

TESTIMONY OF
COMMANDER CHRIS WOODLEY
BEFORE THE NATIONAL TRANSPORTATION SAFETY BOARD
FISHING VESSEL SAFETY FORUM
OCTOBER 14, 2010

INTRODUCTION: GOOD MORNING. THANK YOU MR. CHAIRMAN AND MEMBERS OF THE NATIONAL TRANSPORTATION AND SAFETY BOARD FOR THE OPPORTUNITY TO SHARE MY THOUGHTS ON FISHING VESSEL SAFETY AND FISHERIES MANAGEMENT.

3619: WITH THE PASSAGE OF H.R. 3619, THE COAST GUARD WILL BE ENTERING A NEW ERA IN FISHING VESSEL SAFETY WITH THE NEWLY ACQUIRED ABILITY TO MANDATE VESSEL EXAMINATIONS AND TRAINING ON VESSELS OPERATING BEYOND 3 NAUTICAL. BUT WHILE WE TALK ABOUT THE NOVELTY OF THIS AUTHORITY, IT IS, IN FACT, HISTORY REPEATING ITSELF.

NS 10 & SFA: IN 1998, THE IMPLEMENTATION OF NATIONAL STANDARD 10 AS A RESULT OF THE PASSAGE OF THE SUSTAINABLE FISHERIES ACT REQUIRED COMPULSORY FISHING VESSELS EXAMS FOR 350~ BOATS OPERATING WITH MANDATORY OBSERVER COVERAGE IN THE BERING SEA / ALEUTIAN ISLAND FISHERIES. AND YET...

TRAGEDY CONTINUES: IN SUBSEQUENT YEARS THERE WAS A NUMBER OF SIGNIFICANT ACCIDENTS IN BSAI FISHERIES WHICH

OCCURRED ON VESSELS WHICH POSSESSED A CURRENT COAST GUARD DOCKSIDE EXAM DECAL. THE AMBER DAWN (3), ARCTIC ROSE (15), GALAXY (3), BIG VALLEY(5), ALASKA RANGER (5), AND KATMAI (7) WERE ALL VESSELS THAT HAD MET THE BASIC REQUIREMENTS OF FISHING VESSEL SAFETY REGULATIONS, BUT SUFFERED A CUMULATIVE 38 FATALITIES NEVERTHELESS.

CAUTION: I PUT THIS OUT THERE AS A CAUTIONARY TALE. EVEN WITH MANDATORY EXAMS, THERE ARE OTHER INFLUENCES OUTSIDE OF VESSEL SEA-WORTHINESS AND CREW COMPETENCY THAT AFFECT SAFETY. I AM SPEAKING OF THE INFLUENCE OF FISHERY MANAGEMENT REGIMES.

WHEN I USE THE PHRASE “**FISHERY MANAGEMENT REGIMES,**” I AM NOT JUST REFERRING TO THOSE KINDS OF WHOLESALE AND DRAMATIC INFLUENCES THAT CAN OCCUR FOLLOWING THE TRANSITION TO A QUOTA-BASED FISHERY. I DON’T NEED TO BELABOR THE ISSUE, BASED ON WHAT WE HAVE ALREADY HEARD THIS MORNING, QUOTA-BASED FISHERY MANAGEMENT PROGRAMS CAN POTENTIALLY HAVE **SIGNIFICANT POSITIVE SAFETY** IMPACTS ON FISHING OPERATIONS.

MORE TO MY POINT, I AM SPECIFICALLY REFERRING TO THE ABILITY OF COAST GUARD AND FISHERY MANAGEMENT AGENCIES TO **INTEGRATE** FISHERY MANAGEMENT PRACTICES, POLICIES, AND INSTITUTIONS IN A WAY WHICH PROMOTE SAFETY AND REDUCE OPERATIONAL RISKS.

IN THE 13TH AND 17TH COAST GUARD DISTRICTS, THERE HAVE BEEN SEVERAL EXAMPLES OF THIS KIND OF INTER-AGENCY COLLABORATION.

FIRST, THE COAST GUARD AND THE **NORTH PACIFIC GROUND FISH OBSERVER PROGRAM** HAVE DEVELOPED OUTSTANDING PRACTICES WHERE THE COAST GUARD PROVIDES SAFETY TRAINING TO HUNDREDS OF FISHERY OBSERVERS ANNUALLY. THE OBSERVER PROGRAM IN TURN SHARES SAFETY DATA AND SAFETY CONCERNS ON 350 OBSERVED VESSELS IN THE NORTH PACIFIC. THIS INTERACTION LEADS TO EFFECTIVE COMMUNICATION AND RESOLUTION OF SAFETY PROBLEMS BEFORE THEY PROGRESS INTO SOMETHING BIGGER.

THE SECOND EXAMPLE COMES FROM THE ALASKA DEPARTMENT OF FISH & GAME: BEGINNING IN 1999, THE COAST GUARD AND THE ADF&G LEVERAGED THE AUTHORITIES FOUND IN ADF&G FISHERY MANAGEMENT

PRACTICES TO ADDRESS THE SPECIFIC SAFETY HAZARDS OF VESSEL OVERLOADING AND FOR THE HIGH-RISK CRAB FISHERIES OF THE BERING SEA. THIS HAS RESULTED IN A 74% REDUCTION IN FATALITIES OVERALL IN THIS FLEET SINCE 1999 AND A 64 % REDUCTION IN THE FATALITY RATE. (SHOW SLIDE)

THE THIRD EXAMPLE IS NORTH PACIFIC FISHERY MANAGEMENT COUNCIL: RECENTLY THIS COUNCIL APPROACHED THE COAST GUARD AND NIOSH TO CONDUCT A FORMAL SAFETY EVALUATION OF THE COUNCIL'S AMENDMENT 80 VESSEL REPLACEMENT PROVISIONS.

VESSEL REPLACEMENT FOR THIS FLEET WAS A FORMAL RECOMMENDATION FROM THE NTSB'S INVESTIGATION INTO THE LOSS OF THE ALASKA RANGER. THIS SAFETY ANALYSIS AND TESTIMONY PROVIDED A COMPELLING ARGUMENT FOR VESSEL REPLACEMENT IN A FISH PROCESSING FLEET WHERE THE AVERAGE VESSEL AGE IS 32 YEARS. THIS ANALYSIS WAS EXTREMELY EDUCATIONAL TO MANY MEMBERS OF THE FISHERY MANAGEMENT COUNCIL, VERY FEW OF WHOM HAVE ANY BACKGROUND IN SAFETY. THE ANALYSIS ULTIMATELY CONTRIBUTED TO THE UNANIMOUS PASSAGE OF THE AMENDMENT ALLOWING FOR THE

BUILDING OF NEW VESSELS CONSTRUCTED TO MODERN SAFETY STANDARDS OF CLASSIFICATION AND LOADLINE.

I WOULD ARGUE THAT THESE EXAMPLES REPRESENT SOME OF THE MOST EFFECTIVE INTEGRATION OF SAFETY AND FISHERY MANAGEMENT GOALS ON THE WEST COAST IN THE LAST 10 YEARS, IF NOT THE COUNTRY. IN EACH CASE, THEY HAVE ACHIEVED SIGNIFICANT SAFETY IMPROVEMENTS BY ADDRESSED UNIQUE SAFETY CONCERNS FOUND IN INDIVIDUAL HIGH RISK FLEETS AND THAT WERE NOT A PART OF COAST GUARD'S FISHING VESSEL SAFETY PROGRAM.

HOWEVER, THESE INITIATIVES HAVE TENDED TO BE AD-HOC, AND HAVE BEEN DRIVEN MORE BY PERSONALITIES THAN INSTITUTIONAL DESIGN. TO MOVE TO THE NEXT LEVEL, THESE KINDS OF INTERACTIONS NEED TO BE FORMALIZED AND INSTITUTIONALIZED WITHIN THE COAST GUARD AND WITHIN FISHERY MANAGEMENT AGENCIES.

COMING BACK TO MY EARLIER CONCERNS EXPRESSED ABOUT DOCKSIDE EXAMINATIONS NOT BEING ENOUGH TO TRULY GET AT NUMEROUS SAFETY CONCERNS, I WOULD RECOMMEND THE FOLLOWING:

- IDENTIFY THE SPECIFIC HAZARDS FOR VESSEL SINKING AND SUBSEQUENT FATALITIES ON A REGIONAL AND FISHERY SPECIFIC BASIS. THIS SAFETY PERFORMANCE INFORMATION SHOULD BE CAPTURED IN REGIONAL FISHERY MANAGEMENT COUNCIL'S ANNUAL SAFE (Stock Assessment and Fishery Evaluation) REPORTS. THE ABILITY TO CALCULATE INDIVIDUAL FISHING FLEET FATALITY RATES IS SCIENTIFIC, DATA-BASED, INCREASINGLY AND TRANSFERRABLE BETWEEN FISHERIES. INSIGHTS DEVELOPED FROM INDIVIDUAL FISHERY PERFORMANCE SHOULD BE A CONSIDERATION WHEN MAKING FUTURE CHANGES TO FISHERY MANAGEMENT PLANS.
- FOR FATALITY RATES EXCEEDING A CERTAIN THRESHOLD, THE COAST GUARD, COLLABORATING WITH APPROPRIATE GEAR / SPECIES GROUPS AND FISHERY MANAGERS, SHOULD BEGIN DISCUSSIONS TO DEVELOP TAILORED SAFETY INTERVENTIONS FOR THESE HIGHEST RISK FISHERIES TO REDUCE THESE FATALITIES AND VESSEL LOSSES.
- ESTABLISH A COAST GUARD REPRESENTATIVE ON REGIONAL FISHERY MANAGEMENT COUNCILS SAFETY AND ENFORCMENT COMMITTEE. THIS

- IN EFFECT, THESE TWO RECOMMENDATIONS ARE THE BEGINNINGS OF AN ALTERNATE COMPLIANCE PROGRAM..

THE REGULATORY LANGUAGE IMPLEMENTING NATIONAL STANDARD 10
ALREADY EXISTS TO ACHIEVE THIS FOR FEDERAL FISHERIES:

***“50 CFR 300.655 REQUIRES THAT FISHERY MANAGEMENT COUNCILS
CONSULT WITH THE USCG AND THE FISHING INDUSTRY DURING
PREPARATION OF ANY FMP, FMP AMENDMENT, OR REGULATION THAT
MIGHT AFFECT SAFETY OF HUMAN LIFE AT SEA. THIS CONSULTATION
MAY BE DONE THROUGH A COUNCIL ADVISORY PANEL, COMMITTEE, OR
OTHER REVIEW OF THE FMP, FMP AMENDMENT, OR REGULATION.
MITIGATION, TO THE EXTENT PRACTICABLE, AND OTHER SAFETY
CONSIDERATIONS IDENTIFIED IN PARAGRAPH (C) OF THIS SECTION
SHOULD BE INCLUDED IN THE FMP”.***

