

**Motion for the National Commercial Fishing Safety Advisory Committee (NCFSAC)
Regarding the Adoption of Fishing Vessel Safety Management Systems (FVSMS)**

Whereas the United States commercial fishing industry remains a profession with ongoing and emerging safety challenges, leading to preventable fatalities and injuries; and

Whereas a Safety Management System (SMS) promotes a proactive and systematic safety culture, encouraging open, non-punitive reporting of safety concerns, and has been demonstrated to reduce accidents across various maritime sectors; and

Whereas effective implementation of an SMS on commercial fishing vessels (CFVs) will foster continuous risk identification, adherence to safety policies, and improvement of safety practices through regular equipment inspections, drills, and training while improving situational awareness; and

Whereas current regulatory frameworks, such as 33 CFR Part 96, are tailored to vessels covered under SOLAS and do not reflect the operational realities of CFVs, necessitating a sector-specific approach; and

Whereas the Towing Safety Management System (TSMS) has enhanced safety within the towing industry, establishing a clear precedent for adopting a practical and tailored SMS for CFVs; and

Whereas safety training programs that emphasize seamanship, vessel operations, and situational awareness are critical to building the competencies necessary to improve CFV safety, and accepted training programs should be integrated into all CFV safety plans; and

Resolved, that:

1. The Committee recommends that the adoption of an FVSMS for those vessels that operate outside of 3nm or with more than 16 POB tailored to the unique risks of commercial fishing, and would allow vessel owners the option to utilize a SMS under Part 28 content to meet all necessary documentation requirements thus enhancing safety outcomes.
2. The FVSMS framework should emphasize proactive risk management, requiring regular documentation of safety policies, equipment inspections, maintenance, drills, and training, and ensuring continuous compliance with U.S. laws and applicable standards.
3. The Committee recommends that the U.S. Coast Guard develop the FVSMS regulations in a manner that limits SMS data usage exclusively for enhancing safety and preventing future accidents. This data should not be used for legal or criminal proceedings except in cases of gross negligence, willful misconduct, or criminal intent, thereby ensuring the safety reporting culture remains protected.

Sept 11, 2024, Subcommittee Attendance: Jerry Dzugan, Barb Hewlett, Frank Vargas, Eric Rosvold, Tom Dameron, and Stephen Hochberg (Public, Trident Seafoods)