

**SUMMARY NOTES OF THE 37th COMMERCIAL
FISHING SAFETY ADVISORY COMMITTEE
SPECIAL TELECONFERENCE**

Thursday, July 27, 2017 // 1:00pm ~ 2:00pm (Eastern)

A special teleconference of the Commercial Fishing Safety Advisory Committee (CFSAC) was conducted at United States Coast Guard Headquarters in Washington, DC on this day. This conference was the 37th assembly of the CFSAC. Representing the Coast Guard were Captain (CAPT) Matt Edwards –Chief, Office of Commercial Vessel Compliance (CG-CVC) and Designated Federal Officer for CFSAC, Mr. Bob Gauvin – Deputy Office Chief, CG-CVC, Mr. Jack Kemerer – Chief, Fishing Vessel Safety Division (CG-CVC-3) and Alternate Designated Federal Officer for CFSAC, Mr. David Belliveau – Marine Transportation Safety Specialist for CG-CVC-3, Mr. Jonathan Wendland – Marine Transportation Safety Specialist for CG-CVC-3 and Alternate Designated Federal Officer for CFSAC, Mr. Nasif Gordon – Marine Transportation Safety Specialist for CG-CVC-3, Ms. Melanee Libby – Group Federal Officer for the Federal Advisory Committees Office of the Assistant Commandant for Prevention Policy, Mr. Michael Mumbach – Senior Attorney / Team Leader for the Office of Regulations and Administrative Law Office of the Judge Advocate General (CG-LRA), and Mr. Thomas Mielke Staff Attorney for CG-LRA.

Mr. Wendland welcomed the Committee and conducted a roll call of participants. The following CFSAC members were present:

- Mr. Jerry Dzugan (Chair)
- Ms. Thu Bui
- Mr. Bobby Virissimo
- Mr. Chris Woodley
- Mr. James Neville
- Mr. Jimmy Martin
- Mr. Michael Kampnich
- Ms. Karen Conrad
- Mr. Joseph Derie

- Mr. Greg Londrie

The following CFSAC members were absent:

- Mr. Burt Thompson
- Mr. Erling Jacobsen
- Mr. Eric Rosveld

Given that at least seven (7) of the current 13 Committee members were present, Mr. Wendland declared a quorum. In addition, to provide agency oversight of discussions, Ms. Tracy Silas from the Department of Homeland Security (DHS) Committee Management Office was present.

The following Commercial Fishing Vessel Safety Coordinators were in attendance:

- Mr. Troy Luna (CGD5)
- Mr. Walter Hoppe (CGD7)
- Mr. Bob Perkins (CGD8)
- Mr. Dan Hardin and Mr. Troy Rentz (CGD13)
- Mr. Scott Wilwert (CGD17)
- Mr. Craig Cross (LANTAREA)

Other government agency participation consisted of Mr. Devin Lucas and Ms. Samantha Case from the National Institute for Occupational Safety and Health.

Mr. Wendland also conducted a roll call of the general public. The following listeners were present:

- Mr. Hal Hockema – Hockema & Whalen Associates
- Mr. Chad See – Freezer Longline Coalition
- Ms. Meghan Lapp – Sea Freeze, Ltd.
- Ms. Kimberly Chauvin – [Unknown]
- Mr. Ed Dennehy – Fishing Partnership Support Services
- Mr. Glen Delaney – Southern Shrimp Alliance
- Mr. Brent Payne – Untied Catcher Boats Seattle

Commencement / Introductory Remarks:

Next, Mr. Wendland kicked off Committee business and turned the floor over to CAPT Edwards. CAPT Edwards, introduced himself, acknowledged the prior work of the Committee, and remarked that the collective job of the CFSAC is to put the search and rescue community out-of-business by way of safety efforts intended to prevent injuries, loss of property, and stop damage to the marine environment. CAPT Edwards recalled an opportunity during which he attended a CFSAC meeting in Seattle, Washington and said that he had been impressed by the passion that Committee members expressed toward commercial fishing vessel safety. He also told the group that he looked forward to working with the Committee over the next few years and prefaced group discussion by mentioning that there were several similar efforts underway across the Coast Guard that involve coordination with other Federal Advisory Committees in review of existing federal regulations and Coast Guard policies.

CAPT Edwards noted that the scope of CFSAC work should be limited to only cleaning up current regulations / policies and not seek to provide comments on existing statutes. He added that the Committee should concentrate on identifying those regulations and policies associated with Title 46, Subchapter C, due to the fact that other Federal Advisory Committee groups are available to provide feedback on various regulations that need to be cleaned up. He went on to explain that the deregulation procedure is not a quick process, and is basically the same process as a rule-making, in that it takes just as much time to take a regulation off the books as it does to establish a new one. CAPT Edwards encouraged the Committee to work quickly and prioritize the work that members believed would have the highest impact on industry to increase the likelihood that the Coast Guard would take on those deregulatory projects and meet the needs of the commercial fishing industry.

Administrative Details and Tasking:

CAPT Edwards turned the floor over to Mr. Kemerer, who provided the background and purpose of the CFSAC meeting as announced in the Federal Register Notice (FRN) on Tuesday, July 11, 2017, (Vol. 82, No.131) Pages 31928-31929. The business for the special teleconference

involved the issuance of a new task to the Committee to provide input to the Coast Guard to support regulatory reform of regulations pursuant to specific Executive Orders. All information about the Task Statement is available on the Coast Guard's Federal Advisory Committee web site on Coast Guard Homeport at <http://homeport.uscg.mil/cfivsac>, and in the FRN Docket. Mr. Kemerer reemphasized that the focus of CFSAC regulatory review efforts should center on regulations and not attempt to comment on existing commercial fishing vessel safety statutes. More specifically, Mr. Kemerer advised that the Committee should evaluate the regulations of Title 46, Code of Federal Regulations (CFR), Parts 28, 105, and 106. Also, as a reminder, on Thursday, June 8, 2017, an FRN was published requesting comments on the Evaluation of Existing Coast Guard Regulations, Guidance Documents, Interpretative Documents, and Collections of Information. The public's recommendations on what should be repealed, replaced, or modified will be used to assist the Coast Guard's work with the DHS Regulatory Reform Task Force. Furthermore, there was a follow-up Notice issued on Friday, July 7, 2017, extended the deadline for submitting comments to Monday, September 11, 2017.

Mr. Kemerer noted that in order to accomplish CFSAC tasking, one or more sub-committees or working groups needed to be established, then he proceeded to read Task Statement #01-17 to the group. Again, all interested parties are encouraged to visit the previously mentioned homeport website to view or download the task statement to gain an even clearer picture of what work needs to be done. In a nutshell, the Committee is to review Coast Guard regulations, policies, or guidance documents related to commercial fishing vessel safety and provide recommendations in sufficient detail as to how the information could be revised, modified, or repealed. With that, Mr. Kemerer turned the floor over to the Chair.

CFSAC Chair Remarks:

The Chair noted that the Committee has a tall task with a short timeline and requested that a motion be made to accept the task statement so discussion on the matter could begin. Mr. Jimmy Martin motioned to accept the Task Statement #01-17 and was seconded by Mr. James Nevel. With the motion on the table, the Chair opened discussion to Committee members for questions and comments. There were no questions, comments, or objections about the Task Statement at that time. Accordingly, the Task Statement was accepted as official work for the CFSAC. The next item of business was to create a Subcommittee.

Before any names were put forward the Chair requested to know how staff envisioned the Subcommittee functioning and noted that the deadline for the task is the end of calendar year 2017. The Chair also stated that the CFSAC potentially has a face-to-face meeting before the end of the year and asked Mr. Kemerer how to go about coordinating Subcommittee talks in the meantime. Mr. Kemerer suggested that, once the Subcommittee Chair and other working group members were identified, to contact either him, Mr. Wendland or Mr. Gordon for assistance in setting up a teleconference, as well as posting meeting announcements to the homeport website <http://homeport.uscg.mil/cfivsac>. In addition, Subcommittee members are free to contact CG-CVC-3 to request templates on how to format CFSAC recommendations or for any other explanations and guidance to assist with the accomplishing the task. Currently, there are several

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Coast Guard Marine Safety Information Bulletins and Alerts available online to assist Subcommittee members in their review process.

The following standing members of the CFSAC volunteered to be on the Subcommittee:

- Mr. Chris Woodley (Subcommittee Chair)
- Mr. Jimmy Martin
- Mr. Greg Londrie
- Ms. Karen Conrad
- Ms. Thu Bui
- Mr. Michael Kampnich
- Mr. Jerry Dzugan

The following non-standing CFSAC members volunteered to be part of the Subcommittee:

- Mr. Hal Hockema
- Ms. Kim Chauvin

The Chair inquired about how to handle late arrivals to the Subcommittee. Mr. Kemerer stated that if anyone from the general public wanted to join the group later on, they could call in and participate after the meeting is announced on the homeport website. Mr. Kemerer noted that Subcommittee meeting information does not need to be published in the Federal Register and meetings will be announced on the homeport website as the Subcommittee Chair deems necessary. Mr. Kemerer also noted that it is not a requirement of the Federal Advisory Committee Act for Subcommittee meetings to be announced in the Federal Register and that meetings are open to all members of the general public who wish to participate.

The Chair acknowledged the creation of the Subcommittee and opened the floor up to questions about the task or the work required of the Committee. Mr. Woodley sought clarification on proposed regulations regarding whether or not a notice of proposed rulemaking (NPRM) could be addressed during this time. Mr. Kemerer responded that information in the NPRM, issued in June 2016 and the associated comment period that was extended until December 2016 – could be addressed. However, the Coast Guard could not discuss what has transpired in the interim with regard to reviewing comments in the docket as well as other actions taken to proceed towards a final rule.

Next, the Chair opened up the conference to members of the general public. Mr. Perkins offered to assist the Subcommittee and Mr. Kemerer advised that the District Coordinators and Examiners are available to provide technical assistance to the Subcommittee, but not be part of the Subcommittee. Mr. Kemerer added that all information about the 37th CFSAC meeting (i.e., FRN, Task Statement, and table of regulations) is available for public review. Interested parties should visit www.regulations.gov and enter the assigned docket number (USCG-2017-0656-0001) in the search field.

Mr. Hockema stated that at his naval architecture company, he and six (6) other licensed naval architects that discuss safety issues in-house at length– similar to the CFSAC. In this, they try to develop a consensus as to how the company will address regulatory concerns during business

dealings. He requested to know, when commenting on regulatory matters, if it would be better to submit a single company letter with the signatures of six (6) naval architects at the bottom of the correspondence or if it would be better to submit six (6) different letters with practically the same content in each letter. This issue seems to have arisen in 1991, when Title 46, CFR, Part 28 was developed and Mr. Hockema wanted to ensure that his company's influence would not be diminished by submitting a single letter as opposed to sending six (6) different letters. Mr. Kemerer commented that the Coast Guard would likely prefer that a consolidated document be submitted to the docket. Mr. Kemerer went on to suggest that recommendations specifically related to commercial fishing vessels could be submitted separately from other recommendations concerning vessel matters such as architectural or stability issues - which could be submitted as general responses because those recommendations may impact other vessel groups that are regulated under different subchapters. Furthermore, there is a regulation table included in the docket that shows which Federal Advisory Committees are addressing various regulations. Please take a look at the table to see where input can be submitted in different places.

Mr. Kemerer asked if there were any other questions from the group and it was noted that the following Commercial Fishing Vessel Safety Coordinators had joined the call-in:

- Ms. Peg Murphy (CGD11)
- Mr. Charlie Medlicott (CGD14)
- Mr. Chris Atkinson (PACAREA)

The Chair then asked the group if there were any other comments or questions. Ms. Murphy informed Mr. Kemerer that she previously submitted comments from a collection of fishermen in the CGD11 (California) area of responsibility regarding life rafts and maintenance issues and wanted to know if their comments made it into the material being presented to the Coast Guard. Mr. Kemerer advised Ms. Murphy to resend the information for its inclusion in the docket.

Subsequently, the Chair reopened the floor to questions or comments and reminded the group that care should be taken to address only regulations, guidance documents, or proposed rules, and not comment on industry rumors or innuendo. This way, the Coast Guard can take the appropriate action on input submitted to the docket. Ms. Murphy inquired about the comment period and the Chair advised that the comment period has been extended to Monday, September 11, 2017.

Ms. Lapp inquired if it were possible to receive updates on the progress of the Committee moving forward and Mr. Kemerer said that if the Subcommittee Chair wanted to post information to the homeport website periodically, then CG-CVC-3 would be glad to assist.

Ms. Bui noted that most of the industry comments submitted to the docket pertained to the Coast Guard Authorization Act and acknowledged that Committee efforts should be focused on regulations and guidance documents, but wanted to know when industry's concerns about the Act would be addressed. Mr. Kemerer reiterated that CFSAC tasking only pertains to regulations and guidance documents and reminded the group that the Coast Guard does not control what requirements are written in the law and commented that the Coast Guard and DHS

would not be able to address any comments about current statutes. Simply put, this project is not the correct forum to address issues with laws related to the fishing industry, as all statutory concerns are Congressional matters.

The Chair reopened the floor to questions and comments from the group and Ms. Libby informed the group about other upcoming Federal Advisory Committee regulatory reform teleconferences. Please contact Mr. Kemerer if any participants would like information concerning future call-ins with other Federal Advisory Committee groups.

Mr. Kemerer reminded the Subcommittee that there will be a full CFSAC meeting later in the fall and expressed hope that there will be at least a preliminary report about the work accomplished by the Subcommittee to present to the full Committee. Initially, the deadline for the final CFSAC report on regulatory reform was the end of 2017. However, since the deadline for the report has been pushed back to Friday, March 30, 2018, the full CFSAC will most likely be involved in publishing the final report since there likely will not be another opportunity to meet face-to-face. Any Subcommittee teleconferences or dissemination of information through the homeport website can be facilitated by CG-CVC-3, so please do not hesitate to request assistance. Mr. Kemerer turned the floor over to CAPT Edwards. CAPT Edwards gave special thanks to the Committee and recognized the Chair. The Chair reopened the floor to questions or comments. There were no questions or comments at that time. Mr. Martin motioned to adjourn the meeting and was seconded by Mr. Woodley.

The special teleconference of the CFSAC adjourned at approximately 2:00pm (Eastern).