

UNITED STATES COAST GUARD

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38TH COMMERCIAL FISHING SAFETY
ADVISORY COMMITTEE

+ + + + +

MEETING

+ + + +

THURSDAY,
MARCH 15, 2018

+ + + + +

The Committee met by teleconference at 1:00
p.m., Eastern Standard Time, Erling "Jake"
Jacobsen, Chairman, presiding:

MEMBERS PRESENT:

- 1) ERLING "JAKE" JACOBSEN Chair
- 2) KAREN CONRAD, Vice Chair
- 3) KRISTIAN BOEHMER, Member
- 4) THOMAS DAMERON, Member
- 5) ED DENNEHY, Member
- 6) JOSEPH DERIE, Member
- 7) HAL HOCKEMA, Member
- 8) MICHAEL KAMPNICH, Member
- 9) ERIC ROSVOLD, Member

MEMBERS ABSENT:

- 1) GREG LONDRIE
- 2) GLENN HEWLETT

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STAFF PRESENT:

CAPTAIN MATT EDWARDS, Designated Federal Officer;
Chief, Office of Commercial Vessel
Compliance
JOSEPH MYERS, Alternate Designated Federal
Officer
JONATHAN WENDLAND, Assistant Designated Federal
Officer
DAVID BELLIVEAU

ALSO PRESENT:

DAN HARDIN
TED HARRINGTON
MELANIE LIBBY
CHARLIE MEDLICOTT
BOB PERKINS
SEAN RAMSEY
TAISHA ROBERTSON DHS
MIKE RUDOLPH
ANTHONY "SCOTT" WILWERT

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1 P-R-O-C-E-E-D-I-N-G-S

2 1:01 p.m.

3 MR. WENDLAND: Good afternoon,
4 everyone. This is Jonathan Wendland, at Coast
5 Guard Headquarters. Good afternoon to those on
6 the East Coast. Good morning to those on the
7 West Coast and beyond.

8 March 15th, the Ides of March, and
9 also the commencement of the big dance in college
10 basketball hoops.

11 I'd like to go over just a few notes
12 and rules of engagement before we get started.
13 The first thing is, as I mentioned previously,
14 please put your phones on mute if you are not
15 speaking. And just to let everybody know, this
16 call is being transcribed by a court reporter.
17 So whoever is speaking, please identify yourself
18 first by stating your name. If and when you do
19 speak on this call, remember to first identify
20 yourself, speak clearly and concisely.

21 This committee operates on Robert's

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1 Rules, so please direct your comments through the
2 chair. For example, Mr. Chairman, I'm Mr.
3 Wendland and I'd like to make a motion. And the
4 chairman will recognize you.-- If you're
5 seconding the motion, the chair will recognize
6 you. For example, my name is Mr. Wendland; I
7 second the motion, and so on and so forth.

8 The public that is calling in, please
9 hold your comments until the public comment
10 period. You will be provided up to three minutes
11 for your comments.

12 For the record, there were no comments
13 listed in the docket, which can be found at
14 www.regulations.gov and by typing in the search
15 box USCG-2018-0140.

16 If you do not have our website, please
17 send us an email within the next five minutes, we
18 will send the new DCO website to you. You may
19 send us an email at CGCVC3@uscg.mil. That's
20 CGCVC3@uscg.mil.

21 The DCO website is an updated site.

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1 It has migrated from fishsafe.info that is no
2 longer being maintained by the U.S. Coast Guard.

3 And so just to give you an idea of how
4 this call will work, we'll do roll call. The DFO
5 Captain Edwards, will call the meeting to order.
6 We'll have some comments by CVC-3 Mr. Myers.
7 We'll have some administrative discussion about
8 old business and new business. And then we'll
9 turn the call over to the chair for the task that
10 is in front of us today.

11 So without further ado, let's go
12 through the roll call. And I'll start out with
13 the active Commercial Fishing Safety Advisory
14 Committee Members. So I'll just call your name
15 one by one.

16 Jake Jacobsen.

17 MR. JACOBSEN: I am present.

18 MR. WENDLAND: All right, thank you.

19 Michael Kampnich.

20 MR. KAMPNICH: Present.

21 MR. WENDLAND: Ms. Conrad.

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1 MS. CONRAD: Here.

2 MR. WENDLAND: Mr. Derie.

3 MR. DERIE: Here.

4 MR. WENDLAND: Mr. Londrie. Greg
5 Londrie.

6 (No audible response.)

7 MR. WENDLAND: Eric Rosvold, Mr.
8 Rosvold.

9 MR. ROSVOLD: I'm here.

10 MR. WENDLAND: Mr. Hewlett, Glen
11 Hewlett. Mr. Hewlett.

12 (No audible response.)

13 MR. WENDLAND: Mr. Dennehy.

14 MR. DENNEHY: Here.

15 MR. WENDLAND: Mr. Dameron.

16 MR. DAMERON: Here.

17 MR. WENDLAND: Mr. Hockema. Hal
18 Hockema.

19 (No audible response.)

20 MR. WENDLAND: Mr. Boehmer, Kristian
21 Boehmer.

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1 MR. BOEHMER: I'm somewhere.

2 MR. WENDLAND: Okay. And with that,
3 I believe we do have a quorum. So, Captain, I'd
4 like to declare a quorum at this time so we can
5 continue through the meeting. And I will
6 continue with the further roll call.

7 Are there any past committee members
8 on the phone? Past committee members. Past
9 committee members such as Mr. Dzugan or Allen
10 Davis, or any past committee members?

11 (No audible response.)

12 MR. WENDLAND: Mr. Woodley.

13 MR. WOODLEY: Yes, Chris Woodley's
14 here.

15 MR. WENDLAND: Okay, anybody else?

16 (No audible response.)

17 MR. WENDLAND: Okay. All right,
18 we're going to go around U.S. Coast Guard
19 Headquarters. I'm here, And to my left?

20 CAPT. EDWARDS: Captain Edwards.

21 MS. LIBBY: Melanie Libby.

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1 MR. MYERS: Joseph Myers.
2 MR. BELLIVEAU: Dave Belliveau.
3 MR. WENDLAND: Anybody from LANT
4 Area? Anybody calling in from LANT?
5 (No audible response.)
6 MR. WENDLAND: How about D1? Anybody
7 from D1?
8 (No audible response.)
9 MR. WENDLAND: D5?
10 (No audible response.)
11 MR. WENDLAND: D7?
12 (No audible response.)
13 MR. WENDLAND: D8?
14 MR. PERKINS: Bob Perkins.
15 MR. WENDLAND: D9?
16 (No audible response.)
17 MR. WENDLAND: D11?
18 (No audible response.)
19 MR. WENDLAND: D13?
20 MR. HARDIN: Dan Hardin here.
21 MR. WENDLAND: Dan.

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1 D14?

2 (No audible response.)

3 MR. WENDLAND: D17?

4 MR. WILWERT: Yes, Scott Wilwert's
5 here.

6 MR. WENDLAND: Scott.

7 Anybody from PAC, PAC Area?

8 (No audible response.)

9 MR. WENDLAND: How about Yorktown?
10 Anybody calling in from Yorktown?

11 (No audible response.)

12 MR. WENDLAND: How about DHS,
13 Department of Homeland Security, any
14 representatives?

15 MS. ROBERTSON: Good afternoon. Yes,
16 Taisha Robertson from DHS Headquarters, Committee
17 Management Office.

18 MR. WENDLAND: Hi, Taisha. Thank you
19 for joining.

20 Any other agencies, NOAA or NIOSH, or
21 anybody?

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1 (No audible response.)

2 MR. WENDLAND: How about anybody from
3 the public? Anybody that hasn't had an
4 opportunity from the public to join us in roll?

5 (No audible response.)

6 MR. WENDLAND: Okay, all right, that
7 is the extent of the roll call and we will opt
8 for another roll call near the conclusion of this
9 call in case some people join in on the call late.

10 Captain, at this time, I'd like to
11 turn the meeting over to you.

12 CAPT. EDWARDS: Okay, great. Hi,
13 everyone. Again, this is Captain Matt Edwards,
14 I'm Chief of the Office of Commercial Vessel
15 Compliance and the Designated Federal Officer for
16 this advisory committee.

17 So I just want to first thank you for
18 your time. I know a lot of you have a lot of
19 activities going on and I really appreciate you
20 taking time out of your day to address the pretty
21 aggressive schedule that we have going on here.

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1 So, I'll keep it brief.

2 I do realize that this is a phone
3 conference and we would prefer to meet in person.
4 And we weren't able to make it happen for this
5 meeting but we look forward to the fall to meeting
6 everybody in person at that time.

7 You briefly heard that Mr. Jack
8 Kemerer had retired and we are fortunate enough
9 to have Mr. Myers come in and take his place.
10 And he brings in a wealth of information. So
11 we've been excited to have him onboard.

12 I'd just like to thank him and the
13 rest of his staff for getting this call together
14 and leading us through the way. I appreciate
15 that.

16 And then, again, I really want to
17 recognize all the people that have been active in
18 working on some of these regulatory reform items.
19 There's been a lot of good email content being
20 exchanged back and forth. I realize that it's
21 difficult to do by email and it's difficult to do

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1 by a phone call but I really appreciate the extra
2 effort that you can bring in on that.

3 So for that, like I said, I know we
4 have a pretty aggressive schedule so I'll turn it
5 over to Mr. Myers.

6 MR. MYERS: Thank you, Captain.

7 Hi, everyone. My name is Joseph Myers
8 and I am the Chief of the Fishing Vessel Safety
9 Division here at Coast Guard Headquarters, Office
10 of Commercial Compliance and I am an Alternate
11 Designated Federal Official for the committee.

12 The efforts of the subcommittee that
13 shaped the recommendations that are going to be
14 presented to the committee today are very much
15 appreciated. And the Coast Guard, we just want
16 to let you know that we do value your talents and
17 efforts and all that took place in shaping the
18 response that you're going to offer up today.
19 And I do look forward to today's dialogue.

20 I did want to put a plug in for the
21 detailed work that Ms. Conrad and Mr. Dzugan's

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1 been doing on the crafting of the Survival Drill,
2 Fire, and D.C. Training curriculum outline. It's
3 clear that a lot of energy has gone into this
4 bill and I just want to let everyone that it's in
5 our office here at Coast Guard Headquarters.
6 We're starting to do a review of the content and
7 I've started a dialogue with Ms. Conrad with
8 regard to this. And after our review, we'll hand
9 it back to Ms. Conrad with hopes that the package
10 can be submitted to NMC, the National Maritime
11 Center, for their review and hopeful approval of
12 the content.

13 So again, kudos for that package
14 because a lot has gone into it to date.

15 With that said, if we could, I'd like
16 to recommend that we go right into swearing in of
17 the new members and reappointments. So if we
18 could, and I just want to make sure that these
19 folks are here. And if you're here, for new
20 appointees Mr. Glenn Hewlett, are you here today,
21 sir?

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1 (No audible response.)

2 MR. MYERS: Okay, you're not here.

3 Okay, I just wanted to just verify.

4 Mr. Edward Dennehy.

5 MR. DENNEHY: Here.

6 MR. MYERS: Okay. For re-appointees,

7 Mr. Thomas Dameron.

8 MR. DAMERON: I'm present.

9 MR. MYERS: Okay. Mr. Hal Hockema,
10 are you here today, sir?

11 (No audible response.)

12 MR. MYERS: Okay, not here -- not
13 present. And Mr. Kristian Boehmer.

14 MR. BOEHMER: I'm here.

15 MR. MYERS: Okay, good.

16 So, sirs, if I can, at this point, I'm
17 going to read the oath of membership for this
18 committee. And at this time, please stand, raise
19 your right hand and repeat after me.

20 I, state your name, do solemnly swear
21 that I will faithfully execute the duties of a

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1 member of the Commercial Fishing Safety Advisory
2 Committee and will, to the best of my ability,
3 fulfill and carry out the policies and purposes
4 of the Federal Advisory Committee Act.

5 I take this obligation freely and
6 without mental reservation or purpose of evasion,
7 so help me God.

8 And thank you and welcome or welcome
9 back to the committee. I appreciate that.

10 And at this time, I think it's
11 appropriate for us to nominate the committee
12 chair and vice chair because right now those
13 positions are vacant.

14 Do we have a nomination for the
15 Commercial Fishing Vessel Safety Advisory
16 Committee chair? Is there a nomination?

17 MR. DAMERON: This is Tom Dameron. I
18 would like to nominate Jake Jacobsen for the
19 committee chair.

20 MR. MYERS: Very well. Can we have a
21 second to this nomination?

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1 MS. CONRAD: Karen Conrad and I
2 second.

3 MR. MYERS: Are there any other
4 nominations?

5 Very well. Let's put this to a vote.
6 Are there any opposed committee members -- let me
7 rephrase that.

8 Are there any committee members
9 opposed to Mr. Jacobsen as committee chair?

10 (No audible response.)

11 MR. MYERS: Hearing none, Mr. Jake
12 Jacobsen is the current Commercial Fishing Vessel
13 Safety Advisory Committee chair.
14 Congratulations on your position.

15 MR. JACOBSEN: Thank you very much.
16 I really appreciate all your support. And
17 Jerry's done a great job over the -- probably
18 over a decade he's been committee chair. And I
19 only hope to carry on the momentum that he has
20 established. So, I appreciate it.

21 MR. MYERS: Yes, sir. Thank you, Mr.

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1 Chairman, for your comments on that.

2 And now at this time, we'll take
3 nominations for vice chair. Do we have any
4 nominations for Commercial Fishing Vessel Safety
5 Advisory Committee vice chair?

6 MR. DAMERON: This is Thomas Dameron.
7 I would like to nominate Karen Conrad for the
8 vice chair position.

9 MR. MYERS: Can we have a second on
10 this nomination?

11 MR. DERIE: This is Joe Derie. I
12 second.

13 MR. MYERS: Thank you. Are there any
14 other nominations for vice chair?

15 (No audible response.)

16 MR. MYERS: Very well. Let's put
17 this to a vote.

18 Are there any committee members
19 opposed to Ms. Karen Conrad as committee vice
20 chair?

21 (No audible response.)

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1 MR. MYERS: Hearing none, Ms. Karen
2 Conrad is declared Commercial Fishing Vessel
3 Safety Advisory Committee vice chair.
4 Congratulations on your position.

5 MS. CONRAD: Thank you very much.

6 MR. MYERS: Okay, congrats all with
7 these new positions. And with that said, I would
8 like to read a statement that is required to be
9 read during all FACA meetings. And this is in
10 relationship to the special government employees,
11 the SGEs. As stated in the agenda, during this
12 committee, we will be accepting recommendations
13 on regulatory reform of Coast Guard regulations
14 and policies as directed under Executive Order
15 13771 and 13783. None of these issues is a
16 particular matter for the purpose or purposes of
17 the Criminal Conflict of Interest Statute.

18 Issues of regulatory reform that will
19 be gone over: portable fire extinguishers,
20 equipment suspension and maintenance
21 documentation, 100 gross ton measurements, life

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1 raft servicing, life raft data, dockside safety
2 decal, commercial fishing vessel document adverse
3 state parity, CGMIX, drill frequency, commercial
4 fishing vessel stability, and tonnage thresholds.

5 Also with regards to lobby
6 declaration, I would like to thank Ms. Conrad and
7 Mr. Hal Hockema for providing the signed
8 declaration regarding lobbyist status -- the
9 lobbyist status form.

10 And at this point, this is all I have,
11 Mr. Chair and Mr. Wendland.

12 MR. WENDLAND: Very good. Mr. Chair,
13 if it's okay with you, I'd like you to start with
14 administrative business and some tasking and
15 start right into the old business.

16 So I think, at this time, it would be
17 appropriate to put the summary minutes on the
18 table for a vote of accepting those minutes from
19 the committee. So, if you would like to take
20 that over and see if there's any comments on the
21 minutes that have been provided and we could make

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1 note of those, and we could get those accepted
2 and posted.

3 So, Mr. Chairman.

4 MR. JACOBSEN: Thank you, Mr.
5 Wendland.

6 The summary notes of the 37th
7 Commercial Fishing Vessel Safety Advisory
8 Committee Special Teleconference was distributed
9 in February. Hopefully, you've had a chance to
10 look it over.

11 And are there any comments, or
12 questions, or changes that anyone recognizes need
13 to be made to those minutes?

14 (No audible response.)

15 MR. JACOBSEN: If nothing, I need a
16 motion to accept the minutes as provided.

17 MS. CONRAD: Karen Conrad --

18 MR. DAMERON: This is Tom Dameron --
19 go ahead, Karen.

20 MS. CONRAD: Okay. Karen Conrad, I
21 move to accept the minutes as they are.

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1 MR. JACOBSEN: Thank you, Karen.

2 MR. DAMERON: This is Thomas Dameron
3 and I second.

4 MR. JACOBSEN: Thank you, Tom.

5 Is there any opposition to accepting
6 the minutes as provided?

7 (No audible response.)

8 MR. JACOBSEN: Hearing nothing, the
9 minutes are accepted.

10 So, I'll go back to you, Mr. Wendland.

11 MR. WENDLAND: Thank you, Mr.
12 Chairman. Thank you, Committee.

13 We continue on with just some program
14 updates. Since our last meeting, the 37th,
15 there's been three MSIBs that have been put out
16 by our office. You can go on to our website and
17 view those; you have the ability to view them and
18 see them there.

19 And also, staffing additions that we
20 have here. As you heard, Mr. Kemerer did retire
21 and I'm very pleased to have Mr. Myers onboard

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1 with his knowledge and skills.

2 And we lost Natsif Gordon (phonetic).
3 He took another position here at the Coast Guard
4 Headquarters. So we're down staff again to two
5 for our office or rather our division. However,
6 you may be pleased to hear that we did hire
7 Lieutenant Commander Holliday who is on staff and
8 has been assigned work on the grant program. So,
9 specifically looking into setting up that grant
10 program which probably is music to most of your
11 ears.

12 So, at this point, then, that really
13 concludes the program updates.

14 And I'd like to go into new business.
15 With that, we can discuss committee membership a
16 little bit. I'd just like to remind everybody
17 that there are term limits put out now by DHS
18 that are three years. Only two terms can serve
19 consecutively.

20 Currently -- well, we put out since
21 the last meeting two Federal Register notices

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1 trying to obtain seven vacancies. And the update
2 to those, both of those Federal Register notices,
3 the first we had five selectees that went through
4 Coast Guard Headquarters here and are currently
5 being vetted at the White House Liaison.

6 We had to re-advertise for two
7 positions; one being the Marine Surveyor
8 position, SGE position, and the other being the
9 Marine Manufacturers and Equipment Rep. And the
10 status of that is that resides at Coast Guard
11 Headquarters in the vetting process.

12 We have six positions becoming
13 available on this committee in June of 2019.
14 Four members for the six members will not be
15 eligible for a third term and we will be
16 soliciting for those positions likely six to nine
17 months in advance. So that's something to keep
18 in mind.

19 The Coast Guard Legislative and
20 Regulatory Affairs attorneys have provided the
21 guidelines and documents to the team, rather than

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1 read the past task statement that was done at the
2 last, the 37th Commercial Fishing Vessel Safety
3 Advisory Committee meeting.

4 I feel it's probably best just to
5 provide a little background before turning it
6 over to the chair and probably the subcommittee
7 chair for the task at hand.

8 So a little bit of background. On
9 June 8, 2017, a Federal Register Notice was
10 published requesting comments on the evaluation
11 of existing Coast Guard Regulations, guidance
12 documents, interpretative documents, and
13 collection of information. And that seeks the
14 public recommendations on what should be
15 repealed, replaced, and modified to assist the
16 Coast Guard's work in Department of Homeland
17 Security's Regulatory Reform Task Force.

18 Follow-up notice on July 7 extended
19 the deadline for subcommittee committees to
20 September 11, 2017, which was later extended to
21 March 30, 2018, which is 15 days from now. So

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1 this meeting is critical at this point in time.

2 So back on July 11, 2017, a Federal
3 Register Notice was published about the 37th
4 Commercial Fishing Vessel Safety Advisory
5 Committee meeting outlining the background and
6 purpose. The notice announced that the Coast
7 Guard would be issuing a new task to the
8 Commercial Fishing Vessel Safety Advisory
9 Committee to review regulations, guidance
10 documents, and information collections and
11 provide input about them through a final
12 recommendation report.

13 In order to carry out this tasking, a
14 Regulatory Reform Subcommittee was established.
15 One can find the task statement 01-17 on our web
16 page by placing your cursor on the arrow to the
17 right of the Fishing Vessel Safety link, which is
18 located in a blue box towards the left of the
19 page and clicking the meeting under the
20 Commercial Fishing Vessel Safety Advisory
21 Committee topic. From there, go to the year 2017

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1 link. Click the link titled FACA RRTF Official
2 Capacity.

3 That brings up to today, the 38th
4 Commercial Fishing Vessel Safety Advisory
5 Committee.

6 At this point, Mr. Chairman, I would
7 like to turn the meeting over to you to complete
8 the task at hand by utilizing the Regulatory
9 Reform Subcommittee and likely, the chair of that
10 subcommittee, Mr. Woodley.

11 Mr. Chairman, the meeting is all
12 yours.

13 MR. JACOBSEN: Thank you, Mr.
14 Wendland. I appreciate everyone being here,
15 especially those who were contributing to the
16 task at hand on the regulatory revisions,
17 especially Mr. Woodley, who has really done an
18 amazing job as chairman of the subcommittee and
19 has spent a lot of time in pulling all these
20 things together and arranging meetings. So we
21 really appreciate Chris' contributions to that.

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1 And some of the committee members have
2 done a lot of work, a tremendous amount of work
3 on some of these items that you'll see before you
4 today.

5 Hal Hockema has done a lot of the work
6 -- and his associates have done just some
7 tremendous work on revisions to the stability
8 regulations and other items we'll be discussing
9 today. So, hopefully, he'll tune in later.

10 You were sent a spreadsheet to have
11 each of the things that the subcommittee
12 identified as in need of elimination, or editing,
13 or some kind of change.

14 Chris, since you've been the
15 committee's sub -- the subcommittee chairman,
16 would you be willing to run down this checklist
17 or this spreadsheet and take this in order or do
18 you want me to identify each of the items and
19 then you can comment on them? How would you like
20 to do it, Chris?

21 MR. WOODLEY: Yes, Mr. Chairman, this

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1 is Chris Woodley here. Can you hear me okay?

2 MR. JACOBSEN: I can hear you fine,
3 thank you.

4 MR. WOODLEY: Yes, I think probably
5 the best way for me to do it is to -- I prepared
6 a little bit of introductory stuff on this and
7 then we can work our way through the spreadsheet.
8 And I would, leave it to your discretion, as the
9 committee, whether or not you wanted to take this
10 lock, stock, and barrel, or if you want to review
11 each one. So I'll wait for your guidance on
12 that.

13 One quick thing. I received a text
14 message from Hal Hockema and from Jerry Dzugan
15 saying they are trying to call into the meeting
16 right now but the system is kicking them out. So
17 I don't know if there is some way that could
18 correct that but they have reached out to me
19 asking if there's somebody there with technical
20 expertise who could address this.

21 MR. HOCKEMA: Chris, this is Hal.

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1 Tom just piggybacked me on his line there. So,
2 I'm here now.

3 MR. WOODLEY: Okay, Roger.

4 MR. HOCKEMA: But when I logged on,
5 everything worked fine. I entered the access
6 code and then my phone just said call ended. And
7 I'm not sure if we've reached the capacity limit
8 or what there.

9 MR. WOODLEY: Okay, thanks, Hal.

10 Mr. Chairman, so what I would like to
11 do then is just to give a quick intro on the talk
12 about the process that we worked through and then
13 we can get to the actual spreadsheet.

14 MR. JACOBSEN: Yes, thank you, Chris.
15 This is Jake Jacobsen.

16 So I thought that we would see what
17 kind of discussion, if there was any opposition
18 to some of these things as we discuss them and
19 then, at the end, we can decide whether to forward
20 it as a package or if the committee wants to carve
21 out some of these items we can make it a truncated

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1 package with some additional discussions on other
2 things.

3 We'll just kind of see how the
4 discussions goes and then look at the end if we
5 want to take these approvals individually or as
6 a package.

7 Does that sound good to you, Chris?

8 MR. WOODLEY: Yes, Chris Woodley
9 here. That's fine.

10 MR. JACOBSEN: Yes, thank you. Jake
11 Jacobsen back.

12 So Chris, if you'd like to run down
13 this spreadsheet starting with Priority 1 and
14 lead the discussion, I would appreciate it.

15 MR. WOODLEY: Yes, Mr. Chairman. So,
16 this is Chris Woodley. I'm with the Groundfish
17 Forum. I'm a previous Board member up until
18 January 15th and then I continued on as the
19 subcommittee chair for Regulatory Reform.

20 What I wanted to do just quickly
21 before I jumped into the spreadsheet was to

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1 briefly describe the process that we went
2 through.

3 So going back to July, we received a
4 task from the Coast Guard, task 01-17 on the --
5 I believe it was on the 17th of July. And at
6 that meeting, a subcommittee was formed that
7 consisted of both members of the committee, as
8 well as the public.

9 This subcommittee has met probably
10 half a dozen times over the course of the last
11 nine months, again reviewing everything from
12 existing regulations, existing Coast Guard
13 policy, which includes NVICs and policy letters.
14 And as well, we also reviewed approximately 39
15 comment letters that were submitted on behalf of
16 the fishing industry to Coast Guard Docket USCG-
17 2017-0480, which was the Coast Guard's request to
18 the maritime industry at large regarding
19 regulatory reform.

20 As far as existing regulations were
21 concerned, the overall perception of the

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1 subcommittee was that the Fishing Vessel Safety
2 Regulations were, for the most part, quite sound
3 and with a few exceptions, particularly in the
4 stability subchapter. There were a few changes
5 that need to be made there -

6 As far as existing policy guidance,
7 there were a copy of policy letters and NVICs
8 that required some attention. And in terms of
9 proposed regulation, there was probably a bit
10 more focus by the subcommittee on those items.

11 Going back to the comment letters,
12 just quickly, that were submitted, there were 39
13 comment letters that represented the number of
14 individuals, the number of associations. There
15 was one letter that was submitted that
16 represented 14 associations and then another
17 letter from the United Fishermen of Alaska that
18 represents 33 associations. So I feel, as
19 subcommittee chair, that this is a very broad
20 representation of the fishing industry and I feel
21 that these recommendations that we're making to

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1 the full committee do reflect important
2 regulatory changes that need to be made that fit
3 the intent and the purpose of the task that was
4 assigned to us.

5 So leading off, then, number one, one
6 of the things that the group did was to
7 prioritize. After going through all these lists,
8 we rank ordered these various topics. And so the
9 order that I'm presenting them is the ranking to
10 which they were given by the subcommittee.

11 Priority 1 was a repeal of a proposed
12 Notice of Rulemaking of a specific cite. It was
13 46 CFR Part 28.201(b), which is -- requires
14 classification of fishing vessels.

15 The Advisory Committee has, for
16 several years in a row made recommendations to
17 the Coast Guard this is both a statute and now a
18 proposed regulation that is burdensome upon the
19 fishing industry because it is cost prohibitive
20 and class does not provide sufficient safety
21 benefits currently needed in the fishing

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1 industry. And further complication of proposed
2 regulation is not consistent with what is
3 currently in the U.S. Code.

4 So what the subcommittee proposed was
5 to repeal the proposed regulation 46 CFR
6 28.201(b). On the spreadsheet there is some
7 further justification on this. One thing that I
8 will note is that the General Accounting Office
9 also completed a report on classification back in
10 December of 2017 that addresses -- that further
11 addresses a lot of these issues that we just
12 discussed.

13 In order, however -- an important
14 caveat here. In order to support our proposed
15 regulatory change, the subcommittee recommends
16 that 46 U.S. Code 4503(c)(2)(A) be amended as
17 follows: specifically, delete the reference to
18 79 feet and replace it with a -- and it's a fill
19 in the blank and I apologize for that but a length
20 that will be determined by Congress.

21 It is our understanding that right now

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1 the Coast Guard bill in the U.S. Senate has a
2 provision which would increase the current length
3 for classification from 79 feet to 180 feet. So
4 whatever Congress comes up with up to 180 feet,
5 it would be this subcommittee's recommendation
6 that future regulation would have to be
7 consistent with what's in the law.

8 And that's all I have for discussion
9 on the first issue.

10 MR. JACOBSEN: Thank you, Chris. Is
11 there any --

12 MR. DAMERON: Mr. Chairman, this is
13 Tom Dameron. I'm wondering the committee's
14 thoughts on inserting 180 feet in place of that
15 a length to be determined by Congress. Thank
16 you.

17 MR. JACOBSEN: Thank you, Thomas.
18 This is Mr. Jacobsen.

19 Chris, do you have any comments on
20 that?

21 MR. WOODLEY: Yes, Mr. Chairman.

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1 Chris Woodley. So yes, I believe the important
2 thing here is that the regulations need to be
3 consistent with the statute. And because
4 currently they are not, that is problem number
5 one. And as the Coast Guard, as we move forward
6 in this, these regulations would need to be
7 consistent with what is in statute. Otherwise,
8 the regulations are going to create a confusing
9 framework as to when class applies and when it
10 does not.

11 And you know there have been instances
12 in the past of conflicts between regulation and
13 statute. So I think that it's very important
14 that our recommendation be consistent with what
15 is being considered in Congress. So yes, I think
16 180 feet would be appropriate.

17 MR. HOCKEMA: Mr. Chairman, this is
18 Hal Hockema. I'm in favor of leaving the wording
19 as it is because that will be what it is. Whether
20 we want 180, or 125, or whatever, that's going to
21 be what it is.

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1 Personally, I'm in favor of 125 versus
2 180 but I think it's more appropriate just to
3 leave it as determined by Congress.

4 MR. JACOBSEN: Thank you, Mr.
5 Hockema.

6 So Mr. Dameron, do you want to propose
7 -- do you want to make a motion, or propose a
8 change there, or are you satisfied to let it go
9 forward as is?

10 MR. DAMERON: I'm satisfied to let it
11 go forward as is. I'll give a minute for any
12 other comments and then I would like to make a
13 motion to move this forward.

14 MR. JACOBSEN: Thank you, Tom. So
15 this is Mr. Jacobsen again.

16 I think we can get these all done as
17 a package for voting purposes, I'm going to just
18 mark this as something that there wasn't any
19 disagreement or objection to and then maybe I can
20 put together -- there could be a motion at the
21 end to advance all those that there don't seem to

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1 be any negative comments about.

2 So if that's okay, Tom, if you could
3 keep your motion until this list, it might help
4 expedite the meeting.

5 MR. DAMERON: This is Tom Dameron.
6 Understood.

7 MR. JACOBSEN: Mr. Jacobsen back.
8 So, thank you, Tom.

9 If there's nothing else on item number
10 1 there -- Priority 1, Chris, could you continue?

11 MR. WOODLEY: Sure. Yes, so Mr.
12 Chairman, going on to Item number 2, our next
13 priority was a proposal to modify an existing
14 regulation, particularly 46 CFR Part 69, which
15 involves tonnage.

16 The proposal -- or the issue at hand
17 is that regulatory tonnage establishes or creates
18 thresholds upon which certain regulations are
19 required. And currently, the Coast Guard uses
20 both regulatory tonnage as well as international
21 tonnage.

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1 The proposal from the group was that
2 regulatory tonnage should not be allowed for new
3 vessels but concurrent with its action, it would
4 require upward adjustment of tonnage thresholds
5 in numerous legislative and regulatory
6 thresholds, specifically, vessel manning; vessel
7 inspection; pollution prevention, which includes
8 MARPOL requirements, which is an international
9 treaty and not just a U.S. law; and as well as
10 navigational safety.

11 The action for this would modify
12 various vessel documentation manning, vessel
13 inspection, pollution prevention, and other
14 regulations.

15 The justification behind this, and Mr.
16 Hockema can speak more in-depth to it, if
17 necessary, but currently when a new vessel is
18 being constructed, because of these various
19 tonnage thresholds, owners will often choose to
20 try to, under the U.S. tonnage system, to build
21 the vessel in ways that keeps the vessel under a

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1 certain tonnage but, in doing so, the method that
2 a naval architect uses to keep a vessel under
3 tonnage can sometimes compromise safety.

4 We've all heard discussions of tonnage
5 opening, things like that. Again, this is a very
6 technical topic. But in terms of designing
7 vessels, you know fishing vessels in particular,
8 the work arounds to keep vessels under tonnage
9 can cost a lot of additional money and can also
10 reduce safety. So, again, for this reason, the
11 subcommittee would advise that the tonnage --
12 that regulatory tonnage not be allowed for any
13 vessels but to make that work you would have to
14 adjust tonnage thresholds.

15 For those of you who weren't in the
16 discussions on the subcommittee, to make this
17 work would require numerous changes to existing
18 federal statute. Not just one statute but many,
19 many different statutes in federal law. And
20 while I -- I guess this would be my recommendation
21 for the full committee, while I think there's a

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1 lot of merit in continuing to look at this
2 proposal, the fact that it requires numerous
3 changes to federal statute and that those
4 statutes not only govern fishing vessels but
5 often govern other small vessels like towing
6 vessels, I think this would be significantly --
7 a real challenge to actually bring to fruition.

8 So that's the end of my comments on
9 this.

10 MR. JACOBSEN: This is Chairman
11 Jacobsen. Thank you, Mr. Woodley. I appreciate
12 that.

13 So this is one of these happy
14 situations where we have the right person in the
15 right place at the right time. So thank you, Mr.
16 Hockema, your associates at Hockema and Whalen
17 for putting this together, and the comments on
18 stability, and a few other things that are within
19 your bailiwick. We really appreciate your work
20 on the subcommittee and all the time that you and
21 your associates put in on pulling this together.

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1 So, Hal, I'd like to give you an
2 opportunity to speak to this. And perhaps if you
3 could comment on Mr. Woodley's concerns about the
4 difficulty in moving it forward, that would be
5 appreciated as well.

6 Mr. Hockema.

7 MR. HOCKEMA: Okay, thank you,
8 Chairman.

9 Yes, I'll mention this in two waves
10 here. I'll try to keep it short.

11 The reasoning for this, of course, is
12 that let's say -- we'll use an example. For
13 fishing vessels, a common tonnage threshold is
14 200 gross tons. It has to do with licensing a
15 crew. If you're above that, you have increased
16 licensing requirements.

17 So the methods that we used for
18 keeping larger vessels under 200 gross tons are
19 mostly structural in nature and arrangement type
20 things but the big issue is they cost money.
21 They add weight to the vessel. There is some

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1 decrease in safety, although most of it is just
2 money. It adds money to the situation. We
3 figured out how to make the tonnage opening safe
4 and all that kind of stuff.

5 So this is a big issue regarding just
6 how much money it costs to build a boat and how
7 you can arrange the boat to your liking. So
8 that's the main purpose. And it's fully
9 understood that this is a complex issue. I don't
10 expect, personally, that this is going to get
11 very far. The Coast Guard tried to do this back
12 in the '80s and it was faced with a lot of
13 challenges, both technical and political about it
14 from both sides, vessel owners and crewmen's
15 unions and those kind of things. But it's an
16 important issue and it's been with us for a long
17 time and I think it's important to bring it up to
18 the Coast Guard that we feel it is an important
19 issue.

20 On the technical side of it, just to
21 clarify here, and there were some concerns that

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1 Mr. Dameron had that I addressed in a later draft
2 of this February 22nd draft. This is targeted
3 at new vessels. So if you build a new vessel
4 above 79 feet in length, you would go with this
5 International Tonnage Convention versus instead
6 of our U.S. regulatory system. If that tonnage
7 system is applied, then the tonnage thresholds
8 for manning and a variety of other issues would
9 be increased accordingly to what that tonnage
10 would normally be for a vessel that was measured
11 under the U.S. regulatory system.

12 So a vessel let's say that was 130-
13 foot vessel that was measured at 199 gross tons
14 under the U.S. system but if measured it under
15 the ITC or international system, it might measure
16 700 tons, if it's a large vessel. So that,
17 instead of 200 tons, we may use a much higher
18 threshold, 700 tons or even 1,000 tons there for
19 that. So, that would be the case for new
20 vessels.

21 For existing vessels that are already

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1 measured and all of the existing vessels are
2 measured, they would have a choice of either
3 using that newer system or staying with the
4 existing tonnage thresholds. So no one with an
5 existing vessel is going to be affected, unless
6 they choose to be affected by it.

7 So anyway, that's the basic
8 explanation.

9 MR. JACOBSEN: Thank you, Mr.
10 Hockema.

11 This is Jake Jacobsen. Are there any
12 questions or comments from the committee?

13 MR. DAMERON: Mr. Chairman, this is
14 Tom Dameron.

15 The only situation that I see that
16 could be added to this is the major conversion.
17 And Hal, correct me if I'm wrong but I believe
18 after major conversion you have to be re-
19 measured. Is that correct?

20 MR. HOCKEMA: Yes, you do. And Tom,
21 I'm grouping the major conversion in with

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1 existing vessels, period. So if you have an
2 existing vessel, you have a choice between the
3 two. That could be clarified further, I suppose
4 but, typically, in the fishing industry anyway,
5 we have major conversions that are still with
6 existing vessels.

7 I know that in other sectors, the
8 Coast Guard has the ability to look at major
9 conversions and apply new construction standards
10 to them. So, my proposal would be to keep major
11 conversions in with the existing vessels.

12 MR. BOEHMER: Mr. Chairman, this is
13 Kristian Boehmer. I have a comment or a
14 question, if I may.

15 MR. JACOBSEN: Go ahead, Kris.

16 MR. BOEHMER: I don't know that this
17 might be further down the road but I think a
18 solution in what triggers a certificate of
19 financial responsibility and pollution charges
20 are based -- are now charged on gross tonnage.
21 So even if you are suggesting different standards

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1 for boats that are equal, get away from parity or
2 trying to get in parity now. So I don't know if
3 we can do much about it but I don't know how you
4 guys feel about that.

5 MR. JACOBSEN: This is Mr. Jacobsen.
6 Thank you, Kris.

7 Hal, do you have any comments on Mr.
8 Boehmer's remarks?

9 MR. HOCKEMA: I think there's an
10 endless, as Kris mentioned, Chris Woodley, even,
11 there's a number of issues that have to be worked
12 out in this. And I think that's probably where
13 I'd like to leave it. There are numerous types
14 of regulations. Pollution regulations, safety
15 regulations, construction regulations, and
16 manning regulations are the main ones that I know
17 of. And so each one of these have to be reviewed
18 according to this issue. And it would be a
19 pretty major process.

20 But my feeling is that it's warranted
21 to this because this is affecting most of the

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1 vessels that I deal with, most of the fishing
2 fleet that is above about 90 feet by maybe 24
3 feet or 26 feet or so gets you a vessel that's in
4 the 190 gross ton range, without doing any of the
5 tricks, so to speak. And everything above that
6 is we're applying numerous design-related issues
7 into the vessels which costs a lot of extra money
8 to do.

9 The cost to industry, and if you
10 spread this out beyond the fishing industry, into
11 the tugboat industry, is that it's several
12 million dollars per year. And I don't have a
13 figure on that but it's very substantial.

14 MR. JACOBSEN: Thank you, Mr.
15 Hockema.

16 Are there any other comments or
17 questions on this topic?

18 MR. WOODLEY: Mr. Chairman, this is
19 Chris Woodley. One of the documents that I did
20 provide was it's a document on CFSAC 2.5 and it
21 does have -- this was my assessment, so it may

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1 not be comprehensive, but a list of the various
2 statutes and regulations that are potentially
3 affected by or govern fishing vessels based on
4 tonnage.

5 So if people have any, you know as Mr.
6 Boehmer mentioned, certificates of financial
7 responsibility are certainly one of those. I did
8 send that to the whole group. So if you have any
9 questions about some of the statutes that could
10 be affected, they are provided for you.

11 MR. JACOBSEN: Yes, this is Mr.
12 Jacobsen. Thank you, Chris.

13 And these affected regulations go all
14 the way from vessels from five gross tons up to
15 5,000 gross tons. I'm looking at the list and
16 there are a number of different areas that are
17 affected by this.

18 But I would like to get the ball
19 rolling on this and start -- it's got to start
20 somewhere. So maybe it won't go anywhere now.
21 Maybe it's a thing for down the road or we'll

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1 have to take it piecemeal. But I think we need
2 to at least open up the discussion so hopefully
3 it will do it if we move this forward.

4 Are there any other comments or
5 questions regarding measurement of vessels?

6 MR. WENDLAND: Mr. Chairman, this is
7 Jonathan Wendland.

8 MR. JACOBSEN: Thank you, Jonathan.
9 Go ahead.

10 MR. WENDLAND: Yes, just one comment.
11 The vessel documentation, that would be five net
12 tons, not five gross tons for the documentation.

13 MR. JACOBSEN: Thank you, Jonathan.

14 MR. WENDLAND: Yes, sir. And also,
15 Mr. Chairman, if I may, is Mr. Dzugan on the line?

16 MR. DZUGAN: I am. The sunspot
17 activity has finally gone down. So I'm back on.
18 Thank you.

19 MR. WENDLAND: Okay, ignore the phone
20 call we placed to your cell, then.

21 Mr. Chairman, it's all yours. Thank

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1 you.

2 MR. JACOBSEN: Thank you, Mr.
3 Wendland.

4 If there are no other comments on this
5 issue, Chris Woodley, would you proceed to the
6 next one, please?

7 MR. WOODLEY: Yes. All right, Mr.
8 Chairman, so Chris Woodley.

9 Number 3, the next proposal from the
10 subcommittee was to modify numerous sections of
11 46 CFR Part 28, Subpart E, which is existing
12 regulation. The justification behind this is
13 that there is a lot of inconsistency and
14 basically some poor wording in some regulations
15 which creates confusion and potentially adds
16 thousands of dollars in additional costs when the
17 fishing industry is updated stability regulations
18 -- for vessel owners updating stability
19 regulations. So inconsistencies and poorly
20 worded sections.

21 What the document that Mr. Hockema

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1 provided dated 30 January 2018 and on your list
2 I think it's CFSAC 3 is a list of the proposed
3 changes by section. And again, most of these are
4 technical corrections. There are a small number
5 of additions and some policy implications that
6 are also extended to MSC guidance for commercial
7 fishing vessel stability, which is also
8 referenced in the spreadsheet. It's MSC
9 Procedures H2-20.

10 So the document that I sent out has
11 the individual changes kind of line by line. And
12 so it's pretty well laid out. And if people have
13 any specific technical questions, Mr. Hockema
14 would be the -- should be able to answer any of
15 those.

16 MR. JACOBSEN: This is Mr. Jacobsen.
17 Thank you, Mr. Woodley. I appreciate that
18 summary.

19 This work was done by Mr. Hockema and
20 his associates. Again, they did a lot of work
21 in putting this together and it's something that

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1 is important I think to take a look at.

2 And so Mr. Hockema, do you have any
3 comments on your work?

4 MR. HOCKEMA: Yes, thank you, Mr.
5 Chairman.

6 Yes, in general, this is a lot of
7 specific recommended for change. And most of it
8 is related to, as Mr. Woodley indicated, either
9 a bit of sloppiness in regulatory composition or
10 the fact that policy has evolved over the years
11 and the regulation has not. And we need to have
12 clarification in the regulation.

13 We, as a new architecture company, I
14 employ seven licensed professional engineers and
15 we do a lot of fishing boat stability and so we
16 communicate with the Coast Guard a lot. Other
17 firms, especially smaller firms may not do this
18 as much and we find some of their stability work
19 to be not in line with Coast Guard's wishes. At
20 the same time, we disagree with some of the Coast
21 Guard's wishes and would like the Coast Guard to

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1 back away from some interpretations that we think
2 are overly conservative.

3 And so the net effect of this is to
4 actually reduce the level of regulation slightly
5 from what it is currently, without reducing the
6 level of safety in our opinion.

7 MR. JACOBSEN: Thank you, Mr.
8 Hockema. Are there any questions or comments on
9 the proposal regarding Subpart E, stability?

10 (No audible response.)

11 MR. JACOBSEN: Hearing nothing,
12 again, thank you, Hal, for the work you and your
13 associates put in. It was substantial and we
14 appreciate it a lot.

15 So, Chris Woodley, if you would,
16 proceed to Priority Item 3.

17 MR. WOODLEY: Correction, Mr.
18 Chairman. It would be Priority 4.

19 MR. JACOBSEN: Yes, thank you.

20 MR. WOODLEY: Yes, so Mr. Chairman,
21 Chris Woodley here.

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1 This is -- so number 4 is to modify
2 an existing regulation, specifically 46 CFR Part
3 28.270(a). This is part of the regulations as
4 for the frequency of how often drills have to be
5 conducted.

6 The current regulation is ambiguous as
7 written and is subject to multiple
8 interpretations during enforcement or dockside
9 exams. Because it's ambiguous, it creates
10 certain inefficiencies and uncertainty and
11 burdens on the industry, what the subcommittee
12 has recommended is to change 46 CFR 28.270(a) to
13 read as follows: Each required drill and
14 required instruction be performed before vessels
15 engage in fishing activities and within periods
16 of no more than 30 days in duration while engaged
17 in fishing activities.

18 There would be no additional cost to
19 industry or the Coast Guard in enforcing this
20 regulation. It's just simply a clarification.
21 However, we feel that the industry burden would

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1 be reduced with clear regulations and that the
2 Coast Guard would likely issue fewer unwarranted
3 enforcement actions.

4 And the summary document that was
5 prepared, the memo is the CFSAC 4.

6 That's all I have.

7 MR. JACOBSEN: This is Mr. Jacobsen.
8 Thank you, Chris. I appreciate that summary.

9 So I believe this was put together by
10 Karen Conrad and Jerry Dzugan. And I appreciate
11 their work on that and ask them if they have any
12 comments on this item.

13 MS. CONRAD: Chairman, this is Karen
14 Conrad. And I believe Thomas Dameron wrote this.

15 MR. JACOBSEN: Oh, I'm sorry. So
16 thank you for the correction, Karen.

17 Tom, do you have any comments on this
18 section?

19 MR. DAMERON: Thank you, Mr.
20 Chairman. Tom Dameron.

21 The only other comment is within the

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1 modification classifications that we
2 recommended, we did leave in there that while
3 engaged in fishing activities, no more than 30
4 days between each of the drills. So you could
5 still do an abandon ship drill in the first week
6 of the month, and a fire drill the second week,
7 man overboard drill the third week, minimizing
8 unintentional flooding the fourth week. And as
9 long as you did the same in the following month,
10 you would still be in compliance.

11 What we were trying to get away from
12 was a vessel being considered in compliance if
13 they did drills say the first day of July and the
14 last day of August. And that would be, you know
15 basically more than 60 days in-between drills.
16 We didn't want that to be considered in
17 compliance.

18 Thank you.

19 MR. JACOBSEN: This is Mr. Jacobsen.
20 Thank you, Tom. I really appreciate that and
21 your work on this.

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1 Are there any questions or comments on
2 this item?

3 (No audible response.)

4 MR. JACOBSEN: Hearing nothing, Mr.
5 Woodley, could you proceed to the next item?

6 MR. WOODLEY: All right, Mr.
7 Chairman.

8 So number 5 would be a modification to
9 a proposed rule that is found in USCG-2012-0025.
10 And what this modification is intended to do is
11 to -- would allow the maritime industry to
12 leverage technological advances and reduce
13 fishing vessel operator time and effort to comply
14 with operational readiness regulations.

15 This is primarily aimed at -- I'm
16 sorry. This is aimed at primarily lifesaving and
17 firefighting equipment regulations. Again, the
18 intent behind this is there's numerous kinds of
19 equipment, lifesaving equipment, firefighting
20 equipment onboard and each one of them and
21 different manufacturers have different

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1 requirements regarding the servicing intervals
2 and how to properly service this equipment.

3 And what this requirement would do
4 would be to remove this burden from the industry
5 and place it upon the government or to the Coast
6 Guard to house this information in one central
7 location that a fishing vessel operator can
8 simply go to the Coast Guard equipment
9 maintenance website and find out what the
10 servicing interval or recordkeeping requirements
11 are.

12 So it is our view that this would
13 simplify things for fishing vessel safety
14 operators and the summary of this is found -- the
15 summary memo is at CFSAC 5.

16 And I believe this is Tom Dameron who
17 submitted this proposal.

18 MR. JACOBSEN: Thank you, Mr.
19 Woodley.

20 Mr. Dameron, would you care to comment
21 on your proposal?

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1 MR. DAMERON: Yes. Thank you, Mr.
2 Chairman. This is Tom Dameron.

3 So with the new commercial fishing
4 regulations that are -- that have been proposed
5 and are apparently being worked on by the Coast
6 Guard, the commercial fisherman is going to be
7 tasked with documenting compliance with 46 CFR
8 28.140, which includes maintaining their
9 equipment per manufacturer's guidance. And to
10 make a long story short, that manufacturer's
11 guidance is not always available to the
12 commercial fisherman. The commercial fisherman
13 has never been required to hold onto that
14 guidance.

15 So if a new piece of equipment is
16 brought aboard, let's just say an EPIRB, and it
17 comes with maintenance and inspection guidance,
18 the fisherman is not required to hold on to that.
19 There's plenty of old equipment in the commercial
20 fishing industry where that guidance is not
21 readily available.

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1 Because the Coast Guard CGMIX website
2 could put out -- puts itself out there as the go-
3 to source of all Coast Guard safety information,
4 we think that it would be appropriate that they
5 had that information for all pieces of approved
6 lifesaving and emergency equipment with
7 manufacturer's criteria and instruction for the
8 inspection and maintenance of that equipment is
9 included in the CGMIX website and that the
10 manufacturer's recommended inspection,
11 maintenance, and service intervals of their
12 equipment which owners, or masters, or the person
13 who is in charge of a vessel are required to
14 maintain in accordance with manufacturer's
15 guidance is available on that website.

16 It just kind of doesn't make sense
17 that you have every commercial fisherman in the
18 United States that has to find these things, when
19 they could be found one time and made readily
20 available.

21 It just so happens that I received an

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1 email earlier today from an inspector, Mr. James
2 Dunbar. And he is Chief Inspection Division U.S.
3 Coast Guard Sector Detroit. And they've run
4 across a whole bunch of vessels that have some
5 very old survival suits onboard. He said eight
6 vessels with 50 suits apiece, all of them very
7 old. And they were looking for the maintenance,
8 inspection, and service guidance for all those
9 suits and couldn't find them. And he reached out
10 to me because I do have a lot of that
11 documentation. And if it's happening to him up
12 in the Great Lakes, I'm sure it's happening in a
13 lot of other areas. And it really just makes
14 sense to have this critical equipment information
15 all in one place.

16 Thank you.

17 MR. JACOBSEN: Thank you, Mr.
18 Dameron. I appreciate your work on this.

19 Are there any questions or comments on
20 the CGMIX issue?

21 (No audible response.)

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1 MR. JACOBSEN: Hearing nothing, Mr.
2 Woodley, would you do the next one, please, the
3 parity issue?

4 MR. WOODLEY: Yes, Mr. Chairman.

5 So item number 6 is a modification to
6 a Notice of Proposed Rulemaking, the same
7 rulemaking as we've been discussing, USCG-2012-
8 0025. And this is with the subject of vessel
9 parity.

10 The 2010 Coast Guard Authorization Act
11 eliminated the distinction between documented and
12 undocumented fishing vessels for purposes of
13 fishing vessel safety regulations found in 46 CFR
14 Part 28. The congressional intent was that
15 state-registered fishing vessels meet the same
16 safety requirements as similarly sized federally-
17 documented vessels that are participating in the
18 same fishery, same areas of operation.

19 So the proposed action would modify
20 the Notice of Proposed Rulemaking to expand the
21 implementation of vessel parity to fully include

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1 regulations that would affect undocumented
2 fishing vessels.

3 The proposed regulation, as currently
4 written, continues to apply an outdated, less
5 stringent, and less costly safety standard to
6 state-registered vessels. This puts federally-
7 documented fishing vessels of similar size and
8 similar operation in an unfair financial
9 advantage.

10 It is the subcommittee's view that
11 this change would reduce vessel losses and
12 improve accident survivability with undocumented
13 fishing vessels. And the summary memo is CFSAC
14 6 and that was prepared by Mr. Dzugan.

15 MR. JACOBSEN: Thank you, Mr.
16 Woodley.

17 Mr. Dzugan, we appreciate you being
18 here and hopefully the sunspots will abate to the
19 point where you can comment on this proposal.

20 MR. DZUGAN: Thank you, Mr. Chairman,
21 and the committee. I believe Mr. Woodley

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1 summarized this pretty well.

2 The Coast Guard Authorization Act of
3 2010 strategically eliminated the term documented
4 and non-documented from the existing commercial
5 fishing vessel U.S. Code. And like Mr. Woodley
6 said, this is definitely a parity issue.

7 Increasingly, we're seeing state-
8 numbered and documented vessels working, like Mr.
9 Woodley said, on the same waters in the same
10 weather, and they are the same sized boats, and
11 same fishery and crew size. I've asked NIOSH to
12 run a literature search and they've never --
13 actually I didn't ask them. I just found this
14 in some of their reports that in the literature
15 search they've done on the research, there's no
16 evidence in the scientific literature that
17 documented fishing vessels are at any less higher
18 or lower risk of casualties in a state-registered
19 vessel.

20 Increasingly, fishing vessel owners
21 are having their fishing vessels re-measured to

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1 be less than five net tons, in order to buy a
2 foreign hull and then to use it legally in the
3 U.S. fisheries, or to avoid more stringent
4 fisheries management or safety regulations that
5 would apply to a documented fishing vessel. This
6 tactic is well-known and used and results in some
7 state numbered vessels being larger, and even
8 better able to withstand season weather than some
9 smaller documented fishing vessels, which would
10 be comparably thus more at risk to season
11 weather.

12 So just to kind of close that
13 workaround and I'll call it the cheap that people
14 are using, and bring a level of safety to all
15 fishing vessels beyond three miles.

16 If you're beyond three miles, it seems
17 like, and you have a vessel casualty, you can't
18 swim to shore. You still can't call the fire
19 department. You're still needing survival
20 equipment and training that is afforded to
21 documented fishing vessels.

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1 And thus this change from statute in
2 the proposed rulemaking is ineffective in terms
3 of the public good and it also causes
4 confusion -- it will cause confusion when people
5 read the statute and the law and then look at the
6 regulation. So, this would clarify that.

7 Thank you.

8 MR. JACOBSEN: Thank you, Mr. Dzugan.
9 I appreciate that explanation. I appreciate you
10 work on this.

11 Are there any questions or comments
12 from committee members?

13 MR. BOEHMER: Yes, Mr. Chairman, it's
14 Kris Boehmer again, if I may.

15 MR. JACOBSEN: Go ahead Mr. Boehmer.

16 MR. BOEHMER: I have the same problem
17 that I had on the other one. I think it's --
18 work to make sure they're not creating a parity
19 issue with -- that we're fixing the parity issue
20 here. Going back to -- it brings it to light
21 again that somebody may do a major alteration

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1 on a tonnage issue. I'm just confused by this.
2 I know it's not this subject, necessarily, but
3 we've worked very hard to try to eliminate a
4 parity issue in the documented and undocumented
5 vessels and I'm thinking that we're going to be
6 creating one and I think it was Item 3, if I
7 recall correctly, by somebody may be 200 gross
8 tons and then go through a major alteration and
9 have to -- the requirements.

10 And I know this may not be an issue
11 that -- but I just wanted to bring it up. Thank
12 you.

13 MR. JACOBSEN: Thank you, Mr.
14 Boehmer. You're breaking up a little bit so I
15 think I missed some of that.

16 But Mr. Dzugan if you were able to
17 hear it, or you need him to repeat it, or could
18 you comment on his remarks?

19 MR. DZUGAN: I think I caught every
20 other word. I think I get the gist of it. I
21 don't think this speaks directly to this issue.

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1 I understand problems that the lack of parity has
2 caused in other situations, especially involving
3 tonnage. And the bottom line is I think the more
4 effective we can make these rules so that
5 everybody understands what they are with a lack
6 of confusion benefits the industry in complying
7 with regulations and with survivability.

8 Yes, those are the two main things,
9 survivability and complying with regulations.
10 There's enough -- and also the fact that you know
11 it's really important because we've had problems
12 where in one region they will enforce something
13 one way -- the Coast Guard I'm talking about --
14 and in another way, they have a slightly
15 different take on it but these commercial fishing
16 vessels fish between regions. Like fish, they
17 go wherever the fish are and sometimes they have
18 permits in different areas. So it's led to a lot
19 of confusion in the past.

20 MR. JACOBSEN: Thank you, Mr. Dzugan.

21 Mr. Boehmer, do you have any further

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1 comments or questions?

2 MR. BOEHMER: No, none. Thank you
3 very much.

4 MR. JACOBSEN: Thank you. I
5 appreciate it.

6 Are there any other comments or
7 questions on the parity issue?

8 (No audible response.)

9 MR. JACOBSEN: Thank you very much.

10 Mr. Woodley, could you move to the
11 frequency of dockside exams, please, item 7?

12 MR. WOODLEY: Yes, sir, Mr. Chairman.
13 Sorry, my phone was on mute.

14 So the next item is a modification to
15 a Notice of Proposed Rulemaking USCG 2012-0025,
16 specifically, 46 CFR Part 28.201(a).

17 The issue at hand is the frequency of
18 dockside exams. Increasing the frequency of
19 dockside exams is a long-term preventative
20 strategy designed to reduce fatalities, vessel
21 losses, and serious injury, while ensuring the

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1 safe operation of commercial fishing vessels to
2 the benefit of the nation.

3 Currently, the regulation is written
4 that the exam could be conducted at least once
5 every five years and this frequency is not
6 supported by the industry. There have been
7 numerous letters both in proposed rulemaking and
8 other letters submitted directly to the Coast
9 Guard by the industry and by the Fishing Vessel
10 Advisory Committee to the Coast Guard saying that
11 the industry and the Advisory Committee would
12 prefer that the interval be at least once every
13 two years. So the proposed modification would
14 change the language in 28.201(a) to read, quote:
15 at least once every two years.

16 In terms of cost or additional burden,
17 we don't believe that there's any significant
18 cost associated with this. Over 90 percent of
19 the fishing vessel safety exams in the U.S. are
20 conducted free of charge by the Coast Guard. The
21 Coast Guard has stated that they do have the

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1 personnel resources to handle the demand of a
2 two-year exam cycle. The remaining ten percent
3 of the exams are performed by third-party
4 examiners. Those are many times -- those exams
5 are many times free of charge and are done in
6 conjunction with other survey requirements either
7 for insurance or for vessel classification.

8 It's our belief, the subcommittee's
9 belief that a two-year exam cycle will maintain
10 or greatly improve existing levels of safety and
11 reduce fatalities in the fishing fleet.

12 And the summary document was the CFSAC
13 7 and that was prepared by myself.

14 MR. JACOBSEN: Thank you. Yes, this
15 was your work and so I assume you've made your
16 comments. If you have anything in addition to
17 add, would you say anything further.

18 MR. WOODLEY: Mr. Chairman, again,
19 just to reiterate you know there were large
20 sections of the North Pacific fishing industry
21 that submitted letters to the Coast Guard and to

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1 the Advisory Committee in September of 2015
2 regarding this issue. The Oregon Congressional
3 Delegation submitted a letter to the Commandant
4 of the Coast Guard in October of 2015 on this
5 issue, as did Senator Cantwell's office. And
6 this is also an issue that is, again, widely
7 supported at least by the North Pacific fishing
8 industry. So there is a pretty good track record
9 for this particular issue, documentation from the
10 Coast Guard to evaluate making this change.

11 MR. JACOBSEN: Thank you, Mr.
12 Woodley. I appreciate the comments because there
13 is a proven track record on this issue and it's
14 rare that industry asks for additional or more
15 rigorous federal oversight. This is one of those
16 things. And the committee has already made a
17 recommendation to the Coast Guard to change the
18 period to two years.

19 And so this would continue to
20 reinforce our already stated position that this
21 is important to fishing vessel safety and

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1 something that industry would like to see.

2 Are there any other comments or
3 questions on the decal interval?

4 (No audible response.)

5 MR. JACOBSEN: Hearing nothing, Mr.
6 Woodley, if you could move to life raft
7 servicing, Priority Item 8.

8 MR. WOODLEY: Thank you, Mr.
9 Chairman. So yes, number 8 would be a
10 modification to 46 CFR Part 28.140(b), bravo,
11 specifically regarding the servicing intervals of
12 life rafts.

13 There was recently a study that was
14 completed by the Coast Guard on life raft
15 servicing that was dated the 17th -- or I'm sorry,
16 September of 2017. It was titled Analysis of the
17 Inflatable Survival Craft Testing Failures. And
18 one of the conclusions out of this study was that
19 the effectiveness of annual servicing of
20 liferafts has not been demonstrated.

21 While the study emphasizes the

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1 importance of regular servicing, the actual time
2 interval has not been demonstrated. And in many
3 regions of the country, servicing costs are very,
4 very high and a lack of nearby servicing
5 facilities results in additional shipping costs
6 to cover annual servicing requirements.

7 We did some analysis talking to vessel
8 operators in Southeast Alaska, which is one of
9 the regions where there is a lack of servicing
10 facilities, also the Gulf of Mexico. And it was
11 based on our initial analysis, which is document
12 CFSAC 8.5, it would reduce servicing costs by 30
13 percent over the life of the -- over the service
14 life of the survival craft.

15 So the proposal of this subcommittee
16 to -- I'm sorry. Before I state that, there are
17 also Coast Guard regulations both nationally and
18 internationally that are provided by the Coast
19 Guard which allow servicing intervals for up to
20 17 months. This is for -- and these regulations
21 are found in the Safety of Life at Sea

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1 Requirements for international survival craft and
2 then in Subchapter W for Survival Craft on
3 Vessels Other than Fishing Vessels.

4 So the proposal from the subcommittee
5 was to change the language in Table 46 CFR
6 28.140(b) to read to be serviced once every 24
7 months, as opposed to once every 12 months.

8 And again, the supporting
9 documentation for this is in the memo CFSAC 8,
10 8.5, and then also the U.S. Coast Guard Study on
11 Liferaft Servicing.

12 And that's all I have.

13 MR. JACOBSEN: Thank you, Mr.
14 Woodley. So, this is submitted by Mr. Woodley
15 and Mr. Kampnich. And I appreciate their work
16 on this.

17 Mr. Woodley, if you have any more
18 comments on this, if you could do so now.

19 MR. WOODLEY: Mr. Chairman, Chris
20 Woodley here. Yes, I don't have any more.
21 Michael Kampnich, he did quite a bit of work

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1 gathering information out of Southeast Alaska and
2 he had been continuing to do that. So he may
3 have some comments on additional information that
4 I didn't cover.

5 MR. JACOBSEN: Yes, Mr. Kampnich, if
6 you're on the line.

7 MR. KAMPNICH: Yes, this is Michael
8 Kampnich.

9 Chris has covered it well. I would
10 just reiterate what he said. The challenges of
11 having this service performed in remote areas
12 here, it is both financial a burden and a
13 challenge and the time frame of doing this can
14 interfere with some vessel operators, you know
15 their scheduling and such.

16 So I appreciate the opportunity to try
17 and give people a little more time here.

18 MR. JACOBSEN: Yes, thank you. I
19 appreciate your work on this also.

20 And are there any other -- any
21 questions or comments from committee members

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1 regarding liferaft servicing?

2 MR. DAVIS: This is Allen, if you're
3 willing to accept comments from the peanut
4 gallery.

5 MR. JACOBSEN: Thank you, Allen. Mr.
6 Wendland, would that be okay?

7 MR. WENDLAND: We were just trying to
8 have the public comment at the end, prior to the
9 motions. But if there is a need, certainly you
10 have that prerogative.

11 MR. DAVIS: Okay. Well, the question
12 that I have, if it could be tendered is did the
13 study show any degradation over time. So, if a
14 liferaft is 10, 12, 15, 20 years old, would we
15 still recommend biannual servicing instead of
16 annual servicing?

17 I know that subjectively with
18 liferafts I've used in training, older liferafts
19 fail more often.

20 MR. JACOBSEN: Thank you, Allen.
21 That's an excellent question.

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1 So, Mr. Woodley or Mr. Kampnich, could
2 you address that?

3 MR. WOODLEY: Mr. Chairman, this
4 Chris Woodley here.

5 I did go through the study and
6 particularly in the conclusions and summary
7 section. And specifically, the study spoke to
8 the issues of different kinds of effects and
9 failures that could happen to liferafts. And so
10 this is on page 3 of the memo that I put together
11 and I'm just quickly going to read from it.

12 It says: Importantly, recent Coast
13 Guard-sponsored studies were inconclusive about
14 the effectiveness of servicing on extending the
15 service life of inflatable liferafts. As pointed
16 out by the study authors, the study was marred
17 with large inconsistencies and type and quantity
18 of data provided by liferaft manufacturers, which
19 led to the statement it was difficult to draw a
20 meaningful conclusion.

21 On the issue of raft failure modes,

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1 oxidation effects, and moisture effects, the
2 report stated, specifically for failure modes, no
3 correlation between service history and adhesive
4 -- I'm sorry -- there was no correlation between
5 service history and adhesive degradation. On the
6 issue of oxidation effects, condemned inflatable
7 liferrafts are not more likely to experience
8 fabric oxidation than all inspected inflatable
9 survival craft.

10 And then finally, moisture effects.
11 Moisture may not have been as severe as an effect
12 of the age of condemnation as initially expected.

13 So to answer Mr. Davis' question, you
14 know, unfortunately, I think the lead-off
15 sentence is the most important. There's just not
16 a lot of data to support that. And when they did
17 try digging into it, they were not able to
18 establish strong correlations with any of those
19 areas.

20 So it's -- and again, you know the
21 Coast Guard does have existing regulations that

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1 would allow for a servicing interval of up to 17
2 months.

3 MR. JACOBSEN: Thank you, Mr.
4 Woodley.

5 Mr. Davis, do you have any further
6 comments or questions?

7 MR. DAVIS: No, not really. My
8 trepidations are, like I said, based on the
9 subjective survey or experience of having some
10 older liferafts that were 15, 20 years old or
11 older fail in inflating them for training. So I
12 wonder about having it as a biannual servicing up
13 until you know a 12-year mark, or a 15-year mark,
14 or something if we could find some manufacturers'
15 guidelines or some sort of foundation to base it
16 on.

17 MR. JACOBSEN: Thank you, Allen.

18 Mr. Woodley, would this proposal
19 preclude the manufacturer from saying that after
20 X number of years of service, we would recommend
21 annual servicing?

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1 MR. WOODLEY: Mr. Chairman, I don't
2 believe that it would. I don't have the
3 regulations in front of me but I believe that
4 there are still provisions regarding
5 manufacturers' servicing requirements.

6 I would point out in the report that
7 there were three manufacturers that were
8 evaluated. And Mr. Davis is correct in the sense
9 that as you get to older liferafts that the
10 failures become more obvious. But that typically
11 isn't popping up until like years 14 or so. And
12 again, under a two-year servicing interval,
13 regular servicing two years or 18 months, the
14 report seems to suggest that with regular
15 servicing that any problems could be identified
16 in a timely manner.

17 MR. JACOBSEN: Thank you, Mr.
18 Woodley. Are there any other questions or
19 comments regarding servicing of liferafts?

20 MR. ROSVOLD: Mr. Chairman --

21 MR. DAMERON: Mr. Chairman --

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1 MR. JACOBSEN: I heard two comments
2 and I wasn't sure who made the comment. So let
3 me try it again.

4 MR. ROSVOLD: Mr. Chairman, Eric
5 Rosvold.

6 MR. JACOBSEN: Go ahead, Mr. Rosvold.

7 MR. ROSVOLD: Yes, my only comment is,
8 in my history, that servicing agency is also the
9 inspection agency and we have been told well in
10 advance while our rafts are being inspected that
11 they won't inspect it the following year; we need
12 to purchase new. I think in a 40-year history
13 of one of my boats we're into raft number three.
14 So I think the industry sort of takes care of
15 itself in that respect.

16 MR. JACOBSEN: Thank you for your
17 comments. Was there another comment?

18 MR. DAMERON: Yes, Mr. Chairman, this
19 is Tom Dameron.

20 If I may, I have a couple concerns
21 about this one and one is the effects of some

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1 possible unintended consequences. I'm afraid
2 that there may be service stations, especially in
3 these remote areas, that may be on the cusp of
4 staying in business because of the number of
5 rafts that they need to service each year to make
6 a profit. And if we extend the service cycle out
7 to 18 months or two years, that that could put
8 the service stations past the breaking point and
9 we'd actually find out that our shipping costs
10 are made double or triple because of the reduced
11 number of service stations.

12 I'm also concerned that if we change
13 the table in 28.140 to allow a two-year service
14 that this may cause confusion if all the
15 manufacturers' guidelines, which must be followed
16 because of 28.104(b)(3), if those guidelines are
17 for one-year service and the table allows for a
18 two-year service, that that is going to be
19 confusing to the mariner.

20 Another concern I have is that there
21 may be non-public recalls of parts, or gaskets,

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1 or steel that the manufacturers give their
2 service stations a heads-up about but don't
3 necessarily give the public a heads-up about.
4 And those non-public recalls are addressed during
5 that one-year servicing interval. And if you
6 extended that out to two years, you may have
7 defective rafts on the water for a lot longer
8 than we want.

9 And those were my concerns with this
10 one. Thank you.

11 MR. JACOBSEN: Thank you, Mr.
12 Dameron.

13 So Mr. Dameron raised three points.
14 One was the unintended consequences of possibly
15 putting some of the outlying service stations out
16 of business because they're not busy enough.

17 The second one was some of the
18 manufacturers' guidelines are for annual
19 servicing and if there is a federal regulation
20 that only requires servicing every two years, it
21 would be confusing.

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1 The third point that he made was that
2 there are, on occasion, non-public recalls of
3 rafts or parts of rafts. And those recalls are
4 kind of dependent on a one-year service cycle.

5 So I would ask Mr. Woodley or Mr.
6 Kampnich if they have comments addressing Tom's
7 concerns.

8 MR. KAMPNICH: This is Michael
9 Kampnich.

10 MR. WOODLEY: Mr. Chairman? Go
11 ahead, Michael. Sorry.

12 MR. JACOBSEN: All right, so this is
13 Mr. Jacobsen. Let's take comments from Mike
14 first and then Chris, if you could follow.

15 MR. KAMPNICH: Okay, Michael here.
16 Thank you.

17 I can't speak to other areas of the
18 country but certainly in the Southeast and even
19 in Alaska I did a fair amount of checking and
20 calling around.

21 In Southeast, specifically, we have

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1 one company that service rafts and they do it
2 seasonally. And the reason, the basic reason
3 they do that is because they are a -- they have
4 small cruise ships and they have many rafts of
5 their own that they have to maintain and so they
6 do this for themselves.

7 So then seasonally, they also do
8 commercial rafts or rafts for commercial fishing
9 fleet. And so this wouldn't affect certainly
10 Southeast. Otherwise, people would have to send
11 their rafts either to Anchorage or to Seattle.

12 My understanding is is that, the chart
13 here, Kodiak and Anchorage have service
14 facilities, large communities of large fleets.
15 And I certainly can't say for sure but it's
16 unlikely that those communities and having large
17 fleets that they service would necessarily be in
18 jeopardy on one.

19 On the other two issues that were
20 raised, I actually understand what is being said
21 and I did want to -- I was going to wait until

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1 the end of the meeting to address this but I think
2 this whole discussion about rafts and the
3 intervals of inspection and also the different
4 components that are in rafts that are sometimes
5 on different service schedules could be, I was
6 hoping to address this as a future item of issue
7 or an issue to address with the committee that we
8 try to establish or at least consider
9 establishing more uniform standards for raft
10 components and raft servicing simply to avoid
11 these issues and the kind of confusion that can
12 be created with the points that were made on the
13 second two issues. And I think that the previous
14 concern actually points to the challenges we have
15 with that.

16 And I'm hoping going forward that
17 maybe we could look at this again and try to
18 consolidate and clarify these issues.

19 Thank you.

20 MR. JACOBSEN: Thank you, Mr.
21 Kampnich.

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1 Mr. Woodley?

2 MR. WOODLEY: Mr. Chairman, Chris
3 Woodley here.

4 As part of my analysis, I did not
5 reach out and discuss the business implications
6 of what a -- you know to a servicing facility of
7 what would a reduced service interval mean to
8 particular entities.

9 As I've noted, in some places, you
10 know Dutch Harbor in Alaska, Kodiak, Anchorage,
11 there is sufficient volume there and sufficient
12 demand that you may not see a difference. But
13 in some areas in the country, if there's not that
14 much demand, you know it could potentially
15 exacerbate and existing problem.

16 MR. DZUGAN: Mr. Chairman, this is
17 Jerry Dzugan. Can I make a clarification just
18 on some wording?

19 MR. JACOBSEN: Certainly.

20 MR. DZUGAN: I just want to say that
21 just for the record, the term recall probably

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1 shouldn't be used. The official term the
2 manufacturer gives out to the re-packer is a
3 service bulletin. So those are service bulletins
4 that I think Tom was talking about. And
5 sometimes I use loosely the term recall but
6 recall implies a different level of severity, I'd
7 guess you'd say. Service bulletins are, yes,
8 we've noticed that this gasket could fail after
9 five years or ten years, so best to replace it
10 now in your annual repack.

11 So I just wanted to make that
12 clarification.

13 And I guess as long as you've allowed
14 me to have the floor for a moment, I did talk to
15 a Kodiak re-packer and he said that if they change
16 to a longer service station -- or rather a longer
17 service interval, it would definitely put him out
18 of business. So I just wanted to give you that
19 update.

20 So, that's all I had. Thank you, Mr.
21 Chairman.

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1 MR. JACOBSEN: Thank you, Mr. Dzugan.

2 Are there any other comments or
3 questions on this issue?

4 MR. DAMERON: This is Tom Dameron
5 again, Mr. Chairman.

6 I wouldn't mind asking the question of
7 the Coast Guard, maybe Mr. Wendland or Mr. Myers
8 could address the issue if the Coast Guard did
9 change table 28.140 to allow a longer interval
10 and the manufacturers' guidelines all stuck with
11 the one-year interval, what are their feelings on
12 any confusion that that might cause.

13 MR. JACOBSEN: Thank you, Mr.
14 Dameron.

15 Mr. Myers or Mr. Wendland, do you have
16 any comments to address Tom's question?

17 MR. MYERS: This is Mr. Myers
18 speaking. I think at this point, right now, it's
19 not appropriate or good timing for us to comment
20 on the record for this. And I'll have to leave
21 it at that, unless you have a further comment.

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1 MR. JACOBSEN: Thank you. I
2 appreciate it.

3 Okay, so we've got some issues with
4 that proposal.

5 Are there any other comments or
6 questions before we move on?

7 (No audible response.)

8 MR. JACOBSEN: I'm going to separate
9 that one out for special consideration and not
10 try to package it in with the other proposals for
11 the purposes of a motion later.

12 Mr. Woodley, could you proceed with
13 Priority Issue 9, the issue of NVIC 7-93 being
14 outdated and confusing?

15 MR. WOODLEY: Yes, Mr. Chairman. So
16 number 9 would be a modification to Coast Guard
17 Navigation Vessel Inspection Circular 7-93, which
18 addresses the issue of qualifications for fishing
19 vessel drill conductor.

20 NVIC 7-93 -- 7/93 is the date that it
21 was issued. So this is a 25-year-old document

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1 and it's outdated and creates confusion when
2 applied in the field for compliance and
3 enforcement purposes.

4 Currently, as written in this policy,
5 the Coast Guard would accept a 100 gross ton
6 license or higher to meet the requirements for a
7 drill conductor, as described in 46 CFR Part
8 28.270. However, the course outline of 100 gross
9 ton license or higher does not address the
10 emergency drill requirements that are currently
11 found in the Fishing Vessel Safety Regs.

12 So we would like to delete the
13 following paragraph in NVIC 7-93, specifically,
14 paragraph 3(a), and after the word activities --
15 delete activities and then in paragraph 3(b)
16 delete from the comma to the word more.

17 So essentially, what that would do,
18 and sorry for being so technical on that, that
19 would no longer allow that 100 gross ton license
20 or above be used as evidence of compliance or
21 training with the Commercial Vessel Safety

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1 Regulation Requirements found in 46 CFR Part
2 28.270.

3 And that document was CFSAC 9 and was
4 submitted by Mr. Dzugan.

5 MR. JACOBSEN: Thank you, Mr.
6 Woodley, I appreciate that.

7 So, Mr. Dzugan, would you like to
8 comment on your proposal?

9 MR. DZUGAN: I think Mr. Woodley has
10 summed it up pretty well.

11 You know licensing courses don't
12 include much of the terminology of fishing vessel
13 terms and equipment found on a fishing vessel.
14 I've talked to instructors at maritime academies
15 and at licensing schools and they've admitted to
16 me that they often find it difficult to relate to
17 commercial fishermen, due to the lack of fishing
18 examples in the teaching and the nature of
19 fishing itself.

20 In reality, two people have taken a
21 license course just to avoid getting a drill

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1 conductor certificate due to the time and extent
2 the former would take. Meanwhile, tens of
3 thousands of fishermen all around, on all U.S.
4 coasts have access to drill conductor training
5 and it's a course that directly relates to the
6 contingencies in 46 CFR 28.270.

7 This continued inclusion of a license
8 substitute has caused uncertainty in the
9 industry. Some Coast Guard Regions accept the
10 license substitute and some do not. But again,
11 fishermen often fish in different Coast Guard
12 Regions, leading to a lack of consistent
13 enforcement.

14 And this issue has caused some
15 confusion and frustration for both the industry,
16 the Coast Guard, and training organizations who
17 promise that the license course they are taking
18 will meet the requirements for a drill conductor
19 course when, in fact, it doesn't really relate to
20 their industry, work situation, or their subject
21 matter.

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1 Therefore, deleting the license
2 substitute will eliminate these issues and bring
3 the NVIC guidance more up-to-date and be more
4 educationally valid. To sum it up in one word,
5 it's ineffective because the 100-ton license
6 substitute for a drill conductor doesn't relate
7 to the contingencies in Part 28.

8 And there is no cost burden to the
9 industry on this. If anything else, getting a
10 Coast Guard approved or accepted drill conductor
11 certification is much less expensive and takes
12 much less time than getting a 100-ton license.

13 That's all I have, unless there's any
14 questions, Mr. Chairman.

15 MR. JACOBSEN: Thank you, Mr. Dzugan.
16 I appreciate your work on this. It's long been
17 an issue that has irritated me.

18 Are there any questions or comments
19 from the committee?

20 MR. WOODLEY: Mr. Chairman, this is
21 Chris Woodley here. I just a version online that

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1 I was able to actually edit. So I will send that
2 to the committee here in the next couple of
3 minutes so they can actually see what words would
4 be deleted.

5 MR. JACOBSEN: All right, thank you,
6 Mr. Woodley.

7 So it would probably not be feasible,
8 at this time, to review additional documents and
9 see if everybody receives them but --

10 MR. WOODLEY: Right. Yes, I
11 apologize, Mr. Chairman. This is something I
12 should have taken care of beforehand. I just
13 realized as I was reading it that the language
14 may be a little confusing. It's correct but it's
15 confusing when you hear it go like that.

16 MR. JACOBSEN: All right. Are there
17 any committee members that would like to review
18 Mr. Woodley's edited document?

19 (No audible response.)

20 MR. JACOBSEN: You've told us what it
21 said so we're probably good with that.

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1 MR. WOODLEY: Okay.

2 MR. JACOBSEN: Are there any other
3 comments or questions from the committee?

4 Hearing nothing, Mr. Woodley, could
5 you proceed to Priority 10?

6 MR. WOODLEY: Yes, Mr. Chairman.

7 So Priority 10 is a clarification and
8 expansion of Notice of Proposed Rulemaking USCG-
9 2012-0025, specifically, 46 CFR Part 28.200(b).

10 The proposal is that the regulations,
11 as written, should ensure the master individual
12 in charge of the vessel keep a record of the
13 inspection and maintenance for each item of
14 lifesaving equipment carried onboard a vessel,
15 drills conducted, and instruction given meeting
16 the requirements of 46 CFR Part 28.

17 Under the proposed regulation that was
18 submitted in the Notice of Proposed Rulemaking,
19 there was a lack of specificity provided in the
20 actual proposed regulation. It just -- it was
21 limited to saying that there should be

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1 recordkeeping for equipment and the equipment
2 wasn't specified, nor was what the recordkeeping
3 would be. So what this proposal does is provide
4 some amplification and clarity to that particular
5 proposed rulemaking. And specifically, the
6 required record of equipment should include the
7 date and time of the equipment inspection or
8 maintenance, the person's name performing the
9 equipment inspection or maintenance, the
10 inspection or maintenance procedures performed,
11 the equipment's operational readiness status, and
12 any further maintenance or repair required to
13 make the equipment operationally ready.

14 This document was prepared by Mr.
15 Dameron and is found as CFSAC 10.

16 MR. JACOBSEN: Thank you, Mr.
17 Woodley.

18 Mr. Dameron, do you have comments on
19 your proposal?

20 MR. DAMERON: Mr. Woodley covered it
21 pretty well. You know we've been after some sort

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1 of accountability for a while. So this proposal
2 just to make sure -- and the Coast Guard has
3 followed up on this proposal just to make sure
4 that they dot their i's and cross their t's and
5 you know for drills and instruction, make sure
6 the person's name is given that is conducting
7 those activities.

8 And that's pretty much it. Thank you.

9 MR. JACOBSEN: Thank you, Tom.

10 Are there any questions or comments
11 from the committee?

12 MR. ROSVOLD: Mr. Chairman, Eric
13 Rosvold.

14 MR. JACOBSEN: Mr. Rosvold, thank
15 you. Go ahead.

16 MR. ROSVOLD: Hey, I have a little
17 heartburn with this inasmuch I missed out on the
18 prior teleconferences because I was fishing but
19 I don't believe to date the commercial fisherman
20 onboard the boat is required to keep any kind of
21 a federal logbook. And I believe you go down

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1 this road of requiring a log of certain events
2 and having certain people sign off on them opens
3 up a whole other kettle of enforcement regulation
4 by the Coast Guard that I don't know that they
5 want to be into.

6 I sort of reference what I know about
7 aircraft, and the FAA ,and logbook requirements
8 and how strenuous it is to keep all that stuff
9 current. But like I said, I wasn't part of the
10 discussion. I just have some problem with what
11 I think is the first rule that I would have to
12 keep a logbook on my vessel for federal
13 inspectors.

14 Thank you.

15 MR. JACOBSEN: Thank you, Mr.
16 Rosvold. I appreciate your comments.

17 Mr. Dameron, do you have a response?

18 MR. DAMERON: Yes, thank you, Eric,
19 for your comment.

20 So I believe that Congress has already
21 passed the law and has tasked the Coast Guard

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1 with coming up with the regulations. And the
2 proposed regulation is that the applicability of
3 the documentation of maintenance, training, and
4 drill, the individual in charge of the vessel
5 described in paragraph (a) of this section must
6 keep a record of equipment, maintenance, and
7 required instruction and drills for three years.

8 So I definitely understand your
9 concern but Congress has already passed this law
10 and they're just waiting for the Coast Guard to
11 write the regulation. To use the term it seems
12 like the horse is already out of the barn on that
13 concern.

14 Thank you.

15 MR. JACOBSEN: Thank you, Mr.
16 Dameron.

17 Are there any comments or questions?

18 Mr. Rosvold, do you have any further
19 questions or comments for Mr. Dameron?

20 MR. ROSVOLD: No, I don't think I do.
21 I think we get what we're talking about. Thank

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1 you.

2 MR. JACOBSEN: All right, thank you
3 very much.

4 Any other comments or questions?

5 Mr. Woodley, if you could go to the
6 fire extinguisher classification, Priority 11.

7 Mr. Woodley?

8 MR. WOODLEY: Sorry about that. I
9 was on mute. So again, Mr. Chairman, Chris
10 Woodley.

11 So those of you who have taken a look
12 at the spreadsheet that I had put together, in
13 the far right column I had put green or put the
14 color green in their comments and that was to
15 indicate that this was something that the
16 subcommittee had had a chance to review in-depth.

17 One of the things that popped up,
18 thought, towards the end of our process was it
19 was brought to our attention that there have been
20 some recent Coast Guard policy and rulemaking
21 regarding fire extinguishers. So there was a

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1 special phone call conference I think it was two
2 weeks ago, I don't have the exact date, with Coast
3 Guard Headquarters on this matter of what was
4 allowed and what wasn't. Unfortunately, I was
5 not able to sit in on that phone conference. I
6 wasn't available. So I'm not going to be able
7 to answer any questions on it but Mr. Dameron put
8 together I think a real good explanation of this.

9 I'm going to go ahead and go through
10 it but any questions will need to be directed to
11 him.

12 So what this would be would be a
13 modification of 46 CFR Part 28.160, specifically,
14 the fire extinguisher carriage requirements.
15 The fire extinguisher classification change to 46
16 CFR Part 28 has excluded many fire extinguishers
17 that are appropriate for meeting Coast Guard
18 carriage requirements. The liquefied gas type
19 and carbon dioxide type portable fire
20 extinguishers are appropriate for pilot houses
21 and engine rooms, where sensitive and critical

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1 electronic equipment is used, have been excluded
2 from meeting carriage requirements with changes
3 to the new classification system from the Coast
4 Guard and from NPFA.

5 What the subcommittee proposed would
6 be the specific language still needs to be
7 determined but a complete analysis should be
8 conducted to compare all fire extinguishers of
9 varying age, and type, and sizes that were
10 approved and appropriate under the old Marine
11 classification system to the new requirements --
12 or to the new extinguishers that are being
13 proposed.

14 And I think at this point I'd like to
15 turn it over to Mr. Dameron. Again, I apologize
16 because I wasn't -- I didn't have the benefit of
17 being there for the meeting and so I don't have
18 a real strong knowledge base.

19 So Mr. Dameron, maybe if you could
20 provide that clarification to my initial attempt
21 here.

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1 MR. JACOBSEN: Thank you, Mr.
2 Woodley.

3 Mr. Dameron, if you would like to, go
4 ahead and make some comments.

5 MR. DAMERON: Yes, Mr. Chairman.
6 This is Tom Dameron.

7 Chris did a pretty good job of
8 outlining the issue. And the Coast Guard changed
9 the way they classified fire extinguishers and,
10 in doing so, the new minimum required rating
11 exceeded a lot of fire extinguishers that in my
12 particular, the fleets that I deal with are being
13 used. And those included the Halon, the
14 Halotron, and the Co2 fire extinguishers.

15 The Coast Guard actually responded to
16 some of our questions and if I could read just a
17 little bit. They say the dry chemical
18 extinguishers will provide greater fire-
19 extinguishing capability at a significantly lower
20 price. A 15-pound Co2 extinguisher with a 10:BC
21 rating is on the order of \$100 to \$200, while a

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1 40-pound BC dry chemical extinguisher will cost
2 around \$80 and a bicarbonate extinguisher around
3 \$50.

4 And the counterargument to this is
5 that although the cheaper extinguishers do meet
6 the new requirements that, in the past, boat
7 owners have chosen to pay for that -- to pay for
8 multiple \$100 to \$200 Co2 extinguishers to
9 protect their engine rooms and wheelhouses when
10 they definitely had the choice of getting the
11 cheaper dry chemical ABC extinguisher.

12 As an industry and as an advisory
13 committee, I don't remember hearing from the
14 Coast Guard or from NIOSH that the current
15 regulations, the current requirements were
16 lacking. But the Coast Guard chose to, without
17 seeking advisory committee advice, to pretty much
18 change the requirements and preclude these gas-
19 type extinguishers that industry had previously
20 preferred, in some cases, and had met the old
21 requirements. And to my knowledge, I had not

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1 seen any research where these extinguishers were
2 considered inadequate for the hazards that they
3 were protecting.

4 Thank you.

5 MR. JACOBSEN: Thank you, Tom. Are
6 there any questions or comments from the
7 committee?

8 MR. RAMSEY: This is Sean Ramsey from
9 CG-ENG-4. I'm not on the committee, but if you
10 would like me to speak.

11 MR. JACOBSEN: All right, go ahead.

12 MR. RAMSEY: So to give some details
13 about the regulatory change, basically we went
14 from a Coast Guard-wide system of classifying
15 extinguishers based off of weight to one based
16 off of performance capabilities.

17 So very often, on all extinguishers
18 sold in the U.S. they are sold with a U.L. rating,
19 which gives you an idea on how good your fire
20 extinguisher is, what kind of fire it can take
21 out, how large it can handle.

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1 And the previous Coast Guard system
2 was entirely weight based. So it didn't matter
3 if you had a good agent, or a bad agent, or the
4 extinguisher worked very well. As long as it was
5 so heavy, you were so good.

6 With the regulatory change, we adopted
7 the performance standards, keeping in mind that
8 all existing equipment on vessels were
9 grandfathered and exempt from having to be traded
10 out.

11 So I feel that it's really important
12 to emphasize that when we did this regulatory
13 change, we did not say you have to take all these
14 extinguishers off -- off board. Only that
15 whenever you get a new extinguisher or you have
16 to replace one, you just have to make sure it
17 meets the performance criteria.

18 That doesn't mean -- you don't have to
19 only have dry chem onboard. There is nothing
20 that will stop you from bringing whatever
21 extinguisher you want onboard as excess

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1 equipment, just that, as a minimum you have to
2 hit a certain U.L. performance rating, which some
3 extinguishers had difficulty with.

4 Thank you.

5 MR. JACOBSEN: Thank you for your
6 comments. In my own experience in receiving
7 these regulations, they were a requirement at the
8 time they were issued. And as as a third-party
9 examiner, I told several boats that they had to
10 replace their wheelhouse fire extinguishers to be
11 in compliance.

12 Then it was later, some time, months
13 later I think that the policy letter came out
14 saying that they were fine as long as they were
15 serviceable. They had to be replaced after they
16 were no longer serviceable.

17 So there were several boats among my
18 clients that replaced their wheelhouse fire
19 extinguishers at my suggestion. But I appreciate
20 the policy letter that allowed retention of that
21 equipment.

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1 But still I think that the point that
2 Tom was making is that we don't think it's the
3 best agent to put on our electronics or machinery
4 and we're not sure that there's been any problem
5 caused by carrying Co2 or Halon in the wheelhouse
6 instead of a dry chemical agent. So that's what
7 we're trying to get to in this proposal.

8 Are there any other comments or
9 questions on this fire extinguisher proposal?

10 MR. DAVIS: This is Allen Davis, if
11 you would entertain a comment.

12 MR. JACOBSEN: Go ahead, Mr. Davis.

13 MR. DAVIS: I think I have a little
14 bit of a unique experience in that I used to work
15 for a baking soda company that made the
16 extinguishing material. I've been a firefighter
17 and I've had to clean up vessels in the aftermath
18 of using dry chemical agents.

19 And the dry chemical agents are
20 tremendously effective at putting out fires but
21 they are absolutely destructive to electronics,

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1 electrical connections. They are super, super
2 corrosive.

3 So while I like the performance rating
4 system that the Coast Guard is moving to, I would
5 like to see alternative agents approved for use
6 and carriage in electrical and sensitive areas.

7 And sometimes even you might want to
8 limit having a dry chemical extinguisher in an
9 electrical space, for instance because if
10 somebody does use it, then they've basically
11 destroyed the equipment.

12 Thank you.

13 MR. JACOBSEN: Thank you, Mr. Davis.
14 I appreciate your comments.

15 Are there any other comments or
16 questions on this issue?

17 MR. DAMERON: This is Tom Dameron.

18 Just to add to Allen's point, not only
19 if someone uses that extinguisher but if that
20 extinguisher is discharged accidentally, you have
21 the same possibility for destruction of your

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1 electronics.

2 MR. JACOBSEN: Thank you, Mr.
3 Dameron. I appreciate your comments and for your
4 work on this issue.

5 So, Mr. Wendland, that would hereto
6 conclude our subcommittee report and session.
7 So, I assume it would be appropriate now to go to
8 public comment.

9 MR. WENDLAND: Yes, it would be, Mr.
10 Chairman. But if I could just interject one
11 thing before we do, I'd like to be able to get a
12 roll call again for people that have joined the
13 call prior -- or after the initial roll call that
14 have not had the opportunity to get their name on
15 the record.

16 I know there's been a few people that
17 have called in, Mr. Davis, Mr. Dzugan. But can
18 we get the people that have called in that didn't
19 express their information in the beginning at
20 this point in time, that would be great.

21 MR. MEDLICOTT: Charlie Medlicott,

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1 D14.

2 MR. WENDLAND: Charlie, thank you.

3 MR. DAVIS: Allen Davis, American
4 Seafoods, North Pacific fishing of various
5 natures.

6 MR. DZUGAN: Jerry Dzugan, Alaska
7 Marine Safety Education Association.

8 MR. RUDOLPH: And Mike Rudolph from
9 MSU Portland, Oregon.

10 MR. HARRINGTON: Ted Harrington,
11 Harrington-Myers and Associates.

12 MR. RAMSEY: Sean Ramsey, U.S. Coast
13 Guard, CG-ENG-4.

14 MR. WENDLAND: Okay, anybody else,
15 Cost Guard, public, other agencies, or other?

16 (No audible response.)

17 MR. WENDLAND: Okay, very good.
18 Thank you very much.

19 Mr. Chairman, yes, we will turn it
20 back to you and you can move forward on any kind
21 of motion that you'd like.

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1 MR. JACOBSEN: Thank you, Mr.
2 Wendland, I think it might be a good idea to call
3 another roll of the committee members because I
4 believe Mr. Derie has dropped off and I'd like to
5 know if any others have dropped off as well and
6 we can't ask them if they've dropped off or not.

7 MR. WENDLAND: Yes, that's a very good
8 point. I will go down the list of the active
9 members. So if we could do that again, that
10 would be greatly appreciated.

11 So, Mr. Jacobsen, I know you're on the
12 line.

13 Mr. Kampnich.

14 MR. KAMPNICH: I'm still here.

15 MR. WENDLAND: Ms. Conrad.

16 MS. CONRAD: I'm still here.

17 MR. WENDLAND: Mr. Derie. Joe Derie.

18 (No audible response.)

19 MR. WENDLAND: Joe's off.

20 Mr. Londrie. I don't believe Mr.
21 Londrie is on the line but Mr. Londrie.

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1 (No audible response.)

2 MR. WENDLAND: Negative.

3 Mr. Rosvold.

4 MR. ROSVOLD: Present.

5 MR. WENDLAND: Mr. Hewlett, Glen
6 Hewlett.

7 (No audible response.)

8 MR. WENDLAND: Negative.

9 Mr. Dennehy.

10 MR. DENNEHY: Here.

11 MR. WENDLAND: Mr. Dameron.

12 MR. DAMERON: Here.

13 MR. WENDLAND: Mr. Hockema.

14 MR. HOCKEMA: He is here.

15 MR. WENDLAND: Mr. Boehmer. Kris
16 Boehmer.

17 (No audible response.)

18 MR. WENDLAND: I think Kris might have
19 dropped off.

20 And that's it for the active. So we
21 still have a quorum there, Mr. Chairman.

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1 MR. JACOBSEN: Thank you, Mr.
2 Wendland. I appreciate that.

3 So I'd like to open it for motions.
4 I'd like you to keep in mind that there were some
5 negative or opposing comments in regard to Issue
6 8 and Issue 10.

7 And so I think if you could, in the
8 interest of time and order, if there were
9 comments that or a motion made that was inclusive
10 of all of the proposals with the possible
11 exception of 8 and 10 and any others that you
12 might feel are appropriate, I'd like to entertain
13 those kind of motions and then we'll hear
14 whatever motions might follow after that.

15 So would anyone like to make a motion?

16 Oh, I'm sorry -- public comment
17 period. Before we go to the motion-making, we'd
18 like to hear the comments from the public.

19 So are there any members of the public
20 that would like to comment on the issues we've
21 discussed today?

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1 MR. RAMSEY: This is Sean Ramsey with
2 ENG-4. I'd like to make a comment to one of the
3 earlier recommendations that CGMIX include items
4 like manuals and instructions, maintenance
5 instructions, that kind of information.

6 I'd just like to make a comment to the
7 committee that a lot of that information is
8 normally transferred over at point of sale and is
9 often intellectual property-regarded
10 documentation. There would possibly be some
11 implications with that with the recommendation.

12 MR. JACOBSEN: Thank you, Mr. Ramsey.

13 Any other comments?

14 (No audible response.)

15 MR. JACOBSEN: Hearing no other
16 comments from the public, committee members are
17 welcome to propose a motion.

18 MR. DAMERON: This is Tom Dameron.
19 What was number 8?

20 MR. JACOBSEN: Number 8 was on the
21 annual servicing of liferafts and number 10 was

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1 the recordkeeping issue.

2 MR. DAMERON: I'll go ahead and get
3 things started here, if I can just -- let me find
4 this and bring it up. I'm sorry.

5 Okay, this is Tom Dameron. I make the
6 motion to advise the Coast Guard that their
7 proposed regulation they consider the
8 recommendations of this committee concerning 46
9 CFR 28.200(b) that the individual in charge of a
10 vessel described in paragraph (a) of this section
11 must keep a record of equipment maintenance,
12 required instruction, and drills for three years.
13 And that they consider the recommendations that
14 we've made concerning this proposed regulation.

15 MR. JACOBSEN: Thank you, Mr.
16 Dameron.

17 The motion is noted. Is there a
18 second?

19 MS. CONRAD: Second from Karen
20 Conrad.

21 MR. JACOBSEN: Karen Conrad seconds.

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1 Any comments or discussion?

2 (No audible response.)

3 MR. JACOBSEN: Hearing none, are
4 there any objections to the motion?

5 (No audible response.)

6 MR. JACOBSEN: I hear no objections
7 to the motion. The motion is passed.

8 Are there any other motions?

9 MR. DAMERON: This is Tom Dameron
10 again. I will because I don't hear anybody
11 speaking up.

12 The number 8 was the extending the
13 inflatable liferaft servicing. So where the
14 people on the subcommittee that worked on this
15 are not on the Advisory Committee, I'm going to
16 go ahead and put this to the committee.

17 Existing regulation 46 CFR 28.140(b)
18 allow for the modification of liferafts to be
19 serviced once in 24 months.

20 MR. JACOBSEN: Thank you, Mr.
21 Dameron. Is there a second?

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1 MS. CONRAD: Second from Karen
2 Conrad.

3 MR. JACOBSEN: Karen seconds.
4 Any discussion, comments?

5 MR. DAMERON: This is Tom Dameron, Mr.
6 Chairman, I just want to reiterate my
7 reservations about this one. I definitely
8 understand where industry is coming from but I do
9 have fears of unintended consequences, such as
10 the service station in Kodiak that could possibly
11 find itself unable to stay in business.

12 I have fears that this may be or this
13 will be in direct opposition to the
14 manufacturers' guidelines, which the commercial
15 fishermen have to abide by anyway and may cause
16 confusion.

17 And also that the manufacturers
18 sometimes put out non-public service bulletins to
19 address issues and these issues would not -- may
20 not get addressed in a timely manner if we make
21 this recommendation to the Coast Guard.

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1 Thank you.

2 MR. JACOBSEN: Thank you, Mr.
3 Dameron.

4 Any other comments?

5 (No audible response.)

6 MR. JACOBSEN: Mr. Wendland, I'd like
7 to put this to a roll call vote, if that's okay.
8 If you would, conduct that, please.

9 MR. WENDLAND: Mr. Chairman, you're
10 asking for another roll call?

11 MR. JACOBSEN: No, for a roll call
12 vote, instead of just asking if there are no
13 oppositions, I'd like to get -- go down the roll
14 of attendees and take each vote individually.

15 MR. WENDLAND: Understood. Yes, that
16 would be appropriate.

17 MR. JACOBSEN: So could you read down
18 the list of people that are there and allow them
19 the opportunity to respond? I didn't write down
20 everybody who was here.

21 MR. WENDLAND: Sure, the people that

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1 may respond are yourself, Mr. Jacobsen, Mr.
2 Kampnich, Ms. Conrad, Mr. Rosvold, Mr. Dennehy,
3 Mr. Dameron, Mr. Hockema, and if Mr. Boehmer or
4 Mr. Derie have joined the call back again.

5 MR. JACOBSEN: All right, so I'll do
6 a roll call vote on the motion. The motion is
7 to allow modification of the regulations to go to
8 a two-year servicing period.

9 So we'll take a roll call vote on the
10 motion.

11 Mr. Hockema?

12 MR. HOCKEMA: In favor.

13 MR. JACOBSEN: Mr. Dameron?

14 MR. DAMERON: Against.

15 MR. JACOBSEN: Mr. -- I can't read my
16 own writing here. Mr. Dennehy.

17 MR. DENNEHY: In favor.

18 MR. JACOBSEN: Mr. Rosvold.

19 MR. ROSVOLD: In favor.

20 MR. JACOBSEN: Ms. Conrad.

21 MS. CONRAD: In favor.

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1 MR. KAMPNICH: Mr. Kampnich.

2 MR. JACOBSEN: Mr. Kampnich.

3 MR. KAMPNICH: In favor.

4 And yourself, Jake.

5 MR. JACOBSEN: Yes, and I will vote
6 yes.

7 So, the motion passes and carries.

8 MR. ROSVOLD: Mr. Chairman, Eric
9 Rosvold.

10 MR. JACOBSEN: Yes.

11 MR. ROSVOLD: Could I record a no
12 vote, then on that first motion for the number
13 10?

14 MR. JACOBSEN: Yes.

15 MR. WENDLAND: Yes, Mr. Chairman,
16 it's my recommendation, if it's okay with you,
17 that if we start at the top with each reference
18 and I could go down through the list for you for
19 the roll call. You can call for a roll call on
20 that vote. I could go through the names. They
21 can respond for each one as they go.

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1 That may make just a little bit more
2 organization out of this. And I yield to your
3 thoughts on that.

4 MR. JACOBSEN: Yes, so that would be
5 fine. I think that you know we've already passed
6 that vote and it would be one no vote. So I
7 don't think that we need to go back and revisit
8 that vote, unless there are additional people
9 that want to change their vote on that one that's
10 already done but it was passed by the committee.

11 I would be in favor of just moving on
12 to another motion.

13 MR. ROSVOLD: Mr. Chairman, Eric
14 Rosvold.

15 MR. JACOBSEN: Go ahead.

16 MR. ROSVOLD: Would it be possible --
17 we've all got these in front of us, I could just,
18 in a roll call tell you which ones I would be
19 against as a no vote. It would just be one
20 acknowledgement.

21 MR. JACOBSEN: Yes, I think that would

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1 be pretty cumbersome. I think we need to make -
2 - go through the regular motion-making process
3 and follow the Robert's Rules.

4 MR. ROSVOLD: Okay.

5 MR. JACOBSEN: I think it would be out
6 of order to do it that way, if I understand you
7 correctly.

8 MR. WENDLAND: Mr. Chairman, this is
9 Mr. Wendland. I concur with your thoughts on
10 that the vote was already taken and that passed.

11 My suggestion was just that we start
12 from the top, a motion be made, and then just go
13 through the roll call for each committee member
14 for each reference.

15 MR. JACOBSEN: So I was looking for
16 kind of a -- well, okay. Yes, we can do that.
17 It would just take a little more time but we've
18 got some more time.

19 MR. DZUGAN: This is Jerry. If I may
20 be allowed to make a comment, Mr. Chairman?

21 MR. JACOBSEN: Jerry, it would be

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1 appreciated.

2 MR. DZUGAN: Yes, you can also do this
3 by consent. For example, if there's no objection
4 to number 1, then it's adopted by consent and you
5 can go all the way through.

6 As a matter of fact, you could put
7 eight of your items on a consent agenda and you
8 could pass them all or you could take them one by
9 one and just ask for consent, no objections, and
10 move on to the next one. And you don't need a
11 roll call that way by Robert's Rules, if you do
12 it by consent one by one.

13 MR. JACOBSEN: Thank you. I
14 appreciate the comments. So, I like that
15 approach.

16 So let's take Priority Item 1 on
17 classification of fishing vessels. Is there any
18 objection?

19 (No audible response.)

20 MR. JACOBSEN: There is no objection
21 to Item 1.

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1 Item 2, regulatory tonnage, are there
2 any objections?

3 (No audible response.)

4 MR. JACOBSEN: Hearing nothing, Item
5 3, the existing stability regulations haven't
6 been updated and need to be updated. Are there
7 any objections?

8 (No audible response.)

9 MR. JACOBSEN: Hearing nothing, Item
10 4. This is the drill instructor issue. Let's
11 see, each require drill instructor and the
12 required instruction be performed before a vessel
13 is engaged in fishing activities within periods
14 of no more than 30 days in duration while engaging
15 in fishing activities.

16 Are there any objections?

17 MR. ROSVOLD: If the objection is the
18 same is a no vote, mine, Eric Rosvold, would be
19 no.

20 MR. JACOBSEN: Okay, so we'll take a
21 roll call vote on that one.

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1 MR. WENDLAND: Roll call vote, Mr.
2 Chairman, if I may.

3 Mr. Jacobsen.

4 MR. JACOBSEN: Yes.

5 MR. WENDLAND: Mr. Kampnich.

6 MR. KAMPNICH: Can you repeat this
7 particular resolution, just so I'm clear on it?

8 MR. JACOBSEN: This would change 46
9 CFR 28.270(a) to read as follows: Each required
10 drill and the required instruction be performed
11 before vessels engage in fishing activities and
12 within periods of no more than 30 days in duration
13 while engaged in fishing activities.

14 MR. KAMPNICH: I would say no.

15 MR. JACOBSEN: Ms. Conrad?

16 MS. CONRAD: Yes.

17 MR. JACOBSEN: Mr. Rosvold?

18 MR. ROSVOLD: No.

19 MR. JACOBSEN: Mr. Dennehy?

20 MR. DENNEHY: Yes.

21 MR. JACOBSEN: Mr. Dameron?

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1 MR. DAMERON: Yes.

2 MR. JACOBSEN: Is Mr. Hockema or Mr.
3 Derie on the line?

4 MR. HOCKEMA: Mr. Hockema is here.
5 I'd like to delay my vote until I hear Mr.
6 Rosvold's reasoning because I know he has seen
7 briefings on this.

8 MR. JACOBSEN: So the discussion
9 period on this is closed and we're voting now.
10 So there won't be any additional discussion.

11 MR. HOCKEMA: Okay, my vote is yes.

12 MR. JACOBSEN: All right, thank you.

13 So the motion passes. That doesn't
14 mean that's what's going to happen. We're
15 proposing it to the Coast Guard.

16 So Priority Issue 5 is the
17 modification that will allow the marine industry
18 to leverage technological advances, reducing
19 operator time and effort to comply with
20 operational readiness regulations. This is the
21 Coast Guard MIX regulation that would allow or

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1 provide that the manufacturers' recommendations
2 for lifesaving equipment servicing and
3 replacement are included in the U.S. MIX
4 database.

5 Is there any opposition to this
6 proposal?

7 (No audible response.)

8 MR. JACOBSEN: Hearing nothing, the
9 motion passes.

10 Number 6 would eliminate the
11 distinction between documented and undocumented
12 fishing vessels for the purposes of the Fishing
13 Vessel Regulations found in 46 CFR Part 28.

14 Is there any opposition to this
15 proposal?

16 (No audible response.)

17 MR. JACOBSEN: Hearing none, the
18 motion passes.

19 Number 7 is the frequency of dockside
20 exams. It's now at five years. The proposal
21 would reduce the period to two years.

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1 Is there any opposition to this
2 proposal?

3 (No audible response.)

4 MR. JACOBSEN: Hearing nothing, I'll
5 go to number 9 because we've already voted on
6 number 8.

7 Number 9 is regarding NVIC 7-93. It
8 is outdated. It creates confusion when applied
9 in the field for compliance and enforcement
10 purposes.

11 And so this is the proposal that would
12 eliminate the exemption for holders of a 100
13 gross ton licensing to go through emergency drill
14 training.

15 Is there any opposition to this
16 proposal?

17 (No audible response.)

18 MR. JACOBSEN: Hearing nothing, the
19 proposal passes.

20 And we've voted on number 10 already.

21 Number 11 is the fire extinguisher

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1 issue, regarding the types of fire extinguishers
2 that need to be carried in the wheelhouse and
3 allowing for the fire extinguishers to fit the
4 type of compartment they're protecting, as well
5 as the appropriate coverage for the area.

6 So is there any opposition to moving
7 this proposal forward?

8 (No audible response.)

9 MR. JACOBSEN: Hearing none, the
10 proposal moves forward.

11 Are there any other motions from the
12 committee?

13 (No audible response.)

14 MR. JACOBSEN: Hearing nothing, I
15 will turn it back to Mr. Myers.

16 MR. MYERS: Thank you, Mr. Chairman.

17 Well, it's clear that a lot of time,
18 and effort, and energy went into the
19 subcommittee's detailed recommendations to the
20 Advisory Committee. And your efforts today
21 underscore the value of the committee. And so

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1 we do thank you for going the extra mile and we
2 appreciate your submitted report,
3 recommendations, and look forward to its review.

4 With that said, I think one thing I
5 just wanted to remind everyone is the next, the
6 39th Fishing Vessel Advisory Committee Meeting is
7 slated for late fall of 2018, face to face. I
8 don't think we have -- we have not agreed or
9 really talked about officially the location. I'm
10 not sure if now is a good time if anyone wants to
11 make any recommendations but, if so, we'd
12 entertain that.

13 MS. CONRAD: I would like to recommend
14 -- this is Karen Conrad. I would like to
15 recommend in Washington, D.C.

16 MR. MYERS: Okay. Are there any
17 other recommendations across the way?

18 MR. HOCKEMA: This is Mr. Hockema. I
19 second that. I like the idea of Washington, D.C.
20 And as a second location, San Diego would be good.

21 MR. MYERS: Okay, well thank you.

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1 And what we'll do is we'll -- I've
2 jotted these down. We'll obviously further
3 discuss with you all as time nears but thanks for
4 that feedback.

5 I don't think I have anything else,
6 unless Mr. Wendland wants to chime in. If not -
7 - go ahead, sir.

8 MR. WENDLAND: Yes, I'd just like to
9 again thank Mr. Jacobsen and Ms. Conrad for
10 stepping up. Your expertise in the matter showed
11 through on this call.

12 I also would like to thank Mr. Woodley
13 again, for his chairmanship of the Regulatory
14 Reform Subcommittee and presiding over the seven
15 meetings that the subcommittee held between our
16 last Advisory Committee meeting.

17 So all of your efforts, for those
18 participating on this call is greatly appreciated
19 by the Coast Guard. So kudos to everybody on that.

20 With that, Mr. Chairman, that's all
21 I have and I think all we have here at Coast Guard

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1 Headquarters.

2 And we'd just turn it back to you for
3 your final comments and maybe a motion to
4 adjourn. It's all yours. Thank you.

5 MR. JACOBSEN: Thank you, Mr.
6 Wendland and Mr. Myers. I appreciate the
7 comments.

8 And I'd like to thank everybody that
9 participated today. We appreciate you being
10 available, online, and contributing your time and
11 talents. There's been a lot of work that went
12 into this subcommittee proceeding and Mr. Woodley
13 has really done a yeoman's job in moving it
14 forward and keeping it organized. Of course all
15 of the individual contributions I've tried to
16 recognize, as appropriate.

17 So I hope you feel that your efforts
18 are appreciated and, hopefully, these things will
19 move forward in a positive way. It doesn't mean
20 that if they don't move forward at this time or
21 as part of this package that we can't discuss

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1 them further in the future. We can do that.

2 So we'll keep an eye on these
3 proposals and see what happens.

4 Again, I appreciate everybody being
5 here and I would entertain a motion to adjourn.

6 MS. CONRAD: Karen Conrad. I make a
7 motion to adjourn.

8 MR. JACOBSEN: Is there a second?

9 MR. DAMERON: Tom Dameron, second.

10 MR. JACOBSEN: Tom Dameron, second.

11 Is there any opposition?

12 (No audible response.)

13 MR. JACOBSEN: Thank you all. This
14 will conclude our meeting.

15 (Whereupon, the above-entitled matter
16 went off the record at 3:41 p.m.)

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