

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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In the matter of: *

Public Forum on Fishing Vessel *

Safety *

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NTSB Board Room and Conference Center
 490 L'Enfant Plaza
 Washington, D.C. 20024

Wednesday
 October 13, 2010

The above-entitled matter came on for hearing,
 pursuant to notice at 9:00 a.m.

BEFORE: NTSB TECHNICAL PANEL

APPEARANCES:

NTSB Technical Panel:

ROBERT L. SUMWALT, Forum Chairman
LARRY BOWLING
ROBERT W. HENRY
LIAM LARUE
MIKE ROSECRANS

Panel 1: History of Safety Issues in Commercial Fishing Industry

KEVIN COOK, Rear Admiral, U.S. Coast Guard
RICHARD HISCOCK, Commercial Fishing Industry Vessel Safety Advisory Committee (CFIVSAC), Past Member
ERIC CHRISTENSEN, Captain, U.S. Coast Guard
JENNIFER LINCOLN, Ph.D., National Institute for Occupational Health and Safety (NIOSH)
JERRY DZUGAN, Chairman, CFIVSAC
MARCEL AYEKO, Acting Director, Marine Investigation, Transport Safety Board (TBS) of Canada

Panel 2: Vessel Related Safety Issues

JOE RIVA, American Bureau of Shipping (ABS)
THOMAS GRUBER, ABS
ERIC BLUMHAGEN, Jensen Maritime Consultants
ALAN DAVIS, American Seafoods
CRAIG CROSS, Aleutian Spray Fisheries
DICK FRENZEL, National Association of Marine Surveyors (NAMS)

Panel 3: Fishermen's Perspective on Safety

FRED MATTERA, Point Club
ELLIOTT THOMAS, Maine Commercial Fishing Safety Committee (CFSC)
MARK VINSEL, United Fishermen of Alaska (UFA)
TIM VINCENT, North Pacific Fishing Vessel Owners Association (NPFVOA)
MICKEY JOHNSON, Southern Shrimp Alliance

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P R O C E E D I N G S

(9:00 a.m.)

1
2
3 CHAIRMAN SUMWALT: Well, good morning. Ladies and
4 gentlemen, good morning and welcome. My name is Robert Sumwalt
5 and I am a board member with the National Transportation Safety
6 Board and I am honored to serve as the chairman of this forum on
7 fishing vessel safety.

8 The purpose of this forum is to obtain a better
9 understanding of issues surrounding safety within the commercial
10 fishing industry and to help identify strategies for improving
11 safety. Thank you for joining us.

12 Many of you are familiar with the NTSB through our
13 public board meetings where we deliberate transportation
14 accidents, determine the probable cause, and issue safety
15 recommendations, such as last year's meeting on the sinking of the
16 Alaska Ranger. While the purpose of this forum is not to discuss
17 and not to focus on a single marine accident or incident, our
18 discussions over the next two days will hopefully have a
19 significant positive impact on the safety of our nation's
20 fishermen. As a result of this forum, the NTSB intends to fulfill
21 our broader mandate to formulate recommendations to improve safety
22 and prevent future fishing vessel casualties.

23 And before I make some introductions, I have few
24 administrative announcements. If you will kindly silence these
25 devices. And I'll take my own advice.

1 And since we are a safety agency, you want to make sure
2 that everybody's safety remains at the forefront of your mind. If
3 you need to get out of this room due to an emergency of sorts,
4 there's three exits. You can go out through the doorway through
5 which you entered and then there are exits on either side of this
6 dais.

7 An observation here. If you really need to get outside
8 and get outside of the building, if you can, that door there is
9 the best way out. These doors here will get you out of this room,
10 but it will lead you into a maze of, and I mean a maze, of
11 hallways. So if you really need to go outside, use that door.

12 There are some telephones, three phones, on the bank as
13 you exit, if you need to make a 911 call. And I believe that you
14 have to make -- you do have to dial 9 before getting an outside
15 line. And there are security guards outside that can help, as
16 well.

17 I see one of my colleagues here and the others, a few of
18 the others will be in and out throughout the next day, the next
19 two days. As many of you know, the actual Board, the National
20 Transportation Safety Board itself, is comprised of five board
21 members who are appointed by the President with the Senate
22 confirmation. And in our audience today, right now, we have the
23 Honorable Mark Rosekind, who is seated in the back. Mark, would
24 you please stand? Thank you.

25 Our other board members have told me that they will be

1 in and out, including our chairman. And so I hope that you'll
2 have a chance to interact with them over the next few days.

3 Now joining me on this Technical Panel, seated to my
4 left is Mike Rosecrans. Mike is the deputy director of the NTSB's
5 Office of Marine Safety, and Mike will be serving as the moderator
6 of the forum. And because he is the moderator, I've given him an
7 honorary rubber gavel. Next to Mike is Rob Henry, who is chief of
8 one of NTSB's marine investigation teams. And from our marine
9 investigations staff, we are joined by Senior Accident
10 Investigators Larry Bowling and Liam LaRue.

11 You know, commercial fishing is a necessary source of
12 food for the world and it is a powerful economic engine for our
13 nation. The sale of domestically caught fish and shellfish by the
14 commercial fishing industry is approximately \$4 billion annually.
15 By producing and marketing a variety of fishery products for
16 domestic and foreign markets, the commercial fishing industry
17 contributed \$35 billion in value added to the U.S. gross domestic
18 product. Quite simply, commercial fishing is a very important
19 industry. But as Sir Walter Scott said nearly a century ago,
20 "It's not fish you're buying, it's men's lives."

21 Frankly, all too often, society has reaped the economic
22 rewards for the work performed by commercial fishermen while
23 placing little or no value upon their safety. Fishermen tolerate
24 long absences from home, inhospitable environments, and workplaces
25 that are teeming with heavy, dangerous equipment while constantly

1 in motion. And though nearly all fishermen wage a constant battle
2 with fatigue and back-breaking physical labor, for some, the price
3 paid is even higher: hypothermia, loss of limbs, and death.

4 When commercial fishermen die, typically they die one or
5 two at a time, so they don't raise the national consciousness of
6 their treacherous working conditions. But those of us in this
7 room know that in 2009, like 2008 and like 2007, the fishing
8 industry experienced the highest rate of fatal workplace injuries
9 of any industry in the nation. Last year, 1 out of every 500
10 American workers engaged in U.S. commercial fishing lost their
11 lives; 1 out of 500. That is totally unacceptable. We must not
12 simply accept these dangers as the cost of doing business.

13 And before we look toward the future of commercial
14 fishing safety in the U.S., however, it's worth pointing out how
15 far we've come and how we got here. Now, I realize that our very
16 first panel here, members of the panel themselves have been deeply
17 involved with some of the major milestones in the fishing vessel
18 safety, so I hope I'm not stealing any of their thunder with a
19 brief look back.

20 In 1976, Congress passed the Magnuson-Stevens Act, whose
21 purpose was to provide for the conservation and management of our
22 nation's fisheries. The act gave the federal government authority
23 over fisheries in a fishery conservation zone, known as an
24 exclusive economic zone, or EEZ, extending outside coastal state
25 waters to 200 miles offshore. The act also banned foreign vessels

1 from fishing in these waters. As a result of the act, eight
2 fisheries management councils were created to develop sustainable
3 management plans and measures for the fisheries within their
4 respective EEZs. We will hear from a representative of one of
5 those management councils tomorrow, as well as others who deal
6 with maintaining sustainable fisheries.

7 Now, the Magnuson-Stevens Act did a lot to protect the
8 fish, but it did more to protect the fish than it did people
9 actually doing the fishing. So in 1987, the NTSB issued a safety
10 study entitled "Uninspected Commercial Fishing Vessel Safety."
11 That study reviewed 204 commercial fishing accidents that occurred
12 between 1978 and 1987. The Safety Board issued 19 safety
13 recommendations in the study, including the need for certification
14 and periodic inspection of uninspected commercial fishing vessels.
15 Many of the organizations consulted in the preparation of that
16 study are represented in this forum.

17 Now, the first real steps to effect change within the
18 commercial fishing safety came the year after the NTSB's safety
19 study with the enactment of the Commercial Fishing Industry Vessel
20 Safety Act of 1988. For the first time, safety equipment aboard
21 commercial fishing vessels was no longer discretionary, and
22 regulators aggressively pursued safety within the industry with
23 limited but welcome authority for the Coast Guard. Under the
24 act's authority, the Coast Guard, in consultation with the
25 Commercial Fishing Industry Vessel Safety Advisory Committee,

1 established basic requirements for lifesaving and firefighting
2 equipment on commercial fishing vessels. Once again, we are very
3 fortunate to be joined here today and tomorrow by several
4 individuals who were part of that original revolution in safety.

5 As mandated by the act, in 1991, the National Research
6 Council conducted its own study of fishing vessel safety and the
7 need for vessel inspections. The Council's report recommended
8 basic safety and survival training for fishermen. It recommended
9 skills development for vessel operators. It recommended some form
10 of certificate or license to validate that essential skills had
11 been acquired and, to motivate attention to safety, and an
12 inspection program for vessels to ensure that they are fit for
13 service.

14 Following the NRC report, the Coast Guard submitted its
15 required report to Congress on inspection of commercial fishing
16 vessels. The Coast Guard told Congress that voluntary measures
17 were not sufficient to ensure that vessels were fit for their
18 intended service. They argued that a tiered mandatory approach
19 would increase safety and be less burdensome to owners and
20 operators. But in spite of these arguments, Congress chose not to
21 grant the Coast Guard with this legislative inspection plan.

22 The following year, the Coast Guard submitted another
23 plan mandated by the 1988 act, this one on the licensing of
24 fishermen. The plan recommended a tiered approach to licensing
25 fishermen and operators of commercial fishing vessels. Once

1 again, Congress declined to grant the Coast Guard with the
2 legislative authority.

3 While various regulatory proposals have been made and
4 rejected over the years, there's been no shortage of studies
5 pointing to the need for change. In 1999, as the result of 11
6 fatalities within a 3-month period, the Coast Guard conducted a
7 study entitled "Living to Fish, Dying to Fish." That report
8 contained 48 recommendations and touched upon many of the themes
9 we expect to be addressed by our forum's participants.

10 In 2008, the Coast Guard conducted an analysis of
11 fishing vessel accidents that occurred in the U.S. between 1992
12 and 2007. Those accidents involved 1,903 vessels and claimed 934
13 lives. That casualty report reinforces some of the important
14 findings that we will explore during this forum.

15 And just a few days ago, in late September, a
16 significant milestone occurred, one that should have a sizable
17 impact on safety, when Congress passed the Coast Guard
18 Authorization Act of 2010. The act is on the President's desk
19 awaiting his signature. Passage of the act grants the Coast Guard
20 with significant additional authority to develop regulations that
21 will address known problems within commercial fishing. Some of
22 the new authority will address: Mandatory inspections of vessels
23 operating more than three miles from the coast; classification of
24 new vessels over 50 feet in length; load line certificates for
25 vessels over 79 feet long; training certificates for those in

1 charge of vessels operating more than three miles from the coast;
2 removal of the boundary line as a line of demarcation for
3 equipment requirements; and identical requirements for vessels
4 based upon the operating area versus the method of registration.

5 And although this legislation should enhance safety, the
6 additional authority granted to the Coast Guard does not address
7 NTSB recommendations in the areas of full inspection of fishing
8 vessels and licensing of mariners within the industry.

9 Implementation of this new authority will take significant work on
10 the part of the Coast Guard and the stakeholders, and I'm sure
11 that the next few days we'll have some lively discussions about
12 what all of this will mean.

13 Despite the many studies, hours of research, hundreds of
14 recommendations, the fact remains that commercial fishing is the
15 most dangerous occupation in America. It truly is the deadliest
16 catch. And we hope that over the next two days we'll further a
17 continuing a dialogue on the strategies for improving safety. Our
18 focus will remain on the fishermen and we've organized this forum
19 such that the fishermen will, in essence, have the last word of
20 the day.

21 I'd like to thank each of the panel members for devoting
22 time and energy for being here. Many of panelists have flown --
23 have traveled great distances to be with us, and we sincerely
24 appreciate your willingness to participate.

25 We're fortunate to also have some outstanding displays

1 set up just outside of the Board room, and I'm hoping that you
2 will find time to visit those displays during the breaks. I'd
3 like to thank the organizations who have provided these displays.
4 We've got the U.S. Coast Guard, the National Institute for
5 Occupational Safety and Health, the North Pacific Fishing Vessel
6 Owners' Association, the U.S. Marine Safety Association, and Fish
7 Safe BC.

8 And, finally, I'd like to thank the outstanding staff of
9 the NTSB who have worked for months to make this forum a reality.
10 And I can tell you that the staff in the office of the NTSB's
11 Marine Safety took on this massive undertaking, while at the same
12 time shouldering the workload of conducting several accident
13 investigations. And they did so because of their deep commitment
14 to the safety of our nation's fishermen. So a sincere thanks to
15 each of you.

16 And at this time I'd like to ask our moderator,
17 Mike Rosecrans, to introduce the first panel. Thank you.

18 MR. ROSECRANS: Lesson one, turn on the button.

19 Mike Rosecrans. I'll be the moderator for the panels.
20 And before we start the panels, there's a couple of introductions
21 I'd like to make for how the panels will operate.

22 The NTSB is deeply indebted to the panelists, both those
23 seated now and those who will follow in the next two days.
24 Without your participation, your energy, your commitment, there
25 wouldn't be any forum.

1 This forum is also being made available for streaming on
2 the internet for those who could not attend in person. We'll
3 accept questions from the audience here or those viewing remotely.
4 For those in attendance, question cards are available and an usher
5 will collect them if you hold them up. For those viewing
6 remotely, we will accept questions either through our e-mail,
7 fishingforum@ntsb.gov or twitter@#ntsbforum, although I understand
8 that Twitter is having a little difficulty. But we will accept
9 questions and if time permits, we will do our best to ask those of
10 our panelists.

11 Now I'll explain how our panels will operate. Each
12 panelist will have an opportunity to make an opening statement or
13 presentation. If you have provided a presentation, it will be
14 queued up and you will be able to see it on the screens to the
15 right or left of the dais. For those that have a presentation,
16 there is a remote clicker -- I think Captain Christensen has it
17 now -- to advance your slides or they can be advanced by staff if
18 you just say, "Next slide". Those watching this forum on the
19 internet will see the presentation while hearing the panelist. We
20 ask that you limit your opening statement or presentation to five
21 minutes.

22 After each of the panelists has had an opportunity to
23 make their initial remarks, we will begin our round of questions.
24 The Chairman of the Technical Panel, Mr. Sumwalt, will begin and
25 other members will then follow. Answers should be short and to

1 the point. We have not planned to limit answers, but I'll caution
2 that answers that appear to stray from the question or ramble, you
3 may be asked to cut your answer short. Near the end of the
4 panel's time we will provide an opportunity for panelists to
5 comment on or ask questions about the statements or presentations
6 of other panelists. We specifically avoided defining ending times
7 for the panels to provide some flexibility. We do have time
8 constraints, so I reiterate, please make your comments and answers
9 to the point.

10 Finally, we will answer questions from the audience,
11 e-mail or Twitter, if time permits. A court reporter will capture
12 and transcribe statements, questions and answers. A verbatim
13 transcript will be posted on our website in several weeks, as will
14 all the presentations. If the audience or panelists wish to
15 provide additional background information, we will accept this at
16 our e-mail account through the end of October.

17 Now for the first panel introduction. As
18 Chairman Sumwalt recounted in his opening statement, there is a
19 long history of concern over safety within the commercial fishing
20 industry. Many here today have been involved in studying safety,
21 acting on recommendations, implementing programs to improve safety
22 both within and outside the regulatory framework, and otherwise
23 engaging industry for the benefit of safety. The purpose of this
24 panel is to identify the factors that contribute to the commercial
25 fishing industry safety concerns and why it is the most dangerous

1 occupation in the nation.

2 In general, fatalities have decreased since
3 implementation of the Commercial Fishing Industry Vessel Safety
4 Act of 1988, yet problems persist. Just as the Act of 1988 was a
5 landmark for safety within the commercial fishing industry,
6 provisions of the new Coast Guard Authorization Act of 2010 will
7 be a significant milestone in enhancing safety. Many, including
8 members of this panel, have worked diligently for this additional
9 authority for the Coast Guard.

10 The goal of this panel is clarification of the state of
11 the fishing vessel safety, identification of major safety problems
12 remaining in the industry, and identification of strategies and
13 interventions to improve safety within the industry. This may
14 include ideas on implementing the Coast Guard's new acquired
15 authority.

16 Although the Coast Guard has primary responsibility
17 under statutes for development and enforcement of safety
18 regulations, regulations are only a necessary beginning to safety.
19 There must be non-regulatory efforts to enhance safety and we hope
20 to hear about some of those efforts in this panel and throughout
21 the remainder of the next two days.

22 Since implementation of the Act of 1988, there have been
23 many valuable lessons gathered and acted upon as the industry
24 itself has changed. But these efforts may not be embraced by
25 those directly affected, the fishermen themselves. We will hear

1 today that safety is more than mere compliance with regulations.
2 In the next two days we should hear about other efforts that go
3 beyond compliance to change the safety culture in the industry.

4 International shipping is required to comply with the
5 International Safety Management Code, which requires a
6 certification of their safety management system. This has
7 resulted in companies changing their cultures to take ownership of
8 safety in a proactive and verifiable manner. The NTSB has placed
9 safety management systems for all domestic commercial vessels on
10 its most wanted list of safety improvements so that domestic
11 vessels realize the same safety benefits international shipping
12 enjoys.

13 A general comment on the panels. This panel is similar
14 to other panels in that panel members will have different
15 perspectives on the issues. This is to be expected and is
16 embraced by the NTSB. We hope that with diversity of opinions and
17 ideas, new approaches to improving safety within the industry will
18 result.

19 Since the Coast Guard is the major player in maritime
20 safety, and this panel will serve to frame the safety issues of
21 the forum, it seems appropriate to start our panel discussions
22 with a keynote speaker from the Coast Guard, which I will now
23 introduce, Rear Admiral Kevin Cook. Admiral Cook is the director
24 of prevention policy for the Coast Guard. As the keynote speaker
25 he will be afforded additional time to make his remarks.

1 Unfortunately, he will not be able to attend the entire panel
2 proceedings.

3 Other distinguished members of the panel include
4 Richard Hiscock. Mr. Hiscock is an expert in commercial vessel
5 safety. He is extremely well versed in the history of both Coast
6 Guard activities as well as the legislative history of safety laws
7 applicable to the commercial fishing industry, especially the new-
8 enacted sections of the Coast Guard Authorization Act of 2010.

9 Captain Eric Christensen. Captain Christensen has a
10 career of leadership in marine safety, including commercial
11 fishing industry safety. He currently serves as chief of vessel
12 activities, which includes responsibility for all commercial
13 fishing vessel safety regulations and policies.

14 Dr. Jennifer Lincoln. Dr. Lincoln's primary
15 responsibility within the National Institute for Occupational
16 Safety and Health is epidemiology of safety within the commercial
17 fishing industry. She is recognized internationally as an expert
18 in commercial fishing industry safety.

19 Jerry Dzugan. Mr. Dzugan currently serves as Chairman
20 of the Commercial Fishing Industry Vessel Safety Advisory
21 Committee and has been associated with the committee since its
22 inception in 1989. He is also experienced in a number of Alaska
23 fisheries.

24 Marcel Ayeko. Mr. Ayeko is a chartered engineer with a
25 master's degree in naval architecture. He has been with the

1 Transportation Safety Board of Canada since 1991 and is leading
2 their nearly completed study of fishing vessel safety in Canada.
3 More complete biographical information on all panel members is
4 available on the NTSB website.

5 Admiral Cook.

6 RADM COOK: Thank you, Captain Rosecrans. Good morning,
7 everyone. I wish to start by thanking the National Transportation
8 Safety Board for holding this forum, and Member Sumwalt for
9 chairing the technical review panel.

10 I'm really excited about the forum. I know as the first
11 speaker, it's kind of hard to really convey that and get everybody
12 going, but this is something that is just great timing, with a
13 number of things coming together, as I'll talk about in my
14 remarks. I'm confident we'll be able to heighten awareness of
15 fishing vessel safety issues and remember the challenges that
16 everyone faces in the fishing industry and maybe bring them into a
17 new light. And I especially appreciate the opportunity in being
18 invited here to provide the keynote.

19 So as you've heard, I am the Coast Guard's director of
20 prevention policy. Prevention policy is many things. My work
21 involves commercial vessel safety, from tankers to passenger
22 vessels, waterfront facilities, waterways management, navigation
23 and boat safety, Merchant Mariner credentialing, and marine
24 casualty investigations. But fishing vessel safety is among the
25 highest concerns in my breadth of responsibilities. The timing of

1 this forum and the upcoming enactment of the Coast Guard
2 Authorization Act are fortuitous, and I'll return to this several
3 times throughout my remarks.

4 But right now, I'd just like to remind everyone of
5 something that Member Sumwalt pointed out at the very beginning of
6 his talks. Once again, fishers and related fishing workers had
7 the highest fatality rate for the selected occupations that our
8 national census on fatal occupational injuries follows. So how
9 many times have we heard this or, more appropriately, how many
10 more years are we going to allow this to continue? So I look
11 forward to the recommendations that will result from our
12 discussions over the next couple days on enhancing safety and
13 preventing casualties in the commercial fishing industry.

14 The Coast Guard has a leading stake in fishing vessel
15 safety within the federal agencies. Our goal includes preventing
16 fishing vessel casualties, rescuing fishermen in distress,
17 protecting our nation's marine resources, which include one-fifth
18 of the world's fisheries. In our efforts to meet these goals, the
19 Coast Guard carries out its responsibilities related to the
20 fishing industry in a variety of ways. These include developing
21 standards and regulations to govern the safety of fishing vessels,
22 engaging fishermen at the dock and conducting dockside safety
23 exams.

24 As a matter of note, we provided over 7,000 dockside
25 safety exams in 2009. We serve as the primary agency for at-sea

1 safety compliance and enforcement on boardings of the nation's
2 more than \$3 billion fishing industry. With other federal and
3 state agencies we enforce marine resource management and
4 protection regimes that try to preserve the healthy fish stocks.
5 We conducted over 7,000 at-sea boardings, as well, in 2009. We
6 issue mariner credentials, ensure manning standards and
7 citizenship requirements are met.

8 We investigate fishing vessel casualties to determine
9 causes and provide recommendations for preventing future
10 casualties. In many of these, the Coast Guard and the NTSB
11 partner to leverage the best both agencies can provide. There
12 were nearly 900 casualty investigations involving commercial
13 fishing vessels in 2009.

14 We conduct search-and-rescue missions for fishing
15 vessels in distress. In 2009, we conducted more than 140 search-
16 and-rescue cases involving the fishing industry, saving more than
17 230 lives. While we're proud of this, as the director of
18 prevention policy, I frequently say to my colleague, who's the
19 director of response policy, that we want to put you out of
20 business. We want prevention to prevail over response.

21 Fishing vessel safety and crew survivability have
22 improved over the past two decades since the Commercial Fishing
23 Industry Vessel Safety Act of 1988 was passed. We've heard
24 mention of that several times. But just to recount it in more of
25 a contextual way, we saw that during the '80s an average of well

1 over 200 vessels and over 100 fishermen were lost annually. As we
2 moved into the '90s and after safety regulations were implemented,
3 the average number of vessel losses decreased to approximately 140
4 per year and the annual fatality rate dropped to approximately 70.
5 Then, over this decade, the average vessel losses fell to less
6 than 100 and the fatality average declined to approximately 45 per
7 year. However, this is still unacceptably high.

8 There are approximately 60,000 registered vessels with
9 states for commercial fishing operations and another 20,000 Coast
10 Guard-documented vessels in the United States. Less than 10
11 percent of these get a dockside safety examination or are boarded
12 at sea. Except for vessels subject to carriage of NMFS observers
13 and a few other special compliance programs, dockside safety
14 examinations are completely voluntary. Vessel owners and
15 operators may choose not to get the exam. I'm not sure why, but
16 it happens frequently.

17 This leaves a large number of vessels that may never get
18 boarded at sea or checked dockside for compliance with safety
19 requirements. That will change as a result of the provisions in
20 the 2010 Coast Guard Authorization Act. Examinations will become
21 mandatory for vessels operating beyond three miles of the
22 baseline. There will be new equipment, documentation, and
23 training requirements. Music to the ears of most of us in this
24 room.

25 A current rulemaking project, amending and adding

1 requirements for commercial fishing vessels, considered numerous
2 comments from the Advance Notice of Proposed Rulemaking and the
3 safety recommendations from open casualty reports. It also
4 addresses stability requirements that have been in the works since
5 the '90s. Almost half of the vessel losses are initiated by
6 flooding and instability. Many of these items are considered in
7 the rulemaking project and are also addressed in the Authorization
8 Act.

9 Provisions to improve fishing vessel safety were
10 considered by Congress over the past several years, but the bills
11 did not reach final enactment. Finally, this year, with the Coast
12 Guard Authorization Act, adopting numerous safety and new
13 requirements, the bill is currently awaiting the President's
14 signature, but if unsigned, it will certainly be enacted by the
15 end of the week.

16 But the fishing vessel safety provisions make
17 significant changes. It really cannot be overstated how
18 significant this bill is. Member Sumwalt commented on several of
19 the provisions and I'd like to just repeat some of those for
20 emphasis: Mandatory safety exams at least once every two years
21 for vessels operating beyond three miles. The boundary line is
22 deleted, really, as an operational limiting area. State-
23 registered and federally documented vessels will have to meet the
24 same equipment requirements. Training and competency requirements
25 for operators. We think that's going to make a great difference.

1 Construction standards will apply to vessels less than 50 feet in
2 length. We'll eliminate certain equipment requirement exemptions
3 for vessels less than 36 feet in length, operating in internal
4 waters or within the three nautical miles of the baseline. It
5 requires records to be kept, requiring maintenance, required
6 drills, and instruction. Load lines will be required for vessels
7 greater than 79 feet in length. Vessels 50 feet or more in length
8 will meet survey and classification requirements. Alternate
9 safety compliance programs will be developed for older vessels and
10 vessels that are substantially changed. Grant programs will be
11 established to provide funding for commercial fishing safety and
12 fishing safety research.

13 These provisions are expected to go a long way in
14 improving the safety standards for commercial fishing vessels and
15 survival of the crew members during a vessel casualty. They
16 should contribute to a reduction in vessel losses and crew
17 fatalities. Our challenge will now be to implement these
18 requirements to promote the best effects.

19 There is no doubt that the Coast Guard will continue on
20 improving safety of fishing vessels using whatever authority and
21 resources and partnerships we have to ensure compliance with
22 existing and new requirements as set forth in the Authorization
23 Act. We will advocate safety programs and initiatives that will
24 make the industry safer and will no longer be the most hazardous
25 occupation in the U.S. The safety record and casualty rates for

1 commercial fishing vessels and crews can and must be improved.

2 So as I look at the panelists assembled to dig into the
3 issues today and tomorrow, I'm reminded how much expertise there
4 is to help address these problems. Since I know many of you
5 personally or by reputation, I also know that your expertise is
6 secondary to your genuine concern and your passion for safety. I
7 would like to be so bold as to imagine that this is the time in
8 history for fishing vessel safety that the stars are aligning:
9 NTSB focus; congressional support; the Coast Guard, a ready
10 regulator anxious to make improvements; and a caring group of
11 industry experts all united with a common purpose.

12 So this forum is not just another forum on safety. It
13 is the right forum at the right time with the right experts to
14 make a difference. I challenge you all to be believers, in that
15 your ideas that will be put forward will take hold and we can all
16 go to bed at night knowing that our fishermen are safe as possible
17 at sea.

18 So let me close by thanking you for all you do to
19 promote safety collectively. Thank you on behalf of the Coast
20 Guard.

21 MR. ROSECRANS: Thank you, Admiral.

22 Mr. Hiscock.

23 MR. HISCOCK: Thank you, Mr. Chairman, and thank you,
24 Mike, and thank the Board for having us all here today.

25 Several of you have stolen my thunder, because I was

1 going to get into some detail on the Authorization Act, which I
2 will do. But before I do that, a couple of observations that may
3 be helpful to the Board, which deals a lot and primarily with
4 aviation accidents on a day-to-day basis. The FAA, unlike the
5 Coast Guard, has the broad authority to make all aircraft safe,
6 whether it's a hot air balloon or a 747. Congress has never
7 granted that broad authority to the Coast Guard to make all
8 vessels safe.

9 Beginning in the 1830s with the advent of steam-
10 propelled vessels and primarily steam-propelled passenger vessels,
11 which had a propensity to blow up, Congress began adopting
12 statutes to address specific issues and they have been doing that
13 ever since. Today there are essentially two classes of vessels,
14 those that are inspected, which have a full inspection regime and
15 require licensed operators, and there are uninspected vessels.
16 And the major classes of uninspected vessels are now fishing
17 vessels and dredges and other barges. Towing vessels have now
18 been added to that list; however, the regulations have yet to be
19 adopted to implement that requirement.

20 There's a whole long list of inspected vessels, which I
21 won't bore you with. But uninspected vessels are further
22 subdivided as commercial and recreational vessels. So uninspected
23 commercial vessels would include uninspected passenger vessels
24 which carry six or less passengers, dredges, barges, barges not
25 carrying petroleum products or hazardous materials, and fishing

1 vessels.

2 I'm not going to spend a lot of time today reliving the
3 tragedies of missed opportunities which began in the 1930s and
4 1940s and '50s and '60s and '70s, when there were efforts and
5 attempts to bring all vessels, all commercial vessels,
6 essentially, under the inspection regime, the irony being that if
7 diesel had never been invented and all of these vessels were
8 propelled by steam, they would all be inspected.

9 I'm glad, Mr. Chairman, that you mentioned the NTSB
10 report of 1987, which I believe had a significant impact on
11 helping us pass the 1988 act, and I would like to thank Bill for
12 all of his efforts, Bill Gossard and all of his efforts to draft
13 that report.

14 What I'd like to do is to spend a little bit of time
15 getting into some of the detail on the new pending requirements in
16 the Authorization Act of 2010. But before I do, I'd like to
17 mention or sort of highlight why it is that we're here. And I
18 pulled out of my file before I came down here a news release from
19 the Fifth Coast Guard District that came out in June of this year,
20 in which they note, in the first 10 months of 2009 -- and this is
21 just in the Fifth District alone -- there were 9 fishing vessels
22 lost and 8 lives lost in just the first 10 months of 2009 and just
23 in the Fifth District.

24 Now, to get to some of the highlights of Section 604,
25 the Fishing Vessel Safety Section of the Coast Guard Authorization

1 Act. First, it establishes, as has been mentioned, parity for all
2 vessels operating outside of three miles, so they're documented or
3 state numbered. It establishes design and construction and
4 maintenance standards for new fishing vessels, new meaning after
5 July 1st of 2012. It requires a load line on new fishing vessels
6 over 79 feet. Again, the same date. It requires training of
7 operators on vessels operating outside of three miles. It
8 requires a periodic examination, once in every two years, for all
9 vessels operating outside three miles. And it clarifies equipment
10 requirements and eliminates exemption for survival craft on some
11 vessels. And there are some miscellaneous provisions requiring
12 logging of drills and changing the name of the advisory committee
13 and it also, as mentioned, establishes two grant programs.

14 And let me just say at the outset that during this
15 discussion, at least for my purposes, fishing vessel includes
16 fishing vessel, fish processing vessel, and fish tender vessel,
17 unless otherwise noted, because this gets to be a nightmare of
18 definitions.

19 Establishing parity for all vessels. It eliminates the
20 boundary line and establishes three miles as the break point, the
21 demarcation line. No longer will there be different standards for
22 documented vessels and state vessels, state-numbered vessels.
23 Almost as foolish a requirement as having a difference between
24 steam vessels and diesel vessels, is having safety requirements
25 based on how your vessel is registered with the government.

1 Some might ask why strike documented? The current
2 statutes distinguish between vessels, not on the basis of where
3 they operate, but on how they're registered. State-numbered
4 vessels currently operating beyond the boundary line are not
5 required to meet the higher standards of equipment that documented
6 vessels are. It creates an uneven playing field and incredibly
7 complex regulations that are difficult for industry to understand
8 and for the Coast Guard to enforce. Standards should be uniform
9 for all vessels operating on the same waters.

10 Why the three-mile line, some might ask. It's the same
11 as the high-seas line used for EPIRB carriage. Unlike the
12 boundary line, it is measured consistently around the country.
13 The boundary line unfortunately is not measured consistently
14 around the coast. And as an example, in New England, you can go
15 from New York to Portland, Maine and stay inside the boundary
16 line. Once you get to Portland, Maine, the boundary line slams
17 right up against the beach and you're outside the boundary line
18 when you go outside the harbor. So it's not consistent and not
19 equitable.

20 The three-mile line is also shown on most charts;
21 everybody seems to know where it is. And it also defines, in most
22 cases, the line between the fisheries conservation zone, or FCZ,
23 also known as the exclusive economic zone.

24 Now we get to design and construction and maintenance
25 standards and load lines. By way of background, the proposal to

1 require classing of new vessels and load lining of new vessels
2 actually goes back to an initiative that started in about 2006 in
3 a draft authorization bill when the vessel owners involved in the
4 American Fisheries Act vessels in the West Coast, which are kind
5 of locked into which vessels can operate, and what their issue
6 was, how do we replace these vessels? And they requested a
7 mechanism to allow them to replace and upgrade these vessels. And
8 the proposal was, okay, let's design a way that you can upgrade
9 and replace your vessels, provided that they are classed on load
10 line. So that proposal was carried forward for all new vessels in
11 the 2010 Authorization Act. So as I said, after July 1st, 2012,
12 new vessels over 50 feet must be classed.

13 Fish processing vessels are already required to be
14 classed. Beginning in 2012 or when the Coast Guard designs some
15 regulations to implement it, vessels of less than 50 feet in
16 overall length will be required to meet standards that the Coast
17 Guard will develop using the authorities that they already have
18 under the recreational vessel statutes, some of which have never
19 really been exercised to their fullest extent.

20 A note for the Coast Guard. Overall length in this
21 statute means the horizontal distance of the hull between the
22 foremost part of the stem and the aftermost part of the stern,
23 including fittings and attachments. It is not, I emphasize, the
24 registered length. So for the purposes of these new regulations
25 we're talking about overall length. We're not talking about

1 registered length, which can be quite different.

2 There is another addition that we should all be aware
3 of, that fishing vessels, fish processing and fish tender vessels,
4 fishing vessels built before July 1st, 2012, that undergoes a
5 substantial change to the dimension or type of vessel completed
6 after July 1st, 2011 or by a date that the Coast Guard establishes
7 for an alternate compliance program, shall become part of an
8 alternate compliance program. That means that vessels that were
9 built prior to the new vessel requirement but that undergo an
10 alteration after that will be required to be part of an alternate
11 compliance program.

12 Then there's a provision to begin to capture the older
13 vessels beginning in 2020. Vessels that are at least 50 feet in
14 overall length that are 25 years old will have to become part of
15 an alternate compliance program.

16 Establishing requirements that all new fishing vessels
17 and fish tender vessels be built in accordance with classification
18 society rules regarding the design, construction and maintenance
19 over time will greatly improve, as older vessels are taken out of
20 service and replaced.

21 Load line. I think I said earlier -- and this is a
22 very, very simple section, really -- requires that new vessels
23 over 79 feet in length be built -- be load-lined.

24 Training of operators. Section 604 authorizes and
25 requires a training program for operators of fishing vessels that

1 operate beyond three miles.

2 A historical note. The language in this section was
3 drawn directly from the final Coast Guard proposal on licensing
4 that was developed in the early '90s. As was mentioned earlier,
5 one of the things that -- one of the reports that the Coast Guard
6 did was -- or proposals that they were required to do under the
7 1988 Act was to submit a proposal for licensing. The original
8 proposal that was submitted was objected to by several prominent
9 legislators and was sent back to the Coast Guard. And the Coast
10 Guard, in conjunction with the advisory committee, created a
11 licensing task force, I believe they called it. And the licensing
12 task force met in Seattle, Washington in I think it was 1992 and
13 developed a proposal for a licensing program that was somewhat
14 different than a standard Coast Guard licensing program. It was
15 designed to take into account some of the unique characteristics
16 of the fishing industry.

17 The language in the statute in Section 604 was taken
18 directly from that final proposal. And what it says is it should
19 be based on professional knowledge, hands-on training, and gives
20 credit for recent past experience. And then it goes on to say,
21 those who will successfully complete the program will receive a
22 certificate and will need to complete refresher training at least
23 once every five years to keep the certificate current.

24 Then we get to periodic examination of vessels. As
25 Admiral Cook mentioned, there's a requirement that each vessel

1 operating outside of three miles be examined at least once every
2 two years to see if they meet the safety regulations, and they are
3 to be issued a certificate of compliance, which in my mind means
4 you take the software for a certification of inspection and you
5 change the heading of it and you change some of the formatting of
6 it and you issue a certificate of compliance to each vessel, which
7 describes the vessel; describes the area that it's allowed to
8 operate in, i.e., if it's a vessel that's going to operate beyond
9 50 miles, then it has to have certain lifesaving equipment; and
10 the normal number of crew that it carries, so that we know how
11 many lifesaving devices it has to have.

12 I would also note that there's another section of the
13 act, Section 608, which allows the Coast Guard to board a vessel,
14 all vessels, anytime, at dockside, at sea, and remove a
15 certificate, any certificate that has been issued to them.

16 There are some clarifications of equipment requirements,
17 which, if people would like the details later, we can go into
18 those. As I mentioned, there's the miscellaneous provision that
19 requires the logging of equipment maintenance and required drills.

20 A minor but not insignificant change is the change of
21 the name of the advisory committee to the Commercial Fishing
22 Safety Advisory Committee. Fishing vessel safety and fishing
23 safety is more than just about vessels, it's also about people.
24 So it was felt that it would broaden the scope, at least in the
25 title, by changing the name to the Commercial Fishing Safety

1 Advisory Committee. And there are a couple of minor changes
2 regarding exemptions and the grants programs.

3 And that concludes my remarks for the moment. I would
4 entertain further questions about the details at some later date.
5 Thank you.

6 MR. ROSECRANS: Thank you, Mr. Hiscock.

7 **Captain Christensen.**

8 CAPT. CHRISTENSEN: Well, good morning, everyone.
9 Again, my name is Captain Eric Christensen. I'm the chief of the
10 Office of Vessel Activities and the prevention policy director at
11 Coast Guard Headquarters, and I'm basically going to be the lead
12 of the Admiral's group of ready regulators. I just want to let
13 you all know that.

14 I want to thank the National Transportation Safety Board
15 for holding this forum. Increasing awareness about fishing vessel
16 safety and discussions about how we can improve safety and reduce
17 risk on commercial fishing vessels can only help in our efforts,
18 both governmental and by the industry, in trying to prevent
19 casualties that lead to vessel losses and crew fatalities.

20 As already mentioned, the Bureau of Labor Statistics
21 released preliminary results of its national census of fatal
22 occupational injuries in 2009. Fishers and related fishing
23 workers show the highest fatal injury rate for the selected
24 occupations. With all the industry representation and
25 stakeholders in fishing vessel safety assembled and participating

1 in this forum, I am sure we will be able to recommend actions that
2 will mitigate the high death and casualty rate in the fishing
3 industry.

4 The Coast Guard Authorization Act of 2010 includes
5 provisions on fishing vessel safety that will raise the bar for
6 safety and survival equipment, vessel standards, training, and
7 authorities that many of us have been seeking for years. I fully
8 expect, as these provisions and requirements are implemented, we
9 will see a reduction in the number of vessels lost at sea and
10 increase the number of survivors in the event of a casualty.

11 So as Admiral Cook mentioned, the Coast Guard is a
12 federal agency with the greatest stake in fishing vessel safety.
13 We want to reduce the number of fishing vessel accidents and
14 ensure fishermen can survive a casualty and at the same time
15 protect our nation's maritime resources. Even with new
16 authorities, we are obliged to partner with the fishing industry
17 to promote safety, not just enforce new requirements.

18 The Coast Guard expects to utilize the experience and
19 expertise of members on our federal advisory committee to help
20 develop implementing regulations where needed, help write
21 guidelines for administering the training and research grants
22 programs, and help devise criteria for alternate safety compliance
23 programs that have been provided for in the Coast Guard
24 Authorization Act.

25 Investigating fishing casualties will continue. It is

1 important to determine initiating factors and causes of a
2 casualty. Safety recommendations for preventing future casualties
3 are an important outcome of investigations. It is important that
4 we include persons with an understanding of commercial fishing and
5 the fishing vessel industry and operations in these
6 investigations, and the Coast Guard is striving to do so whenever
7 possible. Understanding the risk and what can go wrong during
8 fishing vessel operations or transits can only help operators and
9 crew be prepared to address those situations if they arise.

10 Now our current situation. And as stated a couple times
11 by the previous panel members, fishing vessel safety and crew
12 survivability have certainly improved since the passage of the
13 Commercial Fishing Vessel Safety Act of 1988 and when fishing
14 vessel regulations were promulgated in 1991. The decline in
15 casualty rates can certainly be attributed in part to the safety
16 requirements instituted for fishing vessels.

17 However, there are other factors that should be
18 considered. The number of vessels engaged in commercial fishing
19 has declined from over 120,000 in the 1980s and 1990s, when I was
20 first involved in the fishing vessel safety program on the Oregon
21 coast, to less than 80,000 today. Fisheries management plans have
22 impacted catch limits and the number of days at sea or, as others
23 may say, at risk. And, of course, there has been an increased
24 awareness of risk factors and interest in safety and survival
25 training.

1 Despite safety and survival equipment requirements,
2 Coast Guard efforts in promoting fishing vessel safety, dockside
3 safety exams, and safety training programs provided by
4 organizations such as the North Pacific Vessel Owners Association
5 and the Alaska Marine Safety Education Association and others,
6 commercial fishing remains the most hazardous occupation in the
7 United States.

8 Commercial fishing is still the deadliest catch and
9 fishermen are living to fish and dying to fish. Why is that? Why
10 is it that working on fishing vessels is so much more dangerous
11 than other commercial vessels? Could some factors be limited
12 training, competency, licensing requirements for individuals
13 working on fishing vessels, and the fact that the vast majority of
14 commercial fishing vessels remain uninspected?

15 This will change as a result of the 2010 Authorization
16 Act and will require training and mandate vessel examinations on a
17 large number of vessels. Still, manning and watch requirements do
18 not apply to most fishing vessels and fatigue can overtake crews
19 due to strenuous working conditions, environmental factors, and
20 striving to complete their trip within an imposed time frame.

21 Today's economy, with high operating costs and catch
22 restrictions under some fisheries management plans, many fishermen
23 are pressed to make ends meet. This is likely to lead to a lower
24 incentive to perform routine and even required maintenance on
25 safety and survival equipment, and on vessels in general, unless

1 absolutely necessary to get the vessel out and back on a fishing
2 trip. Why then request a dockside exam where discrepancies might
3 be identified and equipment would have to be repaired or installed
4 new? The situation, while understandable, is not excusable.
5 Vessel owners and operators must ensure that their vessels are up
6 to required safety standards and seaworthy. Mandatory dockside
7 exams are a step in the right direction.

8 So Admiral Cook talked about the current rulemaking
9 project and amending and adding requirements to commercial fishing
10 vessels. Comments and recommendations from an Advance Notice of
11 Proposed Rulemaking and safety recommendations from casualty
12 reports have been considered in developing the proposed rules.
13 The project also addresses stability and emergency requirements
14 promised since the 1990s. Data shows that approximately half of
15 the vessel losses are initiated by flooding and instability, and
16 about half of fatalities result from a vessel casualty.

17 These issues and survival equipment will also be
18 addressed by provisions in the 2010 Authorization Act, and as
19 mentioned previously, the provisions make significant changes in
20 requirements for the industry and give the Coast Guard several
21 authorities we have sought for years. These provisions, again, as
22 has been mentioned previously by both the Admiral and Richard,
23 should significantly contribute to improving the safety standards
24 for commercial fishing vessels and survival of crew members when a
25 vessel experiences a casualty. We expect that this will result in

1 a reduction in vessel losses and crew fatalities.

2 A number of the requirements in the Authorization Act
3 will not take effect until 2012. For other provisions, the Coast
4 Guard faces the challenge of implementing them and promulgating
5 regulations as quickly as possible to further fishing vessel
6 safety.

7 So our way forward. The Coast Guard will continue to
8 work on improving safety for fishing vessels using existing
9 authorities and resources. To implement new provisions, we will
10 have to leverage use of our reserve personnel, when available;
11 auxiliary personnel, where available; and accepted third-party
12 organizations. We will continue to advocate safety programs and
13 lead or support initiatives that will make the industry safer.
14 The Coast Guard does not want to see fishing continue as the most
15 hazardous occupation.

16 To that end, the Coast Guard can and will take action,
17 the following: target high-risk, high-casualty fisheries through
18 dockside safety examinations and at-sea compliance boardings, and
19 improve coordination between boarding teams and fishing vessel
20 examiners to ensure safety discrepancies are properly addressed;
21 work more closely and directly with fisheries resource managers to
22 ensure safety is addressed in fisheries management plans, and that
23 their policies will help reduce the associated risk with certain
24 fisheries; increase the number of qualified safety examiners;
25 encourage, promote and support new and expanded safety education

1 and outreach programs, both community and industry based; improve
2 and promote Coast Guard and industry websites with relevant and
3 easily accessible safety information.

4 Now, new government authorities and mandatory
5 requirements can only go so far. Owners and operators must take a
6 proactive role in ensuring their vessels are maintained properly
7 and meet minimum-required safety standards before getting
8 underway. Owners, operators and crews should seek out safety and
9 competency training. It is the responsibility of all fishers to
10 ensure that safety orientation and/or emergency drills and
11 instructions are completed on their vessels.

12 I thank you for the opportunity to address fishing
13 vessel safety and will be prepared to take questions later on.
14 Thank you very much.

15 MR. ROSECRANS: Thank you, Captain.

16 **Dr. Lincoln.**

17 DR. LINCOLN: Good morning, Mr. Chairman and members of
18 the NTSB staff.

19 CHAIRMAN SUMWALT: Excuse me, Dr. Lincoln. I'm sorry.
20 I've been hanging around jet engines my whole life, so can't hear
21 well. So pull that mike up really closely.

22 DR. LINCOLN: No problem.

23 CHAIRMAN SUMWALT: Thank you so much.

24 DR. LINCOLN: Is that better? Oh, that's better.

25 I work for the National Institute for Occupational

1 Safety and Health. I'm an injury epidemiologist. The NIOSH is
2 the federal agency responsible for conducting research and making
3 recommendations to identify and prevent work-related illness and
4 injury. I lead the commercial fishing safety research and design
5 program.

6 As has been mentioned, fishing is one of the most
7 dangerous occupations in the country and, however, it's not as bad
8 as it used to be. Commercial fishing fatality rates have declined
9 gradually since 1992, and by looking at rates, you do look at how
10 the fleet has consolidated. This improvement is partially due to
11 the current safety regulations requiring vessels carry various
12 pieces of equipment, emergency equipment, depending on vessel size
13 and operating area. This equipment saves lives by keeping crew
14 warm and afloat until rescued. Marine safety training in how to
15 maintain and use survival equipment is also vital. To continue
16 this trend in safety improvement, we must maintain our efforts in
17 rescue and survival.

18 We must also develop additional prevention measures
19 tailored to specific high-risk fisheries, focusing on their unique
20 safety problems. To identify these fishery-specific problems,
21 NIOSH analyzed and published data for all commercial fishing
22 fatalities and associated risk factors. During 2000 to 2009, 504
23 commercial fishing deaths occurred in the United States. About
24 half, 52 percent, occurred after the loss of the vessel from
25 flooding, instability, or severe weather. About 30 percent of

1 these fatalities occurred when a person fell overboard. None of
2 those people were wearing a personal floatation device when they
3 died. Another 17 percent of victims died from onboard injuries,
4 onshore injuries, or while diving. So each type of those
5 incidents require a different approach to prevent it from
6 occurring again.

7 Not all fisheries or vessels have the same safety
8 hazards or the same risk environment. The fisheries or groups of
9 vessels with the highest number of fatalities that we found in
10 that study were the Gulf of Mexico shrimp fleet -- this was mainly
11 due to falls overboard; the Atlantic scallop fleet, due to the
12 loss of vessels; and the Alaskan salmon fleet, in particular on
13 setnet skiffs. So each fleet would require a different solution.

14 In addition to looking at the fleets with the highest
15 numbers of fatalities, we can look at fatality rates for
16 fisheries. Fatality rates allow for comparison of risk given the
17 size of the workforce. We found that the Northeast multispecies
18 groundfish fishery had the highest rate of any fishery in the
19 country, with an average fatality rate of 600 deaths per 100,000
20 workers; the average U.S. worker rate is 3 per 100,000. This was
21 followed by the Atlantic scallop fleet and the West Coast
22 Dungeness crab fleet. These fisheries are of particular concern
23 and require immediate attention.

24 To move from survival to prevention and to continue
25 safety improvements, we must focus on unique and specific hazards

1 associated with particular fisheries. This approach has been
2 effective in reducing fatalities in Alaska. In the 1990s, there
3 was concern over high fatality rates in the Bering Sea/Aleutian
4 Island crab fishery. And in 1999, the U.S. Coast Guard partnered
5 with industry and developed a preseason dockside enforcement
6 program which focused on the immediate hazard of vessel
7 overloading. Currently the Coast Guard does not allow vessels to
8 be overloaded with crab pots when they leave port. Since
9 implementation of the program, the average annual fatality rate
10 for the Bering Sea/Aleutian Island crab fishery has decreased by
11 more than 60 percent.

12 Another unique program developed with industry, that was
13 developed for the fleet in Alaska, is known as the Alternate
14 Compliance and Safety Agreement, or ACSA. Vessels like the Alaska
15 Ranger, the Galaxy, and the Arctic Rose were identified as high
16 risk due to the location in which they operated and the number of
17 crew they carry. Enrollment in ACSA requires vessel inspections
18 to improve hull and material condition of the vessel, updated
19 vessel stability guidance, additional lifesaving and firefighting
20 capabilities, and demonstration of emergency drills by the crew.

21 Over the next two days we will be discussing a variety
22 of things related to fishing safety and risk. NIOSH research
23 shows that safety improvements in the fishing industry have
24 occurred through safety regulations, through marine safety
25 training, and through fishery-specific interventions focusing on

1 unique hazards of those fisheries. Identifying practical
2 solutions to reduce risk and to improve safety requires a dialogue
3 with fishermen, and I'm very happy to hear that reoccurring theme
4 with all the speakers on the panel. I'm optimistic that smart,
5 practical solutions can be developed to better protect these
6 workers, and I thank you for holding this forum and inviting us to
7 be a part of that.

8 MR. ROSECRANS: Thank you, Dr. Lincoln.

9 Mr. Dzugan.

10 MR. DZUGAN: Thank you for this forum, Mr. Chairman and
11 Mr. Rosecrans, for putting this together, and other members of
12 NTSB staff.

13 Could we have that first slide? I'm going to pull back
14 and get a bigger picture. When you look at regulations on
15 vessels, internationally, most of the effort was put on these kind
16 of vessels, cargo vessels, and cargo vessels have some unique --
17 well, not unique characteristics. They mostly load product at a
18 dock -- next slide -- get their product secured. They head across
19 the ocean. Next slide. And they unload their product and
20 hopefully they take something back across the ocean. But the idea
21 being that they cross the ocean in a secure, stable condition with
22 product already loaded and repeat the process going back the other
23 way. Next slide.

24 But fishing vessels can't operate like that. That's not
25 the nature of the work. So what fishing vessels do -- next slide

1 -- is they go to sea in different kinds of loading conditions,
2 maybe an empty hold, maybe ice tank down, maybe tank down, maybe
3 not, with fishing gear on board, food, fuel, water, and then when
4 they go out to sea to do their work and get their product, they
5 open up everything. They open up the hold to take on product,
6 sometimes in harsh sea conditions; open the doors to have easy
7 access back and forth from the working deck to the house; and then
8 they hopefully fill their holds, get all their fishing gear back
9 -- and the next slide and the last one -- and return to port with
10 everything intact. And this is really untraditional for most
11 vessels in the world that are regulated and it exposes them to a
12 lot more risk.

13 This is not a U.S. fishing vessel, by the way. I didn't
14 embarrass any particular fishery. So I just want to give that big
15 picture, in that we're really dealing with a unique kind of vessel
16 here and it presents unique kinds of problems. Thank you.

17 I'm speaking as a crew member and a small vessel owner
18 who used to work in the late '70s and '80s in Alaska halibut and
19 salmon. I'm also speaking as a safety trainer for the last 25
20 years specific to commercial fishing safety, and as a member of
21 the Fishing Advisory Committee since 1989, off and on, and I want
22 to look at the changes in culture that have happened during this
23 time.

24 Before 1990, there was little in terms of regulations
25 and in terms of safety equipment or gear. It was the same as

1 recreational boats. A vessel sank, all crew were lost in a lot of
2 cases. I'm thinking of Alaska in the '70s and '80s, I would read
3 about 6 or 7 boats being lost a year with all crew and you had --
4 in terms of raw numbers of fatalities, you had up to 40, 42
5 fatalities a year during those years. And this reinforced a
6 fatalistic culture.

7 Fishermen, all mariners, work in an environment that's
8 unpredictable. You can't predict the weather. Even now it's not
9 all that accurate if you're looking a couple days ahead for a
10 trip. Fish stocks themselves are unpredictable. They have fins;
11 they go different places. They change with the ocean conditions.
12 Marketing conditions change. The value of the yen changes. And
13 all of this affects safety. And like I said, this reinforces a
14 fatalistic culture. When you can't control your environment, you
15 get fatalistic about things.

16 And I remember I learned really quickly in the late
17 '70s, walking the docks looking for a job, that if I brought up
18 questions regarding safety on the boat, it wasn't going to get you
19 a job on the boat. And the fatalism of going down with the
20 vessel, and the sea giveth and the sea taketh, was very strong.

21 And I was really struck by a winter salmon fishery in
22 Alaska. That happened about 1979, 1980, in which this couple, a
23 woman and man, were fishing and their boat sank in Cross Sound
24 during a gale. And the vessel owner had an immersion suit on
25 board. This was years before they were required. One. And he

1 gave it to the woman, the crew member, and they both left the boat
2 in the middle of winter in southeast Alaska, rough seas, and he
3 died in her arms and she made it to the beach in Glacier Bay,
4 Taylor Bay, actually, and walked around the beach for 10 days in
5 this suit until she was finally accidentally rescued by the Coast
6 Guard. They had given up the search for them days before then.
7 And that news of that, that she got rescued and she survived
8 because she had a piece of safety equipment, spread through the
9 fleet in southeast Alaska in 1980, and by the early '80s, most
10 fishermen had immersion suits, which weren't required until 1990
11 about. So it changed the culture. In other words, if you lost a
12 vessel, you didn't necessarily have to die anymore.

13 And I remember sitting with a captain on his boat just a
14 couple years ago and we were talking about this, how the culture
15 in fishing has changed, and he turned to me and he said, as we
16 were sitting in his wheelhouse, looking down on the harbor, he
17 said, just look at this guy here who just walked by, boat caught
18 fire. You know, these next two guys, flooding. Delivered pumps;
19 they got rescued. And we sat on his boat for about 20, 30 minutes
20 and every single person that had walked by had survived an
21 incident. And that whole culture of fatalism had changed. It was
22 breaking. You didn't have to die when your boat went down
23 anymore. And that was a big thing.

24 And then voluntary training was going on and we were
25 kind of preaching to the choir. In the classes you mostly had a

1 lot of high liners and a lot of the leaders of the fleet. And
2 then in 1990, when the regs started to get implemented from the
3 1988 Act, it still didn't get at the root causes of losses: man
4 overboard, flooding, and stability problems, but it did require
5 parachutes, survival equipment, that if you did have a problem
6 with the boat, it went down, but that has always been missing from
7 the original regulations, is what about the fuselage? And again,
8 I've used this analogy before, but it's like if the FAA regs -- if
9 FAA was regulated like fishing vessels, when you boarded a plane
10 you'd get a parachute instead of fuselage inspections. And today
11 on an airplane, you probably noticed coming here, you didn't even
12 get a pillow. But the idea is it was looking at survivability,
13 not the root causes. Today, there's a bigger choir, but the fact
14 remains that 90 percent of fishing vessels don't get a dockside
15 exam, just proving to the regulatory authority that they meet
16 these basic parachute requirements.

17 Most fishermen get no safety training. The fleet is
18 mostly composed of small vessels and that's where most of the
19 fatalities come from. They're spread -- the fishing fleet is
20 spread in this country in hundreds of ports all over the U.S., up
21 bayous, up in Arctic Alaska; very hard to get at. Most fatalities
22 in Dr. Lincoln's statistics are crew members. They're not vessel
23 owners or operators. And they have names and hopes and dreams
24 just like operators and owners do, but they have very little voice
25 in this, but they're the ones who suffer the most.

1 Now we're looking at increasing effect through
2 regulations, reaching beyond the choir, but the regulations need
3 to be targeted. They need to be focused on the actual risks and
4 these risks are often fishery-specific. So we have hope that as
5 regulations are implemented with this new authority the Coast
6 Guard has, that they'll look at fishery-specific risks. And that
7 implementation goes along with education and phase-in periods and
8 feedback from industry.

9 I just want to talk just for a minute about the advisory
10 committee. The advisory committee I've been involved with is
11 mostly fishermen and industry representatives. Its culture has
12 also changed. Even the Coast Guard has changed its culture from
13 1990. And I'm not going to say anything without any due respect
14 to all parties involved, but there was resistance, both from the
15 industry and even from the Coast Guard, to some of the earlier
16 provisions and that has changed now and there's been advocates
17 both in industry and within the Coast Guard and other groups as
18 well.

19 The advisory committee, I know, at first was -- I would
20 describe them as a reticent, skeptical group, as to whether these
21 regulations were going to really change anything. And that
22 advisory committee, although its personnel has changed, has become
23 a much more proactive group that way. The role of the advisory
24 committee is to advise the Coast Guard on details in the shaping
25 of regs, while assisting in voluntary efforts and acting as a

1 go-between between the fleet and the governing authority, which is
2 the Coast Guard.

3 So to wrap this up, I want to say the culture in fishing
4 vessel safety continues to involve, with all of these groups, a
5 lowering of the tolerance for risk, and it's something that is a
6 generational change. It doesn't happen overnight.

7 I think one of the best things that ever happened to me
8 that I saw was we do training in my community in third grade,
9 fifth grade, seventh grade and ninth grade, and about five years
10 ago, one of those third graders we trained 20-some years ago came
11 up to me and he said, I'm taking over my folks' fishing operation
12 now and I better get trained again. And it was literally a
13 generational change that had happened. And that's reinforcing --
14 it's an embedded process, so that hopefully will continue as long
15 as people see a reduction in the loss of life. And if changes
16 happen, regulatory changes happen, that do not see a change in the
17 reduction in the loss of life, you're going to lose the
18 effectiveness of that.

19 So this concludes my remarks and I thank you.

20 MR. ROSECRANS: Thank you, Mr. Dzugan.

21 **Mr. Ayeko.**

22 MR. AYEKO: First of all, good morning. I'd like to
23 thank the NTSB and all of the organizers for this opportunity to
24 share with you some of the things that we've been doing in Canada.
25 I'm from the Transportation Safety Board of Canada, and I'd like

1 to share with you a couple of initiatives that the board has taken
2 with respect to fishing vessel safety and particularly with the
3 ongoing safety issues investigation. That's something that we can
4 share with you. So hopefully that will be useful to the panel.

5 First of all, the safety issues investigation into the
6 fishing vessel safety has not been completed, so I don't want to
7 preempt the board in expressing opinions which not necessarily
8 will reflect the board. I'd also like to acknowledge my
9 colleagues here for the information that I'll be presenting and
10 sharing with you.

11 First, the accident statistics, and this -- I don't know
12 whether you can see it. We have an average of about 53,000
13 fishing vessels, and those are registered or active in Canada,
14 average since 2004 -- the latest statistic that we have is 2008,
15 53,000 vessels. So a number of fishermen who are engaged as a
16 core profession in the fishing industry. And as you see the last
17 three slides, the fatality rate per 100,000 fishermen, the Canada,
18 UK, and U.S., you'll see the last three slides.

19 Canada fared quite favorably, but nevertheless is still
20 averaging of about 28 people per 100,000. And for the last five
21 years, what we have seen, which not has changed quite a lot,
22 regardless of the fact that we have done a lot of things that we
23 thought that was going to help the industry, one fisherman doesn't
24 come home alive every month, each month of every year, in the last
25 five years. So there's an average of 12 fatalities every year.

1 When you consider this with yourself and with UK, for
2 example, that is about 125 per year over 15 years per 100,000
3 fishermen. That's fairly favorable. But our message is that in
4 this society, a very civilized society, that still is not
5 acceptable.

6 So the board has, in August, launched an activity, what
7 we call a safety issues investigation. So far, we have been doing
8 individual accident investigations involving fishing vessels,
9 individually and separately. But we decided we're going to look
10 at the system, the whole system, holistically and look at a
11 systemic view of what is happening in this industry. And the goal
12 is really to gain a better understanding of all the factors that
13 affect and have a bearing directly or indirectly due to behavior,
14 the choices, the preferences, and the conduct of the fishermen on
15 the deck.

16 And a part of that exercise is we have crisscrossed
17 Canada, and there's 12 different locations. We have conducted
18 with the fishermen what we call a guided discussion. So again, to
19 understand the perceptions of the fishermen and why they make
20 those decisions, some of the things that they made. And we have
21 talked to about 350 fishermen and the stakeholders directly
22 involved and it's what we call the player in the fishing
23 community. That includes Canadian Coast Guard, Transport Canada;
24 provincial government; the Worker Compensation Board training
25 institutions; fishery resource managements, and et cetera.

1 And we do the data mapping. You don't see it very well.
2 We're using Google, as well as MapInfo, to relate to the
3 geographical location as well as the accidents. And we can do
4 this now by year, by gear type, by species, as well as by the
5 distances off shore. You did talk about this as three miles.
6 Okay, why three miles and why not 20 miles, and et cetera. So we
7 should be able to isolate those and look at it from the distance
8 from the shore and the fatality rates and the trends, and et
9 cetera.

10 So this is the first time we're doing this. It's a
11 very, very difficult job for our team to consolidate all of this
12 information, all of the statistics that have been collected by
13 various agencies. We are supposed to be the custodians of those
14 data, but I think we're getting this together slowly, but quite
15 surely.

16 So I'd like to point out, in October 2000, these are the
17 issues that at that time I had presented in the first IFISH.
18 Dr. Lincoln was part of this. That's in Woods Hole,
19 Massachusetts. As you can see, the stability related issues, the
20 lifesaving equipment issues, the training and awareness, unsafe
21 loading and operating practices and procedures, the risk-taking in
22 extreme weather conditions, fishery resource management, and the
23 economic pressure, and adequate inspection enforcement. The
24 regulations is one thing. There's compliance and enforcement
25 issues. They are necessary and I think they are part of it, but

1 it's not all. And at that time we identified a work/rest schedule
2 and the fatigue and watertight integrity, opening unsecure
3 hatches. That relates back to the stability issues and watertight
4 integrity. So those were then some 10 years ago. And recently,
5 if you look at it, these are the recent key issues identified by
6 recent TSB investigations. As you can see, they're quite similar.
7 Nothing really has disappeared from the map. We still have all
8 those safety issues, mind you, less in numbers.

9 The board has taken another initiative in March 2010,
10 what we call -- this is quite akin to your NTSB most wanted list.
11 We call it a watch list. And one of those nine watch lists that
12 is the, of course, fishing vessel safety. And really the
13 solutions at that time based on the findings so far we had in the
14 20 years' history of the TSB of investigation into the fishing
15 accidents, really industry need to adopt and promote safe
16 operating procedures and practices that include fishermen, and to
17 increase safety knowledge of fishing vessel operators. And this
18 is one thing.

19 And another one is really this -- although safety is a
20 shared responsibility, and the primary responsibility rests with
21 the fishermen who are at risk, but at the same time, that alone is
22 not enough and the government should work with industry to improve
23 training and awareness and provide a stronger regulatory framework
24 to support these initiatives. And that's the board's view at the
25 very moment.

1 I want to share with you a fishing industry context in
2 which the fishermen operate and how they affect their behavior,
3 their choices, their conducts, their performance and their safety.
4 And most of you will know, if not all of you, that resembles a
5 shell model. The fishermen's right in the middle, is the central
6 component of the whole system. In the day-to-day operations, they
7 interact with liveware, software, hardware and the environment.
8 But that is done in a system that has been affected, either
9 designed or maintained or supported by all these elements. That
10 includes, for example -- Transport Canada is our equivalent to
11 your Coast Guard -- Transport Canada's rules and regulations,
12 policies and procedures, and we have the fishery resource
13 managements and they have the restriction that their primary
14 mandate is sustainability of the resources as well as the economic
15 well-being of Canadian society.

16 We have 10 provinces and territories that have their own
17 legislation, regulation, policy, procedures, and the frameworks
18 and the training, et cetera, awareness. But at the same time we
19 do have the industries, that's the designers, the shipbuilders,
20 whose primary objective is to provide services at the moment in
21 response to the customer's requirement. In this case it's the
22 fishermen. And often, that does not necessarily include safety
23 components in there.

24 And the training institutions, who play a big role, and
25 industry associations, which, I think, increasingly in the last

1 several years, such as colleagues here from Fish Safe BC is doing
2 a fantastic job in providing awareness of safety information,
3 training, mentoring fishermen by fishermen, and et cetera. So
4 they're making good progress in here. But nevertheless, these are
5 the factors, these are the elements that have direct or indirect
6 bearing on the fishermen themselves. So we have to look at it
7 from that context. And out of those I'll point a couple of
8 contexts out here.

9 Actually, of course, the fisherman's primary objective
10 is to bring back home a full catch, and safely. And in the system
11 we have, like yourself, we have the rules and regulations and
12 other defenses and barriers. When somebody makes mistakes, those
13 are the barriers in place to prevent that from happening, turning
14 into an accident. But every now and then, they line up the
15 defenses or breach -- barriers are broken and an accident happen.
16 That is the context that we're looking at in the safety issues
17 investigations.

18 As I mentioned, and I'll just pick a couple of contexts
19 here, so let's look at the economic context. The role of the
20 fishermen and supply chain environment, I think, is quite
21 revealing, at least to me. The first end of the spectrum of the
22 supply chain is the resource management by the Department of
23 Fisheries and Oceans is that they put limits and restrictions on
24 where, what, how many and how much and when you can catch the fish
25 and you can harvest.

1 On the other end of the supply chain is the market.
2 That's hugely out of our control in this pluralistic democracy and
3 free market economy. The market drives a lot of things that are
4 out of control of the fishermen. But in the middle, somewhere
5 there, is the fishermen, who are in this business to make some
6 money to put food on the table for the family, and et cetera. So
7 it's fair to say that the fishermen's primary objective really is
8 profitability and their profitability depends on fishing as far
9 from the shore as necessary, as fast as possible, and to bring
10 home the catch. It's really tied with where they can get the best
11 market value for their catch, and et cetera. And then everything
12 is done with proper safety. And that is a tall task.

13 So we wanted to understand that. How can we affect the
14 changes to this situation? A lot of the elements are beyond
15 control of ourselves and the fishermen. It is tough. But
16 hopefully by the end of the process and the safety issues
17 investigation, we may be able to put some value-added
18 recommendation to it.

19 And to expand it a little bit. For managing the
20 profitability by the fishermen, from the guided discussions we
21 have done over the 12 different locations, they are impacted.
22 They are affecting these, to managing their profitability to the
23 safety of vessels and themselves, and to be first at the fishing
24 grounds, and that's what sometimes we refer to as derby fishing,
25 Olympic fishing, that open seasoning, competitive fishing you get

1 there. That in itself is an inherently unsafe situation.

2 The maintenance, as the Captain, one of the members
3 talked about this, delaying the -- deferring the maintenance,
4 necessary maintenance, to the point so when they can afford it,
5 they will do the maintenance issue, those -- it's a major effect
6 on the safety.

7 Then some of the strategies aimed at reducing cost, but
8 to increase the profitability, is choosing the crew numbers, the
9 crew headcount. The effect is if you have -- we have heard many
10 times, well, I would like to have three or four crews on my boat,
11 but we can't afford it, therefore we're taking sometimes two. The
12 result is that you work longer hours. Then that leads to the
13 fatigue. It leads to all kinds of situations, unsafe situations.
14 You may train fishermen as much as you want. If they are
15 fatigued, if they are stressed, all the training goes out the
16 window. And those are the realities that we're looking at.

17 Minimizing the number of trips, delaying the
18 preventative maintenance at a later date, only spend on the items
19 that increase the likelihood of catching fish, that means that
20 secondary priority is always given to the lifesaving equipment,
21 and et cetera.

22 So there are things that we can do by way of the
23 regulations, there are things that we can do by way of the
24 training, by way of awareness, but there are certain things,
25 unfortunately, that the fishermen by themselves will have to do.

1 And I think the West Coast of Canada, we do have a very
2 progressive -- the provincial government's agency called Work Safe
3 BC, through their Worker Compensation, that say they have the
4 carrot as well as the sticks and there are things that they are
5 doing that change some of the behaviors here and that might be, I
6 think, for consideration.

7 And finally, briefly touching on the fishery resource
8 management context, and as I mentioned, in Canada -- I'm sure it's
9 quite similar here in the United States -- the fisheries resource
10 management decisions on when, where, how and how much they can
11 fish and the manner, the way the fishing operations are conducted,
12 has a tremendous effect on the safety. Right now, at the very
13 moment they are struggling. That means the Department of
14 Fisheries and Oceans is struggling whether they do have a mandate
15 on safety.

16 But at the moment, according to the Fisheries -- the
17 primary, the obligation of the minister of the Fisheries and
18 Oceans is two primary mandates, sustainability and economic,
19 socioeconomic well-being. Some of the decisions being made are in
20 isolation with those who have safety expertise. Again, the panel
21 members here talked about, a few moments ago, that there has to be
22 some input at the very beginning before making decisions by the
23 fishery resource management, how and when and where and in which
24 manner they conduct the fishing. There has to be input with the
25 evaluation of how that might impact the fishing operation safety.

1 And it is starting to happen. We have identified these
2 deficiencies way back in 1997. Now we do have -- the Transport
3 Canada and the Fisheries and Oceans department have a memorandum
4 of understanding to work together. It is not happening as quickly
5 as we want, but it is happening. So it's really very important
6 and that will be one of the issues we'll be looking at very
7 carefully, is to have safety considerations and evaluation of
8 safety impact on the fishery resource management decision-making
9 process, and so that the outcome will be -- safety will be part of
10 the outcome.

11 And some of the pictures here, this is -- I guarantee
12 you, this is not doctored photographs. The aspect ratio is
13 exactly the way it is. You can see -- I as a naval architect, I
14 can see that that's -- it's not a safe, inherently safe design.

15 We do have regulations in place to require the
16 stability, for example. But as I mentioned earlier, there are
17 industries and institutions and the designer and the boat
18 builders, they will provide products that a fisherman wants, but
19 not necessarily that may include the safety consideration in the
20 design. So as most of you know, in the safety precedence
21 sequence, we safety professionals realize that the very first
22 thing, the most efficient things to do to prevent an accident is
23 design a system of minimum hazard, and that is not one of them.

24 And this is to circumvent the fishery resource
25 management regime on the restrictions of the waterline length, the

1 length of restriction. So they extended the deck and all kind of
2 superstructures on top so that they can carry a lot of gear and
3 exchangeable, otherwise.

4 And this is the racing to the fishing ground on the
5 opening day. Again, that manifests some of the implications that
6 the fishery resource management has on safety. And that concludes
7 my presentation.

8 Oh, if I find it, can you indulge just one more
9 minute? The last slide. I think it is important that we again --
10 so I wanted to share with you. This is the team's view, the
11 personal view. By no way it's preempting the final findings of
12 the report, but this is derived from the previous findings of the
13 reports over the 20-year period, and there's 5 messages that I
14 would like to share with you.

15 It is not sufficient to address fishing vessel solely
16 within the confines of the vessel-based and the crew-based
17 regulatory approach. And that goes, therefore, without saying
18 that safety should also be addressed within the broader context of
19 the human and organizational factors in which fishing is
20 conducted. That means those are the contexts, the fishing, the
21 economic context, the fishery resource management context.

22 The way fishery resources are managed plays a
23 significant role in safety, we all agree. Impact on the safety
24 should be considered before making fishery resource management
25 decisions on how, where, when and the manner in which fishing can

1 be conducted.

2 And finally, the fishing industry safety is a shared
3 responsibility. To improve, it will require systematic attention
4 to safety and commitment of all the players and, most of all, or
5 most importantly, the fishermen themselves, but the government
6 agencies, the regulators, the industry, the owners, operators, and
7 the designers and the builders as well. So we have a lot of work
8 ahead, a lot of challenge ahead, but I think we've seen the light
9 at the end of the tunnel. Thank you very much.

10 MR. ROSECRANS: Thank you, Mr. Ayeko.

11 CHAIRMAN SUMWALT: Thank you. I want to thank the
12 panelists for your presentations. We will take a brief break, but
13 we will then come back after the break and the Technical Panel
14 will start questions. So before you get up, there is the master
15 clock that I use up on the back of the Board room. It's 10:40.
16 I'd like to give 20 minutes for a break so that you can go and
17 visit the exhibits. Also, just for planning, at lunch we will
18 have an exhibition of the inflation of a six-person life raft out
19 in the lobby area there. So that's just something to look for.
20 So be back at 11:00.

21 And we'll be in recess until 11:00. Thank you.

22 (Off the record.)

23 (On the record.)

24 CHAIRMAN SUMWALT: Okay. Well, thanks for coming back
25 from the break. And we will now go to some **questions** from the

1 Technical Panel, and Larry Bowling will be leading the questions
2 from the Technical Panel and then the rest of us will jump in.
3 Yes, and Mike would like to make a comment first. And we've also
4 taken -- maybe this is what you're going to say -- we'll be taking
5 questions from the audience and we'll try and answer those, too.
6 But, Mike, go right ahead.

7 MR. ROSECRANS: Thank you. A great panel presentation
8 and it went a little long and it's going to limit our questions
9 because eventually we have to get out of here. We try to be
10 flexible, but -- as the questions come up, I ask you try to keep
11 your answers short and sweet so we can get more questions in. If
12 there's additional information that you need to provide by another
13 means other than just a question, we're happy to receive that. We
14 hope to have time at the end for panel members to comment on what
15 they heard from other panelists. And then if time permits, then
16 we would ask questions that have come in from the audience from
17 the Twitter account or from the e-mail account.

18 CHAIRMAN SUMWALT: Thank you. And Larry Bowling.

19 MR. BOWLING: Thank you, sir. My first question I'd
20 like to direct to Captain Christensen, with the Coast Guard.
21 Admiral Cook had mentioned that in 2009 there were 7,000 dockside
22 exams performed and I think that that constituted roughly about 10
23 percent of the fleet. With the Coast Guard Authorization Act
24 pending signature and soon hopefully to be signed, is the Coast
25 Guard prepared to implement the provisions of that act? What's

1 needed to get the Coast Guard prepared, if you're not prepared?

2 *CAPT. CHRISTENSEN:* Well, currently we are looking at
3 the Authorization Act to see what its direct impact is going to
4 be. But we know for sure that, at a minimum, vessels operating
5 more than three miles offshore are going to be required to be
6 examined every two years, and that's a minimum and that's in the
7 law, so we have to be prepared for that.

8 We are looking at resource proposals in the coming
9 years. We have a cadre of examiners currently that we can
10 utilize, and in addition to that, we have -- over the last three
11 years the Coast Guard Marine Safety Program in general has
12 received over 400 billets. And so even though that was designed
13 to address existing workloads of the inspected fleet, we believe
14 that that will help us mitigate what we see as a rush for
15 examinations, looking at probably in the neighborhood of 40,000 of
16 our 80,000 fishing population being operated outside of three
17 miles.

18 So we are looking at resource proposals, we are looking
19 at how to better utilize the workforce that we have, and that
20 workforce numbers in and around 200, and we are standing by to
21 implement this. But we also know that as of July of 2012 or
22 whenever the implementation date is of the act, we'll need to have
23 40,000 fishing vessels examined.

24 *MR. BOWLING:* Thank you. A follow-up question regarding
25 the act. It had provisions in it for some level of training for

1 the operators and one of the areas, as I read the act, indicated,
2 I think it was, some level of stability training. Has the Coast
3 Guard given any thought into what they're going to do in that area
4 at this point?

5 CAPT. CHRISTENSEN: Again, we're still looking at the
6 Authorization Act and everything. There are approved training out
7 there now for stability and we encourage and we promote stability
8 courses, whether they be through AMSEA, or I know that the First
9 Coast Guard District had a stability training seminar. I think
10 using those types of platforms and formats is going to be what
11 we're going to be looking at initially.

12 But again, if there's any additional stability that
13 comes from the stability requirements that come from the
14 Authorization Act, we'll go ahead and take that into
15 consideration. But I can't really -- I haven't completely
16 digested all of the elements in the Auth. Act, fishing vessel
17 safety being only a portion of the overall marine safety impact
18 that the auth. bill has.

19 MR. BOWLING: Yes, sir, thank you.

20 My next question I'd like to direct to Dr. Lincoln.
21 Dr. Lincoln, would you expand on the partnership between NIOSH and
22 the Coast Guard? And Admiral Cook had mentioned targeting high-
23 risk fisheries; basically how NIOSH can assist the Coast Guard in
24 that measure.

25 *DR. LINCOLN*: Sure, I'd be happy to. So to -- can you

1 hear me? Okay, how's that? I have to -- anyway.

2 To explain a little bit more about what NIOSH does, we
3 conduct research, so we're a research organization. We collect
4 data. We collect it from Coast Guard investigations. We refine
5 questions that should be asked or we hope that certain data points
6 are collected during investigations. We analyze and interpret the
7 data that the Coast Guard collects during investigations and we
8 interpret it and present it in a way that we're hoping that all
9 people can understand. We help develop ideas for interventions,
10 talking with fishermen, conduct regional research, and we evaluate
11 efforts so we can answer questions like: Does dockside exams make
12 a difference? Does safety training save lives? We invite
13 fishermen to test PFDS to get information back from them. So
14 we're a research organization.

15 The way that we worked with the Coast Guard in the
16 beginning was actually quite informal. When the NIOSH office
17 started in Anchorage, Alaska, we started looking at fishing vessel
18 safety issues just in Alaska, and the relationship that we built
19 with the Coast Guard was informal and it was usually with the
20 dockside examiners, at that time, the marine safety offices.

21 NIOSH had to learn about regulations, about how people
22 fish, and in the beginning it was an access -- it allowed us
23 access to understand what the industry was about and to get to
24 understand where fishermen are and talk with fishermen. So back
25 in the '90s, I would say that the relationship between NIOSH and

1 the Coast Guard was quite informal and perhaps a little more
2 personal relationships between the people, the players. We have
3 been able to use NIOSH data to support interventions in Alaska and
4 build on them. And the informal relationships extended into other
5 areas of the country, like the Pacific Northwest, the Coast Guard
6 out of Seattle, and certainly on the Marine Advisory Committee.

7 More recently, I'd say, in the last three or four years,
8 NIOSH and the Coast Guard have now a formal MOU or MOA -- MOU or
9 MOA, M-O-U-S-E -- where we have an agreement that we share data.
10 So NIOSH has access to MISLE so that we can go in and read the
11 investigations and code them in a way that we can then analyze the
12 information.

13 NIOSH is always a member or always attends the
14 Commercial Fishing Safety Advisory Committee meetings, though we
15 don't at this point sit formally on the committee. But we have
16 been -- we're always invited to speak and always have time on the
17 agenda.

18 Recently we discussed ways to train the Coast Guard
19 personnel in the way that we do our work. But I think that it's
20 important to understand that we're scientists and we do have
21 specific training in how to evaluate worker safety and how to
22 analyze data. So I think that the way that NIOSH and the Coast
23 Guard work well together is that we can identify the problems, we
24 can help stimulate ideas for interventions, and then we can
25 evaluate whether or not they're making a difference.

1 So identifying high-risk fisheries is something we
2 published in that July 2009 report. Those fisheries are outlined
3 as far as where they are and what the problems are. And we can
4 actually look further into the data and dissect it to understand
5 what were leading to the vessel casualties in the scallop fleet,
6 what are leading to the vessel casualties in the Dungeness crab
7 fleet, because it's different, it's different hazards.

8 MR. BOWLING: Thank you. I have a copy of that report
9 and I believe in there it also indicated that there was data on
10 the number of fishermen fatalities that were related to drowning
11 or not wearing -- fishermen falling overboard and not wearing life
12 preservers or PFDs.

13 DR. LINCOLN: Sure.

14 MR. BOWLING: Can you expand a little bit on that
15 finding and what would be the recommended intervention to
16 hopefully reduce that fatality death rate?

17 DR. LINCOLN: Yeah, I can do that. Could you pull up
18 slide number 51? So if you want to look at preventing falls --
19 preventing fatalities due to falls overboard, you have different
20 intervention points that you can do that. You can try to prevent
21 the fall from ever occurring. So you need to understand how the
22 person ended up in the water. What are the factors that are
23 leading up to that?

24 You also need to understand whether or not the person
25 was -- was the crew alerted? Another intervention point is, did

1 the crew even know that somebody fell over or was the person
2 fishing by themselves? So prevent the fall and then know quickly
3 that it occurred.

4 And then there's rescue. Then the third -- another area
5 is rescue. So is there a way to get the person back on board? Is
6 the person in a personal floatation device? If the fisherman is
7 by himself, does he have a means to get back into his vessel?

8 So the data for that 10-year time period shows that
9 about 30 percent of the fatalities were due to falls overboard.
10 I'm looking for the clicker. Okay, just go to the next slide. If
11 you want to look at causes, causes of those 155 fatalities, we
12 know that 28 percent of them were just trips and slips; they fell
13 off the deck. Twenty-two percent of them lost balance. But the
14 one that I'm very interested in is the gear entanglement. So
15 preventing a fisherman from getting entangled in his gear is
16 different from preventing somebody from falling off by tripping or
17 slipping. Okay. So understanding the root cause.

18 The other contributing factors are what else was going
19 on. We know from the investigations that more than half of these
20 fatalities due to falls overboard, the person was by himself. So
21 if nobody was there to rescue them from the water to get back in
22 the vessel, was he wearing -- and he wasn't wearing a personal
23 floatation device, was there a means, a way to either stop the
24 engine to get the vessel stopped? Was there a boarding ladder so
25 that he could get back in? Was there some sort of, you know,

1 mechanism for the fisherman to self-rescue? Or was the person
2 alone on deck and the crew was inside? So could a man-overboard
3 alarm have helped in that situation to alert the crew that, hey,
4 somebody's in the water; we've got to go get them?

5 Okay. And I would just end by saying that not all
6 fisheries have the same risks for falls overboard, and if you look
7 at the fisheries where this happens most commonly, the Gulf of
8 Mexico shrimp fleet has experienced almost 30 fatalities just due
9 to falls overboard. This is one by one by one. It doesn't get
10 our attention until you look at the whole picture.

11 Alaska salmon has a high number of fatalities and these
12 are usually off of gillnet vessels. These aren't off of purse
13 seiners and these aren't off trollersaw; it's usually off of
14 gillnet vessels.

15 Northeast lobster fishermen have experienced 10
16 fatalities due to falls overboard. Many of these were due to
17 entanglement in the trap lines. So understanding those issues is
18 where you figure out where your interventions should be directed
19 to.

20 MR. BOWLING: Thank you. Dr. Lincoln, on that last
21 slide, the Gulf of Mexico fleet, it looked like there were 29
22 deaths in that fleet, or somewhere in there; is that correct?

23 DR. LINCOLN: Just due to falls overboard. There were
24 more fatalities in that fleet. If you look at the -- you have the
25 paper that we published in July. That fishery was the fishery

1 with the highest number of fatalities in the 10-year time period.
2 On Table 2 it shows there were 55 fishermen killed just in the
3 Gulf of Mexico shrimp fishery. Most of those were due to falls
4 overboard, but there were also fatalities due to the loss of a
5 vessel and also fatalities due to onboard injuries.

6 MR. BOWLING: Thank you. My next question I'd like to
7 direct Mr. Hiscock. I think that during your opening statement
8 you indicated that you had had some thunder stolen on the Coast
9 Guard Authorization Act by the rest of the panelists and I'd like
10 you to follow up on that with regard to, does the current
11 regulatory documents that are on the President's desk, will that
12 address the needs in the fishing vessel industry from a safety
13 standpoint or is that legislation still some areas you'd like to
14 see put in?

15 MR. HISCOCK: And as much as we don't live in a perfect
16 world, probably we have not done all that we could do. That said,
17 I think we've done all that we could reasonably do at this time in
18 terms of improving fishing vessel safety. I think the most
19 significant thing that we have done is, to go back to
20 Jerry Dzugan's allusion to or observation about parachutes versus
21 fuselages, I think we have gone from -- made a major step forward
22 in enhancing the Coast Guard's ability to make the vessels
23 themselves safer. The vessels by definition are the best life
24 raft that you could have.

25 What I think we want to do over time is improve the

1 quality of the vessels so that they don't sink or, in the extreme,
2 if they do suffer a casualty, there is sufficient time for people
3 to evacuate the vessel properly by putting on their immersion
4 suits and getting into a life raft, an out-of-the-water survival
5 craft. And I think that the act or the provisions of the act will
6 go a long way to doing that. I think it is much too early to say
7 whether it will -- I think it will take a long time because it
8 will require replacement of existing vessels with new and improved
9 vessels. But I think it will also, with the ultimate compliance
10 programs, it will bring a lot of existing vessels into a much
11 better situation vis-a-vis their survivability.

12 So no, we probably haven't done all we could do, but I
13 think we made a major step forward and I would hazard a guess or
14 make a prediction that if we were to come back 20 or 22 years
15 later, which is the interval between the last act and the present
16 act, that we might find that the industry and the Coast Guard and
17 the Congress were prepared to make the next step, which would be
18 to bring fishing vessels under full inspection. But as they say,
19 you have to creep before you walk. So I think we've made great
20 strides in finally improving the quality of the vessels and not
21 just improving the quality of the parachutes.

22 MR. BOWLING: Thank you. If I could do a follow-up on
23 that? The legislation doesn't have any -- or the Authorization
24 Act doesn't have any provisions for safety management systems
25 being implemented up on fishing vessels. Do you think that it

1 would benefit the industry if they were required to have safety
2 management systems and do you think the industry is ready for
3 that?

4 MR. HISCOCK: I'm not sure that the industry is ready
5 for a full-blown safety management system. But following up on
6 what somebody else said earlier about issues of fatigue and
7 watchstanding requirements, I think there is an opportunity for
8 people to address needs for better watchstanding and better time
9 management and -- not only just watchstanding, but having
10 people -- lookouts, as required, because I think probably a lot of
11 collisions occur when vessels are operating their gear or steaming
12 with nobody in the pilothouse looking forward.

13 And I remember years ago looking at some -- and I'm
14 talking many years ago, probably 25 or 30 years ago, looking at
15 some casualty data that indicated that most of the collisions in
16 the fishing industry occurred in good weather and good visibility,
17 which leads you to believe that somebody isn't looking where
18 they're going. So I think there's certainly room for improving
19 the way people manage the watch and manage the time.

20 I think the training programs will go a long way towards
21 instilling a sense of responsibility upon the operators to address
22 those kinds of issues. I know from my own experience of having
23 gotten a very small Coast Guard license, the responsibility that
24 getting that license and taking that oath put upon me as an
25 individual, and I think people completing a robust -- and I think

1 that's the important word here, is a robust training program --
2 will go a long way towards helping people to understand why these
3 things are important.

4 MR. BOWLING: Thank you. My next question I'd like to
5 direct to Mr. Dzugan and it's related to the 2009 Commercial
6 Fishing Industry Vessel Safety Advisory Committee recommendations
7 to the Coast Guard on ways to improve outreach and communication
8 within the fishing industry. What's the current status of that
9 recommendation and how are things in those areas?

10 MR. DZUGEN: That's a good question. First, I'd like to
11 comment just on the problem of communication between Coast Guard
12 Headquarters and a diverse fishing fleet that's got hundreds of
13 ports all around the country. With a lot of people who are
14 non-web users, a lot of people who -- I think most of us, we're
15 not a reading culture anymore. We don't read things. And we have
16 a substantial portion of the fleet that is growing that -- who
17 English is not a second language for.

18 I just completed a class for Vietnamese-Americans down
19 in Galveston and I would say the English comprehension level was
20 between -- the 20 people in that class, was between about 10
21 percent to 60 percent. So communication with this diverse fleet
22 is really difficult.

23 One of the purposes of the advisory committee is to
24 communicate through its members and that's one of the tasks that
25 we have all been given. That can be difficult. We have our own

1 peer group, you might say, as members. But quite frankly, and
2 I'll just be really honest, I don't think most members put the
3 shingle out that they're on the advisory committee when it comes
4 to regulation time. I'm just being flat honest about that. And
5 that's about killing the messenger. So I think each advisory
6 committee member has to manage that one within his own peer group
7 that way. Not that they're not going to give information out, but
8 they have to be careful about not being seen as -- well, I already
9 said it; you know, killing the messenger.

10 The website was one of the things that was up for
11 improvement and that's really headquarters resource dependent.
12 But improvements have been made since then on that.

13 Mailing lists have been put together. We have a
14 subcommittee on communications that's been working on a mailing
15 list and I think putting that mailing list together with all of
16 the players in the commercial fishing industry has been quite the
17 exercise in just seeing how complicated that is.

18 Articles in fishing journals, of course, staff have been
19 working on. But then you get to the problem of each of these ways
20 of communicating just gets to a specific sector of the fleet. So
21 it's a really big project.

22 And then I think one of the most effective things that
23 has worked and I would encourage the Coast Guard to do, is most of
24 the communication that happens to the fleet, I think, between the
25 Coast Guard and the fishing fleet itself has been the feet on the

1 ground, the feet on the docks. And it's the examiners and it's
2 the coordinators in those regions; it's Charlie Medlicotts in
3 Dutch Harbor; it's Larry down in Miami; it's Gilberto down in
4 Galveston docks, that's where the communication happens. And
5 because that's where it happens, it's resource dependent. And
6 sometimes it's hard -- and again, I'll be quite frank. Sometimes
7 I think it's hard to get the resources the Coast Guard needs when
8 you're under a department whose main emphasis is homeland security
9 and -- because there's national crises that come along that are
10 always going to trump those resources, and it's always going to be
11 a challenge that way. So I tried to answer it that way.

12 MR. BOWLING: Thank you very much.

13 I want to ask you a follow-up question. You're involved
14 in the Alaska Marine Safety Education Association, the
15 organization that provides safety training to commercial
16 fishermen, and the organization has a commercial fishing safety
17 program that seems to be fairly well embraced by the fishermen in
18 the area. What are the keys to success in that effort?

19 MR. DZUGEN: Well, I think the keys to success to that
20 program is the same as any other successful program that's
21 existed, including NPF UA's and the New Bedford effort that's been
22 going on there, and Gina Johansen's program with Workmen's Comp in
23 BC. And I think of three things. One is its accessibility, the
24 fact that it's located in fishermen's home ports or it's delivered
25 to fishermen's home ports, and it's timed with the seasons. So

1 it's not being -- trainings are not being put on in the middle of
2 the seasons and is sensitive to when fishermen have time off and
3 when they're available and when they're not on vacation. It's
4 flexible so that it can be reactive quickly to a need. If
5 fishermen are turning around from a trip and they have a couple
6 down daytimes because of weather, those programs have needed to be
7 flexible so that you can deliver the program to them when they're
8 able to do it.

9 Part of that accessibility, I think, is having embedded
10 instructors, training those instructors in those ports to be able
11 to give training to those fishermen themselves, because they know
12 what the timing of those fishermen are and what the needs are.

13 The second issue is, I think, relevancy, that the
14 training is relevant to fishermen, that they are not being taught
15 things at a level that one of those cargo ships you saw in that
16 picture would be used to, but that it's addressing issues that
17 fishermen deal with in safety, addressing their size of boats and
18 their kinds of situations in terms of content and in terms of the
19 fact that it's delivered by peers.

20 And the third issue, I think, that's really important is
21 that it's educationally meaningful. In other words, it's not a
22 lecture which has a really poor retention rate. It's not an
23 online class, even, which only has a slightly better retention
24 rate. But it's hands-on. It's self-revealing in nature. I think
25 the most effective way you can train someone who's been doing

1 something for a very long time is when they discover it
2 themselves. And I know, having done a lot of training myself, I
3 can talk all day about something, but when I see a fishermen work
4 with a piece of safety equipment in the pool and self-discover
5 something, or put on a suit and find out he doesn't fit it, or
6 find out the difficulty of getting in a life raft, it's much more
7 effective than anything I can say or do. So I think those three
8 things are really important.

9 MR. BOWLING: Thank you. I have no further questions
10 right now. I'll turn it over so the rest of the panel can ask
11 some questions.

12 CHAIRMAN SUMWALT: Thank you, Mr. Bowling.

13 And Mr. LaRue.

14 MR. LARUE: Good morning. My first question will be for
15 Mr. Hiscock. The Safety Board has issued a number of
16 recommendations to the Coast Guard asking them to seek legislative
17 authority for the inspection of fishing vessels, and the Coast
18 Guard has done that and each time they've been turned down by
19 Congress. I was wondering if you could shed a little bit of light
20 on why Congress has been so unwilling to grant that authority to
21 the Coast Guard?

22 MR. HISCOCK: I may not be the best person to do that,
23 but I think -- I'm sorry -- one of the underlying issues, and here
24 again I'm going to play the historian that goes back generations,
25 back to the '30s, 1930s, is that the minute you put a vessel under

1 inspection, you also impose all of the licensing and manning
2 requirements of an inspected vessel. It is my opinion that had
3 those two things been separated, that it would've been easy -- it
4 would make it much easier to achieve inspection for vessels. This
5 was one of the things that killed bringing towing vessels and
6 other diesel-propelled vessels under inspection during the '30s,
7 was that to do that you would've then brought on in those days a
8 very large number of licensed masters, engineers and certificated
9 members of the crew, which the owners viewed as being an increased
10 expense. I think if the two were separated it would be -- it
11 might become achievable in the future to address inspection of
12 fishing vessels.

13 I think it is an interesting and minor miracle that
14 towing vessels are now included under the category of inspected
15 vessels. The story about that is too long to tell at this point.
16 But I think that is the thing that has really defeated attempts to
17 try to bring fishing vessels and other vessels under inspection,
18 is the fact that dragged along with inspection is the licensing
19 requirements.

20 MR. LARUE: I guess as a follow-up to that, is there
21 anything else besides separating those two that you see as a
22 different way forward that might make it more likely in the
23 future?

24 MR. HISCOCK: I think time is the only thing that's
25 going to make that difference.

1 MR. LARUE: My next question is for Captain Christensen.
2 You've already discussed some of the resource issues related to
3 the new Coast Guard Authorization Act. I'd like to talk about the
4 regulatory side. The act is going to require the Coast Guard to
5 create new regulations and I was wondering if you could give us
6 your opinion on how long you think it's going to take to create
7 those new regulations and implement them, so that we could have an
8 idea of when we might see the benefit of them.

9 CAPTAIN CHRISTENSEN: Well, again, we have -- there are
10 probably certain things within the Authorization Act that are
11 self-executing and I believe the Coast Guard will take note of
12 those and be able to expedite those particular provisions.

13 I think when we look at the fact that we have a notice
14 of proposed rulemaking in the works now, we have to think about do
15 we pull that back and do we start looking at the Auth. Act and
16 what it brings to the table and what we can maybe roll into that
17 notice in order to expedite rulemaking that doesn't put that
18 particular rulemaking at risk through the public comment process?

19 I would say that, as Richard was whispering as you were
20 completing your question about the crystal ball being broken, I
21 think based on the fact that we have the Commercial Fishing Vessel
22 Safety Act of 1988; you know, we had regulations in '91 and since
23 '91 we've been trying to get provisions of that act implemented
24 into regulation. The notice of proposed rulemaking that's
25 currently making its way through clearance is an example of that.

1 So I really can't give you a decent answer. It could
2 take two years. Again, 2012, magic date in the Authorization Act
3 and certain things will come to fruition at that time. But those
4 items that are not necessarily self-executing in the Auth. Act
5 will have to go through the same regulatory process.

6 Just to give you an example and not to take up too much
7 time, right now, preliminarily, we're look at, out of the entire
8 Auth. Act, the standards folks have said there's 40 reg projects
9 probably in the Auth. Act. Okay. Now, not all of those are
10 associated with commercial fishing vessel safety, but they all
11 have to be ranked and they all have to have resources. And one of
12 the things that I guess I didn't make entirely clear when Larry
13 asked his questions initially, I think I need to clarify it and
14 say the Coast Guard will need additional resources to implement
15 all of these provisions within the act, whether they be commercial
16 fishing or just marine safety in general. There will be more
17 assets.

18 We have 500 marine inspectors right now handling an
19 inspected fleet of 12,000. Okay, 40,000 fishing vessels, to say
20 that we can do that with our existing marine inspector population
21 is -- I can't say that. So there will be resources and, as I
22 stated, we have resource proposals in the works for FY '12 and
23 '13.

24 MR. LARUE: Thank you. My next question is for
25 Dr. Lincoln. What needs to be done and can be done to capture

1 better information on occupational injuries and health issues
2 within the commercial fishing industry?

3 DR. LINCOLN: We're talking about non-fatal injuries and
4 illnesses?

5 MR. LARUE: Correct.

6 DR. LINCOLN: Well, a start would be a good start, you
7 know, to actually have a person dedicated or an organization
8 dedicated to looking at all of the available resources right now,
9 to see what the patterns are, to see what the picture is, to
10 understand where the holes are.

11 I think that there are data sources in states that are
12 available, whether it be things like the Alaska Fishermen's Fund,
13 the Alaska Trauma Registry, or other state-specific data
14 collection places or resources. The U.S. Coast Guard does collect
15 information. Injuries are reportable. There is information there
16 and I don't know that anybody has ever looked at it.

17 NIOSH has recently reviewed all of the -- we reviewed
18 all the clinic visits, where fishermen visited the clinic in Dutch
19 Harbor, to see what sorts of non-fatal injuries fishermen were
20 going to the clinic to be seen for. And the injury picture will
21 be much different than the fatality picture, because fatalities
22 are usually due to drownings and there aren't very many non-fatal
23 drownings. When you start looking at non-fatal injuries, you're
24 going to see a lot of issues come up with deck safety, cargo
25 handling sorts of issues, but things that probably fall in that 17

1 percent of fatalities, where I said they were dockside or they
2 were on the vessel or they were diving.

3 So I think that we just need to start. I think that
4 there are sources there and then once we start looking at what is
5 there, then we can figure out how should -- what are the other
6 places we should be looking, what are the other questions we
7 should be asking, and go through the same process that we've gone
8 through for the last 10 or 15 years on collecting information on
9 fatalities.

10 MR. LARUE: Thank you. My next question is for
11 Mr. Dzugan. In your presentation you talked about how much the
12 culture in fishing has changed since you've been involved in the
13 fishing industry. How do we continue this change and what is the
14 council doing to continue the change?

15 MR. DZUGAN: How do you change a culture? I think you
16 keep going with a lot of the things that have worked in the last
17 generation. If you're trying to -- that change is to get
18 education and training out there, do the awareness campaign. You
19 do it with -- reports and lessons learned. You foster a culture
20 of -- I won't say safety, because you cannot make any activity,
21 including commercial fishing, a safe activity. Safe implies that
22 there's no risk, and of course that's not present in any activity.
23 But you can increase risk awareness of what the risks actually
24 are, like the research Dr. Lincoln is doing with man overboards in
25 the Gulf, and you can decrease people's risk tolerance. And I

1 think those are some of the ways in which you change that culture.

2 I think another important way to do that -- and I bring
3 this up now because we are being presented in the last 10 days
4 with new regulations -- is making sure that when regulations are
5 promulgated, that they are done in a reasonable way and fishermen
6 are educated about the reason for those regulations, which the
7 statistics play a role in this, and that they're reasonable and
8 they actually address the problem that they're trying to correct,
9 which is to prevent fatalities.

10 Otherwise you get a backlash to that and you get a
11 negative backlash to that and I think that prevents that growth in
12 a safety culture. You get a reaction against government, against
13 coming down with regulations that aren't practical or don't do
14 what they're intended to do. So I always have a fear of that
15 destroying that growth in that kind of culture.

16 MR. LARUE: All right, my last question is for
17 Mr. Ayeko. And during your presentation you talked about the
18 economic context and how that relates to fishing and fishing
19 vessel safety. What have you done in Canada to use the economic
20 side of it to promote safety and has that been effective?

21 *MR. AYEKO:* In fact, this is the first time, I think, we
22 started to look into this economic as a factor that plays roles in
23 the safety. I can't remember anything that has been done so far
24 to tackle that. That's why we always refer to this as beyond the
25 fishermen's control.

1 In Canada there's a different, a slightly different
2 economic context. We have 10 provinces and when it comes to when
3 the fish is out of the water -- when the fish is still in the
4 water, that is the jurisdiction of the federal government. When
5 the fishermen are transiting from the water to the market or the
6 boat, that becomes the private property and that goes to the
7 market. In the 10 provinces, that is the jurisdictions of how --
8 who do they sell them -- the fish processor, fish plants. And the
9 setting of the prices at some provinces is set -- they help set
10 the prices.

11 Right now, at the very moment, we have in the eastern
12 provinces, St. John's and Newfoundland, they are tackling this
13 issue. I don't want to be speaking for them. But by way of
14 tackling the economic issue is based on the premises that there
15 are very few fish and too many fishermen chasing after the fish.
16 So nobody is making a decent living. That was the premises and
17 based on that, what they're doing is the rationalization. That
18 means redistribution of the fishing licenses and codes, and et
19 cetera, and giving some incentive to those who will be giving up
20 the fishing codes and licenses.

21 So that's one area that they're tackling. This is a
22 first in Canada. This is currently ongoing. We had to interview
23 the chairman of that group two weeks ago, so we're still waiting
24 to see. I think this is beyond the safety, since we're talking
25 about the intervention by the provinces, by the government, by the

1 authorities, to make the economic viable in such a way that then
2 we start talking about being able to afford to pay attention, buy
3 equipment, to be safety conscious, and et cetera. So we'll be
4 waiting -- and we'll keep you informed.

5 MR. LARUE: All right, thank you. I think that's all my
6 time.

7 CHAIRMAN SUMWALT: Thank you, Mr. LaRue.

8 And Captain Henry?

9 MR. HENRY: My first question is for Mr. Hiscock. In
10 your opening presentation you characterized the new Coast Guard
11 Authorization Act as leveling the playing field and removing the
12 distinction between state-registered vessels and documented
13 vessels. Could you tell us right now what part the states play in
14 fishing vessel safety? And once the act is signed and
15 implemented, will they have additional mandates in fishing vessel
16 safety?

17 MR. HISCOCK: To answer your last question first, I
18 don't believe there will be any additional mandates for states.
19 To go back to the first part of your question about what role do
20 the states play at the moment, part of the reason that this parity
21 question came up was, when we held a hearing in April of 2007, one
22 of the testifiers was a representative from the Maine fisheries,
23 where they were making -- they had a proposal to try to implement
24 some state regulations on fisheries, fishing vessels, safety
25 regulations, in order to try to level the playing field and they

1 discovered that because of the preemption issue, because these
2 were federally preempted, there was a federal preemption on the
3 states from implementing their own safety regulations, that they
4 couldn't do that. And one of the things that they wanted to do
5 was to try to create parity between state-numbered and documented
6 vessels, and because of the preemption, they couldn't do it. So
7 they were very supportive of eliminating this crazy distinction
8 between state-numbered and documented vessels.

9 The states will have the same role after the act as they
10 do today, which is to enforce their own regulations that they have
11 within state waters. As far as I can see, there won't be any
12 additional mandates for the states for enforcement. They always
13 can do more in terms of education and training. They can be one
14 of the vehicles to provide education for not just recreational
15 boaters but for commercial fishermen as well. I hope that answers
16 your question.

17 MR. HENRY: Yes, sir. A second question for you.
18 There's a provision in the act for a grant program. Could you
19 tell us what the intent of Congress was in establishing a grant
20 program and sort of what were their objectives and outcomes for
21 the Coast Guard?

22 MR. HISCOCK: Well, as you know, actually there are two
23 grant programs. One is to provide funding for training of
24 operators and the other one is to provide research grants. Now, I
25 should caution everybody that this is an authorization bill. It

1 is not an appropriations bill. A big difference. Before any of
2 these grant programs go into effect, somebody has to find the
3 money that is authorized. Oversight committees write
4 authorization legislation that authorizes the agencies for which
5 they're responsible to do certain things and change their
6 governing statutes, but they don't appropriate the money. That's
7 the appropriations committee. So that's the first caution.

8 But the intent of them -- and part of these -- most of
9 these proposals grew out of recommendations and requests from
10 specific congressmen. One of them was the training of operators.
11 It was to provide grant money to help initiate training programs
12 and to provide support for them. And the second one, research
13 grants, is trying to help support the kinds of programs that
14 Dr. Lincoln is doing through NIOSH. Does that help?

15 MR. HENRY: Yes, sir. And my next question is for
16 Dr. Lincoln. And both Mr. Hiscock and Mr. Dzugan brought up the
17 parallels between recreational boating and fishing vessel safety.
18 I guess if you go back through the history of both endeavors,
19 they're very similar: A lot of interest from Congress in the '70s
20 due to the high fatalities and accidents, and through legislation
21 and a lot of effort on the part of the regulators and the
22 industry, those fatality rates have come down.

23 But what we found in boating safety is they have
24 plateaued even though we have states that have enacted very
25 vigorous boating laws, intoxicated laws, working on boater

1 education. The industry has a standards organization and we've
2 looked at PFD wear and children -- gotten children to wear PFDs.
3 But you know, if you look at the data over the last 10 years,
4 we're averaging 700-plus fatalities a year and probably the
5 biggest single -- if you looked at the data, the biggest single
6 thing that would jump out at you is, if you put everybody in a
7 PFD, you would take a large chunk out of the fatalities that we
8 get every year, especially from falls overboard. And I draw that
9 parallel with the fishing vessel industry.

10 But is there a parallel and a fix that could be
11 instituted in fishing vessel safety, similarly, that would reduce
12 fatalities? From the data that we've seen this morning, it looks
13 like, you know, that we're plateaued for fishing vessel safety as
14 well. Or is the problem more complex?

15 *DR. LINCOLN:* Is your question to me, should every
16 fishermen be in a PFD?

17 *MR. HENRY:* It could be that simple or you could say,
18 well, that's maybe boating safety, that may be a solution, but
19 that wouldn't work for commercial fishermen.

20 *DR. LINCOLN:* Right. One thing I should say about
21 boating safety, now, NIOSH has an "O" in it, so our research
22 focuses on workers, occupational. But I would say the same thing
23 about boating safety as I do fishing safety, is that there are
24 probably -- well, I know from living in Alaska, there are regional
25 differences in what the risk factors are. And what intervention

1 you would put on rec boaters in Alaska is different than what you
2 put on rec boaters in Florida, just based on the nature of where
3 they operate.

4 As far as personal floatation devices and fishermen,
5 NIOSH has made that recommendation before, that fishermen should
6 wear a PFD on deck. I think that every vessel operator should
7 have some sort of a PFD policy in which he has acknowledged that
8 when conditions get this bad or when these activities are taking
9 place, my guys are going to be in a PFD. And I know that there
10 are companies that have mandatory PFD policies, and vessel owners
11 that have mandatory PFD policies, no matter what.

12 To get fishermen into PFDs, I think that it's important
13 to understand what the work environment is and what needs to --
14 what has to be accommodated for, in order for that piece of work
15 gear to not turn into a hazard itself. So to that end, NIOSH did
16 do an evaluation of personal floatation devices, actually at the
17 request of a fisherman, where we put 200 guys in PFDs and asked
18 them to tell us what do you like about these, what needs to be
19 changed, can you work in them? And so it's important to get that
20 type of information from them to understand what sort of working
21 gear is required.

22 I would hesitate to ever put U.S. Coast Guard-approved
23 PFDs in any sort of a policy. I think that because of the very
24 difficult process of getting approval and the problems with the
25 approval process that are too cumbersome, it's too cumbersome,

1 it's too complicated to talk about in this answer period. I hope
2 that we can talk about that during the lifesaving panel. There
3 are PFDs out there that may not have the Coast Guard-approved
4 stamp on it but would be very practical for a fisherman to use to
5 protect himself if he ends up in the water, and comfortable to
6 wear while he's working.

7 So I would ultimately like to see every fisherman in a
8 PFD and I do hope that every vessel operator out there can come up
9 with some policy that, on his vessel, this is the PFD policy,
10 whether it's 100 percent or whether it's when my guys are doing
11 these tasks they're in a PFD, or when the weather gets that bad
12 they're in a PFD. Now, that's going to address a slice of what
13 the hazards are that lead to fatalities. But I think that
14 actually addressing that particular issue, learning what's needed,
15 what fishermen want, and what's practical out there are those next
16 steps in making that happen.

17 MR. HENRY: Thank you.

18 And one last questions for Captain Christensen. We had
19 explored the issue of inspection versus compliant exams and I just
20 wanted to ask the question a little differently. Manning and
21 licensing notwithstanding, could you compare and contrast for us
22 the Coast Guard's inspection program on commercial vessels v. what
23 you envision a compliance exam program looking like once it's
24 implemented through the act?

25 CAPT. CHRISTENSEN: Sure, Rob. The inspections program

1 that we currently have on inspected commercial vessels requires,
2 you know, annual inspections by qualified marine inspectors and
3 can last anywhere from a couple hours on a barge or a small
4 passenger vessel, to a couple days on a deep draft tanker or a
5 freighter. I guess contrasting that now to an examination
6 program, an examination program that can be carried out by a
7 qualified examiner, someone who's gone through the examiner
8 training, and that could be a Coast Guard reservist, that could be
9 a Coast Guard auxiliarist, that could be a third-party surveyor
10 from either the National Association of Marine Surveyors or the
11 Society of Accredited Marine Surveyors. That exam, as was alluded
12 to in some of the previous comments, that exam is focused on the
13 equipment requirements that currently exist for commercial fishing
14 vessels, with the assumption that when there is an emergency,
15 you're going to need to this, that your vessel is not your best
16 survival craft. So it is an exam that does not take as long and
17 is not as -- so therefore not as labor intensive.

18 And again, whereas an inspected vessel is required to be
19 inspected every year, that is not how the legislation currently
20 reads on the Authorization Act. It's an every-other-year
21 examination process, again, not knowing exactly all of the
22 elements that are going to come out of the Authorization Act as
23 far as the examination process, what we're going to be looking at.
24 But if we start looking at things like stability, if we start
25 looking at things like structure, adherence to classification

1 society standards, things like that, the exam is going to take
2 longer. But I think Richard is correct. I think the only reason
3 -- the biggest difference in this being an inspected regime versus
4 an examined regime is the fact that we won't be looking at manning
5 and we won't be looking at licensing.

6 I think the examination program, as proposed in the
7 Auth. Act, is in essence an inspections program and it has to be
8 carried out by qualified people, which we don't have enough of,
9 and -- but it's going to be strictly focused on the material
10 condition of the vessel, not the qualifications of the operator.

11 Thankfully, there are drill conducting requirements and
12 there are safety training requirements, because it doesn't put --
13 it doesn't do any good to put a piece of survival or safety
14 equipment on board a vessel that somebody doesn't know how to use.
15 So certainly, if there are requirements for drill conducting and
16 training, the Coast Guard examiners will be looking at that, also,
17 and putting the crew through their paces.

18 MR. HENRY: Will the local Coast Guard have the ability
19 to hold a vessel until it has met a minimum level of safety, based
20 on what requirements come out of the implementation of the act?

21 CAPT. CHRISTENSEN: Right. Well, the requirement is for
22 a vessel to be -- for the vessel to successfully be examined. So
23 therefore there will be the ability, based on this program, to
24 hold a vessel. In addition to that, the certificate of compliance
25 that Richard had mentioned, which is going to be mandatory, is

1 going to be one of the elements that change in the termination of
2 a vessel's operation. So therefore, after 2012, a fishing vessel
3 without a certificate of compliance that is boarded at sea by the
4 Coast Guard, will be subject to termination. So again, that's
5 where the big push is going to be between now and 2012, is getting
6 the fleet examined to the standards that either currently exist
7 now or those standards that are self-executing.

8 MR. HENRY: Thank you, Captain. No further questions.

9 CHAIRMAN SUMWALT: Thank you.

10 And Mr. Rosecrans.

11 MR. ROSECRANS: I've got some questions from the
12 audience and I'm going to try to meld them into some questions
13 here. But I have a real big question I'm going to ask the panel.
14 Mr. Hiscock, first question for you. In the certificate of
15 compliance, do you see that the Coast Guard would have a minimum
16 manning standard as part of that, as a current certificate does?

17 MR. HISCOCK: Given that there's no requirement for a
18 manning standard, I don't see it. However, if a vessel is
19 required to have a trained operator who has a certificate, then I
20 think the certificate of compliance would indicate that there is a
21 minimum requirement for operator training and that there has to be
22 somebody on board who has -- who holds an operator certificate.

23 MR. ROSECRANS: Thank you. Now this is the big
24 question. We focused a lot on the new Coast Guard authority and
25 vessel steel, machinery and equipment. But as Mr. Ayeko pointed

1 out, perhaps the big gorilla in safety is the human factors. And
2 so I ask the panel to address two issues: What part does drugs
3 and alcohol play in the fishing industry, and what role does
4 fatigue play within the fishing industry? And has anybody got any
5 ideas about how to wrestle that one to the ground? Anybody?

6 CAPT. CHRISTENSEN: I believe Dr. Lincoln had a slide,
7 so I'm going to defer to her.

8 DR. LINCOLN: I don't have a slide. Which one?

9 CAPT. CHRISTENSEN: Pull up slide 53. It's in there.
10 It talks about the drugs and alcohol and --

11 DR. LINCOLN: Yeah.

12 CAPT. CHRISTENSEN: -- the casualty numbers and things
13 like that. So I figured that would just roll right off.

14 DR. LINCOLN: Right off?

15 CAPT. CHRISTENSEN: Yeah.

16 DR. LINCOLN: Okay. How about I do have, yeah, slide
17 number 53.

18 (Laughter.)

19 DR. LINCOLN: That's weird.

20 CAPT. CHRISTENSEN: I'm paying attention. I mean, this
21 is --

22 MR. ROSECRANS: Let me ask another question. Let me
23 just make it easy. Captain Christensen, I know you're not in
24 charge of investigations, but in the Coast Guard's process of
25 investigating casualties, how often is fatigue information

1 gathered?

2 CAPT. CHRISTENSEN: Fatigue information is gathered.
3 Drug and alcohol information is gathered. Drug and alcohol
4 testing is required after marine casualties. However, we have a
5 situation where we don't have an enforcement mechanism, because if
6 you don't have a license, that license isn't subject to revocation
7 as a result of alcohol and drugs in the casualty. So that type of
8 information is collected. I believe Dr. Lincoln made a comment
9 that the Coast Guard collects that type of information and that
10 can better educate any analysis that her office would do.

11 DR. LINCOLN: So I can follow up on that. The Coast
12 Guard does ask questions about fatigue. They do ask questions
13 about drug and alcohol during the investigation process. The
14 reason that it's very hard to analyze it is that it's not
15 consistently reported and it's not collected in a way that you can
16 compare it to other incidents.

17 So in order to do the research or in order to understand
18 what is fatigue or what -- or how does it play a factor in an
19 event, you have to be able to measure it. And so that level of
20 information is not available, and to do that type of analysis
21 requires some information that just -- it's not available.

22 Jerry.

23 MR. DZUGAN: If I may. I think I agree with what
24 Dr. Lincoln is saying. It's the human factors that's hard to suss
25 out of data and most incidents are multiple causations and that's

1 one of them. But I think you can predict it based on fisheries'
2 management policies.

3 MR. AYEKO: In Canada, doing our own investigation, I
4 think in mid-1950 that we had first recognized that fatigue played
5 a role in the casualty. I don't quite remember which case it was.
6 There was a safety concern, which is, for those of you not
7 familiar with it, this is one level lower than recommendations.
8 There's two types of fatigue, I would contend. Let's see. The
9 mental fatigue that's derived from the stress, working conditions
10 and things of that nature, and the other one is physical fatigue.

11 We do have the investigation for fatigue manual, which
12 is fairly basic, when we suspect fatigue is a factor. And there's
13 what we call a 72-hour history, as we collect the information 72
14 hours before the accident happens and back 72 hours in the
15 work/rest schedule, sleep patterns, and et cetera. So there is a
16 standard.

17 Based on that there are three things, whether a
18 condition of fatigue exists, that if so, the behavior of this
19 individual is consistent with the symptoms of the fatigue, and if
20 that is the case, the next thing is to determine whether fatigue
21 might be the factor.

22 So that's sort of a methodology that we do have in
23 place. But mental fatigue is an issue that's quite difficult to
24 handle and measure, like Dr. Lincoln indicated. If you cannot
25 measure, you can't manage it.

1 MR. ROSECRANS: I'm not going to ask any more questions,
2 although I have hundreds more. But there was one question from
3 the audience, as to why the Occupational Safety and Health
4 Administration was not part of this forum, and the short answer
5 is, is because we have two days and a lot of ground to cover and
6 in a previous plan they were included, but when we had to cut it
7 back, they didn't make the cut. So it's not that OSHA is not
8 important. It's not that health is not important. It's just that
9 we had to limit our things to the biggest issues, and fatalities
10 have to this point been the biggest issue. So with that,
11 Mr. Chairman.

12 CHAIRMAN SUMWALT: Thank you very much. This question
13 is for Captain Christensen. And Mr. Ayeko talked about the TSB of
14 Canada uses a systems approach to investigate accidents. They're
15 not just looking for the proximate cause; they're trying to look
16 at the entire system and seeing all of the factors that contribute
17 to accidents, realizing that accidents are multi-causal.

18 So when the Coast Guard goes out and conducts a marine
19 investigation, what are you looking at? Are you taking the
20 systems approach or going out just to look at the last individual
21 who made the last mistake? How do you conduct your
22 investigations?

23 CAPT. CHRISTENSEN: No, I think, sir, if you take a look
24 at our investigations, especially some of the joint investigations
25 we have done with NTSB, I think you get a realization that we do

1 look at the entire system. We look at all of the factors and
2 contributing causes to the accident. And again there are some
3 things that, regulatorily, we can go back to, but there are other
4 human factors areas where we just have to gather that data and see
5 if that was a contributing cause to the accident.

6 CHAIRMAN SUMWALT: And I'm glad to hear that. Anybody
7 that knows me, I've been around here for about four years and
8 that's one thing that I've tried to always emphasize, is that we
9 have to take a systems approach. So good, I'm glad to know that
10 TSB of Canada does that, in fact, Canada has long done that, and
11 I'm glad to know the Coast Guard is doing that, as well.

12 Captain Christensen, you mentioned that staffing and
13 watchkeeping are not included in the Coast Guard Authorization
14 Act, I believe you said that earlier, and since they're not
15 legislated by Congress, can the Coast Guard require these without
16 specific congressional authority?

17 CAPT. CHRISTENSEN: Sir, I'm not exactly sure about
18 that. I'm not exactly sure how to answer that, because certainly
19 through the rulemaking process we can propose, but without any
20 sort of legislative authority, those proposals likely would not
21 survive the scrutiny of the rulemaking process.

22 CHAIRMAN SUMWALT: Yeah, I'm just wondering how much the
23 Coast Guard's authority is restricted. We know that in the past
24 the Coast Guard was -- prior to this authorization bill, the Coast
25 Guard was severely restricted in a number of areas. But I was

1 just wondering if you had the authority to address those without
2 specific authority.

3 CAPT. CHRISTENSEN: Without specific legislative
4 authority, I don't believe that's -- that's not something that,
5 again, would survive the rulemaking process, Administrative
6 Procedure Act, and the like. If we don't have an authority to
7 base the regulation on, it becomes -- it's a nice idea, but --

8 CHAIRMAN SUMWALT: Yeah.

9 CAPT. CHRISTENSEN: -- nice ideas don't always survive
10 the regulatory process.

11 CHAIRMAN SUMWALT: Okay. So I think what you're really
12 saying is that you do need the legislative authority to mandate
13 those two particular items.

14 CAPT. CHRISTENSEN: Right, any future changes, sir,
15 that's what we would be seeking.

16 CHAIRMAN SUMWALT: Thank you.

17 CAPT. CHRISTENSEN: Although Richard may very well
18 correct me.

19 CHAIRMAN SUMWALT: Please.

20 MR. HISCOCK: Mr. Chairman, I just wanted to make a
21 comment, and this is a comment really to the Board, the NTSB, and
22 that is that if in the course of doing an investigation and
23 writing recommendations you discover, not necessarily in the topic
24 that we're discussing right now, but any topic, if in the course
25 of doing the investigation you want to make a recommendation and

1 you discover that the Coast Guard doesn't have the authority to
2 implement that, I would recommend that you not only send your
3 recommendation to the Coast Guard but you send it to Congress as
4 well. Because if the Congress doesn't know that it needs to fix
5 something in order to give the Coast Guard the authority to do
6 what you think should be done, in likelihood, it might not get
7 done.

8 CHAIRMAN SUMWALT: Thank you. No, I appreciate that
9 perspective, thank you.

10 Mr. Ayeko, you present figures that show that the U.S.
11 has approximately six times greater commercial fishing industry
12 accidents per 100,000 than Canada. Did I state that fairly
13 closely?

14 MR. AYEKO: I guess, yes, but I didn't work it that way.
15 It's 28 against 158, so that's about right.

16 CHAIRMAN SUMWALT: Yeah, okay, good. I would never
17 trust my math, so I'm glad you did. You worked it out as well.
18 So that is significant; that is sizable. What is Canada doing
19 differently than the U.S.? I mean, I think it'd be really
20 interesting to see a side-by-side comparison. That would take a
21 lot of time. But in the big picture, what is it Canada is doing
22 that we're not?

23 *MR. AYEKO:* I can only guess. One of the things, I
24 think, as far as we know, there's an Alaskan fishery. It's
25 environmentally very challenging and I think a lot of the fatality

1 rates coming from the Alaska fishery, that probably might skew the
2 U.S., the average. But then again, I have no substantial
3 knowledge of that.

4 But having said that, Canada has a combination of the
5 regulations, the enforcement and the support community, I would
6 term it, the support community and such. Again, I mentioned the
7 province of Newfoundland and there is a certification board where,
8 although federally, that is not their jurisdiction, but they have
9 managed to get a mandate to require every fishermen, either the
10 crew or the owner or operator of the vessels, must have a
11 certification that includes the basic training level 1 and the
12 level 2 in operational safety. And they provide training across
13 the provinces. So going across the provinces, they train the
14 fishermen in safety. And the same as in the West Coast, the BC,
15 the Work Safe BC and Gina Johansen's group, Fish Safe, they have a
16 tremendous program.

17 And I think when we talk about the regulation, the
18 proportion of regulations and self-accountability, the self-
19 accountability, that is quite clear. And I think that doing --
20 the professional here that we agree, the primary responsibility
21 for the safety must rest with the fishermen themselves who are at
22 risk. Only government then will intervene when they cannot by
23 themselves fend or they require systems from the government.

24 And I think that assisting a group in the boat coast of
25 Canada and in its province of Quebec offers some level of

1 certification requirements and the training, and et cetera. I
2 think that's, in my opinion, at least my humble opinion, that
3 contributes to some of the numbers that you see.

4 CHAIRMAN SUMWALT: Okay. I think Dr. Lincoln, I saw
5 some figures the other day, looking over her slides, and so it's
6 not Alaska that is our most deadly region. I believe it's
7 actually the Northeast of the United States. Is that correct?

8 DR. LINCOLN: The highest-risk fisheries. Yes, the
9 highest-risk fisheries are found in New England. Can I address
10 the issue of comparing Canada fatality rate to United States
11 fatality rate?

12 CHAIRMAN SUMWALT: I'd love to hear that, thank you.

13 DR. LINCOLN: Okay. So, you know, there's lies, damn
14 lies, and statistics; and it's all in understanding exactly what
15 those numbers represent and how you go about calculating them.
16 And so not to say that there aren't different risks that exist
17 between the two countries, but comparing those numbers is a bit
18 dangerous because they represent different things.

19 I remember when that slide shot -- when he had that
20 slide up, the first two lines talked about the number of fishermen
21 and the number of vessels and they know how many fatalities there
22 are in Canada. So they were able to take the number of fatalities
23 divided by the number of fishermen, each year, to get that rate.
24 Okay.

25 In the United States, the way that those numbers -- the

1 way that rate is generated is different. We know the number of
2 fatalities because we know, when something as tragic as a fatality
3 happens, that's easy to count. The problem is knowing how many
4 fishermen there are. So if Canada says that they have 54,000
5 fishermen, what does that mean? Is it that a guy fished for a
6 week? Is it because a guy fished for a year? Did he buy a
7 permit? You know, it's uncertain how -- you know, what a
8 fishermen is. In the United States, that rate is calculated by
9 developing the workforce estimate through a survey. So the people
10 at BLS will do a phone survey. They will call you and say, what
11 do you do for a living? And that will -- based on those
12 responses, that's how they determine how many people are
13 fishermen. But they're asking, what are you -- what is that --
14 what is your occupation at that time?

15 So that workforce estimate is not every person that
16 fishes for a living, even if it's just a portion of their living,
17 where Canada's might be every person that is fishing. So as a
18 result, the United States, the fatality rate may be inflated
19 because the FTE or that denominator is low. Okay. So comparing
20 the fatality rate among fishermen in the United States versus
21 Canada, we'd have to be very cautious in making that comparison
22 because of the differences in the definition of what is a
23 fisherman and what is that workforce?

24 CHAIRMAN SUMWALT: And I appreciate your putting that in
25 perspective. Nevertheless, if there are lessons that we can learn

1 from other countries, then we would certainly like to do that.
2 But no, I appreciate your putting that into perspective. I'll
3 tell you what, let me take just a sidebar with Mike for a second.

4 (Pause.)

5 CHAIRMAN SUMWALT: Okay. So what that was all about is
6 trying to -- we want to take -- Mike's been getting e-mails from
7 Terrence over there, as people submit questions from the audience
8 and e-mail and Twitter and all of those sources. So we're now
9 going to just basically try to respond to -- ask and respond to
10 questions that are coming in from the audience before we break for
11 lunch, which we will do in about -- in no longer than 15 minutes
12 from now. We'll plan a break at 12:35.

13 MR. ROSECRANS: I'm going to ask these rather quickly
14 and most of these are addressed to the Coast Guard and deal with
15 the new authority. So I recognize that the authority -- the ink
16 isn't even dry yet, but questions are popping up and so you better
17 get your answers soon. So shoot.

18 CAPT. CHRISTENSEN: Thanks, Mike. I feel the love,
19 thanks.

20 (Laughter.)

21 MR. ROSECRANS: You'll get used to answering these
22 questions before it's all over. The first one doesn't really deal
23 with you, but many casualties have a lot of lessons to teach us.
24 The problem is, it seems like the reports are never timely enough.
25 Can you address that for major marine casualties and marine

1 boards of investigation? How do we make the cycle climb faster?

2 CAPT. CHRISTENSEN: And I think, Mike, you even prefaced
3 one of your comments with the fact that I am not responsible for
4 marine causality investigation in the Coast Guard. However, your
5 lucky day, I do know for a fact that there are -- that the office
6 that is responsible for casualties and analysis has set up time
7 frames and it used to be the casualty investigation takes as long
8 as the investigation takes. There are now metrics that have been
9 put into place that -- for these major marine casualties, in that
10 they're looking at trying to close those out within a year. And
11 so that is a goal.

12 Again, if there is -- if the casualty investigation is
13 dynamic or more involved or things like that, it's going to take
14 longer. But they are shooting for a year and hopefully that will
15 be timely enough. And as the NTSB can appreciate, some
16 investigations do take significantly longer.

17 MR. ROSECRANS: So if I can sum up your answer for our
18 audience question areas, the Coast Guard is aware of the issue
19 and, in fact, they're working on improving the cycle time.

20 CAPT. CHRISTENSEN: Sure, Mike, you could say that, yes.

21 MR. ROSECRANS: But is that not what you said?

22 CAPT. CHRISTENSEN: That is. I actually said a year
23 because of, you know, wanting to hold my peers accountable.
24 Anyway, go ahead.

25 MR. ROSECRANS: Questions about the training for

1 competency of operating personnel that are the persons in charge
2 of vessel operation outside of three minutes -- or three miles --
3 three minutes was a promise not to take longer than that so we can
4 stay on schedule. Do you see a separate rulemaking for that and
5 will it be in effect before 2012?

6 CAPT. CHRISTENSEN: Mike, again, I can't honestly answer
7 that. As you said, the ink isn't even dry on the Authorization
8 Act. We are going through the Authorization Act and whether we
9 require new rulemakings or not. I don't know if it's one of the
10 approximately 40 that our standards writers have identified. But
11 I wish I could give you a better answer on that, but we need to
12 get determinations on self-execution. If it's self-executing, we
13 have a lot more leeway to start enforcement and compliance
14 operations, but it may very well require rulemaking. I'm not sure
15 of the specific language.

16 MR. ROSECRANS: Another question. For mandatory
17 examinations, has the Coast Guard given any thought to how those
18 in remote locations will be dealt with?

19 CAPT. CHRISTENSEN: By the workforce that we have and
20 the workforce that we will develop over the next two years, in
21 order to make it out to those remote areas.

22 MR. ROSECRANS: That's all.

23 CHAIRMAN SUMWALT: That's all?

24 MR. ROSECRANS: That's all. That's a summary of the
25 questions were asked.

1 CHAIRMAN SUMWALT: Okay, I'll tell you what we will do,
2 we will break for lunch and we will have the demonstration of the
3 six-person life raft immediately after we break -- as soon as we
4 break. It's now 12:24. We will reconvene at 1:30. We are in
5 recess.

6 (Whereupon, at 12:24 p.m., a luncheon recess was taken.)

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A F T E R N O O N S E S S I O N

(1:30 p.m.)

CHAIRMAN SUMWALT: Okay. Well, thank you for coming back. One thing I was remiss in doing and very much need to do, and that is thank our previous panel. It was great, very informative, and my apologies for not thanking them at the conclusion of it. I think I was thinking about getting out for lunch and what time we'd come back and all of that. But that was a great panel. So thank you all.

We've now got another great panel lined up and Mike Rosecrans will introduce those in just a second. We're trying to perfect this as we go along and we were -- in the past, we were getting the comment cards and then delivering them to Terrence, who is then e-mailing them to Mike. I think what we'll do this next time is we'll have comment cards and then at some point we'll call for those to be picked up and then you can hand them in at that point, then they'll all be delivered to us en masse, because I know that some of you were having to go up there and give it to Terrence. So we'll try a different system.

Anyway, without further ado, I'll turn this over to Mike Rosecrans to introduce Panel Number 2.

MR. ROSECRANS: Before that, we had a halftime meeting and we're adjusting our game plan a little bit, as Chairman Sumwalt said. A couple things that I need to discuss. Questions mailed to fishingforum@ntsb.gov were not coming through

1 here. We'll work on getting that corrected. But I went back and
2 lunchtime and saw the ones that had submitted comments. I
3 forwarded them to the appropriate parties. In this case it was
4 both to the Coast Guard. So they have mail waiting for quick
5 answers.

6 Secondly, what we learned from the first panel was that
7 we have to limit you to five minutes in your initial presentation
8 or we'll never get to questions. And the lights may not be
9 working now, but they should be soon. Are they working, Terrence?
10 And so when you start your presentation, we're going to start the
11 five-minute clock and when you start getting close you'll get a
12 yellow light and when you get to five minutes you get the red
13 light.

14 So with that, let me -- I have some opening remarks for
15 Panel 2 and then I'll introduce the panel members.

16 Coast Guard and NIOSH studies of commercial fishing
17 vessel safety have identified vessel safety issues as playing a
18 key role in the majority of vessel losses and fatalities. The
19 purpose of this panel is to identify those related issues that
20 have an impact on safety.

21 The goal is to have a better understanding of the issues
22 affecting the design, modification and maintenance of vessels,
23 which has shown to be problematic. Also problematic is the impact
24 of stability degradation from design, maintenance and operational
25 practices within industry. While naval architects design

1 seaworthy vessels, many vessels are lost because of easily
2 preventable conditions, including vessel modifications that are
3 improperly accounted for, improper loading, and loss of design
4 watertight integrity.

5 This leads to the obvious question, why do easily
6 preventable conditions lead to vessel losses and subsequent
7 fatalities? We hope that through this panel and the panels that
8 follow, we will have a better idea of that answer.

9 Please note that the Coast Guard Authorization Act
10 addresses some of the issues to be addressed by this panel.
11 First, fishing vessels built after July 1st, 2012, and that are
12 over 50 feet in length, will be required to be classed. Those
13 over 79 feet in length will be required to obtain and maintain
14 load lines. Both of these requirements are new to the majority of
15 the commercial fishing industry and we can imagine the
16 apprehension accompanying these requirements from all parties
17 involved.

18 I will now introduce our panel members.

19 Joe Riva. Mr. Riva is from American Bureau of Shipping
20 and will discuss the role of classification societies in promoting
21 safety in the commercial fishing industry.

22 Tom Gruber. Mr. Gruber is also from the American Bureau
23 of Shipping. He's an expert in stability and load line
24 assignment.

25 Eric Blumhagen. Mr. Blumhagen is a senior naval

1 architect with Jensen Maritime Consultants in Seattle. He has
2 been involved in design and stability of commercial fishing
3 vessels for many years and is considered an expert in these areas.

4 Alan Davis. Mr. Davis is with American Seafoods in
5 Seattle. American Seafoods operates a fleet of large processing
6 vessels. He represents owners of large fishing vessels.

7 Mr. Davis is also Vice Chairman of the Coast Guard's Commercial
8 Fishing Industry Vessel Safety Advisory Committee, and he was
9 involved in the ACSA program, the Alternate Compliance and Safety
10 Agreement program, for the head-and-gut fleet.

11 Craig Cross. Mr. Cross is with Aleutian Spray Fisheries
12 in Seattle and he represents owners of medium-sized commercial
13 fishing vessels. He also was deeply involved with the ACSA
14 program.

15 Troy Tirrell. Mr. Tirrell represents SAMS, the Society
16 of Accredited Marine Surveyors, and he's also a commercial
17 fisherman.

18 And lastly, Dick Frenzel. Mr. Frenzel is President of
19 NAMS, the National Association of Marine Surveyors. He is also a
20 member of SAMS and has performed numerous safety examinations of
21 commercial fishing vessels as a surveyor and as a volunteer member
22 of the U.S. Coast Guard Auxiliary.

23 Mr. Riva.

24 MR. RIVA: Thank you, Mike, Mr. Chairman. I'm Joe Riva,
25 the assistant chief surveyor for the ABS Americas. ABS is pleased

1 to have been able to participate in this forum and contribute
2 towards the challenge of making fishing vessels safer. I
3 understand we're on a very tight schedule, so I'm going to try to
4 keep my points as close together as possible so that we can finish
5 in our five minutes.

6 For those that are not familiar with the concept of
7 marine classification, I'll give a very brief explanation on the
8 role and the responsibilities of the classification societies.
9 I'll highlight what we believe, based on our experience, are some
10 of the critical safety issues related to the structure and the
11 machinery of fishing vessels. I'll touch on statutory and
12 classification responses to these issues, including limitations
13 that cannot be expected. I'll then have Mr. Gruber, my colleague
14 from ABS, talk a little bit about the fishing vessel stability.

15 Classification is a self-regulating mechanism for the
16 international shipping and offshore industries. ABS is a leading
17 international classification society founded in 1862. We are a
18 nonprofit organization and our focus is on promoting the safety of
19 life, property, and the marine environment. We do this through
20 the development and the verification standards for the design,
21 construction and operational maintenance of marine-related
22 facilities, including fishing vessels.

23 Classification is only one element, though, in the
24 maritime safety regime. Overall safety relies on a net provided
25 by classification, flag state administrations, such as the U.S.

1 Coast Guard, port state, marine underwriters, and many other
2 parties, including the owner. It must be emphasized, however,
3 that the ultimate responsibility for the safety of a vessel, its
4 cargo, and the crew, lies at all times with the vessel's owner, as
5 he's the only one who has direct operational control of the
6 vessel.

7 We class nearly 11,000 vessels of all types and sizes.
8 A significant number of the vessels that we class in ABS are
9 fishing vessels, work boats, tug boats, offshore support vessels,
10 including whichever degree of commonality in their design and
11 their equipment. A review of our records shows that maintenance
12 issues, listed on this slide, are the most commonly encountered.
13 I suspect that the NTSB records and the Coast Guard records
14 reflect a close correlation to what we found going through our
15 records.

16 So the issue really is what can be done to encourage
17 greater scrutiny, improve maintenance of these items and improve
18 the safety of the fishing vessel industry itself?

19 The classification procedure requires that fishing
20 vessels would improve by having a lifecycle approach to vessel
21 maintenance. The classification process begins at the time of the
22 design of the vessel. A new fishing vessel would have to be
23 designed to conform with the applicable ABS rules that address the
24 strength of the structure and certification of principal machinery
25 and equipment that would be placed on board the vessel.

1 In the shipyard, the ABS surveyor would attend the
2 construction of the vessel to verify it's built in accordance with
3 the approved plans. He would also look at things like material
4 certification, welding procedures, welder qualifications, during
5 the construction of the vessel. On delivery and throughout its
6 life, the vessel would be subject to periodical surveys both in
7 water and in dry dock. The survey requirements progress as the
8 vessel increases in age. Significant damages incurred by a vessel
9 would also be subject to a survey. We also offer optional things
10 like life extension evaluations that involve a rigorous
11 examination analysis of the condition of the remaining fatigue
12 life of a hull.

13 This is a standard approach for the global fleet of
14 large ocean-going commercial vessels, but it's really not
15 practical for smaller fishing vessels. For owners of those
16 vessels, like when you class the ship, it's voluntary in theory.
17 If a vessel has statutory certificates issued by ABS, then the
18 vessel should be classed as required by the recognized
19 organizations and by the flag state administrations.

20 The new regulatory regime that we're talking about today
21 will require fishing boats at 50 feet to be classed and then, at
22 79 feet, to have a load line certificate. It is reasonable to
23 assume that unless regulations change, the classification might be
24 done at the time of construction, but if the new law does not
25 mandate that the classification be maintained, then owners have

1 the option to drop classification. Currently, today, we have
2 fishing boats that are classed, fish processors that are classed,
3 and we also have a number of fishing boats that are unclassed and
4 have a load line certificate that we've issued on behalf of the
5 Coast Guard.

6 As a classification society, we are authorized to issue
7 statutory certificates, load line tonnage, SOLAS certificates and
8 MARPOL certificates for a variety of governments around the world,
9 including the United States Coast Guard. This aspect is only one
10 part of the requirements that we conduct. It's not tied directly
11 to the classification process that we do. It's an additional
12 statutory certificate that we issue on behalf of the flag
13 administrations.

14 Now I'll turn this over to Tom Gruber to talk a little
15 bit about the load line part.

16 **MR. GRUBER:** The Load Line Convention was enacted in
17 1966 and recently revised in 2005. It's applicable to vessels
18 over 79 feet in length, as defined by the Load Line Convention.

19 Briefly, there's four parts to the convention, the first
20 being the plan review section, the strength of the hull and the
21 watertight and weathertight envelope of the vessel. That's done
22 in conjunction with the class review, especially with the plan for
23 these fishing vessels.

24 The second part is the conditions of assignment. These
25 are door sill heights, hatch sill heights, the weathertight and

1 watertight closures to all the openings on the deck. Essentially
2 everything up to the freeboard deck has to be watertight.
3 Anything above that's going to be weathertight. And the
4 requirements for the heights and devices are in the convention.

5 The third part is the actual freeboard calculation.
6 It's where we determine what the maximum draft is that the vessel
7 can be loaded to in accordance with the convention.

8 And the fourth part is the stability. I'm going to
9 expand a little bit on the stability here. Not only is the
10 stability required by the Load Line Convention, but it's also
11 required by the CFRs, Part 28 of the CFRs, and the ABS rules. As
12 far as the ABS rules go, we will accept the administration's
13 requirements for stability, in lieu of what's in our rules.

14 The base element in the stability is always going to be
15 light ship values of the vessel. When the vessel is built, the
16 base weight and center of gravity of the vessel is going to be the
17 basic building block of the stability calculations. Anything that
18 changes that light ship value during the life of the vessel is
19 going to affect the stability calculations. Therefore it's very
20 important for everybody that's making these changes to document
21 them and have them processed through the stability requirements to
22 make sure what's going on the vessel is applicable to the state of
23 the vessel at that time.

24 The stability requirements, be it the ABS rules or the
25 Coast Guard requirements, basically set a minimum set of

1 requirements for intact stability that create an operating
2 envelope for the vessel, a safe operating envelope for the vessel.
3 Now it's up to the naval architect, who's designing the vessel, to
4 ensure that the stability information that's presented to ABS for
5 review, and then in an approved form put on the vessel, is
6 something that's safe and easy to use for the crew on board. It
7 doesn't matter what the naval architect does or ABS or the Coast
8 Guard does; it boils down to the importance of the crew on board
9 being able to use the information and having it make sense to
10 them. And, of course, ever-present good seamanship always
11 overrules everything else. It's up to the master to keep the
12 vessel safe.

13 MR. RIVA: Thank you, Tom. Just to finish up, the
14 difference between a class vessel and a load line-only vessel is
15 we use -- for a class vessel we will use the ABS rules as the
16 standards that we do our surveys on. Failure to comply with the
17 ABS rules will result in a recommendation and failure to comply
18 with that recommendation will result in suspension of class.

19 If a survey, a periodical survey, is not carried out
20 within the periodicity required by the rules, ABS will suspend
21 class or even cancel class of a vessel. If an owner has damage to
22 the vessel, he's required to report it to us so that we can have a
23 surveyor attend and examine the damage and confirm that the vessel
24 is safe to continue to operate.

25 Machinery and electrical surveys are included in our

1 classification surveys and we require two dry-docking surveys or
2 an in-water survey and an out-of-water survey in each five-year
3 cycle of the thing. We require an intermediate hull survey
4 halfway through the five-year period and we examine ballast tanks,
5 depending upon the coating condition. And the hull surveys
6 progressively get more stringent depending upon the age of the
7 vessel.

8 On a load line-only vessel that's unclassified, the owner
9 may opt to skip the annual load line inspections, depending upon
10 the area of operation. We only require one dry docking at the
11 time of load line renewal survey. Machinery and electrical items
12 are not examined on the vessel and ballast tanks are not examined
13 unless suspect or unless during the load line renewal survey at
14 the five-year point.

15 Mr. Chairman, I think we've used up our allotted time
16 for ABS, so I'll pass it on to the other colleagues here on the
17 panel. Thank you.

18 MR. ROSECRANS: Thank you, Mr. Riva and Mr. Gruber.

19

20 Mr. Blumhagen.

21 MR. BLUMHAGEN: Thank you again for this opportunity to
22 speak to this panel, Mr. Chairman and Mr. Rosecrans.

23 As Mike said in the introduction, I'm a naval architect
24 at Jensen Maritime Consultants. Jensen has been providing naval
25 architecture services to the West Coast and Alaska fishing

1 industry for about 60 years now. We provide everything from new
2 vessel design, to major conversions, to stability tests, to all
3 the way down to minor maintenance.

4 A lot of our issues from a naval architecture
5 perspective were covered in the earlier panels. We're really
6 concerned about keeping the vessel afloat and upright. Flooding
7 issues were talked about last time, in the last panel,
8 particularly, and intact stability as well.

9 Just to amplify a little bit, our goal is to give
10 operating instructions that are clear so that the owner and the
11 operator know how to operate the vessel safely. That doesn't mean
12 that they'll necessarily get to operate the boat exactly how they
13 want to, but as long as they know what the limits of the boat are
14 and they can understand those limits, then that's our goal. We
15 are not there to look over their shoulder and make sure that
16 they're complying with those limits.

17 Unfortunately, sometimes disasters occur, and as we were
18 talking about in the last panel, when we look at these disasters,
19 particularly the sinkings and capsizings, we really need to look
20 at the initiating cause, that first link in the chain of failures.

21 Early on in the Coast Guard we'd see a lot of sinkings
22 that were reported as loss of stability because a boat rolled over
23 and sank. What wasn't really well documented in many of those
24 cases was that the vessel flooded one compartment or another in
25 the process of sinking. And so the real issue was not stability.

1 It wasn't something where we'd be going and looking at their
2 stability booklet and saying, were you in compliance, were you --
3 had you done conversions or other things like that. You really
4 want to be looking at the flooding and what was the source of that
5 flooding. And I think we're getting much better about recording
6 those issues now. But it's an important distinction between
7 impact stability and damage stability, because damage stability is
8 orders of magnitude more likely to result in loss of a vessel.

9 Flooding is the single largest initiating cause for
10 vessel disasters in the last 10 years, because flooding was the
11 initiating cause in 28 incidents, which resulted in 54 deaths; a
12 little over 10 percent of the total fatalities in that period.
13 Instability was second, at 24 incidents, and like we heard before,
14 flooding and instability together cause about half of all the
15 vessel disasters.

16 One thing we really want to talk about in flooding is
17 the issue of maintenance. Flooding incidents are often portrayed
18 as freak accidents that are sort of a necessary hazard of life at
19 sea, and that's not really true, because when you look at the
20 reports that NIOSH put out recently and you look at the causes of
21 the flooding, we have failed through-hull fittings, hull
22 corrosion, open or leaky doors and hatches, or water entering the
23 boat over the gunnels.

24 All of those are completely preventable. A leaky door
25 or a hatch can be solved with a couple hundred dollars worth of

1 gasket. Those are not issues that are freak accidents that we
2 have to say there was no way we could've prevented that. We can't
3 say that those are acts of God.

4 Right now, as we talked about earlier, the regulatory
5 regime for fishing vessels focuses on responses to disasters and
6 largely ignores prevention. If we're to make significant headway
7 on reducing the death rate in the fishing industry, we need to
8 focus on prevention, and vessel maintenance would be a great place
9 to start on that.

10 I want to add just a little bit of time on -- since I
11 have a little bit of time left here, there was some discussion
12 about major conversions and whether -- one of the things we've
13 noticed recently is that major conversions are maybe not as
14 dangerous as the multiple small changes, because when there's a
15 major conversion on the waterfront, people notice.

16 And on two of our projects in the last five years,
17 several fishermen called the Coast Guard because they saw work
18 being done at Fishermen's Terminal in Seattle. They weren't sure
19 that anybody was looking and it looked pretty sketchy, the work
20 going on on the vessel, and they wanted to make sure that the
21 Coast Guard held these owners' feet to the fire to comply with the
22 rules. So the big changes, I think, are easier to spot and keep
23 an eye on than the small changes. And I see my time's up, so I'll
24 pass it on.

25 MR. ROSECRANS: Thank you, Mr. Blumhagen.

1 Mr. Davis.

2 MR. DAVIS: If you will indulge us, Mr. Cross and I
3 think it might be better if we switch, because he's got a better
4 lead-in.

5 MR. ROSECRANS: **Mr. Cross.**

6 MR. CROSS: He's just heard me speak before and knows
7 he'll look really good afterwards.

8 (Laughter.)

9 MR. CROSS: That's his real reasoning.

10 Thank you for holding this forum. I'm a manager of
11 Aleutian Spray Fisheries, which is a family-owned company. We
12 managing fishing and processing vessels and they range from 124
13 feet to 250. We're unique in the North Pacific, in that we're
14 engaged in every sector of the fishing industry, with every size
15 of vessel. We have one vessel that's DNV Class 1, that's ABS
16 Class 2 under alternate compliance, one that's just load lined and
17 not classed, and we have two that are uninspected. These vessels
18 all have different operational modes and methods and seasons and
19 crew sizes.

20 For our company, there are three major changes or events
21 that have brought safety to the forefront. One was the burning
22 and sinking and loss of three lives on our fishing and processing
23 vessel Galaxy, number two was the institution of alternate
24 compliance by the Coast Guard, and the third is the
25 rationalization and catch share of our fisheries and rebuild

1 authority enacted or being enacted.

2 The sinking our vessel the Galaxy was a major blow to
3 our company and a culture change and our understanding of safety.
4 The Galaxy, by all accounts, was a well-managed and well-
5 maintained vessel and one of the largest in the freezer long line
6 fleet, with an experienced and dedicated captain and crew, but
7 that was not enough. The lessons that we learned we have used to
8 improve our other vessels and other vessels in the fleet.

9 As an example, we learned from the Galaxy that we had to
10 have the life rafts to be able to be launched by a single person.
11 The fire on the Galaxy isolated one person near the life rafts and
12 the rest of the crew was in another area, so that one person could
13 not launch the life raft by themselves. We also understood from
14 our crew, on post-interviews, that some of them didn't understand
15 the safety manual or the safety tapes that we gave them, so we
16 helped finance safety tapes in Spanish. That was just another
17 lesson we learned from this.

18 The sinking of such a good ship made the owners even
19 more engaged in vessel safety and this is, as we all know,
20 necessary because safety has to start at the top. And the sinking
21 of the Galaxy and the other incidents of these sized vessels led
22 the Coast Guard to development of the alternate compliance.

23 Alternate compliance, I consider this to be one of the
24 most significant changes to improve vessel safety in the mid-sized
25 vessel size category. This program, instituted by the Coast Guard

1 and developed in cooperation with the fishing industry and
2 shepherded through the process by Commander Woodley and
3 Marty Teachout, two in the Coast Guard that help serve as an
4 interface with the industry, not only improved the safety of this
5 fleet, but also these requirements have improved vessels not in
6 the program. We have taken the knowledge gained from the program
7 and applied it to our uninspected vessels to improve their safety.
8 The alternate compliance program, as instituted by the Coast
9 Guard, has allowed an important and large fleet of vessels, too
10 old to be classed, but still active and sound vessels, to continue
11 employing fishing people.

12 As owners and managers of our vessels, we spent close to
13 \$750,000 per vessel to become compliant. This is a considerable
14 amount of money for a mid-sized fishing company. The large
15 expenditure brought owners and managers to the vessel to ensure
16 the money was being spent in the right way and was necessary.
17 This helped elevate owner and manager involvement in issues like
18 piping, down flooding, stability, and safety drills, which were
19 once, before alternate compliance, once the purview of the chief
20 engineer and a shipyard. But after this, we now have the owners,
21 the chief engineers, the captains, and marine architects, which
22 was a big step.

23 To me, the key is that the more active that we get the
24 owners participating, the better off we are for addressing some of
25 these issues on these boats. Also the patience and

1 professionalism of the Coast Guard alternate compliance team has
2 increased safety and, more importantly from my perspective, saved
3 lives.

4 I started in the North Pacific 40 years ago, in 1970, on
5 a purse seiner in Kodiak, on a vessel. I'm not an naval
6 architect, I'm not a licensed officer, and I can't give you a lot
7 of fancy statistics which boards love, but what I do have is the
8 practical experience of my 40 years of fishing on, managing,
9 owning all sizes and types of vessels and processing vessels in
10 the North Pacific. This experience has a deep appreciation for
11 the way the Coast Guard went about forming the alternate
12 compliance program, and the way that the industry has reacted.

13 There is no doubt in my estimation that this program has
14 made our fleet safer and has saved lives and should be used --
15 this should serve, the alternate compliance program that was set
16 up should serve as a model for alternate compliance programs in
17 the future.

18 Each fleet is different and they have different
19 operations and different safety issues. I would be remiss if I
20 did not mention that rationalization and catch-share programs have
21 given owners the ability to retire unsafe vessels and the
22 confidence to borrow money to improve those remaining in the
23 fishery. This, along with vessel rebuilding regulations that are
24 being put into law or proposed, will allow us to rebuild our aging
25 fleet. Thank you.

1 MR. ROSECRANS: Thank you, Mr. Cross.

2 Mr. Davis.

3 MR. DAVIS: Thank you for inviting me here, and my
4 appreciation to the Board for convening this. I'm going to skip
5 ahead a couple of slides really quick, since Jennifer Lincoln has
6 covered some of the statistics.

7 I too am a proponent of the Alternate Compliance Safety
8 Agreement. I believe it's the biggest step forward since
9 Ms. Berry tore into Congress in the '80s. By the way, she's one
10 of my heroes and I think she would've made a really good Texas
11 Ranger.

12 It doesn't really matter what size vessels we are. My
13 company has vessels from 94 feet to 345 feet. But the reasons for
14 vessel losses are all the same throughout. That picture was just
15 too cool not to use. No matter the size of the vessel, we all
16 need the same things: we need a watertight hull, we need a vessel
17 with good stability, no fires, fires are bad for everybody, and we
18 need good decisions in bad weather.

19 What do we do to ensure the integrity of our vessels?
20 We've talked about classification and what different
21 classification societies do, depending on the size of the vessel
22 and what category it falls into. However, if your vessel is not
23 processing fish, you're generally not required to be load lined or
24 classed if it was built before 1991.

25 Processing fish, for those of you that don't know what

1 the definition is, if you take the fish's head off and you take
2 the fish's guts out, that's fishing. If you cut the tail off too,
3 that's processing. If you save the head, you save the roe or you
4 do something else funny to it, that's processing. It's a strange
5 place to draw a line in the water for safety, but that's where it
6 is.

7 So what is out there for vessels that are not in class?
8 The Alternate Compliance Safety Agreement covers a small portion
9 of the commercial fishing fleet and it is specific to the Alaska
10 head-and-gut fleet. Vessels were found to be processing beyond
11 the minimal guidelines without meeting load line and class. The
12 Coast Guard had some alternatives. They could have tied the boats
13 up. They could've told us not to do the processing. Instead,
14 what they offered us was a way out: vessels that were unable to
15 meet load line and class due to the age and class society
16 policies.

17 So this alternative compliance program was developed by
18 Commander Chris Woodley, Marty Teachout, with the Marine Safety
19 Office in Seattle, and Charlie Medlicott, with the Dutch Harbor
20 MSO.

21 What ACSA consists of: Vessel stability, dry-docking
22 inspections, dockside inspections, training, lifesaving equipment,
23 observed drills, are some of the many things that go into the
24 bucket.

25 Stability. Vessels must have a current stability book

1 and have been inclined or dead-weight surveyed within the last
2 five years.

3 Watertight integrity. There was very big interest in
4 doors, hatches, down-flooding potentials, dry dockings, factory
5 sump pumps, freeing ports, and scuttles. All of these things were
6 looked at.

7 The dry docking inspections. We had to have an initial
8 inspection, had to clear all of the points that were brought up on
9 the initial inspection, and then we had to have follow-up
10 inspections, two out of every five years, not to exceed three
11 years in between: the shell platings looked at; visual and audio
12 gauging done; penetrations and valves are inspected and replaced
13 as needed and as required; shafts and rudders; piping, all of
14 these things that could contribute to flooding.

15 Dockside inspections are also done to make sure that
16 you've followed up on your punch list: watertight integrity plan,
17 fire boundaries, engine alarms, engine shutdowns, high water
18 alarms, wiring, fuel lines; pretty much everything's on the table
19 to look at.

20 Training. Lifesaving and fire equipment. Again, life
21 rafts must be able to be launched by one person; strobes, not
22 lights, on immersion suits; a portable dewatering pump that can
23 also wind up being put into service as a fire pump; firefighting
24 equipment, fixed systems, alarms, communications and navigation
25 equipment were all put on the table.

1 Again, this was done in collaboration between the U.S.
2 Coast Guard, representatives from those two districts, and the
3 industry. It was actually quite amazing to watch.

4 Annual inspections and observed drills. The observed
5 drills are not something to be scared of. It's more educational
6 than a test. If you really screw it up, they'll come back
7 tomorrow for a redo. Abandon ship, fire, man overboard recovery
8 are all part of the observed drills. ACSA requires that there be
9 drill conductors on board. This is a picture of some of the cold
10 water survival training that we've done in Seattle.

11 Annual verification -- the light's flashing.

12 In summary, ACSA is only four years old. There are
13 major advantages to the program. It's reduced downtime in the
14 fleet, but that's a number that's impossible to track. I'm
15 convinced that it has saved lives in more than one case, and it's
16 improved the material condition of the fleet.

17 Suggestions for safety improvement. The Coast Guard
18 should immediately review the vessel losses throughout the
19 country, work with industry to establish tailored ACSA programs
20 for each district, study the 79 or 16-person line -- I obviously
21 wrote that before the bill was passed. It's time to focus more on
22 the smaller vessels.

23 MR. ROSECRANS: Thank you, Mr. Davis.

24 Mr. Frenzel.

25 MR. FRENZEL: Thanks for inviting me to this group of

1 highly qualified fishing vessel owners that I see here, which are
2 different from my area of the country.

3 And thanks to the 1989 required installation of
4 appropriate lifesaving equipment and the placement of safety
5 guards around deck winches, personal injuries have decreased over
6 the past 20 years. However, injuries and deaths aboard fishing
7 vessels are still at a unnecessarily high level from fire,
8 flooding, and collision. The root cause of most of these
9 incidents is lack of training and proper vessel maintenance.

10 Based on my long years experience in this area, two of
11 the major causes of fires have been fuel leaks spraying on hot
12 engine surfaces on vessels that don't have fixed firefighting
13 systems in the engine rooms, and LPG leaks from poorly installed
14 systems that did not meet NFPA or ABYC standards.

15 Common causes of flooding, at least in southern water
16 shrimp boats, have been from flooding of the lazarette with
17 seawater, which then flowed through a drain pipe to the engine
18 room, where no high water alarm was installed and bilge pumps were
19 not automatic. Proper regularly scheduled maintenance of rudder
20 and shaft packing glands, removal of drain pipes to engine rooms,
21 and proper installation of high water alarms would greatly
22 decrease flooding incidents which cause drownings, injuries and
23 loss of vessels.

24 Collisions are usually found to have been caused by the
25 vessel having no one on duty in the pilot house, while the entire

1 crew is on the back deck working with the vessel proceeding on
2 automatic pilot. The next most frequent cause is having the least
3 experienced, youngest crew member on duty while the rest of the
4 crew rests, with the vessel proceeding on a long drag with the
5 course programmed into the auto pilot. Oftentimes this on-watch
6 person is not familiar with the rules of the road, as far as
7 navigation lights are concerned, does not know how to operate or
8 interpret the radar information, does not understand the local VHF
9 radio language, does not know how to determine the vessel's
10 location, and tends to be preoccupied with personal activities or
11 he falls asleep.

12 The past 20 years experience with the voluntary Coast
13 Guard commercial fishing vessel safety examination process has
14 definitely been an improvement in some sections of the commercial
15 fishing industry, with fewer injuries, deaths, and monetary
16 losses. But as said previously, only about 10 percent of the
17 vessels have been involved. However, in the other 90 percent of
18 the industry, compliance has been poor, with many vessels opting
19 out, often due to lack of resources to acquire the necessary
20 equipment, and lack of interest of continued safety training.

21 Optimum safety and reduction of deaths and injuries on
22 commercial fishing vessels can only be accomplished with mandatory
23 examinations, as the past year has shown, and it looks like we're
24 fixing to get. This would entail additional equipment being
25 required over and above what is now included in the voluntary

1 examination, most of which could be copied from the latest towing
2 vessel requirement lists.

3 Obviously, the Coast Guard does not have sufficient
4 personnel even with major Coast Guard Auxiliary assistance, and
5 the recent 200 civilian inspectors they've hired, which are
6 basically for the uninspected towing vessel program, nor the
7 resources to accomplish this. So third-party professional NAMS-
8 certified or SAMS-accredited marine surveyors would be an
9 important asset. All examiners would need thorough training, at
10 least annually, to remain current with all the requirements.

11 Sufficient fees would need to be required from the
12 vessels by the Coast Guard in order to provide the examiners the
13 incentive to conduct these examinations. Why? It would be
14 necessary to avoid the appearance of any conflict of interest
15 between the vessel operator and the examiner, such as the vessel
16 paying the examiner directly for a lenient exam, which would be a
17 definite NAMS and SAMS ethics violation and could lead to the
18 expulsion of that examiner from either or both organizations; and
19 to ensuring compliance with all facets of the examination.

20 Also required training of all commercial fishing vessel
21 crews in matters such as nav rules, communications, radar
22 operation, firefighting, and situational awareness, needs to be
23 addressed by private schools or area fishing vessel associations
24 with Coast Guard-approved diplomas awarded for successful
25 completion in all subjects. That's so that the training could be

1 verified. Only with the above measures enacted can a real
2 commercial fishing vessel safety program be successful. Thank
3 you.

4 MR. ROSECRANS: Thank you, Mr. Frenzel. Let me
5 apologize for not noticing that Troy Tirrell is not here from
6 SAMS, the Society of Accredited Marine Surveyors. He's coming
7 from Alaska and I understand the weather was a little bad the last
8 couple of days, so he may not have made it because of that.

9 MR. FRENZEL: Well, that's okay. Being in both
10 organizations, I can pretty well represent both of them.

11 MR. ROSECRANS: Thank you.

12 CHAIRMAN SUMWALT: Well, thank you. Before we come up
13 to the Technical Panel for questions, I want reemphasize. Mike
14 has already said this, but the PowerPoint presentations are
15 available on the web. I've looked at all of them. They're very
16 good. And I know that you all have not had time to show all of
17 your slides. So I would encourage people to go check them out on
18 the web.

19 Mike Rosecrans will be the lead on the questions for
20 this panel.

21 MR. ROSECRANS: Thank you. Mr. Riva, does ABS have
22 appropriate standards for fishing vessels, especially those
23 slightly longer than 50 feet? Could you comment on that, please?

24 MR. RIVA: Mike, we have rules that are applicable to
25 vessels under 90 meters that can be used for fishing vessels, that

1 we're using today for fishing vessels.

2 MR. ROSECRANS: I'm trying to put myself in the place of
3 those within the industry who aren't familiar with classification
4 and load lines. Could you explain what the cost is for initial
5 certification or initial classification and the recurring costs?
6 I recognize that it's vessel by vessel, but ballpark, because I'm
7 sure that's going to be a big question within the industry.

8 MR. RIVA: Mike, I'd have to provide that to the Board
9 at a later date. I don't have that with me today, no. It will
10 obviously increase the cost. There's many factors that would go
11 into that. Some of the shipyards that currently build fishing
12 vessels are not yards that we would normally deal with for
13 commercial vessels that we currently class today, and there would
14 be a learning curve for both the shipyard and the quality control
15 of that shipyard to adjust to the standards that are required by
16 the ABS rules.

17 MR. ROSECRANS: That's a perfect lead-in to the next
18 question I have, is the impact on the shipyards that are not in
19 the business of building class vessels. What are some of the big
20 areas that would be impacted in their operations?

21 MR. RIVA: The classification rules, as I said, cover
22 material certification, they cover welding, the qualification of
23 the welders, requirements for nondestructive testing of the welds
24 that are made on the hull of the vessel, certain structural tests
25 of tanks, air tests, hydrostatic tests, to confirm that the vessel

1 has been built properly. In some shipyards this might be a
2 different approach than they're currently using today. Depending
3 upon the actual yard, it might increase their cost. But how much,
4 I don't know. It depends on what they're using, the standards
5 they're using today and things like that.

6 MR. ROSECRANS: Thank you. Mr. Blumhagen, do you have
7 any recommendations for addressing the issue of unaccounted-for
8 vessel modifications? Is this an issue of educating the owners
9 and operators?

10 MR. BLUMHAGEN: There's a couple of ways to approach
11 that. One of the approaches which is common in foreign flag
12 vessels, particularly passenger vessels, is to require a new
13 incline or dead-weight survey every five years. That's also the
14 way the ACSA program approaches the issue. Fundamentally, the
15 Coast Guard says that if the weight of the boat changes two
16 percent, then a new incline -- the incline or dead-weight survey
17 should be done.

18 Our experience is that fishing vessels typically gain
19 about half a percent of their weight every year. So after five
20 years they're at about two and a half percent. And that's pretty
21 well borne out on the vessels we've been working on. So requiring
22 a new incline every five years or a new dead-weight survey every
23 five years would address that issue. There would be manpower
24 issues to think about there as well.

25 It's very difficult to keep an accurate count of all the

1 things that go on and off a boat, though. I mean, when you start
2 talking about electronics coming on and off, or some of the larger
3 processors have replaced factories, reworked their processing
4 factories regularly and it's very, very difficult to get an
5 accurate weight estimate on those.

6 MR. ROSECRANS: Mr. Blumhagen, based on your experience
7 and having seen pictures from Mr. Ayeko this morning about what
8 length thresholds do to the designs, what might we anticipate with
9 U.S. fishing vessels where 50 feet and 79 feet are the limiters
10 for additional requirements?

11 MR. BLUMHAGEN: Nobody's going to be build a 52-foot
12 boat again. Nobody's going to build an 81-foot boat again. We've
13 had some experience with trying to pack larger boats into smaller
14 spaces. A good example of that is the Alaska limit seiner, which
15 is limited at 58 feet overall for the salmon seining fisheries in
16 Alaska. Those boats started out at 16, 17, 18 feet wide. A real
17 big one was 19 feet wide 20 years ago. Now I have one under
18 construction that was my design for -- that's 25 feet wide. We've
19 seen 26's, 28's being built.

20 At some point you get to a point of diminishing returns.
21 One of our clients put it that they had issues that the costs of
22 being small were a lot worse -- were a lot higher than the
23 benefits of being small. And so you're not going to get a 49-foot
24 by 48-foot boat, just because it's just not going to be practical.
25 It's not going to fish efficiently. So there's going to be a

1 practical limit on how much you're trying to squeeze into a boat.

2 You'll see a large amount, a large number of boats
3 coming in that are going be 49.9 feet, regardless. You'll
4 probably see some 78.9-foot boats as well. But I think another
5 thing to consider too is that the costs of building new boats and
6 the costs of what's in the fishery, you know, the revenues that
7 are coming out to the fishery, are not necessarily going to bring
8 wholesale replacement of the fleets. One of our clients, who is
9 actually looking at a significantly larger boat, said, you know,
10 this is really the boat of my dreams. I wish someone else would
11 build it and go bankrupt so I could pick it up at a price I could
12 afford.

13 So I mean, the reality of the costs and the revenues, I
14 think, are going to act against massive fleet replacements, at
15 least in the near term.

16 MR. ROSECRANS: Thank you. Mr. Cross, can you tell me
17 the three biggest lessons learned from the ACSA program for your
18 company?

19 MR. CROSS: There were so many of them, to take the top
20 three is -- probably the number one thing from the Galaxy that we
21 learned was about drills and safety training. That was the number
22 one thing. The most important thing that we learned was needed to
23 be much more diligent in our training. And as I mentioned before,
24 you know, the tapes in Spanish, make sure that the crew -- because
25 we have to understand that the definition of fisherman gets used

1 quite loosely.

2 In Alaska you have processors, that they're fishing
3 boats, but they have processors on the boat that never even go on
4 deck. So are they fishermen? They're on a fish boat. They need
5 a different level of training. Then you have the actual people
6 that are on deck and they have a level of training that they need.
7 And you have the officers in the wheelhouse. All of those are
8 fishermen by definition, as is the owner of the boat that's
9 sitting in Seattle, he's a fisherman. You know, so we have to
10 watch what we use the word fisherman, how we define it and how
11 their training is defined. And each area has a different level of
12 training that's necessary. And some of the boats, everybody's on
13 deck, and some, only 2 or 3 or 4 out of 100 are on deck. Every
14 vessel is different.

15 And that was one of the things that the ACSA program, as
16 industry was involved in it, has really helped, in that they
17 worked with industry to make those definitions and understand the
18 training and what was necessary. That was probably the biggest
19 for our company. That and down flooding was another big one that
20 we learned from the ACSA program that basically we weren't --
21 because we didn't have naval architects doing a lot of the
22 drawings on our vessels, when we started getting involved with
23 ACSA, we realized our air vents were down on a down-flooding area
24 and we needed to change that. And we did that on even the boats
25 that weren't in the ACSA program, because it became so apparent.

1 MR. ROSECRANS: Thank you.

2 Mr. Frenzel, can you tell me how many fishing vessel
3 exams NAMS does annually? And if you can speak for SAMS too, we'd
4 appreciate that.

5 MR. FRENZEL: Both organizations have some that are
6 certified as commercial fishing vessel examiners. I think NAMS
7 has about 18 and SAMS has 17 or 18. But a lot more of the
8 surveyors of both organizations actually survey fishing vessels
9 and are thoroughly familiar with them. The reason that more have
10 not done the -- to give the fishing vessel exams is because every
11 Coast Guard sector fishing vessel coordinator does them, and along
12 with most of the areas, the Coast Guard Auxiliary does them with
13 proper training through the coordinators. They do them for free
14 and there's no incentive for the surveyors to do them.

15 I do them, but only in conjunction with a survey that
16 I'm doing, either a damage survey or a CNV survey. Unfortunately,
17 on the Gulf Coast, I haven't had one pass in several years.

18 But we have a lot of people in both organizations.
19 Probably in NAMS we have, of the 350, about 320 are actually
20 certified. We probably have 200 of them. And in SAMS, who has
21 quite a few yacht surveyors, of their 900-and-some-odd members,
22 there are probably 200 that are now qualified to do them and
23 another 75 or 80 that would be qualified to do them with some
24 basic training.

25 MR. ROSECRANS: Thank you.

1 CHAIRMAN SUMWALT: Okay, thank you, Mr. Rosecrans.

2 We will now go to Liam LaRue for questions.

3 MR. LARUE: All right, good afternoon. The first
4 question is for Mr. Riva. During your presentation I thought I
5 heard you say something about owners being able to drop
6 classification. You were talking about the new Coast Guard
7 authorization and the new requirements. I was wondering if you
8 could expand on that thought.

9 MR. RIVA: Yes. As I said, classification is, in most
10 aspects, voluntary. The vessel could be built to the ABS rules
11 and classed with ABS and after delivery, the owner, if there's no
12 regulatory requirement and no requirement from the underwriter of
13 the vessel or from the charter of the vessel, then the owner can
14 drop classification.

15 MR. LARUE: And is that the situation with the new
16 authorization?

17 MR. RIVA: It depends on the wording in the
18 authorization. If the authorization says a vessel has to be built
19 to classification requirements and maintained, then I would say
20 that you would not be able to drop it. But if it says it just has
21 to be built, then that would be a determination that somebody else
22 would have to make on the interpretation of the actual wording in
23 the regulations.

24 MR. LARUE: Thank you.

25 The next question is for either Mr. Cross or Mr. Davis

1 or you can both answer. Both of you talked about the ACSA program
2 and the considerable expense that you -- the considerable amount
3 of money that you spent to get your vessels in line with the
4 requirements. Did you ever at any point during that time consider
5 just buying new vessels? If so, why not? Is there anything
6 preventing you from doing that?

7 MR. CROSS: I'll start with, yeah, we did consider new
8 vessels, but the amount of time that it would take to build it at
9 that time, there weren't a lot of yards available. That was
10 number one. Number two, we were looking at -- even though
11 \$750,000 is a lot of money to get something in compliance, to
12 replace that vessel probably at the time would've been somewhere
13 between 10 and 15 million. The fishery did not support a 10 or 15
14 million dollar investment at that time.

15 In the vessels that we were looking at, they weren't
16 rationalized yet. In the mid-sized vessel categories they weren't
17 rationalized. So we were still in an open-access fishery and to
18 spend that kind of money was not possible. So you know, we didn't
19 have a choice. We had to go with alternate compliance and we had
20 to spend the money to make it work.

21 MR. DAVIS: For my company, we were fortunate that the
22 three vessels that we had that would be in the program and are in
23 the program, it wasn't that heavy a lift for us to get into ACSA.
24 And economics and the market would be the reason for not building
25 new vessels.

1 MR. LARUE: Okay. And I'm going to continue along that
2 line. What's your opinion on how receptive other segments of the
3 commercial fishing industry might be to similar type alternate
4 compliance programs?

5 MR. CROSS: Well, if they were given the same choice,
6 they'll be receptive. I mean, you don't have a choice if it's a
7 law that you have to be either classed and you can't do that
8 because your -- the age of your vessel and the classification
9 societies won't class a vessel over 20 years. Well, if you don't
10 -- if your other choice is to build a boat and you can't afford
11 that, alternate compliance is your -- that's what helps drive the
12 two together. I mean, I hate to say it, but industry probably
13 wouldn't be as receptive if they didn't have that hammer on them.
14 It's just a fact of life. So I think they'll be receptive because
15 they have to be.

16 MR. DAVIS: I'm never usually accused of being an
17 optimist, but I'm optimistic that if the Coast Guard used the
18 right people and the right approach to sit down with the different
19 fisheries, showed them data like the stuff that Jennifer Lincoln
20 develops and the Coast Guard has, and shows them where they're
21 losing their vessels and why they're losing their vessels, and
22 really we're here to help and this how, that that will take them a
23 long way.

24 I was disappointed in what I saw in the bill. It seems
25 that the ACSA requirement is pushed out 10 years down the road and

1 I fear that there will be a lot of people that will die in those
2 10 years. So I've been encouraging, through the Coast Guard's
3 safety committee, all the different districts to start having
4 those conversations with their fisheries about their specific
5 challenges and problems.

6 MR. LARUE: The last question for Mr. Frenzel. You said
7 that the lack of training on proper vessel maintenance was the
8 biggest issue for commercial fishing vessel safety. How do we
9 remedy that?

10 MR. FRENZEL: On the Gulf Coast especially, we're going
11 to have to have the training done also in another language besides
12 English, mostly in Vietnamese, and we're going to have to have
13 some way of making sure that the training is verified through a
14 diploma or a certificate or something for when these examinations
15 come along, and to see that they have monthly logs, that they are
16 actually enforcing the training that they get.

17 Right now, when they do have training, and like was
18 mentioned earlier, Mr. Gallardo down in Galveston, as the sector
19 coordinator, gives lessons and they walk out of there and they're
20 never -- nothing's ever done with them once they get back to the
21 boat. We've got to have some way of enforcing the training and
22 the compliance with the training when they get back out into the
23 field.

24 CHAIRMAN SUMWALT: Okay, good. Next up for questioning
25 will be Rob Henry, but before we go to Rob, Terrence Thrash will

1 be going through to collect the questions that you may have
2 written and then, so after we get through with all five of us,
3 then we can respond to those. But Rob Henry, you're next. Thank
4 you.

5 MR. HENRY: Thank you. And this will be addressed to
6 ABS. The new requirement will ask for classification of vessels
7 over 50 feet. What other industries does ABS class vessels down
8 in that range of vessel length?

9 MR. GRUBER: We have classed vessels in the tow boat
10 fleet, as well as work boats, down that small. Occasionally
11 yachts as well.

12 MR. HENRY: And you're as well versed in steel, as you
13 are in wood and fiberglass, down at that length?

14 MR. GRUBER: Yes, we've had experience in all.

15 MR. HENRY: The new requirement for load lines, you
16 know, as Mike had pointed out, along with class, will be a major
17 step forward for a lot of the fishing industry, and in the load
18 line requirement for 79 and above, it will require load line and
19 freeboard assessment for each vessel.

20 The fishing industry is one of the few industries that
21 picks up its cargo in mid-voyage. It's not like a container ship
22 where you can, you know, assess the loading of the vessel at the
23 dock or the Coast Guard can look at it as it's entering and
24 leaving port. The operator is going to be required to make this
25 assessment in mid-ocean, in some cases under some extreme

1 conditions. What provisions should he have in place to make sure
2 he's not overloading his vessel?

3 MR. GRUBER: Well, the stability information that's
4 approved for each vessel should cover those situations. I'm not
5 in favor of a full-blown trim and stability book like you would
6 find on a cargo ship. It just seems like overkill for what's
7 going to happen on a fish boat. But there are several different
8 ways, simplified operation restrictions, simplified loading
9 diagrams, something that can be tailored to each vessel. And that
10 involves the naval architect working with the owner on how they're
11 going to be operating the vessel and then working with the class
12 society to get that approved for the vessel.

13 MR. HENRY: So it's going to require that he have --
14 that the operator have a good understanding of his loading
15 conditions and how to use the booklet. And I guess that's a good
16 segue to Mr. Blumhagen. As far as the ability of the operator to
17 use trim and stability information like that, is that really going
18 to be practical from your experience in writing these instructions
19 and seeing how they've been implemented in the field?

20 MR. BLUMHAGEN: It depends. We at Jensen have put a
21 tremendous amount of effort into making our stability booklets as
22 easy and simple to understand as possible. With our booklets, in
23 general, you can get a pretty good sense of how you're supposed to
24 be operating the vessel, looking at one page in the booklet.
25 There's some amplifying operating instructions that help you

1 understand from there. But all of the deck loading information
2 and hold loading information is concentrated on one or two pages
3 in the booklet and laid out in a simplified table format.

4 However, as I'm sure Tom can attest, not all stability
5 booklets look like that. We've seen booklets that came in, where
6 our clients came in with a stack of booklets about, you know, six
7 inches thick and said, what does this mean? And we sort of looked
8 at them and said, I don't know, I can't tell, either. And when
9 you're naval architect can't tell you what you're stability
10 booklet means, then there's a serious problem with the booklet
11 format.

12 And so really I think it's going to take some education
13 and maybe some work on the bully pulpit from the Coast Guard to
14 help show what they expect stability booklets to look like, and
15 it's also going to require naval architects to work with fishermen
16 to make sure that those are always -- that that's always
17 available. And we also always -- when we give fishermen the
18 booklets, we always tell them, if there's anything they don't
19 understand, please give us a call. We would much rather explain
20 something for free than have them then try to, you know, deal with
21 that after, if they had an accident.

22 MR. HENRY: And with your experience in the industry,
23 have you found the typical operator to be very forthcoming with
24 these types of questions and a lack of understanding of the
25 booklet he has to operate with?

1 MR. BLUMHAGEN: In general, yes. Yes, we're very
2 fortunate that particularly the Alaska fishermen that we work with
3 are very concerned about stability, in general. That's not
4 universal, but in general. And they want to make sure that
5 they're in compliance with the stability booklets, because they
6 know that it's their lives that are on the line.

7 MR. HENRY: If the expectation is the operator is going
8 to be able to use this book to determine whether he's overloaded
9 or not, in accordance with the load line standards, what sort of
10 training, experience and knowledge do you envision this operator
11 will need to successfully do this?

12 MR. BLUMHAGEN: Right now we're in the midst of -- even
13 though, like I said, we've put a lot of work into our stability
14 booklets, we're in the midst of rewriting our stability booklets
15 to about a fourth grade reading level, and that's all we would
16 expect the majority of our operators to have.

17 MR. HENRY: Okay. Mr. Cross and Davis, you went into
18 some detail on the ACSA program and my impression of it is that
19 the industry and the Coast Guard, because the vessel wasn't going
20 to be classed or load-lined, took on the responsibility of not
21 having that advantage and coming up with an alternate program to
22 achieve the same level of safety. Mr. Cross, you said you thought
23 the program was a success and it's been out for four years. When
24 it was put in place was there a performance standard set in place
25 to determine if the program was successful, or if not, how have --

1 how do you judge success in the program?

2 MR. CROSS: To my knowledge -- and maybe Alan can
3 better, but I don't think there was a timetable or a statistic
4 that said, if we meet this kind of statistic. The main thing was
5 to get as many of the vessels in this class put into the ACSA
6 program. That was a goal. Number two, every year, the industry
7 sits down with the Coast Guard and the Coast Guard safety
8 compliance people that actually go out and view the vessels and go
9 on the vessels, they, along with the Coast Guard and the Alaska
10 contingent of it, sit down in a room and go over issues, things
11 that the industry thought needed more attention, things the Coast
12 Guard found needed more attention, and things that were maybe too
13 much attention and shouldn't be there because it wasn't necessary,
14 that process is iterative and continues every year. I think
15 measuring the success of the ACSA program is a real difficult one
16 from a statistic point of view.

17 But like I said, with my years of experience in this and
18 having been on boats, this program is successful. I mean, I can
19 tell, on our boats, the fact that the captains now are involved,
20 and as I said, the big thing from my point of view was ownership
21 being involved in these decisions. Because of the amount of money
22 and because of the safety and because it is -- it'll affect
23 whether the vessel can go out and fish anymore. The owners are
24 involved and when you get ownership involved, it starts to become
25 a major part of the way that the company operates, which helps

1 change the culture.

2 As the last panel was discussing, how do you change the
3 culture? This is one way, is when you have to spend the money and
4 you have laws that you have to -- that can keep a boat from
5 fishing, those change the culture. Unfortunately, that does take
6 that, but it changes the culture. And I know that it has made a
7 big difference in every boat that I've been involved in, in making
8 them safer.

9 MR. DAVIS: I believe, at the time when we developed the
10 program, we didn't have a performance metric for the Coast Guard,
11 although I will take that under advisement and go back to my
12 brethren in Seattle. The performance measures were mostly on
13 industry and each individual vessel and vessel owner or operator
14 to meet the specific deadlines that were put into place, cover all
15 our action items and move forward. The timeline was overly
16 optimistic, but most of industry was able to meet the timeline,
17 and I'm completely convinced that in tragedies that have occurred
18 and in tragedies that have been avoided and we will never know of,
19 that it has made a difference.

20 MR. HENRY: Thank you.

21 Mr. Frenzel, you laid out a litany of things you have
22 seen and probably been knowledgeable of in fishing vessel safety,
23 you know, from design problems, operation problems, maintenance
24 problems. With the new Coast Guard authorization, the
25 implementation of the fishing vessel safety initiatives, how many

1 of those problems will be corrected or at least tools put in place
2 to prevent them v. problems that you see that will continue to be
3 perpetuated?

4 MR. FRENZEL: Excuse me. On the Gulf Coast there will
5 be economic resistance because of the market. I think when these
6 rules are implemented, that the accidents will definitely go down
7 because half the fleet will be tied up. The vessels, the shrimp
8 boats that are out there that are running from 50 to 75 feet, are
9 barely scraping by now. I am all for these new rules. I've been
10 preaching for them for 20 years. But there's less than half of
11 them, of the owner/operators, that have the resources available to
12 spend the money to do the changes, to actually put watertight
13 hatches on the lazarettes, to block out the tubes that go the
14 engine room, to install the high water alarms, to put in automatic
15 fire detection systems in the engine rooms, and to hire and spend
16 the money to train crews.

17 It's very unfortunate and I feel bad about it, but I see
18 that unless the economy changes and the price of shrimp and
19 snapper go up and they get rid of the import competition, which is
20 selling on the market for less than half, that our fleet on the
21 Gulf Coast is going to be almost a thing of the past. I don't
22 know a better way to answer it.

23 MR. HENRY: Thank you. And I'll pass the hat.

24 CHAIRMAN SUMWALT: Thank you, Mr. Henry. And now
25 Larry Bowling.

1 MR. BOWLING: Thank you. I only have a few questions.
2 I'd like to direct my first question to our ABS representatives.
3 What is the current information sharing agreement with the Coast
4 Guard? For example, if a vessel owner drops class or the class is
5 suspended, how is that information exchanged with the regulatory
6 agency?

7 MR. RIVA: The only time we inform the Coast Guard that
8 a vessel has dropped or a class is suspended is if ABS is issued a
9 statutory certificate on behalf of the Coast Guard, such as a load
10 line certificate. If it's just purely class, then we have no
11 obligation to report that information to the Coast Guard.

12 MR. BOWLING: Okay, thank you.

13 This question, I originally wanted to direct it toward
14 Mr. Blumhagen, but I think I'd just like to direct to the panel.
15 On the first panel, I asked would the fishing industry overall
16 benefit from the implementation of a safety management system,
17 even a small one that addressed preventative maintenance? And I'd
18 like to hear feedback, realizing their economic situations are
19 already challenging enough for the fishermen. But a lot of the
20 data we've seen leads to believe -- it leads me to believe that
21 some preventative maintenance issues that could possibly be
22 addressed by, you know, a systematic process of, you know, check
23 your filters or your overboard penetrations every six months, it
24 may be a benefit to the industry. What's the general consensus
25 from both the fishing community and then, of course, the naval

1 architects?

2 MR. BLUMHAGEN: It looks like I'm elected here. I think
3 safety management systems can be good and can improve safety,
4 overall. One of the things that you have to be very careful about
5 with those types of systems is that they get embraced by
6 management and as an important part of doing business. If you
7 have a safety management system book that stays a book on the
8 shelf and it's there because you need to have that book on the
9 shelf, then it isn't really going to do you much good.

10 And so the big issue, I think, is making sure that the
11 system is obviously directed at the safety issues that the fleet
12 feels and, even better, if it the operators find that it reduces
13 their costs because they are spotting issues ahead of time,
14 instead of catching surprises just before the season.

15 MR. BOWLING: Thank you. I'm sorry, go ahead.

16 MR. FRENZEL: I think the Pacific fleet is way ahead and
17 way more modern and forward thinking than the Gulf and Southern
18 Atlantic fleet. Down there, I think it's going to be like they
19 mentioned this morning, a generational thing. The American
20 shrimpers down there are going to come up with, nobody's going to
21 tell me how to change the oil or when to change the oil or when to
22 change my cables. I'll do it when I think it's done. It's a
23 generational thing. The Vietnamese shrimper is going to look at,
24 well, when it breaks, I'll go ahead and spend the money that I
25 have to. It's going to take another generation to get the

1 attitudes changed. I seriously believe that. I see it all the
2 time.

3 MR. BOWLING: Thank you. I have no further questions.

4 CHAIRMAN SUMWALT: Thank you, Mr. Bowling. And that
5 would make me next. However, instead of me asking questions, we
6 have lots of great questions that you have submitted, you in the
7 audience, so I'm going to turn it back over to Mike Rosecrans so
8 that he can, on your behalf, ask some questions.

9 MR. ROSECRANS: Sorry, sorry. This is a multi-part
10 question. The first part of it requires a crystal ball. The
11 second part is, what percentage of fatalities are attributable to
12 vessel length? And since this is not a panel that specializes in
13 that, I'll refer the questioner to the NTSB website, where there
14 is both a NIOSH report on fatalities and the Coast Guard's
15 casualty analysis that if you drill down far enough, it goes into
16 fatalities and lengths, as the best information available. And
17 the last part of this question is, what is the lifecycle and years
18 of a fishing vessel? Anybody want to take guess at that?

19 MR. BLUMHAGEN: We have clients, several vessels, with
20 several vessels that were built in World War II. I think our
21 neighbors over here at ABS would see a vessel that's 25 years old
22 as being basically at the end of its useful life, or very nearly
23 so, depending on how well it's been maintained. That's the
24 average age of the -- that was the average age of the U.S. fishing
25 fleet in about '91, '92, and the boats have only gotten older

1 since then.

2 MR. ROSECRANS: The same casualty report from the Coast
3 Guard that shows fatalities also shows sinkings by vessel length,
4 and as I recall reviewing it, there was a vessel that was 100
5 years old. But there is some good information in the Coast
6 Guard's casualty stuff that can answer that question as well, too,
7 what the lifecycle is. But I think there's no one answer for
8 that.

9 Next, Mr. Blumhagen, what role or responsibility do you
10 think the naval architecture community should have when requested
11 to build a vessel based on length or tonnage cutoffs? In other
12 words, if you're asked to design a rule-beater, what is the naval
13 architecture community's responsibility there?

14 MR. BLUMHAGEN: Our responsibility is the same as it is
15 regardless of vessel length or other issues. Our responsibility
16 is to design a safe vessel. It would be irresponsible of a naval
17 architect to design a boat that was too narrow, so that it
18 wouldn't be -- it would not be stable at sea. We have to look at
19 the dimensions of the boat and what's proposed and what our
20 experience is and work to make that a safe vessel.

21 And that doesn't mean that we couldn't build -- we
22 couldn't design a rule-beater. We certainly have in the past.
23 But we have to think about it and make sure that we're -- and be
24 careful in the design and make sure that we're not compromising
25 the safety of the vessel and the crew as we're doing so.

1 MR. ROSECRANS: Thank you. Mr. Riva, a question for you
2 or for Mr. Gruber, and the question is, do you think that 50-foot
3 fishing vessels need a different set of classification rules than
4 the 90-meter fishing vessel? Would ABS be able to develop
5 classification rules for these smaller vessels?

6 MR. GRUBER: The rules we have right now have been
7 applied to vessels that small. But our rules are reviewed on a
8 yearly basis and can be updated as needed, as the industry sees
9 fit. ABS rules are actually reviewed by an industry panel before
10 they're -- the proposed rules, before they're approved. So
11 industry does have a say in what our rules are.

12 MR. ROSECRANS: Mr. Blumhagen, a question for you. To
13 your knowledge, how many new vessels, fishing vessels, have been
14 built in the last 10 years and how many in the last year? I
15 recognize you're not a census bureau here, but maybe you could
16 answer for your firm.

17 MR. BLUMHAGEN: For our firm, I'm just doing the math in
18 my head here. I would hazard a guess that in the last 10 years
19 we've designed about 10 new fishing vessels that have been built.
20 And in the last year, well, we have one under construction right
21 now. I mean, a reasonable average would be about one a year,
22 right now. That doesn't mean that there won't be five next year,
23 depending on when owners decide they want to replace vessels.

24 MR. ROSECRANS: Thank you. For Mr. Cross or Mr. Davis,
25 is the \$750,000 per vessel expected to be a typical for a 50 to

1 79-foot vessel for ACSA? How much of the cost is proportional to
2 the length and the tonnage?

3 MR. CROSS: No, that 750 takes a certain size vessel,
4 maybe in the 150 range, 150-foot range, of which you have a lot
5 more steel to go over, you have -- it's a much more complex boat
6 that has to go through much more piping and so forth. So no,
7 that's not a typical for that size, I would venture.

8 MR. ROSECRANS: Thank you. One last question for
9 Mr. Davis or Mr. Cross. Is it not very difficult or even
10 impossible for one person to be able to launch an 8 or 10-person
11 inflatable life raft?

12 MR. DAVIS: It just takes some thought and ingenuity.
13 In our case, we redesigned the cradles using the principles of,
14 who is it, our committees -- give me a lever and I can move
15 anything -- created some leverage and it's very possible for one
16 person to launch a 20-man life raft.

17 MR. ROSECRANS: Thank you.

18 CHAIRMAN SUMWALT: Great. I do want to indeed thank the
19 panel for your great presentations and good answers. And again,
20 the PowerPoints are on the web. We are right on schedule, so
21 we're doing just great. Why don't we take a break and be back in
22 this room and ready to go at 3:20. Thank you very much.

23 (Off the record.)

24 (On the record.)

25 CHAIRMAN SUMWALT: Well, thank you for coming back. I

1 wanted to let you know that in the November issue of *Popular*
2 *Mechanics Magazine* -- it just occurred to me that November is
3 about two weeks away, but there is an article on the Katmai by
4 Kalee Thompson, who has also written a book on the sinking of the
5 Alaska Ranger. But this article is -- they're in boxes back
6 there, somewhere back there. Mike, where exactly?

7 MR. ROSECRANS: Back in the display area you'll see a
8 box.

9 CHAIRMAN SUMWALT: So I just wanted to make you aware of
10 that. So Mike, I'm going to turn it over to you to introduce our
11 last panel of the day. And as you indicated -- as I indicated
12 early this morning, we want the fishermen to be able to have the
13 last word of the day and that's why we've planned it that way.

14 Gentlemen, thank you for being here. **Panel 3**

15 MR. ROSECRANS: No discussion of improving safety in
16 commercial fishing is complete without including the fishermen
17 themselves. Safety measures can only be successful if fishermen
18 understand the risks and how to best manage those risks. The
19 purpose of this panel is to hear the fishermen's views on the
20 previous panels. We would like you to answer two basic questions
21 based on today's discussions.

22 So are you ready? Here's the test. What's the ideal
23 state of safety within the fishing industry? And two, what are
24 the impediments to achieving that state?

1 Let me introduce the panel.

2 Fred Mattera. Mr. Mattera is a commercial fisherman, a
3 vessel owner, a safety trainer, a member of the Commercial Fishing
4 Industry Vessel Safety Advisory Committee, and a frequent
5 contributor to articles on safety. Today he is representing the
6 Point Club from Point Judith, Rhode Island.

7 I have listed here Jimmy Ruhle, but Jimmy Ruhle was
8 unable to make it today and I expect that he'll be here tomorrow
9 and I'll introduce him then.

10 Elliot Thomas. Mr. Thomas is a commercial fisherman and
11 chairman of the Maine Commercial Fishing Safety Council.

12 Mark Vinsel. Mr. Vinsel represents the United Fisherman
13 of Alaska. UFA is an umbrella organization that represents 38
14 other fishing organizations.

15 Tim Vincent. Mr. Vincent is a commercial fisherman, a
16 marine surveyor who was involved in the ACSA program, and he
17 serves as President of the Board of the North Pacific Fishing
18 Vessel Owners Association.

19 And Mickey Johnson. Mr. Johnson has fished commercially
20 in the Gulf of Mexico and currently manages a small Gulf Coast
21 shipyard. Today he is representing the Southern Shrimp Alliance.

22 Mr. Mattera, the two questions are: What is the ideal
23 state of safety within the commercial fishing industry, and what
24 are the impediments to achieving that state?

25 MR. MATTERA: Thank you, Chairman and Mike and the NTSB
26 Board for this opportunity.

1 CHAIRMAN SUMWALT: Mr. Mattera, I think somehow your
2 mike may not be on. Thank you.

3 MR. MATTERA: I've never had anybody tell me they
4 couldn't hear me.

5 Thank you for this opportunity. Yes, I have been a
6 fisherman, I've been a fisherman for 38 years, and I'm going to
7 take a different perspective here. I am the president of Point
8 Club. The Point Club is a mutual insurance group. I am also a
9 director from the underwriter who underwrites the insurance,
10 Sunderland Marine out of the UK, and serve on their board
11 representing the United States. Together, the Point Club, which
12 was started in 1985 by fishermen, came to fruition and is managed
13 and has input and is for the fishermen.

14 So we've taken the initiative here. We essentially
15 insure trawlers from 45-foot to 110-foot. We have lobster
16 vessels, inshore and offshore. We have gillnetters and a couple
17 of longliners and we have several scallopers. We are very
18 selective in the vessels that we choose. And what we have done
19 is, the first 15 years -- we've been together 25 years. The first
20 15 years, we had very low incidences, very few injuries, no losses
21 of life, no losses of vessels. There were years where we had 2 to
22 10 injuries out of 150 to 200 fishermen that were insured.

23 So we just thought we had an ideal situation and part of
24 this was because we had created some standards. We created a
25 minimum vessel standard. Actually, we had two advisors on the

1 Fishing Vessel Safety Act that came out in '88, from the Point
2 Club board, and they used our minimum standards that we had
3 created. With those, we had applied those to our surveyors and
4 working with the Point Club, Sunderland and the fishermen, we
5 institute those and we use them as a benchmark and a guideline for
6 our surveyors, where it's mandatory to do surveys every two years.
7 So it's sort of a built-in ACSA program, from what I'm hearing.

8 But around 2000 things changed. You know, in the early
9 15 years, the first 15 years, in the '80s there were a lot of new
10 vessels, right up through the early '90s, so you had a lot of new
11 vessels that were put into the business. And around 2000 the
12 economy changed, fishing wasn't as healthy as it had been in years
13 prior to that, and we started to have some incidences and losses
14 of life, losses of vessels, major injuries, and we had loss ratios
15 versus premiums in 150 to 200 percent.

16 So we recognized that we had to take some precautions.
17 And what we did was the Point Club, Sunderland Marine, and the
18 fishermen started a safety program in mid-2005, and what this
19 included was several measures. Initially what we did was the
20 first -- you had to have inspections of all safety equipment on a
21 monthly basis. Second, there was hands-on use and the application
22 of all the safety equipment. And third, you had to engage in
23 monthly safety drills with all the captains and the crews.

24 This was slowly developed into the second and third
25 year, where we gave the owners the opportunity to decide how they

1 wanted to engage in this. You had several options. Option one
2 was that you could continue to conduct monthly drills and
3 inspections by hiring a third party so that you didn't have bear
4 that responsibility, and in this case Sunderland had worked with
5 us and agreed to pay for 60 percent of that cost.

6 The second option was, if you had a crew member or a
7 captain that had a drill conductor's license, they could do drills
8 and inspections on a monthly basis. But it was mandatory to have
9 quarterly audits done by a third party, and that was paid for 100
10 percent by Sunderland, the insurer.

11 And lastly, for the smaller vessels that we had, they
12 had to comply on an annual basis with a drill and an inspection,
13 and again 100 percent was paid for by Sunderland.

14 There was a minimal of -- we still had losses of some
15 lives and losses of vessels. We had minimized the injuries. Our
16 loss ratio went down to less than 100 percent and our injuries,
17 especially major injuries, were reduced by 60 percent with this
18 program. But things have still happened and we lost some
19 fishermen and so what we did was we took on some intervention.
20 And this was adopted again by the Point Club, along with the
21 fishermen. And this intervention was to recognize what were some
22 of the trigger points, what were some of the problems, what do we
23 need to address, what can we do better?

24 And the first thing we looked at was we bought personal
25 floatation vests. They were Stormy Seas, they buckle right into

1 your bib trousers, and we bought them and gave them to the
2 fishermen at 50 percent of the cost. The second thing we did was
3 we created -- there is an OPPA system that interfaces with your
4 radars and a lot of times it was difficult to identify a vessel on
5 a radar, in what direction he was going, how he was steaming, if
6 it was foggy out or if it was nighttime. So this tool helps you
7 to recognize the vessel. It gives you the speed over the ground;
8 it gives the bearing and gives you a CPA. We gave a \$500 rebate
9 towards that.

10 Third, we had a terrible, terrible incident. We lost a
11 fisherman, a 21-year-old fisherman, years ago and it was due to
12 hydrogen sulfides. It was a build-up of gas in the fish hold.
13 One of the fish hold persons had gone down. The captain and the
14 rest of the crew went down to see what was happening. All of a
15 sudden, all three of the four are down. One fellow was able to
16 get back up. He was a transit. He didn't know anything. He
17 didn't even know how to go to channel 16 to make a mayday call.
18 He just called out.

19 We were the first -- we were one of two responders. We
20 went to the vessel and helped to get the two crewmen that were
21 still in the fish hold out of the hold, apply some oxygen and all.
22 What we lost, one of my dear friend's young son, 21 years old.

23 From that, it obviously hit home, it was very emotional,
24 and we purchased multi-gas sensors. We purchased those and gave
25 them out to the every one of the fishing vessels that we have in

1 the Point Club, and they're still in use today. We have to
2 calibrate them, we change the sensors out, and they have worked
3 for those. They use them all the time.

4 Most recently there have been some incidences. The
5 Dictator was run down by a steamer. We don't know essentially
6 what happened to the Lady Mary or the Patriot, but there is some
7 speculation that the same thing may have happened. Myself, as an
8 experienced fisherman out at sea, I find it very difficult to
9 communicate with white water/blue water rigs.

10 Steamers that are steaming by, we try to identify them.
11 We don't know the names because we see them four, five, six miles
12 away, and all we're doing is giving them bearings, coordinates and
13 time and where we are and trying to get them to respond. We get
14 no response. Ninety percent of the time you get no response
15 whatsoever.

16 We had a vessel about a month and a half ago that had a
17 collision with a steamer outside of Ambrose, New York. Split the
18 bow open. If you saw this vessel you would not believe it was
19 still afloat. They had to tow it back to Rhode Island stern
20 first. What it's prompted us to do is buy AIS systems for the
21 fishermen. We're in the process of doing that so that we can
22 identify the vessel and you can plot these vessels on your plotter
23 and obviously have the name of the vessel, the documentation
24 numbers, et cetera.

25 One of the other things that's been talked about today

1 is fatigue. There is no doubt that the pressures on fishing these
2 days are greater and as fishermen we seem to go further, stay
3 longer with fewer crewmen. So there is a fatigue factor that
4 exists. And from that fatigue factor we've had numerous
5 groundings. We've lost three vessels in the last four years from
6 groundings. We just had another vessel in Woods Hole that went
7 aground.

8 And what we're doing now is instilling a program where
9 the drill conductors go aboard with watchkeeping postings and do a
10 complete drill trying to get them the crews to engage and
11 understand what's necessary when you change watch, when you take
12 over a watch, and what to do during the watch.

13 The other thing we've done is -- most of the vessels
14 have what they call bridge watch alarms. It's a monitor that you
15 could set a time frame from 5 to 10, 15 minutes; an alarm will go
16 off. And if you position it in a position in the wheelhouse,
17 you'll have to get up out of the chair, go over before the alarm
18 goes off and reset it. Those that don't have it, we're going to
19 purchase them so that every fishing vessel has them, so that we
20 can keep people awake at sea.

21 Impediments. Well, I happen to also be a drill
22 conductor and a marine safety instructor and I go aboard these
23 boats and do drills. And when I first started, it was quite
24 difficult. Everyone fights mandatory. Anything that's mandatory,
25 it's difficult for anyone to accept it -- it's human nature -- and

1 you have to prove yourself, so it takes some time.

2 It was also very difficult initially to go aboard -- I
3 might be fishing 38 years, but there's people in this audience
4 here that have been fishing 48 years or 50 years and they're
5 older, seasoned captains and at times they resented what they
6 considered me, a young whippersnapper that was going to come
7 aboard and tell them something that they didn't know already. So
8 you had to get through that issue.

9 Crews were always constantly upset because you took away
10 from their downtime and, you know, that was precious time that
11 they felt that they needed for themselves. And the other thing
12 that we see, that crews are very reluctant to engage in hands-on
13 training. There have been times I've had two fishermen walk off
14 the vessel, pack their bags, and leave fishing because they would
15 not put a survival suit on and jump in the water, which actually
16 was best for them and best for those fishermen that they were
17 working with, because they were a liability.

18 But you could see, we see constantly how difficult it
19 is. There is a fear factor. There are those that don't swim and
20 they don't believe that they're going to float in a suit, until
21 you do it yourself, get in the water, and then they'll engage in
22 it.

23 PFDs. It's a constant battle to try and get people --
24 they have them, they have them on the vessels. I've had a myriad
25 of different kinds of my vessel and I've threatened crews, to fire

1 them, if they don't wear them. I know there's times where they
2 still don't wear them. But it's very difficult. That's another
3 impediment. It's how do we show, how do we convince them, and the
4 only way is to look at statistics and to talk about anecdotal
5 stories that we have to make an impression upon them so that they
6 understand that it's necessary for them.

7 Now, I gave you this pitch from a Point Club
8 insurance/fishermen perspective. It doesn't only have to be that
9 way. It doesn't have to be just the insurance. I mean, these are
10 just groups. There could be fishing groups, fishing associations,
11 that recognize and are willing to adopt safety awareness and
12 they're willing to minimize major injuries, loss of life, loss of
13 property, and take a right and a profound step in the right
14 direction. Thank you.

15 MR. ROSECRANS: Thank you, Mr. Mattera.

16 Mr. Thomas.

17 MR. THOMAS: Thank you for the opportunity to be here.
18 I'm going to tell you --

19 MR. ROSECRANS: You have to get the microphone kind of
20 close to your face or it doesn't pick up.

21 MR. THOMAS: Is that better? I'm going to start the
22 same way, to tell you a little bit about the Maine Commercial
23 Fishing Safety Committee.

24 After an 8-year period, in which 34 Maine fishermen lost
25 their lives, we had -- in the year 2000 we lost 10 fishermen in 6

1 incidents. And the industry, the fishing industry, some of the
2 port towns, the state and the federal government got together and
3 developed a recommendation on how to respond and from that we got
4 our Commercial Fishing Safety Council.

5 The council has 17 members, 7 of whom are commercial
6 fishermen. It's been chaired by a fisherman since its inception.
7 We have surveyors, safety experts. The fishermen are from the
8 urchin industry, the lobster industry, scallop industry, as
9 mandated, and we've had some successes over our 10 years.

10 Maine's limited entry regulations for the lobster
11 industry include an apprenticeship program which requires a
12 specific number of days at sea and an education component. In
13 order to be eligible to obtain their initial lobster license, an
14 applicant must complete a U.S. Coast Guard-approved fishing vessel
15 drill conductor course. We've worked and we've been able to get
16 grants to fund this for everybody that's been through the program
17 so far.

18 We also have made it mandatory that -- worked with the
19 state to get it mandatory, that all applicants for urchin and
20 scallop divers and tenders licenses must take a safety exam based
21 on a booklet which the Council has written. And in addition, they
22 must have first aid and CPR cards at the time of license renewal.

23 In order to promote the voluntary dockside exams, we
24 worked with the Marine Patrol and the Coast Guard, and the Marine
25 Patrol brought their vessels to various ports along the coast, had

1 their dockside exams, and then the local fishing boats lined up
2 basically behind them and got their dockside exams, so that some
3 of the ports that might never see an examiner, some of the island
4 ports, were able to have exams quite readily.

5 We worked with the Maine Lobstermen's Association and
6 the insurance carrier that carries the Maine Lobstermen's
7 Association fishing vessel insurance, and people who complete a
8 drill conductor's course are eligible to receive a five-percent
9 discount on their insurance for five years, which amply pays for
10 the course.

11 Some of the impediments that we've seen over time have
12 been the problems that people had with the boundary line and
13 different types of safety equipment. Well, that goes away now.
14 As Mr. Hiscock mentioned this morning, that preemption has been a
15 real problem for us.

16 This past winter we lost seven people in one area. The
17 tides run pretty hard, up to 14 knots, through an area that like
18 to tow for scallops. We would like to make it mandatory for those
19 fishermen to be wearing a PFD when they're towing through there,
20 but we're not allowed to.

21 And one of the things that we hear from a lot of the
22 fishermen along the coast, and we hear it over and over again, is
23 drug use. People are worried about that. One of the issues that
24 we have is that -- you know, people have suggested that we have a
25 mandatory -- make everybody get in a mandatory drug testing pool.

1 But Department of Labor privacy requirements and the way people
2 are notified that they must take a drug test make it a useless
3 exercise in an owned or operated fleet. So we've had to give up
4 on that. We've had people come in and speak to us from everywhere
5 to see if we could come up with something like that, and it just
6 isn't possible. That's all for now, thanks.

7 MR. ROSECRANS: Thank you.

8 *Mr. Vinsel.*

9 MR. VINSEL: Hello. Is this working? Hello. Okay. I
10 appreciate the opportunity to speak on this. I do wish that --

11 MR. ROSECRANS: It's not working very well. Can you get
12 it just a little closer?

13 MR. VINSEL: I think it's this seat, maybe, that doesn't
14 work very well. But anyways, we appreciate the opportunity to
15 present here. I think that on some of these measures we're
16 looking retroactively at things that Congress has already mandated
17 that I think are problematic, to say the least.

18 But anyways, the ideal state of safety as it relates to
19 fishing in Alaska, I think, would be that when somebody goes out
20 fishing, we should have the expectation that they should be able
21 to come home with a relative same amount that when they go out to
22 do anything else, especially out on the water.

23 Alaska's a dangerous place. I was just thinking to
24 myself, I have a six-mile commute and I haven't had a car accident
25 in 20 years, except for that I just hit a bear about a month ago,

1 because I work late, 9:30; it was raining; I couldn't see and I
2 wouldn't have been able to stop anyways. But things happen like
3 that. We had 19 fatalities for, you know, small plane crashes
4 this year, including our beloved ex-senator Ted Stevens, who would
5 probably have been here if he was still alive.

6 But, you know, knowing that it's a dangerous place and
7 that fishing is a dangerous occupation out there on the water, I
8 think we also have to recognize that fishermen are a very
9 independent bunch and it's part of the lifestyle, that they choose
10 to do something that they know is dangerous, in order to have a
11 job that's different than my office job or any of ours. But as
12 with everybody, policy, federal policy and state policy and any of
13 our intentions should be that people should have the expectation
14 to be as safe as they could be. And beyond that, I think we
15 should pretty much let people go about their business.

16 Now what we could do, we hear a lot of talk about
17 stability and that we do see the recurring theme that economic
18 stability in the industry and the ability to expect to have a
19 profitable fishing venture -- and I don't know of any fishermen
20 that get into it to get rich, but just to be able to make a living
21 is what they all hope for. Yet we have -- I think there's at
22 least 10 federal agencies and we have about six or more in the
23 State of Alaska that fishermen have to pay attention to almost on
24 a day-to-day basis for their livelihood.

25 I like to quote one of our fishing leaders. She said

1 that the Coast Guard told them, on notifying them of some
2 regulation or another, that commercial fishermen should be reading
3 the Federal Register every day. And I can't imagine another
4 business, small owned business, that somebody in their right mind
5 would expect that of a small business owner.

6 I also mention that we've had some talks about the
7 alternate compliance program and that was -- he mentioned mid-size
8 vessels, but I think, among the people that I talk to that fish
9 out of Alaska, they consider a 58-foot limit seiner to be a large
10 vessel. And we've got 2,000 fishing vessels 20 feet or less.
11 Another 2,000, 21 to 29 feet. These are small, small family
12 businesses and in many cases can be adversely affected by
13 requirements that don't make sense for those vessels.

14 We do appreciate the alternate compliance. I think that
15 was a step forward from things that were in the earlier Advance
16 Notice of Proposed Rulemaking on some of those length limits.

17 I do want to reemphasize that UFA really supports
18 strongly the work of the Fishing Vessel Safety Advisory Committee
19 and AMSEA to reach out and really make connections to fishermen,
20 get fishermen to be their own drill instructors. That's the best
21 way to do it, because then you get people that are willing to
22 receive information from people that they know and respect that
23 they fish with.

24 And then we very much appreciate Dr. Lincoln's work
25 looking at, you know, individual fisheries to address safety by

1 fishery. I do like to point out, when we looked at this in 2008,
2 we went a little deeper into the breakout of the salmon fisheries.
3 She mentioned that drift gillnet was -- had the highest
4 fatalities, followed by the setnet fleets. Well, the gillnet
5 fleet is dominated by the Bristol Bay fishery, where the length
6 limit is 32 feet, and we've got some strange looking boats there
7 to pack as much fish as they can, and power to get to and from,
8 into a 32-foot boat.

9 And then, while the purse seine vessel fleet, with the
10 58-foot limit, and generally what many people consider to be large
11 salmon vessels, they only had two fatalities. These are 1990 to
12 '97. I don't have her most complete stats. But those are the
13 ones that are going to have an alternate compliance program,
14 probably faced with the highest costs, and if you look at economic
15 stability, they are already in the process of a self-funded
16 buyback intended to reduce the fleet by about 33 percent. So
17 those that are left fishing in that fleet face some economic
18 challenges beyond what they already anticipated.

19 But what can we do? We really need to get agencies that
20 are involved to coordinate with each other so that one regulation
21 on one agency's behalf does not jeopardize the safety and the
22 business of fishing. We need to take into account the economics
23 so that we are not making decisions or policy that gives somebody
24 an incentive to try to cut corners on safety.

25 I think the model of AMSEA in sort of spreading out a

1 network with person-to-person training so that they can train
2 other people in their communities is by far the best way and it
3 should be spread to the rest of the country.

4 I also think of safety -- when I was a facilities
5 manager in California, in a different industry, health and safety
6 were part of the same program. And at the same time we
7 deregulated Workmen's Comp in our company because a one-on-one
8 ergonomics training was able to come up with the lowest rates for
9 Workmen's Comp. Now, when I look at safety, I look at health
10 also, and you know, the fact is somewhere -- different estimates -
11 - between 30 and 40 percent of Alaska permit holders aren't
12 covered by health insurance. We had a good movement towards that,
13 but it fell short a couple years ago when Senator Kennedy, who was
14 its main proponent, took ill. But I don't think you can divorce
15 the two.

16 But I think I'll just sum it at that. There's a whole
17 bunch of things that may be problematic with the outreach required
18 to reach the many fishermen in Alaska that are not served by the
19 internet. We have people in villages that aren't even served by
20 telephones. So ultimately, to communicate with people -- you do
21 have lists based on permits, and U.S. mail may be the way to
22 advise them.

23 But as far as these mandatory trainings, it is great
24 news to hear that this doesn't affect people who fish within three
25 miles, because many of the most remote places, like the Yukon, you

1 know, generally are within, you know, state waters. But I'd just
2 like to point that if this had been a mandatory training, I was
3 only a few minutes -- I was on the last plane that got out of
4 Juneau yesterday and I wouldn't have been here by now if that
5 plane hadn't been able to take off with 65-mile-an-hour winds. No
6 other planes left that day and that's why I think somebody
7 couldn't make it.

8 But when you make things mandatory for somebody to get
9 to and then they aren't going to be able to fish if they don't get
10 that certificate, that's what they are facing. And also in places
11 where -- they don't have any other job opportunity in those
12 villages. So I'll have more time tomorrow and maybe I'll think of
13 other things to say.

14 MR. ROSECRANS: Thank you, Mr. Vinsel.

15 **Mr. Johnson.**

16 MR. JOHNSON: I'd like to thank the committee and thank
17 you, Mike. I'm going to be very brief. I've been dealing with a
18 bad batch of the flu and I'm trying to get over it.

19 But the Gulf Coast is very large, with a lot of
20 different cultures: Vietnamese, Laotians, Cambodians, Mexicans,
21 and Americans. Communications is our problem, which I think was
22 stated earlier.

23 Fall overboards are the single incident that accumulate
24 to a lot of fishermen deaths. And I was talking to Dr. Lincoln
25 earlier. We'd like to invite here to our board of directors

1 meeting in Tampa to discuss her PFD recommendations with us, with
2 the Shrimp Alliance, in November.

3 We work closely with our Marine Safety Office inspector,
4 Scott Labak. I'm sure you all know Scott. He works well with us
5 to do the inspections. We're doing the stability on the 79-and-
6 over and watertight rigs.

7 On the Gulf Coast you're not going to have any new
8 vessels constructed in the near future. Gulf Coast moratorium
9 shrimp permits are on a rapid decline each year. We started out
10 with what they thought was going to be 5,000 permits. We did
11 2500. I think we renewed 1200 the next year. Probably down to
12 900 this year. That's all due, as stated earlier, to the state of
13 the industry. The industry is barely holding on financially.
14 There's no money for change, especially on the smaller operators.

15 And I'd like to close with, the industry is presently
16 waiting to see the outcome of the BP oil spill to see if we still
17 do have an industry. That's what we're facing right now, today,
18 especially on the northern Gulf Coast. And as far as what we can
19 do, better communications, awareness drills and training. Thank
20 you.

21 MR. ROSECRANS: Thank you, Mr. Johnson.

22 MR. VINCENT: Thank you. It's an honor to present to
23 you today and to participate in this forum. I have a handout of a
24 personal account of two incidents that I experienced over the
25 course of my career, and this handout is located up in the safety

1 area. The account speaks to the fact that we have come a good way
2 with regard to vessel safety, but clearly more work is needed. If
3 you have any thoughts or questions about this handout, please send
4 me an e-mail address. It's on the handout.

5 The pictures in the first two slides are the Seattle
6 Fishermen's Memorial. As you can see, there are names of many
7 fishers who are no longer with us. There are memorials like these
8 in other parts of our country. Their names are fractional
9 compared to the amount of injuries and casualties incurred by
10 fishers each year.

11 So how do we do our best at keeping names off these
12 memorials? We become alert through awareness, leadership,
13 education, respect, and training. What do I mean by alert?
14 Awareness means recognition that commercial fishing is very
15 dynamic and it's full of potential for danger. There's no place
16 for apathy here. Awareness means taking a proactive stance
17 towards mitigating dangers and learning more about how to do so.

18 Leadership means setting the example of safety and
19 inspiring others to do so. Safety starts from the top.
20 Leadership comes from experience and education. Education means
21 setting goals towards participation in programs. This could be
22 vessel safety programs such as NPFVOA or AMSEA, or setting out to
23 obtain a higher maritime education through obtaining a U.S. Coast
24 Guard license such as a master's, mate's, chief's, or MMD.

25 The picture in this slide was taken during an NPFVOA

1 damage class and you can see that these guys are getting pretty
2 alert.

3 So respect means mutual cooperation between fishers and
4 regulators. Commercial fishers must understand -- must strive to
5 keep open minds, understand the regulatory burden that --
6 understand that regulatory bodies mean well and truly share the
7 common goal of keeping the industry safe. Regulators must strive
8 to understand the real burden fishers carry and to be careful not
9 to over-regulate. Respect is a very fine line and one of our most
10 significant challenges.

11 Training means practice. The practice of creative and
12 authentic safety drills is of great importance in our industry,
13 just like the slogan, "If you want to get good, you must practice,
14 practice, practice."

15 So let's talk about some of the sectors in the industry
16 here. This sector of the industry is vessels typically grouped in
17 fleets, corporate-backed, and with infrastructures in place. In
18 my experience and observations, though not always, this class of
19 vessels generally has a sound business model and are generating
20 sufficient revenues to maintain their vessels to an acceptable
21 standard and provide their personnel with safety and education.

22 This sector is usually staffed with dedicated safety and
23 maintenance departments. Typically, they have ample human
24 resources and good networking. These fleets are benefiting
25 through a proactive approach to educating and training their

1 personnel. If you consider the cost and fuel and lost fishing
2 time for, say, a factory trawler with 150 persons on board to
3 return to port on account of failure for training, the benefits
4 are quite clear.

5 Many corporate fleets have within them vessels that are
6 kept in inspection auspices such as ABS, DNV, or Coast Guard
7 Alternate Compliance Safety Agreement inspected. This is an
8 extension of awareness and this trickles down, benefiting
9 uninspected vessels within these fleets.

10 This is the sector of independent operators and this is
11 -- I want to add that this is a very wide variety of operations
12 and a very wide range of challenges. In many instances, profit
13 margins are narrower within this sector. This places the focus on
14 productivity in open-access fisheries and efficiency in IFQ
15 fisheries to keep the business model sufficient.

16 While fatigue is a problem industry-wide, it's
17 particularly so in this sector. Because this category tends to be
18 stretched, fishers, who are by nature excellent problem solvers,
19 become jacks of all trades through their experiences.

20 Because of limitations, this sector tends to engage in
21 the vessel modification process without professional consultation
22 or knowledge about applicable regulations or NVICs. Limitations
23 in finance, human resources, remote locations of operations,
24 travel costs, and time constraints lend to safety incentive
25 challenges in this sector.

1 I want to stress that in both industry sectors you've
2 got good operations and you've got operations that clearly are in
3 more need of safety. The point I want to make is this: if you're
4 operating a smaller vessel with limited human maintenance and
5 safety resources and you venture offshore to make your living from
6 the sea, the sea doesn't care about that. The sea can hardly wait
7 to kill anybody who fails to prepare. Because of the challenges
8 in the independent sector, vessel readiness for sea, safety
9 education and training is paramount.

10 Options for consideration. Government grants would help
11 all industry sectors in our quest. Corporate-backed fleets could
12 continue their needed expansion with safety programs. As trained
13 personnel move up and out into the non-corporate sector, they
14 bring their training and experience with them. Grants would also
15 provide much needed financial relief to the independent
16 operations.

17 Reduced insurance premium. The Bristol Bay Reserve, of
18 which I belong to, is an insurance pool for Bristol Bay drift
19 gillnetters. They've started a program in which, if you receive
20 certification in safety training classes, take and pass your
21 voluntary dockside safety exam, you'll receive a \$300 kickback
22 towards your insurance premium. That might not seem like a lot,
23 but believe me, for some commercial fishers that stretch thin,
24 that's a pretty big deal. So we're very optimistic that this
25 concept will be well received and we can get off the ground with

1 this.

2 We need to incentivize ways -- examine ways to
3 incentivize the concept of mutual cooperation, as cooperation
4 fosters increased awareness. Fishers, industry professionals, and
5 regulators will benefit exponentially through openly sharing their
6 unique expertise. Regulatory refit, just like the saying on the
7 boat, "There's a place for everything, and everything for its
8 place," this goes for regulations as well. Too many, and
9 operations become overburdened, or worse, financially regulated
10 out of business. Too few, and we're headed back to square one.

11 Pros and cons. I feel strongly, from my own experience,
12 that education and safety programs are some of the cheapest forms
13 of insurance the industry can buy. While hot fishing grounds and
14 competitive edges between fishers tend to be proprietary, safety
15 is definitely not proprietary. The fishers are more than willing
16 to share their safety experiences amongst each other. Safety
17 classes are an outstanding way to network this knowledge. I liken
18 the concept of mutual cooperation to street smart and academic
19 smart. Both industry professionals and the fishers who are
20 experts at their own tailor-made operations will gain through this
21 concept.

22 Cons. Any time there are incentives, there is potential
23 for abuse of them. If money is going to be granted, we need to
24 ensure the money is well targeted and well spent. We need to
25 ensure our instructors are held to a high standard and have good

1 ethics, good integrity, and keep an open mind about their
2 instruction. There are many challenges in ensuring regulations
3 are complied with. Sometimes the regulator may have to pick his
4 or her battles, as to what extent a regulation applies and whether
5 or not the regulation is effective.

6 If I can leave you with one thought from this brief
7 presentation, it's this: if it's a high liner you aspire to be,
8 be a safety high liner as well. Be alert, be aware, be a leader,
9 be educated, be respectful, and be trained. Practice your safety
10 drills, develop them to a higher standard and make them authentic.

11 I think this picture says a lot about fishing. Like so
12 many of us, this fisher is taking a lot of risk trying to catch
13 enough to survive the coming winter. Wherever and however you
14 fish, always be alert to the fact that you've chosen to put
15 yourself in harm's way to do so.

16 I'd like to thank the NTSB and Coast Guard for promoting
17 vessel safety. As someone who has survived a vessel sinking and
18 seen numerous medevacs in the Bering Sea, I can't thank you enough
19 for the good work you do, and I mean that.

20 MR. ROSECRANS: Thank you.

21 CHAIRMAN SUMWALT: Very interesting, thank you. We'll
22 now return to the Technical Panel for questioning. And
23 Mike Rosecrans will once again lead this panel, this questioning.

24 MR. ROSECRANS: Mr. Mattera, could you please explain
25 when you became interested in safety training?

1 MR. MATTERA: I became interested in 1985 when the Point
2 Club started. When we started this Point Club, all of us that
3 were owners had to put up some money. So we had to put \$1500 up
4 for each crewman that we had. We also took a portion of the risk.
5 We took the first \$50,000 of any incidences on liability and hull
6 and machinery. So we were at high risk. Now, we got reinsurance
7 coverage to minimize that, but that -- what it did was it put the
8 onus on the industry and on the fishermen, and at that point we
9 recognized that we had to take certain steps.

10 We approached the University of Rhode Island, which is
11 in our backyard, and developed a safety training program, which
12 was a three-day program. We did navigation and seamanship. We
13 did first aid and we did a full day of safety training, basically
14 covering most of the issues we deal with now. And that was when
15 we first started. From there, the University of Rhode Island
16 wrote a manual and we helped to foster that, and they developed
17 simulators for firefighting and took it on the road, and we just
18 got more and more involved in the safety aspect and continue to do
19 drill-conducting classes right up until about 1990. After the
20 Fishing Vessel Safety Act of '88, that's when I started.

21 MR. ROSECRANS: Thank you.

22 Mr. Thomas, can you address what impacts the small
23 vessel industry in the areas of Maine will experience from the new
24 Coast Guard authority?

25 MR. THOMAS: A fair number of vessels and small vessels

1 in Maine are Canadian built or otherwise state registered, and our
2 fishery doesn't really stop at the three-mile line. That's just a
3 line that's there. The biggest impact that I see will be safety
4 equipment and training and any licensing that people will have to
5 do.

6 MR. ROSECRANS: That'll be for those who operate outside
7 the three-mile line?

8 MR. THOMAS: Pardon?

9 MR. ROSECRANS: The additional requirements or training
10 and equipment will be those that operate outside the three-mile
11 line?

12 MR. THOMAS: That's correct, yes.

13 MR. ROSECRANS: Mr. Vinsel, what are the biggest safety
14 issues in Alaska and how might they be addressed? Besides the
15 bears, I mean.

16 MR. VINSEL: Well, I think water temperature and the
17 fact that most people go in the water didn't survive and wouldn't
18 unless they had a Gumbo suit on. And that's somewhat addressed.
19 You know, sometimes things happen so fast that people can't put on
20 their suits before they evacuate and unfortunately most of them
21 don't survive. I think Jennifer's work with fishermen on trying
22 to figure out what PFDs could be worn, would give, you know, extra
23 opportunity for a crew to be able save somebody that goes
24 overboard.

25 I don't think there are very many skippers that really

1 want to go out without a crew, but the economic pressures of the
2 industry and the competitiveness and just, you know, the price of
3 fish, which in our salmon fisheries is drastically up, but there
4 are some longliners that go out on their own. But if people can
5 afford to have a crew member, that's an extra measure of safety
6 there.

7 But the education is key, knowing what to do in an
8 emergency. I would like to point out, UFA sometimes honors an
9 individual as fisherman of the year, and the first one that I was
10 involved in, it was we honored a 12-year-old kid, Jess Russell.
11 And what happened was, there was -- the engine wasn't running
12 right and his dad was running the boat and went down below and
13 ended up unconscious because of carbon monoxide. But not through
14 any training as a fisherman, but through his Boy Scout training --
15 he had an especially proactive Boy Scout leader and he knew CPR.
16 I guess his dad had taught him to be able to use the radio, know
17 his location. But he pulled his dad out. He was a beefy kid. He
18 pulled his dad out of the hold, got him on deck, got him into
19 fresh air, radioed for help, was able to identify the location,
20 keep the boat going, actually pulled in the net, did all of this
21 stuff that the best of professionals would be called upon to do
22 and expected to do. But that education, the proactive nature of
23 that education saved his dad's life and kept him from being on
24 Jennifer's list. And that education, I think, is always the most
25 important part of safety.

1 And I do want to make clear, we don't oppose any kind of
2 education. We really understand that it'll need a lot of funding,
3 it'll need outreach and creative ways to reach people that are
4 really beyond -- here in Washington, you don't see how far remote
5 many, many of Alaska fishermen are.

6 MR. ROSECRANS: Mr. Vinsel, another question. Can you
7 give us your views of the Alaska fishermen on the relative roles
8 between regulatory and non-regulatory means for improving safety?

9 MR. VINSEL: Well, I'd say I think they have a lot of
10 embrace for Jerry Dzugan's approach with AMSEA, which is really to
11 involve skippers and crew members and make them become the drill
12 leaders or drill instructors. And his idea of going to a town,
13 even some very, very small communities -- there's no way he can
14 get to every community, but I believe in the last 3 or 4 years
15 he's been to 65 different communities and so he trains trainers in
16 those communities and builds up his own network. That's very much
17 embraced.

18 Now, there will always be a large number of Alaska
19 fisherman that -- well, Alaskan's not even -- not just fisherman,
20 but who don't appreciate the reach of federal or state government
21 into their life or business, but, of course, it's a fact of life
22 when you're harvesting a public resource.

23 But in general, I think we have a very large buy-in for
24 the scientific process in fisheries management. We have a large
25 buy-in for the actions of our North Pacific Fishery Management

1 Council and our Board of Fisheries, as long as those are based on
2 science. This is, again, where Jennifer's work comes in. If you
3 identify problems and solve them, they're generally accepted and
4 embraced; but if you come up with solutions that may in some cases
5 not be relevant to a particular fishing operation, they're not so
6 embraced.

7 MR. ROSECRANS: Mr. Johnson, you mentioned in your
8 comments that the number of fisheries permits in the Gulf of
9 Alaska was going to be decreasing in the next few years. Are
10 those state or federally issued licenses?

11 MR. JOHNSON: That's federal permits in the Gulf of
12 Mexico. It's a Gulf of Mexico moratorium permit. And like I
13 stated earlier, those started out, they thought it was going to be
14 about 5,000 when it was initially enacted. I know it was at 2500
15 a few years ago, down to 1700 to 1200, but it's just the state of
16 the industry. It's that many permits dropping out. And this is
17 the offshore Gulf EEZ permit.

18 MR. ROSECRANS: And I presume that's the Gulf Fishers
19 Management Council that devised that plan?

20 MR. JOHNSON: Yes, I think so.

21 MR. ROSECRANS: Mr. Vincent, in your alert presentation,
22 you talked about awareness. Can you explain some of the things
23 that NPFVOA does to raise awareness within the industry?

24 MR. VINCENT: Yes, I can. I think -- and Mr. Dzugan
25 touched on it earlier -- NPFVOA, AMSEA are like facilitators.

1 They're relevant with what's going on in the fisheries with
2 safety. Fishermen identify with that. It's a better incentive --
3 way to reach those incentives.

4 What happens, like, if you have the Coast Guard and they
5 come into town and let's say they come into a small village or
6 something and there hasn't been this outreach, the consensus
7 mentality is kind of like, oh, here they come, run for your life,
8 I might get a fine. So off I go. The safety awareness programs,
9 they do a good job of like giving the fishermen the tools that
10 they identify with to go ahead and go after those programs and get
11 educated.

12 MR. ROSECRANS: Let me ask a general question of you who
13 represent fishermen. The new authority for the Coast Guard that
14 would require classification load lines, what will that do to the
15 composition of the fleet? Will it hamper new construction and
16 we'll see vessels staying in service longer and longer?

17 MR. MATTERA: Yeah, I'd like to comment on that. I see
18 it as a great problem. Not that we don't need more stable vessels
19 and better built vessels and all, but I'm concerned about taking
20 it to that level. Having gone through Europe and other areas and
21 realize that the cost of a vessel now will probably just about
22 double. We have an aging fleet in the Northeast which will
23 continue to contribute to loss of vessels and loss of lives, no
24 doubt about it.

25 I'm a youngster and I'm 25-year-old vessel. Most of the

1 vessels are 35 to 40 years old; those vessels need to be replaced.
2 And we're not going to see the economic, the income from that for
3 another 5, 6 to 10 years even with consolidation sectors, ITQs,
4 whatever it is that's going to continue to happen in the
5 regulatory process and so that, you know, it's going to be -- all
6 of these vessels are going to be another 8 or 10 years older and
7 then we're going to try and replace them and now we're going to
8 have to try and replace vessels that, you know, we initially paid
9 4 or 500-, maybe a million dollars for, and now we're going to
10 have spend 4- to \$5 million.

11 It's not going to happen. I just don't see it
12 happening. I'd rather see other meshes. I'd rather see, you
13 know, sit down with the industry and develop -- and you know, boat
14 builders, naval architects, and develop certain standards: you
15 know, means of being able to shut off fuel if you have a fire,
16 means of securing ventilation, you know, deck machinery and
17 certain other things that, you know, you need to be aware of. And
18 also in the structure of the vessel, the stability of the vessel
19 and the steel and the welding. Those are easy things. But when
20 you get more convoluted, it's just the cost is going to be
21 prohibitive and I see that as a grave problem going forward.

22 MR. JOHNSON: And Mike, I'd agree with that. We deal
23 with load line boats, we deal with ABS, Lloyd's, Hellenic,
24 Veritas, all these standards on foreign vessels that went to
25 Africa. And your cost factor is tremendous when you go load line

1 and class. It's the machinery. Your machinery cost -- your
2 engines will cost you so much more greater because you're getting
3 an ABS class engine. And that's one of the factors that -- you
4 know, I don't see where it would help the safety or anything to
5 the boat just by having your equipment on a class.

6 MR. VINCENT: ACSA is a great program. It really is a
7 good hand-in-hand, Coast Guard working with the vessel owners. It
8 increases vessel, deep vessel, safety awareness exponentially.
9 I'm talking about going down into bilges, looking at structures,
10 not looking at what's going to produce you the money on the deck
11 or whatever. But that's the problem is a lot of small operations
12 are really constrained by what they make; their margins are very
13 slim. And I think this is a doable deal but it's got to be very
14 targeted and it's going to take time. It's going to take a lot of
15 time to bring the people along. If you try to just throw this on
16 them all at once and you don't do a good job with outreach, you're
17 going to run people over, definitely. So you've really got to
18 think about you should do a very careful analysis of all the
19 fisheries that are going to be doing this, what kind of money
20 they're really making, you know, putting in their pocket at the
21 end of the day and, you know, how far you can go with this. I'm
22 all for it but it's going to take some time and some effort and
23 some great communication.

24 MR. ROSECRANS: Thank you. One last question for the
25 panel. We heard of a couple instances where insurance has been

1 one of the catalysts to help fund safety and we've heard from the
2 Point Club and then from Bristol Bay. Are there other instances
3 where insurance has been a catalyst for promoting safety?

4 MR. VINCENT: No. I'm not aware of any, personally.
5 No, I can't really say that. But you know, it would be nice if a
6 fisher knew that he was going to, by doing these things, if he
7 was, you know, to be made certain that he was going to get a
8 kickback on his premium or a reduced premium or whatever, that
9 would certainly incentivize them, definitely, and that's just
10 everybody's going to win by that. The underwriting community is
11 -- you know, they're going to have less losses, so as I said
12 before, safety and education is huge. We've got to get that
13 message out there.

14 MR. MATTERA: The only thing I know of is Sunderland, I
15 think, last year sponsored and paid for one of the safety
16 trainings that we conducted in New Bedford. You know, I have
17 reached out to other domestic and global insurers and tried to
18 embrace, you know, how simple a small amount of money and how much
19 money they can save. I've met with them in Chicago, I met with
20 them in New York City, and the brokers and the people in the line
21 of fire, they understand this but when it gets up to the
22 accounting, that's where it falls apart.

23 You know, for \$100,000 to save millions of dollars, it
24 seems to be a no-brainer but it just doesn't happen. And the
25 other part is it's a competitive business. Remember, selling

1 insurance is very, very competitive. You know, Sunderland and the
2 Point Club, we're not the lowest premiums. We certainly don't --
3 you know, there have been people that have left because they paid
4 a little more for a premium, but the service they get is
5 impeccable, bar none.

6 And you know, what happens is nobody wants to
7 compromise. You know, everyone's afraid to get involved in
8 insurance for fear that they're going to put the label on
9 themselves so that they're going to impose something mandatory or
10 something safety-wise on the fishermen and that's going to turn
11 the fishermen off and they might lose that premium. And that's
12 ridiculous but that's the reality.

13 MR. THOMAS: As I stated earlier, people get a discount
14 if they take a drill conductor's course and -- with one company --
15 and some of the other brokers are now working to get their
16 insurance underwriters to agree to the same thing.

17 MR. ROSECRANS: Thank you.

18 CHAIRMAN SUMWALT: Thank you, Mr. Rosecrans.

19 And Rob Henry.

20 MR. HENRY: Thank you. From the discussions that we've
21 had, while it seems there are a number of national problems that
22 are universal among fishermen from all the various regions, from
23 our discussions this afternoon it seems a lot of it is
24 local/regional and that the energy to solve problems and make
25 improvements have been regional. And my question is why hasn't

1 there been more of an interest to -- for fishermen to have a
2 national voice and a national advocate to talk for the fishermen?
3 And I ask each one of you the question.

4 MR. VINSEL: I'll speak first. Jimmy Ruhle will be here
5 tomorrow for Commercial Fishermen of America. That's the only
6 nationwide group that I know of, of fishermen, and I believe
7 they've had a pretty hard time really getting people to sign up.
8 They had some initial momentum because they were focused on
9 national fishermen's healthcare, which is one thing -- or health
10 insurance, healthcare. That's something we all have in common, a
11 very difficult thing, and actually, we share that in common with
12 the small family farmers and just about all small businesses.

13 But they have a hard time getting people organized and
14 part of it is just the independent nature of fishermen, mostly
15 through the generations, and in Alaska, most -- I think still, by
16 far, most of our fishermen are multi-generational fishermen and
17 they grew up in an era where they didn't have to read the Federal
18 Register every day and they could fish and they could expect to
19 make, you know, not a lot of money but make a living and support
20 their family. Those kind of difficulties make it very hard and
21 that aura of independence tends to make it hard to run any fishing
22 association.

23 I think, at UFA, we're considered to be one of the
24 strongest associations in the country, yet I don't think we've
25 reached really more than -- might be 10 or 20 or 30 percent, at

1 most, of the Alaska fishing fleets are either members of UFA or a
2 member of our -- any of our associations. It's an independent
3 bunch and it's hard to reach them.

4 MR. JOHNSON: I think it's the deal also, fishermen are
5 so territorial and even on the Gulf coast you have each different
6 culture and it's hard to pull all of them together, and each state
7 you go -- in Louisiana it's different than it is in Texas and it's
8 just a different culture of people.

9 MR. VINSEL: It's hard enough to put two fishermen in a
10 room and get agreement on something. Maine is like harbor-
11 oriented and to try and get everybody in Maine to join an
12 association is impossible, and I think to try and get the
13 associations -- if you could get everyone to join the association,
14 maybe you could get the associations to find it, but we can't even
15 go that far.

16 MR. VINSEL: I agree. You stole my thunder. I was
17 going to say four fishermen in a room to agree. But he's right,
18 two usually don't agree. And again, it comes down to
19 regionalization and it comes down to management and ideology and
20 where do you want to go and it's -- you have mobile gear versus
21 fixed gear and you have all different types of aspects. You know,
22 you got lobstermen, you got gill netters, you got long-liners and
23 they can't agree to what they want to catch and where they want to
24 be and what area they want to control. Same thing with mobile
25 gear. So it's a constant fight.

1 I mean, I've sat with Jimmy for hours trying to figure
2 out how do we do this because united we stand, divided we fall. I
3 mean, it's divide and conquer. And if you could get all of these
4 associations to align themselves, what power we would have. I
5 mean, it would be amazing what we could achieve. But in my 30
6 years of doing this -- and Rodney is another advocate out here, we
7 try to act as leaders but it's difficult to bring everybody
8 together. We actually end up with bulls-eyes on our backs.

9 MR. HENRY: Our experience with uninspected vessels with
10 the towing industry has been very much different and I guess
11 that's the genesis for my question. We regularly have
12 communications from the crews that man uninspected towing vessels
13 and they are -- wherever we issue a recommendation or do an
14 investigation that deals with a towing vessel, you know, they're
15 right in our faces. Every regulation that comes out, proposed
16 rules, they're all over the Coast Guard and they're all over us,
17 you know, and they have a pretty wide agenda from the obvious
18 issues of manning, work/rest cycles, fatigue, to just safety
19 practices in general. And I guess what concerns me is, especially
20 with the comments about Federal Register, because with the
21 Administrative Procedure Act, if you don't follow the Federal
22 Register, you're just not going to see it in time to be able to
23 respond and get your input into it.

24 You know, the fishermen in Alaska, okay, they're pretty
25 far away but we have the problem right here and we're a federal

1 agency, you know, and we have to read that Federal Register every
2 day because if you don't and you happen to miss the article that
3 goes through that you needed to respond to, well, shame on you.

4 But I guess my concern is, over the next 10 years
5 there's going to be a lot of regulation development. I guess we
6 heard 40 separate reg projects. You know, and if the fishermen
7 don't get involved and get their input into it in a collective
8 way, what's going to happen?

9 So my question to you and to each of your organizations
10 is do you have a plan to stay involved in this reg process and get
11 the fishermen's input into it? And for each of you, what is that
12 going to look like?

13 MR. THOMAS: At NPFVOA, we have a mailer that goes out
14 to our membership and we're pretty good about keeping the
15 membership apprised of regulations and stuff, but there's -- it's
16 just a lot of work. Somebody said earlier today, you know, we're
17 not a literary society. Fishermen, in general, just don't, like,
18 grasp that concept of I need to read the Federal Register and stay
19 abreast of what's going on here. It usually is, you know, much
20 after the fact. And a lot of times, you know, the money's so
21 tight and whatnot and they're working so hard, they're just trying
22 to keep their own house from burning down, so to speak. So there
23 needs to be somebody who has the, you know, the ability and the
24 ways and means to get the word out.

25 There needs to be some great effort put forth there to

1 really, you know, redouble and redouble and it's not just a matter
2 of well, put the word out and it's okay, you know, the word went
3 out or -- no, you can't do that. You got to just keep going and
4 going, drive it home, you know, with a sledge hammer to get it in
5 the thought process. So it's difficult.

6 MR. JOHNSON: We have a fishery advisor here in
7 Washington and also our executive director does a monthly
8 newsletter, so they keep the regs up and keep it out. We e-mail
9 it, mail it out physically, also, to members.

10 MR. VINSEL: I regret to say I used to send out
11 something every week that included anything that happened that
12 might affect different Alaska fisheries if it affected more than
13 one or two, and I haven't been able to keep up with that workload.
14 Now it's got to be about every three weeks and now with workload
15 it's -- I haven't done one in a month and a half or so. And
16 that's our own responsibility, to be able to fund our organization
17 and staff it to what the job requires, but it's difficult.

18 I think I see a little bit of hope on the horizon and
19 perhaps a model. There's a couple things going on. We will see
20 what happens with U.S. healthcare policy, but the legislation that
21 passed did include funding for fishing associations, among a few
22 different named entities, that would be called navigator entities,
23 when the exchanges, health insurance exchanges kick in, in 2014.

24 In Alaska, that's a whole other set of problems because
25 I have a hard time taking federal money to inform fishermen that

1 they only have one provider that'll offer them a health insurance
2 policy, but that's not your problem. But there's also a national
3 seafood marketing effort that Alaska is working on trying to get
4 to be nationwide throughout other states to basically build on the
5 model that we had with some federal -- short-term federal funding
6 to help our marketing when our salmon prices were in dire straits
7 and that was very successful, and then we have the ongoing Alaska
8 Seafood Marketing Institute. But we want to build on that model
9 and create sort of more national cohesiveness among the different
10 fishing groups through those efforts.

11 But your suggestion, I mean, is very clear. This is
12 what we need to do to be able to function as an industry in --
13 where so many different regulatory agencies and not to mention the
14 dynamics of the resource, itself.

15 MR. THOMAS: Due to the decline in the ground fishing
16 industry in Maine, the lobster industry is probably the most
17 informed right now. There's about 5800 licenses. About 1200
18 people belong to an association, a Maine lobstermen's association,
19 and last year we decided we would send our newsletter to every
20 fisherman and we do have somebody that looks at the Federal
21 Register every day and actually, if something that is found that
22 attains to other part of the fishing industry, people are notified
23 even by the association. So that's how we stay informed.

24 MR. MATTERA: It is difficult in the Northeast here. It
25 really relies on specific leaders from fishing associations and

1 other groups and there is a website in New Bedford serving
2 seafood, it tries to get some of the messages out there. We have
3 Richard Gaines, who writes for the Gloucester Times, who has a
4 website and has e-mails that he provides. And I'm telling you, my
5 greatest source is Richard, his column. I mean, if he was to
6 leave tomorrow, I don't know what I'd do. I'd have to read the
7 Federal Register every day and believe me, it's not what I want to
8 do. So he's a great resource.

9 I think what we need here is -- you know, you talk about
10 grants and funding. We need to develop what they've done in the
11 North Pacific. They've done -- they are the model. What Leslie
12 has achieved in North Pacific Fishing Vessel Owners Association
13 and what Jerry has achieved in AMSEA is remarkable. I mean, it is
14 the true model. And what we need to do here is to try and develop
15 the same thing in the Northeast and maybe in the Mid-Atlantic and
16 the Southeast and the Southwest and converge in that way. And
17 maybe through some grants and funding, we'll be able to achieve
18 that, hopefully.

19 MR. HENRY: And one last question. The myriad of
20 federal regulators that you were talking about, a lot of them, you
21 know, are there for safety and put out safety information. You
22 know, we put out our accident reports and we have probably been
23 trying to be very proactive to get them up on the web so everybody
24 can see them, make them available in print. Do you all read these
25 reports and are they meaningful to you?

1 MR. MATTERA: As a drill conductor and someone that goes
2 on, you know, 70 or 80 vessels along -- and I work with Rodney at
3 times here, Avila, who will be on the panel tomorrow. We use
4 these as tools. We're constantly using them as tools. And what's
5 nice is they've been updated. We use what North Pacific provides
6 us, what AMSEA provides us, what Dr. Lincoln provides us, and
7 we're fortunate to both be on the fish SAC committee, so we do
8 have this myriad of information and we do post it. I have
9 postings at my office. I have things posted, you know, on both
10 bulletin boards. So that we do use those and it is helpful.

11 MR. VINSEL: I agree, especially the lessons learned
12 when there's a major catastrophe. Those are very widely
13 distributed and paid attention to.

14 MR. JOHNSON: Yes, our office in Tampa normally reacts
15 to this and it goes out in the newsletters.

16 MR. VINCENT: The same for NPFVOA. We receive our
17 information through NPFVOA.

18 MR. HENRY: Thank you.

19 CHAIRMAN SUMWALT: Thank you, Mr. Henry.

20 Liam LaRue.

21 MR. LARUE: This first question for Mr. Vinsel. In your
22 presentation you said that there needs to be a focus on the
23 economics and that we need to give fishermen an incentive not to
24 cut corners. How do you propose that we would do that?

25 MR. VINSEL: That's a tough question. One thing that

1 was mentioned in our paper in 2008 -- now, this is when dockside
2 inspections were still voluntary. We suggested that -- and
3 actually, I quoted, in the paper, that there was, in a Coast Guard
4 publication, it said that the dockside inspections would help
5 reduce your likelihood of being boarded at sea, which interferes
6 with your fishing time. But numerous people told me that wasn't
7 the case and even with the dockside inspection current, they were
8 boarded and interrupted in transit or sometimes in fishing and
9 that's a great incentive.

10 And I would expect, with the manpower issues that the
11 Coast Guard faces in doing those, we should really ramp up the
12 dockside inspection and then pretty much ensure that once you have
13 that sticker or are included in a -- and Coast Guard would have
14 the ability to keep a database, they shouldn't be bothering
15 people, interfering with their harvesting of fish or getting to
16 and from.

17 But as for incentive to cut corners, as far as the
18 Marine Transportation Safety Board, I don't see too much that can
19 be done. But as far as the general mix of regulations, I'm not
20 here to speak on behalf of any rationalization scheme. We insist
21 that those be, you know, developed through the councils and with
22 the input of fishermen and the fishermen have control and we
23 respect the way that our council works.

24 But I think that UFA does have a recent resolution
25 supporting the status quo in the five-year assessment of the Crab

1 Rationalization Program and so when we make changes, we want to
2 keep the economic stability so that people can invest and know
3 that they have, you know, a good reason to invest in their
4 fishery. I think in the state of Alaska, in our salmon fisheries
5 and other state-regulated fisheries, we have a three-year Board of
6 Fisheries cycle, that puts a lot of question -- you know, question
7 marks over what people can expect.

8 So that's not your purview, but I think as far as the
9 NTSB goes, making sure that we're respecting the process by which
10 fishermen engage and work with science to harvest fish -- and of
11 course, we can't harvest when there's not fish, but we feel that
12 there is great track record in doing these and that in itself is
13 the incentive, because you have a business that you expect to be
14 viable and a next generation that you expect to move into it. So
15 things that interfere with that, things that add cost without
16 actually solving problems, are the opposite of that.

17 MR. LARUE: Mr. Vincent, could you tell us what some of
18 the benefits of being a member of your association and then also
19 describe some of the training that your group puts on?

20 MR. VINCENT: Let me give you a personal experience.
21 Around the mid-eighties I had no training. I was running a Bering
22 Sea crabber and we were pretty much living like a lot of people
23 are living out there, unaware. And I had a guy go over the side
24 and thank goodness I had -- my mate had had NPFVOA training and he
25 had the presence of mind to get in a survival suit of the tag line

1 and on my command, jump over the side of the boat and get ahold of
2 this guy. And my leg was shaking like crazy because I was not
3 prepared, at all. Thank goodness we got this fellow back on and
4 as soon as I was done with that, I was like okay, we're getting
5 training; there's no ifs, ands, or buts about it.

6 If you look at my handout that I have up in the safety
7 thing, I believe the handout speaks a lot to two different
8 incidents that I had and the difference of training and not having
9 training.

10 MR. LARUE: Could you describe some of the specific
11 training that the association puts on?

12 MR. VINCENT: Yes. Man overboard, survival at sea,
13 first aid. Damage control is a really good one. That one lends
14 itself to, you know, some of the -- I guess you'd put it like
15 Alternate Compliance Safety Act is way more about hull structure
16 and watertight integrity and those kinds of things, and we're very
17 flexible in our program; we adapted those things. Damage control
18 is kind of a facet of that. We're always analyzing like, okay,
19 what's coming up in the industry, you know, what do we need to
20 target, how are we going to do that. We're very good at following
21 these things along, very flexible in developing programs as
22 they're needed.

23 MR. LARUE: I've been given one last question.

24 Mr. Mattera, you told us about a number of different
25 membership requirements, including training and things like that,

1 drills. How do you ensure that those requirements are being met
2 by your members?

3 MR. MATTERA: We do an auditing process. You know, I
4 have a specific number of those vessels and I have to contact them
5 on a monthly basis and ensure those that have signed up for the
6 monthly drills and inspections comply, and then those that are on
7 a quarterly basis, I go aboard and do an audit every quarter and
8 the same thing with the other people, the third party that works
9 for us through the Point Club and Sunderland.

10 CHAIRMAN SUMWALT: Thank you, Mr. LaRue.

11 And Mr. Bowling.

12 MR. BOWLING: Thank you, sir. I'll be brief. This
13 question, actually, I would like to just toss out to the panel.
14 There was a letter submitted from the United Fishermen of Alaska,
15 Mr. Vinsel sent it in, and addressed the voluntary/mandatory
16 dockside examinations. There were some comments in that letter --
17 and this is in the public docket -- which relate to the Coast
18 Guard's voluntary-soon-to-be-mandatory dockside examination
19 program. Is that program working and if not, where are the areas
20 of improvement that need to be made?

21 MR. THOMAS: It's definitely working, helping. No
22 question about it.

23 MR. MATTERA: I agree. It's definitely working. It is
24 mandatory where we are because most of us are engaged in a fishery
25 where we have to take observers and when you have to take an

1 observer, you have to have that document. You have to have
2 fishing vessel safety certificate. So it is mandatory and it's
3 mandatory on an annual basis for us. But, you know, a lot of the
4 vessels already comply with it because most of what we put them
5 through with safety inspections and drills, they've complied with.

6 What we get, what I get sometimes is these vessels
7 aren't engaged in the Point Club and they have to do one, they'll
8 call me up, can you come down and do a drill or you can do or that
9 for us or tell me what's coming so I know what to prepare and what
10 to get ready.

11 Most of the times, these vessels, you know, it
12 definitely is an advantage and I will say, as a fisherman out at
13 sea, if I have that, many times I've been questioned by the Coast
14 Guard and when I did say that I had that certificate, there were
15 numerous times when I was not boarded. When I was boarded, it
16 basically was a just quick review of making certain my survival
17 suits were available, readily available, my life raft was serviced
18 and it wasn't expired, along with the hydrostatic release, and my
19 EPIRB along with a battery, hydrostatic release, and registration
20 numbers. Quick review of that and then they just dealt with
21 fisheries regulation measures. So there's an advantage to it, as
22 well.

23 MR. VINSEL: Yes. Make no mistake, it's a tremendous
24 advantage for those that get it and even if they do get boarded
25 afterwards, it's like Mr. Mattera said, it goes more quickly and

1 it does ensure that they have the required equipment so it makes
2 them safer on the water.

3 I probably should've noted that we do appreciate those
4 and the people that do them, and in Alaska they -- I think, in
5 general -- I mean obviously, they can't reach every small port but
6 they get around and they're, you know, small jump teams and they
7 do provide notice to the fishing groups of when they'll be
8 available and they do a lot of it before the season. It's a great
9 benefit. And you know, our -- as it's been phrased as a complaint
10 but it's really just the information that is problematic to reach
11 everybody that way in Alaska.

12 MR. JOHNSON: We highly recommend it and this summer, as
13 to the BP oil spill, every vessel that worked the Vessel of
14 Opportunity program had to have this inspection done.

15 MR. THOMAS: It does work. Fact, it works very well.
16 There are some programs in Maine where it is required. If we're
17 taking a state observer, state scientist, out with us, it's
18 necessary to have it but there are some people, even though it
19 works, that don't want the Coast Guard on their boat if they don't
20 have to have them. And we have lost, in some of the scientific
21 programs, we've lost people because they refuse to have a
22 voluntary dockside exam.

23 MR. VINCENT: I was just going to add, briefly, that
24 this summer, in Bristol Bay, the Coast Guard was on enforcement
25 vessels and if you left Bristol Bay without a voluntary dockside

1 safety exam certificate, they were actually coming right up to
2 your vessel, looking right at your sticker to see if it was
3 current and if you were current, off they went and left you alone,
4 and those that weren't displaying the sticker were boarded and
5 it's a real hassle, if you're in the midst of a fishing season, to
6 go through that so that is one form of incentive that I think is a
7 good incentive. So many times they've gone by me and seen the
8 sticker on it and have just passed me by and gone on to the next
9 boat and boarded them.

10 MR. BOWLING: Okay. Thank you very much. I have no
11 other questions.

12 CHAIRMAN SUMWALT: Thank you, Mr. Bowling. Mr. Vinsel,
13 I want to thank you for the paper that you submitted. I read it
14 and I appreciate your thoughtful comments there. Since it's late
15 in the day I want to sort of be a little provocative here and
16 challenge something that you said just to get your comments on it.
17 When you were speaking, you were saying that it's a dangerous job
18 and I don't think that anybody in this room disputes that, but it
19 was almost as if there was a feeling of inevitability there. I
20 think you said well, things just happen and it's almost like if
21 you stay in this business long enough, bad things will happen.

22 Well, I'm going to throw this out and get your thoughts
23 and I'm going to say that until the industry quits believing that
24 bad things will happen, the industry will continue to lead in
25 workplace fatalities. Injuries, fatalities, vessel losses, that

1 should not be the cost of doing business. And so what are your
2 thoughts on that?

3 MR. VINSEL: I agree. It shouldn't be the cost of doing
4 business. It's a tough riddle to correct and I don't think that
5 adding costs helps get us there. So with very thoughtful research
6 and training that reaches everybody -- you know, in the economics
7 in fishing, we have -- we already have really serious layering of
8 people that are enabled and people that aren't, haves and have-
9 nots, and a lot of times it just depends on where you live.

10 In the health insurance, for instance, I live in Juneau.
11 Most fishermen in Juneau have health insurance because their
12 spouse or they have alternate employment, many are teachers. They
13 have the opportunity for employment that would have health
14 insurance with it and that's common in many of the communities,
15 but it's completely the opposite in many of the much smaller
16 communities.

17 So similarly, with your training, I know Jerry gets to,
18 obviously, to Juneau, Petersburg, Ketchikan. He gets to Hoonah,
19 he probably even gets to Elfin Cove. That still leaves a tiny
20 handful of, you know, communities with 20 people or 30 people or
21 50 people that he can't get to and if they can't get the training
22 -- and you know, when you get out to western Alaska, all the Yukon
23 villages, most of them don't even have telephones. Most of them
24 don't have any means of communication or transportation in and
25 out. The rivers freeze and they go by dogsled. They still go by

1 planes here and there. But they don't have communications, they
2 don't have the internet.

3 When we did the trade adjustment assistance, many of
4 them were sort of left holding the empty bag just because they
5 didn't get the word, which I really regret. So we have to be very
6 creative and come up -- use all the different methods to get the
7 information to them. I think it's never possible to reach
8 everybody, but it's a noble cause and I do agree with you that
9 it's very, very important and worthwhile and obviously, we need
10 the next generation to be able to fish and of course, we need them
11 all to stay alive to continue our industry.

12 CHAIRMAN SUMWALT: I say that because I think that
13 people have a way of meeting their goals and if the expectation
14 is, is that people -- it's a dangerous job and bad things just
15 happen in this business, people will rise or descend to that
16 level. The commercial aviation business, in 1997, a committee, a
17 group, got together and said we're going to reduce fatal accidents
18 in this country in commercial airlines by 80 percent in the next
19 10 years and they came within about 3 or 4 percentage points of
20 doing it over the next 10 years, so that's just it. I think that
21 -- let's not accept that it's a dangerous business. It is
22 dangerous based on the history of what's happened in the past.
23 We've got to change that paradigm and say from now on the goal is
24 we want to reduce these injuries by 80 percent over the next 10
25 years or something along those lines. I throw that out just to be

1 provocative.

2 MR. VINSEL: Okay, I do want to point out that we did,
3 from '92 to now, I believe we were at a level of about 40
4 fatalities per year and now we're at a level of about 10, so we've
5 reduced it 75 percent. And it would be a noble cause to reduce
6 that another 75 or 80 percent, like you say.

7 I can't help but point out, as we look holistically at
8 health and safety, and in many cases mental health and what
9 people's attitudes are, I so regret to say this but if you look to
10 rural Alaska, the suicide rate among teenagers that would be our
11 next generation, many of them are commercial fishing. There isn't
12 very much else. I don't think Jennifer has the numbers, but we
13 lose way, way more to teen suicide and people in their twenties
14 committing suicide than we do in fishing, and that is a little
15 indicative of what I'm talking about. We are the haves and the
16 have-nots.

17 CHAIRMAN SUMWALT: Thank you. We could go on and on.
18 We want to hear the questions from the audience. Mike, I'm going
19 to turn it back over to you.

20 MR. ROSECRANS: Thank you. I have one comment.
21 Apparently, there's a fisherman in the audience and they wanted to
22 make a comment and it's to all the panelists. And the comment is:
23 Remember that all fisheries are different and that rules and regs
24 for one may be wholly inappropriate for another. And here's a
25 question for the panel. Your thoughts regarding mandatory Coast

1 Guard licensing for the commercial fishing industry, similar to
2 what the towing vessel industry has.

3 MR. VINCENT: I think it could be done over time. It
4 would take a long time to do. You know, it just depends on how
5 low you're going to go, you know, and how far down you're going to
6 reach and to what boats. It's kind of strange that, you know, you
7 need a driver's license to operate a car and then like in the
8 pleasure boat industry, kids can jump on watercraft and run all
9 over the place. And it just makes me think about like my
10 daughter, you know, she could basically take my bay boat out
11 fishing or whatever without any certifications and whatnot.

12 So that's kind of -- you know, I'm not so sure about
13 that, so it's -- again, it just boils down to the level of the
14 operation and money. I mean, in my vision I'd love to see
15 everybody have some kind of training, you know, to some basic
16 level and certification, at least enough to know how to operate
17 the machinery and save themselves and whatnot, of course, so --

18 MR. JOHNSON: Yeah, I agree. I think it's the financial
19 issue, how far down you take it to the smaller vessels and you
20 know, who can sustain it.

21 MR. THOMAS: I agree, as well. Again, how far down you
22 take it, but that could really promote a better culture of safety
23 if we went that way, if it went that way.

24 MR. MATTERA: I agree. And you can take it down right
25 to the nitty gritty and it can't happen fast enough, as far as I'm

1 concerned. I mean, I'm not saying that we have to get totally
2 involved, rules of the road, understanding and navigation, first
3 aid, safety training, deck procedures, something that can be done
4 in several days, simple, simple. And that needs to happen
5 yesterday. And we can take it all the way down to a 20-foot
6 vessel, it's not that imposing.

7 If you want a license, you need to do this, just like
8 everything else we do, everything. Tim was right. I mean, you
9 can't drive a car unless you go through it and you can't do
10 anything else. They're certainly not going to put you behind --
11 at a plane, behind the wheel in a plane, and yet we don't do it
12 here. And like I say, maybe I'm the black sheep but it can't
13 happen fast enough.

14 MR. ROSECRANS: One last question for Mr. Vincent. "In
15 your comments you said that some regulations are outdated and
16 needed to be replaced. Can you be more specific?"

17 MR. VINCENT: I just kind of view it like my survey
18 vessels, there's wiring on a boat and there's been all these
19 refits and modifications and then all this wiring is getting
20 bigger and bigger and bigger, and at some point in time you got to
21 rip some of that stuff out of there. And I guess an example would
22 be -- and I want to be careful about how I say this or whatever,
23 but you could take, like, say -- let's say the Bering Sea Alaska
24 fleet and the ship's bell and the magnetic compass deviation card,
25 that's like -- I don't think anybody's rung a ship's bell in the

1 Bering Sea in the last thousand years or something.

2 And then with regard to the compass, that is a good rule
3 for some boats that are using, obviously using, a magnetic
4 compass, no doubt about it. But nowadays a lot of people are
5 using electronic navigation systems and these kinds of things, so
6 I guess what I mean by that, you know, is like make sure you're
7 staying with the times and don't leave the old baggage behind, get
8 rid of it, because we've got enough stuff going on here. We don't
9 need to add to the mix.

10 UNIDENTIFIED SPEAKER: Who's going to hear the bell?

11 CHAIRMAN SUMWALT: One last comment.

12 MR. VINSEL: Yeah, if I could just speak to that. One
13 of your earlier panelists mentioned what defines being a processor
14 and then there's a whole bunch more regulations that have to do
15 with that. In Alaska, when we -- when our salmon were in dire
16 straits around the turn of the century, there was a statistic that
17 only 1 percent were self-marketing, basically finding a niche
18 market and selling their own fish, and -- but they were
19 responsible for 10 percent of the value. They were able to get,
20 you know, retail instead of the lowest price that -- the bottom of
21 the tracking of our prices reached. But they're not allowed to --
22 well, if they do fillet on board, then they need a whole range of
23 processing requirements and things like that, and I'm under the
24 impression, from people on our board that were involved with that,
25 that those are in Coast Guard safety regulations, that prohibited

1 them from filleting on board. But that's just one example that we
2 point out in our paper.

3 CHAIRMAN SUMWALT: Well, I want to thank the panel for a
4 very thought-provoking and interesting afternoon. You know, I
5 flew as an airline pilot for about 24 years and I took pride on
6 being on time and so we're on time. We will be on time again
7 tomorrow, as well. Speaking of time, we will start at 8:00 in the
8 morning. And I think it's been a great day. Thank all who have
9 been involved and we'll see you at 8:00 in the morning. We are
10 adjourned.

11 (Whereupon, at 5:00 p.m., the hearing in the above-
12 entitled matter was adjourned, to be reconvened on the following
13 day, Thursday, October 14, 2010 at 8:00 a.m.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: NTSB Public Forum on Fishing Vessel
Safety

PLACE: Washington, D.C.

DATE: October 13, 2010

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been compared to
the recording accomplished at the hearing.

Timothy Atkinson
Official Reporter