

United States Department of Homeland Security
United States Coast Guard

Summary of Meeting

(Refer to meeting transcript for complete record.)

The 30th meeting of the Commercial Fishing Industry Vessel Safety Advisory Committee (CFIVSAC) was held at the Waterfront Hotel, Oakland, California on 11-13 May 2010. Representing the U.S. Coast Guard from the Office of Vessel Activities (CG-543) and the Fishing Vessel Safety Division (CG-5433) were Captain Eric Christensen, Mr. Jack Kemerer, Mr. Jonathan Wendland, and ENS Amy Downton as meeting coordinators. RDML Joseph Castillo, 11th Coast Guard District Commander, provided a welcome and comments on fishing vessel safety. The Committee Chair was Mr. Gerald Dzugan.

Committee members in attendance:

Mr. Gerald Dzugan	Mr. Alan Davis	Ms. Kathy Ruhle
Mr. Leland Stanford	Mr. Fred Mattera	Ms. Leslie Hughes
Mr. Jimmie Martin	Mr. John O'Leary	Mr. Thomas Dameron
Mr. Jake Jacobson	Ms. Michele Longo Eder	

Tuesday, May 11, 2010

8:00 AM

Administrative Briefing for Committee Members

Administrative Meeting

Chairman Dzugan and Mr. Kemerer called the committee members' attention to an overview of Federal Advisory Committee Act (FACA) information. Tom Mielke, of CG Headquarters, discussed Advisory Committee Conduct and FACA topics including how the charter might be amended to allow communication with other agencies and to provide for discussion with the public. The general feeling of the committee was a desire not to be overly constrained for communications outside the Coast Guard.

Mr. Kemerer stated that some committee members' terms are due to expire. Rules state that no registered lobbyist can serve on the committee. Applications of committee members from 2009 have not been approved at this time. Expired/expiring members can still serve until replaced. New and/or renewed members are expected in a few months. Committee members with expiring terms can re-apply by 01JUN2010.

Commencement 9:00 AM

Chairman Dzugan - Called the meeting to order and welcomed Committee members and attendees. He informed all that committee rules would be followed and addressed the need to stay on task. He asked that the committee keep in mind what can be changed and what is outside the scope of the committee's control.

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CAPT Christensen - Welcomed committee and attendees. *Katmai* investigation was recently completed and released. The *Alaska Ranger* facts and finds investigation report should follow shortly. Rule making is in progress. Legislation is currently in the Senate. The USCG authorization bill passed in the House, including commercial fishing legislation, but the Senate Bill excludes commercial fishing regulations from the approved house bill. Coast Guard fishing vessel safety office at Headquarters should be fully staffed within 2 months.

RDML Castillo - Acknowledged a fitting site for the Commercial Fishing Industry Vessel Safety Advisory Committee meeting location historically, in the Oakland CA area. Provided a short overview of commercial fishing impact on local area.

Chairman Dzugan - Set protocol and meeting etiquette, topics, questions, and forum. Addressed a problem of rambling committee meeting discussions. He expressed the need to stay on topic and focus on specific goals. Roberts Rule of Order will be used and silence is compliance.

Public Introductions

CFIVSAC members stated their goals for the Committee. Then, Chairman Dzugan invited audience members to introduce themselves.

- Peggy Murphy – 11th CG District Fishing Vessel Safety Coordinator
- PJ McGuire – 11th CG District
- ENS Amy Downton – CG Headquarters, Fishing Vessel Safety Division
- Dan Hardin – 13th CG District Fishing Vessel Safety Coordinator
- Troy Rentz – 13th CG District, ACSA Program Coordinator
- Devin Lucas – National Institute for Occupational Safety and Health (NIOSH)
- Dennis Hansford – Chair, Safety Committee, NMFS National Observer Program
- Eric Pickering – 9th CG District Fishing Vessel Safety Coordinator
- Vince Gamma – CG Headquarters, Office of Regulations and Standards
- Dr. Jeff Levin – Univ. of Texas Health Science Center / NIOSH SW Ag Center
- Jimmy Ruhle – Fishing vessel owner/operator, Wanchese, North Carolina
- Manny Ramiriz – CG Sector San Francisco Fishing Vessel Examiner
- Barry Everhart – CG Sector North Carolina Fishing Vessel Examiner
- Mike Rosecrans – National Transportation Safety Board (NTSB)
- Tome Mielke – CG Headquarters, Regulations Administrative Law
- Melanee Libby – CG Headquarter, Federal Advisory Committees
- Ted Harrington – 1st CG District Fishing Vessel Coordinator
- Larry Yarborough – 7th CG District Fishing Vessel Coordinator
- Curtis Farrell – 13th CG District, Fishing Vessel Examiner
- Kenneth Lawrenson – 17th CG District Fishing Vessel Coordinator
- Michael Rudolph – CG Sector Portland, Fishing Vessel Examiner
- Dr. Jennifer Lincoln – NIOSH, Alaska Pacific Regional Office

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Old Business, Status Updates, and Recommendations From Last Meeting

Mr. Kemerer provided statistics on commercial fishing vessel loss and fatalities. Discussed the administrative meeting that preceded and then presented the minutes from last year's meeting for discussion and approval. Read a letter from Ian Pitzman for the record regarding high price of Bering Sea Crab IFQ lease rates. 70% lease rate leaves vessel operators very little left to spend on vessel costs.

Motion to Accept the Minutes of the last meeting by Leland Stanford, 2nd by Michele Longo Eder. Unanimously approved.

Review of the 2009 meeting: Meeting yielded 23 motions. No concerns were raised on long term goals. The Notice of Proposed Rulemaking is still in process, moving slowly. It could be affected by the Authorization Bill. The bill which the House passed includes Commercial Fishing Safety requirements including mandatory examinations, safety equipment requirements, training requirements, and extension of the Advisory Committee. The Senate version of the bill is currently pending, but does not include commercial fishing safety regulations. Chairman Dzugan pointed out that HR 3619 sections 804, 802 and SB 1194 are available and can be viewed online.

Ms. Eder questioned committee's role and ability in letter writing to Senate and House members. Mr. Kemerer referred to requirement for committee to send correspondence to the Coast Guard who in turn would forward to CG legislative affairs office.

Motion that the Coast Guard office of legislative or congressional affairs communicate regularly with the chairman and members of the CFIVSAC and call upon the members of CFIVSAC for input in the form of testimony and letters from the Chair or committee regarding legislation or regulatory issues regarding fishing vessel safety, based on the consensus of the committee by Michelle Longo Eder, 2nd by Fred Mattera. Tabled for further discussion.

Mr. Kemerer continued with a list of fishing vessel safety issues. The Alternate Compliance and Safety Agreement Program is meeting in June. Casualty investigations for fishing vessels *Alaska Ranger*, *Katmai*, and *Patriot* are of interest for the committee. The *Katmai* report was recently released. The National Maritime Center accepted the recommendation that drill conductor training courses be "accepted" rather than "approved" which eliminated a problem with audits. Instructors are still subject to USCG oversight. He requested input and feedback on official website information and for better dissemination of information provided on USCG website to commercial fishing industry.

Proceedings magazine issue for Winter 2010, commercial fishing vessel safety topics are to be submitted by June 1, 2010; last issue to feature commercial fishing vessel safety was 2001. Contact USCG HQ staff to contribute an article, if interested.

Public Comment 11:00 AM

Capt. Ruhle addressed the Coast Guard search and rescue response for several fishing vessel incidents including the assertion that a mistake was made in the response for the fishing vessel *SEA TRACTOR* which had not been acknowledged by the Coast Guard. He said that fishermen had no confidence in the Coast Guard, and he implored the Coast Guard to admit that a mistake was made.

Mr. Kemerer presented the Committee with a letter from Ian Pitzman, addressing the economic and safety impact of catch shares in Alaska.

Dr. Jeff Levin gave a presentation on Gulf of Mexico Shrimpers' safety and health issues and training initiatives. The presentation drew upon his experience in training and conducting surveys of fishermen with a language barrier.

Afternoon Session 1:35 PM

LT Kristine Neeley of CG Sector San Francisco gave a presentation on Coast Guard Investigations and drug and alcohol testing requirements for commercial fishing vessels.

LT Steve Arnwine, CG District 11 Living Marine Resources Officer, discussed Coast Guard Fisheries boardings. Mr. Mattera expressed concern that there may be inconsistency in how long decals are issued for and also in whether fire extinguishers are required to be serviced annually. Mr. Yarborough clarified that decals don't exist in regulations. CG Atlantic Area policy is to issue decals for 1 year, whereas CG Pacific Area policy is to issue decals for 2 years.

LCDR Vince Gamma of CG Headquarters discussed highlights of two regulatory projects involving survival craft and immersions suits/PFDs.

District Coordinators' Activity Reports

D17, Ken Lawrenson

Discussed pulse operations, and touched on the *Katmai* investigation report. Provided preliminary information on the investigation into the *Northern Belle* loss, and then gave a short presentation on the Aleutian Trade Act and the cargo for hire, freight-for-hire issues as regards fishing tenders.

D14, Jack Kemerer

George Butler, D14 Coordinator, couldn't attend. Mr. Kemerer passed some comments on his behalf regarding exams for safety observers and also IOPP annual exams for Tuna vessels.

D13, Dan Hardin

Provided an overview of fatalities, discussed pulse operations addressing stability problems on crab vessels, and his work on basic stability training.

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Troy Rentz, Alternate Safety and Compliance Program (ACSA) Coordinator, discussed the history and current progress of the ACSA program.

D11, Peggy Murphy

Gave an overview of casualty, examination, and decal statistics for District 11.

D9, Eric Pickering

Talked about memorandums of understanding with tribal governments in his district.

D8, Jack Kemerer

Rob Perkins couldn't attend because he was engaged in the Deepwater Horizon Response which necessitated a rush of vessel exams in District 8.

D7, Larry Yarborough

District 7 was also affected by the Deepwater Horizon Spill, with an uptake in vessel exams. Mr. Yarborough discussed District 7's targeting of vessels over 55', and also EPIRB initiatives.

Meeting recessed at 6:00 PM, to reconvene the following morning.

**Wednesday, May 12, 2010
Commencement 8:00 AM**

Chairman Dzugan called meeting to order and reviewed the day's agenda.

Continued District Coordinators' Activity Reports.

District 1, Ted Harrington

Discussed examination statistics and fatalities for his district which conducted about 1,500 exams the previous year. Responded to Capt. Rules comments on Coast Guard Search and Rescue.

D5, Barry Everhart, Vessel Examiner for North Carolina

LCDR Troy Luna is the interim Coordinator for District 5; a new Coordinator should be hired in June. Discussed high-risk vessel list, examination and fatality statistics.

NIOSH: Non-fatal injury study – Dutch Harbor

Dr. Paul Anderson gave a presentation about a survey of nonfatal workplace injuries to commercial fishermen in Dutch Harbor Alaska. Provided summary of study which collected data from injury codes at hospitals in Dutch Harbor and sought preventative strategies.

NIOSH: High Risk Fisheries; Regional Trends

Dr. Jennifer Lincoln made a presentation on regional trends in fishing incidents through consideration of 10 years of data from across the country. She concluded that "Vessel disasters and falls overboard are the key reasons that fishermen die. The majority of

fatalities are due to the vessel disasters and different fisheries have different risk factors. With falls overboard, one-third of the fatalities are due to falls overboard, and none of the victims were wearing a PFD when they drowned, and the majority of them are alone. When we look at whatever we're developing, whether national policy, regional effort or a fishery-specific intervention the information you can build those on is contained in some of the past tragedies we've experienced."

Public Comment

Mr. Dennis Hansford, of the NMFS Observer Program, requested feedback on whether anyone had experience with using NOAA Safety trainers to facilitate safety training. Mr. Davis stated that his company had conducted cold water survival training in a joint effort with NOAA and the Coast Guard. In four days, trained 790 persons, and only good things could be said about it.

Cold Water Boot Camp Presentation

Ms. Cecelia Duer, director of the National Water Safety Congress, gave a presentation on their recent work which demonstrates the importance of wearing life jackets in and around the cold water.

NTSB Report

Mr. Mike Rosecrans described the function of NTSB. Then he discussed the plan for a public forum on fishing vessel safety to be held in the Fall.

Lunch Break

NIOSH: Study on PFD Use – Demos and Tryouts

Devin Lucas presented the results of a study in which 200 fishermen were asked to wear lifejackets while underway and rate them. The results are to be distributed to fishermen as well as manufacturers.

***Katmai* Recommendation Review**

Chairman Dzugan led the committee through a discussion of most of the recommendations of the *Katmai* Investigation Report.

Subcommittees Discussion

Chairman Dzugan discussed the subcommittees. Ms. Eder brought up the need to convey to Congress the committee's comments on the proposed changes in HR 3619 that are not included in the Senate bill. She suggested the need for a subcommittee to move forward with committee comments for the Commandant and also to members of the Senate.

Motion to form a Legislative Subcommittee to keep track of what's going on and keep the CFIVSAC fully informed by Mr. Jacobsen, 2nd by Mr. Davis. Passed.

Chairman Dzugan reviewed what the subcommittees were working on. Mr. Davis, chair for the Risk Subcommittee, gave a synopsis of that subcommittee's work. It included

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deck safety, man overboard best practices and strategies, watch standing, Rules of the Road, and list of unsafe management practices. Mr. Stanford, chair of the Communication Subcommittee gave a synopsis of that subcommittee's work. He discussed shortcomings in distribution of information, HOMEPORT, and FishSafe.

Meeting recessed, to reconvene the following morning.

**Thursday, May 13, 2010
Commencement 8:00 AM**

Chairman Dzugan called the meeting to order and reviewed the day's agenda. He read the tasking that the committee needed to review and/or revise the 1992 Report to Congress on Fishing Vessel Inspection, and provide other applicable recommendations on inspection requirements.

Motion to Accept the Task Statement of revising and updating the 1992 Report to Congress on Inspection of Commercial Fishing Industry Vessels by Leslie Hughes, 2nd by Jimmy Martin. Passed unanimously.

Mr. Kemerer and Mr. Rosecrans discussed the history of the legislation before congress and the statutory provisions for Coast Guard vessel inspections. The legislation includes the provision that the Secretary "Shall examine at dockside a vessel described in subsection (b) at least once every 2 years." This term "examine" is not equivalent to "inspect." It is more a check of a vessel's compliance with safety and survival equipment and other requirements. A "Certificate of Compliance" will be issued to vessels upon a successful examination.

Motion that the committee request that USCG and NIOSH update the 1992 Inspection report with current statistical casualty data by fishery and vessel length using post 1995 data for the committee's review by Michele Longo Eder, 2nd by Jake Jacobsen. Passed unanimously.

Mr. Davis stated desired outcomes from updating the inspection report. (1) Making inspections mandatory to reach more vessels. (2) Prevent future sinkings and loss of life through carriage of required lifesaving and training. Chairman Dzugan suggested that there be work on developing a self-inspection checklist for fishermen to use. The Risk Subcommittee accepted this challenge with Mr. Davis and Mr. Jacobsen taking the lead.

Subcommittees began meetings.

Break for Lunch

Subcommittees resumed meetings, then presented summaries of work and the following recommendations were results of work.

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Motion to recommend that annual in water hull and machinery self-examinations are required for all fishing vessels; these examinations will include items to be determined by the FISHSAC Committee and the USCG, and must be documented and available for audit by the USCG by Tom Dameron, 2nd by Leland Stanford. Motion was tabled after discussion.

Motion that CFIVSAC send a letter to the Commandant of the Coast Guard that we support adoption of the Fishing Vessel Safety amendments 46 USC 4502 proposed by HR3619 of the Coast Guard authorization act of 2010, which includes mandatory dockside safety exams for all vessels by Michele Long Eder, 2nd by Tom Dameron. Motion passed 10 for and 1 against.

Motion to CC a copy of the letter to the Commandant regarding mandatory exams be sent to the sponsors of the Senate and House Coast Guard Authorization bills to specifically include members of the conference committee by Michele Longo Eder, 2nd by Fred Mattera. Passed unanimously.

Motion that the Coast Guard phase in within 5 years, a requirement for vessels required to carry EPIRBS, that the EPIRBS must have an internal GPS or be interfaced with the vessels GPS to download vessel position into the EPIRB so that the Position data is transmitted when the EPIRB is activated by Tom Dameron, 2nd by Jimmie Martin. Passed unanimously.

Motion that CFIVSAC request the Coast Guard to ask that NTSB, National Academies, or another third party conduct a review of Coast Guard SAR Missions for the *Lady Mary* and the *Sea Tractor* and issue a report on ways the SAR process can be improved, in order to provide assurances of transparency for the commercial fishing community, by Fred Mattera, 2nd by Alan Davis. Passed by 10 for and 1 against.

Motion to Request the Coast Guard reevaluate the effectiveness of satellite communication systems in a marine environment as acceptable communication substitutes for single sideband radios and refine the communications equipment requirements if necessary by Tom Dameron, 2nd by Alan Davis. Passed unanimously.

Motion that the committee send a letter to the USCG Chief of Search and Rescue Operations expressing appreciation for the men and women of the US Coast Guard that risk their lives to save the lives of fishermen in their hour of need by Alan Davis, 2nd by Fred Mattera. Passed unanimously.

The subcommittees stated they found their time beneficial, but recommended that more time be allotted for sub-committee meeting and discussions in the future. Information passed will be further explored in the future during a teleconference meeting or via e-mail correspondence within subcommittees.

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Mr. Kemerer discussed the frequency of meetings. The Coast Guard is required to call a meeting at least annually. This year the committee expenses were under budget because of the location and the number of members not attending.

Election of Chair and Vice Chair

Captain Christensen opened discussion and nominations for Committee Chair and Vice Chair.

Nomination for Chair: Jerry Dzugan nominated by Leland Stanford, 2nd by Fred Mattera. Elected unanimously.

Nomination for Vice Chair: Alan Davis by Leland Stanford, 2nd by Fred Mattera. Elected unanimously.

Future Plans and Final Comments

Mr. Kemerer discussed possible plans for the next advisory meeting and location, but still to be determined. Cape May, NJ was a proposed meeting site for 2011. Several considerations/proposals for meeting time and place will be evaluated before finalizing the schedule.

The floor was opened for final committee and public comments. Committee members requested presentation/representation from NOAA observer program for clarification of observer program and processes in the future. They also expressed the need for better communication to fishing communities. The names of key people within each fishing community are to be compiled as a contact list for increased community awareness. Having NTSB presentation and representative present was beneficial to committee members. More time should be allotted to discussion of topics and less time to district specific presentations. A lot was accomplished and perhaps the committee should meet more often.

Chairman Dzugan offered final comments on the meeting and entertained a motion to adjourn.

Motion to adjourn the 2010 CFIVSAC meeting was made and passed unanimously. Adjournment occurred at 1600.