

34th Meeting
Commercial Fishing Safety Advisory Committee (CFSAC)
Providence, Rhode Island
September 23-24, 2014

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United States Department of Homeland Security
United States Coast Guard

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Summary of Meeting

The 34th meeting of the Commercial Fishing Safety Advisory Committee was held at the Department of Environmental Conservation, 235 Promenade Street, Providence, Rhode Island.

Representing the U.S. Coast Guard from the Office of Commercial Vessel Compliance (CG-CVC) and the Fishing Safety Division (CVC-3) were Captain Kyle McAvoy – Designated Federal Officer (DFO), Mr. Jack Kemerer and Mr. Jonathan Wendland - Alternate DFO's. Captain McAvoy addressed the Committee on Tuesday 23 September 2014. The Committee Chair was Mr. Gerald Dzugan.

Committee members in attendance:

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| Mr. Gerald Dzugan | Mr. Alan Davis | Ms. Karen Conrad |
| Mr. Mark Saldi | Mr. Fred Mattera | Mr. James Neville |
| Mr. Tom Thompson | Mr. Thomas Dameron | Ms. Victoria Baker |
| Mr. Jake Jacobsen | Mr. Kris Boehmer | Ms. Thu Bui |
| Mr. Glen Hewlett | Mr. Hal Hockema | Mr. Ted Williams |
| Mr. Phillip Read | Mr. Bobby Virissimo | |

Absent: Ms. Holly Suzch

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Meeting Convened – 8:05 AM, September 23, 2014

Opening Remarks and Administrative Items:

CAPT McAvoy called the Committee to order and welcomed the members and audience. He followed up with opening remarks, noting the need to swear in two new members and three reappointments. He mentioned some federal advisory committee administrative matters, as well as a need for selection of a new chair and vice-chair that are voted on annually. CAPT McAvoy stated that there are some regulatory issues that have been pending for quite a few years after the 2010 and 2012 Authorization Acts and that it takes time to get regulations on the street. He stated those delays understandably create a lot of angst among the industry. People want to build vessels. People want to know the rules so they can figure out a game plan. CAPT McAvoy mentioned the 100 plus recommendations in recent years from the committee to the United States Coast Guard and again the comprehension of the angst on the street. He said he felt safe to say we are all here for the same purpose and that is to improve the safety of our commercial fisherman out there in industry. However, we need to find the sweet spot without putting the commercial fishing industry in an economically disadvantaged state that may drive them out of business.

The Regulatory Agenda is a Federal Register Notice that publishes all the federal government's regulatory projects. The Reg agenda did say that a Reg project was due in September of 2014 for those self-implementing items that were in the 2010 and 2012 Authorization Acts. However the government is still working on that Reg project. The fall Reg agenda comes out in October or November and it may be updated to reflect changes. CAPT McAvoy stated one focus of this two day meeting is on what is approaching in 2017 and 2020 - to have an Alternative Safety Compliance Program in place by 2017 and implemented by 2020.

CAPT McAvoy stated the Alternate Safety Compliance Program needs to be designed to deal with geographic and vessel fleet issues and potentially size issues at various break points as the alternate compliance programs are developed. He mentioned Mr. Rentz of Coast Guard District 13 will be giving a presentation with some options of where we may want to go with that program. He stated he has asked his staff and Headquarters to start looking at the program in overlapping ways, so that the alternate programs are applied in a smart and sensible way to various sections of the industry.

CAPT McAvoy stated that another focus of this two day meeting will be on training standards for individuals in charge of commercial fishing vessels and that a group will be working on that.

Mr. Kemerer introduced himself and addressed several administrative items. He called for

the swearing in of three re-appointees - Mr. Alan Davis, Mr. Fred Mattera, and Mr. Tom Dameron - and for two new appointees - Mr. Hal Hockema and Mr. Chris Boehmer. Captain McAvoy swore in the new and reappointed members and welcomed them to the Commercial Fishing Safety Advisory Committee.

Mr. Kemerer explained the conflict of interest statement and declaration regarding lobbyist status to all members. He stated there was a change about lobbyist status, so there's not the same restriction for committee members being lobbyists as there used to be. But, designated special government employee members of any committee cannot be registered as a lobbyist. He asked Mr. Hockema, Mr. Neville, and Ms. Conrad, the 3 designated committee SGE's, to sign the sheet acknowledging that they are not lobbyists and to pass it back to him by mid-day.

CAPT McAvoy added to his opening remarks in regard to the Alternate Safety Compliance Program that's being developed. He stated that he is a firm believer the best way to write something is to continually revise it. So, as we start to get this alternate program into place, it can be tested when companies are willing to start engaging and testing it out as a pilot type of mechanism. He stated the program should generate a lot of feedback, further revisions and iterations as an evolving process that will help make a better product by 2017.

Mr. Dzugan thanked CAPT McAvoy and Mr. Kemerer for all their efforts and acknowledged the subcommittees year or two years of efforts on training and on the Alternate Safety Compliance Program. He stated that he would like this meeting to be the meeting where they close any open task statements related to those two subcommittees and see what other work needs to be added on. He reminded all that this committee operates under Roberts Rules where comments should be made through the chair. Mr. Dzugan stated when you're thinking of recommendations, make them as clear as you can, make sure they're reasonable, that they're something that we can have some affect on rather than pie in the sky, something that is actionable that will create some action, something that is doable, is realistic and something I think we say is allowable, that will have an impact. By doing so it will help move things along. Also I would like to list out some definitions so that we are all on the same page and avoid getting unnecessarily wrapped around the axel.

Definitions:

1) Dockside Exam- Relates to the requirements in the 1988 Fishing Vessel Safety Act. Right now, as most of you know it is voluntary. The next evolution in this will be a certificate of compliance which is in the 2010 Coast Guard Authorization Act which bumps the exam up to mandatory, but is not an inspection.

2) Inspection- Is performed on other commercial vessels, and is more extensive than an

exam. There is only one Inspected commercial fishing vessel in the entire commercial fishing industry; it is a factory processor.

3) Approved and Accepted Training Courses- Approved courses have many constraints placed on them from the National Maritime Center and Coast Guard in terms of 30 days notices of when the class is going to take place, 30 days advanced permission for site changes from the authorized site that is on the list, locations of the classes, class room numbers, et cetera, et cetera. Approved courses may not work very well for mobile training programs in a fleet that is constantly changing from day to day in terms of sailing schedules as a result of maintenance, fishing, state and federal management regimes et cetera et cetera. As a result the Coast Guard has another classification termed an “Accepted” training course. The criteria of an Accepted course are less stringent than an approved course but it does not mean the Coast Guard does not have oversight authority.

4) Alternate Compliance Safety Agreement (ACSA) and Alternate Safety Compliance Program (ASCP). An ASCP is a Program that may start out in the beginning as a template that industry and the Coast Guard can sit down and work on in order to meet such future requirements in 2017 and 2020. An Alternate Compliance Safety Agreement is an alternate agreement that’s finally signed between the Coast Guard and that industry to get vessels into an alternate compliance regime.

Discussion:

CAPT McAvoy- To put an example forth to what the Chairman is describing, if you look at the ACSA which is ongoing up in the Alaska waters for about 45 catcher/processors vessels that couldn’t comply with the load line rules and regulations. Coast Guard D13 and D17 staffs got together with the industry and developed an agreement that would satisfy the strict requirement of the statute and the regulations in place at the time.

Mr. Kemerer-The ASCP that we are working on right now will address all fishing vessels over 50-feet, operating beyond 3 nautical miles and are more than 25 years old by 2020.

CAPT McAvoy- The Program has got to be a little broader in its focus to address such things as I commented on in my opening remarks. Some folks in industry initially thought the Program was a one size fit all approach and that is not the case.

Mr. Mattera- Is it safe to say that the Program affords us some flexibility and some revisions.

Chairman Dzugan- Absolutely.

Mr. Kemerer- An agreement also provides some flexibility. For example, the ACSA with that group of vessels in Alaska, allows for an annual meeting with the industry. If they have some suggestions on what they may want to add or delete, we entertain that. If we find something during the year that may need to be added or deleted we adjust for that. So there is an annual review for the ACSA group and the same thing could certainly be workable with the ASCP’s.

Mr. Mattera- The industry will be very reluctant to rely on rule making changes, because we see how long it takes to change rule makings.

Mr. Kemerer- Based on the way the law was written and the requirements and how we'll have to implement it, I don't think that there will be signed agreements with every fleet or every fishery or every operating area. It will be a program with set criteria and then what will be applicable to your fleet, your vessels, your operating area. As we get through a couple of presentations this morning looking at risk and everything, I think it all will become a little clearer.

Mr. Jacobsen- We would like to see something similar for the Bering Sea crab fisherman or the Gulf shrimp fishermen for their fishery, that these are our requirements and they're not so fluid that they're going to change in a year and we're going to have to meet some other requirement.

Mr. Kemerer- That is exactly what we hope to get from the working group today or through tomorrow, that which of these criteria are reasonable and should be applied to those fleets. It is not going to be a one size fit all. We already have recommended a whole list of items that we want to look at for potential requirements. But they are not going to apply to all vessels.

Mr. Hewlett- If you do not have a signed agreement, if the risk changes in the fisheries, the agreements are going to change. Is that what you are trying to say?

Mr. Kemerer- It may have to be open to that, but we may have to put his type of thing in regulation.

Chairman Dzugan- Good opening discussion. There will be opportunities for industry and public to make comments. Usually at least twice a day we have that scheduled into the agenda. So make use of those opportunities. The public is welcome to work with the subcommittees when we break into the subcommittees. We can use your expertise and comments on those, so feel free to participate in whatever subcommittees are standing or going to be forming.

Introductions:

Ted Williams, New Bedford, Massachusetts. I work in the fishing industry, role conductor and marine safety coordinator for Hercules SOR in New Bedford, Mass.

Karen Conrad, Seattle, Washington, executive director of NPFVOA, North Pacific vessel safety program and safety training for maintenance and mariners.

Kris Boehmer, Maine. I work with Ocean Marine Insurance, primarily for fishing vessels and in my life before that, I was a fisherman.

Hal Hockema, Seattle, Washington, and Bend, Oregon, president and owner of Hockema & Whalen associates, naval architects.

Tom Dameron, Philadelphia, PA. I help manage a group of clam boats here in the Mid-Atlantic.

Tom Thompson, executive director United States Marine Safety Association, and we are the industry association for all those who build, sell, service, do training for life-saving

appliances and a variety of safety equipment in the U.S. and globally.

Alan Davis. I'm the safety director for American Seafoods Company and currently serve as the president of Seattle Fisherman's Memorial.

Jerry Dzugan, Director of the Alaska Marine Safety Education Association, Sitka, Alaska.

Jack Kemerer, Chief of the Fishing Vessels Division headquarters with commercial vessel compliance and the alternate designated federal officer for the committee.

Bobby Virissimo, San Diego, California, Vice President of vessel operations for South Pacific Tuna Corporation.

Fred Mattera, Point Judith, Rhode Island, commercial fisherman for 40 years, president of Northeast Safety Training Company, marine safety instructor.

Victoria Baker, Cordova, Alaska, commercial fisherman and also an employee of the University of Alaska, Marine Advisory Program with Alaska Sea Grant.

Jim Neville, Southern Creek, California marine surveyor and loss control manager for AIG Global Marine.

Thu Bui, Louisiana Sea Grant Program, out of Lafayette, Louisiana.

Mark Saldi, Skagway, Alaska, 35-year commercial fisherman.

Jake Jacobsen, long-time commercial fisherman, currently marine surveyor and also executive director of Intercooperative Exchange, which is the largest cooperative of Bering Sea crab fishermen, about 70 percent of the.

Glen Hewlett, commercial fisherman, 35 years, Florida Keys.

Jonathan Wendland, on staff with Mr. Kemerer and ADFO for this Committee.

Jacob Varghis, Coast Guard, Pacific area.

Lurilla Lee, vice president of vessel safety for Trident Seafood out of Seattle, Washington.

Dan Hardin, United States Coast Guard, Commercial Fishing Vessel Safety Coordinator for the 13 district, which is Oregon and Washington.

Jennifer Lincoln. I live in Anchorage, Alaska. I am the Director of the NIOSH office there and lead the commercial safety design program.

Charlie Medlicott, District 14 fishing vessel program coordinator.

Steve Pigeon, an examiner over at Long Island, New York.

John McMillan, marine safety trainer out of Belfast Marine.

Scott Wilwert Coast Guard Fishing Vessel Safety Coordinator out of Juneau, Alaska for District 17.

Bob Perkins, fishing vessel safety coordinator for the 8th Coast Guard District in New Orleans.

Jaideep Sirkar, naval architect at U.S. Coast Guard headquarters.

Joar Bengaard, out of the Houston office, and I'm working on classification for U.S. fishing vessels.

Kevin Coyle, Southeast New England Fishing Vessel Safety Examiner.

Mike Tork, Northeast Fisheries Observer Program.

Ted Harrington, the fishing vessel safety coordinator in Boston for Coast Guard District 13.

Ted Minersman, Southeast New England, commercial fishing vessel safety examiner.

Ed Dennehy. I'm the director of safety training for fishing partnership support services for Massachusetts.

Josh Falkner.

Don Blackman, senior manager for Cobham Mission Systems out Orchard Park, New York.

Devin Lucas with NIOSH, in Anchorage, fishing vessel safety research.

Deb Lambert with Fisheries Services of Silver Spring, Maryland.

Troy Rentz with Coast Guard, District 13 and I coordinate the current safety compliance program, the agreement, which is kind of my Alternate Safety Compliance and also working with headquarters developing recommendations for the new programs.

Jeff Carriero, Cobham Mission System, responsible for commercial and military life-support systems.

Old Business:

A Motion was made to accept the minutes/summary from the 2013 Committee meeting in Washington DC. Moved by Mr. Dzukan, and seconded by Mr. Williams; passed unanimously after a few corrections and edits were offered.

Committee and CFVS Program Updates:

Mr. Jacobsen inquired about the term “as built” that was seen written in a recent letter from Mr. Kemerer. The term was used in the 2010 Auth Act. However, in 2011 the committee recommended addressing the term “as built” by defining a term of “substantial change” as a change in 10 percent in vessel length or breadth or depth or light ship weight or center of gravity or height or projected lateral area which adversely affects the vessel’s stability while also including in the definition the type of vessel if the vessel engaged in a new fishery, where the change adversely affects the vessel’s stability. He stated that motion passed unanimously. He questioned if there was any further development with the term “substantial change.”

Mr. Kemerer- The definition of “build” is in the law now and two applicable definitions currently exist in part 28 of the regulations including “major conversion” and “substantial alteration.

Mr. Jacobsen- The concerns we see here are trawlers now converting to scallopers, and trawlers converting to clambers, where huge waves and dredges come aboard. We found that more than 50 percent of the vessels do not meet the stability with this substantial alteration. The concern is not within fisheries so much as between fisheries. Although within fisheries there are times we have concern. For example, a vessel that's a trawler that just ices fish down, puts tanks in and now puts 200,000 pounds of fish in Refrigerated Sea Water (RSW). That vessel definitely has a major conversion or substantial alteration. Somehow the definition has to address the fisheries that change. The "substantial alteration" definition covers that within the fishing industry. If you have a 100-foot fishing vessel currently that has a dry cargo holder, you ice your catch, you're fishing for cod or whatever, you change over to a RSW fishery where you're tanking your fish home, that is a substantial alteration because you're changing the way that you fish.

Mr. Kemerer- We felt that the term “substantial change” is adequately addressed by the “major conversion” definition in 46 CFR 28.50 and the “substantially altered” definition in 46 CFR 28.501. However, the limitation is knowing that it applies to vessels 79 feet or greater in length. A change will take a rule making project and it is one of those things regarding applicability that probably will be looked at, when we go into the new proposed

regulation.

Mr. Jacobson- Vessels that undergo this “substantial change” will be subject to the Alternate Safety Compliance Program in 2020 so we need to know.

Mr. Hockema- The 2012 Act corrected the 2010 Act by taking away the need for the definition of “substantial change” and now it is referring to “major conversion“ which would be applicable to the Alternate Safety Compliance Program for vessels. The likely reasoning for the change is the definitions were already on the books.

New Business:

Committee Membership:

Mr. Kemerer- The 2010 Auth Act revised the committee membership and added another member. So we now have 18 on the committee. The terms of appointments are for three years from the date of appointment vs. the end of October as we used to align membership. Some members will see changes on when your term expires as a result. We did receive a number of applications. They have been evaluated, and we provided a list of recommendations to the Department and White House Office for vetting. Once approved we will prepare more formal documents from the commandant to the Secretary and then those appointments or reappointment letters will go out to new membership at that time. We have to wait and see how long the vetting approval process takes first. There are fact sheets in the back of the room that discusses this committee and there is also a website that you can go to for any federal advisory committee. It is a federal advisory database and can be found at <http://database.faca.gov>.

Updates on Coast Guard Regulatory Projects:

Mr. Kemerer provided the following information:

- 1) Final Rule published on citizenship requirements for fishing vessels. The rule is known as the “75/25” rule. No more than 25 percent of the unlicensed crew can be aliens in the United States on a work visa without getting a waiver. The final rule puts into place the process to request a waiver and be granted a waiver.
- 2) A Proposed Rule “105”- Came out in August dealing with those vessels, particularly processing vessels, that may carry hazardous bulk liquids for dispensing. It is regarding 46 CFR Part 105, and it’s simply updating rules that were on the books since the 1980’s. The proposed rule is out for comment and we’ll be looking for that.
- 3) Another project that has been started deals with the aquaculture support operations waiver. In the Auth Act there was a provision that the Coast Guard could give an interim operating approval for certain vessels that are involved with aquaculture operations, and it really just deals with two vessels in Maine at this time. But, we’re supposed to be doing a Reg project on that and we’re working with the Maritime Administration and DOT to get

that moving. It will come out as a proposed rule whenever we are able to complete it.

4) Implementing the requirements from the 2010 and 2012 Auth Acts. The interim rule that we're working on is currently under administrative review. Simply, it is going to put into regulation those parts of the law that are basically self-implementing. The CG is limited in what the IR can say to what is mandated by Congress in the Auth Act as the parts that have a date attached to them or they're on the books and fully enforceable at this time. So it's simply getting those into regulations. And then the follow-on from that will be a proposed rule-making project to take care of some of the discretionary items that we've been thinking about or a number of you in the committee have recommended to the Coast Guard to make into regulations. That has to go out and as a proposed rule-making project and we will be requesting and taking comments on. The process to put out any rule-making project is long and involved and we don't have much control on how long it takes. There are different levels of review and there can be comments that come back where we need to amend or revise what we're looking at and then go back and forth and so on. So it's definitely a multi-year process. More regulatory action will likely be required to further implement the intent of the Auth Act. As stated previously, the IR is in clearance; the CG must respond to feedback received from other Departments prior to publishing the IR; it is unknown when the IR will be published, but the CG is hoping to publish within the next few months.

There are several regulatory projects being addressed by the CG:

- 1) The Interim Regulation (IR)
- 2) Notices of Proposed Rule Making (NPRM)
- 3) The congressional mandate in the Auth Act with regard to ASCPs

Survival Craft Requirements:

Mr. Kemerer noted that the 2012 Auth Act required a study and the Coast Guard to submit a report to the Congress within so many months to address the 2010 requirement that a survival craft must keep you out of the water, which basically means that it has to be an inflatable life raft or inflatable buoyant apparatus, and that the approval of life floats and buoyant apparatus would no longer be allowed. The report was submitted after the last meeting on August 26, so 30 months after that makes it February 2016. The 2012 Act did not change the out-of-water survival craft requirement for commercial fishing vessels in Chapter 45 of 46 U.S. code. Looking at our rule-making project and everything else, we were going to honor that delay for other craft. So the requirement for an out-of-water survival craft on fishing vessels will take effect on 26 February 2016. The industry is aware of it and manufacturers are addressing inventory, some are geared up to produce more, as soon as they feel it's appropriate.

Casualty Reports:

Mr. Kemerer mentioned the release of the Lady Mary last August, and also the sinking report of the Majestic Blue came out in October. The Canadian Discovery Channel will be

producing an episode on the F/V Alaska Ranger casualty; air date is to be determined. As a reminder, safety alerts, information bulletins, and casualty investigation reports can be found on the Homeport website, www.homeport.uscg.mil.

Safety Alerts:

Mr. Kemerer spoke on a couple issues recently that may be of interest to the fishing vessels. One dealt with portable fire extinguishers, one with deck safety, one with entanglement accidents and one regarding marijuana use in workers. The federal position is that it's not acceptable and for those who sit for a license or whatever, even though you come from a state where it's legal and you might have used it, if you are in your random drug testing caught, you could lose your license or you could not be eligible to get a license or credentialed at that particular time if you don't pass the drug test.

Dockside Examinations:

Mr. Kemerer noted that exams are picking up again in some areas, and that all districts are reaching out to industry. There is a checklist generator that Mr. Dan Hardin from D13 developed on fishsafe.info. The checklist generator is very beneficial to get you ready for a safety exam and get the decal issued faster. There are six third-party organizations that are accepted to do dockside safety exams for the Coast Guard including, ABS, DNV, SAMS, NAMS, NAVTECH and Bowditch Marine. Earlier this summer, I and Mr. Wendland, and Mr. Roskam of my staff visited every one of these organizations to review their training requirements, their recordkeeping, how they do the exams, and issuance of the decals. Everything looked very good. It was surprising that there are only a couple hundred exams a year done by these organizations, but the factor there may be that the Coast Guard will do it for free and a third party does not. It is exactly the same exam as they use our exam booklet and everything off our exam booklet. Hopefully in the near future, we will post a list of the third party organizations with the members who are accepted to do the exams for us.

Load Lines:

Mr. Jaideep Sirkar mentioned that certain new fishing vessels will have to be load lined and will have to be classed. After 1 July 2013, vessels 79 feet or greater will need to have a load line or will need to be load lined and classed. And vessels above 50 feet, less than 79 feet, the same date, will have to be classed. As of 2020 vessels that are 25 years of age will have to enroll in an Alternate Safety Compliance Program and an Alternate Load line Compliance Program, as applicable.

Public Comments:

Chairman Dzugan opened the meeting to public comments.

Mr. Don Blackman from Cobham Mission Systems presented. Mr. Blackman stated Cobham is well known in the Military and defense industries as a manufacturer that provides life support equipment, water activated systems that are used by the Navy and Air Force around the world to help save lives by people who find themselves in the water. The equipment is used to rescue personnel. Mr. Blackman introduced the “Survivor Plus,” inflatable life equipment that is SOLAS approved and requires inspection only every 5 years as a result of being vacuum packed. Survivor Plus comes with strobe lights and is designed to keep the body out of the water completely. Today the price is \$2,500 but if we mass produce it the price will go way down. It is currently being looked at for Coast Guard approval and was previously tested for SOLAS approval under 3 foot waves, -7degrees C air temp, 0 degree water temp, and at 9 meters per second wind speed. In testing done, there was zero loss of core body temperature in a 5 hour span using this product.

Mr. J.J. Bartlett, President of Fishing Partnership Support Services presented. Mr. Bartlett stated his company is a non-profit out of New England that promotes the health and well being of fishing families by offering health care coverage. They also offer safety training and have trained over 2,500 fishermen in New England since 2005 where 45% of that number has come in the last three years. 94% of the fisherman rated their training programs very good to excellent. 96% say they are likely to recommend them to colleagues. Mr. Bartlett stated that he is here to say and make sure the safety training program and the safety research programs is included in the final version of the Coast Guard Authorization Act between the House and the Senate, and that the program is appropriated.

Mr. Kemerer added that the Coast Guard received written comments via the Federal Register Notice from the Alaska Trollers Association, by Ms. Dale Kelly and Mr. Steve Merritt, who is a commercial fisherman with Alaska Trollers. Those comments are found in the members packets.

10:07 – 10:29 AM – Break

10:29 AM - Meeting Resumed with Presentations

NIOSH:

Mr. Kemerer introduced Dr. Jennifer Lincoln, CAPT, USPHS, National Institute of Occupational Safety and Health (NIOSH). She introduced herself and staff and explained her duties. She mentioned that NIOSH identifies workers at high risk and high priority problems. NIOSH supports the development of interventions and then evaluates the interventions to determine if they are working and resulting in a risk reduction or a reduction in fatality rates or injury rates. Dr. Lincoln stated some of the work accomplished includes the development of the commercial fishing incident database (CFID). This is a national surveillance system for all workplace fatalities that take place in the commercial fishing industry. The database helps identify specific hazards in each region. Some of the interventions include engineering solutions like the hatch and door monitoring system and

personal protective equipment. For example, with the NIOSH PFD study, fishermen were asked to test PFDs to see if we could what that they could comfortably wear while working on deck.

So starting out with some good news, this is a 14-year trend of work-related fatalities in the U.S. fishing industry from 2000 to 2013. For this 14-year period, there's an average of 47.5 deaths per year and there has been a 24 percent decrease in the annual number of deaths during this time period. From 2003-2014, 51 percent of the fatalities are due to vessel disasters. So when we talk about vessel disasters, we're talking about a catastrophic event that involved the vessel which forces the crew to abandon ship. So a vessel disaster may be a sinking. It may have started out being a fire that resulted in a vessel disaster. So it's anything that occurred to the vessel that resulted in the crew having to abandon ship. 28 percent of the fatalities in the last decade are due to falls overboard. So this could be due to any reason, being pulled over by gear, being washed overboard by a wave. None of the victims were wearing a PFD when they died during these events. The next one, onboard injury is an injury to a crew member onboard the vessel and there was no immersion involved. So an onboard injury, fatality may be somebody that gets crushed by a crab pot or someone that gets entangled in a deck winch or someone that falls into a fish hole. So those are the types of events that we're talking about when we talk about onboard injuries. Onshore injuries are injuries to crew members that occur onshore. So this may be a fisherman that may be working a net and gets run over by a truck when he's doing so. Then there's also diving injuries. So these are injuries that occur to a crew member while they're diving. So they're either diving to make a repair on their vessel or they're diving to harvest some sort of sea creature. When we use the word "injury," it could be either a fatality or a nonfatal injury; usually it is a fatality. So even though I'm saying "injury," if there are fatal injuries, that's what I'm talking about. I know that that's confusing sometimes.

All of the work that we do regarding coming up with these various bar charts and pie charts and line graphs and all of that is all dependent on our partnership with the Coast Guard. And fortunately, in March of 2014, they signed an updated version of the Memorandum of Agreement, and so I'm very happy that we were able to do that. This allows us to continue having access to the investigative reports that we then read and code and put into our database so that we can come up with this information. There's no money exchange. This is an agreement that Captain McAvoy and I have to talk to each other on the phone.

Another update on one of our important projects that we're leading is regarding winch guards on shrimp vessels in the Gulf of Mexico. We first identified the most common types of winches that are used on shrimp boats. We are now installing guards, physical guards on them. So we're looking for test boats and when we find them, we are installing these guards as a proof of concept. And then assuming that they are good, that they work, the industry likes them, and we will then provide the blueprints to the Southern Shrimp Alliance or any other industry group to provide the designs as well as the part lists and all those kinds of things.

Another report that's been finished since NIOSH last addressed the group is the descriptive analysis of injuries and fatalities that have been reported to the Coast Guard by the fleet, the Distant Water Tuna Fleet. This is a report that was published in May of 2014. It's available

on the website and I also have hard copies of the report as well. The report found that the fatality rate is increasing among this fleet. The rate took into account the increase in the number of vessels and the number of people since 2006 that have been involved in the fishery. Some of the particular problems that were identified was the multiple languages being spoken on the vessels, and like deck safety, traditional issues like confined space entry, rigging failing were highlighted as some of the casualties that were reported. The other thing that was highlighted in the report was the rigging system, the inspection system that Tri-Marine has for their vessels. The system seemed to be a very effective way of keeping track of the complicated configuration of all of the equipment above deck. There were a series of checklists that they had that not only checked about when things should be inspected but also when they should be replaced. I thought that the system could apply to the smaller operators in the West as well.

Dr. Lincoln pointed out regarding ACSA that it was created because what we had thought were fishing vessels were actually processing vessels that couldn't meet the processing vessel requirements, so alternate compliance was needed so that those vessels could meet classification load line requirements. The Alternate Safety Compliance Plans are different. They are to solve safety concerns. The programs can start with the casualty data to see what hazards that are reported to the Coast Guard, and the Coast Guard responds to. The process includes working with the industry, so that the programs are tailored to the fishery and the fleet. The programs should be simple, considerate of economic concerns of the industry, and staffing concerns of the Coast Guard.

To focus on a specific problem as an example, Dr. Lincoln used the Bering Sea crab fleet from the 1990s, when NIOSH identified an extremely high fatality rate. The rate was 700 per 100,000. To put that in perspective, at the time the average U.S. worker fatality was 4 per 100,000. Vessels were sinking while fully loaded and going out to sea, most of them were required to have stability information, and so that it was in existence. The dockside exams focused on the carriage of life-saving equipment, but no focus on the prevention of vessel loss. In October of 1999 when the stability checks were started, that was the start of no fatalities due to the vessel loss. The big concern is that since the stability and safety checks have been going on for so long and people don't understand how important and how effective they were in preventing fatalities that we might get lazy about them. The continued stability and safety checks are really vital. Stability instruction should be updated. Mandatory PFDs and/or man overboard alarms on crab boats that operate in the Bering Sea. So to reiterate engaging specific fishery and fleets and what the Alternate Safety Compliance Programs could do, they can solve safety concerns for specific fleets.

Chairman Dzugan introduced Dr. Devin Lucas of NIOSH who talked about work-related fatalities on fishing vessels at least 50 feet in length and targeted programs as an approach to the Alternate Safety Compliance Program backed by empirical data. Dr. Lucas stated that there have been 450 deaths, for all vessels of all sizes. However, when we restrict the data set to just vessels that are at least 50 feet in length, the picture changes. There have been 181 fatalities on vessels at least 50 feet in length, which represents 40 percent of the total fatalities. I provide this information so that everyone understands what piece of the pie we are talking about with Alternate Safety Compliance. It's not the majority of fatalities. 40 percent occur on vessels at least 50 feet. As Dr. Lincoln showed, the types

of incidents varied by district and by region. In District 7, 8, and 14, vessel disasters represent the minority of fatalities; whereas in other Districts it is the majority like in District 5, 11, and 13. One chart shows all of the fleets with more than three deaths during that time period during that decade. There are some big fleets missing from the chart that have a lot of fatalities, such as various salmon fisheries in Alaska. Those vessels are primarily less than 50 feet so they are not represented on the chart. Three fleets that are typically larger than 50 feet and that have the majority of the fatalities are the Gulf of Mexico and South Atlantic shrimp fleet, the Atlantic scallop fleet and the Northeast multi-species groundfish fleets. So what do the Gulf of Mexico shrimpers, Atlantic scallopers and Northeast druggers have in common? Not a lot. That is reflected in the different hazards observed in each fleet. For the Gulf of Mexico shrimp fleet the initiating events for fatal disasters are most often fires. That's the first event that happened in the sequence of events. In the Atlantic scallop fleet it's most often the dredges catching on the bottom, capsizing the vessel. In the Northeast ground fish fleet, it's typically instability, often caused by icing. Again it is a completely different problem. So the Alternate Safety Compliance Programs need to focus on individual fleets and address the problems that each fleet has respective to the casualty data. The ASCP's will be most successful if they are tailored to evidence based data. That means to take all of the available data on fatal injuries and vessel casualties and use that information to define what the hazards and risks are, and then target the programs to specific fleets and specific hazards.

The Alternate Safety Compliance Programs need to focus on individual fleets and address the problems that each fleet has based on the casualty data. NIOSH is requesting more funding for current and future work associated with hazard assessments for various fleets across the country, not just looking at fatality data but also non-fatal injuries and non-fatal disasters.

NOAA NMFS NS10:

Chairman Dzugan introduced Ms. Debra Lambert. She is a fisheries policy analyst with the National Marine Fishery Services in Silver Spring, MD. Her office continues work on efforts to develop tools for policy analysts in different NOAA regional offices. Those tools are being designed to evaluate safety in fisheries in regard to National Standard 10 of the Magnuson-Stephens Act. The idea is to develop a safety checklist that will be a series of questions that can be used to identify if a new proposed management measure may create a safety concern in advance of implementing a potential hazardous measure. The target audience will be the Alternate Safety Compliance Programs and counsel staff in NOAA's different regions that work on Fishery Management Plans and Fishery Management Plan Amendments at the NOAA regional level. So far eleven questions have been developed and include:

- 1) Will the proposed management measure cause vessels to operate further offshore, increase the distance from search and rescue assets?
- 2) Will it restrict transit through closed areas?
- 3) Will it set fishing seasons to occur when conditions are most hazardous?
- 4) Will it create incentive to work for long periods of time (fatigue)?
- 5) Will it encourage unsafe stability practices?
- 6) Will it increase the environment intensity of the fishing season?

- 7) Will the proposed management measure prevent adjustments to the fishing season in the event of poor weather?
- 8) Will it limit the number of crew?
- 9) Will it place restrictions on vessel size, upgrades or replacement?
- 10) Will it require delivery of fish or fish products to ports without exceptions for safety concerns?
- 11) Will it create any other safety concerns that are known through input from the Coast Guard or council discussions or public comment? The last question being a type of catch all.

Again the checklist is meant to be a tool so that these questions are framed in way to capture safety concerns as well as capturing potential changes that a new management measure may create in a fishery.

The second tool in the technical guidance document is methods for conducting a risk assessment. This is modeled after the work Dr. Lincoln and her colleagues at NIOSH have done. The target audience is the Alternate Safety Compliance Programs and fishery management council staff who work on fishery management plans and plan amendments. Components of the second tool would include:

- 1) Identifying fishery
- 2) Describing vessels and gear and work environment
- 3) Information on safety incidents
- 4) Description of safety regulations that apply to fishery as well as literature review.

NOAA NMFS is working on this document and intends to get it into the clearance process and published in the next year or so.

Questions:

Mr. Hockema- First I think this program will be really good. Rationalized fisheries have addressed some of these things already. One thing that is coming of age is the realization of the limits on sizes of vessels based on the quota system. After all why would you build a 300 footer when you only need a 100 footer. However, in some fisheries this doesn't make sense like the Trawlers in the Bering Sea because length limitation on vessels that are operating in exposed waters have in the past undermined safety. On the other hand there are a substantial number of vessels in the small boat fleet in Alaska, the most visible are the 58 foot and the 32 foot Bristol Bay Gilnetters that likely should keep the size limits because the limits are so engrained in the programs, state programs, that have spilled over into federal managed fisheries. Those programs are so engrained that people have invested multi millions of dollars into these vessel sizes, and to release those vessel sizes may be a destructive mechanism for certain markets, especially the salmon fisheries.

Mr. Mattera- I need to understand a little more. Are these guidelines that will go to the council from the staff as they start to put together FMP's? And if so how much credence will really be used from it? I do not see anything like this in the reauthorization of the Magnusson act and I am very concerned that NMFS efforts are just guidelines to somewhat attempt to address National Standard 10, and they will look at it, and say we addressed it

because we made a comment, but really there is no change. We are still forcing 40 foot and 36 foot vessels to Georges Bank because we have just about closed the Gulf of Maine to all fishing. To me if it is in Magnuson and it is in the reauthorization in this process that is pending right now, I'd feel a lot better about it.

Ms. Lambert- This is not part of the Magnuson reauthorization. But the idea here is to create technical guidance that counsels and NMFS staff could use. So it is not necessarily and would not be a requirement, but would give our regional staffs and councils further tools as they work it.

Mr. Mattera- It's now a formalized checklist that the industry has done for years sitting at the table. I'm afraid we are going to get the same results we have gotten for the last few decades if these are just guidelines and that there's no teeth to it.

Ms. Lambert-In addition to the checklist it includes some documentation of where these ideas came from and where some of these issues have been raised in the past like some of the vessel size restrictions. So it's not just a checklist. There is some rationale providing a description behind those questions.

Mr. Hockema- There is concern, and this is not directly a safety issue, but there is concern among the fishing fleets everywhere that some National Marine Fisheries schemes are encouraging too much consolidation within the industry. I think most people agree, that in many fisheries, some consolidation was necessary, but there is some concern that too much consolidation is here now and for the future, and the future of small business people and fisheries are at risk.

NOAA S&T OBSERVER PROGRAM:

Mr. Dennis Hansford presented an update on the National Observer Program, and what the National Observer Program Advisory Team, the leading body, in obtaining fishery-dependent data is doing. NOPAT essentially helps put Observers on commercial fishing vessels to collect biological data and then use that data to regulate the commercial fishing industry. Observers play a key, critical role in collecting that data, and prior to their deployment they're required to undergo much training. 3 years after initial Observer training, Observers are required to do a hands-on safety refresher training. Mr. Hansford stated that NOPAT recently looked at updating the national safety training standard requirements for their train-the-trainers. These are the individuals who train the Observers to go out to sea. They have requirements to go through safety instructor training certification and then subsequent to that, do training and other programs essentially used as a cross-pollination of expertise and skills. 18 areas were looked at in this training, and in a one week span this past March, 10 new instructors and 8 refresher instructors were trained in Galveston, TX. Mr. Hansford took a moment to thank AMSEA who he stated has been instrumental in the training of Observers for many years and has served as a foundation for a lot of core requirements. Mr. Hansford recognized from one committee member, that the training in how to operate the ACR EPIRBS could use some enhancing. Mr. Hansford acknowledged they would follow up on it with the Observers.

Mr. Mike Tork from the Northeast Fisheries Observer Program gave a brief presentation on the Observer training stating that they conduct between 10 -14 safety trainings that train between 120 and 150 Observers in the Northeast. Mr. Tork took the time to thank Mr. Harrington who he stated comes to every training and gives a very inspirational presentation that really injects the realities to the industry that the Observers are going to be involved with. Mr. Tork explained that Observers have been involved in every at-sea type of emergency one can imagine. What they are seeing in all Observer programs is an expanded role the Observers are taking during these emergencies, especially on smaller vessels where he stated the Observers may be the most knowledgeable. The Observers are not instructed to take the lead. We tell them they are not to take the lead during an emergency, but if you see something not getting taken care of that needs to be taken care of, to jump in and take the initiative because it behooves them to keep the vessel floating.

Mr. Tork also responded to Mr. Mattera regarding the ACR EPIRB. Mr. Tork stated Observers are instructed to not remove the EPIRB from the housing because they were accused in the past of breaking them. So now the Captain or crew needs to hand the Observers the EPIRB to check the battery expiration date, the NOAA registration expiration date, while making sure the UIN matches the NOAA UIN. They do not test the EPIRB because they know the Coast Guard requires that the captain test the EPIRB every 30 days but they know they don't always do it as required.

LOADLINE DNV-GL:

Mr. Joar Bengaard from DNV-GL presented and spoke about the load line requirement for commercial fishing vessels greater than 79 feet. He conveyed that the Alternate Safety Compliance Programs should be developed in cooperation with industry and believes class is an important part of industry. He stated class views fishing vessels as non-conventional ships because they are excluded from SOLAS. DNV-GL has been involved with the classing of U.S. fishing vessels since 2011 and has a fleet of 600 fishing vessels worldwide. With U.S. vessels, statutory certificates for load line, tonnage, will not be part of the class endeavor. But the approved class society may, issue those on behalf of the U.S. Coast Guard because of authorizations. The domestic class certificate- Note "Domestic Certificate" because it is a U.S. fishing vessel, is for 5 years and subject to annual surveys. However, the annual survey and the renewal survey can partly be done by the owner. Checklists will be provided, training will be provided. But there is an oversight and a random class survey as part of the whole set up. Class certification of materials and equipment is generally not required. This is new for the domestic U.S. domestic class. There are some critical elements that may require class certificates and those expressed in his opinion are the propulsion line, shafting, and propeller and maybe the switchboard. So how much will it cost? Typically the new building fees would be 1 to 1.5% contract price of the vessel. And then there are variables including shipyard, building time, vessel characteristics, vessel class, and how fancy the vessel is. So acceptance of the shipyard itself might be in the order of \$30,000. So a rough example per boat for the new build would be \$40-50K. And then for retention of class per year, average maybe \$5K but more for the renewal survey less for the annual surveys. Then the material components mentioned, like the main engine, may be \$20-30K per boat. With a new building survey at the shipyard there would be a kickoff meeting with

class, yard, boatyard, owner, U.S. Coast Guard and maybe others. All the roles and expectations are lined up. Then there would be construction visits. Again, there will not be a class surveyor being there all the time, but would conduct maybe 3 or 4 spot checks or perhaps 5 if a survey involves an electrician. Then a one day sea trial, in-service surveys. The rules drafted allow for adjusting the time for the annual survey to correspond to the seasonal fishing schedules within certain limits. Time between surveys should not exceed 18 months. So 18 months to be the maximum if applied for by the operator of the vessel. Annual surveys would likely take a day while renewal survey might take something in the order of three days. Mr. Bengarrd closed stating that they are looking for input and after totaling up.

12:32 PM – Meeting Adjourned for lunch.

1:32 PM – Meeting Re-Convened with Presentations and Workgroups

Chairman Dzugan brought the committee to order and introduced Mr. Rentz to talk about ASCP development.

ASCP Development:

Mr. Rentz District 13-

The 13th District is taking the lead on this, in concurrence and coordination with Headquarters, because D13 pioneered the Alternate Compliance Safety Agreement (ACSA) and have had it working for quite a while now and we wanted to take some of the lessons we learned from that. We don't want to repeat any mistakes that we made and we want to take some of the good things that we did and apply them to the new programs.

One Program already exists and two are in development:

- 1) ACSA-Alternate Compliance Safety Agreement, developed in 2006. Vessels came into compliance 2008-2009.
- 2) ASCP-Alternate Safety Compliance Program, apply to a wide range of fishing vessels that are over 50 feet in length.
- 3) ALCP-Alternate Load line Compliance Program, for vessels 79 feet or greater only if they go through a major conversion. Only a handful of vessels would need to comply with this program once the program is implemented. But as more vessels go through major conversions through the years more vessels will enter into an Alternate Load line Compliance program.

ASCP is risk-based for fleets and considers things like fisheries, fleets, and gear types. The primary objective is to reduce casualties, fatalities and injuries. We want to address specific risks within a fleet, not just adopt standards from other programs. We know there are model vessels and model owners that are doing the right thing already. So if the best practices are already being used and would suffice if adopted fleet wide, then that's something we would want to consider in ASCP. There are a lot of new technologies that could be used to reduce risk on vessels. Resources are important. This was a mistake we made with ACSA as there were not enough resources to see that program through. For instance there were a lot of undocumented examinations because we did not have the resources to send people out. In

other instances a vessel would be up in the shipyard, but there was not an inspector available to get out to check it. Another mistake was quality control. There was no real oversight of the program or dedicated personnel. So we would like to start off right with the ASCPs and then we need to be realistic with what we are trying to accomplish with the resources that we have. ASCP is an unfunded mandate so basically, we have no money, no resources to accomplish ASCPs. We will be relying on industry and we'll have to consider ways to streamline processes and streamline things like self-examinations in some cases. We need to consider economic impacts to the vessel owners. For example we would not want to impose a lot of non-descriptive testing requirements for vessels that are not having hull failures.

The next question is which vessels need to enroll in Alternate Safety Compliance Programs.

ASCP Criteria:

The large majority of vessels would need to meet these three criteria:

- 1) At least 25 years of age in 2020
- 2) Fish at least 3NM offshore
- 3) At least 50 feet in overall length

When we look at CFVs, most will be at least 25 years or older in 2020.

Another group of vessels that would need to enroll in ASCP's would be vessels that have more than 16 people on board.

As mandated by Congress, the programs are to be developed by January 1, 2017. So right now we are implementing the process to develop the programs. We will be developing the programs between now and January 1, 2017. And then we have until January 1, 2020 to implement it and for the vessels to enroll and comply.

Fleets with more than 30 vessels in their fleet have up until 2030 to get those vessels into compliance.

If you are an owner the first thing to do is to look at build date. The majority of the vessels will be from 1995 or earlier. These vessels need to comply by 2020. If the build date was 1997 they would need to comply by 2022. Something people need to look at, especially vessel owners, is that these mandates were based upon the length overall, stem to stern. Coast Guard regulations in 46 CFR Part 28 use documented length of the vessel which is going to be shorter than LOA, stem to stern. So if you don't know the vessel's length overall, this is a good time to get it measured because it is usually a few feet longer than the documented length.

Major Conversion:

This is another category that would make a vessel need to comply with ASCP. If a vessel was built before July 1, 2013 and undergoes a major conversion, if it's 50 feet or greater, it must enroll in the ASCP, regardless of age. If it is 79 feet or greater it must meet Alternate Load line Compliance (ALCP).

Alternate Load line Compliance (ALCP):

We know of a few vessels that are going through major conversions right now and are high and dry in shipyards. They will not need to comply with these programs if they complete

their major conversions before we prescribe the program. But if they complete the major conversion after we prescribe the program they will need to comply.

The Alternate Load line Compliance Program is based upon load line practices for the seaworthiness of the vessel and are for the vessels that go through a major conversion. These vessels in the past have been susceptible to stability testing. They need to have a watertight envelope, established limits to which the vessels may be loaded, and they'll have periodic verification exams. For further clarification, if a vessel completes a major conversion by January 1, 2017 the vessel will need to enroll in alternate safety compliance as it reaches 25 years of age after January 1, 2020. If the vessel completes a major conversion after the standards are established they will need to enroll in the ASCP to make sure changes to the vessel incorporate the standards. And then if they are 79 foot or greater they would need to also enroll in the ALCP.

To compare the programs, we are expecting thousands of vessels across the country to enroll in the ASCP. We are still gathering information regarding the population estimates of the vessels. We think will have a really good idea on October 1st, 2016 after we have gone through one year of mandatory exams. Alternate Safety Compliance is risk-based and the requirements will depend upon specific risks of the region or the fleet. Requirements would apply if the risks are substantiated. In regard to the ALCP we are expecting only a few hundred after a few more years have elapsed as they go through major conversions.

Roles for Alternate Safety Compliance:

CG Headquarters will continue policy development and the input received from the committee is very important to that. CGHQ will promulgate the regulations, review the programs and have overall oversight.

It is anticipated that CG Districts will monitor and support the Sectors in finalizing regional-specific Alternate Safety Compliance Programs and facilitate the cross-district programs. We want to make sure the program is the same in Alaska as it is in Washington or Oregon. Districts will provide first-level decisions on appeals, waivers, and exemptions and approve the risks identified by the sectors.

CG Sectors are the boots on the ground with examiners, or perhaps some inspectors. Sectors will continue outreach efforts. We'll want to take every opportunity at management council meetings and other association meetings to brief owners on what is coming down with safety compliance and on identifying regional and fleet-specific factors to be considered and we also need to consider the economic impact to vessel owners.

The goal is not to spend a lot of money. The goal is to reduce risk, and a lot of risk reduction can be accomplished with low costs. For example a policy on when a personal flotation device should be used or other methods that could reduce fatigue onboard the vessel, a crew endurance plan, things of that nature are very low cost, so it should be risk-based.

We are looking for a pilot program with specific fleets and particularly for a high risk fleet. So far we have developed a matrix with around 60 recommendations, not requirements, and about 16 of those recommendations are recommended for all vessels. That means it is appropriate for all regions and fisheries to consider these. NIOSH is going to help refine the

risk column of the matrix and who it should apply to. Vessel owners should be getting involved. They should be discussing Alternate Safety Compliance at association meetings. Some fleets out there probably are largely unaware that these pending ASCP requirements exist. So what should they be doing? They should be looking into the risks in their fisheries and what are the best practices they use to reduce those risks. They may want to consider making recommendations to the Coast Guard for Alternate Safety Compliance Programs. If they are planning on completing a major conversion for a vessel 50 foot or greater in length overall, they should call a CG fishing vessel examiner for a voluntary examination. If a vessel is 79 foot or greater, then we really want to emphasize the importance to have the Coast Guard look at it and go through an Alternate Load line Compliance because there might be some changes that an owner may want a naval architect to do based upon the new standards that will come into effect, and you would want to do that while the vessel is going through major conversion rather than after.

Questions:

A number of questions were posed regarding the load line marking and how it might be used in cases regarding liability with stability and seaworthiness of the vessel.

Mr. Jacobsen- I have a lot of experience on load line vessels. I never looked at the mark. I always looked at the rub rail. I knew how far down from the water the rub rail was. I looked at my stability book. It's not a problem. It's just another tool to help keep you safe.

2:28 PM - Break out into Subcommittee/Working Groups:

- 1) Training standards and competency training [Chair Ms. Conrad]
- 2) Construction committee on survey, class, load line, alternate safety program [Chair Mr. Jacobsen]

5:00 PM - Full Committee Resumed

Subcommittee/Working Group Reports:

Training Group:

The Training Subcommittee Chair, Ms. Conrad provided a summary of discussions from the working group. As a result of those discussion, there would be several recommendations presented to the full Committee, including:

- 1) The need for a refresher training every five years.
- 2) The need for objectives on how long the program should be.

1. **MOTION:** Propose to move fatigue training, since it's a very important issue, under watch keeping. And to make a motion to recommend that "crew endurance (fatigue) objectives" be placed under the watch keeping competency.

Motion made by Ms. Conrad and seconded by Mr. Dameron; passed unanimously.

2. **MOTION:** Recommend reconsideration that sea time not be an equivalency for

any of the training requirements in the 2010 Auth. Act. The motion of August of 2013 will be eliminated.

Motion made by Ms. Conrad; seconded by Mr. Mattera; passed unanimously.

Discussion: Chairman Dzugan explained the motion to consider and to eliminate reference No. 13-N about sea time not to be an equivalency for any of the training requirements in 2010 Auth. Act.

3. **MOTION:** Recommend eliminating reference No. 13-N, that sea time not be an equivalency for any of the training requirements in 2010 Auth. Act.

Motion made by Ms. Conrad; seconded by Mr. Mattera; passed unanimously.

Discussion: Mr. Conrad discussed that No. 13-N, the task is that sea time not be an equivalency for any of the training requirements in the 2010 Auth. Act. That was a motion in August of 2013. It passed, and the law requires recognition and credit for past experiences, the committee feels that they have fulfilled that when they allowed 500-ton master's or mate license to substitute for the actual training. They need to strike that whole motion and remove it.

4. **MOTION:** Recommended that qualified instructors should have a commercial fishing background and have completed the fishing vessel safety instructor training per 46 CFR 28.270(c) and/or specific expertise in topic they are teaching." Motion made by Ms. Conrad; seconded by Mr. Dameron; passed unanimously.

Discussion: Ms. Conrad referred to recommendation 13-P, a motion that was passed at a previous meeting. "Any public or private entity with appropriate training resources and qualified instructors be reviewed by the Coast Guard for approval to conduct the training. Qualified instructors should have a commercial fishing background and have completed the fishing vessel instructor training per 46 CFR 28.270(c) and specific expertise in topics they are teaching." it should change the "and" to "and/or," because, for instance, a fireman who has not been on a fishing boat and does not have fishing training, you may want him to teach the fire portion of your course. Or, you could have an EMT medic to teach your first aid/CPR course, and they have never been at sea. So if we restrict it to only people with a fishing background, then we would eliminate some people with an expertise in that area. If we put "and/or," that would encompass everyone.

Construction Group:

The construction subcommittee felt that it has addressed Items 1 and 2 of its task statement adequately in previous meetings, so we didn't revisit those items. We concentrated on No. 3, which was to evaluate and provide recommendations on the adequacy of criteria requirements drafted for the Alternate Safety Compliance Programs. And so we used as our

working document the matrix that Mr. Rentz presented earlier to the committee in his presentation and we went through it in detail. Alternate Compliance Program items listed in that matrix document were refined a little bit, and we made some additions. Our goal in doing that was to get through the entire document by the end of the meeting, and then also look at the Alternate Load line Compliance Program and go through that document tomorrow. Then we will present that to the committee with the recommendation, if the subcommittee is done with it, with the recommendation that it move forward to the next step, which would probably be to go public and allow the work groups to form and give them a basis to construct their alternate compliance programs. So, we're about halfway through the first document. I don't really have any motions or anything to report at this time other than we're still looking at these -- at the issues and having some great discussions.

Staff Comments: Chairman Dzugan turned the meeting over to the Coast Guard Staff for comments. Chairman Dzugan then opened the meeting for public comments per the agenda. No comments were offered. He then entertained a motion to adjourn the Committee meeting for the day.

5. MOTION: That the meeting be adjourned for the day and re-commence at 8:00 AM Thursday morning. Moved by Mr. Davis; seconded by Mr. Williams; passed unanimously.

5:21 PM - Meeting Adjourned for September 24, 2014.

**8:00 AM - Wednesday, September 24, 2014 – Meeting
Reconvened**

Chairman Dzugan brought the Committee to order and welcomed everyone back for the second day of the committee meeting.

Miscellaneous Items:

Mr. Dzugan- Addressed miscellaneous items and passed around a sample of stickers that can be used and downloads of safety applications for fishing vessels. The SCramP app is a free download; it contains a stability program, gyroscope and other items but is currently only available on the I-Phone. Another app is for FV drills. This app was developed to go through all the parts of the drills that are required under the Fishing Vessel Safety Act. The developers want to improve this App by obtaining fishermen feedback.

Mr. Davis- Addressed the "Live to be Salty" program. The Seattle Fisherman's Memorial printed 1,200 fliers and 200 stickers, and they were distributed from Craig, Southeast Alaska, all the way to Dutch Harbor, Alaska by the fishermen associated with Seattle Fisherman's Memorial.

Mr. Hockema- Kick-started the meeting by requesting clarification of the Coast Guard's relationship with NIOSH. NIOSH has done an extensive amount of review of casualties and injuries in the fleet. Mr. Hockema inquired if the Coast Guard has formally requested that they do this and if the Coast Guard requested that they continue to do it in the future in a formal manner?

Mr. Kemerer- Yes. The CG has a formal agreement to share information about casualties, and NIOSH in their research will provide data statistics on risk assessment, and risk analysis on different fishing fleets. Additionally, during yesterday's meeting Dr. Lincoln referenced the Memorandum of Agreement that the Coast Guard and NIOSH signed earlier in the year.

Mr. Mattera- Expressed the continued efforts and need to reach out more to industry and to inform them about the ASCP program that is coming in a few years. He thanked the Coast Guard for allowing and enabling Committee members to listen in on the monthly Coordinator conference calls because the calls enables members to better keep the industry advised.

Mr. Kemerer- Raised a side issue though not necessarily committee business. In Part 28 of our Regs, 46 CFR 28.80, there is a section about the marine casualties that are required to get reported by the owner/operator on Form 2692. It is not always done. Dr. Lincoln talked about reviewing casualty reports from the Coast Guard as well as from reports from the fisheries Observers. The Coast Guard does not always get good reporting of casualties. It depends on how serious it is and some people may not think that it's necessary to report. The Regs, also state that, underwriters and insurers are supposed to report each casualty that gets reported to them to an agency that consolidates all of this. That agency is ISO and used to be called the Marine Index Bureau. Looking at all the casualties for the risk analysis for working with the safety compliance program criteria, information received from ISO was very incomplete. That tells us that underwriters or

insurers or owner/operators aren't reporting all these casualties. Somehow it's not going through the process as it's actually outlined in the regulations and that this needs to be addressed. This afternoon after committee business and we adjourn the meeting, a representative from ISO will be here and several of us will meet with him to go over the reporting requirements and how we can make this better. If anyone is interested in that they are invited to stay and listen in.

8:25 AM –Subcommittee/Working Group Sessions Resumed

12:30 PM - Adjourned for lunch

1:30 PM – Working Groups Resumed

2:24 PM – Committee Re-Convened

Subcommittee Reports:

Chairman Dzugan called for reports on Subcommittee activities.

Subcommittee on Construction Standards:

Mr. Jacobsen provided recommendations of the Construction Standards Subcommittee for Committee consideration and since Mr. Davis is listed as the maker of the motion, Mr. Davis read the Motions:

6. **MOTION:** For the U.S. Coast Guard to send a formal letter of request to NIOSH asking that they provide assistance in data analysis for the development of Alternative Safety Compliance Programs. Motion made by Mr. Davis; Seconded by Mr. Hewlett; passed unanimously.

7. **MOTION:** For the United States Coast Guard to continue to provide letters of support to NIOSH when requested to accompany research proposals. Motion made by Mr. Davis; seconded by Mr. Neville; passed unanimously.

Discussion: Mr. Jacobsen stated that may sound a little bit redundant, but they each have a specific purpose that we worked out in conjunction with Dr. Lincoln.

8. **MOTION:** The committee recommends that, the United States Coast Guard assist NIOSH by hiring interns or assigning temporary details to help NIOSH systematically collect information from MISLE for hazard reviews needed for Alternative Safety Compliance Program. Motion made by Mr. Davis; seconded by Mr. Boehmer; passed unanimously.

9. **MOTION:** The committee wants to inform the Coast Guard that the Commercial Fishing Safety Advisory Committee is in support of the Alternative Safety Compliance

Programs and concepts for vessels at least 50 feet. However, due to regional and fleet-specific nature of Alternative Safety Compliance Programs, authorities for program development, approval and administration should be delegated to the Coast Guard districts. Each fishery or gear type should begin with a loss and risk assessment, and then an individualized solution should be arrived at cooperatively for each fishery. Motion by Mr. Davis; seconded by Mr. Mattera; passed unanimously.

10. **MOTION:** To approve the changes drafted by the Construction and Alternative Safety Compliance Program Subcommittee to the ASCP matrix and ALCP matrix and approve the draft policy letter titled, "Survey and Classification Standards for Alternative Safety Compliance and Alternative Load line Compliance Programs for Fishing, Fish Processing and Fish Tender Vessels." Motion made by Mr. Davis, second by Mr. Mattera; passed unanimously.

Subcommittee on Training:

Ms. Conrad provided a brief on training and what had been discussed in the last meeting and wanted to take it to the committee as one motion and bring it to the full committee and get the motions approved.

11- **MOTION-** to accept the updates and modifications made to the training objectives established by the training subcommittee at the 2013 meeting as has been presented to the full Commercial Fishing Safety Advisory Committee. Motion made by Ms. Conrad; seconded by Mr. Williams; passed unanimously.

Ms. Conrad provided a brief description of the refresher training every five years required under the Auth. Act, then presented a motion.

12- **MOTION-** that the refresher training consists of two modules that will be covered in two days. Motion made by Ms. Conrad; seconded by Mr. Davis.

Discussion:

Ms. Conrad- One day will be the basic eight-hour national standard drill conductor curriculum that was developed in 1995. The drill instructor skills checklist will be required to show drill instructor competency. This will renew the fisherman's drill instructor card.

A second separate day will consist of the following objectives: Helicopter rescue, rescue delivery, dewatering pumps and Medevac. Review of new technology, new life raft contents, exercise a pre-trip risk analysis lesson, for example, the GAR model, review any new technology in regards to weather, review a relevant commercial fishing vessel case study, review a relevant commercial fishing vessel stability case study; under watch keeping, proper watch change orientation, review a fatigue case study, review any new technology in the last five years that may benefit the fishermen, share safety drills or technology beneficial to those onboard your vessel. That's the fishermen's vessel.

Mr. Dameron: So these two modules will be refresher for all the modules?

Ms. Conrad- No. The medical is a stand-alone because under MED, it's usually an expiration date of two years. So the fishermen will be doing that every two years to keep it current. So the five-year refresher would be one day of the drill and then one day of a combination of these objectives. And the reason we chose these objectives is, one, because they've already gone through the course, this gives us an opportunity to build on that. So to use current case studies and talk about what went wrong, how to apply the stuff that they learned five years ago and to keep it current and active and also look at new technologies that come about, so hopefully keeping the fishermen up to date on safety.

Mr Dameron- So how many modules are there that initially have to be done?

Ms. Conrad- Initially, we have four modules, but one of them is two days. So it's a five-day program for two or four modules and any of the modules can be taken separately.

Mr. Dameron- And over how many years? Because we're going to be able to spread this out, right?

Ms. Conrad- Right.

Mr. Dameron- So over how many years are we going to be able to take those modules?

Mr. Dzugan- We recommended previously a five-year implementation. The idea being you could take one module per year and in five years have all of them completed.

Mr. Dameron- So is the refresher training due from five years after the first module was taken or five years after all the modules were completed? I mean, there's going to be a five-year difference in there, right?

Mr. Mattera- It would be ten years then.

Mr. Dameron- If we're not doing a one-for-one, I'm trying to see how it works.

Mr. Davis- I seem to remember the discussion from last year on this issue was that the refresher would be five years from the initial, but I may have missed something, because otherwise you have someone that would take one this year, take one next year and skip a year and take two and take one and you wouldn't do anything at all for five full years.

Mr. Dzugan- Because of skills decaying over a certain period of time, you want everybody on the same skills set schedule.

Mr. Williams- No, I was just going to agree with Alan that we had a discussion; I believe it was last year, and we decided that it would be five years from that date, but you would have the whole five years to do it. So there's no reason for anybody to be rushed for all five years to get all of that done.

Mr. Boehmer-I should know the answer to this, but this is for people that are operating the vessel only?

Ms Conrad- The person in charge of the vessel, which we have recommended as being defined as the master of the vessel.

Vote on the Motion was then taken; passed unanimously.

13. **MOTION:** Recommend to accept the updates and modifications made to the training objectives under watch keeping, proper watch change orientation, review a fatigue case study, review any new technology in the last five years that may benefit the fishermen, share safety drills or technology beneficial to those onboard your vessel. That's the fishermen's vessel. Motion made by Ms. Conrad; seconded by Ms. Davis; passed unanimously.

14. **MOTION:** That "the latest updates and survival equipment products and practices" Be added as a topic to the refresher training. Motion made by Mr. Mattera; seconded by Mr. Williams; passed unanimously.

15. **MOTION:** That the drill, survival, and fire course be revised to a two-day course, and that the class participate in a risk analysis exercise, for example the GAR model, as a sample pre-trip risk analysis. Motion by Ms. Conrad; seconded by Ms. Bui; passed by unanimous consent.

Discussion: Regarding the drill survival fire course. In the 1995 national standard, there is a checklist that was developed to ensure a person has done certain objectives and competencies. The committee reviewed the checklist and considered to add as a performance checklist on skills. The skills performance checklist will be required for each student in the drill instructor course: A student must show competency in 16 of the 21 requirements, unless otherwise waived due to safety considerations or physical impairment reasons for which must be documented and kept in the course file. And, the 21 requirements are listed, as an example: Demonstrate the use of an EPIRB. Ms. Conrad explained to obtain a drill instructor card or certification, you will have to take the two-day drill survival and fire course.

Motion (15) was amended to include completion of all the items on the skills performance checklist during the drill/survival/fire course. Proposed by Mr. Jacobsen; seconded by Mr. Davis; passed by unanimous consent.

4:25 PM – Break

4:40 PM – Meeting Resumed

Chairman Dzogan resumed the meeting of the full committee by reading another motion brought forward by the Training Subcommittee.

16. **MOTION:** Recommend at least two case studies be analyzed for each of the four training modules in which students identify at least three causal factors in each casualty in the case study exclusive of the medical module. Motion made by Mr. Davis; seconded by Ms. Conrad; passed unanimously.

17. **MOTION:** Mr. Dameron made a motion that the Coast Guard is to inform the house subcommittee on Coast Guard and Maritime Transportation and the Senate Ocean Atmosphere Fisheries and Coast Guard Subcommittee that the Commercial Fishing Safety Advisory Committee did not and does not support survey and classification requirements for new vessels at least 50-foot in length built after July 1, 2013. Motion made by Mr. Dameron; seconded by Mr. Mattera.

Discussion:

Mr. Dameron- There was no public comment or industry input sought concerning the classification of fishing vessels. The Commercial Fishing Safety Advisory Committee believes strongly that to solve safety concerns within the commercial fishing industry that we should start with the casualty data and consider both the economic concerns to the fishing industry and the staffing concerns of the United States Coast Guard. The committee recommends that Congress move to amend Title 46, Subtitle 2, Part B, Chapter 45, Section 4503 to require vessels built after July 1, 2013 adhere to classification and load line design construction standards but not require classification certification. The committee believes that this, along with mandatory compliance programs, will offer adequate safety standards without burdening the commercial fishing fleets with the unnecessary expense of full classification certification.

The Motion was then voted on and passed with 16 for and 1 against.

Public Comment Period:

Mr. Dzugan asked if there were any comments from the public. After none were offered, he stated for the record that we opened the floor again to public comments and there were no public comments.

Ms Bui-Asked if there could be a discussion on the engineer program that they discussed.

Mr. Kemerer- Added a couple of general comments regarding Ms. Bui's engineering question. He stated the training work group completed their tasking. And since it was kind of related to training, they were asked to discuss issues, concerns of the industry as expressed about the unavailability of engineers for fishing vessels, particularly assistant engineers that are required on certain vessels. There is a policy letter that was issued in 2011. Last year we sent a message out extending the compliance date for manning proper engineered manning or what may be required on certain vessels until January 2015. There were comments from the audience about some things that could be considered on how to either extend the compliance or how industry might be able to get more engineers on the vessels. There are groups in the industry who are working with training organizations to come up with specific training courses to qualify engineers, that they can get a credential and that's part of the problem. This is for vessels over 200 gross tons,

they must have licensed personnel for master mate engineer, an assistant engineer, and particularly if there's a watch established by the master or by the operator. They have to be properly credentialed personnel. What has been put to us is that vessels who, or engineers who have been hired that have a regular engineering credential, find that they can go to other parts of the industry or part of the maritime industry and better working conditions maybe, or more money. Someone who gets their extra sea time can upgrade their license and may move on to something else. But it's not specific to fishing vessels. Other parts of the industry are having problems with it. They want to facilitate the industry by growing their own engineers through special training courses, and if there's an acceptable plan in place to do that, to extend the compliance for those vessels or for that company.

Committee Closing Comments:

Chairman Dzugan, acknowledging that Committee business appeared to be completed for the meeting, asked Committee Members to provide any brief closing comments they wished to make.

Mr. Hewlett: I think everything went good. Everybody worked well together.

Mr. Jacobsen: Yes, thank you. I thought we had kind of a heavy lift in the construction committee. I really commend the members of committee for their contributions. I think that we came out with a good, workable product to go forward with. So I appreciate that.

Mr. Saldi: I'm glad I'm on this committee and I thank everybody for their work on this committee. We have a lot of knowledgeable people on here.

Ms. Bui: I think we did well. We refined some things and we made things more clear and focused and we continue doing that.

Mr. Neville: I thought we did very well in completing our assigned tasks and also believe the work we've done on the matrix for the ASCP is far superior to whatever requirements are out there.

Ms. Baker: I do want to just echo the comments of everyone down the line and I'm sure everybody that will follow me, and I guess I just want to commend Tom again for taking that particular issue up again and I guess I would like to challenge each of us as we go back into our areas that if, indeed, the associations and the groups in our areas wish to direct Congress or testify back to Congress directly on this whole classification thing that that we don't hesitate to support that.

Mr. Mattera: I think we accomplished a lot. I enjoyed the collaborative effort and that's really what I see here. So short and sweet today for me.

Mr. Virissimo: It was a great experience for me. I appreciate all the hard work and it's a hard-working group; opened my eyes to a lot. It's my first time, so it's a good experience.

Mr. Davis: I, of course, would like to thank everybody for your work. I enjoy meeting with this group. Every time we get together, I learn quite a bit about what's going on around the country and the ways to improve my operations. I do have a question for Jack so that we as a committee can have a timeline in mind and hold his feet to the fire. So we as a committee have provided the United States Coast Guard with a guide, guidance on creating the training, and we have provided the Coast Guard with guidance on a menu for the alternative compliance safety agreements. When can trainers start to send applications for their acceptance for courses so that we can start this process with the training? And when can industry groups start to come forward to the Coast Guard and start to enter the alternative compliance process?

Mr. Kemerer: I probably can't give you a good answer on either one of them. But the training part will take some time and I'm not sure if either one of them we can go too far ahead until we have regulations. The Alternate Safety Program guidelines, we're going to continue to look at that. There's going to be some meetings in different areas. Probably I'm sure it's going to be addressed in the presentation at the Marine Expo in Seattle and we still have to evaluate I guess what requirements we have to meet legally and from public access or public availability of things before it can be implemented. But we're going to continue to take this matrix particularly and work with it and identify the risk to fisheries, the areas, and try to come up with some more applicability on it. We are on-line with a deadline of having something prescribed by 2017. So we will include public. We will include industry, the fishermen, all along as much as we can.

Mr. Thompson: I think it's been very enlightening. It's really a very good group with some diverse and complimentary skill sets and I'm very pleased that we have tools that we really have completion on that I think are going to come back and serve the industry and the interests of safety very well. So I think I'm proud of the products we came up with at this meeting. Thank you

Mr. Dameron: I, too, appreciate the diversity of the people and the opinions that we have in this group and I think that that's really one of the most important things we do is bring those to the table and voice those so that we do see a variety of opinions before we're making decisions. And I appreciate working with the group.

Mr. Hockema: I would like to thank everybody here. This is my first advisory meeting and it was a really good one. I know a lot about a lot of things, but these kinds of meetings make me realize how little I know on everything. I think most of us feel a similar feeling. It's very nice to meet with a group with such diversity and such knowledge and such genuine feelings for what they do. And that's what counts to me is every one of us here has a good, positive outlook on what we do as a profession and who we are as people.

Mr. Boehmer: I'd like to thank this committee. It's with great honor and pleasure that I'm here and I really like the passion that everybody brings here, and I think we're doing the right thing. If we can't bring the guys home, it's sad, and we're really working great strides to do that. And I hope all you guys realize in my nice, gentle demeanor and my style, it's

only meant constructively, and I really like the difference of opinions and the way we've been going about it.

Ms. Conrad: I think we completed the tasks that we set forth. I was really impressed with your committee, Jake. You did a very good job and it was a lot to get accomplished and I'm impressed that you did it. I also have to say that I appreciate the people in the audience, the public that comes in and gives input. Troy and Jennifer and Devin, I mean, the information you give us helps us so much and I appreciate that and it makes our job a lot easier.

Mr. Williams: Let me say again thank you for an opportunity to serve on this committee. This is my third year. It seems like it's been getting better and better. We are accomplishing quite a lot. I want to thank all the new members for taking time out of their busy schedules to join us. This is what makes this committee great, because I think we have so many different people. And the audience participation, we have a lot of people here taking time out of work and their busy schedules also to come here and support us so we can support the fishermen that we serve.

Mr. Dzugan: I would like to thank Mr. Kemerer and the Coast Guard staff, Jonathan, and everybody here who was here to come support us. You put in the amount of two meetings this year just to get this one meeting done because of our false start due to bad weather last year, and that was not your fault. And I really appreciate the passion that staff has for this as well. I feel like you can equal ours most of the time and thank you. And thank you for keeping us organized and providing materials in the background. And especially thanks for keeping us informed and being accessible. You're always very responsive to us when we e-mail and you always make it a priority, so thank you. I want to thank also the public for coming and the testimony you gave and the work you gave and time you took away. I would really like to thank the committee members for their hard work this time and as many times in the past; this committee has actually produced a lot of work over the years. And I feel, I guess, sad right now because I don't know whether to say goodbye because I won't see you again or I look forward to seeing you again. But one way or the other, I will see you someplace. I have this feeling in this industry which draws out so much passion. So thank you for your support and thanks for working together. And I just want to see how this ends up in the minutes, but I love you guys. You guys are great.

With no further comments being offered, Mr. Davis moved that this committee meeting be adjourned. It was seconded by Ms. Conrad, and with unanimous consent, Chairman Dzugan adjourned the 34rd meeting of the CFSAC.

5:10 PM - Meeting Adjourned.

LIST OF PUBLIC ATTENDEES (from sign in sheets):

1. Debra Lambert, National Marine Fisheries Service (NMFS)
2. Lurilla J. Lee, Trident Seafoods Corporation

3. Captain Jennifer Lincoln, National Institute of Occupational Health (NIOSH)
4. Troy Rentz, U.S. Coast Guard District 13
5. Mike Tork, National Marine Fisheries Service (NMFS-NEFSC)
6. Jacob Varghis, U.S. Coast Guard Pacific Area
7. Dan Hardin, D13 CFVS Coordinator
8. Charlie Medlicott, D14 CFVS Coordinator
9. Steve Pigeon, CFV Examiner, Long Is, NY
10. John McMillan, McMillian Offshore Survival Training
11. Scott Wilwert, D17 CFVS Coordinator
12. Bob Perkins, D8 CFVS Coordinator
13. Jaideep Sirkar, USCG HQ Naval Architect
14. Joar Bengaard, DNV
15. Kevin Coyle, CVF Examiner, New Bedford, MA
16. Ted Harrington, D1 CFVS Coordinator
17. Ted Minersman, CFV Examiner
18. Ed Dennehy, NE Fishing Training Partnership
19. Josh Falkner
20. Don Blackman
21. Jeff Carriero
22. Devin Lucas, NIOSH AK Regional Field Office
23. Dennis Hansford, NOAA National Marine Fisheries Service.
24. Paul Bassick, USCG D1
25. J.J. Bartlett Fishing Partnership Support Services
26. Andra Atthos, Fishing Partnership Support Services
27. John Buckley, USCG D1
28. Mark Dixon, USCG Sector Long Island
29. Lauren Carroll, NMFS NESC
30. Jeff Carriero, Cobham
31. Ed Dennehy, Fishing Partnership
32. Dan O'Connor
33. Other