

**MINUTES SUMMARY OF THE FISHING VESSEL SAFETY ADVISORY
COMMITTEE (FISHSAC) 20TH MEETING**

**May 1 – 3, 2001
Portland, Maine**

The 20th meeting of the Commercial Fishing Industry Vessel Advisory Committee (CFIVAC) was held at the Double Tree Hotel in Portland, Maine. Representing the Coast Guard were: CAPT Jon Sarubbi, Chief, Office of Compliance (G-MOC) and Executive Director for CFIVAC; LCDR Chris Roberts, Chief, Fishing Vessel Safety Division (G-MOC-3); LCDR Jennifer Williams, Fishing Vessel Safety Division (G-MOC-3); and CDR Mike Brown, Fishing Vessel Safety Division (G-MOC-3). The following Committee members were present:

Ms. Barbara Bragdon, Dennisport, MA
Mr. Gregory Switlik, Sr., Trenton, N.J.
Ms. Angela Sanfilippo, Gloucester, MA
Ms. Linda Bonet, St. Paul, MN
Mr. James Herbert, Seward, AK
Mr. Rutledge Leland, McClellanville, SC
Mr. David Green, Seattle, WA

Mr. John Lewis, Capitola, CA
Ms. Beverly Noll, Crescent City, CA
Mr. David Hamaker, Anchorage, AK
Ms. Kathy Ruhle, Wanchese, NC
Ms. Auria Vanison, Seattle, WA
Mr. Pete Aparicio, Victoria, TX

The following Committee member was absent:

Ms. Leslie Hughes, Seattle, WA
Ms. Ginny Goblirsch, Newport, OR

Mr. Sean Martin, Honolulu, HI
Mr. David Jenkins, Lee, NH

Chairman Herbert, brought the meeting to order at 0815, on May 2, 2001. The Committee, Coast Guard, and audience members made introductions.

Chairman Herbert noted the passing of VADM Henn, and the retirement of RADM North. Mr. Herbert provided a brief of their contributions to fishing vessel safety and noted that the committee was looking forward to working with RADM Pluta, the incoming G-M.

CAPT Sarubbi provided a brief bio on RADM Pluta, reviewed the Commercial Fishing Safety Act of 1988 (the Act) and the associated requirements in 46 CFR 28. Noted that shortly after the Act was passed that there was about a 30% drop in serious accidents, followed by a 'straight-line.'" CAPT Sarubbi discussed the committee/sub-committee recommendations from the October 2000, Fishsac meeting, noting specifically that the committee approved the recommendation of required dockside exams, and that 1 person, probably the vessel captain should be required to be trained on a recurring basis in the items contained in 46 CFR 28 (safety equipment and drills).

There was a brief discussion of the recent casualty involving the F/V *Artic Rose*, where by 15 people lost their lives. The Coast Guard will be conducting a formal Marine Board of

Investigation with the National Transportation Safety Board into the circumstances of this casualty.

CAPT Sarubbi, addressed the ongoing work of the sub-committees: data, training, regionalization. CAPT Sarubbi asked the Fishsac committee for a new Fishsac "Action Plan." Noted various initiatives within the Coast Guard: G-MOC reorganization – new fishing vessel safety division, the selection process for a civilian division chief was pending DOT and OPM approval, expressed hope that the new person will be on board for the next Fishsac meeting. This position will provide needed continuity that has been lacking with military personnel over the years.

CAPT Sarubbi noted that a third of the membership had expired in October 2000, and that another one-third will expire in October 2001. G-MOC-3 staff has been working on the review of applicants and will be submitting the 'slate' of candidates to DOT soon. DOT now makes the selections for committee members based on Coast Guard input and recommendation. Mr. Switlik and Ms. Noll voiced concern with the delays and asked what could be done to speed the approval process up. Mr. Herbert and LCDR Roberts added to the discussion, basically stating that the Coast Guard is working to get the DOT approval as soon as possible.

CAPT Sarubbi presented certificates of merit to the following committee members whose terms are expiring, acknowledging their contributions to fishing vessel safety:

Meritorious Public Service Award:

Mr. James Herbert

Coast Guard Certificate of Merit:

Ms. Barbara Bragdon

Ms. Kathy Ruhle

Ms. Linda Bonet

Ms. Leslie Hughes (absent, award to be presented at a later time)

Mr. Herbert discussed the minutes of the October 2000 Fishsac meeting and asked for a voice approval. A few comments/corrections were sent in prior to the meeting and have/will be made part of the record. Mr. Green noted that his comments (10/00) were not what he had said, on the 2nd page, 2nd paragraph. Stated he wanted the minutes to be a true copy of what he stated in October 2000, comments provided to the chairman. Mr. Herbert noted a typo on page 3, and on page 10 typo to fix "M"arine Board vice the "G"reen Board, of the October 2000 minutes. At 0905, a vote unanimously approved the October 2000 minutes as amended.

Old Business: Discussed the following: membership, F/V Division Chief, process, the work already completed on the Task Force report.

LCDR Williams provided a briefing on what has been completed and what is pending and what still needs to be accomplished on the legislative change proposal (LCP) and other items associated with the CFV Task Force report. Mr. Green noted concern with the timeline for conducting mandatory dockside exams – feels the CG has authority to do so now. Further discussion on what is being done pending the LCP, the pending F/V stability NVIC, Operation Safe Crab, problems still encountered with M & O enforcement of regulations, pending F/V

policy letter, the coordinators meeting – Mr. Green: do dockside exams now to target a ‘fix’ on the things we know are wrong.

Mr. Hamaker commented on the Fish Web Site: wants historical data, updated committee membership list/with emails if ok’d by member, listing of F/V associations, requests for comments/issues, links to associations such as ABYC, etc., list of resources such as USMA’s service stations across the nation.

1010, recess.

1020, Mr. Herbert reconvened meeting.

Open Session: Mr. Herbert discussed ongoing initiatives: Fisherman’s News, National Fisherman Magazine – lessons learned articles, Internet links.

Mr. Switlik suggested adding an update on training availability, seminars, etc. The update should add to the dissemination of information and be more timely.

New Business: F/V *Artic Rose* casualty: 15 people lost their lives – 1 body recovered; this is the worst casualty since 1952 (about) when there was a scalloper accident and a similar amount of lives were lost. The USCG Marine Board will be June 11, 2001 in Seattle, WA. This is a serious marine accident that needs to remain visible so that it can be prevented from reoccurring. Other serious accidents have occurred: F/V *Amber Dawn* – 2 lives lost, in 2000 – 9-10 lives lost in Maine alone. These accidents need to be ‘significant’ and possible ramifications for tighter hull, communications, training, weather forecasting and licensing issues.

Mr. Hamaker: need to bring in the whole industry. Crew training issues: data, need to bring in repair yards, equipment, insurance brokers, marine surveyors, USCG inspectors, ABS surveyors.

LT Scott Calhoun, Human Element & Ship Design Division (G-MSE-1), provided a review of his divisions work on the issue of “fatigue,” crew endurance and the “Alertness Campaign.” Provided contact number (202) 267- 2997, web site: cac@comdt.uscg.mil. The crew endurance guidebook will soon be available along with a CD from G-MSE. This guide book has information compiled from the study of deep sea operations, but the general concepts and lessons learned can be applied to all areas of marine industry, towing, fishing, offshore.

How do we manage fatigue in the fishing industry?? Need to get the information on fatigue and its consequences out to the community, dockside exams, training, companies, and media. There needs to be a cultural shift to combat fatigue in the industry. There was a question: Are any fatigue related issues being considered as part of a regulatory project?? Response, Not at this time.

Ms. Bragdon asked for a copy of the study when completed, for Fishsac members. LCDR Williams stated that she will ensure that all members get a copy.

Capt. Ruhle stated that fatigue and cultural issues are a big part of fisheries management problems.

LT Calhoun finished with the statement “Crew Endurance is best corrected by the Management Approach.”

Recess for lunch, 1230 to 1330. Ms. Judy Harris of the Portland Fish Association (???) provided a bus to a local waterfront restaurant followed by a visit to the Portland Fish Auction.

1345, session resumed.

LCDR Jennifer Lincoln, NIOSH’s Anchorage Field Office provided a review of activity her office has been working on, primarily the number of accidents, injuries and deaths in the Alaskan fisheries. Copies of several reports/studies were provided to the members and audience.

LCDR Lincoln discussed various data sources, including the USCG’s various data banks, the Marine Index Bureau (MIB) and the like.

Public comment:

Mr. Chase Levit (Portland, ME) discussed safety equipment, enforcement, discussion with proposed dockside exams, and training of operators;

Person from McMillan Offshore (a safety trainer): thinks we need to do better enforcement of required training;

Mr. Rob Patton (BriarTek, Annapolis, MD, 443-994-9615), patton@briartek.com : developing man over board transmitter. Showed device to members. Asked for input from committee on what standards should be incorporated. Current system is radio homing system, want to incorporate GPS system.

Ms. Ruhle: CGD5 at sea drills being done and documented.

Mr. Ted Harrington (D1 CFVS Coord.): Discussed regulations, equipment. Noted that on processors there are untrained and undocumented ‘process workers.’ Problems with ‘change of occupation.’ Fish processors are avoiding the regulations.

Mr. Green: Problems with occupations and safety.

Mr. Hamaker: Avoiding regulations, safety pollution, etc. Load Line Safety Act has certain hull standards, but not for fishing vessels.

Mr. Chase Levit: State numbered vs. USCG Documented vessels are a problem.

Mr. Herbert: Made reference to the ‘boundary line’ as a possible solution to correcting problems.

Arn Heggens (MSO Portland Fish Examiner): said that 'training' was best way to prevent fishing vessel accidents. Said CG examiners need authority to witness drills and to use COTP authority to hold unseaworthy vessels – NO, get the CG the authority under the CFVS Act.

Ms. Ruhle: this is a District-by-District problem. Possibly on the CG F/V web site add safety-training sources.

Mr. Aparicio: Require training. Focus training requirement on the F/V owners.

Ms. Harris: Commented on sail racing community requiring personal EPIRBs/locator.

COL Joe Fessendon, Maine Department of Public Safety – Fisheries Patrol, Marine Resources Law Enforcement, provided an overview of his state's program's, their relationship with commercial fishermen, the Coast Guard and other law enforcement agencies. Suggested that possibly the USCG and his department could develop some sort of Memorandum of Understanding (MOU) whereby the State could conduct the USCG dockside exams for the USCG. Suggested that possibly there could be a mechanism for Federal monies provided to the State for this initiative. Possibly this idea could be instituted nation wide. Possibly this issue could be addressed at a National State Boating Law Administrators (NASBLA) meeting. Possibly the NASBLA folks would develop something with the USCG for the national program??

LT Dan Morris, ME State Water Patrol: has been working with the local USCG and Ms. Harris to create an exploratory CFVS advisory committee in Maine. With Gov. King's OK, they are looking at CFV safety exams, to train their people to do dock side and at sea exams in some 90 plus ports in the State. ME Water Patrol is looking at USCG partnership for CFV safety exams. Noted they want to target Maine's LE, National Marine Fisheries Service (NMFS) and ME have an agreement to: 3 miles out to the 200-mile limit for marine resource/fisheries enforcement, but not for CFV safety.

Maine education Program: 'Mr. Salty,' not in Portland, but elsewhere on the ME coast. Targets 4th and 5th graders in fishing communities. Gets them thinking about safety while they are young.

Mr. Switlik: asked how to get the USCG to do the MOUs with States so they can do some of the safety enforcement. Fishsac should tell the USCG or have NASBLA tell the USCG to do the State MOUs. Need F/V industry support for this initiative.

Mr. Hamaker: how do you do F/V species exams?? Do it in Maine under fisheries license for Marine Resource Laws.

LCDR Roberts: maybe extend these concepts to F/V safety. MA/CG joint patrols; LE and Safety – joint use of resources. ME patrolmen training.

Mr. Leland: retention of personnel, retention of training. Asks-seeks voluntary compliance. The Atlantic States Marine Commission, from Maine to Florida, is working on fisheries issues.

Mr. Hamaker: Any states? None now with State enforcement of CFVS.

Ms. Bragdon: Voiced concern with State police enforcement of laws and CFV safety.

COL Fessendon: ME have 50 officers, Eastport to Kittery that could do the CFV safety for USCG.

Ms. Noll: supports CG/State MOUs for CFV safety.

COL Fessendon: discussed success of MOU program will hinge on 'industry buy-in/support.'

LT Morris (ME): How to get industry buy-in is based on communication. Get a consensus on what is wrong with the system, get industry to discover and work on the problems to reduce the loss of life. Do a partnering with industry as well as USCG for CFV safety.

Forum: Maine Fisheries Forum: a place for the exchange of ideas (Ann Barkus). Knowing what to do in an emergency = Training.

Mr. Bob Ford (NTSB): Question about the extent of the exams. Does it get into the hull integrity?? Or just gear??

LT Morris (ME): Mostly personnel safety, but may extend into hull integrity if industry support for this issue.

Mr. Herbert: Association presidents are on board with Maine marine patrol, not just some fishermen. Good support.

Ms. Harris: Has worked with Marine Patrol to get associations to attend meetings to gain support for = buy-in.

Mr. Aparacio: Noted some problems in Texas.

Mr. Leland: Noted problems in South Carolina.

Ms. Noll: Asked CAPT Sarubbi about this issue and can Fishsac ask the USCG to do this on local areas where it can be done?? Start the ball rolling at CG Districts with headquarters support for this issue –

CAPT Sarubbi stated that he liked this program.

COL Fessendon (ME): stated that he recognizes that industry is the 'customer.' With the Maine lobster trap laws, the industry wanted it, and came up with money [(\$0.12/Tag) times 2.5 million tags] to enforce the Tag Law. 2-3 years later, Massachusetts and others in the North East have Tag Laws. But the other states would not come up with the money, and they are not working with industry to get the needed support.

Ms. Ruhle: Commented on the merits of teaching kids, getting them early.

Ms. Bragdon: Asked where will the CG get the money, don't know?? New \$15M for joint enforcement of offshore drilling rights. Dick Murray in Massachusetts. NMFS monies??

Audrey____??: Public Safety State OSHA. Vessel is the same as a work platform for worker safety regulations.

LTjg Solise (Safety Officer MSO Portland): By doing joint operations, they have increased activity by some 20%; good efficiency.

Mr. Herbert: At 1715, discussed the Task Statements. On May 3, 2001, we will be breaking into sub-working groups.

LCDR Williams: Review the Task Statements. The Examination sub group will not be meeting on May 3.

- Training: what should be in the regulation project?? Mr. Switlik to chair.
- Data: Mr. Green to chair with Mr. Lewis. Mr. Green asked: how can Fishsac do this?? CG should do it! Want CG data analysis.
- Regions: Ms. Noll to chair. Discuss boundary lines, and local advisory committees.

Mr. Green: The CG needs to do analysis of the data. Cure problems, numbers don't. What problem are we trying to solve?? Numbers may show a pattern. It is the CG's problem to come up with the numerator and denominator.

Regionalization, training, etc. is/has to be based on 'data' analysis. Data is the keystone for fixing problems. How do we know what the problems are?? What does the CG want the CFVS to be?? Regionalization: thought was decided at past meetings?? To be based on CG Districts??

Stability is over emphasized – problem is/was flooding. What caused flooding?? Hull integrity. My review of F/V casualties took 2-21/2 hours, noting that most were: flooding and man overboard.

Ms. Noll: commented on CG/Fishsac needs.

Mr. Herbert: question to Mr. Green: Is data subcommittee ready to give report to Fishsac/CG. Use last meetings email to make a report on the data issue.

CAPT Sarubbi and LCDR Williams: discussed the 'new' taskings:

1. where does the committee want CFVS to be in 3 years?
what should Fishsac focus on? Want the best-bang-for-the-buck.

(note: exam subcommittee members will work with the training subcommittee)

Mr. Herbert: This meeting will reconvene on May 3, 2001, at 0800.

Ms. Ruhle: Can we re-tough on issues addressed today, such as ‘management safety issues’??

Mr. Herbert: Yes.

Meeting adjourned at 1730, May 2, 2001.

Meeting Reconvened, May 3, 2001

Reconvene: 0815

Mr. Herbert: Lets break into the Sub-committees:

- Training: Mr. Switlik – add on 5 exam people to assist.
- Regional: Ms. Noll and Mr. Apanacio
- Data: Mr. Green, Ms. Sanfilippo and Mr. Lewis
- Exam: No meeting

1100 – Subcommittee Break

1110 – Resume committee meeting

Subcommittee Report – Action on Task Statements

Data: Mr. Green: Last action by Data Committee, started because of no analysis by the Coast Guard on fishing vessels. Subcommittee was told to help the Coast Guard gather data. Tell them what is needed – captured.

See report – 7 item: 1st 3 – Serves of numerator – denominator information is Coast Guard responsibility – interest not committee, committee indifferent = what is happening – where are the problems, could comment on what may be needed to fix.

Primary data sources: CG casualty + MIB- injuries Noted – last years information. Coast Guard needs to use data, do analysis and adjust program based on data use CG and MIB at each meeting – report from data analysis – update from previous meeting. Changes, trends. National and Regional, program changes, accumulative data; significant casualties. Then: action taken by CG on trends, accidents, issues and how disseminated back to committee, industry and the Regional areas where do a report format of analysis – given out 2 weeks prior to a Fishsac meeting. Recommend terminate subcommittee and make this a “general” item.

Ms. Noll: make correlation of training and casualty in data collection/analysis.

--Training beyond the required

--Failure of Training done

--Where new training maybe needed check w/ MISL (sp) folks = Is training a field????

Comment: If Fishsac disappears – Fish safety still a CG responsibility. Coast Guard needs to ensure it captures “right” data that will be usable to properly manage program.

Mr. Herbert: Vote that data collection include training.

LCDR Lincoln: Training – Data collection versus evaluation of training. program’s effectiveness. Training is too variable.

Mr. Greene: The way on investigation is done, well determine the level of information gathered. Local CFVS folks are doing fairly good data gathering and analysis, field or Regional. Better than HQ reads/information.

General Comment: How CG is doing collection maximum = 20 data points per CGD - should be easy to do.

Ms. Noll: Data collection needs to be done.

CAPT Sarubbi and Mr. Leland: isn’t this being done?

Ms Noll: Yes. At least a box to check.

Mr. Herbert: Narrative or at least a yes/no on training to be collected. (consensus)

Mr. Lewis: consensus w/ information needed to be collected.

Mr. Hamaker: is the investigation gathering and reporting information, such as safety equipment compliance, drug and alcohol information, training, etc. Notes problems with logistics in getting box tests done at all or in a timely fashion.

Ms. Ruhle: asking for clarification on training? Drills or all personnel be trained- not a requirement – Jim Herbert – noted information gathering and licensing and training?

Mr. Greene: Are we micro managing? Problem/Question originally asked was: do we know we are basing assumption on data. Reminded about old problem “stability” was the problem, but the problem was actually flooding from hull or another source. Hull integrity was the problem. What we need to is get the “real” cause of a sinking, flooding, capsize, give a percent of casualty cause analysis. “What is the real problem!!!” Should be easy to do – relatively.

Mr. Switlik: – varied concern of basing cause or making any judgments solely on a “check box,” need narrative analysis to base cause

Mr. Herbert: M.I.B. data - is it being used?

LCDR Roberts: G-MOC not using it for analysis. Asked MOA to: 1) use it, for analysis, 2) stop using it if not needed, 3) or review it and change it to just what we need from it. G-MOA committed to do this, hopefully for the next Fish SAC meeting.

Mr. Green: In Wilmington NC, about the 1994/5 Fish SAC meeting. M.I.B. made presentation of their data collection and Green felt it was relevant data, could be useful; felt information needs to be disseminated.

Mr. Green provided the following (transcribed from a hand written briefing) from the Data Sub-Committee:

This should be last action by Data Committee.

Of the tasks listed:

First three – a Coast Guard responsibility, informal guidance was offered last meeting.

Last four items – over the last two years there have been offerings as the new system evolved. Whether there is a committee or not, the Coast Guard has a data collection system. There weren't really any major problems with the old format, the problem was no analysis. As last seen these were more than ample data fields for fishing peculiar issues: rig, fishery, boat type, etc. in the new format.

We as a committee know that:

- 1) There are two basic data sources:
 - USCG Casualty Reports
 - MIB Injury Data.
- 2) This data should be analyzed and be the motivation for USCG programs or program adjustments.

Recommend that at each CFIVAC meeting a Casualty/Injury Analysis presentation be a standard agenda item. The following format should be considered:

- Each report should address:
 - 1) The interval since last CFIVAC meeting
 - 2) How this period compares with historical trends.
- Each report should be divided between:
 - 1) Regional events
 - 2) National summary
- Program changes, if any, the Coast Guard is considering as the consequence

of casualty/injury trends.

- Significant casualties
- Action taken by Coast Guard relative to disseminating feedback and lessons learned to the fishing industry.

The above information should be assembled in a report format and distributed to all committee members two (2) weeks before a meeting.

LCDR Roberts: Data source not currently available to public.

Mr. Greene: noted resolution M.I.B. highlighted fire

LCDR Roberts: fire – property damage issue injuries – very well collected in summary data, but how does this relate to casualties, G-MOA/CG will do analysis.

Mr. Greene: With permanent civilian CFV Staff should now be in a better position to do better analysis and collection.

CAPT Sarubbi: Noted Coast Guard's history w/ data in response to congressional questions and some analysis – Program Review, and justification of regulations. Hopefully soon we will have data so it can be presented to Fish SAC for review, and suggestions on what is going on in F/V – feed back.

Mr. Herbert: Voted to approve recommendation of committee? No objections, Motion carried.

Training:

Mr. Switlik: Training – Past Recommendation:

5 Year renewal formal training, 1 person on board to be trained.

Training subgroup reported:

- Defined training topics: continue 10 evaluations per CFR's until there are regulations to require.
- No – tier on vessel size.
- How practically delivered = AMSEA, etc., community based programs are best, but at next meeting look at “National Curriculum (couple of years ago)
- 5 year Renewable Training
- 30 day training or when new people on board crew training – hold tell review of NAT training program.
- Market training --- NIOSH – Better publicize benefits of training. Apply to Coast Guard through CCGD's coordination at local level.
- National infrastructure – never done before doesn't exit.

- Contact Sea Grant Program – make contact to ID local training programs
- G-MOC needs to contact various local training providers.

Ms. Noll: Clarification – no change to current regulations 46ch.28.265 & 28.270. Need to have an “enforcement vehicle” to assure 10-evolution training is done – refresher training required. Coast Guard should have a lot of on board training. Have proof vessel/crew is really in compliance with regulations.

Noted: some areas have lack of instruction – “Excuse” not really – with “enforcement” there will be instruction and training will be done.

-- Develop infrastructure of training Providers. Today (5/3) none available: Massachusetts south to Lafayette, La.

Ms. Harris: noted problems in ME folks in So Cal. Go to Seattle. Ms. Noll voiced that if training required, then trainers will become available locally.

Mr. Herbert: called Jeff Stephens w/no return call.

Training source: Huge coordinated effort. (Possible PM 5/3 issue) Insurance folks to assist??

Mr. Greene: Noted North West Training (NPVOA) – could be a model for other programs = \$250K to run Possible seed money form U.S. Government. Sea grant \$??

Mr. Lewis: Confused?? Why not tailor training for BST from STCW’95 and CFV training.

Mr. Herbert: Clarify – that CFV only need 8 hours training that has National Maritime Center; Agrees that in theory should be easy fix and MNC could do approval quickly.

Mr. Herbert: – noted that renewable training programs are most successful at AK Votech.

Ms. Ruhle, LCRD Robert, LCRD William: Safe catch – mostly equip – and some on drills completed – some data.

Ms. Ruhle: did report ID that drills were really conducted in N.C., smaller cruise = 7 BOB, are doing it?

Mr. Leland: – agreed in S.C. is similar.

Ms. Noll: re-affirmed Coast Guard needs “enforcement” of training to assure drills are being done.

Mr. Herbert: noted LCDR Williams' presentation on pending legislation proposal, which will include “requirement” training in package.

Mr. Herbert: asked for Fish SAC to make motion that Coast Guard do its but to “encourage” compliance with required drills and training. Ask for drill cards, ask crews “how do they respond “” (Because new regulations may take 3 plus yeas to finalize.)

Ms. Noll: Need motion to support Coast Guard “encouragement’ of the required training.

CAPT Sarubbi: do National Fishmen articles, and message to field to re-emphasize with Fishsac support.

Mr. Herbert: Motion: Supported and Accepted. Encouragement is a good thing and won’t hurt to remind field pending the regulatory project.

Mr. Ruhle: can CCGD’s tell HQ what is on going on, drill enforcement – poll own people find about what is lacking and do fixes.

Mr. Lewis: Central CA needs work.

Mr. Herbert: Motion approved.

Mr. Switlik: commented that more work needs to be done on National Curriculum. Subcommittee wants to keep their recommendation “open” still stand & further work needs to be done.

-- Committee agrees w/motion.

LUNCH BREAK 1225 – 1345

1345 – Resume 5/3/01 PM. Session

LCDR Williams: Requirement for updates to C Fish SAC member list – travel claims-

Training Subcommittee still open work, same recommendations.

Regional:

Boundary Lines:

Ms. Bragdon: each CCGD has its own set of Rules:

1. Communicate w/ fishmen about exemption, have right to requirement exemption; Coast Guard to sit up time frame to review – set time for exemption.
2. Collect data on exemptions, catalog, chart, and review w/; Fish SAC prior to next meeting. Make up chart of base lines.
3. Fish SAC and Coast Guard to review exemptions so that Subcommittee can use to address re: Base lines; Look at “Hot Spots” to change regulations on Base lines – make adjustments.

Mr. Herbert. Recommendations from October 2000 meeting still standing by. Districts to work on baseline, have authority to establish, issue exemptions, etc. Look at history of safety in zones within and without baseline. Don't have to go to Congress

When crossing Districts – clarify state requirements – exemptions – no confusion. Valid only in District where issued.

Guidelines for crossing Districts – coordination across district lines – exceptions include waivers on certain lifesaving gear.

Mr. Hamaker: referenced Permit to Proceed and change of employment certificates used in D17 and D13. Use of decals or other special stickers to identify the particular district.

Mr. Green: – comment on “major” conversion or not. This was done through the MSC. Done with a CG-letter.

Ms. Noll: – asked about the “timeframe” for exemption waivers where a boat goes to another area – is this a problem?

LCDR Roberts: - operator with an exemption from “old” district going to a new district – needs to get a waiver/exemption from “new” district.

LCDR Roberts: – If the intent is to operate across District lines, need District coordinated reviews for a waiver of regulation in both Districts.

Ms. Noll – What about informing fisherman about availability of exemptions and how to do it?

Ms. Brandon – is it the Committee’s problem?

Mr. Hamaker: – exemption criteria is in CFR, don't need more. Dismissed limitations of load line exemptions done in conjunction of exemption letter.

Ms. Bragdon: – have review of all exemptions to determine if they were safe to do and possibly look at regulatory changes.

Mr. Green – Committee to dig into history of exemptions in conjunction with adjustments of the Boundary Line. To be done under Regional review concept.

Mr. Switlik: – anything on Maine’s exemption history? No one from ME in room to respond.

Mr. Herbert: noted that exemption-granting authority moved to Districts vice CGHQ.

Jim Herbert: – move to accept the 3 new recommendations (1) tell underlying exemption authority exact – make exemption process timely. (2) Collect data on exemptions; (3) Visually chart existing boundary line. Analyze review of look at history and hot spots to make any changes.

Mr. Herbert: Jointly or by CG only – review of Boundary lines – look at NVIC.

Mr. Green: Thinks it is part of CG’s job.

Mr. Herbert: Motion to accept Dave Greene’s modification: CG to gather information of existing waivers.

Ms. Bragdon: – no
3 yes ?? abstain...

CAPT Sarubbi: (clarification): any change to Boundary Line will be for “only “ CFV issues – not for any other law or Act.

Ms. Ruhle: industry not aware that an exemption exists – wait to after review of “hot spots” and let FISHSAC review – to change Boundary Line and Process.

Mr. Herbert & LCDR Williams – Don’t want to do Regulation Change!!

Mr. Green – Only wants CG inspection history of exemptions; based on that FISHSAC to assist with local exemptions; adjustment of Boundary Lines is down the line and needs to have Regulatory Change.

Ms. Bonet: clarify; need stats to “advise” CG on exemptions.

Mr. Green: Have CG look at exemptions already granted and review regulations, authority.

(Note: 46 CFR 76: Boundary Lines)

Mr. Herbert: Coast Guard to provide information/analysis on exemption history and FISHSAC will work to assist Coast Guard – Coast Guard to make presentation.

Vote on Amendments to Motion (Dave Green)

Dave Green: withdraw amendment.

Vote on Barbara Brangdon’s 3 motions add to old recommendation: Motion adopted w/no opposition.

Next meeting: get information to committee prior to meeting (2 weeks)

Mr. Herbert – New issue: Past agreements – history – records. Need way to compile history of what has been done and/or agreed to on key issues.

Capt Sarubbi – Re: Future actions for FISHSAC with Coast Guard. Need action plan – issues on how to improve CFVS, list, priority, Coast Guard to develop spreadsheet?

Key List:

Ms. Ruhle:

- Placards/safety instructions> what is status (3 years ago) 1 man operator?
Can these be re-issued?
- At Tampa, person from each district/region to brief on issues in their area – only 1 session done – wants to resume these briefings, need more than NW factions.
- Management plans – F/V Safety
- Coast Guard representative who is fishing vessel knowledgeable to work on plans.
- Review in hose regulations or rules.
- Help with fishing vessel safety instructors, and list available to public.
- Make sure Coast Guard personnel do uniform regulatory enforcement.
- Coast Guard be aware of casualties prior to meetings – Provide information for Fishsac
- Need who is on committee – pick program and stay with it till it is completed.

Mr. Hamaker:

- Fishing vessel division – good thing/continuity
- Wants the tasks such as those passed out in today – to be provided at least 2 weeks prior to meeting.
- Periodic update on ongoing tasks being done – I.e. exam/stab committee not meeting.
- Did civilian CFVS inspectors report to HQ on regular basis? If so can Fishsac get this early so they can provide educated input on issues
- Historical data package of meeting minutes presented to new members.
- Motion made and group was briefed early.
- In “A” package provide a complete accident report file: CG-2692, notes, etc provide to FISHSAC. Would assist in understanding and analyses.
- Wants tasks given out early or on CFVS website so Fishsac members can get industry input.

Mr. Lewis:

- New member orientation package – good/needed
- Data package (cases)
- Agrees with web site posting issues.
- Fishsac be an advisor, committed to help Coast guard review pending regulations or does Fishsac tell Coast Guard what to do? How should Fishsac operate?
- Need the committee
- Fishsac assist Coast Guard work on fishing vessel safety.

Ms. Bonet: Reference the CFVS Act and what Fishsac is to do? Note: reference 46 USC 4508:

1. May advise, consult with and make recommendations to Coast Guard on CFVS
2. Review proposed regulations and make recommendations to Congress: 4 meetings at best each year.

Mr. Aparicio:

- Members need to know direction Coast Guard wants Fishsac to go in.

- Fishsac should give advice and consent to Coast Guard proposals
- Continuity is lacking, needs to be addressed.

Mr. Green:

- Agrees with Linda, John, and Pete.
- What does Coast Guard expect Fishsac to perform?
- Tasking to members/subcommittees to get tasked, go home and come back with constructive changes.
- Fishsac – blend proposal big changes, but nothing has been done yet!!
- Get back to “using” industry expertise to address issues and provide advice.
- Does not like “sub-committee” working groups of fishermen, environmental, trainers, etc to advise committees
- Believes committee should be tasked – not asked “what do we do now?” not advisory on policy.
- Need to identify what we are trying to cure – no just writing regulations. Look at injuries as part of trend analysis, not just deaths or severe casualties. Coast Guard never managed Safety Program – prevention, Coast Guard is responsible to events.
- Have Fishsac members bring in industry “in port”

Fishsac – Primary purpose:

1. Reduce loss of life.
2. Assist Coast Guard in doing so reduces accident rates.

Fishsac – Provide help to Coast Guard in developing regulations, etc.

Ms. Sanfilippo:

- Reason for CFVS Act – loss of life.
- Insurance costs \$\$\$ re: vessel losses.
- Got better safety equipment.
- Volunteer exam program
- Failed in education! Education – lack of resources, breakdown when “fishery” regulations came on line, needs fix.
- Casualties – fishing vessel accidents = Coast Guard has to do SAR.
- Regulations.
Changes to industry – less familiar new breed of fisherman, not familiar with area. Who will educate new fishermen?
- Fishermen have chosen to fish.
- Coast Guard needs to be in charge of safety/education.
- Wants Fishsac to stay active and work on CFV safety.
- Enforce education.

Ms. Bragdon: Fishery management regulations – wants Coast Guard help.

Mr. Hamaker: Outline/schematic = organizational chart of new fish division.

Mr. Switlik:

- Manufacturer and industry issue.
- Liferaft less than 2 years old – examiners unaware of skipping 1st year exam.
- CAPT Sarubbi and LCDR Roberts will send message to examiners.

Mr. Aparicio: Supports fishing vessel division chief.

CAPT Ruhle (from the audience):

- Apologize to industry participation, but: Due to council meetings during May 2-3 2001 approx 100 miles from Portland.
- Fishery opened of 5/1/01
- Breakdown between M and O in Coast Guard
- O = Law Enforcement – easy to patrol and regulate fisheries
- M = Safety
- Problems in New England waters:
- Trip limits.
- Make Fishermen break laws.
- “O” looks at safety as a violation not to improve safety.
- Working at Mid-Atlantic fisheries to stop the New England problems from occurring in Mid-Atlantic Region - Fisheries management, needs a civilian employee – not “M” or “O” and be a fisherman.
- Plans can be worked on – adjacent trips with in a time certain, not per trip.
- Problem exists around the world.
- This is a priority in advanced fishing countries.

VADM Shkor: “Operation Safe Catch” Problems evident, but non-Coast Guard person was able to salvage “Safe Catch-Safe Return” worked should never have stopped program, was a success should have continued.

Ms. Sanfilippo – Sec Daily, Commerce Department on CFV issues. Penny Dalton, NMFS worked to amend trip landings rules, but now back to the way it was.

Ms. Noll:

- Task statement.
- Some short range goals.
- Some long range goals.
- Why has FISHSAC failed? Why has it succeeded?
- Wants consensus of group – not, as individuals.
- FISHSAC is the industry’s advisor and should tell Coast Guard what it wants, requires.
- Coast Guard should tell FISHSAC what it can/cannot do – Law? Regulation? Policy? other agency, etc.
- Coast Guard should tell FISHSAC if stuff is doable.

Mr. Herbert:

- Future of fishing vessel safety – always changing. Is a charter member of group with Greg Switlik.
- Recommendations from Coast Guard and NTSB reports some agreed to, some not.

Focus:

1. Training subcommittee:
 - novel designs and developments
 - hot spots – regional problems, issues
2. External issues to CFVS:
 - Weather, WX forecasting
 - Decisions made at Management Councils – impact safety
 - Overlap of issues – OSHA
3. Human Factors:
 - Fatigue
 - Training/education
 - Issues – cultural, race
 - Training infrastructure issues
4. Safety Administration:
 - Regulations
 - How the CG regulates the industry
 - Change of boundary lines
 - CG has to be lead agency – not delegated to States, etc. This is a Federal issue.
5. Fitness of vessels:
 - Substandard vessels
 - Hull integrity
 - Need some hull standard, but a tough issue.

Mr. Green: CFV Safety Act precludes requiring changes to vessels.

Mr. Herbert: Agrees with a review of regulations – streamlining.

Ms. Vanison: wants to change regulations. Would like to fix the problems with out regulatory initiative.

Mr. Herbert: likes the idea of the CFV Division at CGHQ – continuity.

Ms. Bakus: OSHA injuries cost money. Need a safe work place.

Mr. Herbert: Brainstorming, lots to do yet!!

- Safety administration
- Vessel fitness
- Human factors
- Safety equipment and systems
- External influences.

CAPT Sarubbi: Thanks. The CG needs to work with Fishsac to get help on improving CFV safety. May ask for a comment on CG action, may ask for input to help do something, a mix of things from the group.

Fishsac has done some good things: validated the F/V Action Plan, training issues. The purpose of the Task Statement is to clarify and generate issues.

Ms. Vanison: asked for copies of the safety placard.

CAPT Sarubbi: need record of Fishsac activity, history.

Mr. Hamaker: early update of Fishsac issues, especially with 2/3rds change out of members.

Mr. Switlik: Administrative Procedures Act requires an update of new members.

CAPT Sarubbi: Value Fishsac's opinion and help.

Ms. Noll: wants issues copied back to committee at next meeting.

Mr. Herbert: Yes.

Capt Ruhle (audience): thanks Mr. Jim Herbert for his work as Chairman for all his work – hopes he stays till the next chair is on board.

Other Business:

Mr. Aparacio: Read the following statement into the record:

This committee is charged with the responsibility of providing the U.S. Coast Guard with sound advice and to keep them apprised of the status and needs of the commercial fishing industry. It is also implicit in that charge that when circumstances that may affect safety at sea are present, it may be prudent and necessary for the committee to request resolution to these problems.

It has become evident in the last few years that an ever-increasing volume of new regulations; especially fishing regulations, are placing a heavy burden on the industry and on the Coast Guard. These regulations are implemented at the state and federal levels without any regards to their cumulative effect. Such things as

closed areas, fishing seasons, fishing reserves, size and bag limits, quotas, derby fishing and regulations which in effect force small vessels to fish inclement weather and/or further offshore flies in the face of reason and runs counter to promoting safety at sea.

The tremendous growth of the recreational fishery in the last few years has stretched the capability of enforcement agencies, including the Coast Guard to the breaking point at the same time that the providing of necessary resources is decreasing. In the Gulf of Mexico alone, there were 24 million recreational fishing trips taken in 1997 according to the Gulf of Mexico Program. Expected growth in this sector was projected at 5 to 7 percent annually.

I therefore move that a request from this committee be forwarded to the Department of Transportation that they, in conjunction with the Department of Commerce address this problem. Included in the solution to include the establishment of mechanisms for periodic reviews of the problem and provide oversight.

Summary: Federal, State and Local regulations sometimes impact on safety. Wants DOT/DOC to work on this issue.

Motion seconded—

Mr. Green: provide a couple of examples from other regions.

Mr. Aparacio: issue needs to be addressed between DOT and DOC to resolve at the highest level.

Mr. Rob ___?___: 'fishery management' is a serious safety problem for small fisheries. At least in the northeast. In the last 2 years it accounted for some 10 deaths in Maine's small F/V accidents.

Mr. Switlik: need to have Congressional intervention.

Mr. Green: where overlap exists – Fishsac should develop a letter statement to Congress via the USCG.

Ms. Bragdon: Scallopers – accidents because of bad fishery management regulation. Noted that Mr. Ted Harrington (D1 CFV Coordinator) worked this issue with the local NMFS. The regulation was fixed.

Ms. Ruhle: wants safety representative at Fisheries Management Council meetings to 'protect safety.'

CAPT Sarubbi: This is part of the Task Force recommendations.

Vote: Unanimous vote to include Mr. Aparicio's statement (included above).

Mr. Herbert: Meeting adjourned. 1650 on May 3, 2001.