

United States Department of Homeland Security
United States Coast Guard

Summary of Meeting

The 31st meeting of the Commercial Fishing Safety Advisory Committee (CFSAC) was held at the Renaissance Portsmouth Hotel, Portsmouth, VA on 1-3 March 2011. Representing the U.S. Coast Guard from the Office of Vessel Activities (CG-543) and the Fishing Vessel Safety Division (CG-5433) were Captain Eric Christensen - Designated Federal Officer (DFO), Mr. Jack Kemerer - Assistant DFO, Mr. Jonathan Wendland, and LTJG Ryan Burgess. RDML Kevin Cook, Director of Prevention Policy, attended the meeting on Wednesday, March 2nd, and RDML James Watson, Atlantic Area Deputy Commander, attended on Thursday, March 3rd. The Committee Chair was Mr. Gerald Dzugan.

Committee members in attendance:

Mr. Gerald Dzugan	Mr. Alan Davis	Ms. Kathy Ruhle
Mr. Leland Stanford	Mr. Fred Mattera	Ms. Leslie Hughes
Mr. Jimmie Martin	Mr. John O’Leary	Mr. Thomas Dameron
Mr. Jake Jacobsen	Ms. Michele Longo Eder	Mr. Rodney Avila
Ms. Thu Bui	Mr. Glen Hewlett	Mr. Brian Bratager

Tuesday, March 1, 2011

8:05 AM - Meeting Commences

CAPT Christensen welcomed the committee and audience, and made remarks on how much has happened regarding fishing vessel safety since the last meeting, particularly with passage of new requirements in the Coast Guard Authorization Act of 2010 (CGAA) signed into law on October 15, 2010.

Chairman Dzugan asked the committee members to introduce themselves and state their expectations for the meeting:

- Mr. Mattera – Consensus to be able to move forward on Coast Guard Authorization Act requirements.
- Mr. Jacobson – echoed comments by Mr. Mattera.
- Mr. Dameron – Valuable product for Coast Guard if it is accepted by the fishing industry.
- Ms. Eder – To better understand the regulatory process for implementing the CGAA and how to communicate changes to the fleet.
- Mr. Martin – To clarify the timing of mandatory fishing vessel examinations and the consequences for not meeting all requirements.
- Ms. Bui – Better outreach programs for the fishermen.
- Mr. Davis – To provide clear information about the new requirements.

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- Ms. Hughes – Better understanding of how classification societies will play into construction requirements of the CGAA. Understanding of how the Coast Guard envisions the alternate safety compliance programs for various fleets and how they will conduct a risk assessment to provide for appropriate programs. Framework for new training requirements. Appreciation for impact of new requirements.
- Ms. Ruhle – A productive meeting.
- Mr. Avila – To bring a clear message from regulators to fishing industry.
- Mr. Hewlett – To ensure that information gets out to Spanish speaking communities and those unaware of changes.
- Mr. Bratager – To improve awareness of the insurance industry on fishing vessel safety and better interaction with vessel owners and operators.
- Mr. O’Leary – Make sure new regulations are appropriate for the different fisheries up and down the coast.
- Mr. Stanford – Proper outreach and education on the new changes.
- Chairman Dzugan – Productive meeting. Make public aware of Committee’s role. Reminded Committee members to keep in mind what we can do and what we can’t do.

Audience Introductions (List of public attendees attached at the end of this summary.)

Mr. Kemerer covered administrative items regarding the meeting and hotel.

Chairman Dzugan discussed some terms and asked that the members try to use the proper terminology during the meeting:

Examination vs. Inspection: Coast Guard-inspected vessels generally have stricter regulations and a thorough inspection is conducted at a more frequent interval than fishing vessel safety exams. A Coast Guard “examination” has historically referred to a less intrusive operation in which the examiner obtains general impressions and visual observations that confirm a good standard of maintenance, crew competence and equipment functionality.

Certificate of training (training certificate discussed in Authorization Act) vs. License: Coast Guard-issued officer’s licenses are mandated in 46 USC Part E and they establish career patterns, time in service, testing, and other qualification requirements for licensed mariners. Licensing requirements apply only to fishing vessels of at least 200 gross tons. The certificate of training required for the individual in charge of a fishing vessel will be issued for successful completion of a training program and is not equivalent to an officer’s license.

Accepted course vs. approved course: Coast Guard “approved” courses require an audit program by the National Maritime Center. The audit includes things like classroom size, appropriate lighting, course location, sound, etc...which are approved so many weeks ahead of the course. “Accepted” courses, on the other hand, still have an approved

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course curriculum, but not the audit requirements. It is more practical for things like drill conductor training where you may go to a vessel to conduct training and would not be able to meet audit requirements as with other courses.

Chairman Dzugan reviewed the day's agenda for the meeting.

1. **MOTION** – To accept the minutes/summary from the May 2010 committee meeting in Oakland. Moved by Mr. Stanford. Second by Ms. Eder. PASSED, Unanimously.

Updates by Subcommittee Chairs:

Communications Subcommittee – Mr. Stanford – The subcommittee has done a lot of work updating a comprehensive mailing list of industry stakeholders. Subcommittee will be discussing how to keep list up-to-date. Also, they will be working on how to disseminate information regarding the CGAA requirements.

Risk Subcommittee – Mr. Davis – Man Overboard is ready to be presented for approval. Ms. Hughes added that work has been done on watchkeeping standards which might be incorporated into part of the seamanship training requirement.

Legislative Subcommittee – Ms. Eder – There were a number of action items from the last meeting. Since that time, the CGAA has caused big changes and the Subcommittee will be working on how to move forward. Mr. Dzugan suggested that the Legislative Subcommittee and the Safety Policy Management Subcommittee might be combined.

Mr. Mattera addressed the committee that industry stakeholders need more and better information on initiatives and requirements via various types of publications, newsletters, or other means for the whole fishing community.

Mr. Stanford posed a question about the budget for the fishing vessel safety program. Mr. Kemerer responded that funding levels have remained basically level. The District budgets may be taxed a little bit more. We will need additional funds to implement some of the provisions of the CGAA, so hopefully we will get those in the future, but we'll have to wait to see what happens with appropriations.

Committee and CFVS Program Updates:

Mr. Kemerer - There will be 7 vacancies on the committee in 2011. The CGAA added an 18th member to the CFSAC. A Federal Register Notice is expected to be published to request applications, probably in April. We have a new CFSAC charter, and new by-laws and membership plan have been submitted.

Mr. Kemerer thanked members and others who contributed articles to the Winter issue of the Proceedings magazine that was dedicated to fishing vessel safety. It has been well received and many requests for copies have come in. Copies were made available to attendees at the meeting.

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Mr. Kemerer discussed efforts to keep the FishSafe and Homeport websites up to date with news and documents related to fishing vessel safety and CFVS Program activities. A new staff member was added last summer with one of his primary duties to serve as the web manager. Any recommendations for improving the sites will be welcomed.

Mr. Kemerer - Rulemaking projects – There was a Notice of Proposed Rulemaking (NPRM) in the works, prior to the CGAA. It remains as pending and is likely to be effected by rulemakings that will be required as a result of the Authorization Act; several new projects are anticipated over the next few years.

Mr. Kemerer - Investigations – The Coast Guard report on the ALASKA RANGER is out. The LADY MARY report is nearing completion. Reports are posted on Homeport and accessible through <http://www.fishsafe.info/>.

Several members asked about some of the Auth Act's requirements and whether or not they are self-executing. CAPT Christensen responded that some of the provisions are self-executing, but others will require implementing regulations. As far as the mandatory exams, we will need some time to determine whether that will be an Oct 15, 2012 implementation date or if it will require a rulemaking process that may push that date back. There is no implementation date for the mandatory exams in the Auth Act, but for provisions where a date is specified, such as loadlines and classification for new builds, we do not have the discretion to change those dates through rulemaking.

Mr. Jim Law, Office of Investigations & Analysis (CG-5452) – Discussed a Congressionally-mandated report regarding fishing vessel casualty reporting, particularly with respect pollution incidents. His report will predominantly focus on spills. However, the report looks at “near miss” incidents which will capture incidents that don't necessarily include pollution, and how human factors play a role in casualties. The report will also address crew fatigue, which will be of interest to the CFSAC. He is looking for feedback from members and the industry on what type of information might be available.

Public Comments: Chairman Dzugan opened the meeting to audience comments.

Mr. James Fletcher – United Fishermen's Association

He feels the problem with commercial fishing safety is created by the National Marine Fisheries. Increased deaths in the crab and scallop industries resulted from the fishery regulations. Fishermen are going to have to pay a heavy price to implement the new regulations. Fishermen have better safety equipment, but the mortality of fishermen continues to increase anyhow. He would like members to do some research to see where the regulations have caused a problem. He thinks this is the most critical issue that fishermen face.

Mr. Tommy Thompson – United States Marine Safety Association

He believes there is poor and inaccurate information going out from various sources regarding equipment and other requirements in the Authorization Act. He would like information to be provided in a comprehensive way so that the correct information is distributed to the industry and individual fishermen.

Mr. Kemerer reiterated that it is important to remember that fishermen can start to work toward expected compliance requirements in the Auth Act and install new equipment prior to rulemaking that will be required to implement the provisions in the Auth Act.

10:00 AM - Break

Overview of Coast Guard Authorization Act Requirements – CAPT Christensen

Provided a presentation summarizing the changes to the requirements for uninspected commercial fishing industry vessels in Chapter 45 of Title 46 United States Code. He reminded everyone that regulations must be developed to implement the new requirements.

Mr. Jacobsen posed the question about how, but stated that the committee would like to have input into the development of the alternate safety programs.

Ms. Eder asked if there was a model for such programs; response was that the current Alternate Compliance and Safety Agreement for the “Head & Gut” fleet would likely be the best starting point to use as an example.

Mr. Davis stated that the committee and the Coast Guard will need to capture that experience from the ACSA Program already in place for the Head and Gut fleet.

Mr. Fletcher (public) asked why ITC tonnage was not used for U.S. fishing vessels; response was that there is no requirement and other methods can be used.

Ms. Hughes added that there is not a lot of new construction, so it is a limited issue.

Mr. Stanford stated that he would like the Communications Subcommittee to be involved in developing the database that will be required for individuals in charge of a vessel who have received the required training under the Auth Act.

Load Line Requirements – Mr. Tom Jordan, Office of Design and Engineering Standards, Naval Architecture Division (CG-5212)

Provided a presentation and discussion on load lines that included their applicability, purpose, strategy, calculations, provisions, and assignment process. He reminded the group that regulations must be amended to implement the requirement for load lines on newly constructed fishing vessels ≥ 79 feet after July 1, 2012.

Numerous questions were asked by the committee and public about the cost of getting a load line, who would assign the load line certificate, and if the requirements would be different for different type and size vessels. It was noted that no existing vessels would be required to become classed or load lined. Only fishing vessels ≥ 50 feet built after July 1, 2012 would be required to become classed, and fishing vessels ≥ 79 feet built after July 1, 2012 would be required to be load lined. Fishing vessels built before July 1, 2012, will have to comply with an alternate safety compliance program, to be developed, if the vessel undergoes a substantial change to its dimension or type after that date.

Lifesaving and Fire Safety Division (CG-5214) - LCDR Vincent Gamma

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Provided a review of lifesaving equipment changes and office activities since the last committee meeting in May 2010. Discussed rulemaking project on survival equipment requirements including immersion suits, EPIRBs, and survival craft.

Several committee members expressed concern that immersion suits continue to be sold that are rated for persons for whom they do not fit. LCDR Gamma said that he welcomed a recommendation because they are currently considering amendments to the regulations. The committee addressed the issue before, which resulted in a warning being placed on the suit storage bag to advise owners to ensure that the suit fits the person for whom it is intended. Mr. Thompson, USMSA, informed the group that there are various designs and brands, and that getting a change to a suit design approved takes time and is costly.

Mr. Mattera stated that EPIRB registrations still have errors, and registration labels are not being affixed to the EPIRB properly.

Mr. Harrington added that there is a need to revisit the situation and ensure there is better testing and inspection of EPIRBs, and this could apply to immersion suits as well. He also asked that the viability of extending the liferaft servicing period to 2 years as is done in other countries.

The committee concluded that information in equipment instructions, information circulars, and other publications could be improved and made more readily available.

Training and Assessment at the National Maritime Center – Mr. Bob Smith and Mr. Brian Eisentrout

Discussed the evaluation and approval of training packages that are submitted to the National Maritime Center. Discussed the difference between “approved” and “accepted” courses. Clarified that the course curriculum, including lesson plans and instructors, must be “approved,” whether a training organization’s course is designated “approved” or “accepted.” They also discussed the difference between a certificate of training and a certificate of competency. Refresher training requirements are also scrutinized. There is a database of students trained in approved courses, but it only applies to personnel holding credentials. NMC was eager to work with Committee to ensure that fishermen get what they need through the approved training curriculum.

Ms. Hughes commented that course oversight and audits need to be realistic. Chairman Dzigan added there appears to be obstacles for class approvals. Mr. Stanford brought up that there is a lack of feedback on evaluation of the courses.

A question was posed about the competency training requirement for individuals in charge of a fishing vessel that is in the CGAA. Will it have to be an “approved” course or might it be an “accepted” training program? The response was that the training program will have to be developed, including the level of oversight and curriculum review.

Mr. O’Leary asked if there would be a minimum level of training to start at, and the response was that it too would have to be evaluated and developed, including the need for implementing regulations.

12:20 PM - Adjourned for lunch.

1:30 PM – Meeting resumed.

Classification Societies Overview. CDR Jim Rocco, Class Society Liaison for CG-543, introduced class representatives who would provide an overview of technical standards for design, construction, and operational maintenance for vessels to meet survey and classification.

Mr. Tom Ingram, American Bureau of Shipping (ABS) – Provided an introduction to marine classification, critical safety issues for fishing vessels, statutory and class responses, and fishing vessel stability issues.

Mr. Braxton Sherz, Det Norske Veritas (DNV) – Continued with an overview of classification and provided information that DNV is developing draft standards for domestic fishing vessels (U.S.), based on existing standards for small commercial craft and fishing vessels, that will incorporate, as appropriate, other recommendations, and regional, and international standards.

Ches King, Lloyds Register (LR) – Continued the discussion on classification societies and class requirements.

Wade Stoner, Bureau Veritas (BV) – Was also present at the meeting but did not formally add to the discussion.

During and after the discussions by the class representatives, there were several questions from the committee and public. Will classification of a vessel reduce its insurance rate; response was that it might, but it probably should. Is there a limit on the age of a vessel to meet classification; response was no, but the difficulty exists in having build plans available to work from. How much will classification add to the cost of a vessel; response was that it will vary on the size and type of vessel, but it could be significant.

Mr. Desmond Connolly, National Association of Marine Surveyors (NAMS) – Provided comments that “third party” examiners have not been very involved with fishing vessel exams because the Coast Guard and Auxiliarists perform the exams for free, whereas surveyors must charge for their services. Initially after the law was passed in 1988 and regulations were developed, it appeared there would be a bigger role in third party examinations, but that never came to pass as many expected. He was attending the meeting to listen to discussions and learn more about the new requirements.

Mr. Mike Rosecrans – National Transportation Safety Board (NTSB) – Provided an overview of the role and responsibilities of the NTSB in safety, casualty investigations, and safety recommendations. He discussed the Fishing Vessel Safety Forum that NTSB sponsored in October 2010, including the topics addressed by the panels. Commercial fishing industry stakeholders, fishermen, and government agency representatives set on six different panels presenting information and industry data and recommendations for improving safety in the industry. The presentations, information and recommendations are being reviewed and NTSB will be providing a report on the forum and their recommendations; it is expected to be published sometime around September 2011. The presentations and supporting documentation are available to the public on their web site.

Mr. Dennis Hansford, NOAA Fisheries Observer Program – Provided information about the NMFS Observer Program. He clarified that NOAA regulations require vessels subject to observer carriage to have a valid Coast Guard safety decal issued within the last 2 years, or at a time interval consistent with current USCG regulations or policy. The regulation can be found in Title 50, Code of Federal Regulations, Part 600.746 (c) & (d).

Mr. Fletcher commented that all the requirements and regulations are just adding costs to the fishermen. They would almost be better off to just pay for classification, insurance, and lawyers. He does not believe that Fishery Management Councils and their Plans are adding anything to the safety of fishermen.

3:00 PM - Break

Coast Guard Auxiliary – Mr. Harry Preston – Reviewed Auxiliary examination statistics. Stated that he did not yet know, and that the Coast Guard Legal Office was reviewing, whether the Auxiliary would be authorized to conduct the mandatory examinations that will become applicable to vessels operating beyond 3 miles from the Baseline. He is concerned that the involvement of Auxiliary examiners in the CFVS Program could be limited in the future and there would be a reduced incentive for personnel to work toward qualifications.

USCG Training Center Yorktown – LCDR John Winter - Provided an overview of the commercial fishing vessel examiner training conducted at Yorktown. He stated that the course had recently been revised and a new job aid for examiners had been developed for use in the course, and that the Program Manager could make available upon request.

Dr. Jennifer Lincoln, National Institute for Occupational Safety and Health (NIOSH)

Provided an overview of research projects and work by the Alaska Pacific Regional Office on fatal occupational injuries and use of PFDs. Fatality data has been compiled by region and fishery for 2000 to 2009. NIOSH has produced regional summary documents to show annual fatalities by incident type and including the fishery in which the vessel was engaged at the time, initiating events contributing to the incident, and causes for fatal falls overboard. It is telling that about 24% of fatalities resulted from falls overboard and that none of the victims were wearing a PFD. She pointed out that data has not been developed to confirm whether or not economics is affecting fatality rates. She also discussed briefly how fishery management councils and plans have safety implications. As an example, she stated that the North Pacific Council recently modified their rules allowing changes to crab delivery requirements, crab rationalization, and vessel replacement. She concluded that a NOAA representative would have a follow-on presentation on some of these topics and National Standard 10.

Mr. Rosecrans recommended to her that the regional summaries be put on CDs for distribution.

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Mr. Bratager expressed appreciation that she will be presenting information on her studies to the upcoming Underwriters/Insurance Forum.

Ms. Hewlett asked if PFDs were available in a shirt type design for use in warm weather areas; response was yes.

2. **MOTION** - That the CFSAC produce a letter stating that the work done at NIOSH by Dr. Lincoln and her team is vital to the safety efforts underway to reduce injuries and fatalities in commercial fishing. It is absolutely necessary that this work not only be continued, but expanded and allowed to gather more data nationally and conduct greater outreach efforts. There is no group so small that has had such a broad and deep impact on commercial fishing safety efforts in the last 20 years.
Moved by Mr. Davis. Second by Mr. Avila. PASSED, Unanimously.

Mr. Davis was charged with writing this letter and submitting it to the Coast Guard.

Ms. Debra Lambert – NOAA Fisheries Service, Office of Sustainable Fisheries

Provided a discussion on the Magnuson-Stevens Fishery Conservation and Management Act (MSA), National Standard 10 that is to consider and promote safety of human life at sea under the fishery management plans. NOAA is considering revisions to Standard 10 and a Federal Register Notice should be anticipated in the coming months. The revisions are in order to revise advisory guidelines for the development of fishery management plans; the current guidelines are 12 years old. She is working closely with Dr. Lincoln assembling data on safety and risk assessment, and would welcome any input from the committee.

Mr. Avila commented that regional fisheries council meetings often do not get to the topic of safety, and perhaps Standard 10 should be at the top of the list rather than at the bottom. Safety considerations are critical in the industry and the management plans.

Mr. Davis commented that it would be good for the NMFS to refocus safety as a “core value” rather than just a “priority.”

Mr. Mattera offered that the industry and other agencies should be included in the process; this comment was echoed by Dr. Lincoln.

Discussion Subcommittee assignments and Agenda for Wednesday

Chairman Dzugan provided a review and brief discussion about the schedule and agenda for the next day’s activities.

Mr. Kemerer provided a brief discussion about changes that would be required for the subcommittee assignments and taskings as a result of the CGAA and its impact on the committee. Specifics would be provided in the morning before the committee needed to approve the changes and would break into subcommittee work.

3. **MOTION** – That the meeting be adjourned for the day and re-commence at 8:00 AM Wednesday morning.
Moved by Mr. Stanford. Second by Ms. Hughes. PASSED, Unanimously.

4:56 PM - Meeting adjourned for March 1, 2011.

**Wednesday, March 02, 2011
8:05 AM – Meeting reconvened**

Chairman Dzugan welcomed everyone back for the second day of the committee meeting, and expressed particular pleasure and thanks that Rear Admiral Cook was able to join the meeting.

RDML Kevin Cook, Director of Prevention Policy (CG-54) – After greetings and thanks for the committee meeting, he discussed how exciting the current times are for fishing vessel safety. A lot has happened over the past year, particularly with the Authorization Act and the new authorities and requirements it places on the Coast Guard. He stated how important the Committee is at this time and how their work will help implement the requirements in the Authorization Act. He looks forward to input from the committee and their recommendations. He expected to check in with the subcommittees during the rest of the day.

Man Overboard Video – A video produced by NIOSH in partnership with AMSEA and Alaska Sea Grant regarding falls overboard - risk, prevention, and recovery was shown. Dr. Lincoln provided an introduction to the video. She reiterated how NIOSH study data showed the high rate of falls overboard and that none of the fishermen who died from such incidents in the last decade were wearing a PFD.

Many on the committee commented about how good the video was and that it needed to be given wide distribution. After a few edits are made, the video is to be put on YouTube. It was suggested that the video be translated into Vietnamese and Spanish, if possible, and distributed that way as well.

The committee also discussed how man overboard drills could be conducted and the various recovery methods that could be used and challenges associated with them.

Discussion of Task Statements and Subcommittees

Mr. Kemerer provided an overview of the existing, revised, and new task statements for subcommittees. The changes and additions were considered necessary as a result of the committee being reauthorized and renamed by the Auth Act. He proposed that: the Communications and Risk Management Subcommittees continue as previously established; the Legislative Affairs and Safety Policy Management Subcommittees be combined; the Report on Inspection Subcommittee be formalized; and new Training Standards and Vessel Construction Programs Subcommittees be established. He requested that the new subcommittees develop mission statements. A discussion followed on the work that each subcommittee was expected to pursue.

Ms. Eder suggested that the Risk Subcommittee address the Unsafe Practices Tasking, instead of the Legislative Affairs Subcommittee.

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4. **MOTION** – That the committee accept the proposed Subcommittee changes and taskings as presented by Mr. Kemerer.
Moved by Ms. Hughes. Second by Mr. Mattera. PASSED, Unanimously.

Chairman Dzugan reviewed the subcommittee taskings, assigned chairs for the subcommittees, and the members volunteering to makeup each subcommittee. The schedule for their meetings was agreed upon and to start after the morning break. Reports from the subcommittees to the full committee would be presented on Thursday afternoon, with recommendations considered at that time.

Wednesday Subcommittee Meetings

Training – Main Room – Ms. Hughes, Chairperson
Vessel Construction – Lee Room – Mr. Jacobson, Chairperson
Safety Policy/Legislative Affairs – Washington Room – Ms. Eder, Chairperson

Thursday Subcommittee Meetings

Communications – Main Room – Mr. Stanford, Chairperson
Inspection Report – Lee Room – Mr. Jacobsen, Chairperson
Risk Management – Washington Room – Mr. Davis, Chairperson

Mr. Mattera posed comments to RDML Cook that the CFSAC meetings should be held more than once per year because of the workload before the committee. This would depend on available support funding for the committee and meetings. Several other members added their agreement of the need for more frequent meetings.

RDML Cook agreed that there was a lot of work to be done, and that he would look into how the Coast Guard could make additional meetings happen. He also thanked those present who contributed articles to the *Proceedings* magazine, and stated that he had received numerous comments on how good and timely this issue on Fishing Vessel Safety was. Mr. Kemerer then suggested to the Committee that they could consider future meetings on the weekends if that would accommodate people's schedules better.

Chairman Dzugan called for a morning break. He directed the subcommittees begin their meetings after the break and schedule lunch as appropriate. The full committee would reconvene after lunch for a quick update from the subcommittee Chairs before resuming their meetings.

10:00 AM - Break

Subcommittees convened, as scheduled, at 10:15 AM until lunch at 12:15 PM.

1:15 PM – Committee reconvened

Updates from Subcommittee Chairs.

Safety Policy / Legislative Affairs – Ms. Eder – Reported there were 20 people from the committee and public participating, and was appreciative of all the helpful input. The

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group developed a mission statement. The group is in the process of working on recommendations for the Coast Guard to present to NMFS on safety in fisheries management planning under MSA Standard 10.

Vessel Construction – Mr. Jacobsen – Reported the group is considering advice to the Coast Guard on construction standards for vessels less than 50 feet, how to interface with class societies for construction of vessels over 50 feet, and development of alternate safety compliance programs.

Training Standards – Ms. Hughes – Reported good committee and public participation in evaluating various topics, duration, and delivery methods for required training. The group is working on getting a good perspective of how fishermen might be impacted.

1:30 PM - Break for Subcommittees

4:35 PM - Committee reconvened

Updates from Subcommittee Chairs.

Vessel Construction – Mr. Jacobsen – Reported the group had a good heading to go forward; felt that they have done what they can at this point before they get into some real and detailed work in the future.

Training Standards – Ms. Hughes – Reported the group has a lot challenges to stay “out of the weeds” as they start to develop training requirements. The group felt they did start to get a good framework and regroup some of the topics into a logical way to develop a curriculum. They agreed that they would like to see training be required in modules. Mr. Dzigan commented that work will continue outside this meeting, and until they develop a straw man, it is difficult to address Tasks 2 and 3.

Safety Policy / Legislative Affairs – Ms. Eder –Mr. Wendland reported on the subcommittee’s actions. The group has developed five motions to present to the Committee. They developed a mission statement for the subcommittee. The group appreciated all the input from the NOAA representative who participated in the meeting.

5. **MOTION** – That the Coast Guard request Congress to appropriate \$3 million for training and \$3 million for fishing safety research annually for the next 5 years.
Moved by Mr. Davis. Second by Ms. Eder. PASSED, Unanimously.

RDML Cook provided some closing remarks that he was glad he was able to attend, appreciated the work of the committee and public participants, and thanked everyone for their time and dedication in working toward improving safety in the fishing industry.

Public Comment

Mr. Greg Szczurek, Hausten Marine Training Services – Commented that the results of a student failing a test for a merchant mariner’s credential are not nearly as significant as

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the consequences for fishermen who can't pass an exam for the new required training certificate; it could take away their livelihood, and this must be considered when developing the final requirements.

Chairman Dzugan stated that unless there was an objection, the meeting would be adjourned until 8:00 AM Thursday morning. There were no objections.

5:00 PM - Meeting adjourned for March 2, 2011

**Thursday, March 3, 2011
8:05 AM – Meeting reconvened**

Chairman Dzugan opened meeting and welcomed everyone back for the third day of the committee meeting. He discussed the subcommittee assignments and their meeting locations for the morning.

Communications – Main Room – Mr. Stanford, Chairperson
Inspection Report – Lee Room – Mr. Jacobsen, Chairperson
Risk Management – Washington Room – Mr. Davis, Chairperson

8:20 AM - Break for Subcommittees

10:20 AM – Committee reconvened

RDML James Watson – Atlantic Area Deputy Commander. Stated that he is looking forward to his return to Coast Guard Headquarters to lead Prevention Policy and to work with Fishing Vessel Safety and the committee. He commented that commercial fishing is a big part of the maritime industry and is of great importance to the country. Fishing safety will continue to be high on the list of priorities. Fishing vessels were an important part of the Deepwater Horizon response. There is a return on investment when we encourage a safe maritime practice, which goes beyond just making a living. He also discussed the Area Command's role with the Districts and their areas of responsibility. There is a new initiative with uninspected vessels in regards to oversight of their activities; not just maintain the status quo, but to improve their operations and safety. He said he would stay around to check in on some of the subcommittee work before he had to leave. He thanked everyone for their interest in and work on safety.

Mr. Mattera thanked the Admiral for the Coast Guard's response in a recent SAR cases and activities such as the "Safe Crab" operation. Several other members of the committee agreed and added that the Coast Guard may not always see the effects on the fishing communities after a SAR case, and particularly whether or not it was successful.

11:00 AM - Break for Subcommittees.

Subcommittees reconvened, as scheduled, until lunch at 12:15 PM.

1:15 PM – Committee reconvened

Chairman Dzugan thanked the subcommittees for their work and stated that it was time for them to make their reports and recommendations. He suggested the rest of the meeting would flow more smoothly if motions were held until the end of each report. The committee concurred.

Subcommittee Reports

Vessel Construction Subcommittee – Mr. Jacobsen – Reported they had a good group and attendance. The direction forward for the subcommittee is:

- (1) The subcommittee will review the existing construction standards for vessels under 50 feet from available sources and will develop some options and alternatives going forward.
- (2) The subcommittee will develop some options and alternatives for load line requirements for vessels over 79 feet using existing standards and recommend potentially modifying those to meet the requirements for fishing vessels, and to make it manageable.
- (3) The subcommittee will review the classing requirements that are in existence for vessels 50 feet and over and make some recommendations to the Coast Guard regarding our opinion of those class requirements.
- (4) The subcommittee would like to request that the Coast Guard provide data on vessels less than 50 feet due to failure of hull integrity or construction deficiencies.

6. **MOTION** - That the Coast Guard provide information on how many casualties of vessels under 50' LOA were caused by failure of hull integrity or other construction defect going back as far as MISLE data is available.

Moved by Mr. Jacobson. Second by Mr. Dameron. PASSED, Unanimously.

Training Subcommittee – Ms. Hughes – Reported that they considered the objectives of the training and the competencies that fishermen should acquire as listed in the Auth Act. They looked at time and cost of training. They also considered several levels of training and which requirements might be satisfied by experience and/or sea time. These issues were factored into all of the subcommittee's considerations.

Training Subcommittee Recommended:

- (1) That the general content of the topics on the list be modular in design and persons be given a certificate for each module.
 - i. Stability and damage control.
 - ii. Seamanship, collision prevention & navigation including publications, weather, communications.
 - iii. Firefighting and prevention.
 - iv. Emergency medical care.
 - v. Emergency drills and personal survival.

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- (2) That the "individual in charge" of the vessel is interpreted for these training requirements as the person serving as the Master of the vessel.
 - (3) That the Coast Guard either approve or accept courses submitted to them that meet the requirements developed and retain general oversight of such courses.
 - (4) That the Coast Guard add a list of ACCEPTED Courses to the website where APPROVED courses are listed.
 - (5) That the training be as accessible and as locally-deliverable as possible.
 - (6) That the required courses be performance based and emphasize hands on skills assessments.
7. **MOTION** – That the committee accept the recommendations by the Training Subcommittee as reported and submit them to the Coast Guard.
Moved by Mr. Davis. Second by Mr. Stanford. PASSED, Unanimously.

Safety Policy / Legislative Affairs Subcommittee – Ms. Eder – Reported that their proposed mission statement would be: *The mission of the Safety Management Policy and Legislative Affairs Subcommittee is to stay informed and to provide input to the full committee on all legislative, regulatory, or policy matters related to the safety of the commercial fishing industry.*

Recommendations developed by the Subcommittee:

- (1) That the CFSAC, through the Coast Guard communicate to NOAA/NMFS Assistant Administrator for Fisheries the critical link between Fishery Management and Safety expressing support for revising the guidelines for implementing MSA National Standard 10 that takes into account a qualitative and quantitative scientific approach associated with safety science and risk assessment.
 - (2) That Ms. Debra Lambert of NOAA/NMFS be invited to attend the next CFSAC meeting with an update on the ANPRM to National Standard 10.
 - (3) That the Coast Guard brief the CFSAC regarding legislative affairs or policy that affects safety in CFV industry via email on a timely basis and as soon as practicable.
 - (4) That the Coast Guard communicate to their Office of Congressional Affairs that the CFSAC has an ongoing safety management for fisheries and legislative affairs subcommittee and wishes to be kept abreast of fishing vessel safety issues. The CFSAC desires the opportunity to provide input to legislative activity, offer testimonial support, correspondence to Congressional staff and representatives as needed.
 - (5) That the Coast Guard write a letter to the National Association of State Boating Law Administrators (NASBLA) requesting feedback relating to state rules that may affect fishing vessel safety or are inconsistent with Coast Guard regulations.
8. **MOTION** - That the Committee accept the recommendations of the Safety Policy and Legislative Affairs Subcommittee as reported and submit them to the Coast Guard.

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Moved by Ms. Eder. Second by Mr. Davis. PASSED, Unanimously.

Communications Subcommittee – Mr. Stanford – Reported there were good discussions and they were careful not to recommend things that are cost prohibitive.

Recommendations developed by the Subcommittee:

- (1) That the Coast Guard work with the National Marine Fisheries Service or other government agencies such as National Association of State Boating Law Administrators (NASBLA) to send out important and needed information to fishermen.
 - (2) That the Coast Guard expand the ability of their enterprise database or internal database for disseminating information to the industry.
 - (3) That the Coast Guard utilize Regional Fisheries Management Council meetings to disseminate information, obtain feedback, and advertise web properties on fishing vessel safety as deemed appropriate.
 - (4) That as any available information regarding the Authorization Act becomes available, the Coast Guard make it available to the public in visual graphic displays that include a timeline for implementation and a suggested action date.
 - (5) That the Coast Guard provide outreach to the fishing community including dissemination of information to fish houses, by boarding teams, through fishery management meetings, at town hall meetings, through fishing community leaders, commercial fishing oriented publication, and utilizing distribution to documented and state permit registration holders.
 - (6) That Coast Guard explore the use NOAA broadcasts as an outreach tool for messages such as regulation change alerts and safety messages and direct listeners to their website for further info.
 - (7) That the Committee acknowledge the FishSafe website is important for communicating information and receiving feedback. To enhance the capability of the website, the Coast Guard Headquarters Commercial Fishing Vessel Safety Division should acquire or provide the training necessary to meet these goals.
 - (8) That the Coast Guard secure the following URLs: commercialfishingchannel.com and thecommercialfishingchannel.com – for the purpose of pointing to the FishSafe website.
9. **MOTION** - That the Committee accept the recommendations of the Communications Subcommittee as reported and submit them to the Coast Guard.
- Moved by Mr. Stanford. Second by Mr. Avila. PASSED, Unanimously.

Inspection Report Subcommittee – Mr. Jacobsen – Reported that they felt the 1992 Inspection Plan is no longer relevant in light of the Coast Guard Authorization Act requirements, but the subcommittee looked at what was covered in the 1992 Plan that was not addressed in the Authorization Act.

The subcommittee proposed three motions for consideration by the whole committee. The first motion did not pass unanimously, but the last two did pass unanimously in subcommittee. The motions were taken up individually by the entire committee.

10. **MOTION** – That the Coast Guard be advised that the Authorization Act does not address the fact that no one is held strictly accountable for vessel’s fitness prior to operations as suggested by the Report to Congress for the inspection of commercial fishing industry vessels. That a self-examination program be developed for each vessel’s unique characteristics and logged by the person in charge. That the self-examination be required before a fishing season begins and occur at least once monthly during continuous operations and it include key areas as applicable:

- (a) The vessel’s portable lifesaving gear such as PFDs, EPIRBs, fire extinguishers, etc.;
- (b) The vessel’s safety systems such as bilge, fire, general alarm, fixed fire suppression systems, etc.; and
- (c) The vessel’s watertight envelope such as watertight doors, hatches, propeller and rudder stuffing boxes, sea chests, and hull/house structures.

Moved by Mr. Mattera. Second by Mr. O’Leary

Discussion - Mr. Dameron stated that we are asking the masters of fishing vessels to document that they are conducting drills and he thinks it appropriate that we also ask them to document that they are checking their watertight envelope, their portable equipment, and their emergency bilge alarm and bilge pumping systems. The three areas suggested for areas of inspection to be documented were taken from John Womack’s comments on the last proposed rulemaking.

Mr. Jacobsen expressed concern that requiring the self-inspection might impede implementation; that it might take years, whereas making it a voluntary program it could be implemented more quickly.

MOTION 10 was NOT PASSED; 4 in favor, 9 opposed.

11. **MOTION** – That in so much as “The Inspection Plan/Report to Congress of 1992” has been in ways supplanted and superseded by the Authorization Act, the Subcommittee should continue to consider a self-examination requirement for vessels operating within 3 miles and with fewer than 16 people on board.

Moved by Mr. Mattera. Second by Mr. Dameron. Motion PASSED.

12. **MOTION** – That the Committee recommend the Coast Guard develop a voluntary self-examination program for vessels operating inside 3 miles and with fewer than 16 persons onboard, and an interim self-examination program for vessels that have received a certificate of compliance.

Moved by Mr. Mattera. Second by Ms. Hughes. Motion PASSED.

2:30 - 3:00 PM - Break

Risk Subcommittee – Mr. Davis – Reported that none of the participants had any information on near misses or causes of oil spills as requested by Mr. Law. Some of the members will check with their companies. The subcommittee feels that an equipment

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maintenance record could be of an open format type that could be printed and filled out by hand. There was discussion on what equipment should be included in the maintenance record. The subcommittee also looked at a self-inspection checklist, and discussed what items should be included on the list because vessels vary in size and type and not all items might be applicable to all vessels. They will continue to work on these records and checklists to develop a sample for fishermen and the Coast Guard. The Man Overboard guidance document was completed.

13. **MOTION** – That the "Man Overboard Prevention and Recovery Best Practices" document be provided to the Coast Guard for publishing and distribution to the industry.

Moved by Mr. Davis. Second by Mr. Stanford. Motion PASSED.

14. **MOTION** – That the Coast Guard define “equipment,” in 46 USC 4502 (f)(1), to include, at a minimum, a vessel’s required portable lifesaving gear, the vessel’s required safety systems, and the vessel’s watertight envelope for the purpose of maintenance that must be recorded.

Moved by Mr. Dameron. Second by Ms. Eder. Motion PASSED.

Chairman Dzugan noted that all presentations and reports had been completed, so the agenda called for time to elect a new Chairperson and Vice-Chair. He turned the meeting over to Captain Christensen.

Election for Chairman and Vice-Chairman

Captain Christensen opened the floor to nominations for Vice-Chairman and Chairman or the coming year.

15. **MOTION** – Mr. Alan Davis was nominated for the position of Vice Chairman of the CFSAC. Motion by Mr. Leland. Second by Mr. Mattera. There was no discussion and the voted was called. Mr. Davis was re-elected, unanimously.

16. **MOTION** – Mr. Jerry Dzugan was nominated for the position of Chairman of the CFSAC. Motion by Ms. Hughes. Second by Mr. Avila. There was no discussion and the voted was called. Mr. Dzugan was re-elected, unanimously.

Chairman Dzugan thanked the committee for their faith in his abilities to guide the committee and their support in re-electing him. He then noted that as the meeting day was drawing close to the end, the floor would be open one last time for any public comment.

Public Comment

Mr. Ken Lawrenson, Coast Guard 17th District Fishing Vessel Safety Coordinator thanked the Committee for their work. He said it was good to see such a dedicated group and appreciated all their work in furthering safety in the industry. He looked forward to their next meeting.

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Chairman Dzugan then recognized members of the committee who had further comments and motions.

17. **MOTION** – That the Coast Guard write a letter to the National Institute for Occupational Safety and Health (NIOSH) Headquarters, Centers for Disease Control (CDC), and all other appropriate parties extolling the value of Dr. Lincoln’s Fishing Vessel Safety Research, and request that the Alaska Field Station remain fully funded and operational.

Moved by Mr. Davis. Second by Mr. Mattera. PASSED, Unanimously.

Member discussion returned to the issue and concern about the labeling and sizing of immersion suits. It was noted that maybe a safety alert should be developed and posted. A comment was also made that the Consumer Product Safety Commission or Underwriters Laboratories could possibly have some influence making changes if the Coast Guard is unsuccessful in regards to approvals and working with the manufacturers.

18. **MOTION** – That the Coast Guard revisit the issue of survival suit sizing accuracy and sizing compatibility and inform the manufacturers, the UL Technical Committee, and the Consumer Product Safety Commission that the CFSAC does not believe they are accurate and appropriate. Further, that the Coast Guard issue a Safety Alert on the importance of survival suit fitting by users.

Moved by Mr. Mattera. Second by Mr. Davis. PASSED, Unanimously.

Mr. Kemerer offered some comments on the meeting’s activities and subcommittee work. He suggested that the Coast Guard would look toward scheduling another meeting in the fall or 2011 if possible; it will depend on the budget situation. Subcommittees can continue to work on any of their items and teleconference support could be provided. He then asked the members to provide feedback on the meeting; what worked well and areas for improvement to make future meetings better.

Committee Members’ closing comments

Mr. Mattera – Good meeting, robust dialogue.

Mr. Jacobsen – The meetings keep getting better; we’ve made progress, but we have a long way to go in completing all tasks.

Mr. Dameron – Thanked the public for comments, and the support from the staff.

Ms. Eder – Appreciated the public participation. The Committee and participants learn from each other.

Mr. Martin – It was a good three days.

Ms. Bui – Good meeting, appreciated everyone’s concern for fishermen.

Mr. Davis – Thanked everyone for working together, and patience.

Mr. Stanford – Fishing vessel safety is important. Appreciates the opportunity to help.

Mr. O’Leary – Thanks to all. Scariest meeting with all the new requirements we need to look at. Even with all our differences of opinion, we can come together.

Mr. Hewlett – Meeting went well; good diversity, good information.

Mr. Avila – Thanks, meeting went well. We’re working for a common goal.

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Ms. Ruhle – This was one of the better meetings and we accomplished a lot. All our differences can even out, but we must keep in mind the effect of regs on industry.

Ms. Hughes – Outstanding meeting; it is an exciting time in industry/safety. Need to be sensitive to unwanted consequences. Thanks to presenters; they were a highlight, and especially appreciated participation by the Class societies and NMC.

Captain Christensen expressed appreciation to the committee for their hard-work and it is good to have diversity of the committee. The Coast Guard understands the need to balance legislative mandates and implementing regulations with facilitation of commerce, and examiners will stand-up for and with the fishermen.

Chairman Dzugan expressed thanks to staff for facilitating the meeting. He appreciated the long term concern and commitment of all regular attendees. It is good to work with this committee, the members who have mutual respect for each other. It may be a scary time, but it is also an exciting time for the Committee. He thanked everyone again.

With unanimous consent, Chairman Dzugan adjourned the 31st meeting of the CFSAC.

4:50 PM - Meeting adjourned.

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List of Public Attendees

- Mr. Rafael Arizmendi – CG Sector Miami/Key West, Fishing Vessel Safety
- LT Yamaris Barril – CG District 9, Inspections and Investigations Division
- Mr. Chris Bower – Chesapeake Bay Pack (Scallop Fleet)
- Ms. Maggie Boyd – Peg Associates on Tuna Fleets behalf
- Mr. Chris Brauee – Chesapeake Bay
- Mr. Desmond Connolly – National Association of Marine Surveyors
- Mr. Lauren Carroll – Northeast Fisheries Observer Program
- Mr. Jack Deviyew – MDP Marine Institute
- Mr. Ike Eisentrout – Deputy Director, National Maritime Center
- Mr. Berry Everhart – CG Sector North Carolina, Fishing Vessel Safety Examiner
- Dr. Lewis Fisher – CG Atlantic Area, Uninspected Vessel Section
- Mr. James Fletcher – United National Fishermen’s Association
- LCDR Vince Gamma – CG Headquarters, Lifesaving & Fire Fighting Equipment
- Mr. Red Gilbert – CG Sector Hampton Roads, Fishing Vessel Safety Examiner
- Mr. Dennis Hansford – NMFS, National Observer Program
- Mr. Dan Hardin – CG District 13 Fishing Vessel Safety Coordinator
- Mr. Ted Harrington – CG District 1 Fishing Vessel Safety Coordinator
- Mr. Vernon Harrison – Viking Lifesaving Equipment – Mid-Atlantic
- Ms. Barbara Hewlett – Coast Guard Auxiliary Fishing Vessel Safety Examiner
- Mr. Richard Hiscock – Safety Advocate, working with Det Norske Veritas
- Mr. Ronald Holloway – B & C Seafood
- Mr. Frank Hornig – USMSA / Vane Brothers Marine Safety
- Mr. Tom Ingram – American Bureau of Shipping
- Mr. Tom Jordan – CG Office of Design and Engineering Standards
- Mr. Ches King – Lloyd’s Register
- Mr. Donald Lajavic – CG District 5 CFVS Coordinator
- Ms. Debra Lambert – National Marine fisheries Service
- Mr. Jim Law – CG Office of Investigation and Analysis
- Mr. Ken Lawrenson – CG District 17 Fishing Vessel Safety Coordinator
- Dr. Jennifer Lincoln – Injury Epidemiologist, NIOSH
- Mr. Chris Mazzoni – Viking Lifesaving Equipment – Northeast
- LTJG Dylan McCall – CG Office of Vessel Activities
- Mr. Don Midget – Retired CG LantArea FVS Coordinator. Wanchese Fish Co.
- Mr. Joe Myers – CG Training Center Yorktown
- Mr. Bob Perkins – CG District 8 Fishing Vessel Safety Coordinator
- Mr. Harry Preston – CG LantArea Auxiliary Branch Chief, Uninspected Vessels
- CWO Cynthia Reavis – CG Training Center Yorktown
- CDR Jim Rocco – CG Headquarter, Class Liaison Officer
- Mr. Mike Rosecrans – National Transportation Safety Board
- Mr. Braxton Scherz – Det Norske Veritas

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- Mr. Greg Szczurek – Houston Marine Training Services
- Mr. Bob Smith – National Maritime Center Assessment and Training Division
- Mr. Guy Sorensen – Chesapeake Marine Training Institute
- Mr. Wade Stoner – Bureau Veritas
- LT Brendan Sullivan – CG Office of Maritime and International Law
- Mr. Tom Thompson – Executive Director, U.S. Marine Safety Association
- Mr. Mike Tork – NOAA Fisheries, Observer program in Woods Hole, MA
- Mr. Jacob Varghis – CG Pacific Area Prevention Office
- Mr. Bob Virissimo – South Pacific Tuna Corporation
- Ed Waryas – Lloyd’s Register, North America
- Mr. Scott Wilwert – CG Sector Juneau Fishing Vessel Examiner
- LCDR John Winter – CG Training Center Yorktown