, this is an advisory committee, we advise, we don't make laws, we don't make regulations. We serve in an advisory capacity. Try to be concise in your comments.

LAW VERSUS REGULATION:

MR. KEMERER: Law versus regulation, You need to understand that law is a statute, it's enacted by Congress. They can establish a requirement for whatever it might be, and for the fishing vessels there's significant ones, so they establish a legal requirement that certain things have to be met or certain things have to be done.

A regulation is something that's promulgated by an agency, and here for the Coast Guard, to implement the requirement of the law. Most of those things, we don't have a discretion whether to implement it or not, it's required by law, we've got to get it into regulation at some point and somehow so that it's enforceable, and those requirements can be made to be implemented on the vessel, installed on the vessel with equipment or whatever.

If it's in the law, the Coast Guard can't change it, only Congress can change it. There's certain

things we can do and there's certain things we can't do like the survival craft issue right now, the survival craft requirement is in the law, so we're obligated to get that into regulation and enforce it. So the out-of-water survival craft requirement for a vessel outside three nautical miles, that is a statutory requirement that needs to be met.

Now, we also have authority that we can grant some exemptions in certain cases, I suppose, but if it's in the law, we're obligated to follow that and implement it through regulation. So there's a distinct difference on what we have authority to do and what we don't and who's responsible for what, and so on.

When we refer to law and regulation and when you want to make recommendations to us on what we should do, keep in mind that some things we can and some things we can't.

CHAIRMAN DZUGAN: To help get a further clarification on that and use a most recent example, the 2010 Authorization Act you would call a law, and if the 2010 Authorization Act says that the parts of the Act that apply to fishing vessels beyond three miles to all fishing vessels beyond three miles, that's pretty black and white. The Coast Guard 2010 Act gave the Coast Guard the authorization to put into regulation those precepts under the 2010 Act that apply to all fishing vessels beyond three miles.

why does it; Why does the federal register that is out then still continue to differentiate between documented and undocumented vessels?

MR. KEMERER: It goes back to what was in the original Act and what was changed in the 2010 Act. Some of those things were discretionary items and some were not, so anything that was originally discretionary has to be proposed before it can be implemented as a final rule under the new Act, even. So the parity thing, some of it applies and some doesn't.

APPROVED VS. UNAPPROVED CLASSES OR ACCEPTED:

CHAIRMAN DZUGAN: Another of the terms I'd like to talk about quickly, just because it's going to come up on training, is approved versus unapproved classes, or accepted -- there's a difference between accepted and approved classes which is a pretty important thing in our dialogue about training. So classes can either be approved or accepted, and we can talk more about that in those subcommittee meetings, but everybody needs to be knowledgeable about them.

CHAIRMAN DZUGAN - I thought maybe we'd start by going around the table here starting with

Mr. Woodley. Please introduce yourself and background.

INTRODUCTIONS:

MR. WOODLEY: Chris Woodley. I'm the executive director of Brown Fish Forum which is a Seattle-based trade association that operates trawl catcher-processor vessels in the Bering Sea Aleutian Islands.

MR. LONDRIE: Greg Londrie, Brownsville, Texas, vice president of Tex GulMarco Company, Inc., representing 15 shrimp trawlers operating in the Gulf of Mexico.

MR. HOCKEMA: Hal Hockema, president and owner of Hockema & Whalen Associations, naval architects.

MS. CONRAD: Karen Conrad, executive director of the North Pacific Fishing Vessel Owners Association. We do safety training for fishermen and all mariners

MR. ROSVELD: Eric Rosveld. I'm a commercial fisherman living in Petersburg, Alaska. I own, manage and operate five fishing vessels that work mostly in the Gulf of Alaska.

MR. NEVILLE: Jim Neville, marine loss control manager for AIG Global Marine.

MR. KEMERER: Jack Kemerer. I'm chief of the Fishing Vessel Safety Division at Coast Guard Headquarters, Office of Commercial Compliance. I'm an alternate designated federal official for the committee, and that's enough.

CHAIRMAN DZUGAN: Jerry Dzugan. I'm director of the Alaska Marine Safety Education Association, former and occasional fisherman.

CAPT WILLIAMS: Captain Jennifer Williams, designated federal official.

MR. DAVIS: Alan Davis. I'm the safety director for American Seafoods and I currently serve this year as the vice president of Seattle Fishermen's Memorial.

MR. VIRISSIMO: Bob Virissimo, vice president of vessel operations for South Pacific Tuna Corporation. We manage 14 large purse seiners in the Western Pacific..

BOEHMER: Kris Boehmer, Ocean Marine Insurance. I used to be a fisherman and I actually had that great experience having a total loss and getting in this business, so I can see both sides of this.

MR. MATTERA: Fred Mattera, retired fisherman for 40 years, and now owner/president of North East Safety Training Co. out of Point Judith, Rhode Island.

MR. JACOBSEN: Jake Jacobsen. I fished in West Coast and Bering Sea fisheries for 30 years.

I've been a marine surveyor since 1995 and also I'm executive director of Inter cooperative Exchange which is the largest cooperative of crab fishermen in the Bering Sea, and I'm executive director of the Bering Sea Arbitration Organization, and chairman of the Alaska Seafood Marketing Institute Shellfish Committee.

MR. DAMERON: Tom Dameron. I'm the fleet manager for Surfside Seafood Products. We operate six commercial clam boats along the Mid-Atlantic.

MR. DERIE: Joe Derie. I own and operate Southwest Passage Marine Surveys in Portland, Oregon. I'm a marine surveyor, marine engineer, marine accident investigator.

MR. WENDLAND: Jonathan Wendland. I'm on staff at Coast Guard Headquarters under Jack Kemerer, and also assistant designated federal official for this committee.

CHAIRMAN DZUGAN: Good. We'd like an opportunity to have some of the members of the audience or other people in attendance state their name and their affiliation.

MR. AHUJA: Raman Ahuja, marine surveyor from DNVGL.

MR. GILBERT: Red Gilbert. I work for the Coast Guard Sector Office in Hampton Roads.

MR. HARRINGTON: Ted Harrington. I'm the Commercial Fishing Vessel Safety coordinator in Boston.

MR. PERKINS: Bob Perkins. I'm the Commercial Fishing Vessel Safety coordinator out of New Orleans, Louisiana.

MR. KEENE: Ken Keene. I'm here with National Marine Fisheries representing the National Observer Program.

MS. TERRY: Lisa Terry, Alaska Independent Tenderman's Association.

MS. MACKIEWICZ: Tanner Mackiewicz. I'm an Alaska fisherman and president of the Tenderman's Association.

MR. WILWERT: Scott Wilwert. I'm the District 17 coordinator in Juneau, Alaska.

MR. FISHER: Chris Fisher, the chief of inspections here at Coast Guard MSU Savannah.

MR. ROSE: Jeff Rose. I'm the Prevention Department head here at MSU Savannah.

MS. CASE: Samantha Case. I'm with the National Institute for Occupational Safety and Health, NIOSH.

MR. LUCAS: Devin Lucas, also with NIOSH in Anchorage, Alaska. Samantha and I work together up there.

MR. CROSS: Craig Cross, Coast Guard, Atlantic area.

MS. MURPHY: Peg Murphy, 11th District, Coast Guard, Fishing Vessel Safety.

MR. RENTZ: Troy Rentz with the 13th District, Alternate Safety Compliance Agreement coordinator.

MR. GLEASON: Tom Gleason, NOAA general counsel.

CAPT ZEGOWITZ / NOAA: Kurt Zegowitz. I'm the executive officer of NOAA Fisheries.

MR. ATKINSON: Chris Atkinson with the Coast Guard, Pacific Area, Commercial Vessel Safety.

MR. HARDIN: Dan Hardin, Fishing Vessel Safety Coordinator for the 13th Coast Guard District in Seattle, Washington.

MR. HOPPE: Walter Hoppe, Commercial Fishing Vessel Safety coordinator for the 7th District out of Atlanta.

MS. LIBBY: Melanee Libby from the U.S. Coast Guard Headquarters.

MR. DENNEHY: Ed Dennehy, director of safety training for Fishing Partnership Support Services in Massachusetts.

MR. SIRKAR: Jaideep Sirkar, naval officer at Coast Guard Headquarters.

MR. DUFFETT: Jonathan Duffett naval architect, Coast Guard Headquarters.

MR. NEMEC: Mark Nemec, local Commercial Fishing Vessel examiner here.

OLD BUSINESS:

Minutes:

A Motion was made to accept the minutes/summary from the 2015 Committee meeting in Seattle, WA. Motion passed unanimously after a few editorial comments were offered by Mr. Mattera.

NEW BUSINESS:

Mr. Dzugan-To all, please sign in on the back table each day you are here and if you would like to make public comments there is a public sign up sheet on the back table as well. We have time slots in the agenda so please use the sign up sheet so we know of your interest.

ASCP:

MR. KEMERER- Since the last meeting, there have been some things going on behind the scenes. No official committee action or activity other than some general briefings and

information passing. The one item in particular, the committee worked on over the last several years is in regard to the Alternate Safety Compliance Program requirements. As we mentioned earlier, and everyone should be aware, there was a Marine Safety Information Bulletin issued in July that the Coast Guard is suspending further work on ASCP in lieu of an Enhanced Oversight Program.

And the real background there is that anything that the Coast Guard would issue for ASCP was going to have to be in the form of regulations for it to be enforced, so until the Coast Guard can initiate a rulemaking project on that, basically the requirements that were in the ASCP will become items recommended best practices and safety guidelines on a voluntary basis. And I'll talk about this some more tomorrow morning when we get into the program a little bit more.

COMPETENCY TRAINING:

There's been some work going on behind the scenes, it was moved in the last meeting that Ms. Conrad and Mr. Dzugan would collaborate on getting together the goals and objectives and syllabus on the competency training, which they have done. That was sent out to everyone, I believe. So that's another subcommittee working group that will look at that to accept everything and finalize it. And I think the other thing was the drill conductor manual, that there was some work done on. So that item, all that broad topical area there will be addressed in one of the working groups starting tomorrow morning. Coast Guard approved courses, by the National Maritime Center, and there are also accepted courses, and particularly for some of the fishing vessel training requirements, accepted courses. An approved course has a specific curriculum requirement that has to be cleared by the folks at NMC, and there's requirements not only on what is taught and how it's taught but on the training organization as well for qualified instructors. The course gets audited, there could be onsite visits by the auditor to see that you have the appropriate square footage of the classroom, the appropriate lighting, the appropriate seating space, and everything like that. That all goes with the approval for a particular course.

With an accepted course, you don't have to go through all that. There's still going to be oversight of the training materials, qualified instructors and so on, but the training site itself, there's not as strict a regime of things to look at. And Jerry can add in here if I haven't covered it all.

So it's particularly important for the drill conductor course that it used to be an approved course and we got NMC to change it to an accepted course because if you do the drill conductor training

down on a vessel, you're not going to have the appropriate classroom space and lighting and all that. So for us, there's got to be some exceptions there that you just can't meet in a normal classroom setting that you would in a licensing course or something like that. So approval is much more strict for the training requirement than the accepted, but there's still oversight and requirements for the course itself.

CHAIRMAN DZUGAN: The other big difference is there's a requirement to inform National Maritime Center 30 days in advance of doing an approved course, which in the fishing industry, as you all know, can be pretty difficult to do in advance since sometimes you don't even know when an opening is until the day before or something. So that's another advantage to accepted courses.

COMMITTEE RECOMENDATIONS:

MR. KEMERER: I sent out ahead of time a list of the recommendations and the status, and I explained that when we put together the recommendations and motions from a meeting, we number it based on the year, so 11-A would be the first recommendation, and 11-A through whatever, so if there's any missing in the sequence, it's already been addressed and taken care of. So it's the ones that are either pending some action or may have some further discussion on that remain on that list, and again, it's a pretty extensive list but it goes back five years that you can look at.

And I guess we didn't mention it, but all the committee members have a copy of everything that is pertinent to the discussion here. On the back table are copies of everything that the committee members have, so those of you in the audience, if you haven't picked up any of those items, feel free to do that, and you can see what we're talking about as we go through if you want to refer to any of those. So there should be more than enough for everyone.

MEMBERSHIP CHANGES: There's a Federal Register notice on the back table announcing solicitation for applications for committee membership. Next May of 2017, there are five current members whose terms expire, so we are looking for applications from anybody interested in sitting on the committee. I believe there are three members from the fishing industry whose terms are up, and the categories are listed there. So if you are interested and are not on the committee already or may be reapplying, if anybody is interested or you know anybody who would be

interested in applying, make sure that they follow the requirements of the announcement. There must be a cover letter submitted with a résumé detailing your qualifications and what would be acceptance for that particular category of membership. And we are certainly looking for applications for that.

CAPT WILLIAMS: I think it's worth mentioning, Jack, that for those on the committee, and also the examiners or the Coast Guard officials in the field, it really takes some effort to recruit for those positions. And so we just ask everybody who's currently on the committee, if you know people who you feel would do well in this type of position, to encourage them to participate or put their name in. I mean, as you know, it's a lot of work on you if you're on the committee, but it's something that's really valuable to the Government to have your assistance, and it's a way for you to have a voice.

But for the coordinators out there, the district coordinators, and even the fishing vessel examiners in the field, you should be actively looking for people and suggesting people. We're always looking for a diverse makeup of the committee, so men and women, regionally, we want diversity, we want diversity like the types of fishing that they do. So there's all these things that we need to balance when we get the applications, so the more applications we get, the better off we'll be, I think, in making sure that we have a really good committee.

So please, if you feel like you don't have a role -- I'm looking at all the people in the chairs over there -- you all have a role in trying to find people for us because you are closer to the action than we are in Washington, D.C., and you know more people that could add value to this committee. So please do your part in soliciting.

MR. KEMERER: The deadline for the application is October 16th 2016 I believe. And also, on the back table there's a listing of all the current members and it shows the year that the term expires, so there's five members whose terms are going to be up.

UPDATES ON COAST GUARD REGULATORY PROJECTS:

I think I mentioned last year that we issued a final rule on the citizenship requirements on fishing vessels, what we refer to as the 75/25 rule for those vessels operating inside the EEZ, and that was in 2014.

This year so far the rules that apply to processing vessels that may dispense petroleum products, a final rule was issued in March of 2016. It's 46 CFR Part 105, it's a revised amended section. The

regs that were there before were very outdated and the applicability really didn't fit, so to make it concur with the current legislative statutory requirements, that rule was amended.

One that was just recently issued was aquaculture support operations waiver. There are a couple of foreign vessels that have been permitted to come into U.S. waters and support aquaculture needs, and it's a special waiver, an interim thing. But the final rule on that waiver process was issued this month. It creates a new Part 106 in 46 CFR, so 46 CFR Part 106 is a new requirement. There are some responsibilities that MARAD, the Maritime Administration has in certifying or validating that those foreign vessels can come into those operations, or a U.S. vessel that only has a registry endorsement, it also applies to them. If it's a vessel with a coastwise or fishery endorsement, I think that that's not an issue with them, but because basically commercial operations fall under the Jones Act or something that there's a restriction and you have to have a special waiver and exemption for that. So that rule came out September 15, actually.

The other rule that was issued back in June was our notice of proposed rulemaking for fishing vessel safety requirements, and the comment period was supposed to have closed about a week ago. We extended that, there was a notice in August that came out, extending the comment period until December 18, I believe it is, for comments on those proposed rules. And I'm going to discuss that a little bit more later in the schedule tomorrow morning, so I won't go into too much more detail of it.

There is a handout that you have that does a kind of side-by-side summary of the text change in 46 CFR Part 28. It shows what the current text reads and what the proposed text will read. Some of it, when you get into Subpart (c) gets a little complicated because of the applicability and whether a requirement, whether the standard is a nondiscretionary item or a discretionary item. So I will explain that more tomorrow morning when we discuss that, but there is a handout that gets into that.

So if anyone is going to comment on the proposed rules, make sure that those get submitted by December now. A couple of industry groups asked that we extend the period because so many of the industry are fully operational during the summer months and may not have had a chance to offer comments.

SAFETY ALERTS AND MSIB:

Next item is safety alerts and Marine Safety Information Bulletins. There's a copy of the MSIB

on the change from ASCP to EOP. I know I'm throwing out a lot of acronyms here but I think most of you know what they are. If someone doesn't know what an acronym is, throw your hand up and I'll spell it out at least once or twice. So that Marine Safety Information Bulletin is back there.

There's also a packet that has safety alerts that the Coast Guard issued. There probably is 15 or so. They may not all be directly related to fishing vessels, but it's information that in some case or another may apply or be beneficial to fishing vessel operators and to the industry. So that packet is there. And all the safety alerts, the sheet shows the website on there too, so you can go into a Coast Guard website and look at all these safety alerts

<https://www.uscg.mil/hq/cg5/cg545/safetyalert.asp> and all the Marine Safety Information Bulletins website <https://www.uscg.mil/msib/https://www.uscg.mil/hq/>

SURVIVAL CRAFT REQUIREMENTS:

The Last several meetings we talked about the requirements for survival craft. If you recall the 2010 Auth Act said that any vessel operating outside three nautical miles was going to have to carry a survival craft that kept you out of the water. The 2012 Act amended that to the extent that the Coast Guard would have to submit a report on the necessity of that type of device and also whether the Coast Guard would be able to continue to approve life floats and regular buoyant apparatus. So that was pending a 30-month delay until after the report was submitted.

Officially it's the Coast Guard Authorization Act of 2015 that was signed into law on February 8, 2016. That amended the survival craft requirements again, except for fishing vessels. The requirement that was in the 2010 Act remained untouched for commercial fishing vessels. Any vessel operating outside three nautical miles must have an out-of-water survival craft, basically.

CHAIRMAN DZUGAN: By what date?

MR. KEMERER: It's in the NPRM to validate that. So once the final rule is issued, it will be 30, 60, 120 days after the final rule.

CHAIRMAN DZUGAN: Is there a chart showing what types of vessels, how many crew, how far from shore, what type of survival craft they'll have to have, whether it's an IBA or a satchel pack. Is there a chart that's been done in D-13 or on HomePort? I was asked to bring this up. Both the life raft industry would like that chart to be able to know how to produce rafts enough so they have some estimation of demand. And secondly, I know that the industry would like that chart

also to know what's expected of them.

MR. KEMERER: Until the regulations are changed or amended, the current chart in Part 28 is what's in effect. So once the rule is finalized, then that will be amended. There's a couple of exceptions there, and in general, if you're a documented vessel beyond three miles, you're going to have to have a life raft or an IBA, inflatable buoyant apparatus. If you're a state vessel, based on the current requirement, the most you will have to have is an inflatable buoyant apparatus. Inside three miles, the life floats and the regular buoyant apparatus are still acceptable, and the Coast Guard continues to approve those devices. So nothing is really changing but it will down the road, so those vessels that operate in these situations will need to be thinking about that and if you're going to have to replace something, you might as well replace it with what's going to be required.

The other thing is there are some provisions that if you have a smaller vessel or smaller crew size, there are domestic service survival craft that go down to a four-person capacity, so if you're inside 20 miles or 50 miles, you don't have to have a SOLAS device. A SOLAS device is much more extensive, more expensive, more equipment on it and so on. So you can use a domestic service if you fall within that category.

And the other thing is it says readily available or readily deployable, I believe, whatever the terminology is, and so in some cases smaller vessels -- and there have been a number of comments already come into the docket on the NPRM that there's no space to install this. Well, there are valise pack devices that can be used, they're Coast Guard approved, and any of the equipment has to be Coast Guard approved, of course. And there also the domestic service, a four-man life raft that I've seen in a little case that's no bigger than a small suitcase, four-person, and weighs about 45 pounds. So those are available out there if you can find the source for those.

CHAIRMAN DZUGAN: Thanks. So basically, it's tied into the proposed rulemaking that's out there, so we can't really know.

MR. KEMERER: Yes.

So the Coast Guard Authorization Act of 2015 was signed into law February 8, 2016. The really only significant change for the fishing vessel industry and for us is the amendment to 46 U.S. Code Section 4503. It added a new subsection (e) that allows or gives the option for smaller vessels, 50 to 79 feet, to build to a class equivalent or kind of a class standard without using class. So that doesn't mean 50 to 79 foot vessels can't be classed, they certainly can, and then once you

get classed, then you're going to have to maintain that class certificate.

For the smaller vessels a naval architect is going to have to design the vessel, they're going to have to incorporate class equivalent standards, so what class standards we're using, the construction needs to be overseen by a marine surveyor and how we're going to certify or verify that the vessel was built according to the design by the naval architect. And then there's a stability requirement in there, some stability training and if you're going to modify the vessel in any way it's got to be approved by the naval architect and so on. That's a significant change to the construction standards for new vessels. The class requirement was for vessels built after July 1, 2013. This new option only applies to vessels built after February 8, 2016, so if there was a 50 to 79 foot vessel built in 2014 and built by definition as when the keel is laid or a certain percentage of the structure has been assembled, if the vessel was classed between 2013 and 2016, that vessel must maintain class. Otherwise, they will not be eligible to operate outside three nautical miles in the fisheries.

MANDATORY SAFETY EXAMS:

Mandatory safety exams, went into effect last October. That program has been going well, no real issues with it. There was a letter issued to the industry last August and also a Marine Safety Information Bulletin issued in October of 2015 to explain a little bit more about the process, procedures and requirements of the mandatory exams.

DISTRICT COORDINATOR REPORTS:

D1 MR. HARRINGTON:

We did something a little different, so I'd like to accentuate some of the positive. We used VMS to see how we were doing with the mandated exams, so instead of going out and just bothering people for the sake of boarding them, we would call it up on VMS and we would be able to virtually board 400 to 600 boats in the course of two hours by melding that with our vessel database system. And what that showed is the compliance rate for the commercial fishing fleet is over 93 percent, which I think is an outstanding endorsement of the way people have done this. We were also able to look at the violation rate for those ones that we did do, for what percentage of those complied with the law. That has been consistently 89 percent. I don't think fishermen get enough credit for that. And one other thing that is kind of new -- and Ed Dennehy is here that

operates a very fine organization in the northeast, Fishing Partnership Support Services we were looking at the high incidences of opioid overdoses and deaths. Actually, we've had more opioid related deaths and Fred is aware of this too-- than we had commercial incidents. So Ed has incorporated that into his training, his mandated training for commercial fishermen, which I think is great. It's a tough issue to deal with, and we're going to have some meetings with Ed because they're cooperating with the City of New Bedford to tackle that very tough issue. You want to put your head in the sand but you can't. And it's also been a big problem with the observers. That's the biggest scare factor for them. They've been able to go on boats, to their misfortune, where the master was passed out, locked in. We've had five cases of opioid overdoses where they've passed out with observers onboard. So it's a huge problem. So far we don't see an official Coast Guard policy on it because it's new, but Ed is doing a great job in taking that into account. And finally, Tom Brady absolutely should not have been suspended from football.

(General laughter.)

CHAIRMAN DZUGAN: Ted, what's the compliance of people who are doing monthly drills -- with a qualified instructor?

MR. HARRINGTON: I don't know if I can give you an accurate answer, Jerry, other than to say a lot better than it used to, and it's getting better and better every time, mostly due to Fred's organization and Ed's organization, but not what it should be, and that's the best I can give for an answer.

I was remiss on saying, the biggest problem we're facing is the credibility issue. I mean, in the last couple of years it's critical, and of course, that's due the vacillation and oscillation of all these various mandates. We not only have that problem with the commercial fishermen but with our boarding officers, and it's through no fault of anybody here but it's a very, very high priority issue that has to be tackled, the credibility issue is critical. Thank you.

CHAIRMAN DZUGAN: Thank you, Ted.

D5 Mr. Gilbert: We deal with about a 400 or so vessel fleet with 165 of them being blue water operations, primarily in the scallop Mid-Atlantic fishery, as well as some net and trawl operations involving pelagic and near shore species. Been doing this since 1996, and I'll speak to the issue of training. What we see is that the Coast Guard measures that compliance through our voluntary program. There is nothing currently in the regulatory standard that would require the person to be onboard who performs the drills, and there currently is no regulatory standard to document that

training. So a fishing vessel could be measured as compliant with meeting that very important survival training by merely declaring that they had a certified person onboard and that that person was doing the minimum drill once a month.

Obvious we have some very empirical data associated with marine casualty investigations where the people were simply unfamiliar with the equipment at the time a catastrophic event occurred on a fishing vessel, and it still happens. So I think the answer would be that it is a very difficult standard to measure compliance with under the current regulations.

Secondly, The second thing I'd say is that we have a certificate of compliance or a mandatory examination program in place, and there is a high level of participation but it's way short of a hundred percent. I can tell you in our fleet of responsibility it's probably about 80 percent. So it started October 2015, we're well past that date, obviously, and the level of compliance is still considerably lower than it should be because these are very minimum safety standards that are measured.

We had an event the other day, as Hurricane Hermine made its way up the coast as a tropical storm. We had a very experienced crew on a very experienced boat that was going to participate in the squid fishery off of New England, which was managed through a fisheries management plan that had a limited access based on the landing. This New England fisherman, who was in a yard down in RAOR, left ahead of the storm, motivated simply by the fact that if he didn't get up there and get his quota, then he was very likely going to miss that opportunity. He thought he could sail in front of it. Subsequent to his setting sail, he had a grounding event that put him out and left him to abandon the vessel when the crew was removed, and it drifted for two days until it was ultimately recovered.

So his argument to the Coast Guard subsequent to the event is that I had no choice but to go. So I think that's worth reviewing, and just the whole mind-set of a fishery that influences that completely. The decision of a fisherman to sail in a situation when he otherwise would not, is something that I think that government, as well as industry, has a way to influence.

The last thing is this: Tom Brady should have been suspended for the entire season.

(General laughter.)

D11 Ms. Murphy: We have about 3,000 commercial fishing vessels, and our fleet is unique in

that most of our fishing vessels are between 30 and 50 feet, we don't have any processors, and our biggest fleet is really squid. California has been experiencing a severe drought -- you may be aware of that -- and it's really impacted our fisheries. So for the squid fleet, the water temperatures have moved the squid so that they're actually fishing squid now out of Eureka, east of East Central to off of LA, so it's moved up to the Oregon-California border.

Our largest fleet number-wise is salmon, and most of our salmon fishermen also fish for crab. And crab, you may be aware, the Dungeness crab season was delayed by a couple of months due to toxins. It did get going but it was a very poor year, catch and money-wise. Salmon fleet, there's no water in our rivers because of the drought, so the salmon fleet has been very depressed also. That, in addition to new delivery of a lot of regulations, has caused a lot of consternation with our fishermen. I had a big meeting in Half Moon Bay in March that was very successful regarding the ASCP. Troy was there and facilitated that. If nothing else, it really got us talking to the fishermen and created a lot of good communication. We're having another follow up meeting on the EOP at the end of October. One of the things we did do just recently was we attended the International Fisheries Observer Conference in San Diego, and we brought down our DC trainer and we trained 300 observers, took them through the DC trainer on flooding and damage control, and that was a real good initiative for us in terms of safety with the observer fleet.

The survival craft issue, because our fleet is smaller and we have a lot of vessels that are using the exemption inside 12 miles and haven't had a survival craft onboard, now that they will be required to have one, that's probably the biggest contention with the new regulations that are coming out.

D7 Walter Hoppe: In my report I basically provided the stats on the number of exams, which you get the spike in the number of exams basically when the NPRM first came out and back in 2015 prior to the October 15 date. And then once the next notice came out that they were going to delay when it came into effect, then you come to kind of a norm. So we had a huge lift in exams prior to it and then just kind of settled down to a manageable amount at this point. The number of casualties hasn't been too bad this year, I think it was 20. And the number of terminations have been way down. I don't know if that's due to less boardings or that the fishermen are in compliance, but that's always good to see.

We've had a couple of training going on by AMSEA in our area and we've been able to attend and provide the DC trainer for that, so we know the training is going out and the fishermen are attending. Really the biggest issue has been brought up before, the exemptions for the smaller vessels. On the Gulf Coast our boundary line goes out a little further so there's a lot of vessels that are currently operating without the requirement for any survival craft, but will be beyond three miles, so for them the expense of an out-of-water craft and the annual expense of renewing it is a big issue. When we attend the meetings with these groups we encourage them to submit comments to the NPRM.

D8 MR. PERKINS: I'm the District 8 coordinator out of New Orleans, cover from Brownsville, Texas to Appalachia cold water.

We have presently 1,072 federal permits for guys who are fishing seaward of three miles in federal waters. Of that, we estimate pretty closely there's about 966 that are actively fishing outside three miles. Inside three miles we have in excess of 20,000 vessels that work inside three, and these are parked in backyards all over South Louisiana, Mississippi, Alabama, Texas. Just drive around the back roads and you'll see them all over the place. So managing that inside fleet is where the majority of our casualties actually exist. The guys outside are actually safer than our inside fleet, so we try to put some emphasis on those guys every now and then, but we're keeping up with the mandatory exams for the vessels outside three.

This has been probably one of the best years we've had in a long time from a casualty standpoint. I've lost a few vessels, I've lost three, I think, total. Had one fatality, fall overboard. Falls overboard are something on the order of 90 percent of the fatalities we see. Winches, I haven't had anybody killed in a winch this year. My eleven examiners, they're all actively employed, all the billets are full, everybody is working well, we have no issues. I'm also of the opinion that Tom Brady should be done for the year.

MR. ROSVELD: Mr. Chairman, could he comment on the examiner issues as to doing exams of vessels, logging drills.

MR. PERKINS: The issue we have is we go onboard and when they go to AMSEA training AMSEA is the only trainers that we have in our area -- when they go to the AMSEA training, it's the owner or the captain usually that goes to the training, it's not the crew, and the assumption is that the crew is getting trained by the captain, they're doing their drills every month. My guys as

a general rule walk onboard and if the crew happens to be there -- and they're not always there, a lot of times they do the exam and it's just the owner that's there or sometimes the captain but the crew is not there -- but if the crew is there, the first thing they'll do is go: Go get a life jacket and put it on. If the guy kind of looks at the captain and goes: Uh? You know they're not doing their drills. Where are the fire extinguishers, go get me a fire extinguisher. Obviously he's not picked up a fire extinguisher. And it's a big problem and we find it all the time, it's not something new, this isn't anything we haven't all dealt with for years and years, but it's something that, I don't know, needs to be fixed. We don't have an answer for it other than if we come across that, we make them run drills right then in front of us. Okay, do a man overboard drill, do a fire drill. And we're kind of stretching a little bit because we really don't have the authority to make them do a drill. When they're signing off saying that they're good to go and their equipment is onboard, it's a way to get them to show you all the equipment. We make them pull up the fire extinguishers and show them to us, make sure they've got tags on them.

MR. LONDRIE: I'll tell you why. With regards to the shrimping industry, we have such a high rate of turnover. When you say crew, I don't have the same crew go out from one trip to the other. There's going to be one, two different, it could be the whole sometimes rare. But we'll get guys that will commit to going on a fishing trip, ready to go fishing, they don't show up. The reason why you don't show up is because when we conduct our drills, we do it right before we let the ropes go where they go fishing. So it's done when we know that crew is on the boat and they're leaving. Because if not, we could conduct drills every day because it would be someone, I'm going to go, and then they don't show up. So we conduct our drills right before we know that boat is going to go fishing, so that's why sometimes you'll come across guys that have no clue because they haven't done it.

MR. WOODLEY: I just wanted to briefly comment on the issue of the training and the drills. You know, you're absolutely right with a lot of crews, a lot of masters aren't very good about holding their guys to it. And years ago, in the fleet that I work for now, we actually started requiring or the Coast Guard starting requiring drills as part of their fishing vessel safety decal. And it turns out about month and a half ago, one of our boats went down. Everybody was saved and one of the people that was onboard was a fishery observer and he wrote an article that I was just going to read from quickly talking about how in terms of abandoning ship, the observer said, All the details were that were covered during this training were critical. Here is a quote:

Everything they covered in training came in helpful. The only issue was a missing rung on the Jacob's ladder.

But the observer program trains their people, these boats -- the fleets in the Bering Sea train their people, and I don't know if this is something we can talk about when we talk about Enhanced Oversight protection, but I didn't see anything in there about how to actually allow the Coast Guard to conduct the drills onboard the vessels because that was a huge, huge difference on the fleets in the Bering Sea.

D13 MR HARDIN:

I'm the Commercial Fishing Vessel Safety coordinator and my area of responsibility is Oregon and Washington, and I also have a shared fleet with the Alaska folks. We've doubled the number of dockside exams. The way that it's been working for us is that the commercial fishermen have been asking for their dockside exams just prior to the opening of their fishery, so that's kind of helped us out in managing, doing the exam. So for example, the crab fishery opened up first so they were the first ones to request the exams. We had a salmon fishery open up in the spring and so they started to show up then. So it's been working where we can get to everybody by managing the opening of the fisheries.

Also, the checklist generator really helped us because what we did is we had people use the checklist generator to prepare their vessel before they went out so they could reduce the number of trips they had to make it out to the different vessels, so that really helped us. And we tried very hard to require them to use it before we go so we could reduce the number of trips we had to make. We did a lot of outreach on the Alternate Safety Compliance Program. We talked to six different presentations up in our area, up in Seattle area, and Troy also went down and did some presentations, as well as Mr. Kurt Ferrell from our marine safety unit in Portland. We did a lot of outreach and town hall meetings on Alternate Safety Compliance, and we got everybody's feathers ruffled and now we're moving to something new. We put a lot of effort into it and it's kind of died down, so we'll see how this Enhanced Oversight Program goes.

And then I'd like to say that Mr. Kurt Ferrell and Mr. Mike Rudolph from the MSU in Portland, both received AMSEA awards, lifesaver awards, and there were only eleven issued across the country, so the work that they've been doing, doing drill conductor work, has gotten them several awards from AMSEA.

CAPT WILLIAMS: Your checklist generator, is that something that we're pushing out to all the districts, are we all pushing it out? Because I was playing around with that little tool and I'm very impressed and I'm glad to see that you continue down the road of using technology to help the fishermen know better what is expected.

MR. KEMERER: Let me make some comment on the checklist generator. That's been out there for a while, and Dan is responsible for developing that and pushing it out, and I know the committee has looked at it and everything. And in case you didn't know, I think I may have passed the word to everybody, but Dan received an award for developing that tool. He received an innovation award from the Coast Guard. He got an all expense paid trip to headquarters for one day to receive it. And I think there's going to be some more things on the horizon with that and maybe you'll be able to pass off the responsibility for some of that to Yorktown, I believe. But the nice thing about it is the towing vessel program and a couple of other programs are really interested in doing a similar type tool for their fleets and their industry. So Dan has really started something here, it's a great tool and I've gotten tremendous feedback from people. When I talk to fishermen who happen to call and ask about it, and said, Oh, yeah, we've seen it, that's great. I said, Okay, use it.

And so you've really made some good inroads with that, Dan, and the whole industry needs to thank you for that.

CHAIRMAN DZUGAN: I also want to mention the work you did on your animated stability online course. We use it a lot for our stability courses, and the public can access it. It's another great piece of innovation on your part. I think District D-13 has done some really creative projects with fishing vessel safety, so thank you for that.

MR. HARDIN: Thanks. And you can see both of those at fishsafewest.info.

D17 MR. WILWERT: The highlights for sure has been the reduction in fatalities in the last couple of years. I think in 2015 fiscal year, we had no fatalities in the industry, no operational fatalities, which was a big deal for us, probably the first time in the history of people or fish that that didn't happen in Alaska. In 2016 in the fiscal year we did lose the diver in October, and it escaped me when we were talking, but we did have one fatality this calendar year so far and that was an unobserved fall from an anchored tender, in Auke Bay right in Juneau just feet from the break wall. So don't know any of the details on that. I do know that it was an unobserved man

overboard, one of those: hey, where is so-and-so, haven't seen him since a certain time. And I guess he was actually just recovered a couple of weeks ago. The family brought in a special sonar kind of thing and was recovered in Auke Bay. So that was our one fatality for the year with an unobserved man overboard from an anchored tender vessel in Auke Bay. So it was unfortunate, and like I said, really strange, because where the vessel was anchored was just very close to the break wall, what we would assume would be swimmable, I guess, if you could swim or certainly if you had a flotation device on.

So it still highlights for us the fact that the casualties, the fatalities, they're all down. I can't believe I'm saying this out loud without any wood close by to knock on, but we dodged a bullet in July with the sinking of a rather large vessel and everything went pretty well on that. I don't know what to attribute it all to. I'd like to think there's four or five things that play into the reduction in the casualties and the fatalities, but I give most of the credit to the industry and the kind of change of culture up there. We did about 1,480 exams so far this year. That's a little higher than average seeing as how if we measure them on a calendar year we still have a few months left, so we'll probably be up in the 1,600 or 1,700 exam range. We have five civilian examiners in Alaska. It's a few people to cover a really big area, an area about a third the size of the country, I guess, if you superimpose it on a map.

So one of our challenges are always geography, money, and time. The Arctic region, you've got to be quick, and you've got to get there and do your business and get out because the ice comes in and the ice goes out. So the biggest challenge for us is everything is a plane ride if you're an Alaskan examiner pretty much, which means that we spend a lot of money and we send people away for a long time. Fortunately, we're bolstered by a pretty strong active duty and auxiliary contingent, so that brings us up at any given time to 40 or 50 qualified examiners. If it were just the five civilians, I'm not sure how we'd get by. But they do a great job.

Another challenge that I think I listed here in this report was, I think I'll go back to Ted when he was up talked about credibility. It's been a challenging year for everybody, industry included, but we've come out of a lot of these situations, whether it's the Alternate Safety Compliance Program or the survival craft, with a little bit of egg, I think, on our face, and we're learning how to deal with that. But that's probably been one of the biggest challenges is the different, I'll call them Congressional pressures that kind of change our direction and make things very confusing for the industry and make things confusing for myself and the examiners that are trying to pass the

message on where we stand on things on any given day. So challenges-wise, you know, like I said, they're always going to be the same in Alaska. It's a big place, it's an unforgiving place, and it doesn't let you move around unless she's ready, and so we get around and do the best we can. We visited, I think, 30 communities this year in outreach visits, and spent quite a bit of money doing, but that's kind of what it takes to do business up there.

As Dan said, I work a lot with Dan almost on a daily basis. We have such a huge shared fleet between District 13, Washington, Oregon, even California, coming up to Alaska, so we try to be in lockstep on all these things and all these decisions that we make.

We've got some interesting very localized challenges that I don't really know if it's worth dragging the whole audience here into, but we have some very unique things happen in Alaska. We have some interesting things with the fish tender fleet, tenders and load line issues and vessels that previously were a part-time tender and used to be a crabber and now they're just a tender, and putting them in a strained spot and forcing us to a decision on how are we going to view these vessels.

MR. WOODLEY: Last year when we talked about this and the mandatory exams were coming online and you said you were still going to need like a spring season and summer season to see if D-17 had the capacity personnel-wise to handle the number of exams that you were expecting, and so I was curious if you could talk to that for a minute.

MR. WILWERT: Yeah. It seems like we've met the need. We had a lot of good data that we received through Jonathan Wendland and his efforts with NOAA Headquarters and the NOAA Alaskan Region. Additionally, we worked with the Alaska Department of Fish and Game, just identifying who operates beyond 3 miles. I base our success on what our enforcement units find and I'm not getting a lot of phone calls or we're not reading a lot of OPSMs that are leading us to believe that they're finding people out somewhere without something that they're supposed to have. So I can only assume or take from that that we're meeting the demand as it exists. I know there are some folks out there that we've probably missed.

D14 MR. MEDLICOTT:

We have 160 long line permits, about 147 of them are currently being fished, mostly out of Honolulu, a dozen or so boats out of Pago Pago, and occasionally we have boats that are going between Honolulu and San Francisco and San Diego. About 95 percent of those vessels currently

have current decals and have passed their examinations. The big thing in the news lately was there was an AP article by Ms. Marta Mendoza that came out about a month ago detailing what she alleges is human trafficking that supposedly is taking place in this fleet. In the four and a half, five years I've been in D-14, there's not been a single case of human trafficking. We've had reports from NOAA observers of verbal and physical abuse. Three of those cases were investigated by the CGIS, Coast Guard Investigative Service, and the Honolulu Police Department. No criminal charges were brought to anybody, although there were three skippers that were involved in the incidents and they were all subsequently fired. Right now the CBP, Customs Border Patrol folks, the Coast Guard and the Honolulu Harbor Department, which is part of the police department, are daily down on the docks, Pier 17, 18, 36, 37 and 38, where most of the fishing boats tie up, doing just spot checks, talking to people. Mostly CBP is walking around making sure that the foreign workers that are legally brought to Hawaii to work on fishing vessels are not doing things like welding, painting, they're only supposed to be able to work on their fishing gear. There's also big huge signs in five languages letting anybody know that if they're having problems with not getting paid, being abused, not being fed, there's a whole list of numbers they can call, and we don't get any phone calls. Not to be confused with the Hawaiian longline fleet 100 percent of the distant water tuna fleet currently have valid decals currently 37. Tradition Mariner just brought a new DWTF boat, the Evalina De Rosa, up from New Zealand and it's recently been flagged, registry endorsement, and it looks like they're going to be fishing out of Pago Pago.

CG CASUALTY AND FATALITIES:

MR. BOEHMER: Do we know what number of casualties and fatalities we're at presently?

MR. KEMERER:

We're at around 20 or 22 fatalities for the year and 30-some vessel losses. so we're not as good as last year but certainly not as bad as some previous years.

FIRE EXTINGUISHERS:

Mr. Wilwert: I am not the expert on the new fire extinguisher servicing and carriage requirements, but we have been looking into it quite a bit.

It's just a harmonization really of switching over from the way we used to look at portable

extinguishers from a size perspective, B-1, B-2, to harmonize with the UL 711 performance standards.

Two things that have an effect on the industry with a new standard. We're basically going to train our eyes to look at a different part of the label but the UL 711 listing has always been on the labels. Also, there is now an annual maintenance of rechargeable portable extinguishers, to be serviced by a licensed technician, and that did not exist in the past as we know it. A lot of folks did get servicing of portable extinguishers as a good practice. if they are non-rechargeable portable extinguishers, they do not have to meet that annual servicing requirement.

In Alaska, we don't have a lot of anything and servicing is one of the things that we certainly don't have a lot of. An unintended consequence of this final rule is that it's very likely that someone who has a vessel full of nice rechargeable fire extinguishers is now going to be faced with. So I need to box these up and barge them away every year for service or I can go down to the True Value and get four Kidde that will still meet the requirement and just throw them away in twelve years. I don't think that's where the rule was heading or what they were hoping would happen, but that, I think, is an unintended consequence.

MR. NEVILLE: Does this new regulation apply to all commercial vessels or only commercial fishing vessels?

MR. WILWERT: It applies to all vessels. Recreational, commercial, T-boats, passenger vessels.

MR. NEVILLE: Does the regulation specify who the certified person is to do the examsMR.

WILWERT: It does. NFPA 10, the National Fire Protection Agency, Volume 10, will tell you what the description is. It has a really good definition section that talks about what is monthly maintenance, what is a certified technician and what training that person has to receive to be that person.

MR. WOODLEY: I appreciate D-17's efforts to look at a phased-in enforcement approach, given the possible supply issues. Also, will D-13 be taking a phased-in approach to enforcement?

MR. HARDIN: Yes.

MR. WOODLEY: All right. Thanks.

INDUSTRY UPDATES:

MUSTARD GAS:

MR. MATTERA: I know it's been on FishSafe, but I just want to make people aware again, for those in the Mid-Atlantic, the clambers that have hauled up this mustard gas munitions, it's very, very dangerous, exceedingly dangerous.

MR. MATTERA: We have a booklet that we handed out to Point Club which is a mutual insurance group, and it's called "The Three R's", that Kris acknowledged, and this is a munitions book that takes you from depth charges to torpedoes to the colors of them to any other types of munitions, and it identifies them that these could be active, these are dummies, these are whatever.

MR. BOEHMER: This is from the U.S. Army's educational website, so it's definitely for everybody.

MR. MATTERA: Something examiners maybe should hand out, you know, to make the industry more aware.

MR. WOODLEY: In Seattle, the Coast Guard actually worked with Department of Defense. They're funded to the tune of hundreds of millions of dollars, they have a prioritized list of where munitions are being removed all over the world, from World War II, Vietnam, Korea, it's a continual and ongoing thing. The trick was the Coast Guard really had to prioritize it in Seattle. In this case, although nobody cared about Alan's fishing boats being there, they were very concerned about the fact that cruise ships were on top of it, and that got people very excited. So it was about a \$2-1/2 million removal, but it was because the Coast Guard really leaned on the Corps of Engineers and the U.S. Army to make something happen. So that was our lesson and that was 2009.

NOAA CHARTERS:

MR. WOODLEY: Mr. Chairman, I believe this is probably for the industry one of the most substantive issues that we'll deal with here at this advisory committee meeting,

MR. KEMERER: Mr. Wendland is going to give a little background on how this came to light and we have some NOAA fisheries folks here that are certainly welcome to weigh in on any of it. So Jon if you could just start out giving us a little background on how this all developed.

MR. WENDLAND: Absolutely. Mr. Chairman, Back in October of 2015, a NOAA attorney contacted Coast Guard Legal, CG-0941, inquiring about if folks went out to a fishing vessel, if they were considered passengers. I understand, there was some back and forth discussion about that, and then our office got notified probably the first week of December and we were asked to do a presentation for NOAA's fleet council and NOAA fisheries on commercial fishing vessels and the Passenger Vessel Safety Act. So we got together the appropriate Coast Guard folks, fishing vessel safety folks, legal folks, and passenger vessel folks on the phone and did a teleconference with NOAA's fleet council NOAA fisheries and others. In the NOAA's HQ room at the time, the high ranking officials were Dr. Merrick Chief Scientist of NOAA fisheries and Rear Admiral Score with NOAA OMAO.

So in essence, we gave NOAA a presentation, and then come mid February, we were contacted by a NOAA representative working for NOAA OMAO who was in charge of developing an NAO which is a NOAA Administrative Order, and they wanted to make sure both NOAA and Coast Guard had a clear understanding of what charters were. There's a webpage description of chartering on the OMAO webpage.

In late February 2016, we had another teleconference with NOAA and we provided some clarification on some statements that we gave in the presentation back in December of 2015. We questioned how much chartering was going on in NOAA, and at that time the gentleman from NOAA OMAO in Washington DC said he knew of a handful, the gentleman from NOAA Fisheries from Seattle that was on the phone mentioned there was upwards to \$18 million in the Pacific Northwest of chartering.

So in March, coincidentally, I was contacted by a NOAA gentleman who I've worked with on another issue pretty much since 2010. He was actually out in Seattle at the time as acting deputy director of a division out there. He said he was trying to understand the differences between commercial fishing vessels and passenger vessels, the nuances, because the division out there he dealt with had a number of charters, so we had a conversation on fishing vessels and then I gave him the point of contact in Coast Guard for passenger vessels. Not too long after that, in May there was a vessel on the West Coast that came to light that was over 300 gross tons, did not have a COI, and there was just some differences within the databases, had an ADF&G number just beginning in 2015. So more questions came to light. We reached out and talked to the CID out there to see if we could get some more vessel specific information. The CID followed up reaching

out to NOAA Fisheries in Seattle, and then I understand there was some discussion back and forth between Seattle and NOAA OMAO.

MR. JACOBSEN: Jonathan.

MR. WENDLAND: Sir?

MR. JACOBSEN: ADF&G? Alaska Department of Fish and Game.

MR. WENDLAND: Yes, sir. I'm sorry. Alphabet soup, right?

MR. WENDLAND: So with ADF&G, as I understand it, every vessel and Chris, you can correct me if I misstate here; every vessel that operates in Alaska has to have an ADF&G number, so they get that when they're operating and they can't operate without an ADF&G number in Alaska.

MR. BOEHMER: I think if they're fishing or charter fishing, yes. I don't think other commercial vessels, though.

MR. ROSVELD: You don't need one if you're a seine skiff or something like that.

MR. WENDLAND: My understanding is any vessel that operates commercially in the State of Alaska.

MR. ROSVELD: I've never seen an ADF&G number on a seine skiff.

MR. HOCKEMA: You have to have them. You don't have to display it in large letters.

MR. ROSVELD: Different from your boat, a different number from your seine skiff?

MR. HOCKEMA: Yes. The state has to make some money.

MR. WENDLAND: Continuing, In late May we had another teleconference with NOAA, and at that time again we were notified of the feedback from up the chain that there's some disagreement within NOAA of what a passenger vessel was.

So basically, the Coast Guard group got together and talked about it and decided at that time, since there was different understandings or misunderstandings of what the definitions were in the Code, that the Coast Guard would write a letter just informing NOAA about the regulations that are in place and how Coast Guard was looking at passenger vessels and commercial fishing vessels.

So on August 29, that letter was signed. It was sent to Dr. Merrick and also Rear Admiral Score, who were the ranking officials present in the first teleconference when we were requested by NOAA legal to do a presentation to the NOAA fleet council. Soon afterwards, the issue developed into a pretty big issue on the Hill with folks, and we met last week with NOAA at Coast Guard Headquarters to discuss the situation, and how best to move forward.

CHAIRMAN DZUGAN: We have some people here from NOAA. I guess I have two things maybe I'd like you to talk about regarding this, and in particular, either the Coast Guard or NOAA to explain two things. One, I'm not quite sure I understand or some of us understand what the problem is that this is trying to fix, especially system wide, fisheries-wide, number one. And number two, I'd be really interested in if NOAA or the Coast did a systemic analysis of how fishing vessels put into one of these other categories, whether an ocean research vessel or a uninspected vessel, increases or decreases safety compared to what those fishing vessels already have.

CAPT WILLIAMS: I'll take that.

CHAIRMAN DZUGAN: Then we'll turn it over to the NOAA folks.

CAPT WILLIAMS: So those questions that you're asking are exactly the questions that we're asking at our level at headquarters. And probably a little bit more background is that we shared that letter with the CFSAC because we knew we were having a meeting coming up.

Unfortunately, we didn't give you all the context or background prior to sending that letter out, so I'm sure when receiving that letter, you're probably wondering what did we mean by sending that letter, were we changing regulations, were we changing policies. It must be important, we sent a letter. Right?

So first of all, apologies for not giving you the context or background of that, and as a result, that letter got out to the industry without further context or background, so there's a lot of confusion. But really, the letter was intended to be a discussion, an ongoing discussion that we've had with NOAA and NMFS for the past year with regards to our definitions and what we use to help us define our regulations and how we apply our inspections, and their regulations are a little bit different. They have different definitions for a whole slew of different types of vessels, we're just trying to figure that out.

And to be perfectly frank, we don't know the scope of the problem, so when we've been talking with NOAA, initially it was a handful of vessels, and then it went to, well, maybe \$18 million worth of contracts are set aside for this type of business or this type of surveying (in the northwest alone). So we're trying to figure out, okay, so which vessels are participating in this program, and if any, what is the problem. Is there a safety concern that we have with some of these vessels, do they have observers, do they have decals, do they have a casualty history. We frankly don't know because we don't have a good solid list yet.

But through discussions with NMFS and NOAA, we're working on that. We've gotten a preliminary list or two, if I'm not mistaken. They came to the meeting with a list, I believe that we've received something since then, right, maybe a more inclusive list. The next step is for us to evaluate that information and analyze it, determine which vessels we think are already in compliance with existing requirements versus, say, a letter of designation.

So the big rub with this situation is that most of the vessels that were previously utilized for this program generally are 300 gross tons or less. Right? But now since 1980, since we've been looking at these vessels, things have been super sized and perhaps there's bigger vessels on the market that are available for NOAA to hire on. So now we have vessels that cross this magical threshold of 300 gross tons, and when you do that, different inspection requirements or different regulations might be applicable.

So we have to figure out, okay, of the vessels that are over 300 gross tons, what regulations are they adhering to, do we know that they're even operating, which in the case of the Coast Guard, there's the law enforcement side of the Coast Guard. The law enforcement arm probably knows because they want to make sure that they're avoiding doing undue boardings on research vessels that are operating in a closed area for the purposes of NOAA. Do we want to board them? No, we don't want to do that.

So I think in my discussions with D-17 and D-13 on the law enforcement side, they were able to come up with this month we think these vessels are doing research for NOAA, which is a good thing. So we do know that someone in the Coast Guard knows.

But the other arm of the Coast Guard, the prevention side, hasn't been duly notified of, oh, yeah, we've got vessels that are operating in our zone that we need to look at certain things on their vessel to make sure that scientists, when they board and remember, scientists aren't fishermen, when they board the vessel and are riding the vessel, that they're taken care of safety-wise, that we're making sure that the vessel has enough safety equipment, fire fighting equipment, whatever is required to meet the gap that is being addressed.

So all of these things are being looked at. It's a slow process. When you talk about anything that happens in Washington, D.C, you're part of the committee and should know that things go pretty slowly.

Unfortunately, I think the letter was taken as a cease and desist letter by many in the industry saying: Hey, I do this work for NOAA, are you telling me I can't do this work for NOAA? And

by all means, that's not what we were saying, it was not even intended for the industry. We haven't established any new policy, any new regulations or even thought about changing it at this point, but we are looking at the information, we will do an analysis, we will try to determine if there is a problem, if any. If there's a problem, we will need to address it.

Based on just anecdotal information, I would say that we haven't heard of any casualties that are associated with these vessels that do the work for NOAA, and that's good, that's good news, that's what we want to learn, we don't want to learn of any problems. But it's something that we'll continue to work on.

I think NOAA is here. Captain, if you want to come up or say a few words, you're able to. But we continue to work with them. I think our next meeting is sometime in October. Right?

CAPTAIN ZEGOWITZ NOAA Corps: October, I think that is what we looked at. Just to echo what Captain Williams said. I think right now for NOAA, we certainly want to work, safety is obviously our priority and to maintain the excellent work with the fishing industry because the work the charters do for fisheries is a big part of the data we get. So fisheries love that partnership and they want to maintain it. So like Captain Williams said, right now we're just reviewing the requirements and trying to figure out how we keep doing that, how do we do it legally in FY '17 and beyond.

We met last week certainly with the team. We provided a database to Mr. Wendland and company that isn't 100 percent comprehensive but I think it's pretty close. Unfortunately, there's not like a one-stop shop for charter vessel info within NOAA. A lot of it happens at a pretty local chief scientist level in terms of going out and engaging charters and working the contracts and all that kind of stuff. So we've got a large number I should say a large percentage, I think, of the vessels that we use covered, but probably not all of them, but it's close, I think enough to give Coast Guard a good idea of the scope that we're working with.

So in the near term, NOAA's concern is how do we do it legally moving forward. We're writing contracts to do charter for FY '17 and we want to make sure we're meeting the mark with that.

Obviously, we're not going to get there fast. I think maybe like Captain Williams said, nothing is going to be quick here, but I'm getting top down from NOAA: Hey, is this solved yet, what do we need to do because we're moving, and are we doing this right. And that's basically all that NOAA wants to know is how do we do this now. It's obviously got a lot of steam on the Hill.

CHAIRMAN DZUGAN: Can I get your name just once more for the record.

CAPT ZEGOWITZ: Captain Kurt Zegowitz, with NOAA Fisheries.

MR. WOODLEY: So this is actually for both of you. I don't think for the Pacific Northwest it's not so much the value to the individual companies that are doing the charters. Most of those operations, it's much like tendering, they don't make a lot of money on those kinds of activities, it's really a way to keep the boat running in between fisheries. The real impact and the most significant impact for us is, again, the Pacific Northwest and Alaska region, virtually 100 percent of our fishery stock assessment, fishery research is done by fishing vessels that are chartered by National Marine Fisheries Service, IPHC, or the State of Alaska.

The numbers that come from the research, the science that comes from that research are what allow us to fish sustainably. Without that science, the North Pacific Fishery Management Council, NOAA sustainable fisheries don't have the numbers of the data to allow us to continue to fish, or they'll severely curtail our fishing efforts. IN 2014 it was \$4.2 billion industry and 100 percent of that industry is supported by the science that's done on these charters.

So when the letter came out and there was a paragraph in there that talked about the Coast Guard deeming that fishing vessels that are chartered by NMFS are not to be regulated as commercial fishing vessels, essentially what that says to the industry is that you can't do your stock assessments in 2017. And I had numerous vessel operators who do stock assessments that called me and saying, Whoa, what's going on? Again, not because of the concern that they're going to lose the charter business. So that's the background which is why you've seen such a significant response out of the Pacific Northwest. And I think everybody in the room probably knows, but I circulated a letter to the Coast Guard and the advisory committee earlier this week that was signed by 27 fishing industry associations, communities, NGO groups, and others expressing concern over this policy, and essentially it represents pretty close to 100 percent of the major fishing associations that are dependent on federal fisheries in Alaska, Washington and Oregon.

CAPT WILLIAMS: And I think just before we get to you, Fred, I see your hand up, but just to reassure folks out there that this shouldn't have really an impact at all on that ability to do research with commercial fishing vessels. The letter talks about the type of service that you're doing at the time you're doing it, so a fishing vessel can be a fishing vessel and also do research, so we're just trying to figure out, like he said, a legal way to do it.

There's lots of creative ways that the Coast Guard uses to ensure safety while meeting an equivalent level of safety or meeting the intent of the regulations. So there's no intention to

change any of that, but we just need to make sure from the Coast Guard standpoint and merging with NMFS that we're doing everything above board with the authorities that we have. And the way we define certain things, it's a little bit different than the way NMFS defines things, and that's an issue for lawyers to get involved, and believe me, we have the lawyers involved helping us navigate through this issue to make sure that we're doing everything above board.

CHAIRMAN DZUGAN: Mr. Mattera first and then Mr. Jacobsen.

MR. MATTERA: Well, for our stock assessments in the Mid-Atlantic and the Northeast, we do the complete opposite. They built a \$50 million vessel called the Bigelow and they go out and they do random selective sites and they do survey work in the spring and the fall. It's always been the spring and the fall so they continue to do it in the spring and the fall. Sometimes there's delays because of maintenance and construction and so they get off that spring and fall, but lo and behold, over 30 years it's been flawed, constantly flawed. You all hear what's going on, at Georgia's banks constantly. Fish are falling out of the boats, they're having to throw them over, and they keep saying there's no fish.

Bill Carp has taken over as the head of the Northeast Science Center, and that's where the surveys emanate from there. After being hammered for the last five years and realizing that the stock assessments are erroneous, and actually starting to take fishing vessels and use them to help calibrate and do research and look at efficiencies, they're realizing, wow, this is wrong. So months before he retires, he says and makes the statement: I think the important thing now is to go out and hire fishing vessels to augment and maybe take over and do the stock assessments; knowing that Bill Carp was originally in the Northwest Pacific and Alaska. So the industry embraced that. Obviously we want to continue with the Bigelow's research, so we still have this timeline and we have this basis and benchmark because it always takes well, if you ask a scientist seven to ten years before anything is validated, so we want to maintain that.

So the perception by the industry is, wow, there are a lot in the camp at the science center that feel the old guard that don't want changes, they want it to be the way it has been in the past, and then there's the progressive and maybe they're trying to short circuit this. I don't know. All I know is it's a great idea, it exists already and works extremely well in the Northwest and the North Pacific, in Alaska, we should be embracing it.

Now I'll throw another wrinkle into it. Kris and I are involved in insurance. I just was a week last week, I serve on the board of the second largest marine insurer now in the world, and we

discussed some of these issues, and when you go to underwriters and you start telling underwriters that you're going to change the status of crews to passengers, observers, technicians, et cetera, and it's something they don't understand and comprehend, they don't want to insure you, they don't want to touch it, or if they do, oh, you will pay, the premiums will go through the roof. So just keep those things in mind as you move forward. It's another thing to put on the table, insurance concerns. Right now we have no problem, we provide excess P&I. I'm vice president of a foundation, we've done \$10 million worth of research and we provide that excess P&I through the likes of him as an insurance broker because they got a great policy for us. And most everyone that does this goes through a safety training. So it's not like we're putting just warm bodies on that aren't aware of what's going on and know the safety aspects of it and the vessel and all that, but when you start to change status, people get nervous, especially Lloyd's syndicates.

CAPT WILLIAMS: That's a really good question and point. I know we have an insurance guy in the room, so I'll let him talk if he wants to. But the scientists when they're carried onboard are not considered passengers, so if they're considered persons in addition to crew or other than crew, how would that impact insurance issues?

MR. MATTERA: We call them scientists, observers, they're not actually taking part in what the crew does.

CAPT WILLIAMS: Right, exactly. That's persons in addition, because they're not a safety person on the boat, they're not fishermen and they're not expected to stand a watch, like a nav watch or an engineering watch.

MR. MATTERA: And there's some other areas in New England, certainly the Gulf of Maine Research Institute, and then there's Cornell University and S. Mass that are all doing this collaborative research too that will be wiped out by this. So I think it's a big change.

CAPT WILLIAMS: But right now, how does it affect you? So when you carry scientists which are persons in addition to the crew, they're not crew.

MR. MATTERA: Most of the underwriters right now, we tell them that this is research that's benefitting the industry, and they'll allow it at no charge usually because they realize that it's something; that there's some pay back on the other side, providing they've got the right equipment, of course.

CAPT WILLIAMS: So I wouldn't expect a change in that at all with how those people are classified on a boat. Scientists are scientists, they're not part of the crew. Coast Guard definitions

are a little bit different. You know, you have crew, you have passengers and you have persons in addition to the crew. Persons in addition to the crew are like people who are not part of the crew that they shouldn't be expected to, say, if you have a lifeboat, to be the ones operating the lifeboat. Right? They're just not part of the crew, right, so they're there for a different purpose, but they're using the boat as a platform to do their job which is not necessarily related to the job of that vessel.

MR. JACOBSEN: I had a question for the two captains as to whether or not industry would be able to participate in the discussion going forward. Because like Mr. Woodley said, it is of grave concern to us. I know several fishermen's groups that have mobilized their lobbyists and are very concerned about this issue. So will there be an opportunity for industry to become involved in the discussion?

CAPT WILLIAMS: I would say we're involving the industry right now as we speak, but if there's any changes to current policies or regulations or laws, absolutely.

MR. NEVILLE: I would just like to comment. We're talking about crew status versus observers and such. The law is always changing as to what's classified as a Jones Act seaman, and each district court is going to have a different ruling on that. So it doesn't matter what the vessel owner calls that person, it's what the judge is going to say at the end of the day.

CHAIRMAN DZUGAN: Good point.

MR. DAVIS: I think we have some reference material available in the room for you.

Having gone through this process myself, it does not make money for the company, it is something that we do for the good of the order and the fishery. It is not a profitable venture and it is a pain in the butt. Having gone through this process myself, what I saw was NOAA and Coast Guard and industry working together to make sure that the vessel was shipshape and fishing ready for research. So there was a process in place; the process looked like it worked to me. So instead of making any sweeping changes, as the letter seemed to indicate and cause concern, we need to review the process that was in place and revive it.

CAPT WILLIAMS: All right. So I just need to say again, there have been no changes to the existing program, that has not changed, and it does work, and it's not a heavy lift to comply with our existing policies and regulations and so on. And I just want to get back to the Coast Guard's mission, and I think I said it last night, somebody asked me what do we care about, what does the Coast Guard care about. I'll tell you what it is, it's safety. We want to make sure that the vessels

are safe and that the scientists that are placed on the vessels are safe as well, and I think NMFS has the same concern. Now, they have an added mission that they're concerned -- and the captain can correct me if I'm wrong -- but I believe one of their missions is research. So how do we get to a place where we can continue the research that's necessary and that we all agree it's necessary and we're using safe boats? That's all we want to do. So right now, the only thing that we're trying to do is establish what boats are part of the program. So we've reached out to NOAA and we're asking them for the list. They've given us, apparently a couple of days ago, a list of all the vessels that they're utilizing, and it wasn't a list that was very easy to come up with because you think, oh, well, there's probably a central repository that lists all the vessels that participate, but from their standpoint, I think it was a little bit harder.

They had to go out to all the different scientists and say who's negotiated these contracts and what do the contracts look like, because every operation is probably a little bit different. I mean, they might have a different number of scientists onboard, some might have no scientists, they might just have cameras or some sort of equipment that they drag. There's all sorts of different scenarios that we're looking at just to make sure, okay, do we even understand what the issue is. And so that's really where we're at right now, we're just trying to understand who's in the program and whether or not the Coast Guard is actually paying attention to these boats.

MR. BOEHMER: I just wonder does NOAA's list also comprise the other outfits that are doing surveys, because it's a small group in my mind -- they're not a small group but a small group of people conducting surveys.

CAPT WILLIAMS: I believe the list that NOAA provided included other research vessels, other types of vessels that participate.

MR. BOEHMER: Like S. Mass and the Gulf of Maine Institute and Cornell University, those programs?

CAPT ZEGOWITZ: Some of the co-op research you mean? Some, but not all. We're still beating the bushes for that stuff. That's the intent is to cover it for sure. And those are projects where the fishing vessel is going out doing work, there's no scientists onboard at all.

MR. BOEHMER: But this classification would probably affect.

CAPT ZEGOWITZ: Right. I guess I'm just explaining for the room a lot of the co-op research has just the vessel and the crew and they're doing the work and feeding the data back to us.

MR. WOODLEY: Mr. Chairman, I believe this is probably for the industry one of the most

substantive issues that we'll deal with here at this advisory committee meeting, and as such, I'd like to make a motion.

The motion is the Coast Guard Fishing Vessel Safety Advisory Committee makes the following recommendation to the commandant:

MR. WOODLEY MOTION 1:

1) That fishery stock assessments and surveys and other associated fishery research are the backbone of the sustainable fisheries management as required by the Magnuson-Stevens Act, and without these stock assessments, surveys and research, our fisheries would be significantly curtailed by fishery managers;

2) That the vast majority of these assessments, surveys and research is best conducted from commercial fishing vessels, as defined in 46 U.S. Code 2101.11(a) which are designed and equipped to catch fish and that those vessels are best operated by commercial fishermen and fisherwomen who have the experience to safely operate those vessels;

3) That NMFS International Pacific Halibut Commission and state employees are the subcontractors who are assigned to commercial fishing vessels to conduct business of the charter, such as stock assessment, surveys and other fishery related research, are not defined as passengers in 46 U.S. Code 2101, Part 21, but are instead explicitly exempted from being defined as passengers as found in 46 U.S. Code 2101.21(c);

4) That the Coast Guard should continue to follow its existing policy guidance as found in the Marine Safety Manual, Volume 2 to allow National Fisheries Service, IPHC and states to charter commercial fishing vessels for fishery stock assessments and surveys and other associated fishery research;

5) That commercial fishing vessels which are properly examined by the Coast Guard and meet compliance with existing applicable safety regulations provide a wider breadth of safety requirements than uninspected passenger vessels and uninspected oceanographic research vessels;

6) Further, if the charter finds that vessels available for charter within a given region or fleet do not meet the charter's expectations or needs for safety equipment, licensing or vessel stability, that the charter may include additional safety provisions as conditions in the contract or may contract for a vessel of a different service type;

7) And lastly, should the Coast Guard decide to update the IPHC memo of 1977 or the

National Marine Fisheries Service MOU of 1980, that the Coast Guard directly involve representatives of the fishing industry to ensure transparency and promote collaboration with the industry.

And with a second, I'll speak to my motion.

MR. HOCKEMA: Second.

CHAIRMAN DZUGAN: Who's that over here? Discussion by the committee? Mr. Mattera.

MR. MATTERA: Could you read the next to the last bullet, 5 or 6?

MR. WOODLEY: This bullet was intended to provide flexibility to both agencies if there were specific fishing concerns within a region or within a fleet of vessels, and specifically what it says is: if the charter, i.e., NMFS or a state or Halibut Commission finds that vessels available for charter within a given region or fleet do not meet the charter's expectations or need for safety equipment, licensing or vessel stability, or that the charter may include additional safety provisions as conditions of the contract or may contract for a vessel of a different service type. And what I based that upon was that in the Northwest region, in addition to the requirements for the vessel meeting fishing vessel safety requirements, there is a section of the contract called contract clauses which specifically addresses additional requirements that NMFS requires for that vessel or for Alaska Department of Fish & Game. For example, if you're doing a crab charter for Alaska Fish & Game, regardless of the size of the boat, they want a licensed captain. So it's just a way if there are specific concerns to add to address those concerns.

MR. MATTERA: Thank you for that clarity.

CHAIRMAN DZUGAN: Mr. Dameron.

MR. DAMERON: Could you repeat point 3, please?

MR. WOODLEY: Point 3 was an attempt to restate what is already established in U.S. Code: that National Marine Fisheries Service, IPHC and state employees or their subcontractors who are assigned to a commercial fishing vessel to conduct the business of the charter, i.e., stock assessment, research or other fisheries research, are not defined as passengers in 46 U.S. Code 2101 Part 21, but instead are explicitly exempted from being defined as passengers in 46 U.S. Code 2101.21(c).

So in that paragraph of the law it defines passengers in the first paragraph, and the second paragraph, third paragraph and fourth paragraph are where there are exemptions from the definition. In the third paragraph it exempts employees of charters, i.e., National Marine

Fisheries Service, State of Alaska, IPHC. In the fourth paragraph, and not coincidentally, it exempts observers, fishery observers and sea samplers. So those two bullets were specifically designed to address the issues or potential issues or perceptions of carrying passengers onboard, and that's why they were put in the law so that NMFS could do that research either with observers or more extensive research through chartering.

MR. DAMERON: So my question about that is: is that wide enough so that Science Center for Marine Fisheries down in the Gulf, it doesn't have any affiliation at all with NOAA or NMFS, if they want to send two or three scientists out, are they going to be exempt too?

MR. WOODLEY: Well, the law doesn't specifically refer to government agencies chartering a vessel, it just says charterer, so the charterer could be an agency, it could be a state, or it could be a private entity. Our discussions with attorneys is that that provision exempts anybody who's chartering a fishing vessel.

MR. DAMERON: So are we saying just charterers or are we saying charterers of or charterers like? How is that worded?

MR. WOODLEY: In the law or in my motion?

MR. DAMERON: In your motion.

MR. WOODLEY: In my motion it reads that: National Marine Fisheries Service, IPHC and state employees or other subcontractors who are assigned to commercial fishing vessels to conduct the business of the charterer, i.e., stock assessment, surveys and other fisheries research, are not defined as passengers in 46 U.S. Code 2101.21, but are instead explicitly exempted from being defined as passengers as found in 46 U.S. Code 2101.21(c).

MR. DAMERON: I had a couple of points. It still seems like that this is a situation that's looking for a problem. I haven't heard any problem identified. I haven't heard of a boat being stopped with a six-man life raft, a six-man crew, and two scientists onboard and not enough life raft material for them.

CHAIRMAN DZUGAN: Essentially, the motion, without the verbiage and the clarifications, is to keep status quo. Is that fair enough to say?

MR. WOODLEY: The motion is to keep status quo using the existing guidance in the Marine Safety Manual, and then also if there's any kind of update to the MOUs that there be industry involvement with that, which is what CAPTAIN WILLIAMS has said as well.

CHAIRMAN DZUGAN: That could be another motion, but we've got one on the table.

MR. BOEHMER: So I know what you're asking, Tom, there hasn't been anything that's gotten this into motion, there have been no casualties. Have there been?

CAPT WILLIAMS: The Coast Guard doesn't know that there's a problem, we're not searching for a problem. The only issue that we're trying to resolve is being more aware of which vessels are in the program, and through the discussions that we've had with NOAA over the past year or so, that's just something that we're just trying to wrap our arms around.

MR. DAVIS: So the version that you sent me when I formatted it, it changed those things to As instead of 1, 2, 3, the subletting.

MR. BOEHMER: I think where it says on (c), the National Marine Fisheries Service, blah-blah-blah and all others conducting survey work.

MR. WOODLEY: Or it could just say contractors or their subcontractors which is what's the language in the law, and we could delete the word "that" through the first parentheses and just say contractors of their subcontractors and get rid of the second parentheses.

CHAIRMAN DZUGAN: Are you okay with that, Mr. Hockema, that change in the wording?

MR. HOCKEMA: Yeah. Well, just as a flip side, does that then open it up to other charters that have nothing to do with fishery surveys?

CHAIRMAN DZUGAN: So what's the problem with the first line on that one on number 3?

MR. BOEHMER: I just wonder if up until the first parentheses, is that including everybody that might do fisheries research.

MR. WOODLEY: There are some private universities.

MR. BOEHMER: Yes. I mean, it could mention all of them.

CHAIRMAN DZUGAN: You're thinking of colleges and state fish and game and stuff like that. There are some private colleges too that would be in there.

MR. HOCKEMA: You could say academic or university.

CHAIRMAN DZUGAN: You've done real well on the second and subsequent lines. You may not want to limit in the first line to NMFS, IPHC and state, because you've limited it to stock assessment, surveys and fishery research.

MR. VIRISSIMO: Those who are assigned to commercial fishing, that might do it all.

MR. WOODLEY: Maybe we should just stick with the actual language that's in the statute

MR. JACOBSEN: I just want to make a comment that we're not drafting law here, we're just making a motion from the committee to the Coast Guard. I think they can get the idea with

what's up there, and I don't think it's a good use of committee time to start parsing words, and it's frustrating to people like me with short attention spans.

MR. HOCKEMA: I still would second it the way it is.

CHAIRMAN DZUGAN: I think it's important to not play word mechanic on this. As long as we're clear to the Coast Guard about what the intent of the committee is, I think we should go with that.

Any other comments or questions on the motion?

MR. WENDLAND: Mr. Chairman, I've just got one question for clarity for that.

Mr. Woodley, is it your suggestion that this would be opened up to all charters, not just those being funded by NOAA? Because that would be different than the current MOU or MOA, I should say.

MR. WOODLEY: Well, again, the point of paragraph 3 was to reference the law. Specifically in the Marine Safety Manual there's provisions for NOAA, for NMFS, for IPHC, and I believe I've seen something on state charters like when the State of Alaska charters a vessel as well. But that was my intent was to have the Coast Guard stick with its current policy as defined in statute.

CHAIRMAN DZUGAN: Would somebody like to call for the question?

MR. HOCKEMA: Call for the question.

CHAIRMAN DZUGAN: Question has been called.

CHAIRMAN DZUGAN: Is there anybody against this motion? Do I hear any objections?

CHAIRMAN DZUGAN: Hearing no objections, the motion has been passed. Thank you.

CHAIRMAN DZUGAN: I'll take this opportunity just to say, in terms of motions, when we consider more motions for the next two and a half days or little over two days left, if we could have motions that don't involve numerous motions in them, it will be easier to take care of piece by piece that way, and at least we'll get half of something done maybe, if not everything.

NIOSH PRESENTATION:

DR. LUCAS: I'm the new Jennifer Lincoln, Samantha Case is the new Devin at NIOSH, so that means I get to talk about projects this time and Samantha gets to talk about data and analysis and all of the exciting things that I used to get to talk about. I'm going to go through and just give a quick summary of each of the fishing safety projects that NIOSH is working on, and then following my talk, Samantha will talk about the update, the five-year update to our regional

summaries which will be the fatality update that we're producing. NIOSH, is the National Institute for Occupational Safety and Health. We're a federal government agency housed under the Department of Health and Human Services and we are a non-regulatory government agency. That means that we do scientific research and then promote solutions by making recommendations to industry and recommendations to regulatory agencies. In this case the Coast Guard is the regulatory agency that we're working with, and other agencies would be OSHA and others.

So our surveillance of fatalities in the Commercial Fishing Incident Database is ongoing. We collect data on fatalities anywhere in the U.S. fishing industry. We do this through this process shown up here and after a marine casualty occurs and the Coast Guard investigates, we're able to look at the investigative report and pull out all of the data elements that we need for our studies, and then we enter all of that information into CFID which is our surveillance database. We do this work through a memorandum of agreement with the Coast Guard. This allows us access to the Coast Guard systems where the reports are stored, it allows us to look at the reports and gather information from them. The database has over a hundred variables where we collect information about the incident itself, the fishing vessel and the crew members onboard. We collect information not only on fatalities but also on survivors of vessel disasters, and that allows us to compare and calculate survival factors and risk factors for fatalities and survival of a vessel disaster. Right now it has fatal injuries populated for each year from 2000 through 2015, with ongoing surveillance in 2016. In addition, we also have been collecting information on nonfatal vessel disasters. Those are vessels that sink or capsize where everyone survives but obviously it's still a major casualty that we're interested in, and we're interested also in how people survived. So we've been collecting data on those, and for Alaska and the West Coast we have information for this period, 2000 through 2014, and then for the Gulf of Mexico and East Coast we've gone back to 2010, so 2010 through 2014 on the nonfatal vessel disasters. This is the number of fatalities in the U.S. fishing industry each year for this 16-year period, 2000 through 2015. I also threw out the regression line to examine the trend over time. The tiny P value up there of .001 means that that trend is statistically significant, and overall it's about a 39 percent decrease in the number of fatalities over the course of that 16-year period. So as we've heard throughout the morning from the different districts, this just confirms that, that things are getting better, numbers of fatalities are decreasing, and that's a really great thing to see.

So a quick note about nonfatal injury epidemiology going on at NIOSH. Right now we have a researcher in our office that's doing some work with nonfatal injuries in Alaska and the West Coast, so she's collecting information in collaboration with some Coast Guard Auxiliary members in District 13, working for Dan, collecting information on nonfatal injuries. And that project will result in a paper that talks about the patterns and characteristics of nonfatal injuries in fisheries in Alaska and on the West Coast.

So ASCP development assistance, I only have one slide here. We spent an incredible amount of time, resources and energy on ASCP development. We're not doing anything in this area now anymore, but I wanted to at least mention it because we had dedicated so much time and resources to it over the last year.

One of the major projects we're working on right now is updating our regional summaries. They covered the time period 2000 through 2009. It was a ten-year look at fatalities across the country based on these four regions. People want updated information, so we are working on updating them. So expect to see updated regional summaries within the next four to six months.

We have also been working with NMFS on the National Standard 10. We've done several safety sections for fisheries management reviews by the North Pacific Fisheries Management Council. We also worked on a guidance document with NMFS on conducting risk assessments and accounting for safety at sea and the design of fisheries management plans. We also did three different fleet safety assessments for NMFS. When they went to evaluate the Bering Sea crab fisheries management plan, the Bering Sea pollock plan, and the IFQ halibut/sablefish fisheries management plan, we did the safety sections for all of those.

So Gulf of Mexico shrimp winch guarding project. Our safety engineers in Spokane have been working closely with Bob and the other folks down in D-8, and this project involves creating static guarding for deck winches on shrimp boats. They're expecting to have final products available to fishermen this year.

Hand injuries onboard catcher-processors is a rather new project we started this year in collaboration with American Seafoods Company. We're helping to analyze the company's injury claims data. We've noticed in preliminary analyses that about a quarter of injuries are to the hands and fingers. And we are working with a new safety engineer at NIOSH and we'll keep you posted on how that project develops.

The last project I want to mention is Live to be Salty evaluation. A campaign to promote the use

of PFDs in fisheries. This was run in Alaska, it was focused on Dutch Harbor and Bristol Bay for the salmon fishery. The campaign analyzing all of the survey responses to find out if the campaign was successful, and if it's worthy of replication in other regions of the country or with other types of messages besides PFDs.

MR. KEMERER: When you present that regional data, are you going to have any information about how many of the vessel losses or fatalities occur inside three miles versus beyond three miles?

MR. LUCAS: No, that's not something that we've looked at for the regional summaries. I know you had that question before, and did I send you some data on that? It's not something that we've put into a publication, though, yet.

MR. BOEHMER: Why is the Live to be Salty experiment or whatever over? Was it a specific period of time only?

Yes, it's money. That was a defined specific project. It was funded just for a couple of years.

MR. BOEHMER: One of the best things I've seen.

MR. LUCAS: If we find that it really did connect with fishermen and it helped, then I can definitely see proposing new projects in the future in the Gulf of Mexico or in New England and other regions and try and target it also.

MR. BOEHMER: For what it's worth, that Live to be Salty thing inspired me to go and get a flotation jacket and do demonstrations at the various ports, so a lot of the fishermen in New England started to wear them because of Live to be Salty and saw how practical those things were as well. I think it's really working very, very well.

MR. MATTERA: Same with myself. I have six of those 2x3s posted in the conference room and in the hallways and all the fishermen come up, we do training there, we have meetings there, and just the slogans themselves with them had an impact. Is everybody wearing PFDs, no. But it adds to it because I keep hammering away and we do cold water boot camp and everything else, and it continues to augment and make this a positive thing.

MR. LONDRIE: On the winch guards -- and Bob, maybe you can because I saw this in your report -- has there been industry input on these designs of the guards?

MR. LUCAS: Oh, yeah. This has all been done with high levels of collaboration with industry. Industry has helped design it, they've helped test the prototypes, they've had input into the changes from the different iterations of the guards, they've been heavily involved in the whole

project.

MR. LONDRIE: This will be the first we've been aware of them on the southern end of District 8 that there's issue with winch guarding. Being from Brownsville, there's 130 boats down there, when I go back and tell them this, they're going to ask why weren't some of our boats involved down on that end?

MR. PERKINS: I think it was the logistics of going to Brownsville. He talked about going to Brownsville at one point in time, and I talked with James and he was looking for a specific kind of winches. What it is, he did a survey of the boats and tried to figure out what the most common winch designs. You can't do all of them but they're very similar and he wanted to find the most common ones that were on the biggest majority of the boats.

As a matter of fact, when he first came down there, what he was coming down for was to sell us on E-stops. He said, E-stops are great, this and that. What he didn't understand is the drive system was coming off the PTOs. Yeah, you can stop one of those winches on a dime, you can put a device on there and stop it, but it will destroy your PTO when you did it, and it would be a one-time shot. No one ever uses stops.

MR. LONDRIE: If you don't get around to those ports, Brownsville doesn't operate like Palacios, there are going to be little nuances there. I can just tell you they're not going to be happy we weren't involved in that process.

MR. LUCAS: We'll get there. The problem is this all costs a lot of money, and our fishing program is pretty small, we don't have a lot of money or people, and so we're doing what we can, we're doing the best we can with what we have.

MS. CASE: So I'm Samantha Case. I'm also an epidemiologist with NIOSH, I'm going to be talking about our five-year update to the regional summary documents. The new five-year update will also cover the four regions that we've covered previously: East Coast, Gulf of Mexico, West Coast and Alaska. Again, they'll contain CFID data from 2010 through 2014, and that not only includes fatalities but fatal and nonfatal disasters as well. We've identified, again, region and fleet specific hazards and some tailored recommendations.

On the East Coast, this shows commercial fishing fatalities over a 15-year period, 2000 to 2014, and it's further broken down by incident type. Over this 15-year period, the East Coast experienced 225 fatalities, averaging 15 deaths per year. The most recent five-year period, 2010 through 2014, the East Coast had 60 fatalities, averaging 12 deaths a year. Vessel disasters are

any event that occurs to a vessel that requires the crew to abandon ship and seek rescue, so these are often sinking and capsizing but may also include some groundings or other events where the vessel may be damaged but ultimately stays afloat.

22 fatalities on the East Coast were due to vessel disasters, and the same number of fatalities were attributed to falls overboard. We also have fatal and nonfatal vessel disasters for each of the regions, on the East Coast. There were 109 overall, and we like to think of vessel disasters as a sequence of events leading up to a sinking or a capsizing or other outcome. So the very first thing that happens is the initiating event. For fatal vessel disasters, we had 18 of them, causing 22 deaths. These were caused by things like flooding and taking on large waves, prop entanglements, etc. Nonfatal vessel disasters were most often caused by flooding, running aground, and fires or explosions onboard.

Moving on to fatal falls overboard. Again, 22 fishermen on the East Coast died from drowning after a fall overboard. Something that you'll see repeatedly today is that none of the fishermen were wearing a personal flotation device, or PFD, when they died.

Now onboard injuries. For the East Coast, this included things like being struck by or entangled by gear or equipment onboard.

Next we have fatal diving injuries. On the East Coast this involved people who are in the water checking traps, clearing a rudder, for example.

And finally, onshore injuries. We had four fishermen fatalities on the East Coast due to this incident type. This involved two falls from a dock and two clam and oyster harvesting incidents.

NORTHEAST:

The northeast lobster fleet had the most fatalities in this five-year period, and the leading cause of death was drowning after a fall overboard. So this is consistent with the previous regional summaries, and gear entanglements among lobstermen remain a primary concern. The northeast multi-species groundfish trawl in the previous summary, vessel disasters were the leading cause of death among that fleet, and now in this five-year period they had no fatalities due to vessel disasters. So just a couple of examples of fatalities in these fleets.

GULF OF MEXICO:

The Gulf of Mexico over the 15-year period had 164 fatalities, averaging eleven deaths per year. And looking at the most recent five-year period, they averaged about ten fatalities a year, with 49 fatalities overall. About half the fatalities were due to vessel disasters, so you can see how these slices of the pie are changing between regions. 25 fatalities were due to vessel disasters in the Gulf between 2010 and 2014. 71 vessel disasters occurred overall in the Gulf, with 16 of them being fatal and resulting in those 25 deaths. Initiating events for fatal vessel disasters, are most often due to collisions, instability and flooding, with nonfatal vessel disasters most frequently caused by fires and explosions onboard, flooding and collisions. Just over a quarter of fatalities in the Gulf were due to falls overboard, and again, there were no PFDs on any of the fishermen when they died. Eighteen percent of fatalities were due to injuries sustained onboard the vessel. Four of the nine fatalities were due to fishermen getting caught in the winches on deck.

And lastly, there were two diving fatalities and these were crew members who were in the water to clear a prop and gear.

Shrimp continues to have the highest number of fatalities overall, and falls overboard used to be the primary incident type and now we see there's more fatalities due to vessel disasters, and nearly all of the onboard fatalities are in the shrimp fleet.

WEST COAST:

Over the 15-year period the West Coast had 115 commercial fishing fatalities, averaging about eight fatalities per year. And then in the most recent five-year period, a little lower, averaging six fatalities per year for a total of 30 fatalities. And really, in this most recent five-year period, you can see the kind of dramatic variance between both the lowest and the highest numbers of fatalities per year. vessel disasters accounted for 60 percent of fatalities, and we also have the same number of deaths due to falls overboard and diving injuries which is very new. as vessel disasters go, 18 of the 30 fatalities were due to vessel disasters on the West Coast in this five-year period. There were 69 vessel disasters overall, putting 190 crew members at risk. Twelve of the vessel disasters resulted in fatalities of the 18. The vessel disasters, were caused by a variety of reasons, including running aground, flooding, taking on large waves. Nonfatal vessel disasters were most frequently caused by running aground and flooding, as well as instability and fires and explosion onboard. The same number of fatalities from falls overboard as diving injuries, with

four fishermen who died in that five-year period on the West Coast, and again, no PFDs. Three fishermen died from injuries sustained onboard vessels. This involved one case each of fall from rigging, electrocution, and getting caught in moving machinery.

Going to the diving injuries, these are a little different than what we're seeing on the East Coast and Gulf of Mexico. All four of these fatalities occurred in dive fisheries along the West Coast. there is a single onshore fatality on the West Coast in this five-year period. The Dungeness crab and tribal salmon fleets continue to have the highest number of fatalities overall. The groundfish trawl fleet had four fatalities and this was due to one vessel disaster.

ALASKA:

During the 15-year period, Alaska had 179 fatalities overall, averaging about 12 fatalities per year. In the most recent five-year period it's a little lower, averaging about nine fatalities per year. Of the 45 commercial fishing fatalities in Alaska in this most recent five-year period, most of them are relatively evenly distributed between vessel disasters, falls overboard and onboard injuries, differing greatly from the other regions. For fatal vessel disasters 15 fatalities over the five years occurred, and interesting, ten were fishermen who were working in skiffs and the remaining five, those vessel disasters involved decked vessels. So for Alaska there were 66 overall vessel disasters in the five-year period. There were eight fatal vessel disasters resulting in the 15 deaths. These were most often caused by instability but also being struck by large waves and a fire. Nonfatal vessel disasters were most frequently caused by running aground, with flooding, fires and instability also contributing.

For falls overboard, they continue to contribute to about a third of fatalities in Alaska. It's very similar to what we saw in the previous regional summaries, so this is a very persistent issue nationwide, but especially in Alaska. And again, last time probably, no PFDs.

Onboard injuries are associated with gear and equipment on deck, Of the seven fatalities these included things like asphyxiation onboard or entanglement in gear. The remaining five fatalities, were actually suicides and unintentional drug overdoses. So we still include these types of fatalities in CFID, they fall under our NIOSH definition for fatality by traumatic injury at work, but we acknowledge that this may be an area that needs more attention outside of a traditional marine safety solution. There were three diving fatalities, all in the cucumber fishery, and a single onshore fatality in Alaska in the five-year period.

So looking again at fatalities by fleet for Alaska. Overall, broadly the salmon fishery experienced the most fatalities, You can also see that clam skiff experienced five fatalities, and that was one incident, but together the clam skiff and the setnet fleet, again, we've recognized that skiffs are an area that we would like to address as well.

COMPARING RISK AMONG FLEETS (Fatality Rate): a fatality rate is calculated as the number of fatalities per 100,000 full-time equivalent workers, or FTEs. So doing this type of calculation allows us to account for differences in the number of fishermen and number of vessels but also how much time they're spending at sea. So this does come with some caveats.

We are using a new method for the regional summaries and we will going forward, so the rates presented here and in the regional summaries aren't comparable to previously published rates and past NIOSH studies. Something that's going to be helpful, though, is in the regional summaries we will provide a table of fleets where we can calculate FTEs, and we're going back since 2000, so we're breaking it up into three five-year periods and we can track fatality rates over time and see how they've changed. They're also only calculated for select fleets, so because of the issue of dealing with low numbers, we only calculated FTEs and fatality rates for those with more than five fatalities during 2000 to 2014. And of course, we can only calculate rates where FTE estimates were available, so the company that we contract with, unfortunately, we don't have numbers for every single fleet. You'll see this is pretty limited in the West Coast and Gulf of Mexico, but we'll just show you what we do have. The Atlantic herring trawl and Alaska dive harvest had relatively few fatalities, I think both had three in the five-year period, but they also have low FTE estimates, making that rate really high. And I do want to point out, you'll notice that the scale on the bottom goes from zero to 800 fatalities per 100,000 FTEs, and so in comparison to those top two fleets, everything else looks pretty low risk, perhaps. But the fatality rate for all U.S. workers is just about three fatalities per 100,000, so in comparison, fishing overall has a higher fatality rate, and so all of these fleets still have relatively high fatality rates. So we can use these rates to kind of compare between each other and again track over time.

First, the Atlantic herring trawl, again, relatively low number of fatalities but still driving up that high fatality rate. The Atlantic scallop fleet has the lowest fatality rate out of all the East Coast fleets that we were able to calculate for, and this has been declining over time since 2000, so this is something we'll also present in the regional summaries.

For Gulf of Mexico, we were only able to calculate rates for the shrimp fleet, and we saw that

they continue to have the highest number of fatalities but they have a relatively low fatality rate compared with these other fleets.

For the West Coast we were only able to calculate for the groundfish trawl and non-tribal Dungeness crab fleets. And something I really wanted to point out here is that the Dungeness crab fatality rate has been declining as well.

And lastly, Alaska, so there's a lot here. Again, the dive fisheries, they have a pretty high fatality rate. You can see all the salmon fatality rates, set-netting and tendering, these are at elevated risk compared with drift gill net, seine and the trawl fleets. And something that's exciting is that the Bering Sea crab fleet and the halibut/sablefish long line fleet had no fatalities during this period, and that's very, very exciting.

Recommendations based on Data:

first, for vessel disasters we continue to recommend that all fishermen take a marine safety class at least once every five years, they apply that knowledge by conducting monthly drills for abandon ship, flooding and fire, and they ensure watertight integrity of the vessel to prevent flooding incidents.

For falls overboard, again, we're going to continue to recommend that fishermen wear a PFD anytime they're on deck, whether or not they're working, whatever the weather conditions may be, anytime they're out on deck, we definitely recommend that they're wearing a PFD. We also recommend that they conduct monthly man overboard drills, make them realistic, and add effective recovery devices. So these are things like life slings that are going to be more effective at retrieving someone from the water than a traditional life ring.

And diving fatalities, I'm not sure if we had really specific recommendations for divers before, but we're continuing to see this as an issue, whether it's in dive fisheries in Alaska and the West Coast or for other kind of maintenance or clearing activities that they're doing elsewhere. But all divers should have an experienced and alert tender to monitor and communicate with them during the dive, and also be prepared for a dive emergency, and that's knowing how to administer first aid and having an oxygen delivery system onboard.

On the East Coast, as I mentioned, gear entanglement remains a concern among lobstermen, so we've added some recommendations about using engineering controls like bins and carrying a knife on your person to prevent and mitigate entanglement hazards.

In the Gulf of Mexico, we recommend some maintenance activities to prevent fires and

explosions onboard. This includes some general housekeeping and inspection activities. And safeguarding machinery.

On the West Coast and in Alaska, we recommend for both to maintain proper watch, and this has been identified as a potential recommendation due to the prevalence of fatigue or unattended helms resulting in groundings and vessel disasters. Additionally, on the West Coast we have some of these recommendations listed here aimed towards preventing those onboard fatalities that we've seen due to falls or getting caught in machinery.

In Alaska, something that's really getting at the skiff issue is for skiffs to adhere to federal fishing vessel safety regulations. Of course, all vessels should adhere to these, but we believe there's a gap in understanding with the number of people who are working in skiffs, so they may not be aware that they actually are a fishing vessel that needs to comply with these regulations. They might not be familiar with the exemptions that apply to them, so we outlined this in our recommendations as well.

Also, we do recommend that owners and operators enforce a drug-free policy onboard.

MR. VIRISSIMO: I didn't see anything on the distant water tuna fleet, or in fact, Hawaii, I didn't see anything off Hawaii.

MS. CASE: Hawaii doesn't actually have too many incidents to report for Hawaii. I can't remember the number for the five-year period but it is very low, so we haven't prepared a regional summary for Hawaii. But we are considering doing a nationwide summary that would include Hawaii data.

And we have looked at the distant water tuna fleet in the past and we've published a report on that, but we're not currently doing active surveillance and that's not included in CFID.

CHAIRMAN DZUGAN: I just spent two weeks in June in the Upper Great Lakes with commercial fishermen there. There's no Great Lakes data as well, also because they have few numbers. Is that correct?

MS. CASE: Right. very small numbers, if anything.

MR. MEDLICOTT: Typically the fatalities we have in the 14th District are man overboards and it doesn't happen very often. There's a much better chance of getting people back out of the water because it's warm. And then there's been some industrial accidents on distant water tuna fleet boats involving winch entanglement and a confined space entry problem. And that's about it.

MR. ROSVELD: Mr. Chairman. I had a question on your Alaska slides. You had a slide there

that showed skiff and decked vessels, you differentiated between the two. Then the following slide was falls overboard. Are they differentiated between decked vessels and skiffs?

MS. CASE: Not for the regional summaries, we didn't look at that, but we can.

MR. ROSVELD: I think I'd suggest that most of the falls overboard were probably skiffs, but you don't know that.

MS. CASE: I don't know.

MR. ROSVELD: Another question I had was on your slide with Alaska fatalities, I noticed that Alaska pot cod was one of the highest ones there, and my question might be maybe I don't understand what FTEs are.

MS. CASE: FTEs are full-time equivalent workers, and it's a way to standardize workforce estimates among fishing fleets. For the calculations that we use, it takes into account the number of days at sea, number of vessels participating in the fleet, and the number of crew members as well, an average crew per boat.

MR. ROSVELD: So I would have thought that pot cod, being the most labor intensive, most days at sea, most hours per day, most days per month, most months per year, they would have to have a lot of fatalities, would they not, to pop up to be that high in the graph?

MS. CASE: They did. Alaska pot cod has the second highest fatality rate after dive harvest, and I believe if we go back, they're also second highest in the number of fatalities.

MR. ROSVELD: Probably have to drill down to figure out what data they used. What seems perhaps not correct is the number of days people spend pot codding would determine how they fall under that FTE. Right?

MS. CASE: Exactly. So that's one of the things that's taken into consideration. I'm definitely happy to look at those numbers that the contracting company, Natural Resource Consultants, has put together, if that's a concern.

MR. JACOBSEN: It's a pretty broad range of boat sizes in that as well.

MR. ROSVELD: No. We're mostly 58 you're thinking about the Bering Sea fleet, I'm thinking about the part we're involved with is 58 feet and under, which would be even more days, more boats.

MR. WOODLEY: Maybe to explain the discrepancy might be that comparing federal fishery versus state water or parallel water fisheries. I don't know if NRC has the data for state water fisheries number of days or whether they're just looking at the federal fisheries, because they're

two separately managed fisheries.

MR. WENDLAND: Samantha, with the dive fatality rate there. Those numbers can be seen to pump up the fatalities in Alaska's waters. Are the divers certified, are they professionally certified? Has it been looked at? Or are they just somebody off the boat putting on some dive gear?

MS. CASE: So that's a great question. I've looked into Alaska commercial diving fatalities since the '90s, and way more often than not they don't have professional certifications or training. Sometimes in other sectors, like scientific diving or something, they will, but for dive harvesting typically not, and it will depend case by case. But the three fatalities you see in the most recent five-year period, and even going back through 2000 for fishing, I don't think many of them, if any, had dive certifications.

MR. WOODLEY: My question for the 13th District is kind of unique because they have regulated navigation areas along the hazardous bars up and down the coast and gives the Coast Guard the authority to shut down the bar and then reopen it when weather is bad. I notice the fatality types are hazardous bar crossing, going on the rocks, which most of the time is ending up on the jetties there. Part of the reason that they developed that RMA was for safety intervention for that fleet, so I was curious if you had done any looking to see whether or not it's being effective as an intervention.

MS. CASE: Of all the vessel disasters overall, about half are in the Dungeness crab fleet, and we see that crossing bar wasn't the first event. And I think this is different than what we've seen in the past, I think this proportion was much higher in the past attributed to crossing a hazardous bar. For this regional summary, I don't think we've delved too much into that, but of course, if you're interested, we certainly have data to get more into that.

MR. BOEHMER: I don't see fatigue mentioned in any of these. Is there a reason for that?

MS. CASE: So fatigue will be mentioned in the complete regional summaries. We've definitely drilled down into contributing factors of these vessel disasters. For the West Coast and Alaska we outline ways to maintain proper watch managing fatigue. So not in the talk but definitely in the actual documents we'll mention fatigue where it was prevalent.

NAVIGATIONAL E-CHARTS:

LCDR WALTER:

My little section of the world is charts and that's what I'm here to talk to you ladies and gentlemen about today. The 2004 Maritime Transportation and Security Act identified a vessel population as very similar to the EIS population that shall be equipped with and operate electronic charts under regulations prescribed by the Coast Guard. the current requirements for carrying charts are vessels over 1,600 gross tons and then specific vessels mentioned in 46 CFR which is the commercial vessel compliance side of things, and for you guys, 46 CFR 28 is where the carriage requirement rests for commercial fishing vessels. Navigation and Vessel Inspection Circular 01-16 allows those subject to paper chart carriage requirements to take advantage of current electronic nav technologies in lieu of paper charts, however, only with the provisions provided under the policy that we wrote. We chose two boxes to represent your charts on, and is an ECDIS which is the SOLAS international standard, and the other one is the RTCM ECS which is a new standard; it's not new actually but it was recently updated in 2015 and we incorporated that into our policy.

Navigation and Vessel Inspection Circular 01-16 allows those subject to paper chart carriage requirements to take advantage of current electronic nav technologies in lieu of paper charts, however, only with the provisions provided under the policy that we wrote. We chose two boxes to represent your charts on, and is an ECDIS which is the SOLAS international standard, and the other one is the RTCM ECS which was recently updated in 2015 and we incorporated that into our policy. Right now in the policy what can you use and where can you use it, the RTCM Class B and C out to 12 nautical miles, and RTCM Class A if you're on a non-international voyage, and an ECDIS if you're on an international voyage. And for the purposes of the original NVIC, imagine there's a line in the Great Lakes there are 12 miles as well. So what are we looking for in the future? Potentially it looks something like this. The first thing to mention is that the word changed on top from ECharts to ENCs. We were too inclusive in our first policy to say ECharts. That meant way too much. And so working with our partners with NOAA, we've landed on ENCs which is the IHO term for what is produced by the hydrographic office of government authority.

The second note up there is you'll see the line went from 12 to 20. We're trying to line it up with stuff that makes sense. When I showed up at headquarters last summer, I had lots of round holes

on my desk and I opened my drawers and I found lots of square pegs and 440 grit sandpaper. There's not a lot of good solutions to how to apply this to mariners out there because there's a lot of different types of boats. Right? So we're working on that and what you see is the representation of what was the navigable waters of the United States out to what's a coastwise voyage now. That's my idea and proposal.

And then furthermore, you can see that out beyond 20 nautical miles we've included the vessels of 1,600 gross tons and over because by regulation they're actually required to do more than vessels that are under 1,600 gross tons and the functionality of the boxes did not match up with the requirement of the boat. So we've got to fix that. And then still ECDIS for international voyages.

In our policy currently, GVS, AIS, gyro, radar were required to be integrated in our original policy and we recommended that your magnetic and your VDR also be integrated into the system. So what we did not realize was that the technical term of integration means control.

Interface means something totally different. Interface just means it's the center collection point of information, and that's what we really want in the navigation safety world. We want mariners to have one place to look so they can get all the information they need so they're not looking at this box on the port side and this box on the starboard side and this box that's down here by their feet. Right?

The interface now is mandatory for GPS and all others, if equipped, are proposed. We recommend that you plug those in. We recommend it because it's most functional when we do that.

The next piece for your ability to utilize electronic charts is your backup or redundancy. Redundancy means if we told you to have it once, you've got to have it again. And the training, we recognized that ECS Class A from the RTCM functions very closely to an ECDIS, so therefore, we just asked that those mariners that are using ECS Class A go through the ECDIS training, and those that can use Class B and C would have company familiarization training. And moving forward, that doesn't stand to change too much but we did go to MERPAC. MERPAC, is the merchant marine credentialing and training safety advisory committee and we asked them about what we had said for training in this particular vein, and they added some helpful language and that's describing the STCW requirements which is mostly for international stuff, and they also provided what the familiarization would include which we found very helpful, so we're

looking to include that as well.

The final piece of the NVIC is about E-publications. This was a consolidation of a previous policy, there was nothing new here. We just canceled that old policy that came out of CVC and incorporated it into this new policy and spritzed some water on it, and there it is. You can carry everything electronically that we domestically require you to carry with the exception of your navigation rules.

We have a current task out to NMSAC, our navigation safety advisory committee, and asking them about the ready reference portion that's in the regulations and what that means to them, and if technology is suitable, we're asking for their recommendation if they think ready reference can be electronic now or not. The last time we looked at it with them, the answer was no. So how can you, mariner, take advantage of NVIC 01-16 today. Well, this is not good news, so I hate to end on it, but this is not good news. ECDIS is the only box that's out there that complies with the policy. Nobody has made an RTCM ECS at this point. If they did, the manufacturer would give you a declaration of conformity telling you: Yes, I followed the standard, here's your declaration, and then inspectors would know. We have heard that boxes potentially will be out towards the end of this year, the beginning of next year, but at this point that's what we have is the ECDIS. ECDIS is the only box that's out there that applies.

We're in the policy phase. We're just allowing this, we're not mandating this at this point.

Congress did require us to mandate it, they're required us to mandate it by 2017.

We're working on it, we're not there yet. So we're in the allowance phase, we're in the discussion phase, we're in the dialogue phase, and we're looking for the ideas and the feedback to our policy so that we can continue to improve it and then incorporate that into potential possible future rulemakings.

MR. BOEHMER: Is this proposed to be the only requirement for charts, we don't have any paper backup? What happens if you lose your electronics to lightning?

LCDR WALTER: I apologize. So the in the redundancy piece it's either you have a redundant electronic or you have a redundant and a paper backup, your choice. Or if you want, you can have and here's the problem with that is that it doesn't relieve you then of having to correct your paper charts, which some stakeholders have told us: We're tired of correcting paper charts; look it's so easy, I just plug it in or download it and bam, I'm ready to go. If you choose to have the paper as an official backup, it's got to be corrected.

However, if you have two electronics and you want to keep a chart drawer because you like the rainy day scenario, that doesn't count against you. Right? You've got your two systems, they're mirrored, they're redundant, that's what counts. And the Office of Navigation Systems always says: All means available. Rule 7 of the rules of the road: By all means available, determine risk of collision. We hold the same to be true for your navigation safety.

Good question. Sorry I did not clarify that in the redundancy piece.

MS. MURPHY: Did I understand you correctly that that policy letter is not now applicable or it is applicable but it's being amended?

LCDR WALTER: No. Great question. Clarification on that. We intend to keep policy out until a potential rulemaking, whenever that may or may not happen. So we will and this is straight from Admiral Thomas we want to keep and will keep a policy out, a pathway for mariners to not use paper charts. So P.L 01-16, as it stands today, exists and everything that I mentioned about what the future may look like is just Matt Walter's proposal as I'm walking around, talking to safety advisory committees, working in the office, getting stakeholder feedback.

MS. MURPHY: So it's just a recommendation, it's not mandatory.

LCDR WALTER: It is not mandatory, it is not a recommendation, it's just you're allowed to use this. It's an equivalency determination, really, is what the Coast Guard has said with this policy, that if you follow the policy as we wrote it, it will equal your paper chart carriage requirements. Is that clear enough?

That's a great question. I should have clarified that as well.

MALE SPEAKER: Realistically speaking, we're probably never going to see the day that software meets the requirements for someone to be running a laptop and say, hey, this is going to take the place of my paper chart.

LCDR WALTER: Why do you say that?

MALE SPEAKER: It just doesn't seem like the systems that are accepted right now that redundancy in a pilot house on a 35-foot boat that just happens to still be on the boundary line, and couldn't open a paper chart in that telephone booth size pilot house anyway, it's probably never going to happen, redundancy in inputs and the systems to replace the paper charts. Is that fair to say? And if so, why couldn't you use it now? I mean, why is Nobletec no good now as a replacement?

LCDR WALTER: Well, to answer the question why Nobletec is no good right now is because,

here's the really hard part, when you wanted a paper chart, you went to NOAA and they gave you a paper chart and it's data was official and it was printed on official paper with official colors and everything was official and you knew that everything that was there under the water that NOAA knew about, you also knew about.

Nobletec is a proprietary system that uses what's called a SNEC, S-N-E-C, so they take the official government data, they filter it and they display it for you however they want to display it. Buoys be Mickey Mouse and Donald Duck. That's up to them and the users that buy their product. So to make Nobletec and those kind of products reasonably priced, not like an ECDIS which if you don't know, is about \$20,000 to get a full ECDIS suite put on your boat Nobletec has lowered their price and what they offer you is a reduced SNEC, you don't get to see all the features. And that's okay for their customers but that's not okay for us in the safety world. That's why we can't just say: Yes, Congress said mandate electronic charts. Well, I've got electronic charts on my phone and you have them in your car on your GPS or if you use your phone for a GPS. It's not The official data, it's not the full suite, it's not able to pass a test set to prove that it's using the right colors and the right symbols and all that's repeatable, which has effects internationally as well. So that's one of my biggest square pegs in my desk is there are lots of chart plotters and there are fabulous pieces of equipment and none of them are the full ENC because that takes a lot of computing power to do.

So how do we get them to start to do that and make the technology small and svelte enough that it fits on that little bridge and it's affordable enough for that mariner? Luckily that's not what I have to solve. That's a hard problem, but that's what we're up against.

MR. ROSVELD: So to go with that chart it's never NOAA renditions do not have all the data?

LCDR WALTER: Right. I mean, simply put, yes. It's much more technical than that, and I'm not a technician, but I've been going to the RTCM ECS standard. That's the body that I've been working with which is the other box outside of ECDIS, and one of the pieces of that standard is the charting portion of it, the display, the colors, symbols, all that stuff, and some things are left out and some things are just intuitive. Right? So if you get a Nobletec inland chart, you need the coastal features. Well, no, because you're not operating on the coastal environment, you're operating on the inland environment. It's different but they don't have enough guts inside the computer and speed and whatever to display all that without bogging the system down. We all know what happens when you buy a cheap computer. Right?

MR. ROSVELD: Well, I know the difference between a raster chart and a vector chart.

LCDR WALTER: Correct.

MR. ROSVELD: We use a raster chart which looks exactly like the NOAA chart, so I guess I don't quite understand. I couldn't find any different features on the exact NOAA chart on my chart table than would be on my NOAA chart on my computer if it's a raster chart. I understand vector charts not having all the information.

LCDR WALTER: So there's a difference between you using your computer going to NOAA's site, which I could do on Nemo's computer right now, and displaying it in a system that will put a dot on that computer with your current position and track you. That's different. The display is interactive, it's not static. What NOAA provides on their website in its data form, if you're doing the online viewer, is a static view of that chart. What charting companies provide in their software and hardware combination is dynamic, it's moving with you, it's queriable, it's all those things.

MR. ROSVELD: I find it hard to believe that the FAA can work with sectional charts on the same little computer and make that okay and we can't do it on the bridge of our boat with the same computer.

LCDR WALTER: That is a good question for NOAA.

CHAIRMAN DZUGAN:

What do you advise us, as an advisory committee, to do to help the fleets comply with what's coming down the line?

LCDR WALTER: Let me see if I can restate the question. What would I advise the advisory committee to provide to the Coast Guard in light of possible future rulemaking?

CHAIRMAN DZUGAN: Exactly.

LCDR WALTER: We're not going to do it in a vacuum without you, and I'm obviously here as a presenter. I don't have a task for you at this point because it hasn't landed in the vessel-specific piece yet. We are trying to keep it in the idea of a waterway user is a waterway user, regardless of size and whatever. There are some risk-based decisions that we still need to make. I'm sure there will be tasks coming down the road in our interaction with you. My intent is to provide updates either personally or through CVC-3 here on what we're doing to move forward. It's not as clear as I'd like it to be.

CHAIRMAN DZUGAN: So stay tuned.

LCDR WALTER: Yes, sir.

CHAIRMAN DZUGAN: Are there any question from the committee on things like AIS?

LCDR WALTER: I am prepared as much as I can be to answer any questions that you may have about AIS or DSE radios. I'm not responsible for any of it but I may have some answers.

MR. MATTERA: I feel very strongly about AIS and DSC, especially DSC. There have been captains that have been close friends of mine that are no longer here, and why? Because they had a flooding situation, a hard list, they went up into the pilot house and did their due diligence to make a Mayday call, the boat capsized and they died.

And I'm telling them use DSC, it just five seconds, hit the button, get out, don't compromise yourself in a raised foscle where sometimes a doorway is 12-15 feet away, and when that thing goes over, I don't care who you are, you're compromised and you're going to perish.

So now I have this issue with electronics people that say there are a lot of issues and problems with DSC. If you go back five, or nine years where all of these VHS came out with DSC, they're not actually able to interface and compatible. Is that what you're finding?

LCDR WALTER: I haven't found anything. Whether or not DSC is functioning, or if those buttons are working, that is definitely an FCC issue. FCC provides the license for those radios. Outside of the Bridge-to-Bridge Radio Act of '72, we don't have, any other regulations that require VHF radios on bridges. It's an FCC piece.

My contact at the FCC is Mr. Ghassan Khalek and if he's not yours, he needs to be your contact as well.

CHAIRMAN DZUGAN: What's been mentioned in the last couple of meetings, is most of them are not hooked up. They have 'the capacity to be hooked up but people aren't hooking them up, and one of the reasons why is because of a more complicated interface, having to buy a marine electronic technician's time to have him do it. If you enter the MMSI number wrong, on one brand you have to send it back to the factory. And that's the main problem is it's really difficult to do. The technology is there but they didn't make it easy, so we're not getting the benefit from that, and that's an issue.

MR. DAVIS: The GPSs and the radios are not necessarily plug and play simple. You have to do some tweaking and programming.

CHAIRMAN DZUGAN: Moving on down the agenda, we have time for comments. We'll invite the public first. Any comments or questions from the public here?

(No response.)

MR. KEMERER: For the record here there were no comments submitted to the docket for the announcement of the meeting, unlike last year there were several that showed up in the docket. But as of yesterday or as of Sunday, there was nothing in the docket so I just want to make that clear.

CHAIRMAN DZUGAN: Did we do something with that hanging motion from the last meeting?

MR. JACOBSEN: Not yet.

CHAIRMAN DZUGAN: Do you want to take a moment to do something with that?

MR. JACOBSEN: I'll withdraw the motion.

CHAIRMAN DZUGAN: Does anybody oppose the withdrawal of that motion?

CAPT WILLIAMS: What was the motion again?

MR. KEMERER: That the committee supports newly built fishing vessels to adhere to class construction standards but not require certification. The committee supports such action as proposed in the Draft Senate Bill 2015 Auth Act. And it was tabled at the last meeting. But I think the motion was to address class requirement for all new construction, whereas, the Auth Act amended 4503 to have an option for vessels 50 to 79 feet. So what the motion addressed was a little bit more than what actually occurred in relief in the statute and the load line requirement would still apply to vessels over 79 feet, new vessels.

CHAIRMAN DZUGAN: Is there any objection to removing that motion, withdrawing it, from the committee?

(No response.)

CHAIRMAN DZUGAN: Hearing no objection, then we'll consider that motion withdrawn.

MR. HOCKEMA: I don't think this really fits anyplace in our agenda, so I wanted to talk about it just a little bit. NVIC 5-86 is now 30 years old and it's never been rewritten, and while many aspects of NVIC 5-86 remain legitimate, many also are out of date, and I would like to, sometime during this meeting session tomorrow or the next day, offer a motion to recommend that the Coast Guard revisit NVIC 5-86 and revise it as necessary to bring it up to date.

MR. KEMERER: I need to go back in my files. But at one time, and it was several years ago, there was some discussion about updating that from one of the other offices in headquarters and taking the lead on it. I think that was one of numerous things that got dropped and overcome by other events.

MR. HOCKEMA: Just to clarify, I have a very positive view of NVIC 5-86 I think it's a very valuable tool, it just needs to be updated is all.

Meeting Adjourned 4:58Pm

DRAFT

WEDNESDAY, SEPTEMBER 28, 2016

DAY 2

Meeting Reconvened 8:00 AM

CHAIRMAN DZUGAN: Any comments from the Committee before we begin?

MS. CONRAD: Yes, On your table is a syllabus for stability. It is an updated version, after Hal reviewed it. And this is the one we will be working off of, in the Training Committee. Thank you.

CHAIRMAN DZUGAN: I think we are ready to hear from MR. KEMERER on the development of an enhanced oversight program. Let's get right into it.

EOP-ENHANCED OVERSIGHT PROGRAM:

MR. KEMERER: I think everyone saw the marine safety information bulletin that was issued in July, regarding the Coast Guard's suspension of the alternate safety compliance program development in lieu of this EOP. The Committee has worked for the last three meetings looking at developing, recommending requirements for the ASCP and whether the Coast Guard needed to consider it for different regions or different vessels, different fleets and so on.

So the work you did up through the last meeting in setting up these requirements or drafting the requirements, proposing them for the ASCP. We appreciate that.

There have been numerous calls for the Coast Guard to go over to the Hill and discuss and answer some questions about ASCP by different Congressional staff and by subcommittee, namely the Coast Guard and Marine Transportation Subcommittee staff, which we have done. And there has been a lot of feedback from industry groups about ASCP, and some things that were good, and some things that they didn't like about it. But the bottom line was that we decided that trying to issue ASCP requirements by January of 2017 -- even though we thought we were on track to do that, we determined that even if we did, it still could not be implemented by 2020, according to the auth act requirements and not enforceable without regulation.

So the Coast Guard is going to have to regroup a little bit, and include ASCP, or address ASCP in a future rulemaking project. In the interim, the Coast Guard could go forward with this Enhanced Oversight Program.

In your packet, and on the back table, there is a draft, safety guidelines and best practices for the

Enhanced Oversight Program for commercial fishing vessels. And keep in mind that the ASCP was going to apply to vessels greater than 50 feet in length that operate beyond three nautical miles, and that are 25 years of age or older, as of 2013, So before the classing requirement. That would take us back to what, vessels built like before 1988 or 1990. That group of vessels would have to follow the ASCP requirements.

With the shift to the EOP, and the first two or three pages in the draft guidelines, I tried to summarize where it would be applicable and how we transition.

These guidelines will be voluntary in nature. So if you recall what might have transpired in the last couple of meetings, where we had Shall do this, because it is going to be a requirement under ASCP. Shall, must, will, and so on. All those verbs have been changed to should or could or recommended, or whatever it might be. So that it doesn't imply an obligation or a necessity for industry or vessel owners and operators to institute or adopt those particular things. We hope that with these guidelines now as recommendations, that industry, owners, and operators will embrace these quasi-requirements, I guess you might say things that may actually come down the road in some form of regulation requirement.

I think everyone on the Committee the last couple of meetings agreed that these are things that would be good to have on the vessel that we probably should be doing. And I would say many vessel owners and operators probably are already doing a majority of the things that are in here. So again, it is best practices. So it will be a voluntary type program. We hope everyone will embrace it.

Now, what we are going to pose to you in one of the working groups will be not only to review all these items in here again, to see that they are reasonable and you know, attainable, and based on vessel size, and of course, crew size and everything. What is reasonable and can be adopted to some extent.

We will be looking for recommendations from you on how can the Coast Guard implement this better, how can we get it more socialized with industry, how can we get industry to embrace it, and how can the Coast Guard follow up on these older vessels, which is the intent of the Auth Act for the older vessels, to improve safety on them.

How can we do that, look at these vessels, and gain better compliance or adoption of the items. Most of you are aware that after the Coast Guard responds on a SAR case, if it hasn't sunk, when that vessel comes in, there is always a post-SAR boarding. And very often, an examiner will go

visit that vessel as well, to see if they are in compliance with all the current requirements in part 28.

The same thing only more strict is the post-termination. If a voyage is terminated, the examiner will go down there and reexamine that vessel or give it an exam, if it doesn't have a current decal.

So there are other options that we, the Coast Guard, have talked about how we could do that. So we will be looking to you to give us some recommendations on when to get on these vessels, how frequently should we get on the older vessels and that type of thing. So at this point, I think we can entertain some discussion, if anybody wants to talk about it, on the draft guidelines, and just some general things. And then when we get into the working group, I would like you to get into more detail and review that, like you did last year with the ASCP requirements.

MR. BOEHMER: If a surveyor sees that this should be recommended to be done, it is going to be the best practice. We are going to have to hold to a voluntary standard now, aren't we? What do you think, Jim?

MR. NEVILLE: Yes. As far as the surveyors embracing this, using this as their standard?

MR. BOEHMER: Well, if it is a recommended best practice, even though it is not a law, if it says should be or may be

MR. NEVILLE: Yes.

MR. BOEHMER: Then that is going to basically become... We are going to you, will recommend that?

MR. NEVILLE: Yes. It is going to be in the surveyor's recs to be complied with, and that is essentially a law as far as insurance companies are concerned. It has to be done.

MR. BOEHMER: I don't have a problem with that. The problem is going to be that each individual is going to say, but I don't have to do it. Which, then that is the fight we always have. But it becomes defacto law.

CHAIRMAN DZUGAN: I'd just like to run that by Mr. Derie. Joseph, is that what as a surveyor, what you would do with this? Would you make this part of your survey?

MR. DERIE: Yes. I survey to standards. And I definitely would include this.

MR. NEVILLE: Yes. You already do include various of those standards.

CAPT. WILLIAMS: So I just have a question, to go back to what you are saying. So if a surveyor does a survey of a boat, and they don't meet the voluntary guidelines, what are the

ramifications for that individual boat?

MR. NEVILLE: Chances are, the underwriter is going to give them 30 days or 60 days to comply, or give them a notice of cancellation.

CAPT. WILLIAMS: Or do they increase the premiums? Or I mean, is there a benefit? Do they get some sort of recognition or reward?

MR. BOEHMER: The reward is, they are insured. And I think that the problem becomes, if something is best practice and not done, it becomes a real legal ramification later on, if there is an injury or a loss.

CAPT. WILLIAMS: So what would be the downside of that? If ultimately I think this Committee has been saying that you wanted some sort of an increased regulation on these vessels. Which, we haven't been able to we are not able to do it at this time.

We have to do an actual rulemaking. What is the downside of you know, coming out with voluntary guidelines that are best practices that the industry is holding them to, not the Government. But the industry is holding the vessels to.

MR. JACOBSON: I think Hal raised the best point. There is -- the applicability isn't addressed in this.

CAPT. WILLIAMS: I thought the intention was to do it for all vessels, though.

MR. KEMERER: Yes. The summary up front talks about that these items would be good for all vessels to consider, but is particularly targeted towards those older vessels, was the intent for the ASCP to apply to.

MR. JACOBSON: Still, not all vessels can even comply voluntarily with these things. They just don't have room on the boat.

MR. KEMERER: Right. And I think that is pointed out in the summary there. That, you know, in some cases, it is not possible that every vessel could do this. And some of the things just may not be appropriate for some vessels as well, so.

MR. JACOBSON: But a lawyer in court wouldn't make that distinction.

CAPT. WILLIAMS: But shouldn't the surveyor?

VOICE: That is what we get the experts for.

CAPT. WILLIAMS: Yes. That is what the surveyor's job is, right?

MR. NEVILLE: There always needs to be like an exemption process too, or something that might fit. Just like there is under existing regulations.

MR. DAVIS: I think I and several other Committee members are disappointed that six years later, we are at this point where we are changing what we had worked on, what we had started on. And maybe I missed something in the development of the alternative compliance safety agreement, in the Pacific Northwest.

But to me the beauty of the ACSA program wasn't that we came out with a book at the end of it, that there were these hard and fast things, measurements and points. It was the fact that the Coast Guard sat down with the fishermen from a sector that pointed out what the challenges were, where people were losing vessels, where people were dying. And they worked with the industry in a particular sector to determine what the key things that we could all do to prevent vessel losses and fatalities.

And at every meeting, this goes back to trying to create a book that will fit in most cases, instead of the idea of sitting down with the fishermen in each fishery in each district, and trying to figure out together what we can do to prevent fatalities.

MR. KEMERER: Not to rebut that, but the ACSA program was a very unique program. And a very small focused fleet that had some problems that we jointly worked with the industry and the owner operators of those vessels so that we could work out something that they could continue to operate in the way they were operating, which was not in compliance with the regulations at the time.

MR. KEMERER: So this ASCP/EOP whatever we end up with here is for all vessels, every fleet, every fishery on vessels over 25 years old. So it is a completely different animal. And those are the challenges that we are looking at, how we can get that out there. Knowing that some of these guidelines cannot be applied to every vessel. So if we can have something in the language and the guidance that makes those allowances.

That is what we are looking at help with.

MR. DAVIS: I think the component that the Coast Guard is missing, is buy in. And the way that we got buy in, is yes, the D13, D17 Coast Guard people working on it did have this particular sector over a barrel in a sense.

But the way they got buy in was by explaining, here is what is happening with you guys. Here is what is causing the losses. And here are the things that we think we need to do.

And it was a back and forth, a give and take. How can we accomplish this on these vessels. How can we accomplish that on those vessels. And the industry in some ways came up with

simpler forms of getting the job done than the Coast Guard had originally envisioned. But by having those community meetings, in an open forum, and people throwing rocks at Chris and Chris ducking and dodging and throwing them back, we arrived at a consensus. And to me, that is what we are going to be missing as we try to take this around the country.

MR. KEMERER: And the other big difference here is the ACSA program was not mandated. The ASCP has a mandate that we have got to do something by a certain time. Which we have got some allowance on that, now.

MR. LONDRIE: I hope voluntary, and that we keep looking at on an industry-by-industry basis. Because it is clear sitting in this room, the Gulf of Mexico operates clearly differently than the way east and west coast does. There is a lot of stuff in it that we already do. There is a lot of stuff we couldn't do. There is a lot of stuff that would possibly be too costly for our industry. So in essence, where the ASCP was going to be looked at region by region, you know, with this moving forward, we hope it stays that way as well. You all talked about the industry outreach. Our industry fought greatly against it because there was no outreach to us. We heard it was in the works. But every time, we heard you need to get involved. We would say, okay. Where is the meeting. Let's talk. And no one ever got back to us until we got a packet that said here is what is coming down the road. Learn to live with it. So where was the involvement from the beginning.

So we weren't involved with a lot of it down there. That is why our national alliance fought to push that back some.

MR. JACOBSON: Well, the Bering Sea crab fleet, we became heavily invested in the ASCP program, and we were very disappointed when it was withdrawn. And we put a lot of time and effort and money into developing what we thought was going to be an alternative compliance program for our fleet.

And so we are still working on that. And we are going to embrace it as a voluntary standard for our fleet. And so we are going to do it anyway. But there was a lot of disappointment that this was not carried through. We hope it's done sometime.

CHAIRMAN DZUGAN: I just want to apologize to the Coast Guard, to the Captain and to Jack and Jonathan for bringing an industry to that has got over 100 different fisheries. And there is no cookie cutter with these fisheries. And it is a tough job to be able to regulate. I think one of our jobs moving forward on this today is to take this EOP and make sure that this provides a basic

level for any wooden boat that is over 25 years old, steel boat that is over 25 years old, and we make this pretty generic, so that regional and fisheries-specific needs can come out of that. But this would be a pretty generic document.

Otherwise, we are going to run into this with every fisheries group that doesn't meet the cookie cutter. And this has been a standard 30-year argument. We have heard from industry for a long time on cookie cutter approaches.

We need to be cognizant ahead of time, so you don't fall into that trap.

MR. WOODLEY: Focusing on the stability standards piece for a second and addressing specific problems within a fishery. We looked at the casualty data yesterday, and stability issues were not necessarily prevailing throughout the country. Is there a way on a fleet-by-fleet basis, to say You guys don't have stability issues within your fleet, or you haven't for the last five years, ten years. So for the time being, let's not worry about stability standards for your fleet. One of my contentions with this issue from the start was, is the Coast Guard looking to inspect or examine vessels, or are they looking to prevent fatalities. Because those can be two different things, depending on the nature of the fatalities within the fleet and what the problems are. And some require, you know, an inspection examination component. Others may be something as simple as training or modifications to an aspect of the vessel, where the Coast Guard has no authority and won't ever have authority.

MR. HOCKEMA: There are certain fishery types that are inherently safer from a stability standpoint because they cannot physically operate in rough weather.

Eric's seine boats, for example, the salmon seiner, you can't operate in twelve foot seas, salmon seining. He has got a power block up on the end of his boom that has tremendous heeling forces. But you can't do it, because you tear up your gear in rough weather. And so the potential of that being a problem is very low.

Likewise, a shrimp trawler, with double rigged shrimp trawlers, your outriggers -- if you are dipping your outriggers in the water in ten foot seas, you want to just say hey, let's stop fishing. But a stern trawler which is very safe in the way that brings the bag of fish on board, if you bring too big a bag of fish on board, you can do that in really rough weather. And when it is on board, you are stuck. We can't really get into that level of detail here. But it is important in a lot of different fisheries. And it is why some boats will not meet the standards. But they have operated safely for many years.

CHAIRMAN DZUGAN: I think this has been good to lay out some of the issues for the Subcommittees working on this. And it is a good discussion.

MR. KEMERER: Thanks for the comments and feedback, everyone.

And Hal, just as a kind of an example here, when you talk about which vessels may need stability checks, at what point, it is just like everyone of us, and even out in the industry thinks, you know, some vessels ought to be examined every year, some every two years. Some five years. Some not at all. So we are not going to be able to fix everything here. So when you get into the working group on these guidelines, those are exactly the kind of things that we would like you to look at and come up with a reasonable expectation or something on any of these items. What is going to be reasonable. And maybe some way to address the language on it. So when we get into that, the task statement, we will read it. And the working groups that will go into the other rooms can look at all that, that we have discussed, and questions have been posed. So let me move on to another topic,

NPRM:

The fishing vessel safety NPRM, Notice of Proposed Rule Making was issued on June 21, 2016. We extended the comment period for a 90-day comment period in the notice issued in August, to extend out to December 18th. We need comments back, public comments, anybody who wants to comment on the rulemaking project. And then we will proceed in addressing those comments and try to come out with a final rule. That is at least a year down the road, maybe longer from December. So the end of 2017, a final rule might get issued, if everything goes really smoothly and no pushbacks anywhere. This package, this proposed rule package, only addresses the items in the Auth Acts that are very specific, that have a date attached to them, and there is no discretion. So it is mandated requirements that the Coast Guard is obligated to incorporate into regulatory requirements.

There will be a follow on rulemaking project to address all items in the Acts that are discretionary, so that they will apply to both state vessels as well as well as documented vessels, in those cases.

CHAIRMAN DZUGAN: I am not quite clear where something like training falls between documented and non-documented. And it doesn't seem to be addressed specifically in the proposed rulemaking.

MR. KEMERER: training has always been of interest with the Coast Guard and certainly with the Committee. And numerous recommendations on training. This NPRM did not include any new training requirements. It clarified a couple of things on the emergency drills and instruction requirements that are already part of Subpart C. For documented vessels, it retains that, so state vessels, it won't apply. The competency training requirement for operators that you have been working so diligently on for the last couple of years was not included in the NPRM, because the curriculum, the goals, the syllabuses, the specific requirements weren't developed yet.

So we were advised that that couldn't be in there. Just like the ASCP requirement -- we initially thought we could put in a kind of a general thing about ASCP. And we were advised that that could not go in there until the requirements were developed.

So you know, the project counsel and the counsels at the Department and OMB will all get to weigh in on this. And we get our feedback and recommendations. And everyone has to clear on it before it can be published. So there are things that we thought were going to be in there, and things that had to be taken out. And you know, initially, we were looking at issuing this as an interim final rule, rather than an NPRM. But in the future, training requirements are certainly on the table. The Committee has recommended this numerous times, different types of training. So sometime in the future, I hope that you will see that.

MANDATORY EXAMS TWO YEAR / FIVE YEAR:

MR. WOODLEY: I had a question specifically about the examination and certification section. It is 28.201. The Advisory Committee recommended to the Coast Guard that in the future, regulations that the examination cycle would be every two years.

You received letters from Congress on that issue. The industry sent letters, industries specifically in the Pacific Northwest, recommending that we have a two year cycle for examinations. In the Northwest, that was largely tied to the fact that the National Fisheries Service has a two year exam cycle and regulations in place for having observers on board. Why in this document, did the Coast Guard decide to go with at least every five years, instead of every two years?

MR. KEMERER: The problem here was, we wanted to keep this an NPRM. And we were advised to keep it as clean as possible, so that there was no discretionary items in it. And the mandate in the law is, at least once every five years. So if that is the language that went into the

NPRM, there really won't be anything to argue about.

The Coast Guard policy currently remains to do the exam, issue a decal for two years, to help with the NOAA requirement that their observers look for a decal issued within the past two years.

But technically, and this was explained in the Marine Safety Information Bulletin issued last October, that the law says an exam at least once every five years, we would do the two year decal. So if a vessel wasn't subject to observer carriage, if they were examined in January 2013 or later, or as earliest, 2013, they technically don't have to get another exam until January 2018. So the exam was tied to a certificate of compliance also, which hasn't been developed and cleared to issue. Just kind of like a COI. So the decal is kind of in lieu of a COC, but it is the exam booklet that has the date on it that really shows when they were examined, and they have five years from that date. The decal is simply a two year thing to help NOAA. And in essence, that says most of those vessels are going to have to come back and get an exam in another two years, rather than five years.

So it is based on policy. But technically, if a vessel did not want to get re-examined in two years to get a valid decal, they don't have to.

MR. WOODLEY: Mr. Chairman, what is proposed in this regulation is in conflict with what National Marine Fisheries Service has. And I believe it is also in conflict with the requirements for Aleutian Trade Act vessels, which there is a specific regulation for at least every two years, and for fish processing vessels in Subpart 28.700, where fish processing vessels are at least every two years.

MR. KEMERER: There is no conflict there, other than we say at least once in five, and they say every two years. So that just means the vessel owner operator is going to have to come back to us and get an exam in two years.

MR. KEMERER: Legal has told us that because the two year requirements for processors and tenders is already in regulations. So that is not changed. It is for other vessels, all other vessels that have at least one in five. And it is in the law, that the processors have to be two years.

MR. WOODLEY: It is not. When the law was modified, that was changed to at least every five years. The Coast Guard has regulations that say every two years.

MR. KEMERER: Correct.

MR. WOODLEY: And that is the source of the conflict, I think. If you could do fish tenders

and fish processing vessels at least every two years, under the current regulations, why couldn't you do fishing vessels the same way? And if that is not the case, then I think what we are talking about is having to change the requirements for fish processing vessels and fish tender vessels to go to every five years. Which, is less than a safety standard for some of the higher risk components of our fleet.

MR. KEMERER: Well, the law and the regulation, the way we put in, at least once in five years under Coast Guard policy, we can make it more frequent, which we have done with the decal.

MR. WOODLEY: But these are COCs, though. They are not decals. They are specifically called COCs in the regulations.

VOICE: For processor and tenders.

MR. WOODLEY: For processing.

MR. KEMERER: Yes, sir. And yes. But I don't see that conflict the same way, I guess. I did point out the regs in part 700 and part 800 about the Subpart F and Subpart G, about the tenders and processors. And there didn't seem to be an issue.

CAPT. WILLIAMS: What is the time line for this whole reg project, this NPRM? So right now, we have got it open until the 18th of December, the comments. And then what?

MR. KEMERER: We will go through the clearance process of a final rule to put all of this in the regulation. So that can take at least a year before the final rule can come out. It might be two years. Just can't say.

CHAIRMAN DZUGAN: Okay. Any other comments from staff?

LOADLINES:

MR. SIRKAR: Mr. Kemerer explained to us that we have taken a clean approach in writing this NPRM, where we have taken the basic requirements from the Auth Acts plural. So I would like to draw your attention to citation 28.170. The title is Load Lines.

We have a new section 28.170 for certain fishing -- certain new fishing vessels to be assigned load lines. So again, as Mr. Kemerer said, we have kept it clean, which means there is little description of exactly what that means.

We have made reference to other load line regulations in 46 CFR Subchapter E. So my comment to the Committee is that within the working group or within the Subcommittee that we will be looking at comments to the NPRM.

Since this is a relatively new activity for fishing vessels, we the Coast Guard would like to hear from you what else we should talk about regarding assigning load lines to fishing vessels greater than 79 feet. Are there exemptions, are there equivalencies for particular conditions of assignment, such as guard rails, such as other closure issues.

So I would like to get some feedback from the Committee through that working group on that section.

PUBLIC COMMENTS:

CHAIRMAN DZUGAN: So does anybody have any questions or comments from the public? We have time on the schedule for this. (No response.)

CHAIRMAN DZUGAN: Hearing no comments from the public, we will continue on with the agenda. Thank you, Mr. Sirkar for adding that note about the load lines. That was one of the significant new requirements in the auth acts that I didn't mention.

BUILT TO CLASS STANDARDS:

MR. KEMERER: So there is another handout that everyone should have. It summarizes Subpart E, 4503(e) where it lines out that instead of building to classification standards, and getting issued a certificate of class, vessels between 50 and 79 feet can be designed and built to an equivalent standard. There is debate about what is an equivalent standard. And how does we insure accountability that the design incorporated equivalent standards. And if you are using actual class standards somewhat, which class society standards were used or referenced to do that. And how does a marine surveyor oversee construction and validate that. How do we do that accountability and make sure it gets documented with the vessel file, particularly for the Coast Guard, in our MISLE database. And the other requirements in there, if you are not classed, there are stability requirements. There are periodic reviews. Any modification to the vessel has to be validated by a naval architect again, and so on. So those are the -- kind of the exemption from class, if you opt to do that. And the task statement will talk about what we would like you to look at, and recommendations on how to ensure we can validate it has been done and documented on our data system.

SUBCOMMITTEES:

Last meeting, there were two Subcommittee working groups: one that dealt with construction and, I believe, the ASCP, and another group that worked with training. Ms. Silas mentioned yesterday in our administrative meeting that the Subcommittees, that the Subcommittees, working groups need to be named. And they are in the FACA database. This year we have re-titled the working groups for this year. We retained the construction, we added the EOP and the training group.

The first group, we want to finish up the training issues, the competency training requirements, the drill syllabus. That will include emergency drills, personal survival, first aid, CPR, which in the Auth Act refers to as emergency medical care. Navigation, and collision avoidance, seamanship, pollution prevention is in there as well. Vessel stability, damage control, fire fighting prevention, fatigue and weather.

Once complete that group can move on to the National Maritime Center, to establish a national standard for any organization that may want to develop a training program to cover that competency training that eventually will have to be in regulation required as outlined in the Auth Act. The Training working group Subcommittee is going to be chaired by Karen Conrad.

The Construction Subcommittee, will look at review of the EOP development, recommendations on that in lieu of the ASCP requirement that you had worked on. We invite the, Subcommittee to do additional review and comment on these draft guidelines and best practices and how it can be related to different vessels. And consider the intent of the applicability was for those vessels over 50 foot operating beyond three nautical miles and more than 25 years old. And if there is a more frequent time period for examinations on the older vessels, we invite that recommendation or comment and how to promote adoption of the guidelines. Mr. Woodley is going to chair that group. There are two additional tasks that have to do with the rulemaking, proposed rulemaking and the 4503(e) Section on the alternate class standard. So probably today will be occupied dealing with these first two tasks. And then we can look at the next ones tomorrow, starting tomorrow morning.

MR. WOODLEY: In the marine safety information bulletin, it says the Coast Guard will provide sufficient notice prior to resuming any future development of ASCP. Is the EOP kind of a bridge until we get to something.

CAPT. WILLIAMS: Yes. It is essentially using our Captain of the Port Authorities at those

local levels to focus on the higher risk vessels, which we deem to be those vessels 25 years and older. So all things are on the table. We need to get your advice on how you think the best way to proceed is. In the end the Captain of the Ports have so many resources and they have a risk profile in their port. They have the discretion at their port levels. If we have some sort of guidance and tools to give them, to say okay, this is what is envisioned, it is going to be more helpful. But eventually, yes.

There should be another reg project that actually does the ASCP. That is the goal. It is just that we are not there yet.

TRAINING SUBCOMITTEE UPDATES:

MS. CONRAD: First we discussed the updating of the 1991 National Standard Curriculum for Drill and Survival Manual. It was apparent that not everyone has seen that document. So Alan Davis has emailed it back to everybody on the Committee for their review, to take a look at tonight. And tomorrow morning, we should have a motion to accept that. And we will have a discussion then for anyone that reviews it and has any additional comments.

But I just want to have everyone keep in mind that the document in 1991 exists, and has been used up through today. And all this does is update that to the 2016 information.

We also started discussing the different modules for the training components. Here again, we have gone ahead, and Alan has been kind enough to email everyone on the Committee the syllabuses for that again. We will bring it up in the morning and hopefully, we will get those passed in the morning. But if anybody has any questions or concerns on those, feel free to bring it up tomorrow morning.

MS. CONRAD: I just want to clarify again, the objectives for this curriculum has been worked on and approved for years. And we took the objectives, and we created it into a syllabus, so it is a course now. So the course syllabus incorporates all of those objectives that were already approved by the Committee So the courses that we have created are accessible. They are affordable.

CHAIRMAN DZUGAN: But the whole idea is to get these out to schools and training institutions so that fishermen locally have access to these courses. We want to make it affordable and hands-on, and the fishermen actually learn what they can use and it is relevant

CHAIRMAN DZUGAN: The local instructors can make it relevant to their fleets, rather than have to work from a national model that didn't allow for that.

VOICE: They do.

CHAIRMAN DZUGAN: Any comments from the public?

CHAIRMAN DZUGAN: Hearing no comments from the public,

CHAIRMAN DZUGAN: Can we hear from Mr. Woodley's Committee

CONSTRUCTION SUBCOMITTEE UPDATES:

MR. WOODLEY: We identified four, maybe five specific tasks that were on the task statement. We do have some recommended changes for some of the language, and some recommendations for the Coast Guard on the rollout and the implementation and how to make it effective in the field. But we are not prepared to really have that conversation now.

CHAIRMAN DZUGAN: Ms. Conrad, do you want to give us an update on the Training Committee?

TRAINING SUBCOMITTEE UPDATES MS. CONRAD: Committee members will be receiving three emails from Alan Davis today. The first one is the national standard update for your final review and we'll have a motion on it first thing in the morning to try to get it approved. The second one is the objectives and the syllabuses, in case somebody got left off of email. Everybody has been able to look at it. And then the motion will happen tomorrow morning, to see if we can get those passed and moved on. The last email that you will receive from him is objectives. You will notice they are almost exactly the same as the objectives you received in the first email, but some of the areas are going to be asterisked. And those are asterisked for a reason. And I will read that reason coming up here shortly. So those are the three things to review tonight.

CHAIRMAN DZUGAN: I would like to add a comment to that. This curriculum project has been going on now for about five years. It has been reviewed by some past members of this Committee, and present Committee members.

MR. JACOBSEN: Yes. Mr. Chairman, I just wanted to add to your comments, that a lot of things that are in the training standards have already been voted on and passed by this Committee and moved forward by motion and by vote of the Committee over the past five years.

MOTION#2

MS. CONRAD: I do have a motion that I would like to present right now.

I move that any STCW First Aid, CPR, U.S. Coast Guard approved course may be taken in lieu of the First Aid CPR module.

CHAIRMAN DZUGAN: Is there a second for that?

MR. JACOBSEN: I will second on behalf of Tom Dameron.

CHAIRMAN DZUGAN: Ms. Conrad moved, and it is seconded by Mr. Jacobsen.

CHAIRMAN DZUGAN: Hearing no comments, are there any objections to this motion? (No response.)

CHAIRMAN DZUGAN: Hearing no objections then we will approve it by unanimous consent.

Motion #3

MS. CONRAD: I move that narcotic recognition and treatment be added to the module for first aid and CPR.

MR. MATTERA: Second.

CHAIRMAN DZUGAN: That's forwarded by Ms. Conrad and seconded by Mr. Mattera. Any discussion?

MR. NEVILLE: Is that already included in the various first aid and CPR courses available out there?

MS. CONRAD: No. It is not.

MR. NEVILLE: So where would the people get that training?

MS. CONRAD: It would be part of the first aid CPR curriculum course. It is not in your syllabus right now. We would add that portion to the syllabus.

CHAIRMAN DZUGAN: are there any objections to this motion? (No response.)

CHAIRMAN DZUGAN: Okay. Then we can say it is accepted by unanimous consent.

MOTION #4:

MS. CONRAD: I move that the person in charge of the vessel, the master, keep current on first aid CPR certification.

CHAIRMAN DZUGAN: All those in favor, signify by raising their hand, so we can do a count. (A show of hands.)

CHAIRMAN DZUGAN: Any opposed? (No response.)

CHAIRMAN DZUGAN: Okay. It passes unanimously.

NOAA OBSERVER SAFETY PROGRAM REVIEW:

MR. KEENE: I am here representing the National Observer Program. They wanted me to let you guys know that NOAA Fisheries is going to be doing an observer program safety review. We started having some unfortunate loss of lives of observers over this past year and a half. One went missing off a vessel, down off of Ecuador.

We had an observer who had to get medevaced out of the Gulf of Mexico, who ultimately passed away in the hospital. And then we had another observer lost, I want to think it was down around the Hawaiian Islands, back in May.

So that sort of kicked off our leadership to say, you know, let's extend this beyond just looking at your safety training. Let's look at things like our communications process, our partners, even, our regulations. We have a handout in the back. It is all about the safety program review, what the different aspects we are going to be looking at. And I am sure you are going to be hearing about it within this next year. They are planning on having it done by spring of 2017. In Government speak, that is probably like spring of 2018.

Just because they need to go around to each regional program, which is eight programs in total. All of the different regions, plus the national program. And I am sure they are going to be reaching out to all the various stakeholders, both industry and other government organizations and NGOs, even, to try to get their input. So once they have their report done, hopefully, somebody will be here to share. I think you guys are more used to seeing Dennis Hansford here, so he will probably be here.

And then the other thing they wanted me to let you guys know about is there will be an observer provider insurance workshop on November 8th and 9th in the Washington, D.C. area, they are trying to get people together to talk about observer insurance.

It came up in the Northwest, the Pacific Northwest that things like the Longshoreman Act, the Harbor Workers Act, General Maritime Law, Jones Act, those things weren't really pertinent to the observer world. So they are reaching out to various industry stakeholders to see if we have a better option that we can maybe include into our contracts for observer coverage.

MR. JACOBSEN: Is there a way we can be involved? I represent industry. So how can we be involved to help on this review?

MR. KEENE: I can go back to our safety advisory committee. So we have our own safety

advisory committee as well.

I think that would be great, that we can get the industry involved, and I think they should be.

What they did, is they contracted this process out. The contract has been awarded.

They are going to come to us as project managers now and say, you know, how should we drive this. And as a program manager myself is, we need to include industry.

MR. WENDLAND: Mr. Keene, the safety review for NMFS observers only, or is it also for international observers?

MR. KEENE: The study will include some of the international work that we do. We have signatory countries that either use U.S. NMFS observers or NMFS is somehow involved with their training. That is mostly the Pacific Island region stuff, but they will definitely be involved. This is going to be big balloon of all of our different programs. So I think that spring of 2017 is a optimistic point. But look to see all that on your radar at some point.

VOICE: Mr. Chairman, I just have one quick question. I know when observers go on a fishing boat, you have a safety check list that they employ. And if the vessel doesn't meet the safety check list, it is usually a no sail, no go for the fishing boat. And I was just curious, probably it is not to ask you, but this enhanced voluntary safety program for vessels, would that affect, or will it affect our observer checklist in the future?

MR. KEENE: No matter what the Coast Guard is doing, we are going to be doing our checklist review.

MOTION #5

NVIC 5-86

MR. HOCKEMA: I have a motion, It is the one I mentioned yesterday.

Motion to revise or withdraw NVIC 5-86 voluntary standards for U.S. uninspected commercial fishing vessels to better correlate with current standards. NVIC 5-86 is now 30 years old, and has never been updated.

CHAIRMAN DZUGAN: Okay. Do I hear a second? MR. DERIE: Joe Derie second.

CHAIRMAN DZUGAN: All in favor of the motion, signify by raising your hand.

(A show of hands.)

CHAIRMAN DZUGAN: Any opposed?

CHAIRMAN DZUGAN: Okay. It has been passed unanimously.

Meeting Adjourned at 5:26pm

THURSDAY, SEPTEMBER 29, 2016

DAY 3

MOTION #6

MS. CONRAD: I move that the 1991 National Standard Curriculum of the Drill and Personal Survival Skills Manual that the committee has just updated be accepted as the updated national standard and be passed on to NMC.

MR. JACOBSEN: I second.

Motion passed by unanimous consent.

MOTION #7

MS. CONRAD: I move that the objectives and the syllabi for the courses in the 2010 Authorization Act that has been developed by the Training Committee since 2011 be recommended to the Coast Guard as the minimum national standard for these courses.

MR. NEVILLE: Second.

CHAIRMAN DZUGAN: That was a second by James Neville.

Motion passed by unanimous consent.

MOTION #8

I move that student participation in the courses be assessed using the hands-on objectives that are marked with an asterisk in your objectives.

MR. JACOBSEN: Second.

MR. BOEHMER: This is so that it's not based on written skills as much as participation. Is that the idea?

MS. CONRAD: Correct.

CHAIRMAN DZUGAN: It's to keep it competency-based.

MS. CONRAD: Yes. We don't want written exams coming out of NMC.

CHAIRMAN DZUGAN: If I can offer a suggestion, since it might not just be masters, participants actually might be more appropriate because we have people who aren't masters

taking it but they are going to become masters perhaps some day, so participants seems to be appropriate, if that's okay with the mover and the second.

Motion Passed by unanimous consent

MOTION #9

I move that the medivac section and the narcotics recognition and treatment section is removed from the first aid CPR syllabus and added to the drill syllabus.

Background- MS. CONRAD: The master of the vessel can go and take a Coast Guard approved first aid CPR course that's given by the Red Cross or ASHI. In those courses the medivac is not covered and the narcotics recognition and treatment is not covered, and we feel that the master of the vessel should get those two components, so since they would come and they would have to take the drill portion of it, if we add it to the drill portion, they will get those two sections covered.

Mr. Mattera, second. Motion passed by unanimous consent.

MOTION #10

MS. CONRAD: I move that there be a two-day refresher based on topics in the 2010 Authorization Act and have it based on currency and skill retention.

MR. MATTERA: Second.

MR. BOEHMER: Can you explain that to me, please?

MS. CONRAD: In the Authorization Act, every five years there needs to be a refresher course because there's an expiration of five years on the original course for the crew member.

MR. BOEHMER: But you said every two years. Right?

MS. CONRAD: No. That the refresher be a two-day refresher rather than a five-day refresher.

MS. CONRAD: We felt in the Training Committee, when we looked at everything as a refresher course, that it could be done in two days since the medical is already done every two years to keep current, so everything that's left over we feel could be done in two days rather than four as a refresher, and that it should be done on currency and skill retention.

MR. DAMERON: So the refresher that you're referring to, is that a refresher for everything in that five years?

MS. CONRAD: Yes.

MR. DAMERON: So if I did one part at year one, I would need refresher for that, and then I did one part in year five, in year six I'd be getting refresher for the whole previous five years?

MS. CONRAD: Yes. I believe that came up in another meeting.

CHAIRMAN DZUGAN: Do you want to bring that up, Mr. Boehmer?

MR. BOEHMER: I don't think you were here yesterday. There was a motion to do first aid and CPR every two years to keep current, so that parts going to be removed and you just have the remaining ones left.

MS. CONRAD: Right. But what Tom is saying is the modules are separated out where you could do drill in 2017 and in 2018 do stability and navigation and in 2019 do the seamanship module, so in five years from the first, you would take the two-day refresher.

MR. DAMERON: And so at that point you'd be getting on a five year.

MS. CONRAD: And then from there it would be every five years.

CHAIRMAN DZUGAN: And it wouldn't need to be modular for the refreshers, it would be one two-day training and you're done, unlike the initial training which you've got four modules to take and you've got five years to do it.

MR. DAMERON: So it sounds like we're simplifying.

MR. DAVIS: And based on conversations in the subcommittee yesterday, do I understand correctly that that refresher would also serve as the drill conductor refresher?

MS. CONRAD: Yes.

MR. DAVIS: Just thought I'd clarify that.

CHAIRMAN DZUGAN: Any other comments or questions on the motion? Is it clear to everybody? (No response.)

MR. BOEHMER: Call the question.

CHAIRMAN DZUGAN:

Anybody need the question repeated? (No response.)

CHAIRMAN DZUGAN: Are there any objections? (No response.)

CHAIRMAN DZUGAN: Then it's been adopted by unanimous consent.

MS. CONRAD: Thank you.

CHAIRMAN DZUGAN: Do we have any other motions?

CHAIRMAN DZUGAN: Mr. Boehmer.

Anybody need the question repeated? (No response.)

CHAIRMAN DZUGAN: Are there any objections? (No response.)

CHAIRMAN DZUGAN: Then it's been adopted by unanimous consent.

MOTION #11

MR. DAMERON: Motion that the commandant be advised in light of the proposed rule, Part 28, Section 28.200, requiring documentation of drills, emergency instruction and lifesaving equipment maintenance in Part 28, Section 28.140, Operational readiness, maintenance and inspection of lifesaving equipment, requiring each item of lifesaving equipment must be maintained and inspected in accordance with the manufacturer's guidelines, this committee recommends that the manufacturer's inspection and maintenance guidelines for all U.S. Coast Guard approved lifesaving equipment with the approval status of approved, expired, and former my use is collected and made available on the Coast Guard Maritime Information Exchange website so that this important maritime information can be made available to the public internet. Going forward, the manufacturer's inspection and maintenance guidelines should be collected at the time that a manufacturer is applying for U.S. Coast Guard approval of a piece of lifesaving equipment and made available on the Coast Guard Maritime Information Exchange website when the item is given approval.

Lengthy Discussion between CG and committee:

Mr. Hockema, second

Motion passed unanimously.

Task Statement 03-16:

CHAIRMAN DZUGAN: I'm going to read the next Task. The Coast Guard requests the committee review and discuss the provisions of the NPRM and provide any comments or related material on the rule in writing to the Coast Guard. Comments can be submitted and included in the NPRM docket.

And I think that NPRM itself is going to provide the task in terms of what the Coast Guard is looking for comment on. It's fortuitous, this is a time when the stars are in alignment where we have an open comment period on Coast Guard regs and the committee is actually meeting, so it's a really good time for the committee to provide that commentary as a group. And that will go to the docket itself, will it not?

CAPT WILLIAMS: And the comment period is open till December 18. I do encourage you to comment and actually to ask other people to comment.

(General discussion regarding committee organization.)

(The meeting was recessed in order to reconvene subcommittees/working groups.)

CHAIRMAN DZUGAN: We'll come into session again. I think we want to hear some reports for the two committees that have been working separately.

MR. DAMERON: For general discussion...So my previous motion before we split off into committee meetings, that really had to do with the proposed rule, and when we went into subcommittee, we were tasked with giving the Coast Guard suggestions on the proposed rule. So we would just like to include that with these other three motions that we have and we see the full committee not only making these motions to advise the commandant but also to put it into a letter form that would be submitted with the public comment.

MOTION #12 (Motion 12-15 are from the Training Subcommittee)

MS. CONRAD: I would make a motion that the motion that passed this morning from Tom Dameron would be included in the coming motions, so when we write a letter on the docket to give our feedback, that gets incorporate with the other three motions.

MR. DAVIS: Second.

CHAIRMAN DZUGAN: Okay. We've got a first by Karen and then a second by Alan Davis. There's a motion on the table. Any discussion? (No response.)

MR. MATTERA: Call the question.

CHAIRMAN DZUGAN: Any opposition to the motion? (No response.)

CHAIRMAN DZUGAN: Okay. Then that's been unanimously passed, accepted. Thanks for forcing that through there.

Motion #13

MR. DAMERON: Our second motion is that The U.S. Coast Guard Authorization Act of 2010 was specific in language and congressional intent in applying certain safety regulation to all fishing vessels operating more than three miles beyond the baseline. This supercedes the discretionary authority between documented and undocumented vessels. According to NIOSH, there is no evidence in the scientific literature that documented fishing vessels are at a higher risk

of casualties than state-numbered vessels operating in the same fishery, since the hazards are identical on both types of fishing vessels who operate side by side in the same fishery and using the same gear. The committee recommends applying all of Subpart C to state-numbered vessels as soon as possible to achieve parity in Fishing Vessel Safety regulations.

MS. CONRAD: Second.

Motion adopted by unanimous consent.

MR. DAMERON: Something I noticed, it did originally say more than three miles beyond the baseline. Should we add nautical miles, should we add nautical to that?

CHAIRMAN DZUGAN: If it's okay with the second.

MS. CONRAD: Yes.

CHAIRMAN DZUGAN: Any discussion?

MR. BOEHMER: Call for the question. (No response.)

CHAIRMAN DZUGAN: Then let the record show that it's been adopted by unanimous consent again.

Motion #14: We recommend the U.S. Coast Guard develop a table of which vessels would be required to have an inflatable buoyant apparatus, a valise-packed or self-release survival craft, so that both the fishing industry and the survival craft industry would know what is required. And we reference Section 28.120.

MR. MATTERA: Second.

CHAIRMAN DZUGAN: Second by Mr. Mattera. Any discussion? (No response.)

CHAIRMAN DZUGAN: Any objections to the motion? (No response.)

CHAIRMAN DZUGAN: Again, unanimously accepted, adopted. Thank you.

Motion #15: MR. DAMERON: The Coast Guard should require at least one crew member onboard be a certified drill conductor and the drill conductor certification be valid for five years. Reference Section 28.270.

CHAIRMAN DZUGAN: Is there a second?

MR. MATTERA: Second.

CHAIRMAN DZUGAN: Mr. Mattera. Any discussion, questions, comments. (No response.)

CHAIRMAN DZUGAN: Hearing none, unanimous consent, it's been adopted.

Motion #16: MR. WOODLEY: Our Subcommittee recommendation to the group was that this be approved by the full committee as written, and I've flagged a couple of spots that need some small changes.

CHAIRMAN DZUGAN: Do I hear a second? I'll take that as a motion, and do we hear a second?

MR. ROSVELD: Second.

CHAIRMAN DZUGAN: Discussion, questions?

MR. HOCKEMA: I have a couple of things. I think that Mr. Woodley probably caught all of these at this point, but as he mentioned, we found a few actually more than a few musts and to be and all this kind of stuff, rather than recommended and should. And so we would really like the Coast Guard to make sure they go through and scrutinize the language and make sure it's in a should and recommended state rather than must and shall and is to be.

CHAIRMAN DZUGAN: But on this particular motion, is there any other discussion?

MR. WOODLEY: Or friendly amendments?

CHAIRMAN DZUGAN: The motion by Chris and second by Eric Rosveld

MR. WOODLEY: I was just going to take the things that you had identified and we'll change those and then that will be the final. I have to go back.

MR. DAVIS: To accept the changes as discussed in full committee.

MR. WOODLEY: Yes.

CHAIRMAN DZUGAN: Any other discussion? Going once, going twice.

(No response.)

CHAIRMAN DZUGAN: Call for the question?

MR. MATTERA: Call for the question.

CHAIRMAN DZUGAN: Thank you. All in favor signify by raising your hand.

CHAIRMAN DZUGAN: Keep them up for a second. Okay, it's passed.

MR. DAVIS: What's the count?

CHAIRMAN DZUGAN: Twelve to one.

Motion #17: (Enhanced oversight Program)

Mr. Woodley: Our subcommittee recommends the following rollout for the EOP: That district

coordinators meet with the industries in their region and seek input on the EOP prior to any formalized notice of availability in the Federal Register. Part B, the committee provides some explanation in the form of a letter which explains the process from ASCP to EOP, how it evolved. Part C, that the Coast Guard needs to emphasize that these are voluntary recommendations that are largely based on recommendations made previously by the Coast Guard. Part D, that the Coast Guard maximize distribution of the multilingual document in English, Spanish and Vietnamese through the regional and specific trade gear associations, fishery related press, Coast Guard NMFS website. And then the last item of this motion would be provide Coast Guard examiners with copies of the document once it's completed. So that's the first motion.

MR. BOEHMER: Second.

CHAIRMAN DZUGAN: We've got a motion and second by Kris Boehmer. Discussion?

CAPT WILLIAMS: I'm not a member of the committee, but I do have a question. We had a little discussion yesterday about how the voluntary standards would be viewed upon by surveyors, and therefore, insurance. And so I just want to make sure that if we go out with a published document, even though we're saying it's voluntary, the Coast Guard would say it's voluntary until regulations could be developed. The unintended consequence that was talked about yesterday.

MR. BOEHMER: I don't think any further than what we had in here.

MR. WOODLEY: And Capt Williams, Mr. Chairman, not everything in this document comes directly out of the existing 5-86 NVIC that currently is voluntary recommendations to the fishing industry, but a lot of it is in there already. I mean, I suppose that's something we could do would be compare what's on this list, see what's in NVIC 5-86 and see if there's any concerns.

CAPT WILLIAMS: So why is most of it redundant from an existing NVIC, why now would it suddenly be considered by a surveyor maybe required. And the second point is that if we didn't go out with a published document but it was more like we had to discuss educational outreach, if we're not capturing it on a document or something like that, then it truly becomes more educational and less misinterpreted as a requirement. Definitely I know the Coast Guard wants to avoid any kind of misperception that it's required. I'm wondering if there's something that you guys are thinking about that would make it be better so it's not misconstrued as requirements. If we go out strictly as an educational outreach where we talked about communicating more with

the fishermen and the individual fleets, that sort of thing.

MR. DAVIS: I think I may have Machiavellian plans to help alleviate that problem with a couple of motions once this one is done. The things that I talked to you about seem like that would negate the concern.

CAPT WILLIAMS: Okay. So never mind then.

MR. HOCKEMA: A little bit of history. We've brought NVIC 5-86 into the discussion, and actually, at the time that NVIC 5-86 was published, that was pretty much the intention of NVIC 5-86. It was a voluntary standard but it was really focused on education of the industry, and unfortunately during the time of 5-86 or fortunately, however you want to put it -- during the time of 5-86 when it was published, we were not in as litigious a society as we are now, we were just starting up the ramp, so to speak. And by the mid '90s, 5-86 was found to be by some of the industry to be a liability document, and so that changed.

But I think your comments, Capt Williams, are very relevant on how we should do this, and hopefully Mr. Davis has some ideas there.

CHAIRMAN DZUGAN: I'd like to suggest to somebody to maybe make an addition, and I might be accused of micro-managing the Coast Guard Fishing Vessel Safety Office, but I think for me or somebody in the industry who gets asked questions, how come I've never heard about this before, where did this come from, what did this come from, I think it would be really helpful for the Coast Guard to have a scheduled list from the coordinators of contacts they've made with industry on this. Whether it be meeting with groups or meeting with individuals, so that I and other people can say, when they say they haven't told this to anybody, I can go to Jack's office and say, How many contacts have you made in the last twelve months or six months? And I can provide some support for the Coast Guard that way.

Again, I might be guilty of trying to micro-manage that office, but it seems to me it would be really helpful for staff to have or other people to have that information so we can help make the industry aware that there are efforts being made. And I don't know, maybe you've already gathered that information.

MR. DAVIS: The idea being that the district coordinators and their staff have 117 meetings of which there were 87 people that showed up, they made an effort, or there's 870 people that showed up, which would be much better.

CHAIRMAN DZUGAN: It's kind of the same thing we have to do as a nonprofit when we're

reporting on our intervention efforts or efforts in marine safety. We have to provide numbers for people, otherwise, they don't give us money anymore, and we have goals and objectives that we're supposed to do. And again, pardon me if I seem like I'm micro-managing, but this is a public health project that we're doing here in marine safety and those kind of numbers would be really helpful, I think, for you in that office if it's not too onerous.

MR. WOODLEY: Mr. Chair, I would consider that a friendly amendment to my motion.

CHAIRMAN DZUGAN: Mr. Mattera?

MR. MATTERA: I agree 100 percent with you, Jerry. I mean, when the 2010 and 2012 Auth Act came out, we went to great lengths to get the communication and get language out there. You put it in Commercial Fisheries News, you had a foldout there, I wrote some articles on it, I'm certain you had local publications in the Gulf. And I would encourage that the Coast Guard get this out there so at least the buzz gets out there. You know, when you're out at sea, especially you're out 30 or 40 days, you've got to have something to talk about when you get to the 35th day, and here it is. And so that people don't come in and feel like they're blind-sided. That's the worst, when you start off with a crowd that feels blind-sided, you can't get to B on the agenda because they're just going to bitch and moan the whole time.

CHAIRMAN DZUGAN: For the record, that was a friendly amendment then by Mr. Mattera, if that's okay.

MR. DAVIS: Is that amendment accepted by the motioner and the seconder?

MR. BOEHMER: Accepted by the seconder.

MR. WOODLEY: Yes. So for language in here, record of these activities should be maintained.

HOW EOP CAME ABOUT:

CAPT WILLIAMS: I don't think people on this committee understand how it happened. I mean, even just as we're sitting here right now, I don't think that you guys are hearing or understanding what we've said about the Auth Act. So the Auth Act came out and it basically said you have to have classing requirements for these vessels that are over 25 years, et cetera. Well, alternative standard to what? There's no standard that exists, so how do you have an alternative to something that doesn't exist? You have to develop a regulation that has stability standards and loadline standards and a NPRM, which is right now going on, and then once those exist, then you can develop an alternative.

This tool, whatever we were just working on, is a product that apparently-- and I don't know

because I wasn't stationed here, but we had a couple of meetings on the West Coast and came up with a whole bunch of different elements that could potentially be above and beyond what the regulations are. So for vessels that can't possibly comply with the classing rules because they're already in existence and they wouldn't be able to meet those requirements, what would be an alternative or an equivalent level of safety to get them where we want to be for that safety piece of it. Right?

So that's why they came up with this baseline document that has a lot of recommended items. That's the baseline document, and then the Auth Act goes on and says you can that programs may be developed for purposes for specific regions and fisheries based off the baseline document. So you start with a baseline document, then you go to the regions and you say, okay, what applies to me as a distant tuna water vessel. And then that's what you develop individually as a fleet by fleet or region by region. But you've got to start somewhere and the very first thing we have to start with is that NPRM that introduces a new regulation that currently doesn't exist for classing and loadline. And it was a poorly written law that required something that doesn't exist yet, an alternative to something that doesn't exist yet, and so that's why we're kind of in this quagmire. And I know it's frustrating, it's definitely frustrating from the Coast Guard's standpoint, because it's really hard to explain all of that because they keep on saying, well, you know, you've got the ACSA, it's already going on. Well, that was based on another requirement, two different types of vessels that also couldn't meet the requirements. But in that situation, the regulations already did exist and that's what they built the alternative to.

That's where we've got to get to with the rest of the fishing vessels, these older vessels. And it all takes time, it does take a lot of input, and I hear things like you're not listening to me, all the work that we did just got flushed down the toilet. It hasn't, we're still considering everything, it's like one step at a time. And you know, I mean, we're going to do the best that we can to communicate things with the fishing industry. I really don't know what to do about the voluntary part of it, like it's voluntary, it's not required, it's up to you if you want to be a safer vessel.

So that's essentially how we got here, and just so you know, I just reported in recently, it was right before I checked in to headquarters that this revelation came about. So you guys were in the midst-- and I say you guys- Coast Guard and fishermen were in the midst of developing what you thought was going to be the ASCP. Right? We were all going down that road, even the Coast Guard was, and then at some point-- and I'm not sure if was attorneys, lawyers—that

basically realized Coast Guard, you actually don't have the authority to do this at this point, there's a couple of steps that you have to do in between.

So because there's a deadline associated with the Authorization Act, we had to come up with something to say to the Hill that: Hey, we're working on it, we're trying to meet the intent of your requirements, and that's why we want to do this enhanced oversight program. So okay, how do you enhance oversight? We already do post SAR, we do post terminations, what other things can we enhance? And the only thing that we really came up with were voluntary things, like either you introduce new safety regimes to your vessel or you're not. But should there be more that we do from the Coast Guard's standpoint to enhance our oversight? The answer might be no. The answer might be mandatory every two years, it might be mandatory every one year exam, it could be something like that.

But that's how we got where we're at, but that's a lot to say to individual fishermen. You guys get it, you're the committee.

CHAIRMAN DZUGAN: Thanks, Captain, for the background on this. I think what we've got with this motion that is on the table here is a step in that direction, so let's continue with that motion and let's see if there's any other feedback.

Chris, do you have something else?

MR. WOODLEY: No. I'll follow up with Capt Williams.

CHAIRMAN DZUGAN: And is there any other comments on the motion? (No response.)

CHAIRMAN DZUGAN: Hearing no other comments, would someone call for the question on the acceptance of these voluntary guidelines?

MR. DAVIS: Call for the question.

CHAIRMAN DZUGAN: The question has been called. Let's do this by show of hands. All in favor signify by raising your hand. (A show of hands.)

CHAIRMAN DZUGAN: I see that it unanimously passes.

MR. HOCKEMA: Greg is not here.

CHAIRMAN DZUGAN: Oh, Greg is not here. Of all of those present at the moment which is eleven people. There are no dissenters out of the eleven who are present.

MR. DAVIS: And while he's doing that, I know how hard it is for government agencies to post something and have a meeting and only have five or ten people show up.

CAPT WILLIAMS: Or two.

MR. DAVIS: Or two. I've been there when nine people showed up and eight of them were unhappy about something. That's what motivated them to show up.

MR. BOEHMER: That's one of the reasons to explain how the rollout came about.

MOTION #18:

The subcommittee recommends the following oversight procedures to ensure that goal (safety is attained):

(A) The Coast Guard should support a two-year dockside exam interval instead of the five-year interval proposed in the notice of proposed rulemaking, as listed in 46 CFR 28.201;

(B) The Coast Guard should develop a voluntary program for dockside examiners to evaluate how a vessel meets or does not meet the recommendations in the EOP; this evaluation should be a combination of voluntary interviews, data capture, and checklists/examinations;

(C) During the course of dockside exams, the examiner should talk in depth to the master about EOP matters that are of particular concern within the region, e.g., man overboard, deck entanglement, whatever the issues might be; the evaluation is voluntary unless non-compliance with EOP items are creating an especially hazardous condition that requires termination or a captain of the port order.

MS. CONRAD: Second.

CHAIRMAN DZUGAN: Second by Karen Conrad, first by Chris Woodley. Any discussion?

MR. HOCKEMA: I might have missed it, do we have any place in here that mentions that this should be approached partially as educational?

MR. WOODLEY: That's in the next motion. It probably could have been rolled into this one, but I was answering four separate questions.

MR. HOCKEMA: Thank you.

CHAIRMAN DZUGAN: Any other comments, questions? Mr. Mattera.

MR. MATTERA: Could you give me an idea of what you mean with B, the voluntary program for dockside examiners evaluate?

MR. WOODLEY: We had talked there's a number of items on this document right now that would be like checklist items. An examiner comes onboard and he can look at the lagging, he can look at the various things on there, and they're actual visual checklist items. There are some

things on there like dry docking or internal intervals where you're going to ask questions, and our view was that if you're going to ask a question and you don't record an answer, what good is it? It's just a conversation, it doesn't give the Coast Guard any data or the industry any data to move forward when it comes to policy.

And we need to go through the document to see what falls into what categories. So the interview, data capture and the checklist, those are the kind of components that we saw. There will be different parts to it, there may be a data collection piece, but not everything is examined in and of itself.

MR. MATTERA: I think that's an excellent point. Thank you.

CHAIRMAN DZUGAN: Mr. Dameron.

MR. DAMERON: So by the Coast Guard developing this voluntary program with dockside examiners, are you envisioning that that would include additional training for these dockside examiners? Because right now, from what I see, the dockside examiners are trained to review this very set list of emergency equipment. So my question would be are these dockside examiners, do they have the competency to carry out examinations of this EOP criteria?

MR. WOODLEY: I'm not in the Coast Guard anymore, but I would at least offer I think very experienced examiners, no problem. I think for people who aren't experienced examiners, yes, I think there would be an additional component of training. Because you're right, depending on their experience and how long they've been there, this could be a training issue for Coast Guard examiners.

MR. DAMERON: Should we mention that in B?

CAPT WILLIAMS: The new regulations too would introduce requirements for training for all of the examiners just to make sure they're familiar with the regulations and the programs, so it should be added. I would even say dockside examiners and boarding officers, all Coast Guard personnel, because if they interact with a vessel at sea, they should know what programs are out there and apply.

CHAIRMAN DZUGAN: Is that okay with the seconder and everybody?

MR. WOODLEY: It's an excellent point. Yes.

CHAIRMAN DZUGAN: Any other comments on this particular motion with these four points? Going once, going twice.(No response.)

MR. MATTERA: Call for the question.

CHAIRMAN DZUGAN: The question has been called. All those in favor signify by raising your hand. (A show of hands.)

CHAIRMAN DZUGAN: It passes unanimously.

MR. WOODLEY: Lastly, Mr. Chairman,

Motion #19:

The advisory committee recommends the following to promote adaptation of the EOP by the fishing industry: (A) make it voluntary, make it educational for Coast Guard and the industry; (B) continue to work with the fishing industry to incentivize the program.

Then part (C) organize the EOP to distinguish between loadline, class and safety equipment training related issues. That probably goes more to how we organize this and it will help us identify what the training gaps might be.

CHAIRMAN DZUGAN: That's the motion. Is there a second?

MR. BOEHMER: Second.

CHAIRMAN DZUGAN: Mr. Boehmer second. Motion by Chris Woodley, second by Kris Boehmer. Discussion, questions? (No response.)

MR. MATTERA: Call for the question.

CHAIRMAN DZUGAN: The question has been called for. Again, all in favor signify by raising your hands. (A show of hands.)

CHAIRMAN DZUGAN: It's been unanimously adopted.

Motion #20:

ALAN DAVIS: Motion to use the term "voluntary safety program for commercial industry vessels" instead of "enhanced oversight program" as the terms enhanced oversight do not, by their definition, indicate that the program is voluntary and creates a negative connotation to our constituents.

MR. LONDRIE: Second.

CHAIRMAN DZUGAN: I heard a second over here, that was Greg. Greg second, motion by Alan; first by Alan, second by Greg.

CHAIRMAN DZUGAN: Any discussion?

MS. CONRAD: Well, if you start off calling it voluntary, does that mean people just close their

ears and say I don't need to deal with it?

CHAIRMAN DZUGAN: Mr. Hockema.

MR. HOCKEMA: I agree with this, and for the same reason as the Captain has mentioned. In addition, I'd like to say the enhanced oversight program, whatever you call it, still is in place but you don't have to call it that to the people that you're outreaching to these voluntary standards.

MR. DAMERON: One more point. The enhanced oversight part of this seems to rely on existing Coast Guard authorities anyway, so that part of it is kind of internal to the Coast Guard and really doesn't need to be publicized as an enhanced oversight program.

CHAIRMAN DZUGAN: Voluntary enhanced oversight program. We have a motion to call it the "voluntary safety program for commercial industry vessels." That's what's on the table? Any other comments or questions about that? (No response.)

MR. MATTERA: Call the question.

CHAIRMAN DZUGAN: The question has been called for. Are there any objections to the motion? (No response.)

CHAIRMAN DZUGAN: Hearing no objections, then it's been adopted as stated.

MOTION #21: MR. DAVIS:

Motion to have the district Fishing Vessel Safety Coordinators and their staffs meet with a representative of the different fisheries and gear types in their districts, share the Coast Guard and NIOSH data on their particular losses and share the up-to-date information on the Coast Guard voluntary or alternative programs -- name to be inserted. These meetings should be used to discuss the key risks in each fishery and/or gear type and to collaborate on possible steps that can be taken to mitigate them.

CHAIRMAN DZUGAN: To mitigate the risks?

MR. DAVIS: Risks.

MR. MATTERA: Second.

CHAIRMAN DZUGAN: Second, Mr. Mattera. Discussion?(No response.)

MR. MATTERA: Call for the question.

CHAIRMAN DZUGAN: Any opposition (No response.)

CHAIRMAN DZUGAN: Hearing no opposition, then it's been adopted as stated. It passes.

MR. DAVIS: I would like to formally clarify something from earlier. I made a motion to have the district vessel safety coordinators and their staff to meet with representatives of different fisheries and gear types. I did not mean in any way to impugn or imply that the district vessel safety coordinators and their staffs are not going out amongst the people and doing their work. What I was doing through this motion is trying to facilitate, empower and finance them for going out and doing their work.

CHAIRMAN DZUGAN: I would just make sure that that's in the minutes of the meeting, because I may have implied the same thing. So that clarification is welcome.

MOTION #22:

ALAN DAVIS: Motion to add inspect dryer and dryer venting as part of the fire protection section of the voluntary safety program guidelines/EOP, in case that didn't get taken care of in the earlier adjustments.

MS. CONRAD: Second.

CHAIRMAN DZUGAN: Second by Karen, moved by Alan. That was just limited to inspection of? MR. DAVIS: Dryer and dryer venting.

MR. BOEHMER: Can I suggest an amendment to that? Vent closures in general spaces to have someone check on the air if there's a fire.

MR. DAVIS: That wasn't in there already?

MR. BOEHMER: I don't think so.

MR. DAVIS: I'm happy with that. Vent closures to interior spaces or engine room spaces?

MR. BOEHMER: Interior.

CHAIRMAN DZUGAN: Any other discussion, comments?

MR. MATTERA: Call for the question.

CHAIRMAN DZUGAN: The question has been called. Any opposition? (No response.)

CHAIRMAN DZUGAN: Hearing no opposition, it's been adopted as stated, unanimously.

BREAK:

TASK STATEMENT- ALTERNATIVE CONSTRUCTION STANDARDS AND CERTIFICATION FOR NEW COMMERCIAL FISHING VESSELS:

CHAIRMAN DZUGAN: Let's hear some of the background to the task statement that's left over. This is on 50 to 79 feet commercial fishing vessels.

MR. KEMERER: Everyone should have a handout about the revision of Section 4503 from this year's Auth Act, We're not going to have time to break into a working group on this, so I thought with just some general discussion and maybe some preliminary feedback from the committee on the questions that we were seeking for you to give us some feedback on. That subsection E allows for new construction of fishing vessels between 50 and 79 feet to build to an equivalent, a class standard equivalent but not get certified by class and not required to maintain a class certificate. So it gives some relief for these smaller vessels, but there's specific criteria in the Act and into the Code that the vessel needs to be designed by a naval architect or a marine engineer and that incorporates standards equivalent to those prescribed by class. And then construction of the vessel is overseen by a marine surveyor to ensure that the construction followed the design by the architect.

And then there's stability requirements there as well, any alteration or change to the vessel needs to be reviewed by the architect or marine engineer to make sure that the standards are still incorporated and that it's not going to affect the stability requirements and so on. And then periodic surveys and records of all this is maintained by the vessel owner and operator. So there's some significant requirements in that subsection and we've been asked a couple of times about, well, how are you going to do this or how are we going to verify this and so on, so those were the kind of things I was asking.

So when it says about the vessel design by the naval architect incorporating standards equivalent to class, how would you recommend that we validate that or verify that that's been done?

Someone has suggested that the naval architect or whoever designs the vessel certify in writing that equivalent standards were used or which class standards were referenced in putting the design together. So we'll go through these and get to it.

So is that something that's feasible from the engineer or architect perspective? Is that something that you would consider something you could do? And then this would become part of the vessel record file and MISLE as well, just like a class certificate we would put in the vessel file. But it's kind of an accountability verification that this is how it was designed and the purpose.

CHAIRMAN DZUGAN: Mr. Hockema.

MR. HOCKEMA: Yes, I would be an advocate for a certification from a naval architect and also from the marine surveyor that-- let me start over-- from the naval architect that the vessel was designed to a standard equivalent to class, and from the marine surveyor that the vessel was built to the design that was equivalent to class.

Now, how far to go with this is the big question. I feel very strongly that the Coast Guard should receive some form of certification from both the naval architect and the surveyor, and how far to go with that, again is the question. I think that just simply saying that the entire vessel is designed to equivalent to class is not adequate, however, there are major categories of the construction, such as structure, arrangement, machinery, electrical, to name a few, most of them, that you could split into those groups. You could further split it into individual systems. And it depends on the complexity of the vessel, but when you look at this from an equivalent to class standard, if you use the class rules as your guideline and we use class rules as guidelines in all of our designs but we don't necessarily follow the full class rules because of the same reasons that are a concern here so we would want to state where we might have made changes that on paper they were less than the class standard but in actuality we felt that they were equivalent to class. But the question remains how far to go with that. I don't have the answer today, but it is worth investigating and developing something, and I would be willing to help the Coast Guard in determination of that. Again, it won't happen today completely.

So that's the initial construction. I believe that's what you were getting at here. We could probably hear from others before we go to the changes involved in the thing too.

MR. KEMERER: And a follow up question then on that. I think I understand your feedback. When you incorporate standards or reference class standards, do you always use the same class society standards or for engineering you might use DNV or for structural you might use ABS, or do you stick with one society's standards for reference?

MR. HOCKEMA: We normally-- well, in a larger vessel that is classed, we will generally use just the one class agency's standards, however, even in larger vessels that are classed, there are gaps in some class standards that may be present in others. An example of that is on a large vessel we designed a few years ago, it was an ABS classed vessel, we designed to ABS, but the pilot house windows were 70 feet above the waterline, and ABS didn't have a good standard for determining thickness of the pilot house windows, but Bureau Veritas did, and we proposed to

ABS that we use Bureau Veritas regulations for that, very well thought out, and ABS accepted that. Here I would say that we'll run into the same thing in a different context, though. ABS, for instance, is a little bit weak on fishing vessels, DNV-GL has better fishing vessel standards, but there may be a gap in both of them that we're not feeling so good about. So we would tend to justify a design even if it met two or three different class agencies, but we'd cite those things. Now, there are other cases where there may be class rules that we just don't think are applicable to a fishing vessel and we would like to be able to say that those things really don't work for a fishing vessel, and we've taken a little bit different approach, which in some cases is just here's what's worked in the past.

For instance, I have a situation just like this right now today. The front of an aluminum pilot house that we're designing for a 90-foot trawler that operates in the Bering Sea, it's a retrofit, we're having trouble with ABS rules because it doesn't fit that category very well, but we've gone to a different rule set which is ABS high speed rules which addresses aluminum vessels, but now it's a little bit too light.

But I have another vessel that I designed a pilot house for 20 years ago, they operate in the same region and they're 125 feet long, and they've taken numerous green water hits on the front of the pilot house and have successfully survived it. So we're going to use that circumstance to design our new pilot house for this other vessel because the class rules don't quite fit there and it's this issue of decades of successful operation. Now, that may be getting out on the edge of what the law will allow here, but the law in my case is not applicable because it's a retrofit in this case. But the law says licensed naval architects or marine engineers, so that means I have to have a professional engineer's license and my professional engineer's license requires me by law to design to an accepted standard. That in itself, there's some teeth in the law in that issue, and I heard when the law was being developed there was some comments going back and forth in industry and they were concerned that these licensed engineers are not going to do the right thing. The word naval architect or marine engineer was added; originally it was only a licensed engineer. But I can tell you if I step out of line a licensed professional engineer, I can have disciplinary action against me by the state that I'm licensed in.

CHAIRMAN DZUGAN: Questions, comments? Mr. Mattera.

MR. MATTERA: You know, we're very concerned about 25-plus-year-old vessels that are probably averaging close to 40 years, and the answer to that is to at some point the economics

are there to justify building new vessels. I am not opposed to building vessels with stricter standards than in the past.

I hate to pick on Greg, but may as an example, are you a naval architect? You've built 250 vessels and you could easily build 50 more in the next two or three years.

MR. LONDRIE: Most of the boats we built were basically identical. There were minor changes. Basically, all of the designs that we used are still my grandfather has passed on but all of his designs are still in place in our offices.

MR. MATTERA: I mean, I built my boat in the Bayou La Batre, and we didn't even have lines. I had to haul it and take lift lines and everything else to do stability.

So how do you feel? And I don't mean to put you on the spot, but I'm going to put you on the spot. How do you feel dealing with this? Because I'm certain you want to build a higher class standard of vessel that meets some class.

MR. LONDRIE: Yes. But I'm also in an industry I don't foresee us ever building any more boats. And a lot of this would rule out people in that industry being able to because of the costs and such involved. A lot of this I can't speak to because our industry, a 70-footer would cost at least a million dollars. No one has got that kind of money in our industry, nor would they ever be able, in the current conditions, to be able to get their investment back in any kind of reasonable time.

CHAIRMAN DZUGAN: Just for clarification, Greg, are you saying that because of these standards?

MR. LONDRIE: When this first came across our desk, if we ever had intentions of building a boat, we'd never do it.

CHAIRMAN DZUGAN: So whether you would even build another boat without these even is still a question mark, it sounds like, because of the state of the industry.

MR. LONDRIE: Oh, yeah.

MR. DAVIS: Well, to be clear, though, the document that we're reviewing is building them to standards but not using a class society and the fees that might be imposed to building to a class society. This is just saying build a good boat with some smart people involved.

MR. ROSVELD: It is saying a little more than that. Hal's involvement and a naval architect would be for every system in that boat. Currently I can go get an architect to design me a boat and then I can go someplace else and have the electrical done and the plumbing done and the

wiring done for a lot less cost than it would cost to have a naval architect draw it up and have somebody follow that drawing. This will cost more.

MR. DAVIS: Not being in that sector, I didn't realize you could-- I've seen where people have gone out and basically done like this and built boats, or I've heard stories about people that have built boats in their backyard that way, but I didn't realize that there was an in between where you use a naval architect for the hull and machinery.

MR. ROSVELD: Well, in our case, Hal would design the entire boat including the machinery, but we just wouldn't use that part of his design. That currently is allowed.

MR. HOCKEMA: To explain further on that, our customers at this point, like Eric, we typically design the traditional portions of the board, the lines which defines the shape of the boat, the general arrangement and profile which defines the internal arrangement of the vessel, the structure, the mast structure, and then we do some basic piping diagrams. The ones that we feel are the most important as far as safety, fuel diagram, bilge diagram, and fills, vents and soundings, and sometimes we'll do the seawater circulation system for the hold. A lot of these boats are flooded fish holds with refrigerated seawater or live tanks.

We don't generally do the domestic freshwater diagram, we don't do the electrical. We have that capability but they won't pay the money to do it, so usually the small yards hire an electrical contractor locally to do it.

And so if we go to class, then you need to have drawings of more systems. However, I can say that once you've done that for a certain vessel type, it's a lot easier to do it for the next one, but it's still more expensive. So we have to get to a point where, for instance, even if you're going to class, I'm not going to design Eric's hydraulic system, I'm not going to design his refrigeration system because there are specialty equipment suppliers that do that already and they do a really good job. We've got those people in the Seattle area, for instance, and in Alaska and Oregon. So how far to go with this is the question. When you go back to class rules, then okay, you'll submit such-and-such drawings, you go and you do so much. Now, if you're going equivalent to that, you can say, well, I've got to do all that stuff anyway. But I would advocate pulling back from that a little bit and saying because Eric is using a hydraulics guy who's done all kinds of hydraulic systems, he might not even be a professional engineer, the hydraulics supplier, but there's a lot of cookbook things in these boats. In the case of vessels under 79 feet, it's not an architect designing a whole building like this building we're in. In building construction there's a

such thing as a residential designer. They're allowed to design things up to 3,500 square feet and light construction, those kind of things. So we have to find kind of a happy medium here, but I'm not for the engineer who just says: Oh, I've got a one paragraph letter, I designed this equivalent to standards, good, put my stamp on it. We can't really do that from a licensed engineer standpoint anyway, but I do know some guys that are a little loose with that, and so it can be frustrating for some of us who are trying to go by the rules, so to speak, when that happens.

MR. KEMERER: So on these other systems, the electrical and maybe the hydraulic and maybe even some of the propulsion stuff, the folks that do that work then, do they incorporate some marine standard, ABYC or some other standard when they install that?

MR. HOCKEMA: I would say that let's take refrigeration as an example, the answer is basically yes. And it depends. Again, you've got some of the refrigeration guys are really good, they're so good that I could never touch what they've accomplished, and some are just gypo guys starting out, maybe he used to be a fisherman. So there's a differentiation there too, and I don't know how to address that, actually.

Hydraulics, too, for that matter, and it depends on the quality of the owner and how much he's willing to pay and if he's willing to try somebody new that really has got an idea. I've seen a lot of situations where hydraulic systems and refrigeration systems have not worked out because somebody thought that they had a great idea and it didn't quite work for them. It wasn't necessarily a big safety issue, the system just didn't work very well.

So those are hard to say. You know, if you take a refrigeration system, usually if you're classing, the class society wants to make sure that those compressors and chillers and all those kind of things and the valves are all designed to a certain standard. They may accept those at various levels. Sometimes they have to certify things, but sometimes they just want to get the manufacturer's cutsheet, so to speak, to make sure that it's a manufactured product that is done that way.

So for us, we don't really have a good way of handling that, I think. But again, for those basic things like the arrangement of the vessel, the structure, and the systems onboard, the basic ship systems, so to speak, we have all that ability. And the electrical side is actually pretty simple as long as you're not getting into designing switchboards.

MR. DAMERON: Mr. Chairman, the question for Hal, it sounded like when you were talking

about the vessel structure, the ship systems, the line, general arrangement profile, we were talking about the part of the vessel that's actually built by the yard and not necessarily the equipment. The engines aren't being built by the yard, they're being installed, the refrigeration systems. So I wonder if a vessel built to classification standards, if we couldn't look at that as the vessel, the structure, the lines, the general arrangement and not include things like machinery that is being manufactured somewhere else, it's not being built at all, and installed on that vessel.

MR. HOCKEMA: I'd like to respond to that. Those are good points, and if we go out a little further, in full classification you have the options for basically optional classification standards. For instance, your crane and rigging is not part of the base classification of the vessel, so if you have a crane onboard, unless you request that that classification is done and there are classification rules for cranes and for rigging -- then you don't have to do it, it's an optional thing. And I would say that in this case the lies is written around the base classification issues, so crane and rigging wouldn't come into play. It's important stuff, though. On Eric's salmon seiner and Bobby's tuna seiner, I've done rigging designed for both of those and those tuna seiner booms are 80 feet long or more, and even on the smaller boats there a big deal. But there isn't any provision in classification for those to be required to be classed, you can do it optionally.

As is a refrigeration system. A refrigeration system, you can get a refrigeration class and it's common amongst refrigerated cargo vessels, you can get an optional class for those, and I think it's required for if you get the notation for class. However, the refrigeration equipment, as hydraulic equipment, there are some safety hazards involved there, high pressure, poisonous gas, those kind of things. And so you have to make sure that the refrigeration equipment, for instance, is manufactured by a reputable outfit, and that's usually never a problem.

But some of the things we've talked about here, you've got to make sure that the refrigeration relief valves are vented to atmosphere, not into space itself, and those kind of things. And those are the things that are the big safety issues, not the refrigeration compressor itself, that's a very reliable thing, and the chillers and those kind of things, and even the valves. So the big thing is is that thing going to poison somebody.

But the class issues mainly involve the ship or the boat itself and its hull systems, as we call it, which are those main piping systems and then electrical systems that support the function of the basic vessel. And there are things called vital systems, of course, and what we class as vital systems, your propulsion controls, a variety of other navigation issues and those kind of things.

CHAIRMAN DZUGAN: Joe, you've been patient.

MR. DERIE: I just wanted to comment, probably reinforcing some of what Hal is saying. I've been asked to look at new builds or be involved in new builds, and my big concern is what standard are you building the vessel to. You've got a guy like Hal who drew a great plan, but then you've got the systems. Is the electrical system an NFPA 302, ABYC, IEEE 45, are you using ASTM standards, ASME standards, ABYC standards for other things, and is it a maritime standard. And a lot of time, Harry and Phil over here, they've done a lot of work for me and we're going to have them put it in.

So any concern I would have is if you're doing something like this, you have to use a maritime standard, and whoever builds it, who is constructing that part of it is qualified to do that, and then you've got somebody checking, you have to have a checker in the shipyard to be sure they're following the plans and specifications.

CHAIRMAN DZUGAN: Alan, you had something.

MR. DAVIS: I'm trying to figure out how to wordsmith this; it might help us. Looking at E1, vessels designed by an individual licensed by the state, naval yard architect, yada yada yada, if we added a sentence at the end that said: All vessel systems designed and provided by anyone other than a naval architect or marine engineer should be designed and built to accepted standards.

MR. DERIE: And say accepted marine standards.

MR. DAVIS: But does that give us the wording that we need to say that all the stuff that keeps the boat upright and watertight is designed by a marine architect, naval engineer kind of people, and then all the ship systems that are provided need to be done properly to accepted standards.

Does that help cover the vessel owner builder person and the gap that we perceive?

CHAIRMAN DZUGAN: I want to just interject something here to maybe alter the conversation a little bit. When I look at these tasks, this is the law on the first side, that's kind of a given well, it's a given, stop using kind of. The tasks 1 through 8, 1A through 1H says: A) document, what's going to be required for documenting; B) which would require the marine surveyor to document how it was constructed and designed; C) what documentation should be required for stability testing instructions; D) how should the Coast Guard be notified; E) condition surveys, how should they be reported to the Coast Guard, how should out of water surveys be reported to the Coast Guard; stability reviews reported, how should record vessels be maintained.

This is sounding like; it seems like we're talking too much about the first page and not enough about; this is documentation and reporting and record keeping, like where does the buck stop, who's responsible for this. And I'm trying to get at, am I off base?

MR. KEMERER: No. That's exactly right. What I was looking for here is the law is what it is so there's requirements, obligation that we follow those parameters that have been established in the law, but I've been getting questions and probably other people have gotten questions about, well, what does this mean or how are you going to verify it, or what do I as an architect have to do for this. And Joe, for you as a marine surveyor out there, if you oversee construction, what do we expect of you to certify or document that the vessel was built according to its design.

And so when Hal addressed a letter or some sort of document to certify that yes, I used these standards, these rules, these exceptions, and a good point from Tom about the basic part of the vessel and what's done in the yard and all this other peripheral stuff. So I'm looking for the purpose of the tasking was to get some feedback, get some recommendations, and you probably don't have time to do a lot of recommendations, but just some feedback from you where we may go or how we may go down the road of putting out a NVIC or a policy letter for our interpretation to verify this requirement until we get in into regulation where it can be specified maybe a little bit more. So some guidance that we can get out to those people who are asking questions.

CHAIRMAN DZUGAN: Well, I'd recommend, perhaps, that it's the naval architects and marine surveyors who if they don't have proper documentation of what they've done, whose license and livelihood is on the line. And I'm looking at naval architects, A, C, D is the owner, B and E is the surveyor, F is the surveyor, G is perhaps the naval architect and the owner, and H involves everybody in this process, the owner, the surveyor if they're overseeing some work, and the naval architect. And so what I would recommend is that from your perspectives in those positions, both as an owner, surveyor and naval architect, is what do you see needed in terms of documentation to protect which you already do, probably to protect your own license to be allowed to stay in business.

MR. KEMERER: And from the Coast Guard's perspective also, I think we will be interested in having some of that documentation shown in the vessel file and MISLE, so that someone down the road can later look and say, Oh, yeah, this vessel was built to this standards, or it was constructed according to the design, and the stability letter is effective and was modified, and so

on. So I think the Coast Guard needs a little bit of documentation for the vessel file.

CHAIRMAN DZUGAN: Eric.

MR. ROSVELD: Well, Mr. Chairman, when I think about how we work with aircraft and general aviation, I can't comment on A or B, but at C you assign an airworthiness document or a seaworthiness document to the boat that you have to keep in force, and then you have an airframe or a logbook that you report your biannual or your every five year surveys. And the only people that ever have to look at it really are your decal inspection people who are making the inspection. You just have to keep these logbooks up and current or you lose that seaworthiness certificate.

CHAIRMAN DZUGAN: Or airworthiness.

MR. ROSVELD: But I mean, the aviation industry does it all the time.

CHAIRMAN DZUGAN: Mr. Hockema.

MR. HOCKEMA: Those are good points. On A and B, it could take the form of a letter, and I think probably the letter is the way to go, however, I think that we could probably work out a standard form in conjunction with the Coast Guard so that the form can be an attachment to our letter and the Coast Guard's form asks about various things on the vessel, maybe various systems, kind of a standard checklist, and then it can have four or five lines that say other comments or something like that. Where I think you need some sort of standardization, because the letter I'm going to write is not the same as something that Jensen Maritime is going to write or Guido Perla & Associates, but if you use the standard form that can be an attachment to the letter, that can be true and it can be somebody in Boston or New Orleans or wherever and the Coast Guard is going to be able to see kind of the same thing on it.

CHAIRMAN DZUGAN: And I'm seeing agreement there from Joseph also. What I would suggest, perhaps, is that you gentlemen, and also as owners as well, but especially the naval architects and surveyors, send a suggested documentation form to the Coast Guard, to Jack's office, as a standard way to document these things. I mean, you are the experts in your respective fields, again, it's your professional qualifications, and you can send that to Jack and the whole committee. And would that help you get something to work on then?

MR. KEMERER: Yes. And maybe Mr. Sirkar has a comment along this line, since you are the architectural group in headquarters. Any thoughts on what's been discussed so far?

MR. SIRKAR: Mr. Chairman, My name is Jaideep Sirkar. Again, I'm a naval architect, Coast

Guard Headquarters.

I like everything that's been discussed so far. These are excellent comments about a common format for such a document. I'd like to make some specific comments here. In the law there are eight paragraphs and the last paragraph, paragraph 8, talks about the owner of the vessel maintaining records to demonstrate compliance, et cetera, and so we need to look at those documentation requirements, the tasks that we are requesting of the committee in conjunction with that requirement so that we're all sort of coordinated with what the owner is required to maintain, as well as what should be provided to the Coast Guard. So that's my first comment. The second comment I wanted to make is in paragraph 1 of the law on the first page there's reference to Section 3316. That has to do with organizations- translation, classification societies-- that have been recognized by the Coast Guard for purposes of classing fishing vessels. So the Coast Guard has already recognized several classification societies for purposes of classing fishing vessels. So in the context of applying paragraph 1, we, the Coast Guard, would be looking at advice from you on the standards that you would be applying or the classification society standards that you would be applying in designing and building those vessels less than 79 feet, such as: what society's rules are you using, are you combining, what standards are you using for what systems. So we would be looking for some advice on that.

So those are the two basic areas I wanted to make some specific comments on. And any other questions, I'm glad to answer. Thank you.

CHAIRMAN DZUGAN: I think D, how should the Coast Guard be notified of any substantial alteration plans, I think it's been noted, people have mentioned to me for years that this is kind of one of the missing links between the owner of the vessel and the Coast Guard and it's been going on for a long time. It's really difficult for the Coast Guard to just patrol and look at every boat and see if it's been altered. It's really something the owners should be doing so they can be properly assessed for stability. And D, I think is really critical to replacing that link that doesn't exist right now, and it seems to me like the responsibility of that is the owner. And in fact, for stability, that is the ultimate responsibility of the owner anyway and to have it overseen by another third party, be it the Coast Guard or whatever, so it seems to me that's one of the things that's the owner's responsibility, and the Coast Guard needs to be notified of that when they're doing it. I don't know how more complicated it needs to be than that. And if they're not notifying them, then they should be out of compliance.

MR. DAVIS: And notifying the Coast Guard, my presumption would be that that would be their local Fishing Vessel Safety Coordinator because that is the Coast Guard person to whom they have the most direct link.

CHAIRMAN DZUGAN: And the one who's got the more local knowledge.

MR. HOCKEMA: To add to that, Mr. Chairman, we have done that on behalf of numerous owners but only with the owner's permission. We have a voluntary situation, and have had for a few years now, of the fact that the Coast Guard would like owners and us to report any major conversions to them so that they can keep track of what requirements are. There's numerous requirements in current Part 28 regarding major conversions, stability, watertight integrity, and various things. And we've had a couple of owners, no, we don't want you to tell the Coast Guard. And we haven't because there is no directive from the Coast Guard for us to require us to do that. However, we have recorded those in our own files and they will be readily available; if you subpoena us, we will give them to you. And we have insisted and been successfully insisting that when vessels undergo major conversions, they comply with all the requirements of major conversions. But the reason for this was so the Coast Guard could have them in their database, which they do have a database now, they didn't a few years ago.

CHAIRMAN DZUGAN: First Chris and then Joseph.

MR. WOODLEY: Mr. Chairman, I guess this might be a question for Capt Williams. At one point several years ago, maybe more than several years ago, the Coast Guard would actually have on a vessel document if a major conversion had occurred. I don't think that practice lasted for very long. But when we talk about that the Coast Guard has a system to track that stuff, the best available place to keep that information is a note on the document because that's the first document the Coast Guard boarding officer of fishing vessel examiner looks at. And if it says right on there major conversion or substantial alteration has taken place, that sets the stage for, okay, is this a Subpart D boat, do I need to be looking at different stability requirements. Having letters float around in the Coast Guard MISLE database or in the local file somewhere isn't really the right trigger, I think it actually needs to be on the document. And at one point it used to be but I don't think that's the case anymore.

CHAIRMAN DZUGAN: Joe.

MR. DERIE: I want to speak to what Hal had mentioned, and you mentioned, the owner has to notify the Coast Guard. With regard to my surveys -- and this goes to E and F as well-- with

regard to my surveys, they're confidential, they're owned by the owner. I can't even speak to his insurance company or his lawyer about them without his permission or their permission. So it's got to be the owner, the surveyor can't do that because the report is owned by the owner.

CHAIRMAN DZUGAN: Since time is short and we would like to work on this in the interim, I would task the naval architect here, Hal, to work on G with the Coast Guard, in terms of how should stability reviews be reported to the Coast Guard, and to come up with a procedure to do that in the interim, because it's both you and the Coast Guard that are interested in this, the Coast Guard especially. And that in those-- it's going to be maybe drafts-- you include the advisory committee on that so we can see what's going on and we just don't get a final product. And also, perhaps give feedback as well as owners.

And I would task Joe that E and F do the same thing, since you're the surveyor on the group and you work with Jack's office to come up with a format for that.

MR. KEMERER: And we should request Mr. Neville to be included. He's an engineer.

CHAIRMAN DZUGAN: Oh, I'm sorry.

MR. KEMERER: So there's at least three folks on the committee with experience in these matters.

CHAIRMAN DZUGAN: Just to do drafts. It's the same thing we did, we're not making decisions, we're continuing the conversation, and then when we do have a meeting, then we'll have actionable items. It's just like Tom and I can talk on the phone but we're not working as a cabal. It's just to produce a strawman.

MR. KEMERER: And because knowing the process, it could be after the next committee meeting before a policy letter and NVIC is ready to be published.

CHAIRMAN DZUGAN: And the same thing goes with any of these other letters underneath here that would involve communication with you expertise and the Coast Guard.

MR. DAVIS: I would like to make a suggestion, and it may irritate the coordinators and/or Jack, I'm not sure. For the benefit of communications continuity, I think it would be good for the person that is being contacted in all these situations to be the local Fishing Vessel Safety Coordinator so that we don't have the surveyors, the owners and the architects all going to different places and have a communications breakdown.

CAPT WILLIAMS: In some cases, it might be the Marine Safety Center, depending on the size of the vessel. You're jumping to the solution before we've worked on the problem. So I would

let it work itself out and we have to kind of find those dividing lines of which vessels, what types of vessels, what applies to them, and I think the intersessional subcommittee probably should talk about those issues.

MR. KEMERER: Well, I think going to the examiner initially is fine, but that's either through or in addition with the OCMi because if there's an issue, they'll refer to Marine Safety Center.

MR. DAVIS: I'm not suggesting that that person would be the penultimate person and decision-maker, but I know that they're the ones that are local, they're the ones that the people have the most contact with. So the Fishing Vessel Safety Coordinator may need to refer it on to different places within the Coast Guard, but my concern is if a small vessel owner or somebody that's trying to build a small vessel is feeling their way around, they may have gaps, where if they have one person, one position, one email, they have more consistency.

MR. HOCKEMA: Mr. Chairman, I have a comment on that. There are some established standards already, not quite the same as what we have here, but there are some established standards for Coast Guard inspected vessels and for classed vessels by the class agencies. And so I'm not saying that those would be identical but there are some parallels here in that regard. And so as far as notification and the whole thing here, really, so I would go back -- in my recommendations I'll come up with, I'll go back to some of those issues, if there's a chance to parallel some of those types of things, I would recommend it, understanding that in some cases there aren't any. Like for instance, if we have a classed vessel, we do usually deal with a local surveyor, class surveyor, but once we establish ties with their headquarters for let's say stability review or technical review of drawings -- which in this case there won't be any because I'm taking the hit for it -- we do communicate with those directly. As Capt Williams said, there may be a reason to have a line on with the Marine Safety Center, and once we have that connection that might have been initiated through the local examiner, then we basically have correspondence with that agency like the Marine Safety Center, and then we copy the local guy or woman on all the correspondence. A lot of times you end up with a triangle or even more than that, but the nice thing about email is you send things and you copy people and they get the information.

CHAIRMAN DZUGAN: Since you have special expertise that the rest of the committee doesn't have, it seems like it would be really useful and more efficient to use some of that expertise on these strawmen and then bring it to us rather than try to use it in a face-to-face meeting right now, at least take it to another level that we can look at it. Is that okay? You're being tasked with

that? Is that understood.

MR. DERIE: Yes.

CHAIRMAN DZUGAN: Well, then we should make you a part of a special subcommittee then, and we'll call it the documentation subcommittee.

MR. KEMERER: This task statement, the task was going to be assigned to the same committee that was working the EOP.

CHAIRMAN DZUGAN: Is your desk clear enough to do that? Okay. It would just fall under that same subcommittee. Hal, you would be the champion of that for the architects and Joe for the marine surveyors then.

CHAIRMAN DZUGAN: And since every committee needs a champion, maybe, Chris, I would ask you to be the champion of that, as well as the two primary people here.

MR. KEMERER: I think that's a good idea.

MR. DZUGAN: Okay. We're going to keep moving along on this. Once we lose another person, we're going to lose our quorum, so we need to capture this. Are there any comments on this from people in the public, on what we just talked about?

MR. DZUGAN: Seeing no comments from the public on this, is there comments from the public on any other issue?

(No response.)

MR. DZUGAN: Seeing no comments on other issues from the public, let's move on to plans for interim work, maybe, Jack. Moving forward on the agenda to plans for interim work, and we've discussed some interim work already.

MR. WOODLEY: Jerry, I actually have a motion regarding future meetings, so I didn't know if that was appropriate.

MR. DZUGAN: Let's do that.

Motion #23: MR. WOODLEY:

My motion is that when the Coast Guard renews its Commercial Fishing Safety Advisory

Committee charter, the official designation, that the budget for the next two years be increased to accommodate more than one meeting a year, and under paragraph 9, estimated number and frequency of meetings, that we also include at least two teleconferences. I believe that with the legislation that we've seen and all the activities going on with EOP over the next year and congressional expectations on a number of these things, that it's important for us to keep working throughout the year on a couple of these issues. And so I would just move that we budget for that and try to get that actually put into the charter which is supposed to expire this November.

CHAIRMAN DZUGAN: Is there a second?

MR. DAMERON: Second.

CHAIRMAN DZUGAN: Seconded by Tom Dameron. Any discussion?

MR. BOEHMER: Do we want to put a minimum of how many days these meetings will be for?

MR. HOCKEMA: Three-day meetings, a minimum of three days.

MR. BOEHMER: I'm all in favor of that. I think this is the best meeting that I've seen.

CAPT WILLIAMS: A lot of that depends on the budget, though.

MR. WOODLEY: Capt Williams, could we make a recommendation for the budget? I don't know what this costs, I don't know a per-meeting cost. I would like to be reasonable.

MR. KEMERER: In our budget there's about \$35,000 for the meeting.

CHAIRMAN DZUGAN: Including transcripts and a lot of other things.

MR. WOODLEY: So maybe if we double that. Again, I think that maybe two public meetings a year and one, if not two teleconference meetings would be useful.

CAPT WILLIAMS: Certainly it's a great motion and I definitely see merit in it and will do my best to try to make it happen, but obviously there's no promises there. The teleconferences might be easier.

CAPT WILLIAMS: All the motions are important to help validate your concerns, and without your motions officially on the record, it's harder to sell it.

Motion #23 Restated:

MR. WOODLEY: When the Coast Guard renews the charter for the CFSAC committee that there be a budget allocation request for at least two meetings per year of at least three days in length, and at least two teleconferences annually between meetings.

MR. DAVIS: Call the question.

CHAIRMAN DZUGAN: Anybody opposed to the motion? (No response.)

CHAIRMAN DZUGAN: Hearing no opposition, then the motion passes.

MR. KEMERER: The next part here on the agenda to kind of wrap things up a little bit, some interim work..

TASK 16-04,

MR. KEMERER: MR. KEMERER: Sure. The next part¹⁸³ here on the agenda to kind of wrap things up We're going to get some feedback or some possible recommendations, draft stuff on the alternate construction standards and we're going to work together on that, so that will just be some general in between meetings suggestions, so it's not anything formal and we'll be in touch about that. I expect that there is a deliverable from the committee, a letter of comments or recommendations to the NPRM. Whoever is preparing that, if you're going to sign it as chairman or if Mr. Davis will sign it as acting chair.

CHAIRMAN DZUGAN: I talked to Alan and Karen to be communicating about that, and she may post it but it will be signed by Alan as Vice Chair.

MR. KEMERER: And if you can't post it to the docket, just send it to me and I'll make sure it gets to the docket.

MR. DZUGAN: I think we'll be able to post it, Karen said she'll be able to post it. We'll make sure that that's done.

CHAIRMAN DZUGAN: Looking at the agenda here, are there any comments from the public? Any comments that wish to be made from the public? (No response.)

Can we hear from somebody in the public?

PUBLIC COMMENTS:

MS. TERRY: Thank you, Mr. Chairman. Lisa Terry, Tendermens Association. I think that, at least with this meeting that occurred, only 20 days ago notice of this meeting was put in the Federal Register. I don't think industry had enough time to prepare to travel to Georgia from wherever in the country that they are. I think there needs to be better outreach about these meetings and information available to the public online other than having to travel to the meeting so that they know what they can expect, issues that might be before the committee. And to be

able to go online and look at previous meetings and see what information was dealt with is unavailable as well.

MR. KEMERER: Okay. So I think that's it interim work way forward. Well, like several of you mentioned, I think that the three-day meeting certainly is much more productive and allows us time to get more things accomplished

because the first day is usually a lot of presentations, covering old business, addressing some new business things. So I hope that suggestion from the past to have a three-day meeting And I feel very good about the results of the training items. I think that's pretty much closed out now. We have some responsibilities to get that to the NMC and see what the process is to get that competency training set up as kind of a national standard curriculum so other organizations can do it. So that's good. The EOP or the new name that you suggested, I think that was a great overview of that and it took a little bit longer than I thought it might with you, so that's why we had a general discussion on the 4503-E item on the older construction, so that's very good. The NPRM, so actually I think we probably accomplished most everything that we were looking at from the task statements. So thank you for that. Those who departed don't get to hear this, but again, thank you for your continued dedication and more than just an eight-hour day, probably a lot of things done after the hours. So that was great, appreciate that. Just a couple of notes here on the next meeting. We always seem to be challenged on when to have the meeting, and I know summers are not a good time because of fishing activity and vacations and families and everything else, and we need to have it done within the fiscal year s that we have the budget and it seems the last couple of years it's always been in September when we do that. So is there a better time to try to schedule a meeting? There's always something in conflict, it seems, so April and May there's things going on, I think. But is there a time in the year that is good from the industry perspective, I guess.

MR. WOODLEY: January.

MR. HOCKEMA: This time of year has actually worked pretty well for people I know, and late September in particular. It's

interesting because if you would have asked me to come early September, let's say right after Labor Day or something, it doesn't quite work out. People are getting their kids in school and just all kinds of stuff still going on, and the summer hangover, so to speak, goes to about the 20th of

September and then things kind of fall off. But likewise for me, if you asked me to come in mid November or December, it's a disaster for me, it just doesn't work. Well, the Pacific Marine Expo is mid November and then you've got Thanksgiving and then you've got weather issues too when you get into December

.MR. DZUGAN: I want to note that the people who couldn't make it at this meeting, it was all due to medical things, not one person didn't make it because of a conflict with their fishery. And I'm sure because of your fiscal year, the end of September probably has some benefits for the Coast Guard planning sometimes. MR. BOEHMER: If we're trying to get the public in at the same time whenever possible, what if we considered the Pacific Marine Expo. I know we just did Seattle, but it would be an opportunity to get some more industry input, especially if we're trying to roll this thing out.

MR. KEMERER: And we have done that in the past, scheduled the meeting the Monday, Tuesday, Wednesday before the expo, so you're already there or you get to travel early and stay for the expo and so on. So that is a good suggestion and something that we have done in the past. I'm just thinking of a spring meeting, if we did it in the spring, is there a good month to try to do that?

MR. DAVIS: Late March works for me, but that's my schedule.

MR. DZUGAN: Can we hear from somebody in the public about that?

MS. TERRY: Thank you, Mr. Chairman. Lisa Terry, Tendermens Association. I think that, at least with this meeting that occurred, only 20 days ago notice of this meeting was put in the Federal Register. I don't think industry had enough time to prepare to travel to Georgia from wherever in the country that they are. I think there needs to be better outreach about these meetings and information available to the public online other than having to travel to the meeting so that they know what they can expect, issues that might be before the committee. And to be able to go online and look at previous meetings and see what information was dealt with is unavailable as well. So if you could incorporate those things in future meetings, I think people could be better informed and know that they need to be there, that there's issues concerning them.

MR. DZUGAN: Are you familiar with Homeport, the Coast Guard's fishing vessel website? It's a good place when

it's up for past meeting minutes and things like that, so just share that with your members.

MR. KEMERER: Well, I'll make a couple of comments and I'll refrain from making some comments. The FishSafe website and Homeport, we're going through some changes. We've had some real problems with the FishSafe site, a change in some server stuff, and the plan is that I think down the road we're going to get everything shifted over to USCG.mil site where it will still be publicly available and everything. We'll try to retain the FishSafe that will link right into the .mil site, much like Mr. Hardin has done for FishSafe West, when you get that, it links into the USCG.mil site where we can control and edit and modify things a lot better.

As far as notice of the meeting, the official notice has to be published in the Federal Register. We share when we're looking at holding the meeting, but until we are able to publish the Federal Register notice, that's the official notice, and until then nothing is really confirmed officially. So I apologize for the delay in getting that out so late but we've got some constraints that are beyond our control, unfortunately. So I would say on that for next year's meeting I'd suggest that you kind of keep your calendar open for September, that seems to be a good time, and if we can schedule something in the spring, maybe March or April time frame would be good. We share tentative dates and stuff but until we can get the official clearance and everything, we can't put it out there in an official status. Maybe Mr. Wendland wants to add something.

MR. WENDLAND: Yes, Mr. Chairman, I can follow on to that. We recognize that issue and what we've done with that situation is we've presented some of the information in a database faca.gov, so it's the FACA database. So on that database we have links that link into the minutes in the USCG.mil, and also that's where if you go into this committee, that's where we put the notice of the dates but it's not official. That's where we notify unofficially, so it's not in the Federal Register but it's giving everybody a heads up. So you can go back in there now and look at past minutes of the meetings, and also, when we have good idea of when we think the next meeting is, that's where that will be.

MS. TERRY: That's really good information. Thank you. I was unaware of that until this morning, and I will pass that on to our membership.

MR. DZUGAN: I want to thank NMFS, NOAA, your agencies with the observer training program has really been one of the pushers in safety in commercial fishing, in your own ways, and you've had a representative here for a number of years now. So I appreciate your making us aware of what's going on that might affect safety, and your presence. Thank

you. NIOSH, your contributions on the actual facts instead of the perceptions are invaluable to us, and you know in the past and we know this time around at this meeting how we were able to use those in the discussions. You groundtruth us. Appreciate that.

CHAIRMAN DZUGAN: Thank you everyone. Do I hear a motion to Adjourn the 36th CFSAC meeting?

MR. WENDLAND: Mr. Chairman, one last thing before entertaining a motion to adjourn if I could. I'd just like to thank Mr. Mark Nemec and also the Savannah MSU here. They've just been fabulous and have stepped up in every situation. So thank you very much.

CHAIRMAN DZUGAN: Yes, Thank you Mr. Nemec and MSU Savannah.

MR. WOODLEY: Second.

MEETING ADJOURNMENT:

CHAIRMAN DZUGAN:

So hearing a motion and a second to adjourn, is there any disagreement? All in favor say aye. (A chorus of ayes.) (Whereupon, at 5:00 p.m., the meeting was adjourned.)

USCG CFSAC Sept 15-16 2016
Summary of Motions (23):

1. Motion – Made by Chris Woodley 2nd By Hal Hockema.

The Coast Guard Fishing Vessel Safety Advisory Committee makes the following recommendation to the COMDT:

a. That fishery stock assessments and surveys and other associated fishery research are the backbone of sustainable fisheries management as required by the Magnuson – Stevens Act and that without these stock assessments, surveys and research our fisheries would be significantly curtailed by fishery managers.

b. That the vast majority of these assessments, surveys and research is best conducted from commercial fishing vessels (as defined in 46 USC 2101)(11a) which are designed and equipped to catch fish and that those vessels are best operated by commercial fishermen and fisherwomen who have the experience to safely operate those vessels.

c. That NMFS, IPHC, and State employees (or their sub-contractors) who are assigned to commercial fishing vessels to conduct business of the charterer (i.e. stock assessments, surveys, and other fishery research), are not defined as “passengers” in 46 USC 2101 (21) but are instead explicitly exempted from being defined as “passengers” as found in 46 USC 2101 (21c).

d. That the USCG should continue to follow its existing policy guidance as found in Marine Safety Manual Volume II to allow NMFS, IPHC, and States to charter commercial fishing vessels for fishery stock assessments and surveys and other associated fishery research.

e. That commercial fishing vessels which are properly examined by the Coast Guard and meet compliance with existing applicable safety regulations provide a wider breadth of safety requirements than un-inspected passenger vessels and un-inspected oceanographic research vessels.

f. Further, if the charterer finds that vessels available for charter within a given region or fleet do not meet the charterer’s expectations or needs for safety equipment, licensing or vessel stability, that the charterer may include additional safety provisions as conditions of the contract or may contract for a vessel of a different service type.

g. Lastly, should the Coast Guard decide to update the IPHC memo of 1977 and NMFS MOU of 1980, that the Coast Guard directly involve representatives of the fishing industry to ensure transparency and promote collaboration with the industry.

Unanimous

2. Motion – by Karen Conrad and Second By Jake Jacobson Motion to accept First Aid & CPR taken from a program accepted or Approved by NMC for the Medical and First Aid requirement for the Fishing Vessel Operator Certification in lieu of a course based on the Medical Module we have developed (paraphrased) ... Unanimous

3. Motion by Karen Conrad 2nd by Fred Mattera - Narcotic Recognition and Treatment be added to the Medical First Aid & CPR Module. Unanimous

~~Motion by Karen Conrad 2nd by Fred Mattera - ??? missed it???... Unanimous
(Moved that student participation in the courses be assessed using the hands-on objectives that are marked with an asterisk. So you can identify the objectives that are marked with an asterisk from the ones that Alan sent you this afternoon. So when you review the material, you will be able to see which ones we are showing that have to be hands on, and be able to assess the student using those.)~~

4. Motion by Karen Conrad 2nd by Jake Jacobson – Motion to require the Master of a Commercial Fishing Vessel to be CURRENT on First Aid and CPR certification. Unanimous

5. Motion by Hal Hockema 2nd by Joe Deire – Motion to ~~update~~, Revise or Withdraw NVIC 5-86 voluntary standards..... unanimous

6. Motion by Karen Conrad 2nd by Jake Jacobson - ... Unanimous
Move that the 1991 National Standard Curriculum of the Drill and Personal Survival Skills Manual that the committee has just updated be accepted as the updated national standard and be passed no to NMC.

7. Motion by Karen Conrad 2nd by James Neville ... Unanimous
Move that the objectives and the syllabi for the courses in the 2010 Authorization Act that has been developed by the Training Committee since 2011 be recommended to the Coast Guard as the minimum national standard for these courses.

8. Motion by Karen Conrad 2nd by Jake Jacobson – Unanimous
Move that student participation in the courses be assessed using the hands-on objectives that are marked with an asterisk- ~~Mattera made suggestion to change word from “student” to master of vessel~~- agreed to by 1st & 2nd and passed unanimously.

9. Motion by Karen Conrad 2nd by - Fred Mattera Motion to move the Narcotics Recognition and Emergency Treatment be moved from the Medical Objectives to the Drill Objectives Unanimous

10. Motion by Karen Conrad 2nd by Fred Mattera – Motion to have the refresher for the Fishing Vessel Operator Certificate be a 2 Day program covering all the topics and required every 5 years... Unanimous

11. Motion by tom Dameron 2nd by Hal Hockema - Motion that the Commandant be advised, in light of the proposed rule (Part 28 Sec. 28.200) requiring documentation of drills, emergency instruction and lifesaving equipment maintenance and Part 28 Section 28.140 Operational readiness, maintenance and inspection of lifesaving equipment, requiring each item of lifesaving equipment, must be maintained and inspected in accordance with: The

manufacturer's guidelines; this committee recommends that manufacture inspection and maintenance guidance, for all U.S.C.G. approved lifesaving equipment with approval status of APPROVED, EXPIRED and FORMER MAY USE, is collected and made available on the Coast Guard Maritime Information Exchange (CGMIX) website so that this important maritime information can be made available on the public internet. Going forward the Manufacture Inspection and Maintenance Guidance should be collected at the time that a manufacture is applying for U.S.C.G. approval of a piece of lifesaving equipment and be made available on the Coast Guard Maritime Information Exchange (CGMIX) website when the item is given approval.

12. Motion by Karen Conrad 2nd by Alan Davis To include this morning's motion by Tom Dameron (motion 11 regarding manufactures manuals being put on the USCG CGMIX Website) be included in the committee's letter to the NPRM. Unanimous

13. motion by Tom Dameron 2nd by Karen Conrad The USCG Authorization Act of 2010 was specific in language and congressional intent in applying certain safety regulation to all fishing vessels operating more than 3 nautical miles beyond the baseline. This supersedes the discretionary authority between documented and undocumented vessels. According to NIOSH, there is no evidence in the scientific literature that documented fishing vessels are at a higher risk of casualties than state numbered vessels operating in the same fishery since the hazards are identical on both types of fishing vessels who operate side by side in the same fishery and using the same gear. The committee recommends applying all of Subpart C to state numbered vessels as soon as possible, to achieve parity in fishing vessel safety regulations. Unanimous

14. Motion by Tom Dameron 2nd by Fred Mattera Motion: For the final rule to this NPRM, we recommend the USCG develop a table of which vessels would be required to have an inflatable buoyant apparatus (IBA), valise packed or self-release survival craft so both the fishing industry and survival craft industry would know what is required. (Reference Sec. 28.120). Unanimous

15. Motion by Tom Dameron – 2nd by Fred – The USCG should require at least 1 crewmember on-board be a certified drill conductor and the drill conductor certification be valid for 5 years. (reference Sec. 28.270)Unanimous

16. Motion Chris Woodley 2nd Eric Rosveld (Accept changes as discussed in full committee) Passed 12 to 1

17. Motion by Chris Woodley 2nd by Chris Boehmer (insert re) unanimous (subcommittee recommends the following rollout for the EOP: That district coordinators meet with the industries in their region and seek input on the EOP prior to any formalized notice of availability in the Federal Register. Part B, the committee provides some explanation in the form of a letter which explains the process from ASCP to EOP, how it evolved. Part C, that the Coast Guard needs to emphasize that these are voluntary recommendations that are largely based on recommendations made previously by the Coast Guard. Part D, that the Coast Guard maximize

distribution of the multilingual document in English, Spanish and Vietnamese through the regional and specific trade gear associations, fishery related press, [Coast Guard NMFS website](#). And then the last item of this motion would be provide Coast Guard examiners with copies of the document once it's completed. distribution of the multilingual document in English, Spanish and Vietnamese through the regional and specific trade gear associations, fishery related press, Coast Guard NMFS website. And then the last item of this motion would be provide Coast Guard examiners with copies of the document once it's completed. Friendly amendment also added by Woodley and agreed to by 2nd “it would be really helpful for the Coast Guard to have a scheduled list from the coordinators of contacts they've made with industry on this whether it be meeting with groups or meeting with individuals” .

18. Motion by Chris Woodley 2nd by Karen Conrad – unanimous
(recommendation to the Coast Guard regarding oversight to ensure that enhanced safety is attained. The subcommittee recommends the following oversight procedures to ensure that goal: (A) the Coast Guard should support a two-year dockside exam interval instead of the five-year interval proposed in the notice of proposed rulemaking, as listed in 46 CFR 28.201; (B) the Coast Guard should develop a voluntary program for dockside examiners to evaluate how a vessel meets or does not meet the recommendations in the EOP; this evaluation should be a combination of voluntary interviews, data capture, and checklists/examinations; (C) during the course of dockside exams, the examiner should talk in depth to the master about EOP matters that are of particular concern within the region, e.g., man overboard, deck entanglement, whatever the issues might be; Finally -- and this is similar to how the original dockside program got going -- the evaluation is voluntary unless non-compliance with EOP items are creating an especially hazardous condition that requires termination or a captain of the port order).

19. Motion by Chris Woodley 2nd by Chris Boehmer- unanimous
(The advisory committee recommends the following to promote adaptation of the EOP by the fishing industry: make it voluntary, make it educational for Coast Guard and the industry; (B) continue to work with the fishing industry to incentivize the program).

20. Motion by Alan Davis 2nd by _Greg Londrie Motion to use the term “VOLUNTARY SAFETY PROGRAM for Commercial Fishing Industry Vessels” instead of ‘Enhanced Oversight Program’ as the terms Enhanced Oversight does not by their definition indicate that the program is voluntary and creates a negative connotation to our constituents. Unanimous

21. Motion by Alan Davis 2nd By Fred Mattera - Move to have the District Fishing Vessel Safety Coordinators and their staffs meet with representatives of the different fisheries and Gear types in their districts, share the Coast Guard and NIOSH Data on their particular losses and share the up to date information on the Coast Guard Voluntary or Alternative programs. These meetings should be used to discuss the key risks in each fishery and/or gear type and to collaborate on possible steps that can be taken to mitigate them. Unanimous

22. Motion by Alan Davis 2nd by Karen Conrad - Motion to add “Inspect Dryer and Dryer Venting and vent closures to interior spaces” as part of the Fire prevention section of the Voluntary Safety Program Guidelines.

BOHEMER Amendment- Vent closures in general interior spaces.
Unanimous

23. Motion by Chris Woodley 2nd by Tom Dameron when the coast guard renews the charter for the CFVSAC Committee that there be a budget allocation request for at least 2 meetings per year of at least 3 Days in length and at least two teleconferences annually between meetings.
Unanimous

LIST OF PUBLIC ATTENDEES (from sign in sheets):

1. Kurt Zegowitz	NOAA
2. Tom Gleason	NOAA
3. Lisa Terry	Alaska Tenders Association
4. Tanner Mackievicz	Alaska Independent Tenders
5. Ed Dennehy	Fishing Partnership
6. Ken Keene	NOAA NMFS Observer Program
7. Raman Ahuja	DNV-GL
8. Ted Harrington	D1 USCG
9. Troy Luna	D5 USCG
10. Walter Hoppe	D7 USCG
11. Bob Perkins	D8 USCG
12. Peg Murphy	D11 USCG
13. Dan Hardin	D13 USCG
14. Troy Rentz	D13 USCG
15. Charlie Medlicott	D14 USCG
16. Scott Wilert	D17 USCG
17. Chris Atkinson	PAC AREA USCG
18. Craig Cross	LANT AREA USCG
19. Devin Lucas	NIOSH
20. Samantha Case	NIOSH
21. Jaideep Sirkar	USCG HQ ENG
22. LCDR Walters	USCG HQ
23. LT Jonathan Duffet	USCG HQ ENG
24. Red Gilbert	USCG D5
25. Eric Rosuo	Petersburg AK