



SEAFOOD HARVESTERS OF AMERICA

FISHERMEN UNITED FOR ACCOUNTABLE AND THRIVING FISHERIES

June 22, 2015

The Honorable John Thune
Chairman
U.S. Senate Committee on Commerce,
Science & Transportation

The Honorable Bill Nelson
Ranking Member
U.S. Senate Committee on Commerce,
Science & Transportation

Dear Chairman Thune and Ranking Member Nelson:

Seafood Harvesters of America is a broadly based organization representing 16 commercial fishing organizations¹ from George's Bank to the Bering Sea and from California to the Florida Keys. We fish for many different species, utilizing a host of gear types, aboard vessels specific to our respective fisheries. Our organization reflects the diversity of America's coastal communities, the complexity of our marine environments and the enormous potential of our commercial fisheries. We write today to offer our support for S. 1611. Specifically, we wish to voice our support for the provision that would amend Section 4503(c) of Title 46 of the United States Code. This provision would increase the length overall requirement for a newly built commercial fishing vessel to be classed from the current 50' length overall to 190' length overall. We strongly support this provision and encourage the Committee to retain it as drafted during consideration of S. 1611 at the upcoming Executive Session.

After several very high profile commercial fishing vessel losses and commensurate loss of life in the early to mid 2000's it became clear that Congress needed to act to rectify many of the shortcomings with respect to safety regulations for commercial fishing vessels. As part of the *Coast Guard Authorization Act of 2010 (Public Law 111-281)* Congress did just that with the passage of many new safety provisions. These included new requirements for survival craft, mandatory safety training and the requirement for periodic "refresher" courses, increased record keeping regarding maintenance and safety instruction and drills, mandatory dockside examinations, the establishment of a Fishing Safety Training Grants program to facilitate the aforementioned safety training, establishment of a Fishing Safety Research Grant program, and extension of the U.S. Coast Guard Commercial Fishing Safety Advisory Committee (CFSAC). Although there was some limited opposition to these new provisions at the time, the commercial fishing industry has come to embrace these requirements as necessary to increase safety of our fleets.

Unfortunately however, there was one provision in the 2010 Act, that while its intent was to increase safety for commercial fishing vessels, the actual consequence

¹ Alaska Bering Sea Crabbers, Alaska Whitefish Trawlers Association, Cape Cod Commercial Fishermen's Alliance, Fishing Vessel Owners Association, Fort Bragg Groundfish Association, George's Bank Cod Fixed Gear Sector, Inc., Gulf Fishermen's Association, Gulf of Mexico Reef Fish Shareholders Alliance, Massachusetts Lobstermen's Association, Midwater Trawlers Cooperative, New Hampshire Groundfish Sectors, North Pacific Fishing Association, Purse Seine Vessel Owners Association, Rhode Island Commercial Fishermen's Association, South Atlantic Fishermen's Association, United Catcher Boats

of this provision has been to create a perverse incentive towards less safety for the fleet. Included in the 2010 Act was a requirement that commercial fishing vessels at least 50 feet overall in length, built after July 1, 2012 and that operate beyond 3 nautical miles, must be designed, constructed, and maintained to the standards of a recognized classification society ("classed"). The *Coast Guard and Maritime Transportation Act of 2012 (Public Law 112-213)* changed the effective date for the classification requirement to July 1, 2013.

While we support increased safety for commercial fishing fleets, forcing newly built vessels to be classed is not the way to get there. What this requirement will do is to add significant cost to the construction of a new commercial fishing vessel. The best estimates available point to an increased up-front cost of roughly 20% for new vessel construction if it must be classed. However, those additional costs will compound over time, as the vessel is required to remain "in class" as long as it is operational. For example, if a vessel breaks down in a remote Alaskan port and needs a structural repair, the vessel owner must not only repair the structural deficiency, he must also fly a classification society inspector up from Seattle to monitor the repair, incurring costs for both wages and travel expenses. Making this problem even more acute is the fact that there is already a shortage of classification society inspectors, so the vessel owner may have to wait quite some time for an inspector to become available. All vessel owners expect to have lost fishing time due to breakdowns over the life of their vessel, but this is unreasonable to say the least.

Quite frankly, when many vessel owners around the country are considering whether or not to replace their aging vessels, the 20% increased up-front cost as well as the longer-term costs of keeping the vessel "in class" will be the tipping point that necessitates they simply keep the aging vessel in service rather than replace it. Alternatively, vessel owners will build vessels smaller than they would have otherwise in order to avoid the classification requirement. The recent launch of a 49.9' purse seine vessel at the Little Hoquiam Shipyard in Washington State² is the first of what may become a trend in new vessel construction if the proposed amendment to Section 4503(c) of Title 46, United States Code is not adopted.

The U.S. Coast Guard Commercial Fishing Safety Advisory Committee (CFSAC) agrees that classification for newly built commercial fishing vessel is unnecessary. For the past several years the Committee has advised the Coast Guard that vessels built after the effective date should "adhere to classification and load line design construction standards but not require classification certification."³ The Committee further notes that "along with mandatory compliance programs" the requirement to be built to and maintain class standards but not society certification would "offer adequate safety standards without burdening our commercial fishing fleets with the

² Fishermen's News online. Accessed June 18, 2015 at: <http://www.fishermensnews.com/story/2015/04/01/features/little-hoquiam-builds-first-499-foot-seiner/321.html>

³ Meeting Minutes. Commercial Fishing Safety Advisory Committee. 33rd Meeting, Coast Guard Headquarters, Washington, DC. 14-16 August 2013.

unnecessary expense of full classification certification.⁴ The Committee feels that risk-based alternative compliance programs developed with significant input from individual fishing fleets will prove a far better enhancement of fishing vessel safety than classification. We support this conclusion as well and we believe that amending Section 4503(c) of Title 46 of the United States Code will allow U.S. commercial fishermen to replace their vessels when that becomes necessary rather than find themselves in a situation where economics dictate that harvesters must continue to operate an aging vessel past its useful service life, which would clearly be an impediment to safety.

In conclusion, U.S. commercial fishermen are, without question, the biggest advocates for increased safety for our fleets. Often our children and relatives are aboard our vessels. Our friends and neighbors are often commercial fishermen. And we ourselves have a considerable amount at stake given that we are aboard our vessels. But we do not support regulations that simply add cost while not actually increasing safety. It is hard to understand the logic behind maintaining a statutory requirement that was originally intended to increase fishing vessel safety but has actually resulted in a perverse incentive towards reduced safety. That is why we call on the US Senate to immediately adopt the proposed amendment to Section 4503(c) of Title 46, United States Code. We thank you for consideration of our comments and look forward to working with the Committee to find a commonsense approach to commercial fishing vessel safety.

Signed,

Seafood Harvesters of America Board of Directors:

Christopher Brown, Sr. – President
Rhode Island Commercial Fishermen's Association

John Schmidt – Vice-President
Gulf Fishermen's Association

Mark Gleason – Secretary/Treasurer
Alaska Bering Sea Crabbers

Jack Cox – Board Member
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Brent Paine – Board Member
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⁴ *Ibid*