

CFSAC REGULATORY REFORM SUBCOMMITTEE
RECOMMENDATION REPORT- Submitted by: Jerry Dzugan

TOPIC: Delete 100 ton or higher license equivalency for Drill Conductor certificate as found in NVIC 7-93. – Draft 2 Jan. 31, 2018

SUBJECT: EVALUATION OF EXISTING COAST GUARD REGULATIONS, GUIDANCE DOCUMENTS, INTERPRETATIVE DOCUMENTS, AND COLLECTIONS OF INFORMATION IDENTIFICATION DETAILS OF REGULATION, GUIDANCE OR INFORMATION COLLECTION (BY SECTION, PARAGRAPH, SENTENCE, CLAUSE, ETC.):

- Existing Regulation
- Proposed Regulation re: NPRM # USCG-2012-0025
- Guidance
- Collection of Information

ADVICE AND RECOMMENDATIONS:

- Repeal
- Replace
- Modification

IF MODIFICATION - SPECIFIC RECOMMENDATIONS FOR HOW THE REGULATION, GUIDANCE, OR INFORMATION COLLECTION SHOULD BE MODIFIED:

Delete 100 ton or higher license as a substitute for Fishing Vessel Drill Conductor certificate to meet the requirement under 46 CFR 28.270 for who the Coast Guard recognizes as qualified to conduct monthly emergency drills.

HOW AND TO WHAT EXTENT REPEAL, REPLACEMENT OR MODIFICATION WILL REDUCE COSTS OR BURDENS TO INDUSTRY:

This modification directly reduces the cost and burden to the industry and directly applies to the training requirements found in 46 CFR 28.270, that allows a 100 ton or higher substitute for a Drill Conductor (DC) certificate as allowed in NVIC 7-93. The cost of training a person in a 100 ton license workshop averages about \$1,000. This does not include the cost of traveling to a site where overnight(s) stays are needed. Licensing classes are often not found in fishing ports. This results in housing and per diem expenses during several weeks of training for an average of two weeks. This adds an average

of \$1,600 to \$2,000 in travel expenses to the cost of licensing.

The cost of a one day Drill Conductor (DC) course ranges from zero to \$225 per person. Fishing vessel training organizations and agencies have given thousands of full or partial scholarship for this training. The DC training is easily transported to a fishing port in need of training and has been made available on every US coast, to hundreds of ports, mostly eliminating the need for the industry to travel to a DC workshop.

Most important is the fact that the course outline of a 100 ton or higher license courses does not address the emergency drills required under 46 CFR 28.270. On the other hand, the DC course directly responds to the requirements of 28.270. The DC course is in essence a train-the-trainer course in how to effectively conduct an emergency drill, which license courses do not cover in their course outline and objectives. Thus there is no loss in eliminating the 100 ton license as a substitute since it never did meet all the educational requirements found in 46 CFR 28.270.

BACKGROUND:

The 1988 Fishing Vessel Safety Act, and the 1991 Final Rule which implemented this Act, made a requirement for emergency drills to be conducted on documented commercial fishing vessels beyond the federal boundary line. It also required these drills be conducted by a certified Drill Conductor. Since the availability of Drill Conductor training was in its early stages and availability of courses was just starting to grow, the Coast Guard felt it was important to make safety training more available and encouraged fishermen to take licensing courses. Thus a 100 ton license or higher substitute for a DC certificate was allowed in NVIC 7-93. This is despite the fact that licensing courses do not teach a mariner how to conduct an emergency drill. Thus it's an educationally invalid way to provide competency in the skills needed to conduct drills.

In addition, licensing courses do not include fishing vessel terms and equipment found on a fishing vessel. Terminology and equipment on fishing vessels is different from Chapter T and merchant vessels. The maritime culture of fishing is also very different. Instructors of licensing courses often find it difficult to relate to commercial fishermen due to the lack of fishing examples in their teaching, and the nature of fishing itself.

The original intent of allowing a 100 ton or higher license to substitute for a

DC certificate was stated as a way to “encourage fishermen to be licensed” since the Coast Guard has not been able to achieve this goal through other legislative methods. Although the training in obtaining a license has positive educational benefits in collision avoidance, navigation and in many other subjects, it lacks the instructional content a fishermen needs to conduct emergency drills on their vessels. If the Coast Guard wants fishermen to be licensed, it should not be done under the guise of allowing a license to substitute for a DC certificate.

In reality, few people have taken a license course just to avoid getting a DC certificate due to the time and expense the former would take. Meanwhile, tens of thousands of fishermen have accessed DC training on all coast of the U.S. – a course that directly relates to the contingences in 46 CFR 28.270. The continued inclusion of a license substitute has caused uncertainty in the industry. Some USCG regions accept the license substitute and some do not. Fishermen often fish in different USCG regions- leading to a lack of consistent enforcement. This issue has caused confusion and frustration for both the industry, the Coast Guard and training organizations- who promise that the license course they are taking will meet the requirement for a DC course when in fact it does not relate to their fishing industry, work situation or the subject matter in 28.270. Therefore deleting the license substitute will eliminate these issues and bring this NVIC guidance more up to date and be more educationally valid.

THE EXTENT TO WHICH RISKS TO HEALTH OR SAFETY WOULD LIKELY INCREASE:

There are no risks to health or safety that would result from this modification. In fact more fishermen would receive safety training that is more relevant to their maritime risks and the skills needed to earn competency in conducting emergency drills.

HOW AND TO WHAT EXTENT THE REGULATION, GUIDANCE, OR INFORMATION COLLECTION HAS LED TO THE ELIMINATION OF JOBS OR INHIBITS JOB CREATION:

There is nothing in this modification that will lead to the elimination of jobs or inhibit job creation.

PROVIDE QUANTITATIVE AND/OR QUALITATIVE DATA TO SUPPORT AND ILLUSTRATE THE IMPACT, COST, OR BURDEN, AS APPLICABLE. IF THE DATA IS NOT READILY AVAILABLE

INCLUDE INFORMATION AS TO HOW SUCH INFORMATION CAN BE OBTAINED BY THE COMMITTEE OR THE COAST GUARD.

There is no data that can be provided to illustrate the impact, cost or burden of this modification. However, overall the impact would be positive in that fishermen would be receiving training that is more relevant to their needs, the Law and subject outline referenced in 46 CFR 28.270. The cost and burden to the industry would be lessened due to the low cost, time commitment, course availability, and the elimination of confusion of what is acceptable training to meet this regulation