

MINUTES SUMMARY OF THE COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE MEETING

HELD MARCH 18-19, 1998

A meeting of the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC) was held at the Department of Transportation Headquarters, Washington, DC. On March 18th, working sessions were held by the Subcommittee on Voluntary Standards for U.S. Uninspected Commercial Fishing Vessels by Utilizing the Application of Prevention Through People (PTP) Principles and the Subcommittee on Stability Standards for Commercial Fishing Industry Vessels. On March 19th, the general meeting was held in room 3328. The meetings were announced in the Federal Register on Wednesday, February 25th, 1998

Representing the Coast Guard were RADM Robert C. North, Assistant Commandant for Marine Safety and Environmental Protection, and CDR John J. Davin, Executive Director of CFIVAC.

The following Committee Members were present:

Pete Aparicio Richard Hiscock
Julie Aydelotte Leslie Hughes
Peggy Barry Jimmie Martin
Linda Bonet Dennis Potter
Joe Easley (Chairman) Kathy Ruhle
Jane Eisemann Larry Simms
James Herbert Don Hall, Jr

The following Committee Members were absent:

Kathleen Castro
Richard Gurnoe
Judith Ramos

Opening Remarks:

Chairman Easley opened the meeting and asked for introductions from all personnel present at the meeting. Following the introductions, Mr. Easley gave the floor to RADM North.

RADM North began by stating that the previous day's working group session was very interesting; he sensed some frustration and also some concern on both the Committee's and the Coast Guard's (CG's) part regarding the issue of whether or not the information provided by the Committee was being used and a perceived lack of responsiveness from the CG. However, the CG and the Committee seem to have the same goals; a reduction of fishing vessel casualties and loss of property. The Committee has come a long way since its inception 10 years ago. Now and in the future, what are the best investments to focus on that will have the most effect on improving commercial fishing vessel safety? RADM North discussed the goals and strategies of the G-M Performance Plan (see enclosure 3) that related to the commercial fishing vessel industry. RADM North stated that the Plan is reviewed quarterly, and that the date of the first Quarter review was April 3rd and that he would welcome any CFIVAC input. RADM North also brought up the "Alaska One" and the "Gulf King" incidents; the "Alaska One" being a positive example of fishing vessel (F/V) safety knowledge. As for the "Gulf King", her life raft did not inflate, and that is something the CG will look into, although RADM North would rather be PRO-active to these types of incidents instead of RE-active.

RADM North then discussed the "Waterways Management" initiative. He mentioned that it might have a potential impact on F/V's. Waterways Management is an effort to ensure that the ports' and waterways' infrastructure can support the projected large increase in commercial vessel traffic over the next several

decades. F/V's transit these areas and work in the coastal zones, thus the significance to the industry. The CG is investigating problem areas and will try to provide solutions in order to maintain marine safety and security through the 21st century. Throughout the summer months, the CG will be hosting several regional outlook meetings. The first day of each meeting is open to the public, the second day will be a 35 member focus group to get specific input for each region. The CG is partnering with the Maritime Administration for these meetings to assist with the selection of members for each region's focus group meetings. RADM North urged the members of CFIVAC to try and get on to his or her region's focus group because these groups MUST have representation from the F/V industry. From these meetings, a national meeting will be held sometime in the fall in Washington, DC and Chaired by the Secretary of Transportation to sort through the findings of the regional meetings. Other federal agencies involved in the intermodal transportation of goods, etc. will also be involved in these meetings.

RADM North introduced CDR Prescott as the incoming Executive Director and also LCDR Clark as his Assistant. He then discussed his background, stating that most of his F/V experience was in the Gulf of Mexico. He is anxious to hear more from CFIVAC members and others from different regions such as the Northwest and Northeast. He agreed that the F/V industry is very regional and would like to try and focus on the many various issues of those regions.

RADM North revisited the topic of the G-M Performance Plan and stated that the new Plan is much better than those of just a few years ago. This Plan is much more specific and actually includes strategies and activities under each goal. One of the next steps is to get industry review of the Plan, starting here with the CFIVAC.

CDR Davin was given the floor and gave a few summary remarks. He mentioned that the PTP F/V Safety Placards were an excellent production from CFIVAC, and so was all the work done on the stability regulations. He also mentioned the CG's new Internet homepage. Some of the areas the CG needs to work on are: NVIC 5-86, rewriting 46 CFR Part 28, and also finishing the stability regulations. Communication is also a very high priority issue, as is the number of CFIVAC meetings per year. Another main focus of CFIVAC is how to get the information out to the community.

Presentation on Casualty Data and F/V examiner outreach efforts: LCDR Clark, substituting for LT Paitl, gave a presentation on the infrastructure of the Office of Compliance (G-MOC) and the current issues in G-MOC relating to F/V safety. The first item brought up was that the fatality rate for the uninspected fleet is much greater than the inspected fleet. Also the successes with fatality reduction in the uninspected towing vessel fleet have not carried over to the F/V fleet. G-MOC is working with the various CG District Commanders to obtain as much statistical information as possible. However, the current CG databasing and analysis systems are not the most current and/or accurate. Thus, the CG is striving to create a new system to replace the existing Marine Safety Incident reporting System (MSIS) to better assist in the recording and analysis of casualty data.

The floor was then given to LT Tom Miller to discuss the current outreach initiatives. The first initiative the CG is working on is increasing the scope of the F/V safety program, such as a more thorough vessel structure/integrity inspection in addition to the safety equipment checks. One of the steps being used to facilitate this is a study being conducted by the Volpe Center in Cambridge, MA. This study is experimenting with a Safety Index Rating System, which includes a more thorough examination of the vessel and also personnel issues such as seamanship, etc., but also different considerations for type of fishing and area of operation, etc. From these examination areas, the vessel owner will be given a safety index rating to let him know how safe his vessel is. The CG would use this system to help augment the existing dockside exams. Another initiative in the rewriting of the dockside examination course to include watertight integrity, stability, etc. to give examiners the needed training to properly inspect these issues and also to give them the knowledge to operate the damaged stability trainers. In addition, there will be at least one complete damage control training "suite", consisting of the damaged stability trainer, the floodable F/V model, and the three small stability boats, in each CG District by the end of the summer. Other initiatives touched on were the CG's attendance at the upcoming International

Fishing Vessel Safety Conference at the University of Plymouth, England, and the CG's interaction with the Partnership in Maritime Medicine (PMM) to create a training video.

The floor was then open to questions.

A question was brought up by Ms. Eisemann about the statistics for the inspections versus the decals being more than double. Then answer was that many vessels get CG examinations and don't pass on the first time or even on the second visit.

Mr. Greg Switlik requested that the CG train all F/V examiners and inspectors on the proper care and installation of hydrostatic releases.

Mr. Martin inquired as to why the CG was allowing vessels to sail after failing an inspection. The answer was that the CG's dockside inspection program is still voluntary and that only once the vessel is underway can a CG vessel terminate her voyage.

Another issue brought up by Ms. Eisemann was that there is not enough personnel in certain areas to inspect all the vessels given the small windows of opportunity.

Mr. Herbert inquired about G-MOC's audit of the CG billets pertaining to F/V safety, stating that he was aware that some of the billets slated for fishing vessel safety were being used for other tasks. Mr. Ted Harrington explained that he has been working closely with LT Paitl on exactly this issue. Mr. Herbert then asked if CAPT Adess could provide some information, written or otherwise, to the Committee regarding the PMM. CAPT Adess stated that he would make sure that LCDR Clark is provided copies of any written materials.

CAPT Adess was then given the floor to discuss the PMM. For the past 18 months, the CG has had an initiative called Maritime Preventative Medicine, from which was developed a partnership with industry called the PMM. This group focuses on occupational health, environmental health and safety within the maritime environment. The PMM is also working with "Team Fish" to look at issues from an applied point of view. The CAPT is also trying to attain a better understanding of the fishing industry "culture". From this, and the work with "Team Fish", the CAPT and the PMM hope to develop a mechanism to get the information, safety and otherwise, to these communities. The PMM developed an excellent blood-borne pathogen training video for the industry and is looking to take this success and use it to create another video for fishing vessel safety.

Discussion of the "near miss" reporting system: LCDR Scott Ferguson then took the floor to give a presentation on a joint project between the Maritime Administration and the USCG called the National Maritime Safety Incident Reporting System (NMSIRS). The NMSIRS is designed to collect information on "near misses" in the maritime industry. This project started with a Memorandum of Understanding between these two agencies in Dec. 1997. The main focus of the lecture, aside from promoting the NMSIRS, is to seek direct and indirect participants in this process. The CG is also looking for industry leadership in the project so that actual voluntary industry reporting would be maximized. The system itself is being designed to collect causal information and lessons learned from maritime incidents. Some of the types of information wanted are such things as crew fatigue, equipment maintenance problems, and communication failures. Another item wanted is the corrective action taken by the mariner to avoid the casualties. An additional big issue is the ability to disseminate the information to the industry; the CG would like to see safety alerts, monthly publications, and immediate access to the database. The system would have to be voluntary and confidential. In addition, the CG feels that some legislative and regulatory changes are necessary to promote the system and facilitate smoother integration with current CG incident reporting systems. Another key point is that the CG feels that this entire system should NOT be run by the CG or used as an enforcement tool.

The main advantage of this system is that it is pro-active, which leads to future accident prevention. Any information that personnel have is welcomed by the CG.

Mr. Herbert stated that the Professional Mariner occasionally published "anonymous" articles about near misses and that the CG should look to them as a resource.

LCDR Ferguson stated that the CG has already been looking at both the Professional Mariner and the Marine Log for their assistance.

Ms. Hughes brought up the issue of data analysis. She stated that in order for this system to work properly, it must employ personnel who are the most qualified in properly analyzing the data.

Another point Mr. Norm Lemley brought up was that the personnel who receive the incoming reports should be retired mariners or other such qualified personnel.

Lunch break.

Subcommittee Working Session on Updating Voluntary Standards of Uninspected Commercial Fishing Vessels found in Navigational and Vessel Inspection Circular (NVIC 5-86): Chairwoman Leslie Hughes gave a report on the status of Thursday's Subcommittee meeting. The Subcommittee reaffirmed the past recommendation of the cancellation of NVIC 5-86. The reasons for the cancellation are that the NVIC is 12 years old and it was never intended to be used by fishermen. The NVIC was meant for marine architects, surveyors and the like. However, there are currently many newer publications and regulations concerning F/V construction, etc. that would be much more useful than NVIC 5-86. The Subcommittee feels that the members of the CFIVAC are not qualified enough technically to be tasked with rewriting this NVIC. What the Committee should be focusing on is continuing its effort to produce aids that will emphasize the need for and make recommendations for proper safety practices aboard F/V's. But, these aids must be constructed in such a manner that will be actually used by members of the F/V industry. With the Subcommittee's recommendation of the canceling of NVIC 5-86, the Subcommittee further recommended that the CG create a new technical reference, such as NIVC 5-98, which would replace NVIC 5-86 to include more up to date technical standards/references, as well as the deletion of unnecessary items.

The Subcommittee has already produced the PTP F/V safety placards as well as an extensive bibliography of current technical references that could be used in the creation of the NVIC 5-86 replacement publication. In addition, due to the success of the PTP placards, the Subcommittee is considering creating new placards covering additional topics such as firefighting.

The Subcommittee now recommends that this Subcommittee be changed to the "Improving Communications" Subcommittee. The goals of this Subcommittee would be to improve not only the flow of communication between the CFIVAC and the CG, but assisting the CG with dissemination of information within itself, and also between the members of CFIVAC and their respective regions, etc. One example of a method the Subcommittee might use to attain these goals is to develop and implement improved training aids, newsletters, pamphlets, etc. The Subcommittee also requests that the CG send the Committee information on a more frequent basis instead of once a year at the meetings. Lastly, the Subcommittee strongly states that for the Committee to be as effective as possible, the CG must hold two CFIVAC meetings a year.

Mr. Easley went over the specific points of the report and suggested a motion on the NVIC 5-86 issue in order to make it official. Ms. Barry then brought forth a motion that the CG create and publish a new technical document - a new NVIC or otherwise - in a timely fashion and also that the CG shall subsequently cancel NVIC 5-86. Mr. Herbert inquired about what types of new technical guidance did the Subcommittee foresee going into the new publication. Ms. Barry stated that the technical references and standards in the old NVIC should be either updated or removed (if they are covered somewhere else such as the Part 26 regulations). LT Miller also stated that the International Maritime Organization (IMO) has a publication called the Code of Safety for Fishermen and Fishing Vessels, in parts A and B. Part B specifically addresses the technical aspects of design, construction, maintenance and operations. Part A covers occupational health types of issues. This document is currently under revision at IMO. LT Miller suggested that the Committee could either use or substitute this document for NVIC 5-86.

LT Miller suggested that the Committee look at the document and possibly provide some comments back to the CG before the next Stability, Loadlines and Fishing Vessel Safety(SLF) meeting. The SLF is a Subcommittee of the IMO which meets annually.

Mr. Greg Switlik brought up the point that the new publication should also include guidance on all the aspects of 46 CFR Part 28, such as describing safety equipment maintenance procedures, not covered in the regulations. Ms. Hughes stated that those items weren't technically based and probably wouldn't fit in the new publication. Mr. Easley stated that maybe there should be a separate document just for those maintenance type issues. It was mentioned that no fishermen read NVIC 5-86 and therefore no operational information needs to be in the new publication.

Mr. Dave Green took the floor and gave a brief overview of the Naval Architects' view of NVIC 5-86. Basically, Mr. Green felt that NVIC 5-86 should be cancelled and that there should be no replacement at all because of all the new technical guidance publications that are available today and the upcoming changes in the regulations, specifically stability issues.

After discussions finished, Mr. Easley asked about the second part of the report regarding the changing of the Subcommittee to the "Communications" Subcommittee. A motion was then made by Ms. Hughes specifically requesting the name change. Mr. Hiscock proposed an amendment changing the motion to create an entirely new Subcommittee with the Committee members voting for positions on the Subcommittee

Subcommittee Working Session on Stability Standards for Uninspected Commercial Fishing Vessels:

Chairman Jimmie Martin gave a report on the status of Thursday's Subcommittee meeting. The Subcommittee continued its work on the "Introduction to Fishing Vessel Safety" booklet. Mr. Martin stated that the booklet was in excellent shape except for a few editorial changes and that it will be a big help to the fishermen. Mr. Martin also stated that, as with the NVIC 5-86 Subcommittee, most of the Stability Subcommittee's time was taken up discussing communication. Mr. Martin gave the floor to LT Miller. LT Miller discussed that the most important aspect of the booklet was getting it out to the F/V industry. It was suggested that CFIVAC might partner with the National Marine Fisheries Service (NMFS) and the individual state fisheries departments. The booklet will also be available through the National Technical Information Service and the CG Advisory Committee Web Page. It was also suggested that the booklet could be sent out with the Documentation Renewal package.

Another concern of the Subcommittee was that the new CG stability training suites discussed earlier by LT Miller would not become unused items. LT Miller stated the CG is making every effort to ensure the proper and frequent use of the suites. A training course outline is also being prepared for use by CG personnel to assist in properly demonstrating the suite.

The last item the Subcommittee discussed was the Stability section of 46 CFR Part 28. LT Miller stated that he had received some changes from Mr. Green and he would incorporate them into the regulation workplan along with the cold water immersion suit requirements.

RADM North recommended that the CG send the stability booklets out to the MSO's, Districts, etc.

Mr. Herbert mentioned that the Subcommittee modified to the booklet to address all F/V's of 50 ft. in length or greater to comply with the IMO guidelines. However, the statistics show that many of the F/V casualties occur with vessel less than 50 ft. in length.

Mr. Easley made a motion that the CG implement both the stability and cold water immersion suit requirements into the regulations as soon as possible.

Issues & Concerns from the members and audience:

Mr. Hiscock had many concerns over the problems with the CG F/V casualty investigations and if there was anything the CG was doing to improve the situation. He stated that several years ago a CG Quality Action Team

made 57 recommendations for improving the current casualty investigation system and inquired if the CG has done any of those suggestions. RADM North stated that the CG has made some changes as a result of the recommendation and would get the information on those changes to the CFIVAC members. RADM North also stated that because of Mr. Hiscock's and the rest of the Committee members' concerns about the casualty investigation system, the CG would make another analysis of the system. He also stated that investigators were having the same problems with the towing industry and that an addendum specifically for towing vessels was added to the CG 2692 casualty investigation form. He suggested that the CG might make another addendum for F/V's.

Mr. Hiscock also had several concerns dealing with the G-M Performance Plan. He stated that F/V safety issues shouldn't be grouped with Towing Vessel Safety. In addition, the Plan mention Towing vessel research and no F/V research. Mr. Hiscock also voiced his support for some type of licensing program. He also stated concerns about the definition of "operate" as it relates to F/V's, especially if it considers vessels at the dockside to be "in operation". He posed that if the definition *does* encompass the dockside, then shouldn't the CG have authority to do some type of "mandatory" boarding along the same lines as an "at sea" boarding.

Another item was a suggestion to make a regulation change that would require ANY commercial F/V to report to the CG with a 2692. Mr. Hiscock also stated that the CG was not enforcing drills. He asked that, with the introduction of new damage control trainers being shipped throughout the CG, the CG provide some statistics on how many fisherman from each district attended training.

Mr. Hall voiced his support for the additional CFIVAC meetings.

Ms. Eisemann suggested that the CG make demonstrations with the new damage control trainers at the high schools of local fishing communities to better prepare the children of commercial fisherman who take over the businesses. Another issue was in regards to the legislation of repacking inflatable liferafts and the costs involved on the part of the fishermen. Mr. Switlik stated that if there was a concern from the fishermen about unfair repacking fees, that they should contact the U.S. Marine Safety Association (USMSA). The USMSA is a trade organization that deals with manufacturers and service personnel in the business of on board marine safety equipment. Mr. Hiscock also stated that these fishermen should be aware that ANY dated item, such as flares, can be repacked if it is still good on the day of the repacking. Ms. Eisemann suggested that a new type of SOLAS pack specifically for F/V's only might be a better solution.

Ms. Eisemann also voiced her support for a new licensing plan.

Ms. Ruhle also stated her concerns regarding the liferaft repacking. RADM North stated that it might be a good idea to re-examine the repacking time requirements. Both Mr. Switlik and Mr. Hall agreed and stated that the quality of materials and other technologies are much improved and would make it possible to extend the time requirements of the liferafts.

Ms. Simns had a few concerns about the Voluntary Dockside Exams. He stated that it took a long time, but the inspections were working in his state. He urged Committee members in other regions to give the plan more time. He stated the making the inspections mandatory would not work for two reasons. First, the CG would never have enough personnel; and second, the F/V communities would be come even more resistant to having exams. He also stated that increasing regulations on items such as stability wouldn't solve one of the main causes of F/V deaths: man overboard. Mr. Simns suggested that the CG should alter its regulations, practices, etc., to reflect the different F/V regions.

Mr. Aparicio voiced his agreement with Mr. Simns' suggestion about regionalization.

Ms. Hughes voiced her support or Mr. Hiscock's statements about licensing and incident reporting, and also for Ms. Eisemann and Ms. Ruhle regarding the problems with liferaft repacking. Ms. Hughes requested that the members of CFIVAC be given copies of the "Team Fish" minutes and a summary of the team's goals and objectives. Ms. Hughes stated that the enforcement of drills was one of the most important tools for increasing

fishing vessel safety. Ms. Hughes also stated that some of the definitions for F/V's used by the CG in the regulations are in conflict with IMO and STCW.

Ms. Bonet voiced her agreement for more meetings and was going to contact LT Paitl to discuss the insurance underwriter's statistics, etc.

Ms. Aydelotte voiced her approval of the 17th District's new F/V safety booklet and hoped that other CG Districts could produce comparable documents.

Mr. Herbert stated that the CG should closely follow STCW-F. He also stated that the CG should provide the CFIVAC members copies of the previous meeting's minutes at the start of the next meeting. Mr. Herbert made a motion regarding the enforcement of the drills provisions of the regulations by utilizing the voluntary dockside exams and at -sea boardings. Mr. Harrington explained that the CG boarding officers are taught and told to check F/V's for drills. However, there are currently no provisions in the regulations the force F/V operators to log any drills conducted. RADM North stated that he would discuss the drill enforcement issues with the Operations personnel.

Mr. Martin voiced his agreement with Mr. Aparicio and Mr. Simns regarding regionalization issues. He stated that the number of F/V inspections needs to increase, even if it means making them mandatory.

Mr. Ruhle stated that the CFIVAC meetings should be held in fishing communities, or in conjunction with special events such as Fish Expo, to increase the attendance rates of F/V owners and operators. Ms. Barry stressed that regardless of the location, communication is paramount to increasing attendance. Mr. Simns also agreed that Fish Expo would be an excellent forum for CFIVAC meetings.

Mr. Green stated that the CG should adopt the American Bureau of Shipping (ABS) standards for naval architecture for F/V construction regulations.

Mr. Jim Ruhle, commercial fishermen, estimated that 90% of the F/V community is not even aware of the existence of CFIVAC and that improved communications would foster much more input from the F/V community. He also stated that the most dangerous problems with F/V safety today are the NMFS fisheries deadlines, and these deadlines force fishermen to make poor decisions which could be life threatening. He stated that a recommendation by the Committee to ask the CG to provide more input to NMFS regarding fisheries deadlines.

Mr. Switlik requested some time at the next meeting for the old CFIVAC Lifesaving Equipment Subcommittee to reconvene to discuss the equipment issues that were brought up at this meeting.

Mr. Hiscock inquired as to the CG's justification of 59 degrees being the cutoff between warm and cold waters in the regulations.

Mr. Easley voiced his agreement with the other Committee members regarding incident reporting and suggested some analysis of the process to determine the best items to be entered into a report.

Future Goals and Planning:

RADM North gave a listing of the issues presented to him by the Committee that he would look at after the meeting:

1. Part 28 updates
2. Some variation of mandatory exams
3. Communications
4. Data Analysis, especially the incident reporting system

5. Training vs. Licensing
6. Drills enforcement
7. Placards
8. Liferaft service intervals
9. NVIC 5-86
10. Performance Plan

RADM North also broke down all the comments into 5 categories: "people things" (training and drills, etc.), standards and equipment, data and analysis, operations, and communications. He stressed that these areas should be the long-term focus of the Committee. RADM North would like to work with the Committee to develop a long-term improvement plan to continually work on the 5 categories.

Mr. Easley stated that long-term goals planning would be on the next CFIVAC agenda.

RADM North stated that he would invite RADM Riutta, the Assistant Commandant for Operations, to the next meeting because his personnel are responsible for at-sea boardings and the regional fisheries groups.

Other Business:

CDR Davin suggested that each Committee member prepare small presentations that would discuss his or her specific fishery, area of expertise, etc.

Summary of Action Items:

1. RADM North will ensure that the CG hold another CFIVAC meeting sometime in the fall of this year.
2. CAPT Adess will provide LCDR Clark with any relevant PMM documents and these documents will be sent out to all the Committee members.
3. RADM North will examine all the issues in items 1-10 mentioned in the "Future Goals and Planning" section of these minutes.
4. Mr. Easley will ensure that long-term goals planning would be on the next CFIVAC agenda.
5. RADM North will invite RADM Riutta to the next CFIVAC meeting.

MOTIONS MADE DURING CFIVAC 97 MEETING

1. That the CG create and publish a new technical document, a NVIC or otherwise, in a timely fashion and subsequently cancel NVIC 5-86.

Motion made by Ms. Peggy Barry; seconded by Ms. Jane Eisemann. Passed unanimously by voice vote.

2. That the CFIVAC disband the NVIC 5-86 Subcommittee and establish a new Communications Subcommittee with members voted in.

Motion made by Ms. Leslie Hughes; amended by Mr. Richard Hiscock; seconded by Ms. Peggy Barry. Passed unanimously by voice vote.

3. That the USCG implement, in a timely fashion, both the stability and seasonably cold water immersion suit requirements into the 46 CFR Part 28 regulations.

Motion made by Mr. Joe Easley; seconded by Mr. Richard Hiscock. Passed unanimously by voice vote.

4. That the CG attempt to enforce the drills provision of the regulations by making examination of drills part of both the Voluntary Dockside Examination and at-sea boarding inspections.

Motion made by Mr. Jim Herbert; seconded by Ms. Leslie Hughes. Passed unanimously by voice vote.

/s/ _____
George Joe Easley

/s/ _____
CDR J. J. Davin

Chairman Executive Director

Encl.: (1) Agenda

2. Copy of pages 9 and 10 from Section V of the G-M Performance Plan