

UNITED STATES COAST GUARD

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**39th
COMMERCIAL FISHING SAFETY
ADVISORY COMMITTEE**

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PUBLIC MEETING

+ + + + +

THURSDAY,
NOVEMBER 15, 2018

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The Committee met at the United States Federal Center South, 4735 East Marginal Way South, Seattle, Washington, at 10:00 a.m., Chairman Erling "Jake" Jacobsen presiding.

PRESENT:

ERLING "JAKE" JACOBSEN, Chair
KRISTIAN BOEHMER, Member
KAREN CONRAD, Member
THOMAS DAMERON, Member
EDWARD DENNEHY, Member
JOSEPH DERIE, Member
GLENN HEWLETT, Member
HAL HOCKEMA, Member
MICHAEL KAMPNICH, Member
GREG LONDRIE, Member
ERIC ROSVOLD, Member

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STAFF PRESENT:

CAPT. MATT EDWARDS, Chief, Commercial Vessel
Compliance, Designated Federal
Officer of the Commercial Fishing Safety
Advisory Committee

JOSEPH D. MYERS, Chief, Fishing Vessel Safety
Division, Alternate Designated Federal
Officer of the Commercial Fishing Safety
Advisory Committee

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CONTENTS

Introductions, swearing-in of new members, election of Chair and Vice-Chair	4
Status of Commercial Fishing Vessel Safety Rulemaking projects resulting from requirements set forth in the U.S. Coast Guard Authorization Act of 2010 and the U.S. Coast Guard and Maritime Transportation Act of 2012	4
U.S. Coast Guard District Commercial Fishing Vessel Safety Coordinator reports on activities and initiatives.	9
Industry Updates	
Discussion on Fire Extinguishers and Survival Craft	91
U.S. Coast Guard/National Oceanic Atmospheric Administration National Marine Fisheries Service, Memorandum of Agreement Charter update	94
Presentation and discussion on casualties, by regions and fisheries, and an update on safety and risk-reduction-related projects by the National Institute for Occupational Safety and Health	223
Public Comment Period	225
Adjourn	237

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1 P-R-O-C-E-E-D-I-N-G-S

2 [Transcript produced from improvised
3 audio recording until 1:16 p.m.]

4 PARTICIPANT: All right, thanks,
5 everybody. I'll give you another reminder. When
6 you speak, please state your name for the reporter
7 because we're recording it on the conference line.

8 So we were on old business and we're
9 continuing on old business, and just general status
10 and updates on the recommendations the Committee
11 has made.

12 PARTICIPANT: Yes. Chair?

13 PARTICIPANT: New business. I wanted
14 to provide a status update. Currently there are
15 11 FISHSAC members. And I believe on the back
16 table, and if not on the back table, if they've
17 already been picked up, we do have available the
18 current roster of members and their expiration,
19 the dates that their membership expired.

20 But right now, we're at 11 members.
21 That being said, traditionally this charter has
22 18 members. Seven of the 18 right now are in status

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1 where they're -- we're waiting for letters to be
2 signed by the Secretary, that's at the DHS level.

3 We anticipate that to come about pretty soon, but
4 again, we --- until the staff, it hasn't happened.

5
6 So that is the status of those seven
7 members that we're waiting for. Certain members
8 have been already approved by -- at the White House
9 level, and now it goes to the Secretary for
10 signature. And so that is just a quick update on
11 that.

12 That being said, with the current
13 status of the FISHSAC membership, there will be
14 six vacancies in 2019. We are, we're right now
15 actively working on a -- to launch a broadcast on
16 those vacancies. It will probably come out after
17 January, I'm speculating.

18 These positions are not up until June
19 of '19. So what we are putting out is if you know
20 anyone or yourselves in the public are interested
21 in being or putting an application in to be
22 considered as part of the Advisory Committee,

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1 you're encouraged to do so, and we're going to get
2 an announcement out on that. One of the
3 things we've seen in the past is that sometimes
4 certain informations or certain elements of the
5 resume are not as detailed as we'd like. And so
6 what we -- and we're going to try to convey this
7 in our announcement -- so what we're trying to,
8 the word we're trying to get out right now is please
9 follow that announcement. Or if you know people
10 that may want to put in for it, hopefully they'll
11 follow that announcement. And again, we're
12 anticipating first part of the year.

13 That being said, Mr. Chair, let's see.

14 PARTICIPANT: Are we going to review
15 this document?

16 PARTICIPANT: That was being, that was
17 just simply presented to the Committee that we can
18 hand that out for public view. But the intent
19 wasn't to go through every line item. Unless, of
20 course, you'd like to do so, Mr. Chair.

21 CHAIRMAN JACOBSEN: Okay, and thanks,
22 Karen. I was referring to the 2011-2018 tasks and

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1 recommendations in these items that I received,
2 that you sent out.

3 PARTICIPANT: By all means, we're
4 prepared to kind of move ahead, if there are any
5 questions on that, and if, and I'm just throwing
6 this out there, Mr. Chair, if the Panel wishes to
7 review it and, you know, we still have tomorrow.
8 If they have important questions, maybe we could
9 stand by to comment on that also. I'm just throwing
10 that out there.

11 CHAIRMAN JACOBSEN: Yeah, okay,
12 thanks. Yeah, appreciate it. This is kind of the
13 nature of what we've done in the past and what action
14 has been taken. So you might want to look through
15 this this evening if you haven't done it already
16 and see if you have any questions.

17 PARTICIPANT: Certainly.

18 CHAIRMAN JACOBSEN: All right.

19 PARTICIPANT: Mr. Chair, I think
20 that's what I have on the vacancies. And then if
21 it's your will to roll into the district coordinator
22 reports?

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1 CHAIRMAN JACOBSEN: Let's go into
2 district coordinator reports.

3 PARTICIPANT: Yes, sir. By the way,
4 for the public, one of the things, and maybe I'll
5 wait until the district coordinators are done with
6 their reports. But what I'd like to do, and I may
7 solicit Mr. Rob Craighead for his assistance on
8 this, I want to, not everyone knows where this
9 district coordinator hit list is at.

10 And what this does is it shows a list
11 of district coordinators and examiners within a
12 specific AOR, or area of responsibility, a
13 district. And there's emails and phone numbers,
14 point of contacts. And so what, after they are
15 done talking, what I'd like to do is go to our
16 headquarters website that we're trying to promote,
17 and I want to show you where we pulled this up at
18 so you know where it's at, amongst other things.

19 So, that being said, do we, district
20 coordinators, let's see, do we -- we'd like to start
21 off with First District, First Coast Guard
22 District.

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1 PARTICIPANT: They're not in.

2 PARTICIPANT: Okay, they're not. I
3 didn't think I saw anyone here. Okay. Fifth Coast
4 Guard District, Mr. Luna.

5 MR. LUNA: Good afternoon, Mr. Chair
6 and Panel members. My name is Troy Luna, I'm a
7 Fifth District Commercial Fishing Vessel State
8 Coordinator stationed out of Virginia. We have
9 four sectors and two MSDs under our command. Right
10 now we currently have a fishing vessel fleet size
11 of about 5,845.

12 We have ten civilian examiners, 56
13 Auxiliarists, and three active duty members
14 conducting exams for us. Annually, we conduct
15 about 580 exams, issuing about 465 decals each year.

16 We have about 700-plus warnings, and they only
17 result in about five terminations a year, so we're
18 doing pretty good. And they're all
19 safety-related.

20 A couple initiatives that we've had
21 going for the last year is we developed a system
22 to try to better understand our fleet size in the

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1 district, and we started that in January. We use
2 it in all vessels that operate in our waters through
3 the years, last four or five years. Through exams,
4 casualty citations, warnings, counting state numbers
5 plus NOA permit numbers.

6 We kind of consolidate all that, and
7 that's kind of how we got our list of our 5800.
8 And we're kind of updating it every, whenever they
9 do examiner boardings and stuff, we're adding to
10 that to make sure we get an accurate as possible
11 count as we can have. We know that there's other
12 vessels out there, but we have to start with
13 somewhere and that's where we started at.

14 Another issue we have is highly
15 migratory species permits and the vessels.
16 They're out there catching fish that are, can be
17 rec vessels or other vessels, or selling their
18 catch, but they're not complying with the
19 regulations.

20 So working with NOAA to get the permit
21 data plus the landing data, we can consolidate that
22 information, go to the vessel, find out which

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1 vessels have not had the decals and provide outreach
2 to them and tell that, you know, because you're
3 selling your catch, you're considered personal
4 fishing vessels, and try to alleviate that gap.

5 And so far we've only got about 80
6 vessels, 65-80 vessels, that fall into that
7 category, but we're still compiling the data on
8 that.

9 And finally, I was tasked to provide
10 some data, some casualty data, to assist NIOSH with
11 the report that Stan's working on to the surf clam
12 and ocean quahog casualty data for those vessels.

13 Initially they wanted just fatalities and vessel
14 sinkings. And I went back to 1990 until today and
15 provided all that data, I'm sure we'll see that
16 information soon. And that's all I have. Any
17 questions?

18 PARTICIPANT: Questions for Mr. Luna?

19 MR. LUNA: Thank you.

20 PARTICIPANT: Thank you.

21 MR. HOPPE: Good afternoon, my name's
22 Walter Hoppe, I'm with the 7th Coast Guard District

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1 in Miami. We have six sectors and one MSU, seven
2 examiners besides myself, one of which is new within
3 the last two months, that sector of Miami.

4 He was our original examiner, got the
5 program started. He just retired this year, Rafael
6 Arizmendi. And so his replacement just came on
7 board within the last couple months.

8 So at every unit, you have a civilian
9 full-time examiner. We had about 400, roughly,
10 inspections over the last year. About 50 percent
11 of them resulted in decal and license renewals.
12 Also, we've done, I want to say three, but I could
13 be wrong, approximately three examiner courses
14 within our district, where we've been able to supply
15 the trainer and the examiner who is examined by
16 the trainer.

17 I mean, we have like damage control
18 trainer has for patching, repairing leaks,
19 providing --- seems to be pretty popular. We've
20 also had a course, this year our auxiliarist put
21 together a course to train the other auxiliarists
22 within our unit. Basically, we tried to replicate

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1 the courses provided at Yorktown to get a basic
2 level knowledge, at least the auxiliaries and the
3 examiners.

4 I've also attended the South Atlantic
5 Fisheries Management Committee and the Gulf
6 Fisheries Management Committee that meets within
7 our district during the last year. Yeah, we were,
8 as Troy mentioned, also provided guidance on
9 permitting, how to bypass issues. So this is about
10 it. Any questions?

11 PARTICIPANT: Questions for Mr. Hoppe?
12 Tom?

13 PARTICIPANT: Do you have an estimate
14 of how many vessels in your district, commercial
15 fishing?

16 PARTICIPANT: Yeah, we're right in
17 around the six to eight hundred. But it's hard
18 to say for sure on some of the state-registered
19 vessels, because unless the Coast Guard has
20 interacted with them, we don't really have a record.

21 But we have been working with the state with either
22 their DNR inspector to see or, well, within Florida,

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1 we break it down, because we had such a small section
2 of Florida.

3 But we've been working with them to get
4 the number of landings as we get them, and permits
5 issued. But that doesn't necessarily equate to
6 one for one. Sometimes an operator has multiple
7 vessels, sometimes he has one vessel with multiple
8 permits. This is ongoing, but that's our best
9 number.

10 PARTICIPANT: Thank you.

11 PARTICIPANT: Mr. Chairman.

12 PARTICIPANT: Go ahead, Mr. Rosvold.

13 MR. ROSVOLD: So 6800 vessels total,
14 and you do 400 inspections, and only 200 of them
15 pass, what happens to the other 200, what's the
16 major failure?

17 MR. HOPPE: A lot of times they'll,
18 when we go to do the exam, we find out, you know,
19 this is what you need, this and this. You have
20 to correct it and call us back. So we're waiting.

21 After 30-60 days, if we don't hear back from them,
22 then we try to follow up.

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1 If they don't respond, then we close
2 out the activity. Again, we're waiting on them.

3 We don't know if they stopped fishing because they
4 didn't want to spend the money, or you know, if
5 they decided to get a newer vessel. Multiple
6 reasons why they didn't follow it up. Otherwise,
7 it's, we just wanted to catch them operating without
8 a valid decal or the appropriate documentation.

9 PARTICIPANT: Just a point of
10 clarification. Did you say in six to eight hundred
11 or 6800?

12 PARTICIPANT: No, sixty.

13 PARTICIPANT: Sixty.

14 PARTICIPANT: So I assume you have, you
15 don't have a lot of fisheries that require observers
16 on the boat with you?

17 PARTICIPANT: Correct.

18 PARTICIPANT: Any other questions for
19 Mr. Hoppe? Yes, Mr. Meyers.

20 MR. HOPPE: I just have one point of
21 clarification on that. Okay, when I say decals
22 issued, technically, under the new regulations

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1 since 2013, you have to have an exam within the
2 last five years. So even though they don't have
3 a decal because it's only good for two years, when
4 you take into account four years, five years, it's
5 a little ---

6 PARTICIPANT: I was just curious, with
7 your DC trainer, and I assume, D-7, you probably
8 have two of them?

9 PARTICIPANT: We actually, yes. We
10 have one in St. Petersburg and one in Jacksonville.

11 PARTICIPANT: Okay, and I'm just
12 curious. Do you use the stability model that the
13 boat, in conjunction with those DC trainers?

14 MR. HOPPE: Yes, they also have one
15 that is a small, it looks like a fishing boat, but.

16 PARTICIPANT: Okay. And I guess the
17 follow-on with that one is are you seeing a lot
18 of interest with the model, with the stability in
19 the different -- I'm trying to think of a way to
20 put it. The different experiments that you can
21 do with that model itself. And I imagine you take
22 with the industry forms?

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1 MR. HOPPE: Well, we're bringing them
2 to the training. And basically, when they come
3 through, it allows them to see it. When you see
4 it with your own eyes, how a small movement on a
5 vessel creates a big -- I think it opens your eyes.

6 PARTICIPANT: Thanks.

7 PARTICIPANT: Any other questions?
8 Thank you, Mr. Hoppe.

9 MR. PERKINS: Good afternoon, my name
10 is Bob Perkins, I'm the Uninspected Vessel
11 Coordinator for the 8th District out of New Orleans.

12 I presently have four sectors, two MSUs, two MSDs,
13 and I'll have examiners. I have ten billets for
14 examiners which stretch from Brownsville, Texas
15 to Panama City, Florida.

16 Of those ten billets, I have one that
17 is empty presently, one that will be empty in a
18 couple of weeks. Two that are empty now, one
19 that'll be empty in a couple weeks, and a fourth
20 one that is possibly going to go MTU before the
21 end of the year. And my position will be vacated
22 at the end of year.

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1 So we're down, we're going to be down
2 five people. We've hired one to replace one of
3 the five, and we're working on vessels.

4 A very interesting question. I have
5 1072 federal permits. Of that, we estimate that
6 965 of those are actually actively being fished.

7 So we have 1000 boats that basically fit into that
8 category. But then we have 30,000 inside boats.

9 And not, all of you can go, all of these are
10 commercial boats. They're not really commercial
11 boats.

12 A lot of these guys are, like in
13 Louisiana, they'll get a commercial permit so they
14 can haul a bigger net. When they're shrimping,
15 they're actually recreational shrimpers, they're
16 keeping their catch, they're not selling anything.

17 But they have to get a commercial permit in order
18 to haul a certain size net, and they'll do that
19 just to facilitate the process.

20 So how many boats I really have, it's
21 kind of a guess. But we know it's nowhere that
22 actual 30,000 number. Because there's a lot of

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1 recreational boats that are just kind of falling
2 into that category.

3 We do just north of a thousand exams,
4 between the ten examiners we do a thousand exams
5 a year. We issue somewhere just south of 600 decals
6 per year for those thousand boats. A lot of oyster
7 boats, a lot of bay shrimpers. We do have long
8 liners and reef fishing vessels.

9 We also have highly migratory species
10 boats, which are actually the worst part of our
11 fleet. Those are the guys that we have the most
12 problems with. The oldest boats in the worst
13 condition.

14 The fatality rate within the Eighth
15 District has stayed fairly steady. We generally
16 tend to lose between two and four fishermen a year.

17 Falls overboard, number one lead cause. Guys go
18 over the side, no life jacket on. Most of the time,
19 they're single-handed on the boat.

20 We have no idea why they went over
21 unless we recover the body and find out the
22 individual had a heart attack or had some type of

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1 injury. If we get the body back, sometimes we can
2 figure out why they went over the side. But my
3 colleague will talk to you about that, I think,
4 in much more depth.

5 The second leading cause of fatalities
6 in the Gulf of Mexico is winch entanglement. NIOSH
7 is also working on that. They are developing a
8 guard system for the winches. There's not going
9 to be, there is no mandatory, it's not going to
10 be a regulation, it's not going to be something
11 to ram down anybody's throat.

12 What they're doing is coming up with
13 a very simple design for these. It's not simple,
14 it's actually kind of complicated, but they're
15 dumbing it down to the lowest level, and then
16 they're going to give the plans to the fisherman
17 so that they can make them themselves or have them
18 fabricated in a shop and out among their other
19 winches.

20 They've gone out, done a lot of work
21 with a lot of different boats throughout the Gulf,
22 I'm not sure --- they've been at Brownsville,

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1 they've been in Galveston, they've been in south
2 Louisiana. They went through as many different
3 types of winches as they can to kind of facilitate
4 this process.

5 So we're trying to help NIOSH come up
6 with an answer to the problem. That's the second
7 leading cause of death in the Gulf, winch
8 entanglements.

9 That's about all I have for you. Any
10 questions? Yes, sir.

11 PARTICIPANT: How many of the boats
12 will use the winch handle when they're dealing with
13 the -- they have to steer and everything around
14 themselves, with a self-guide?

15 MR. PERKINS: Almost none of them
16 anymore have self-guides, but a lot of them have
17 a mechanical guide, depending on how they set those
18 up, where sometimes they're pushing, sometimes
19 they're pulling. They depend on the boat, the
20 owner, the setup, what they feel is the right way
21 for their guys to do it.

22 Most of the guys, the one that makes

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1 the most sense to me is when they're actually
2 pulling to guide it towards the aft side of the
3 drum. And then they just release it and let it
4 go to the front side, where they're not pushing
5 themselves into the drum, seems to be the best
6 answer.

7 A lot of guys don't use those guides,
8 and unfortunately they use their foot to guide that
9 cable. And it takes a leg, pulls it right into
10 the drum. And when the leg goes, there's nothing
11 left to --- if they got the drum locked down, there's
12 a handle on the drum that they have to pull to engage
13 the clutch to make the drums wrap up the cable.

14 And they're not really, well, they make
15 their own modifications where they can basically
16 put a chain or a line over this handle to hold it
17 engaged, so they're not having to hold it,
18 especially if it's a deep trawl and there's a lot
19 of cable out. And they use their foot to guide
20 these things in and a foot snags on a bar, it sucks
21 them into the winch. The handle's tied down. They
22 go around once or twice before it kills them.

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1 PARTICIPANT: Do, would you say that

2 --

3 PARTICIPANT: Yes thanks to Mr. Perkins,
4 appreciate the response. Just a reminder, if you
5 could direct questions to the Chair and state your
6 name so, for the record we can, because there's
7 a recorder on the other end of that microphone.

8 MR. BOEHMER: Can I ask one more
9 question?

10 PARTICIPANT: Yes.

11 MR. BOEHMER: The entanglements that
12 you've seen -- Kris Boehmer, I'm sorry. Were they
13 usually a result of steering the wire arm?

14 MR. PERKINS: The ones that we've seen,
15 it kind of varies. A lot of time, it's clothing
16 getting caught on a piece of wire and it pulls them
17 in, or they're trying to use their foot for
18 something. I mean, it kind of varies.

19 PARTICIPANT: Thank you.

20 PARTICIPANT: Thank you, any other
21 questions for Mr. Perkins? Oh, go ahead, Tom.

22 MR. DAMERON: Thank you, Mr. Chairman,

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1 Thomas Dameron. So I hadn't heard that before,
2 that you have -- now are these inside boats that
3 are state-permitted, and then they're getting a
4 commercial fishing permit to pull bigger nets?
5 Are they going outside and pulling bigger nets?

6 MR. PERKINS: Yeah, most of these are
7 inside boats. They're bay shrimping. These are
8 actually what they are, are recreational shrimpers
9 that get this permit just so they can haul a
10 twelve-foot net. Because with a recreational
11 permit for shrimping, you're limited in net size.

12 They'll only, I forget what it is, I
13 think it's a six-foot net or something, and it's
14 not big enough for them. They want a bigger net,
15 and in order to pull that bigger net, they have
16 to get a commercial permit to do that.

17 MR. DAMERON: But they're not
18 considered commercial vessels.

19 MR. PERKINS: They're not selling the
20 catch. There is no --

21 MR. DAMERON: They're not selling the
22 catch.

1 MR. PERKINS: They're not. But they,
2 if you look at the state numbers, it reflects in
3 their numbers of commercial fishing vessels. And
4 where we kind of get into this whole thing is when
5 they started getting calls from observers, and
6 they'll call us and go, wait a minute, we're just
7 a rec boat, you know, why are you --- number one,
8 talk to NOAA, it has nothing to do with us. And
9 number two, it's because you have a commercial
10 permit and they're looking at that.

11 MR. DAMERON: Thanks, Bob.

12 MR. PERKINS: Certainly.

13 PARTICIPANT: Yes, thank you. Any
14 other questions? All right, thank you very much,
15 appreciate it.

16 MR. PERKINS: Sure.

17 PARTICIPANT: District Nine. Let's
18 see, District Eleven. No, Ms. Peg Murphy was not
19 able to come. But we have a -- yes, sir.

20 MR. NGUYEN: Good afternoon. My name
21 is Marc Nguyen, and I am a commercial fishing vessel
22 safety examiner at Sector Los Angeles/Long Beach.

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1 Peg Murphy, our D-11 program manager, was not able
2 to make it here today, and she sends her regrets.

3 In way of background, D-11 California
4 fishery consisted of shrimp, lobster, urchin,
5 squid, black cod, halibut, sword, albacore, and
6 crabs. So it's very diverse.

7 In 2017 the fishing fleet, made up of
8 3012 commercial fishing vessels. Half of them are
9 documented with the Coast Guard, and half of them
10 are registered with various states. We conducted
11 711 commercial fishing vessel safety exams and
12 issued 367 decals. We did this with six examiners
13 and with the help of our Coast Guard Auxiliarists.

14 Our Coast Guard active folks conducted
15 205 commercial fishing vessel boardings and
16 responded to 18 major casualties resulting in the
17 loss of four lives and nine vessels. They also
18 responded to 75 minor casualties, with 61 being
19 disabled and were tow-in by the Coast Guard.

20 Each major casualty is summarized in
21 our D-11 newsletter with the detailed accounts from
22 the captain of fishing vessel (inaudible). From

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1 the deck plate, the examiner encounters numerous
2 non-approved Coast Guard safety equipment, such
3 as fire extinguishers and survival suits. We also
4 noticed numerous vessels switching from Coast Guard
5 documented to state-registered due to lesser safety
6 requirements.

7 From Sector Los Angeles-Long Beach,
8 where I'm from, we saw numerous fishing vessels
9 went down to Mexico to conduct repairs and have
10 major modifications that, as a result of this,
11 several vessels suffered serious casualties or
12 unable to maintain the documentation with the Coast
13 Guard due to major replacement of vessel hull or
14 superstructure, which rendered the vessel to be
15 foreign built.

16 In summary, D-11 commercial fishing
17 vessel safety program will continue to pursue our
18 mission of bringing each and every fisherman home
19 safe. I'm open for questions.

20 PARTICIPANT: Questions for Mr.
21 Nguyen.

22 MR. ROSVELD: Mr. Chairman, Mr.

1 Rosveld, Eric Rosveld. These folks that switched
2 to state registration, they were able to bring their
3 tonnage under the five net tons, is that what you're
4 suggesting?

5 MR. NGUYEN: No, these are typical,
6 typically small boat, less than 30 feet, that are
7 documented with the Coast Guard. And once they
8 found out that they can register with the state
9 and have a less cumbersome requirement, they do
10 that.

11 MR. ROSVOLD: So you don't have any
12 record as to how many larger boats that are under
13 five net tons that you do inspect?

14 MR. NGUYEN: That was a big issue on
15 the Gulf, being especially boats that were built
16 in Canada and moved out to California and registered
17 with the state. And we saw --- Sector LA/LB, any
18 boat that is over 30 feet and claiming to be less
19 than five net tons would require a survey report
20 to verify that indeed it is less than five tons.

21 We have, I know Peg Murphy has worked
22 with headquarters and also with the state regarding

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1 state permit for boats that are seem way too big
2 for five net tons. But the calculation can be,
3 the number can be misleading.

4 MR. ROSVOLD: Right, so when you do
5 your inspections, you know, since it's a Coast Guard
6 documented rule, when you look at the document,
7 you're looking at the document for accuracy, not
8 just for being present?

9 MR. NGUYEN: Yeah, we, several things
10 we're looking for. Obviously, we look for the
11 valid --- the validity of the document, the length
12 of the vessel. And if it doesn't match what the
13 items say, we begin to dig. Also, when we do exams,
14 the cargo hold, we look at the cargo hold, and if
15 the vessel claims to be five net tons and it's at
16 a full, humongous cargo, suddenly all kinds of flags
17 go up.

18 MR. ROSVOLD: One more question. Do
19 you know if there is a regulation that requires
20 the vessel owner to have his exact measurement on
21 board for less than five net tons?

22 MR. NGUYEN: No, I do not know any

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1 requirement.

2 PARTICIPANT: Thank you, Mr. Chairman.
3 Mr. Hockema. Yeah, Mr. Hockema.

4 MR. HOCKEMA: Mr. Rosvold, your
5 question, I'm pretty sure you know the answer, the
6 answer is no. For documented vessels, it goes with
7 documentation of course, and that's on the vessel.
8 But for state-registered vessels, I think there's
9 just a gap there in the regulation that doesn't
10 show up.

11 PARTICIPANT: Yeah, thanks for the
12 clarification. Any other questions for Mr.
13 Nguyen? Tom.

14 MR. DAMERON: Thank you, Mr. Chairman,
15 Tom Dameron. And thank you, Marc. So I've heard
16 here that about 50 percent of Coast Guard exams
17 are getting passed. Are you finding that very many
18 of these are using the safety checklist generator?

19 MR. NGUYEN: Yes, we, when we get the
20 phone call, we refer them to the website. And
21 approximately half of them use it. The other half,
22 they have a challenge with technology in general.

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1 MR. DAMERON: Thank you.

2 PARTICIPANT: Okay, any others?
3 Thank you very much, Mr. Nguyen, for your comments.
4 Mr. Hardin.

5 MR. HARDIN: Thank you, Mr. Chairman.
6 My name is Dan Hardin, and I'm with the 13th
7 District, that's Oregon and Washington. And I've
8 prepared a PowerPoint, so if I can have just a couple
9 minutes and I'm ready to go.

10 I'm an old instructor, so I hope the
11 technology works for me.

12 PARTICIPANT: We can take a break if you
13 need a little bit of time.

14 MR. HARDIN: Yes, my friend from D-17
15 will also be using this, so can we get like five
16 minutes?

17 PARTICIPANT: Yeah, let's stand down
18 for five minutes. Thank you.

19 (Whereupon, the above-entitled matter
20 went off the record and resumed following a brief
21 recess.)

22 MR. MYERS: And they did not say that that

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1 was 2018. So, but these are just -- I think these
2 are numbers and -- so plus or minus I'm sure. We're
3 not sure what the accuracy is on the numbers, but
4 it's significant. That's the key point.

5 The IMO recognizes that -- the IMO
6 recognizes the need for a response to the safety
7 crisis in the fishing industry and has a number
8 of instruments addressing this issue.

9 One of these instruments is the
10 International Convention on Standards of Training,
11 Certification and Watchkeeping for Fishing Vessel
12 Personnel, STCW-F, which was adopted by the IMO
13 in 1995 and is expected to bring considerable
14 benefits and advantages to the fishing industry,
15 i.e. approving quality of education, training
16 provided to personnel employed in the fishing
17 vessels, and enhancing the standards of training
18 and safety in the fishing industry and fishing
19 vessel fleets.

20 Previously, efforts to improve
21 training, certification, watchkeeping standards,
22 fishing vessel personnel have been adopted and

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1 recommended in assembling resolutions at the IMO
2 level.

3 STCW-F Convention -- the STCW-F
4 Convention is intended to contribute to the
5 reduction of casualties and will go a long way to
6 improve the present poor safety record of the global
7 fishing industry.

8 The STCW-F Convention applies to
9 personnel serving on board seagoing vessels
10 entitled to fly the flag of a party, i.e., the flag
11 state, for us the U.S. flag, in the sense of
12 regulatory framework for the training and
13 certification of personnel employed on board
14 fishing vessels, with the review of improving
15 safety of life and property at sea in the fishing
16 industry.

17 The International Convention of
18 Standards and Training, Certification and
19 Watchkeeping for the fishing vessel personnel, 1995
20 STCW-F entered in force 29 September 2012.

21 The 1995 STCW-F Convention sets the
22 certification and minimum training requirements

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1 for crew of seagoing vessels of 24 meters in length
2 and above. The Convention consists of 15 articles
3 and annexes containing technical regulations, and
4 I actually have a copy of this here if later on
5 you want to take a look at it.

6 The STCW-F Convention is the first to
7 establish basic requirements for the training and
8 certification and watchkeeping on an international
9 level, and the Convention is currently being
10 reviewed by the Subcommittee on Human Element
11 Training and Watchkeeping in order to align with
12 the standards of the Convention, which is the
13 current -- with the current state of the industry.

14 It should be noted that the U.S. is not
15 signatory to the STCW-F, or we haven't ratified
16 it yet. That being said, as stakeholders, we do
17 recognize that we play an active role, and should
18 play an active role, in these IMO discussions and
19 feel that it's important to our position as
20 representatives in these matters, because, you
21 know, we have initiatives like, for example, the
22 Polar Code that has started to rise.

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1 And, again, that impacts areas of the
2 Bering Sea. And if we're not coming at the table
3 to these discussions and making recommendations
4 and conveying our stance, we miss -- we miss our
5 chance many times. So we have to recognize that
6 it is important.

7 This past summer, 16 through 20 July
8 of '18, at IMO London in the U.K., a comprehensive
9 review of the STCW-F Convention with subcommittees
10 on human element training and watchkeeping, HTW-5,
11 was conducted. The aim was to review the minimum
12 standards of compliance set out in the treaty in
13 order to bring them up to date to reflect realities
14 within the commercial fishing industry globally.

15 The U.S. delegation to STCW-F was
16 comprised of two members this year, one
17 representative by the Fishing and Vessel Safety
18 Division at Coast Guard Headquarters, myself, and
19 one member of the fishing industry, which was
20 represented by Mr. Jerry Dzugan in the audience.

21 The session was attended by a
22 delegation from member states, associated members

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1 of IMO, by representatives from the United Nations
2 specialized agencies, and by the intergovernmental
3 organizations and non-governmental organizations
4 on a global spectrum.

5 The task at hand was for state delegates
6 representing international fishing industry
7 interests to conduct a comprehensive review of STCW
8 1995 Convention with subcommittees on, again,
9 HTW-5.

10 The outcome included a draft amended
11 version of the subcommittee recommendations to the
12 STCW-F text, which has been ongoing for several
13 years because the Convention may meet not
14 necessarily every year, but they may meet every
15 several years.

16 Further detailed discussions was
17 detail needed on areas such as annex table format,
18 definitions, and context. Thus, a correspondence
19 group has been established to continue these
20 efforts and concentrate on remedies for these topic
21 items. And I'll just give you an example of some
22 of the items that we are actively working on now.

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1 The harmonization with the STCW
2 language, with the model templates, so you have
3 STCW, and then you have STCW-F, which concentrates,
4 again, on fishing vessels, and we want to harmonize
5 efforts in how this is presented in the text.

6 So, for example, there are definitions,
7 and we don't want them to conflict with each other,
8 or even simple tables that we don't want conflict
9 because then it sends the wrong message when you're
10 reading certain IMO documents.

11 And so -- but that takes a committee
12 meeting and hashing out the details many times,
13 which gets into omissions of redundancies, again,
14 for example, with fishing industry vessel
15 definitions. You know, what is a fishing training
16 vessel? That was a big topic with the Japanese
17 delegation. For example, would they have a real
18 robust program on fishing training industry
19 vessels?

20 And the -- folks or folks going through
21 these schools, I should say students, they may spend
22 several years on this -- these vessels. But if

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1 we don't have a defined, detailed layout of what
2 that actually is, other countries may raise some
3 hands and say what are you talking about? So we
4 want to make sure that's detailed in the
5 definitions.

6 Also, duration of seagoing service for
7 certain deck department, new competencies. That
8 has to be well laid out, and I would also argue
9 that even -- and not just deck, but what about the
10 engineering aspect of that. This has yet to take
11 shape, take form.

12 Also, these detailed various
13 competencies have to be flushed out and defined
14 as relates to knowledge and proficiency categories,
15 methods, and demonstrating those competencies.
16 So you have the topic, but how do you -- how do
17 you demonstrate that topic, and by what governing
18 source?

19 And this goes all the way back to our
20 Coast Guard accepted course where we have to flush
21 out the details of the curriculum and the syllabus
22 and instructor contact hours and what is the

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1 criteria in the first place. And if -- if these
2 are not laid out, if you can imagine, you know,
3 10 or 15 countries arguing over how we do that and
4 define it, it's pretty challenging.

5 And so you don't want to just meet once
6 every one -- you know, once every -- once or twice
7 a year, or every two or three years, because then
8 it will take 20 years to flush all this out. That
9 is why there is an ongoing panel of flag state
10 delegations meeting with multiple, multiple topic
11 discussion emails every month, and we are -- and
12 they are just starting to take shape and form,
13 because what we're trying to do is have things ready
14 to go in the spring of '19 to go to the next stage.

15 Now, by the way, as this takes shape,
16 these discussions and these amendments, one can
17 go to IMO.org, and as you drill down to different
18 layers, there is a placeholder for these ongoing
19 committee discussions. They are not as detailed
20 as what you'd like to see, but they do have a
21 dedicated placeholder right now. And as things
22 get flushed out, they are going to be populated.

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1 So, for example, the HTW-5 meeting that
2 happened this past July, there are minutes that
3 have been posted, at least they were when I looked
4 at them a month ago, that -- they were reflected.

5 And with that said, I want to be sure
6 I didn't miss anything because that's a lot of
7 explanation. But as I said before, we feel that
8 the U.S. position is that we, if anything, have
9 to come to the table and contribute to these
10 discussions as they take shape, and what this is
11 going to -- you know, I think things are coming
12 along, but at the same time, if we are not at the
13 table, we miss the train, and that's why, one, we've
14 included Mr. Dzugan. And we also opened it up to
15 the public and this committee, where if you are
16 interested in simply reviewing some of the
17 discussions that are going on and contributing
18 comments, we welcome that.

19 And I think there has only been one
20 opportunity this -- I think last month, and I think
21 -- I believe I shared with Mr. Dzugan nothing
22 significant transpired from that language. But,

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1 again, we offered the opportunity up.

2 So I think over the next couple of
3 months things are going to start growing a little
4 quicker. And we'll probably pass around a sign-in
5 sheet where if you say, hey, I'd like to jump on
6 board with this, you know, we can offer you for
7 the team.

8 And, by the way, the rules of engagement
9 here are we offer up the comments from industry
10 and, again, the panel here, and then look to our
11 office as the representatives to the U.S.
12 delegation. And if we see merit to the
13 conversation, then we officially bring that to
14 comment.

15 And, Mr. Dzugan, do you have any comment
16 with your experience or any thoughts on this topic?

17 MR. DZUGAN: I may.

18 PARTICIPANT: Please. And, again,
19 mic.

20 MR. DZUGAN: I'm Jerry Dzugan, Alaska
21 Marine Safety Education Association. It feels
22 funny being on this side of the table --

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1 (Laughter.)

2 MR. DZUGAN: -- so long. Thanks to Mr.
3 Myers for allowing me to attend that meeting and
4 the chairman for allowing me to be on the agenda
5 for a bit.

6 A little bit of my background is we
7 first started training fishermen in 1886, '85/'86.

8 One of the first things we did was we looked to
9 the IMO model course, 6.09, to design our instructor
10 training course, our train the trainer course.
11 And we found those model courses really interesting
12 and is a good template to use and gave me a good
13 head start, a good skeleton to hang things on.

14 In 1995, the International Maritime
15 Organization, IMO, did an update to STCW for other
16 mariners, not fishing, but to other mariners on
17 international voyages. It's called STCW-95. I
18 was interested in that, and then I learned that
19 they were giving a workshop on it at World Maritime
20 University in Malmo, Sweden, and I went to that
21 workshop.

22 And then I found out that they offered

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1 graduate courses, and one of them, one of the
2 graduate trainings was in marine education and
3 training, and I took that. I actually went to the
4 school. I took a year sabbatical. I went to the
5 school, and basically my main professor was the
6 man -- one of the people -- one of the men who wrote
7 STCW and STCW-95.

8 So I got a lot of background on STCW,
9 and I was disappointed that there wasn't much
10 emphasis on the STCW-F then, fishing, because I
11 was -- I had one step in the world of education
12 the last 40 years, and my other foot is in commercial
13 fishing. So I was interested in more on that.

14 But STCW-F was not in force at that
15 time. Not enough nations had signed up, so it was
16 kind of deescalated. The reason why it wasn't
17 signed and in force was because the majority of
18 tonnage in the world is held by Asia nations, and
19 Asia nations didn't get back on -- get on board
20 with it until about four years ago, I think, when
21 it came into force. I think that's right, Mr.
22 Myers, four or five years ago.

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1 And to give some -- a little bit more
2 background, STCW applies to vessels 24 meters, 79
3 feet and above, or 300 gross tons. Correct me on
4 anything if I'm wrong, because my STCW is a little
5 bit rusty. But STCW -- and the Asia nations signed
6 on when they compromised with the Europeans and
7 increased the tonnage to 300 tons because that meant
8 a lot of the vessels were exempt, and tonnage is
9 different from -- Mr. Hockema addressed this. Even
10 within our own nation, but certainly between
11 nations, and how this -- how it's measured, although
12 it's supposed to be a standard.

13 So the Asian nations got a bit of an
14 out, and they signed on to it, and then the STCW-F
15 came in to -- came into effect.

16 PARTICIPANT: Jerry?

17 MR. DZUGAN: Yes.

18 PARTICIPANT: Are you talking about
19 ITC tonnage?

20 MR. DZUGAN: That's a good question.

21

22 PARTICIPANT: Or regulatory tonnage?

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1 PARTICIPANT: You know, and I think --
2 I think -- one of our comments this past summer
3 was it depends, and so it depends on the topic and
4 the applicability where I think -- and I think in
5 some areas that was unanswered on applicability
6 and how it is defined.

7 So one would assume ITC, but again, we
8 didn't want to assume, so there were voids within
9 the language of certain areas of STCW-F where we
10 said, you know what, if this is what you want, you
11 have to state it. We can't assume it. I'm not
12 sure if that helps, but that -- but that is -- I
13 think that's why there is more discussion to be
14 flushed out here.

15 PARTICIPANT: Okay. Sorry to --

16 MR. DZUGAN: No, that's -- that's
17 excellent. I was going to get into more granular
18 things, just to give you some examples of why this
19 committee should be involved. And the Coast Guard,
20 I am happy to say, is involved now. They have been
21 -- because it wasn't in force, is being put as a
22 low priority. But I appreciate, again, Mr. Myers,

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1 your raising the priority of this.

2 Let me also say that how this is
3 enforced, SCTW-F is enforced, first of all, as our
4 vessels mostly visiting other ports. That's where
5 the enforcement comes in. The United Nations does
6 not have their own navy out there doing enforcement.

7 They depend on signatory(s) to these Conventions
8 to do home-based -- home port enforcement. All
9 right?

10 So that's one of my concerns is when
11 I've talked to the Coast Guard about this in the
12 past, and others, it has been a low priority because
13 it just hasn't seemed to have been a concern. But,
14 in fact, for the South Pacific tuna fleet it's a
15 concern for vessels in Seattle that are transiting
16 to Alaska, it could be a concern. Canada is a
17 signatory of STCW-F.

18 And because we have a political battles
19 sometimes over fish, over salmon, for example, with
20 Canada, you can see that it is being used as, oh,
21 all of a sudden we're going to enforce this, and
22 if you're transiting Canadian waters, we're going

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1 to -- and if you stop, especially if you stop in
2 any of our ports, we're going to not allow you into
3 the port unless you have the STCW-F credentials
4 on your crew.

5 This hasn't happened, but there is that
6 potentiality there. I have -- because I have feet
7 in kind of both worlds, of education and fishing
8 vessels, one, as a professional educator, I see
9 a need for professionally trained operators,
10 especially of larger fishing vessels. There is
11 a need for that.

12 On my other foot, in the fishing
13 industry, on every coast I have visited, I hear
14 complaints from masters and captains that they
15 can't get professionally trained, or sometimes even
16 sober, crew members to work on their vessels. And
17 that's a big handicap for that.

18 STCW training and STCW -- or STCW
19 training is -- takes a lot of time, and it's
20 expensive. STCW -- most people when we think STCW
21 think of basic safety training, EST, five days and
22 you're done. Full STCW pallet is many courses that

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1 take weeks and months' worth of time and are taught
2 in maritime academies and a few places around the
3 country. That's a heavy lift for an industry that
4 is having a problem finding qualified people as
5 it is just to -- just to work on a vessel.

6 The other risk -- the other thing that
7 balances all this is, I think I already mentioned
8 it, is the need for the U.S. not -- fishing industry
9 not to be handicapped by this by not being able
10 to transit international waters or go into foreign
11 ports. That could be a big handicap also, and
12 talked to the -- I don't know if anybody from the
13 subcommittee is here. You can correct me.

14 PARTICIPANT: Well, I know a little bit
15 about it. But a lot of the foreign officers that
16 are used on the -- tuna fleet boats have STCW regular
17 certificates.

18 MR. DZUGAN: Exactly. And I talked to
19 them about that a couple of months ago. Where are
20 you getting your STCW-F-trained people? Because
21 in the survey I did on U.S. maritime academies,
22 nobody is teaching it because we don't have a Coast

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1 Guard F approved -- STCW Coast Guard-approved F
2 course. And they said, well, we're using people
3 with STCW-F certificates mostly from Asia to crew
4 our U.S. fishing vessels to meet that requirement.

5 And that's -- that conflicts with other
6 standing regulations about crewing and them being
7 U.S. citizens. So it's a conflict there.

8 And then there's a bigger issue of the
9 U.S. not being signatories to, like you said, Polar
10 Code, Law of the Sea. The U.S. is a maritime
11 nation. We started as a maritime nation. We're
12 located between Europe and Asia. The maritime
13 history is really important to us. Fishing is
14 really important to us. We need to be engaged.
15 So, again, I'll thank the Coast Guard for being
16 more engaged with this now.

17 I want to just give you some examples,
18 so I'm going to kind of go a little granular here.

19 But I'm not going to go too far, so don't worry,
20 Mr. Chairman.

21 Some of the issues we have talked about
22 are celestial navigation. Is that needed anymore?

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1 There is an argument that it's not needed because
2 of all of the electronics we have. There is an
3 argument that it is needed because when they go
4 down, what do you do? If there is an international
5 conflict, and it goes down, what do you do?

6 New Zealand has been a big supporter
7 of thorough celestial navigation under STCW-F.
8 They said their course takes a year. In the survey
9 that I did in the U.S., I noticed this one school
10 that offers a ten day course, and it's \$2,750.
11 That's just one piece of a granular beach we are
12 talking about here.

13 Is it a good idea? Is it good for
14 mariners to have it? Sure. Everything goes down.

15 I've had mine go down, but it's -- is it going
16 to be difficult? You bet.

17 Should IMO have an advanced
18 certification for deckhands on these vessels?
19 Right now, STCW-F mostly just applies on skippers,
20 officers, engineers, watchkeepers. You know,
21 voluntarily, they are proposing this now. It's
22 not a requirement of it yet -- things to be thinking

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1 about.

2 And there is -- that guy in New Zealand
3 says yes, France says no, and most of the -- most
4 of Asia says yes. So there is these -- you know,
5 there are some disconnects here between other
6 nations about this.

7 How much experience at sea for a
8 watchkeeper under STCW-F? Three months? Six
9 months? You know, those kind of decisions. I
10 think the U.S. position was six months, and that's
11 one that was seen to be -- had the most support.

12 These things are -- these discussions, by the way,
13 that take place in these meetings are done not by
14 up and down, majority votes, they're done by
15 consensus -- the IMO votes.

16 Is an STCW certification equivalent to
17 an STCW-F certification? If you already had STCW,
18 you had celestial nav, you've had navigation, and
19 everything else, is it -- is there going to be an
20 equivalency? Except for the fact that STCW also
21 includes fish handling and maneuvering and the
22 fisherman's code, safety code, and some other

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1 things, do you just take those extra things and
2 then you have an equivalency or not.

3 Allowing 12 months of fishing vessel
4 experience in unlimited waters, for vessels over
5 24 meters to substitute for one year of the two
6 years of seagoing experience. You know, what's
7 the tradeoff for at-sea experience and training
8 in a classroom? What is the tradeoff for
9 experience in a simulator?

10 A lot of the STCW-F is going to probably
11 have to be done in simulators that maritime
12 academies use. How much of that do you substitute
13 for seagoing experience?

14 The definition of limited and unlimited
15 waters has really not been decided. I thought that
16 was pretty clear-cut. It would be 200 miles. Like
17 the EEZ, that was an assumption on my part. All
18 kinds of numbers, 3 miles, 12 miles, 20 miles, all
19 being thrown out there. So there's no agreement
20 on that.

21 Retaining basic knowledge. This is
22 one of the courses that is proposed, basic knowledge

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1 of responsible conservation and fighting illegal
2 fishing, you know, do those things get included.

3 Aligning STCW-95 with these other
4 amendments like Manilla -- 2010 Manilla amendments,
5 Cape Town amendments, all -- you know, every few
6 years there's a meeting wanting to add more
7 amendments onto this training, either voluntary,
8 it's just a good idea, or required.

9 So I just want to end by saying there's
10 a lot that this committee could contribute to this
11 discussion through Mr. Myers, who is the designated
12 delegation for this. And I think that when you
13 are making your argument about whether -- which
14 will be coming up.

15 I heard a little bit this morning about
16 whether this committee should exist even. This
17 is one of your most important arguments. The U.S.
18 needs to be involved internationally in these
19 topics. And as fishermen, we should be engaged
20 in that conversation to provide input and guidance
21 to the Coast Guard. So that's all I have.

22 Thank you.

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1 PARTICIPANT: Thank you. Do you have
2 anything further on the topic, Mr. Myers?

3 MR. MYERS: Nothing further. I think
4 -- I think -- detailed out, and I -- I think the
5 -- I think it would be in our -- it's an important
6 agenda that is just going to keep taking shape as
7 we move forward. And it looks like a couple of
8 hands are going up, but I have nothing further,
9 unless there is a comment to be fielded.

10 PARTICIPANT: Yeah. I'd like to --
11 some remarks, Mr. Chairman. Thank you, Jerry, Mr.
12 Hockema. I have some comments there. They are
13 around where -- what Mr. Dzugan was talking about.

14 We realized after his discussion that there are
15 a lot of things going on internationally that are
16 relatively burdensome if we were to put them into
17 effect here.

18 We're not a signatory to this, at this
19 point at least. But it does illustrate how sometimes
20 the United States, as a leading nation economically
21 in the world, is sometimes left behind in matters
22 like this. STCW and STCW-F have been around a long

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1 time, well over 20 years, as we have talked about.

2 And so in my field, vessel design, I'm seeing the
3 same thing.

4 We are seeing where international
5 regulations are progressing, whether you agree with
6 them or not. We -- of course, we could always
7 disagree with some of them, but -- and our own
8 regulations are, in some areas, are -- there's so
9 much resistance that sometimes I wonder whether
10 the resistance knows what they're resisting.

11 So it's important when you're resisting
12 to really know what you are resisting, because your
13 politicians are -- are listening to you, of course,
14 and they push as an advocate for you. But, in some
15 cases, we are putting ourselves behind the rest
16 of the developed world in vessel quality and vessel
17 operations.

18 We shift to a little different subject
19 on the issue of education on fishing vessels. One
20 of my partners, John Myers, is of Irish descent.

21 He goes to Ireland about every two years for a
22 couple of weeks on vacation, and he visited a small

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1 fisheries institute there last year.

2 And it was very interesting. It was
3 just about fishing. It's like taking parts of the
4 maritime academy that we have, and parts of the
5 community college that offers fishing courses, and
6 parts of what Karen and Jerry would offer in their
7 safety courses and putting it all under the same
8 roof.

9 And you go there for one year, and you
10 get a certificate, a fishing certificate, and you
11 come out and you understand stability, you
12 understand navigation, all those things, as they
13 relate to fishing boats. It's not a substitute
14 for running a ship or something like this, but a
15 very instructive situation.

16 I can't think of any parallel that we
17 have in this country. We have all of those things,
18 but they are -- they are under different groups,
19 and so some of the community colleges here on the
20 west coast offer some of those classes.

21 But I find that in my -- there is a
22 substantial number of European immigrants who come

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1 here to be fishermen. And I find the Irish actually
2 to be really well-informed as customers. They
3 understand stability. They understand a lot of
4 the things that I do, whereas I'd have to explain
5 those things to a lot of other fishermen because
6 they haven't taken courses in those kinds of things.

7 But there are -- there is stability in
8 -- for instance, in fishing vessels is extremely
9 important, and I know that the past Coast Guard
10 Authorization Acts have legislated that civilian
11 training is going to be required. So that's all
12 good. But I just -- I'm not -- I am just making
13 a point where the international community is in
14 some cases getting farther ahead of us partly
15 because of our resistance, but I -- my main point
16 here is that no one would apply to Coast Guard or
17 remain engaged in these functions at the IMO. Very
18 important, and it's not an easy job.

19 It's kind of like -- I think they would
20 probably agree that it's a bit like herding cats.

21 Because there are so many different -- you've
22 literally got a worldwide group there of which you

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1 are trying to satisfy everyone. And sometimes,
2 you know, the -- one solution isn't good for all,
3 and that's one of the reasons our fishing industry
4 sometimes resists certain regulations, too.

5 So I'll just leave it at that.

6 PARTICIPANT: Yeah. Thanks, Allen.
7 Any other questions or comments for either Mr. Myers
8 or Mr. Dzugan?

9 So we haven't been tasked yet with
10 anything relative to STCW-F, but I would ask Captain
11 Edwards to take mention of that. And if it is
12 appropriate to bring anything to the committee,
13 please task us with that. We would be I think more
14 than happy to engage.

15 So, yes, thank you. Are there any
16 questions or comments from the public or -- yes,
17 go ahead. And please state your name again.

18 LIEUTENANT DUFFETT: Good morning
19 again. I'm Lieutenant Jonathan Duffett. I'm with
20 the Naval Architecture Division in Coast Guard
21 Office of Design and Engineering Standards. And
22 I wanted to just take this opportunity to provide

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1 a little update on another IMO initiative that is
2 happening tangentially related to training, but
3 more so in the vein of design standards, design
4 of construction standards.

5 So I guess just, first of all, I'll say
6 over the past 40 years or so, there have been several
7 attempts at making an international standard for
8 design and construction of fishing vessels, that
9 started I think in 1975, and the latest iteration
10 of that is called the 2012 Cape Town agreement,
11 perhaps you're familiar with that. So that's one
12 side of this.

13 Also, in the South Pacific, the south
14 Pacific, there are -- there have been several search
15 and rescue missions that have had to happen because
16 of fishing vessels and pleasure yachts that have
17 needed assistance. And so countries like
18 Australia and New Zealand have been the ones that
19 have had to provide that assistance to those
20 vessels.

21 So they actually brought an initiative
22 to the IMO's Maritime Safety Committee requesting

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1 that there be some sort of regulations or rules
2 for non-SOLAS vessels because fishing vessels and
3 pleasure yachts, for example, are excluded from
4 SOLAS safety -- International Convention for the
5 Safety of Life at Sea.

6 And so these countries are spending
7 money and resources and risking their own lives
8 trying to save fishing vessels and save yachts that
9 are in these hazardous waters in the polar regions.

10 And so they brought this initiative to the Maritime
11 Safety Committee.

12 The Maritime Safety Committee, at their
13 last meeting, which was in May, this past May, they
14 assigned a subcommittee, which is the Subcommittee
15 on Ship Design and Construction, SDC, to take action
16 in actually developing guidelines for operation
17 of non-SOLAS vessels in polar waters.

18 And so -- the next session of SDC is
19 in February. There is an agenda item for the
20 development -- to initiate the development of
21 guidelines for fishing vessels and pleasure yachts
22 operating in polar waters. Polar waters has a

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1 technical definition. It includes some of the
2 Bering Sea and certainly everything north of the
3 Bering Sea.

4 So I just wanted to -- I will just --
5 this, I have here the -- this is the annotations
6 to the official agenda of SDC, and I just wanted
7 to read, and I can provide a copy of this to whomever
8 wants it.

9 The subcommittee is this SDC, Ship
10 Design and Construction, will be invited to develop
11 recommendatory safety measures for the following
12 types of ships operating in polar waters: fishing
13 vessels of 24 meters in length and over, with a
14 view to alignment in the 2012 Cape Town Agreement.

15 So the idea is that these guidelines
16 would be -- in addition to the Cape Town agreement,
17 and much like the Polar Code is in addition to SOLAS,
18 but, you know, of course keep in mind the Cape Town
19 agreement has not been ratified. And, you know,
20 of the nations that are -- that have ratified it,
21 the United States is not one. So all of this at
22 this -- you know, so the Cape Town agreement has

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1 not been adopted by the International Maritime
2 Organization.

3 And it has recommended at this time the
4 guidelines that will be developed by the
5 Subcommittee for Ship Design and Construction will
6 be guidelines. But certainly there is potential
7 in the future for them to be adopted as a code of
8 some type like the Polar Code. So I guess I wanted
9 to provide this update on what's going on at IMO,
10 in addition to what has already been discussed about
11 STCW-F.

12 And I just, you know, reassure everyone
13 in the fishing vessel community that the Coast Guard
14 is maintaining -- is engaged at IMO. My office,
15 the Office of Design and Engineering Standards,
16 takes the lead at the SDC sessions, but certainly
17 anything fishing vessel-related to the work in
18 coordination with CDC-3 and Mr. Myers, and I would
19 be happy to respond to any questions if I could
20 just about the development of these guidelines.

21 And keep in mind, this is a brand-new
22 agenda item that is in its infancy. There is a

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1 chance that there will be a working group at this
2 session, it is not certain.

3 But with that, I would, you know, be
4 happy to answer any questions if I could.

5 PARTICIPANT: Thank you, Lieutenant.
6 Are there any questions?

7 PARTICIPANT: I have one, Mr.
8 Chairman. How is this -- using Tarbalenos
9 (phonetic) and Cape Town as a base, or just a
10 reference going forward?

11 PARTICIPANT: The former.

12 PARTICIPANT: Okay.

13 PARTICIPANT: Much like the Polar Code
14 uses SOLAS as a base.

15 PARTICIPANT: Okay.

16 PARTICIPANT: The idea is that these
17 guidelines are used in the Cape Town agreement,
18 the latest version.

19 PARTICIPANT: Is that just for the idea
20 of putting more detail into it or -- or what was
21 that?

22 PARTICIPANT: I think the idea is so

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1 that it's focused on risks presented in polar waters
2 only. Everything else, all the other risks
3 associated with operating fishing vessels in open
4 waters would be covered, in theory, by the Cape
5 Town agreement.

6 PARTICIPANT: Okay. Thanks.

7 PARTICIPANT: Thank you very much.

8 Any other comments or questions on the
9 presentation?

10 PARTICIPANT: Mr. Chairman, just a
11 little bit. I just had a couple of questions about
12 the -- that I'd like clarified by the committee
13 on STCW-F. I think when you're looking at talking
14 about these things, I think for a lot of people
15 in the fishing industry, a lot of it went over their
16 head.

17 It was not -- you know, they're really
18 not paying a lot of attention to it, and so I think
19 it's important that when we talk about things like
20 this, to provide some clarification like who --
21 who would STCW-F apply to?

22 I thought I heard over 79 feet. I heard

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1 that it's related to a license. So that could be
2 vessels over 200 gross tons. Is it for all crew?

3 Is it for just licensed crew? And then I think
4 also it would be useful to have a better
5 understanding of how the current training
6 requirements, whether it be for license position
7 or the -- what is provided in the currently approved
8 Coast Guard or fishing vessel safety courses, how
9 that compares to what is required under the STCW-F.

10 You know, have like a gap analysis just so people
11 have an idea when somebody is talking about STCW,
12 you know, how does that -- it allows them to evaluate
13 how does that compare to what I am currently doing
14 for my vessel or for my group. That is my comment.

15 PARTICIPANT: Yeah. Thanks, Chris.

16 Well, I would ask Mr. Myers or Jerry
17 if they can respond to any of those questions.
18 There's a number of questions that were asked there,
19 and you might have to repeat some of them again,
20 Chris, but --

21 PARTICIPANT: Yes. Well, and I think,
22 going back to -- it depends on the applicability

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1 that -- and I think you -- depending on what element
2 of STCW-F we're talking about, we would -- we would
3 -- some of those -- for example, with relationship
4 to gross tonnage or applicable waters, those
5 discussions still have to be flushed out.

6 So, and that -- you know, we voiced that
7 in July on several -- on several layers, just about
8 everything Mr. Woolley (phonetic) just conveyed,
9 that we don't have a clear and concise answer for
10 that -- many of those items right now. And I agree
11 100 percent. We'll be getting more information,
12 and it will be a gap analysis or a bridge on
13 equivalencies. We can detail those out and say,
14 "Here you go."

15 But I think what -- at least what I saw,
16 and we're still a ways before we can lay it out,
17 and I wish I had more detailed comment on that,
18 but it's still being built, you know, the point
19 being a lot of these decisions are based even on
20 the Cape Town agreement, for example, as a model.

21 Well, if that has not been ratified
22 thoroughly internationally, our -- some of our

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1 comments are, well, is that an appropriate model?

2 And so -- and not saying it's good or bad; it's
3 just saying that there is room for fine-tuning of
4 this.

5 Sir?

6 PARTICIPANT: If I may?

7 PARTICIPANT: Go ahead.

8 MR. DZUGAN: Just in response to that
9 -- Jerry Dzugan for the recordkeeper -- STCW-F is
10 available, and that is probably the best place to
11 find out who is required, what size vessels, et
12 cetera, and it's pretty clear here and it has been
13 in existence for a long time.

14 The basics -- 24 meters, 300 tons --
15 haven't changed.

16 PARTICIPANT: Thanks.

17 PARTICIPANT: Thank you.

18 PARTICIPANT: Any other questions or
19 comments?

20 PARTICIPANT: Okay. Let's -- let's
21 proceed with the old business of the first page,
22 summary of 36th and 38th meeting. You should have

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1 received those minutes. Hopefully, you've had an
2 opportunity to read those over.

3 Mr. Myers, do you want to comment on
4 the minutes at all?

5 MR. MYERS: Yes, sir, Mr. Chair. And
6 I wanted -- I jotted down basically a brief summary
7 of where we stand with basically a -- on the summary
8 of previous meetings.

9 And let's see, okay, I just want to give
10 you a brief summary of the 36th and 38th meeting
11 minutes. And just for the public's knowledge, if
12 you do not know, this -- the 36th meeting was in
13 2016, so we have a little gap. That was the last
14 face-to-face meeting in Savannah. The 38th
15 meeting was convened this past -- I think it was
16 this past spring, May. I believe it was in May.

17 PARTICIPANT: March.

18 PARTICIPANT: Oh, March? Okay.
19 March. Thanks for the correction.

20 The 36th meeting, which, again, was
21 convened in Savannah, Georgia, focused on
22 classification requirements for new builds,

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1 alternative standards for vessels that are 50 to
2 79 feet, mandatory exams, survival craft
3 requirements, changes applicable to a three
4 nautical mile boundary line, alternative safety
5 compliance program development that was suspended
6 in lieu of the enhanced oversight program.

7 And, let's see, that was -- that was
8 basically a snapshot or a summary of what transpired
9 on the 36th meeting. The 38th meeting that
10 convened this past spring, 38th meeting focused
11 on accepting recommendations on regulatory reform
12 of the Coast Guard regulations and policies as
13 directed under Executive Orders 13771 and 13783.

14 Executive Order 13771. This Executive
15 Order requires at least two existing regulations
16 or guidance documents to be reviewed before it
17 publicly issues a new significant proposed rule,
18 new significant rule or new significant guidance
19 document. Let me read that again because I think
20 I broke that up.

21 Executive Order -- this Executive Order
22 requires that at least two existing regulations

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1 or guidance documents to be reviewed before it
2 publicly issues a new significant proposed rule,
3 new significant rule, or a significant guidance
4 document.

5 Executive Order 13783. This Executive
6 Order requires agencies to review all existing
7 regulations potentially -- that potentially burden
8 the development or the use of domestically produced
9 energy resources and appropriately suspend or
10 revise those that unduly burden the development
11 of domestic energy resources beyond the degree
12 necessary to produce public interest or otherwise
13 comply with the law.

14 The Coast Guard sought out input from
15 the industry via PISAC (phonetic) regarding the
16 review and identification of the Coast Guard
17 regulations and guidance documents within the scope
18 of the committee's purview, in accordance with
19 Executive Orders 13771 and 13783, as just defined.

20 So these topic discussions that were voiced --
21 or these topics encompass portable fire
22 extinguishers; equipment, inspection, and

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1 maintenance documentation; life raft servicing;
2 life raft data collection; dockside safety decals;
3 commercial fishing vessel documented versus state
4 parity; CG mix; drill frequency; commercial fishing
5 vessel stability; and fishing vessel tonnage.

6 And the committee voiced comment, and
7 that comment has actually been pushed up to the
8 next level to be responded to by the Coast
9 Guard/DHS. And, again, that summary was the 38th
10 meeting recommendations that transpired this past
11 spring.

12 Mr. Chairman, the 36th 2016 meeting
13 minutes and the 38th 2018 meeting minutes have been
14 presented previously to the committee. And do you
15 accept and approve these minutes?

16 PARTICIPANT: Yes.

17 PARTICIPANT: Thank you.

18 MR. MYERS: Okay. Just as a general
19 status update on the 2016 recommendations, as I
20 said, they have been -- since they have been rounded
21 up, we haven't had any formalized response yet,
22 we would anticipate after the follow-up meeting,

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1 possibly the 40th meeting that would transpire or
2 come about next year, we'd have more information
3 on the status of these recommendations. We don't
4 have anything else at this time.

5 Mr. Chair, that's all I have.

6 PARTICIPANT: Any comments or
7 questions from the committee? Tom?

8 PARTICIPANT: So on the 38th minute
9 meeting, page 65, line number 9, there is a -- the
10 word "advantage" should have been "disadvantage."

11 And that was Chris Woodley speaking, and I checked
12 with Chris and he said that is correct; he was --
13 he was misquoted. Page 65, line 9, should be
14 "disadvantage."

15 PARTICIPANT: Thanks, Tom. Any other
16 comments?

17 PARTICIPANT: Thank you.

18 PARTICIPANT: Okay. We're going to
19 start on the -- well, we're a little early, but
20 I guess we could.

21 PARTICIPANT: Mr. Chair, I think the
22 committee advice was this may be a good time,

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1 because I think in a little bit other federal
2 persons are coming.

3 PARTICIPANT: Do we need a motion to
4 accept the minutes?

5 PARTICIPANT: Yes.

6 PARTICIPANT: All right.

7 PARTICIPANT: Okay. So we'll need a
8 motion to accept the minutes, and as amended by
9 phone. Motion to accept, I've got Hal (phonetic)
10 as the first, and Chris as the second. Any
11 objection? Any comment or questions?

12 PARTICIPANT: A comment on the 36th
13 minutes meeting. I have two different copies, and
14 they're -- on the motion that was on page 90, motion
15 number 16, the discussion that was in the other
16 set of minutes that I have isn't part of this record.

17 And it's a little hard reading motion
18 number 16 and understanding what it was about, but
19 it was language that was being used in the safety
20 guidelines and best practices. And it was about
21 removing some certain language from that. Because
22 of the way this is written, you don't see that

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1 language in there.

2 PARTICIPANT: Which draft are you
3 using?

4 PARTICIPANT: Well, I'm looking -- I'm
5 looking at the one that we just saw today, and that
6 draft doesn't have the language that I have in the
7 actual copy of the minutes from -- that I received
8 several months ago.

9 PARTICIPANT: What we can do is provide
10 the original draft to see where the flaw is, and
11 we can make sure we provide the committee the
12 complete draft of the minutes of that meeting which
13 we have. So we can flush out any -- any errors.

14 I don't have an answer for that. Yeah.
15 We can give you the minutes.

16 PARTICIPANT: That sounds good.

17 PARTICIPANT: We'll make it happen.

18 PARTICIPANT: Thank you.

19 PARTICIPANT: Okay. So we have a
20 motion on the floor. We have one potential issue
21 with the motion, with the understanding that that
22 will be addressed and clarified. Is there any

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1 objection to the motion passing? Tom?

2 PARTICIPANT: Just for clarification,
3 this first motion is just for the minutes of the
4 38th meeting; is that correct? Of the
5 teleconference?

6 PARTICIPANT: I understood it to be
7 both. Hal, you're the maker of the motion.

8 PARTICIPANT: Both.

9 PARTICIPANT: Both?

10 PARTICIPANT: Yes.

11 PARTICIPANT: Okay. Any objection?
12 None heard, the motion passes.

13 Let's break for lunch. Please be back
14 here at 1:00.

15 (Whereupon, the above-entitled matter
16 went off the record and resumed at 1:16 p.m.)

17 MR. HARDIN: All right, so as I said,
18 my name is Dan Hardin, and I'm with the Commercial
19 Fishing Vessel Safety Program in the 13th
20 Administrative District. That is officially
21 Oregon, Washington, Idaho, and Montana. The bulk
22 of our work is in Oregon and Washington.

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1 So we have three sectors, actually we
2 have like two and a half, it's kind of a strange
3 situation. We have the sector of Puget Sound, and
4 then we have the sector of the Columbia River, which
5 includes Marine Safety Unit in Portland, which is
6 where all of our, most of our examiners come from.

7 We have one examiner down in the Coos
8 Bay area, and we also have two auxiliarists that
9 work for the Portland units. We have a fleet of
10 approximately 35,000 vessels, with about 800 of
11 them being state-registered vessels, and we have
12 about 500 that we call our distant water fleet.

13 For us that means that we share a fleet
14 with Alaska, so we're having a hard time getting
15 an exact count of the number of fishing vessels.

16 But we've been working with Jonathan to get a
17 better number, so at some point we will have really
18 good numbers. But that's what we have.

19 I can tell you that we, of all the
20 boardings that we get, we rarely get a vessel that
21 has an exam over five years old, the decal is over
22 five years old. It was interesting the other day

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1 we had a vessel operating inside of Puget Sound
2 that was only required to get a voluntary dockside
3 exam.

4 So when we boarded the vessel, the lady
5 on board said, well, I don't have all the equipment
6 you require because I only have to have a voluntary
7 exam. I said no, that's not right. So that was
8 kind of a -- so some of them don't quite understand
9 what a voluntary dockside exam means, that you still
10 have to be in compliance, whether or not you have
11 a voluntary exam or not.

12 I'd like to now go to our slide show
13 here. So our fatalities in 2018 was just one, which
14 I'm relatively happy to report. This was the
15 vessel Kelly J (phonetic), we had one fatality on
16 that boat. There was only one person aboard the
17 vessel, and we got a phone call from the wife that
18 the vessel was overdue in Washington, south of here.

19 And we conducted a search and found the
20 vessel down 40 feet under the water line. And so
21 that investigation's underway. I'm not aware that
22 we have solved that one, that's ongoing.

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1 One of the things I have been doing is
2 trying to calculate how much our commercial fishing
3 vessels utilize our SAR responses compared to other
4 kind of vessels. So for commercial fishing
5 vessels, I think that they use more of our SAR
6 responses than other vessels types. And that's
7 what I'm trying to figure out right now, is how
8 many reserve, or excuse me, recreation vessels did
9 we respond to as opposed to commercial fishing
10 vessels.

11 So for example, in January we had six
12 search and rescue cases. These are usually had
13 something to do with a vessel that's broken down
14 for one reason or another, so I'm trying to track
15 that equation too. They have either run out of
16 gas or they've had a starter problem or a battery
17 problem or something that requires a response to
18 the vessel and help them return back to port.

19 Every one of these vessels, when
20 they're hauled back to port, did a post-SAR
21 boarding, and they checked to make sure that the
22 vessel had all of the required equipment, they had

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1 the required decal and so on. Every once in a
2 while, we'll get a --- tactical order, maybe once
3 a month or twice a month, where we'll hold that
4 vessel to the dock because they're not in compliance
5 with the additional safety regulations.

6 In February of '14, calls for SAR, March
7 5, April 8, May 7, and so on; looks like August
8 was our busiest day so far. We've had two in
9 November so far this month. So it's just something
10 that I'm interested in and trying to find out, you
11 know, how much resources are we using from our
12 Response Department, and what can we in the
13 Prevention Department do to reduce those numbers.

14 So I just thought you'd find it interesting, I
15 find it interesting.

16 One of the other things I like to talk
17 about, in fact Walter talked about the work they're
18 doing with their AOR as it relates to the drill
19 conductor training. My guys in Portland have been
20 very busy doing drill conductor training. I just
21 returned from last week with them, they were at
22 Coos Bay and Newport and they had two classes going

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1 on that week.

2 And so I was down there, kind of
3 watching what they do. They are all AMC qualified
4 instructors. And where sector, Puget Sound
5 doesn't really do that much. They have the MP ---
6 UA up here that performs that function.

7 But Portland is, for the Oregon coast,
8 it doesn't have a lot of coverage down there. And
9 so just to provide them with some way of getting
10 this training, MSU Portland's got their people
11 qualified as AMC instructors, and they go down and
12 do this training, along with one of our auxiliariest
13 dockside examiners.

14 So this year so far, they've done seven
15 classes. They have two more -- in 2018, and they've
16 completed, or 80 fisherman have been trained in
17 that class. And they try to do this, especially
18 these last two, just before the start of our
19 dungeness crab fishery, which is our most hazardous
20 fishery.

21 I would like to talk to you about GMDSS.

22 I know that somebody is coming here to talk about

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1 GMDSS, which is the Goal of Maritime Distress and
2 Safety System. And normally what we look for when
3 we go on a vessel that's carrying 300 gross tons,
4 and we do have a lot of vessels that are the larger
5 vessels of all the vessels in the country, we have
6 a lot of the larger ones, like my counterpart in
7 D-17, we deal with a lot of bigger boats.

8 So we've been going on these vessels
9 and finding that they don't have the GMDSS suite.

10 Well, back in, when the GMDSS regulations came
11 into effect, the FCC allowed limited and a temporary
12 waiver for commercial fishing vessels and small
13 passenger vessels. And it was provided they carry
14 certain equipment.

15 At some point, the Coast Guard
16 installed DSD alerting equipment, which would have
17 caused this waiver to go away. And in any case,
18 we kept finding vessels that were not in compliance.

19 So we've been pushing really hard to the FCC to
20 have them fix this problem, because we believe that
21 these vessels, especially the ones that go to
22 Alaska, should be kind of full GMDSS suite aboard

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1 the vessel.

2 And so I'd just like to report to the
3 Committee that we've been successful in that. They
4 will no longer be issuing these waiver letters.
5 They have to be in compliance by a certain date,
6 and I'll let the expert talk about that and what
7 that looks like.

8 But we're happy to report that we've
9 broken through that and now these vessels will be
10 required to comply. That's a fight that we've been
11 fighting and finally got through to conclusion.

12 If you would allow me, I'd like to just
13 talk about fishsafewest.info. That's our local
14 website, which actually works across the country.

15 And that website's been working really well. And
16 for those that aren't from there, this is the
17 website here. And it has a lot of tools on it that
18 are useful and helpful to fishermen.

19 It has, this is the home page, and it
20 has information about all the latest changes to
21 regulations. For example, here's a headline down
22 here, it talks about a three million dollar grant

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1 that is kind of the fishing vessel training grant
2 program, and also safety research. And there is
3 the link to specifics about that.

4 There's a page if you look at the top
5 of the page for dockside exams, and that's for our
6 checklist generator that Tom alluded to. There's
7 the regulations section. Any regulation related
8 to commercial fishing vessels is in this section.

9 And so commercial fishermen can go to this site,
10 go to the regulations page, and you notice down
11 here that there's different folders here that you
12 can open up.

13 And anything that's having to do with
14 commercial fishing vessels, it's here. So for
15 example, if I open up the alphabetical listing,
16 you can down through it and find what it is. If
17 you want to know about fish alarms, you open up
18 a folder and it'll tell you anything you ever wanted
19 to know about fish alarms on one of the two
20 commercial fishing. So that is there.

21 And then I'd like to talk with you about
22 our checklist generator. I won't show it to you

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1 unless you specifically ask me to.

2 But what it does is that we know that
3 the regulations are relatively new, I understand,
4 because what you're required to have aboard your
5 vessel is dependent on a lot of different factors,
6 like are you documented or state registered, how
7 many people do you have on board, how far ashore
8 do you operate. All kinds of different operating
9 parameters make regulations apply or not apply.

10 And so the checklist generator's job
11 is to provide the fishermen with an exact list of
12 what their particular vessel is required to have.

13 So what you do is you log into the checklist
14 generator, you fill in your vessel's length and
15 how many people on board and how far ashore you're
16 operating. All those things that make regulations
17 apply or not apply.

18 And when you get done, you hit the go
19 button, and then you get a list for your particular
20 vessel. And what I really wanted to do was show
21 you how well that is working. So first of all,
22 this is a survey that I did with our dockside

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1 examiners around the country a couple years ago,
2 and I asked them some questions.

3 So this is like survey motif. The one
4 on the lefthand side there I have, I tried to figure
5 out how many people responded. So I got four --
6 47 responses from dockside examiners across the
7 country. We have, at the time we had 81 of them,
8 so we got about a 60% response rate. That's pretty
9 good for a survey.

10 So Question 1 told us that 80% of the
11 checklist generator, the feedback that we got was
12 I asked them how accurate is the checklist
13 generator. And they said, about 80% said that it's
14 accurate at generating a correct checklist. We've
15 been working on that and we should be way better
16 than that by now.

17 Before doing this, implementing the
18 checklist generator for people to use, I asked how
19 many times did you usually have to visit the vessel.

20 And if they don't or if they've never had a dockside
21 exam before and they haven't used the checklist
22 generator, then the answer to that was at least

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1 two. So you have to visit the vessel at least
2 twice.

3 And so in my experience, I've been a
4 dockside examiner, if I go out to the vessel, I
5 have to board the vessel, find out where they
6 operate on what parameters. Then I generate a list
7 of all the things that they need, and then I go
8 through those things, and we'll normally wind up
9 with a work list that they have to get done before
10 I can return to. I have to give them all and talk
11 about that.

12 And so the third question was, I wish
13 I could read the thing, but it was about how --

14 PARTICIPANT: High degree of positive
15 responses.

16 PARTICIPANT: Yeah, high degree of
17 possible -- positive responses that the solution
18 was successful at preparing them to pass the exam.

19 And so you can see that at the very top there,
20 like 90% and 80%, there's almost 80% of the time
21 and 90% of the time is my highest return.

22 So the majority of the visits, a

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1 majority of our dockside examiners were saying to
2 us that if they used the checklist generator, or
3 they went to the vessel, the fishermen, that a large
4 percent of the time they would pass on the first
5 visit, as opposed to two visits.

6 And so what I thought I would show, or
7 share with you is an example of visitors to the
8 website. They're using the checklist generator.

9 For example, this is a run from January 1, 2018
10 through today. And you can see that 4778 people
11 across the country used the checklist generator
12 to prepare their vessel for a dockside exam.

13 And so what does that mean to us? It
14 means that if they use the checklist generator,
15 and if the majority of time they get a decal on
16 the first visit, we're reducing the man hours that
17 the Coast Guard has to expend to go out there.
18 In addition, it relieves them from having to call
19 the Coast Guard and have them come back.

20 I do want you to see something right
21 here, something right it says zero. So for a few
22 days, I got a phone call, I was on vacation. And

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1 the site had gone down, so that's what that is,
2 is the site was down. So there was nobody visiting
3 it, everyone was calling me from Headquarters to
4 --

5 PARTICIPANT: Was it a hard time?

6 PARTICIPANT: Yeah, so I could see
7 that, yeah, that was a hard time.

8 So what am I trying to show you? So
9 if in 2018 that chart that I just showed you, there
10 was 319 people that visited it. That's 319 days.

11 If there's 4,778 users that used the checklist
12 generator during that timeframe, that means that
13 14.9 users per day accessed the checklist generator
14 to get their exam done.

15 That means that 14.9, or let's say 15
16 vessels every day got a checklist for their
17 particular vessel to prepare for a dockside exam.

18 This is again, across the country, not just --

19 And so if we go back to what the dockside
20 examiners told me about how long it takes to get
21 to the vessel, get back, and do the exam, it's about
22 three hours per visit to the vessel. So if you

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1 don't use a dockside exam, you're probably going
2 to visit the vessel twice, and that's three hours
3 per visit, which equals a total of six hours of
4 Coast Guard time for man hours used.

5 If they use the checklist generator,
6 a majority of the time, we only need to make one
7 visit. That's three hours per visit, which saves
8 us three hours every time you don't have to go back
9 twice.

10 And so if we take those three hours
11 times that many people, that is a savings of 14,334
12 man hours up to this date, or just for 2018 of man
13 hours that we didn't use to respond to these
14 vessels.

15 So I would just ask if there's any
16 questions I could answer. Anne's selling this
17 checklist generator.

18 PARTICIPANT: Questions for Mr.
19 Harden. Tom Dameron.

20 MR. DAMERON: Thank you, Mr. Chairman.
21 Tom Dameron. Dan, how are you handling the new
22 requirement with the fire extinguishers and whether

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1 they have a extinguisher that's grandfathered or
2 if it's been replaced and it has to be changed?

3 MR. HARDEN: Okay, so if you go to the
4 checklist, checklist enter it right now. The first
5 change that I made was the new numbering system
6 for the fire extinguishers. So, and rather than
7 B1s and B2s and that kind of thing, I put the new
8 --

9 PARTICIPANT: Performance-based.

10 MR. HARDEN: Performance-based
11 requirement for those. And then in, so for every
12 item that shows up on the checklist there's a info
13 button. If you hit the info button then it gives
14 you specific information about what to look for
15 on those fire extinguishers. So it's under the
16 info window that comes up.

17 MR. DAMERON: So you had the info, if
18 it's a grandfathered extinguisher it's okay to be
19 this. It's a new extinguisher, a new vessel, it
20 had to be the -- because there's two different
21 requirements, right now, because of the changes
22 that were made.

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1 MR. HARDEN: I would say that I'm not
2 that far along with this. I've made the update
3 to the type of fire extinguisher, the new type.
4 Not that much information --

5 MR. DAMERON: More of an issue with
6 training the examiners?

7 MR. HARDEN: You mean for my guys out
8 doing dockside exams?

9 MR. DAMERON: Yeah, so your guys doing
10 the dockside exam, if they have a boat that's
11 recently been converted, they're going to have seen
12 the ABC fire extinguishers in the engine room.
13 If it's a boat that's been around for a long time,
14 the CO2s might be grandfathered in.

15 MR. HARDEN: Yes, all of dockside
16 examiners have been forwarded all the information
17 related to the changes. So they're aware of those,
18 so those are the things that they would be looking
19 for. But to empower the fisherman to be able to
20 know that before we even get there has not been
21 integrated in the checklist generator yet. But
22 it's a good reminder for me, I've got to get that

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1 done.

2 PARTICIPANT: Is there any other
3 questions? Great, really appreciate your --

4 MR. HARDEN: Thank you, Mr. Chairman,
5 and thanks for that.

6 PARTICIPANT: Okay, Mr. Metnikof.
7 Are you going to need the PowerPoint, Charlie?

8 MR. METNIKOF: No, sir. Good morning,
9 Mr. Chairman, good morning, everybody. I'm
10 Charlie Metnikof, I'm the Coast Guard 14th District
11 Fishing Vessel Program. And Hawaii is an
12 interesting place, 14 is huge. It's very big, but
13 our fleet is actually quite small.

14 We have 160 federal permits for
15 long-liners, I believe about 140 give or take a
16 few are currently being fished. The Honolulu
17 longline fleet is where 90% of them sail out of,
18 is boats for the most part less than 90 feet. They
19 are all under 200 gross tons, so a license is
20 required.

21 Usually have crews anywhere from four
22 to seven people and they do carry observers,

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1 sometimes 100%, sometimes less, depending on the
2 fishery. Within that fleet, I think this year,
3 we've had two men overboards. We don't have a lot
4 of boats sinking or we've haven't had a fire in
5 a long time. But we did have boat called the Hawaii
6 Princess, right, Joe?

7 PARTICIPANT: Hawaii Princess.

8 PARTICIPANT: Yeah, that sank about a
9 year and a few months ago. And everybody got off
10 safely, five people got off safely. They used all
11 their safety equipment. But it was the observer
12 who -- because he was the only guy on the boat that
13 wasn't properly trained.

14 The other fleet we have is what's called
15 the distant water tunas fleet. These are large
16 industrial boats, ranging anywhere from 150 feet
17 to over 200 feet. Crews of 25-45 people. They're
18 fishing in the South Pacific, mostly operating out
19 of -- in the Marshall Islands.

20 Some of them are operating out of
21 Mexico, some of them are operating out of
22 California. But mostly -- And Pongo Pongo in

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1 American Samoa -- operates out of Pongo Pongo.
2 So we rarely see these boats anywhere near the
3 States.

4 After the last Coast Guard
5 authorization act, they no longer have to report
6 once a year to Guam or American Samoa. They no
7 longer have to have an annual inspection in order
8 to take advantage of their manning exemption.

9 Because under the Migratory Species
10 Act, they only have to have one US citizen on board,
11 and that would be the master. They're allowed to
12 have four mates and engineers and all the crew could
13 be foreign.

14 They have a very good safety record.

15 NIOSH did a study about six years ago and found
16 that the injury and fatality rate within that fleet
17 at that time which only 41 boats was as bad as the
18 Bering Sea-Aleutian Island crab fisheries were back
19 in the 90s, before rationalization. So that's over
20 200 boats, and this is now a fleet of 34 boats,
21 and they're still killing people.

22 The accidents are usually man

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1 overboards and industrial accidents. We had some
2 fires, but nobody was injured. So the kinds of
3 accidents we're seeing, man overboards, people
4 getting heavy things dropped on them, confined
5 space injury, winch entanglements, lines popping
6 out of blocks and chocks and hitting people, that
7 kind of stuff.

8 I believe, we've done a lot of work with
9 them, and they've gotten a lot better. This year,
10 again, that's two man overboards off of the distant
11 water tuna fleet of 34 boats. So now with that
12 fleet, pretty much the only time we have an
13 interaction with them is when they have an accident.

14
15 They're using third party, primarily
16 ADS and DME to do their exams and all of their
17 pollution stuff that they have to do every 16
18 months. So they really work hard to try and keep
19 us away from them.

20 I've been working with the third party
21 organizations to try and get them to be a little
22 bit better about giving us a heads up so we can

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1 occasionally provide some oversight.

2 So we get South Pacific -- and they come
3 down and monitor -- and do the -- of their boats,
4 that gives me a marine inspector from Guam or
5 somewhere. And that's time to go and follow the
6 third-party guy just to make sure that everything's
7 being done properly.

8 I'm kind of anticipating that this
9 fleet's going to get a little bit smaller because
10 of the economic conditions. In the tuna fishery,
11 the market's really being gutted or flooded. And
12 the price is down, it's kind of hard for them to
13 make some money.

14 I've seen a few boats make deliveries
15 in the last year to --- Ecuador and Mexico. And
16 then under a longline fleet, they're starting to
17 be some deliveries made to San Diego. I'm not sure
18 why that is, I think it's because fuel's cheaper,
19 that's where the sport fisher is starting to go.
20 And it's just cheaper to operate out there. So
21 I think we've lost about ten boats to San Diego
22 in the longline fleet.

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1 Similar to the other districts, we have
2 a large fleet of about 1500 what I would call
3 recreational subsistence-type fisheries. The
4 same thing, the state worked with the Land and
5 Natural Resources will issue a, what do they call
6 it, a commercial marine license.

7 And it's fifty bucks and I think the
8 price went up to a hundred bucks. And why the
9 locals do this is because then they can go out in
10 their 22-foot boat and they can bottom fish, and
11 they don't have to meet the sport fishing limits.

12 They can catch as many fish as they can get.

13 Very few of these, about 1500 boats,
14 actually sell fish, like in a big way. Sure, you
15 can go up on the north shore every once in a while
16 and you'll see somebody's kid sitting in the back
17 of a pickup truck with sign that says ahi, and they
18 got a cooler with, you know, a couple ahi.

19 But by looking at the DNLN's landing
20 records, because that's part of the thing of getting
21 commercial marine licenses, now these guys are
22 required to report what they caught. Before,

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1 nobody knew how much bottom fish was being caught,
2 or anything. So now they have to report the catch,
3 so that's a good thing, that's something that
4 National Marine Fishery Services supported.

5 But looking at landings, identified
6 about 20 guys down in an alley that are actually
7 going out fishing and coming back with several
8 hundred pounds, and they're selling it to the
9 restaurants. If you go to Hawaii and you like a
10 nice fresh fish, that's where it's coming from.
11 It was probably caught that day or the day before.

12 And then down on the big island, same
13 thing, there's about 20 trawlers of -- And they've
14 all had exams and they're good. But for the average
15 guy that, you know, goes fishing once a month
16 occasionally does well and sells the fish in the
17 market so he can pay for ice, gas, and beer, we've
18 crafted it looks at exemptions.

19 So if they're less than 36 feet, fish
20 with fewer than four people, inside 15 miles, which
21 is where most of them fish, then they're exempt
22 from life raft requirements, -- and some other

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1 things.

2 And it has brought a few people calling
3 us up curious about, hey, can you drive out to my
4 house and look at my boat. And yeah, we'll do it.

5 But it's not, those fishers are not considered
6 a huge priority for us, because quite frankly we
7 hardly ever do any SAR. And whenever any of them
8 do get in trouble, they're usually fishing with
9 their buddies and they just self-rescue.

10 Same with the longliners. They do
11 interact with us for SAR. Generally it's like
12 medevac situations. But for the most part, they
13 self-rescue. Their buddies will tow them back to
14 town.

15 And when I first got down there in 2012,
16 it was like out of that 140 boats that were fishing
17 in those days, I mean, it was literally like once
18 or twice a week a boat was breaking down, 900 miles
19 away, 500 miles away. And they'd just be bobbing
20 around out there. Somebody would have to go get
21 them and tow them back to town.

22 So we started, you know, issuing

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1 captain of the court orders, and they couldn't leave
2 until we sent the examiner. And then we started
3 sending fully qualified marine inspectors.
4 Because it was always, or not always, but pretty
5 much always something was going wrong in the engine
6 room. Generally do poor maintenance, just not
7 taking care of stuff.

8 So, by sending a marine inspector with
9 machinery qualifications, identifying their
10 shipping, identifying, you know, you guys need to
11 fix all this stuff. And if you don't fix it,
12 otherwise you're not going fishing. And then they
13 fixed it. And then our numbers were starting to
14 go down as far as boats breaking down.

15 Another big issue we have in Hawaii is
16 with compliance with the drills and training stuff,
17 because we don't have anybody qualified to do the
18 training. We lost our one and only MDMPO8 guy five
19 years ago out of POP.

20 I attempted to conduct a couple of AMC
21 classes where you could come and take --- Maui one,
22 big island, one in Honolulu. And then we had a

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1 really successful one about a year and a half ago
2 down in American Samoa. We had about 30-35 people
3 show up for that.

4 So that's the issue. When I first got
5 there, it was just the material condition of the
6 boats, seriously, you don't even have an anchor.

7 It was really bad. Bad bug infestations, living
8 conditions, you know, machinery stuff, trying to
9 get all that squared away. And then we started
10 looking at safety equipment. So doing pretty good
11 with compliance.

12 But then we started looking at all of
13 the marple (phonetic) stuff where you guys looking
14 through garbage and he went out to sea for 20 days
15 in a 60-foot boat, and you could back in and your
16 bilge is spotless. Like, where did all the oil
17 and stuff go. And we've had some pretty big marple
18 cases against 20 people right now.

19 It's definitely going to increase
20 tension. They're tightening things up, they're
21 not floating anymore. We've got the city and the
22 state actually provide them with places at Pier

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1 38 and the piers where they line up or they can
2 dispose of oil and oily rags and --- and stuff like
3 that, other garbage. So that's getting better.

4 Yeah, and so we've got, I work at the
5 district. We got two sectors, sector of Honolulu,
6 sector of Wong (phonetic). We've got an MSB in
7 Pongo Pongo. So we don't really have any dedicated
8 fishing billets except for me.

9 I've got a first class petty officer
10 now who spent a year and a half out in the Dutch
11 Harbor, so he's got some fishing boat experience.

12 He's going to start helping with exams. For the
13 past couple of years, probably 80% of the exams
14 done in our AOR are varied responsibility have been
15 done by the auxiliary. So the auxiliary is a big
16 part of our program.

17 We're doing about 100 exams a year.
18 And I'd say 95% of the exams, the vessels are getting
19 decals. And they're using the checklist
20 generator. And like Dan says, it's definitely cut
21 down on us having to go back, when we run some of
22 the boats three times, or -- So it's definitely

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1 lightened the workload, it's been a good thing.

2 Again, in the paper captains huge
3 problem in the longliner fleet of Honolulu. Because
4 of the Highly Migratory Act, the only person on
5 board that has to be US citizen is the master.
6 But the law says that actually it can be command.

7 So they got all these young kids,
8 especially down in American Samoa, 18, 19, 20 year
9 old kids, and they put them on the boats. But
10 really, it's the old guy from Thailand or Vietnam
11 or the Philippines that's running the whole show.

12 I don't consider it a huge safety
13 problem. And I think we're actually wasting a lot
14 of time pursuing it. But it is the law. It's part
15 of the old Jones Act, it's protectionist stuff.
16 I mean, what we're thinking about doing, and the
17 Samoan Government, Western Samoan Government, has
18 asked us to do some training, and American Samoa.

19 So we're going to probably start doing
20 some stuff in January. We're going down to Pongo
21 Pongo and teaching these young guys, look, there's
22 like basic stuff you got to know. How to operate

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1 the radios, blah, blah. Like I say, I don't
2 consider it a safety problem.

3 I think I'd say we never had an accident
4 that was directly because the person who was a full
5 captain was the American citizen but didn't really
6 have any experience as a captain of the boat. It's
7 always what we call the fishmaster that's running
8 the show, and they're usually people who have a
9 lot of experience and know how to operate.

10 That same situation in --- is this one
11 or two? But those folks are big enough that the
12 US master does have license. So they kind of have
13 a sword hanging over their head that if they get
14 too out of control with that whole situation about
15 who's running -- they may lose their license.

16 And we have issued several letters of
17 warning to US captains, saying, hey, you've got
18 to -- and actually be in command of the boat. You
19 can't just watch movies and hang out in your
20 statement.

21 Yeah, so there's me, I have two
22 auxiliarists qualified right now in Honolulu, one

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1 petty officer. I've got an auxiliarist down on
2 the big island who's really good. I don't have
3 anybody around Maui. And I've got an auxiliarist,
4 yeah, on the big island.

5 So between us all, we're handling it,
6 but we're lucky because we have, again, a small
7 fleet, and we, our vessels operate in a pretty
8 benign environment most of the time. They're very
9 good about when hurricanes are predicted, they're
10 out of there. So that's probably why most of our
11 accidents are slips, trips, and falls and that sort
12 of thing, accidents.

13 Any questions?

14 PARTICIPANT: Yeah, thanks, Charlie.

15 Questions from the Committee? I have Mr.
16 Goldberg first and then.

17 PARTICIPANT: Chris Berber. I think
18 for -- you said, if I understood you correctly that
19 there's been an exception for boats within 15 miles
20 or something like that, that that was based on the
21 fact that they have had a relatively safe fishery,
22 no lives lost. So is that the case?

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1 PARTICIPANT: Yeah, based on that.
2 And you know, looking at the casualty data, like
3 you were saying. And also, in the existing regs,
4 there, up in the Alaska, for instance, there's
5 exemptions in the actual regs for vessels less than,
6 I think it's, yeah, 36 feet and within 12 miles,
7 three or fewer people on board. Then they have
8 to meet a lesser regulatory burden than a boat
9 that's bigger.

10 PARTICIPANT: Thank you.

11 PARTICIPANT: Yeah.

12 PARTICIPANT: Mr. Huggleman.

13 PARTICIPANT: Yeah, thank you. Just
14 a comment on distant waters. I worked with those
15 vessels in the early 80s, I worked at Campbell
16 Industries in San Diego when it was a San Diego
17 company. And it's interesting, because most of
18 those vessels were built in the 70s, and some in
19 the 60s. So you're looking at 40-year-old fleet,
20 plus.

21 PARTICIPANT: Some of the, like the
22 South Pacific tuna, they've got boats that were

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1 built in the mid-2000s.

2 PARTICIPANT: Sure, there are some.

3 And many, many --

4 PARTICIPANT: Yeah, there's old ones,
5 yeah.

6 PARTICIPANT: And having some
7 experience in that area, even vessels that are ten
8 years old, working in the tropics like they did,
9 corrosion is a real challenge.

10 And while the conditions were nice,
11 meaning warm and the waters are warm, there are
12 very large -- it's a giant standard. And so
13 handling goods and things when you're bringing nets
14 onboard is really critical. And somebody's got
15 a real good touch.

16 PARTICIPANT: Yeah.

17 PARTICIPANT: With the rigging. And
18 then handling the fish, putting them down low too.

19 You've got, in many cases, well, they have more
20 skipjacks in western Pacifics, but I know in each
21 of the Pacifics you have a lot of 200-pound dolphin
22 -- and you didn't want to be in the way of them.

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1 PARTICIPANT: Yeah, we had a fatality
2 about five years ago where there was a hole in the
3 whaler, and an 80-pound yellowfin frozen solid fell
4 on a guy. He was wearing a hard hat. That was
5 the end of him. Yeah, so.

6 PARTICIPANT: Yeah, so one of my first
7 experiences as a naval architect was designing
8 rigging for tuna supersanders (phonetic). And it
9 was pretty impressive the size of gear, that in
10 the North Pacific we know about the large size of
11 some trawlers. But some equivalent sizes in these
12 large sanders is fairly dangerous stuff. If
13 something breaks it's not good.

14 PARTICIPANT: Yes, sir. Well, they are
15 starting to use crane surveyor people because
16 they've been educated as to the fact that this is
17 all ocean stuff, and you could get in a lot of
18 trouble. But then the thing is the people that
19 are getting killed aren't American citizens,
20 they're people from Vietnam, Philippines,
21 Kiribati, etcetera.

22 PARTICIPANT: Thank you.

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1 PARTICIPANT: Charlie, that kind of
2 brings up another question that I think on one of
3 your last visits to the Committee, you talked about
4 issues with indentured servitude.

5 PARTICIPANT: Oh, yeah, human
6 trafficking. The fleet in Honolulu's been accused
7 of that. We've investigated extensively.
8 Honolulu Police Department's investigated, the
9 CDP, and Homeland Security Intelligence, the FBI.
10 And we couldn't find any real true incidents of
11 human trafficking.

12 There's a large tuna fleet, and working
13 conditions are bad. I think there are people on
14 some of those boats that don't want to be there
15 and they can't get off. There's been problems with
16 people not getting paid. It's gotten better, so
17 as the media's put on a spotlight on it.

18 And CDP has done a great job, and
19 Honolulu Police Department and Harbor Department
20 of coming up with a good way to deal with all these
21 fellows on the boats in Honolulu. Because they're
22 not given visas, so technically, they can't,

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1 they're not even supposed to step off the boat.
2 But CDP lets them, you know, they got to work, get
3 on the pier and do their stuff.

4 And they've come up with a good system
5 for the people if they need to go to the hospital,
6 they go to Fred Meyers--- Well I don't know if they
7 have a Fred Meyers. If they need to go to the store
8 to get some stuff. If they're sick and they need
9 to go to the doctor, they can, you know, if they
10 want to go home.

11 All they got to do is get a hold of CDP
12 and go through the process. They let them out,
13 give them a pass for 24 hours or 12 hours. They
14 know now that they got to come back. If they don't
15 come back, CDP will get them there. They just put
16 on the plane and fly them home. So that's
17 really calmed down a lot. And part of our
18 examination process and our boarding process, the
19 observers are hip to this too. We're asking the
20 people on the boat are you okay, are you getting
21 paid.

22 We've even had meetings where we've had

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1 like CNN, MSNBC, you know, everybody showed up,
2 the local media, print media. And sat around a
3 big table like this, had a big crowd back here,
4 and talked to crew members randomly made like CDP
5 off the boats, and have the media, you know, say
6 do you want to be here, are you happy.

7 And they, to a man, they all say yeah,
8 I don't want to go back to being a fisherman in
9 Vietnam. I want to be a fisherman here, because
10 I make ten times as much money. Even though by
11 our standards, it's not a lot of money. To them,
12 a thousand dollars a month is huge payday.

13 PARTICIPANT: Great, thanks, Charlie,
14 appreciate it. Khris Bermer.

15 MR. BOEHMER: Khris Boehmer. One
16 follow-up. I think I heard you say that one of
17 the reasons for a lot of effort, it was the one
18 American master and four nationals that they were,
19 one national didn't have the impact. But unless
20 you're doing something different, they're a
21 US-backed flag vessel, unless they don't step off
22 the boat for a Jones Act sea action.

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1 PARTICIPANT: They're still what?

2 MR. BREMER: They're still covered
3 under Jones Act. So there's just the same
4 liability as we said earlier.

5 MR. BREMER: I don't know --

6 (Simultaneous speaking.)

7 PARTICIPANT: Anybody else, comments
8 or questions? Thanks, Charlie.

9 PARTICIPANT: Okay, last but not
10 least, Mr. Willard.

11 (Pause.)

12 MR. WILLARD: Okay, thank you, Mr.
13 Chairman. Again, Scott Willard, District 17 out
14 in Juneau, Commercial Fishing Vessel Safety
15 Coordinator for the state of Alaska. Just have
16 a short presentation because my memory's not as
17 good as my colleagues' apparently, so I had to have
18 some things up here to prompt me, so.

19 Start off with a few things that you
20 won't see on the slides that I kind of picked up
21 on in listening to my colleagues here. We have
22 about 9,500 fishing vessels that fish in Alaska.

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1 It doesn't mean they're all from Alaska, but it
2 means they wind up fishing in Alaska from both
3 places.

4 We have about 1,707 dockside exams this
5 year. We have about 80-85% decal issuance rate,
6 so we're pretty happy with that.

7 One of the unique things, one of the
8 many unique things about Alaska is because of the
9 lay of the land and because of how some of the global
10 lines are drawn, we have a huge fleet that operates
11 inside three miles from the territory of sea
12 baseline. So we have a huge fleet in Prince William
13 Sound and a lot in southeast Alaska that don't find
14 themselves in the mandatory exam waters.

15 So, and we still have a really high
16 voluntary dockside exam rate with those folks.
17 So generally the state of Alaska, for a long time
18 the fishermen there have embraced the dockside exam
19 program, even back when it was 100% voluntary.

20 So we have Prince William Sound and
21 southeast Alaska as two places where if you had
22 a chance to look at the way that they're shore to

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1 sea baseline was drawn, you will understand those
2 opportunities to stay in those inside waters and
3 not have to go outside to make a living. So that
4 gives us quite a large voluntary fleet.

5 As far as personnel, we have Sector
6 Juneau and Sector Anchorage. The state's pretty
7 much whacked into with MSULE's kind of handle the
8 Prince William Sound. Sector Anchorage is areas,
9 enormous, I don't know that statistics on it, but
10 it's a huge area from the Arctic Circle out to --
11 and everything in between.

12 We have five civilian dockside
13 examiners, myself, well, at the district with being
14 six. We count on active duty to augment that.
15 At any given moment, we probably have 45-50
16 qualified people in the state operating out of our
17 marine safety detachments.

18 We have probably four or five qualified
19 auxiliarists right now scattered throughout the
20 state to help us out and a couple third-party exam
21 surveyors that are qualified to do the dockside
22 exams in places like Cordova and Wrangell so they

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1 don't miss out. Because we don't have much of a
2 presence in either of those places, so that's pretty
3 handy.

4 A little comparison up there between
5 the last two fiscal years, 1,707 exams, like we
6 said this year, 1,652 last year. Ten operational
7 fatalities, ten operational fatalities again.
8 That, unfortunately, is never going to be an
9 acceptable number, especially when in '15 we had
10 zero. And in '16 we had two, and now we're at ten
11 and ten.

12 Fatality summary for the ten. This
13 fiscal year we're, or I'm sorry, fiscal year '17
14 where vessel capsizing counted for eight and PNW
15 had a report counted for two. In that particular
16 year, we did lose an investigation where we lost
17 all six people in the same capsizing, and a
18 capsizing marked out by Kodiak, where we lost two.

19 So there was a couple of big hits there.

20 Outreach trips, we visited about 33
21 communities that year. This year, our fatalities
22 were scattered throughout the dive harvest

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1 fisheries, which has become our own little
2 deadliest catch in Alaska. As we track the numbers
3 with the dive harvest with the amount of time they
4 spend in the water and the way they fish and the
5 effort, we're losing quite a few divers.

6 And we find that the dive harvest
7 fatalities are not generally related to fishing
8 vessel safety or carriage requirements, but they
9 have a lot to do with a lot of the things that we
10 as examiners are not really trained or the
11 equipment's not regulated.

12 So they have to do with pre-existing
13 medical conditions, drug use, using compressors
14 that weren't intended for air for human
15 consumption, multiple lines off the compressor
16 walking around the anchor entangled, panic.

17 So anyway, these are commercial fishing
18 fatalities. We claim these as a program, but we're
19 trying to work hard with the dive harvest
20 associations so that on their end they can be
21 providing better training for the divers.

22 It's, there's not a lot of requirements

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1 in Alaska to go in the water and start harvesting
2 the ducks or sea cucumbers. You basically need
3 a permit, you need 16 and 3 and you're on your way.

4 And that's not a lot of training for an evolution
5 like that.

6 This year, I think we reached about 44
7 communities, so a lot more work is done by travel.

8 We only have five examiners, as I said, and a
9 variety of active duty folks, but there's a lot
10 of communities with no Coast Guard presence. We
11 talk about the Arctic, you know, places like that.

12 We're constantly flying to spend, couldn't even
13 tell you what we spend annually on travel. It's
14 a lot.

15 But we're traveling all the time and
16 basically outreach trips is how we achieve a lot
17 of our dockside exams. I think it's one of the
18 reasons we have such a high participation rate.
19 Because when you show up in a town, you're there,
20 they're there.

21 And they take advantage of the fact that
22 hey, the Coast Guard's here, we're going to get

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1 an exam, whether we need it or not or whether it's
2 mandatory, voluntary. Or maybe they got one last
3 year and they see you, you know. So that actually
4 works to our advantage to travel.

5 Some of our focuses in '18, I have a
6 status quo, and the status would be, kind of what
7 I tell the examiners is just concentrating on what
8 they're good at and what we're good at. And that's
9 getting out, making contact, and doing exams. Kind
10 of you, know, grass roots campaign.

11 There's a lot of regulations in the wind
12 from 2010, a lot of things that we worried about
13 for years and kind of underline, sitting down, where
14 we're just going out and doing what we're good at.

15 In the wake of some information we have
16 from one of our investigations into the sinking
17 of a investigation, we've started a, we didn't start
18 it, I'm sure it's happened in the past in places
19 like Dutch Harbor. But we bought a bunch of load
20 cells and we went around and started weighing crab
21 pots, photographed, weighted.

22 And that was something that was really

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1 well received and the guys are really interested
2 in what their gear actually weighs compared to what
3 it said in the stability and instructions. So that
4 was kind of a fun drill. Every boat that we were
5 on, 42 boats that was on that trip, they all
6 participated in the pot weighing and they really
7 I think enjoyed knowing, you know, what the numbers
8 were and what they were carrying around.

9 Arctic outreach. Arctic has been sort
10 of a cash cow for us. There's a lot going on in
11 the Arctic, and we get up there a lot because of
12 it. And we do a lot of good outreaches in
13 communities.

14 A lot of I think you see in the picture,
15 a lot of smaller settlements and communities that
16 don't get a lot of Coast Guard attention now we're
17 up in the Arctic. A lot of them are starting to
18 get boarded, and that's resulting in you know,
19 raising their awareness as to what their regs are
20 and making contact beforehand.

21 We also work with them for, you know,
22 some pretty creative commercial skip exemptions

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1 from the immersion suit, just things that are more
2 practical for someone outriggered in a skiff. And
3 open mic time in 2018 seemed to be centered around
4 the safety recommendations from Alaska Juris,
5 Destination and Exito.

6 And those are all large vessels that
7 sunk and some resulting fatalities and some not
8 of those three ports of investigation all kind of
9 came to a head at the same time. So it was a busy
10 time.

11 For 2019, kind of what we're looking
12 forward to, there's a lot of stuff that's not up
13 there, but just a couple things to highlight is
14 again is the status quo, is just getting out there
15 and doing what we're good at and using the money
16 we have to, you know, increase our footprint.

17 Commercial skiff safety with NIOSH, I
18 want to talk to Samantha this week about an outreach
19 program for skiffs, because we're finding that
20 skiff casualties and fatalities, I think she would
21 tell you or might tell you later, that in the last
22 five years, skiff fatalities have accounted for

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1 most our fatalities in the commercial fishing
2 fleet.

3 And there's plenty in the recreational
4 side as well. So we're going to be working on that
5 this year, hitting the road and seeing what folks
6 understand about their regs in their small skiffs.

7 Dive harvest safety, again, is an area
8 we're going to focus on. Training with the Alaska
9 Department of Fishing, and that's the EOG up there.

10 That's something that we're going to be doing this
11 year that we really haven't done in the past. The
12 Alaska Department of Fish and Game puts a lot of
13 their personnel on fishing boats when they are not
14 so much charters, but when they're test fisheries
15 or things that they solicit, you know, from the
16 fleet.

17 And they'll put a couple of their
18 biologists on there, and they've kind gone once
19 that in many cases they're not really trained in
20 safety and survival like the NOAA observers are.

21 So we're starting a program with them this year,
22 and they're, they've embraced it, told them we'd

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1 do it for nothing. So they're all about that, and
2 I told them. So they're on board.

3 Again, and the investigations into the
4 Alaska Juris, Destination and Exito are still going
5 on and will probably be going for a while,
6 especially with regard to implementing the safety
7 recommendations and making all the changes.

8 I think between those three
9 investigations, there are probably 40 safety
10 recommendations that need to be addressed by
11 various people either at the district or at some
12 other sectors, or back at Headquarters. So we're
13 working on that.

14 I think that's really all I have up
15 here. That's it. Any questions for me or D-17?

16 PARTICIPANT: Mr. Chairman?

17 PARTICIPANT: Yeah, go ahead, question
18 for Mr. Willard.

19 PARTICIPANT: Mr. Willard, I'm just
20 curious if your examiners when they board the boats,
21 they're looking at the document. Are they looking
22 at the document or the Coast Guard certificate and

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1 document issue, do they look at it for accuracy?

2 Or do they just look for it to be present?

3 MR. WILLARD: No, they should be
4 verifying, at least all the coordination, they
5 should verify the name of the vessel and the
6 documents that main boat that they're on the ship.

7 Also to go and verify that that certificate or
8 that documentation number is in some integral part
9 of the hold and tell us that it matches.

10 Gross tonnage should jive with what
11 they're standing on, link should jive with we're
12 standing on. We look at the endorsements and
13 restrictions, so is it endorsed for fishery,
14 commercial industry, does it have any strange
15 restrictions because it was a buy-back vessel or
16 it was, you know, had work done overseas that
17 restricts it from a fishery endorsement.

18 So I'd like to think that we're checking
19 and not just looking and making sure it's there.

20 PARTICIPANT: What about in the case
21 of the vessels that's under five metric tons that
22 is obviously a larger vessel? Are they able to

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1 document that that vessel is, the certificate is
2 accurate?

3 MR. WILLARD: So, yeah, but that runs
4 pretty rampant in Alaska, I think just our access
5 to Canada allows for a lot of Canadian vessels to
6 find their way to Alaska. So we're pretty well
7 versed in tonnage certificates. Again, I
8 previously mentioned that when boats are under a
9 certain size we, you know, we do believe that even
10 an admission is really not a problem, we just need
11 an exercise in math.

12 There are any deep framings or anything
13 you generally have to do, whether it's 20 or 30
14 to get them under five met tons is they're not there
15 already.

16 When we walk on say, a 68-foot boat
17 that's sporting AK numbers, then yeah, we look at
18 the tonnage certificate. We get a, you know, we
19 try to find out from the vessel owner, we have
20 tickets down that shows us the work that was done
21 to achieve 4.92 met tons whether those are tonnage
22 openings or deep frames or and kind of make sure

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1 that that stuff's still in place.

2 And we haven't run into any instances
3 where someone's paid for all this work, paid for
4 the admin work and as soon as the measurer left,
5 they undid it all. I'm not saying that doesn't
6 happen, but we haven't come across it yet. But
7 we do look for it on state-registered boats.

8 PARTICIPANT: Are these vessels
9 required to keep that documentation on board?

10 MR. WILLARD: In our eyes, yes. If we
11 step on board for a dockside exam and it has AK
12 numbers and we're not comfortable with the fact
13 that it's under five met tons, if you don't show
14 us it's under five met tons, then we're not going
15 to move forward with you. So can I find that in
16 a book? Probably not. But to be satisfied when
17 we board, then we're going to want to see that
18 documentation that you're less than five.

19 PARTICIPANT: Thank you.

20 MR. WILLARD: Sure.

21 PARTICIPANT: Any other questions?

22 PARTICIPANT: I have a question.

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1 Years back, it was noted that there was, there were
2 a few vessels that were built after 1980 that could
3 no longer participate in fisheries because of
4 rationalization that wanted to do tendering. And
5 because of the way that the regulations are
6 constructed, it would appear that they need a load
7 line to be able to do that, and the vessels are
8 not load line. Can you get us an update on where
9 that is?

10 MR. WILLARD: Sure. We've been
11 working, and I talked with Joe prior to coming here
12 about that subject. And so we've been doing a lot
13 of work. It does seem that we've discovered maybe
14 an anomaly of sorts and some interpretations of
15 in terms of part-time tender and what that exactly
16 relieved the vessel from and what it is.

17 So we're looking into that scenario.

18 The fish tender that is working as a fish tender
19 that no longer fishes that doesn't meet any of the
20 exemptions in the code for tonnage, operating
21 solely inside the boundary line, the existing
22 vessel, that kind of thing. And so we're still

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1 looking into it.

2 We've actually had a working group down
3 here in Seattle I think about a month or two ago,
4 where we sat and we basically just pulled our heads
5 together and some of our Coast Guard legal
6 interpretations and try to see if we're going down
7 the correct road, correct process.

8 So I would say that, you know, when I
9 get back from this, it will be something that we
10 revisit. And I think at some point we're certainly
11 going to look to the industry if we do determine
12 that, hey, this is something that we need to do
13 address, we'll look to the industry for some
14 assistance, some alternatives to load line, getting
15 load line or, you know.

16 PARTICIPANT: Great, thanks. I
17 appreciate the fact that it's still on your radar.

18 MR. WILLARD: Oh yeah.

19 PARTICIPANT: Any other questions?
20 Thank you very much.

21 MR. WILLARD: Thank you.

22 PARTICIPANT: We'd like now to hear

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1 from Marty Donohue. Marty, come up and give your
2 report.

3 MR. DONOHUE: Yeah, good afternoon.
4 Chief Warrant Officer Marty Donohue from the
5 Training Center in Yorktown. I'm one of the
6 Commercial Fishing Vessel Examiner Course
7 administrators.

8 We put on two courses a year. So for
9 2019, we've got a course coming up May and June.
10 The dates are May 20-24, June 10-14. And we
11 typically have 25 students in each course. And
12 it's open to active duty, reserve, Coast Guard,
13 civilians, auxiliary, Coast Guard auxiliary.

14 Yeah, I appreciate all the support from
15 the district coordinators that provide us guests
16 and truckers and we also have DC trainer that we've
17 been loaning out to the field. We're located at
18 Yorktown, VA, which is in D-5's area. But we're
19 looking to --

20 PARTICIPANT: You're one of the 20?

21 MR. DONOHUE: He's got two on the web
22 trainers, so we're trying to hold ours back and

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1 just keep it for the training centers. We've had
2 some issues with platform. We have loaned it out
3 in the past. So they're coming back with issues
4 of the things for that sort. And yeah, unless you
5 have any other questions.

6 PARTICIPANT: Any questions for Mr.
7 Donohue?

8 MR. DAMERON: Thank you, Mr. Chairman.
9 Thomas Dameron. I missed it, who did you say that
10 the training was open to?

11 MR. DONOHUE: It's Coast Guard active
12 duty reserves, Coast Guard civilians, and Coast
13 Guard auxiliarists.

14 PARTICIPANT: Do you ever let in third
15 party examiners?

16 PARTICIPANT: Mr. Chair, it is not set
17 up for third-party examiners, and it has to do with
18 billet structure and for our resident courses and
19 the intent of the resident courses. So that
20 unfortunately is the problem. Now, I would say,
21 though, an option, because we can't train everyone
22 that, or necessarily train everyone that we'd like

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1 to, even with the active duty auxiliary and reserve
2 pool.

3 But there's always a segue to a district
4 coordinator-sponsored training from time to time.

5 So I think if industry has ever voiced a need for
6 training, I think we could always entertain
7 something. And I'll give you an example.

8 I won't get too far into a segue. But
9 we made several trips to Sault Ste. Marie to train
10 the tribal officers out there. Which in turn
11 train, and oversee the programs for the different
12 tribes in that peninsula area.

13 And we, you know, occasionally we've
14 come up with funding for that. So it's not to say
15 that we don't do it, we'd have to see what the need
16 is. So that's, so just keep that in mind.

17 And I would say one last thing, if
18 within the districts at your industry or panel or
19 if you do see a need, either please probably try
20 to reach out to your district coordinator and talk
21 about some logistics or the want and the need.
22 And then you know, maybe we can work something out.

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1 PARTICIPANT: Do we --

2 PARTICIPANT: Do you have a question?

3 MR. DAMERON: Yeah, Mr. Chair, Thomas
4 Dameron. Marty, this has always been a little pet
5 peeve of mine. Is your training teaching the
6 examiners how to match up the fire extinguishers
7 with the proper brackets?

8 MR. DONOHUE: We talk about that, and
9 where it says specifically on fire extinguisher
10 what bracket to use, we go into detail on that,
11 and we do make sure and train them to make sure
12 it's a marine type of bracket. Or if it specifies
13 exactly what bracket to use, then to verify that.

14 MR. DAMERON: Okay, thank you.

15 PARTICIPANT: Any other questions?
16 All right, thank you very much.

17 MR. DONOHUE: Thank you.

18 PARTICIPANT: Next?

19 PARTICIPANT: If you prefer, yes.
20 Now, Mr. Chair, and I'm not sure where we're at.

21 Now, actually, I don't know where a break may fall
22 into this, but I do know when we do choose to go

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1 to a break, we'll probably be calling up the next
2 segment by way of conference call over here. So
3 what would a best, what you'd like to do, and then
4 whenever we're done with that, then we can call
5 up our next presenter. He may need a couple
6 minutes.

7 CHAIRMAN JACOBSEN: What makes the
8 most sense?

9 PARTICIPANT: I would recommend,
10 myself, maybe we cut one up, maybe a ten-minute
11 break. Because I notice people are getting
12 restless. And then maybe a good timing for that,
13 and then we can segue into the next instructor.

14 PARTICIPANT: Thank you very much.

15 PARTICIPANT: We'll take a ten-minute
16 break.

17 (Whereupon, the above-entitled matter
18 went off the record at 2:18 p.m. and resumed at
19 2:34 p.m.)

20 CHAIRMAN JACOBSEN: We're going to
21 listening to a presentation on the telephone, so
22 please go ahead. You'll have an opportunity to

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1 ask questions.

2 MR. RAMSEY: Sean Ramsey here.

3 CHAIRMAN JACOBSEN: Hey Sean, it's Bob
4 again. I've got you on speaker phone here with the
5 Commission and an audience of open public. I'm
6 going to -- your presentation. And then, if you
7 would, just stay on the line in case there are any
8 questions at the end of the presentation.

9 MR. RAMSEY: Oh, okay. So, my name is
10 Sean Ramsey. I work with the US Coast Guard,
11 particularly I work the PEH4 which is the
12 life-saving and fire-protection division.

13 And so, my major understanding was that
14 the PSAB had a couple of questions in regards to
15 portable fire extinguishers. By my trade, I am
16 a fire protection engineer for the group. So, I
17 would be willing to answer any questions they'll
18 have, or discuss the issue topics.

19 CHAIRMAN JACOBSEN: So, are there any
20 questions about portable fire extinguishers? We
21 thought we were going to listen to a presentation
22 here?

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1 MR. MYERS: Yes. Hey, Sean, do you
2 have a presentation prepared, or were you just going
3 be answering questions from the audience?

4 MR. RAMSEY: I do not have a
5 presentation prepared. My understanding was I was
6 going to be answering questions that the committee
7 had. And I apologize, I had not been prepared for
8 that.

9 MR. MYERS: Okay. If you wait just a
10 second here, we'll generate a couple of questions.

11 There were some earlier about performance-based
12 extinguishers, rackets, that kind of thing. But
13 I'll talk to the audience real quick, and I'll see
14 if there are any questions.

15 MR. RAMSEY: Yeah, I don't know if you
16 already talked about the recent Coast Guard changes
17 when it comes to getting rid of the Coast Guard
18 weight standard and moving towards the UL ratings.

19 So, that's probably a topic that's, you know, it's
20 still --

21 (Simultaneous speaking.)

22 MR. MYERS: We touched on it earlier.

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1 And real quick, Joe has a question for you.

2 MR. RAMSEY: Absolutely.

3 MR. MYERS: Sean, can you hear me?

4 MR. RAMSEY: Yeah, you're a little far
5 but I can get you.

6 MR. MYERS: Alright, Joe Myers here.
7 You can hear me now?

8 MR. RAMSEY: Yes, absolutely. Thank
9 you, sir.

10 MR. MYERS: And I think if you could
11 maybe share with the committee and the public maybe
12 a little background history of what -- part of the
13 discussion of the portable fire extinguisher filing
14 rule that came about in that -- correct me if I'm
15 wrong -- about July of 2016, you had a final rule
16 come out. And if in the past there were questions
17 on, hey, what goes into that firing rule, what did
18 your decision making out of your office. And then
19 some of the checks and balances of going through
20 the weight-based performance rating system, the
21 old rating system. And then the new
22 Underwriter-Laboratory-based system. And maybe

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1 you can go -- maybe elaborate a little bit on that.

2 MR. RAMSEY: Absolutely. That would
3 be a great topic. So, a little bit of background,
4 the refit reg project that we've done was the fire
5 rule, which was published July 22nd, 2016, called
6 the Harmonization Standard for Fire Protection,
7 Detection, and Extinguishing Equipment. That was
8 a fire rule we published, and which affect the vast
9 majority of 46COFRs, as well as some 33COFRs. And
10 this affected commercial vessels, recreational
11 vessels, pretty much the entire gamut under the
12 Coast Guard's purview.

13 And kind of how that process ends up
14 happening, how do we get to a final rule, is projects
15 generally start depending on feedback we get from
16 the public. So, there may be an issue that
17 businesses identify with our regs, some kind of
18 inconsistency, some kind of problem. And, you
19 know, we generally hear about it through our
20 partners in CBC, or through BSF, or just from, the
21 biggest factor, people coming up to our office and
22 asking standards questions. We get a lot of those.

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1 And basically, after a problem's
2 identified, we work it out to figure out what kind
3 of solution works best in this -- for this given
4 problem, and we develop a reg project out of that.

5 It goes through multiple levels of internal
6 clearance in order to evaluate is this project
7 worthwhile to do. What kind of basis does it have?

8 Does it cost anything? And so, inside the Coast
9 Guard, we have a fair bit of predetermined checks
10 and balance in regards to that. You know, reg
11 projects that generally come, you know from the
12 public. There has to pros to outweigh that con.

13 So, that's one of the major things that we look
14 at to determine when we do a reg project.

15 We love to do lots of reg projects, we
16 love to leave the world a better place. But, you
17 know, the truth of the matter is that there are
18 some projects that are good ideas and some that,
19 you know, when you start looking at what the actual
20 costs aren't as great of ideas.

21 So, where the public starts getting
22 involved is the Coast Guard ends up drafting an

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1 NPR, a Notice of Proposed Rule-making. So, we
2 draft those complete with proposed reg text
3 changes, as well as a summary and an analysis of
4 the cost benefits. So, that goes through Coast
5 Guard Internal Affairs, and then it eventually goes
6 up to the Department of Homeland Security, where
7 they also get on that, and they'll ask very
8 much the same things, is this worthwhile, does this
9 make sense? You know, how is your economic
10 analysis? Does it make sense? Do you have the
11 ability to do what you're about to do? And then
12 if the rule is considered a significant rule, we
13 get a couple million dollars' worth of change.
14 Then it also goes into a higher level of clearance
15 at DHS, and at the OED level. So, where the public
16 starts getting involved is we publish this NPR,
17 and then it goes through Coast Guard and DHS
18 internal clearance.

19 A NPR is published. And in our case,
20 the NPR for this rule was published January 13th,
21 2014. And so, we published something in the
22 February, where we announced to basically the

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1 entire world that this reg project as something
2 we're looking at. This is a notice of proposed
3 rule-making.

4 And in there, we talk about, you know,
5 if we have the Executive Summary, in the summary,
6 where we talk about what the rule is, kind of what
7 we want to deal with it. And we also have questions
8 inside the NPR to the public, you know, if there
9 are things that the Coast Guard is unclear on or
10 that, you know, we have an idea, but we want more
11 feedback for the public, in order to, you know,
12 make our rule as strong as it can be.

13 So, in the case of these -- this NPR,
14 we have, you know, so many questions that we are
15 asking the public through this announcement in the
16 Federal Register, where, you know, we chose to adopt
17 the UL ratings. And we asked the public, you know,
18 are these numbers acceptable? Do they make sense?

19 We asked a number of questions in there.

20 And at that point in time, the NPR is
21 open for, I believe, 60 to -- at least 60 days.
22 And that's the official time period where, as a

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1 regulatory body, that we give this information to
2 the public, we give them the EA, we give them, you
3 know, all of our questions as text, and we say please
4 talk to us, give us information back.

5 You know, and from there, you know, we
6 eventually close that, we take all those comments
7 back, at the Coast Guard, and we kind of deliberate
8 on them. We look at what was being asked, we look
9 -- you know, does it make sense? You know, is this,
10 you know -- can we answer this question, you know?
11 Do, you know -- is this a good question?

12 And then, we will iterate on the rule,
13 based on public feedback. So, that public
14 feedback, we will reiterate on the changed rule
15 a little bit, we make tweaks and changes. We might
16 scrap whole sections, depending on, you know, how
17 strong the feedback is in one way or the other.

18 And then, once that's done, we go
19 through the same internal clearance, Coast Guard,
20 DHS, and maybe OMB, to then publish the final rule.

21 Where the final rule will be, you know, we'll
22 indicate on it, you know, we received these

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1 questions from the public. And then we have, you
2 know, statements and replies, answers to the
3 questions the public had, as well as, you know,
4 statements of what did we change as a result of
5 that, if we changed anything at all.

6 So, throughout the process, there's
7 generally a couple of good avenues in order to get
8 public feedback. If we find that we're hit really
9 hard on the NPR stage with a lot of comments, and
10 we have to make, you know, fairly significant
11 changes, what will end up happening is we will
12 actually bring that back through the NPR and do
13 another round of, basically, questions and
14 proposals.

15 So, depending on the amount of comments
16 we get, and the amount of confusion, or clarity
17 that's needed, we'll go through that process
18 multiple times.

19 In the case our final rule, we ended
20 up, you know, 2014 published the NPR and took
21 comments on it, and then iterated on it, and then
22 had our final ruling publish almost two years, 2016.

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1 In there, we only had about a little
2 over a dozen comments from the public, and, you
3 know, there were some questions on the final rule
4 and about clarifications. Is there grandfathering
5 on fire extinguishers? We also got a couple of
6 questions about, you know, am I affected, or other
7 things. But for the most part, most of the comments
8 we got were not very strong or very opposed to a
9 lot of the changes we were making.

10 So, that's kind of how reg process works
11 for the Coast Guard. And that's kind of how it
12 worked on this case. Some of the background of
13 how we ended up coming with what we came up with
14 was this UL rating standard is something that had
15 existed since, I believe the 40s, if my memory
16 serves. I could be off on that. It's definitely
17 been around for a number of decades.

18 And that is the UL kind of takes charge
19 in the US world, when it comes to rating and listing
20 fire extinguishers. So, they are pretty much the
21 body that does a lot of that work. And the Coast
22 Guard has had a good previous experience with them.

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1 They are a Coast Guard-tested lab in that case,
2 for fire extinguishers.

3 So, we've got a little bit of history
4 of working with UL. They do a lot of the
5 qualification tests. But this UL rating system
6 is something that is done almost entirely on the
7 shoreside industry. So, basically, we'll have 40,
8 60, 70 years. When we talk about fire
9 extinguishers in the US, you know, we are looking
10 to the fire extinguishers that have UL ratings on
11 them. And that's generally how the shore side
12 operates. If you've got, you know, your 2As, your
13 10Bs, your 20Cs -- and this is a lot of the language
14 that, you know, the US uses.

15 The performance standard that UL talks
16 about with their ratings, they are
17 performance-based standards. So, basically, you
18 have a fire, and the test is, in order to issue
19 a rating, your extinguisher must be able to put
20 out this fire. This is a little bit different --
21 this is very different than what the Coast Guard
22 rating system was, which was entirely weight-based.

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1 The previous Coast Guard standard
2 didn't require you to do a, you know, a fire test.

3 So, we hear fire extinguisher, and you say, you
4 know, I can put, you know, a 40-square-foot, you
5 know, pan fire. That's nice and all, but what the
6 Coast Guard cared about was how big your
7 extinguisher is.

8 So, one of the side-effects of that is
9 it's kind of a little bit of a -- you can develop
10 a better wheel, you can develop better mousetrap,
11 or fire extinguishers. But the Coast Guard, under
12 Coast Guard basis, doesn't -- just because you have
13 a better fire extinguisher that's smaller, more
14 portable, it can take out a bigger fire, we wouldn't
15 give them a very high Coast Guard rating because
16 it's not big enough, it doesn't have enough weight,
17 it doesn't have enough volume.

18 So, moving to the UL rating system gives
19 us the ability to say, your fire extinguisher, it
20 doesn't matter how big you are, how bulky you are.

21 Can your fire extinguisher put it out the fire?

22 And if it can, you get the rating.

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1 And so, a lot of our issue with the fire
2 extinguisher rule was we had adopted, you know,
3 take these apples that were weight standards, and
4 change them to oranges, which are performance
5 standards. And in order to do that, we looked at
6 current standards that were out there.

7 And if they had a National Fire
8 Protection Association, I believe, they are the
9 industry leaders when it comes to fire protection
10 in the US. And a lot their standards I already
11 talked about. You know, if you have a high cabin
12 space, an ordinary cabin space, you need this range
13 of it per, you know, this large a space.

14 And so, we looked at what's going to
15 be done on the US shore side and kind of mapped
16 over what our first extinguisher would be on the
17 performance side, on average.

18 So, part of that -- that's kind of how
19 we came up with what the performance standard is
20 going to be now. We basically looked at a lot of
21 innovative literature and a lot of things that were
22 already out there and being done on the shore-side

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1 world.

2 When it comes to items like -- I forget
3 the -- wait a moment. Oh well. I forget these.

4 So, when it comes to our performance rating and
5 our fire extinguishers, that's what we primarily
6 looked at. We primarily looked at what was the
7 shoreside industry already doing, what's already
8 out there, what kind of rating that they would,
9 you know, indicate on a shoreside world.

10 So, that's kind of how we did a mapping
11 everything over it. We made sure that in the rule
12 we indicated as frequently as possible that, you
13 know, for these changes -- this is obviously going
14 to be completely and totally a paradigm shift, that
15 your extinguishers that you already have are
16 grandfathered. You know, may have a very large
17 extinguisher that perhaps doesn't test very well.

18 Just because we made this change, we didn't want
19 -- we did not want people to go out and rip out
20 all their fire extinguishers and chuck them and
21 then get a whole new one.

22 As part of our economic analysis, part

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1 of our rule-making process, we didn't want people
2 to do that because that's very expensive and very
3 cumbersome. And our best effort was to map
4 everything over as best we could.

5 Some extinguishers, you know, didn't
6 test very well and so didn't necessarily make the
7 grade on a one-to-one basis, but some extinguishers
8 that are much smaller can now be used. They
9 couldn't before. So, we tried, between
10 grandfathering, and between making that transition
11 as smooth as possible, to really minimize the effect
12 it would have on, you know, the industry in general.

13 But I think that gives a little bit of
14 context when it comes to fire extinguishers, how
15 we end up going with the new ratings, kind of why
16 we ended up going with the UL ratings. It was
17 primarily because the Coast Guard system existed
18 all by itself. It was weight-based, it didn't
19 matter how good your extinguisher was. The
20 performance-based standard, it's something that's
21 already done, already out there. These
22 extinguishers that out there already get UL tested,

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1 already UL listed, already get UL rated. They're
2 already there, it's just on a different place on
3 the bottle.

4 And so, we wanted to align with the
5 shore side, we wanted to align with all the other
6 industry standards out there in the US. And then
7 we wanted to be able to, you know, state that this
8 fire extinguisher will put out this size fire.
9 And on the weight-based standard, it didn't
10 necessarily allow well- to high- performing units
11 to be put in those standards, just on the basis
12 that they weren't big. So --

13 CHAIRMAN JACOBSEN: I'll turn over
14 here to the committee and the audience and see if
15 they have any questions.

16 MR. RAMSEY: Yeah, absolutely. Thank
17 you.

18 CHAIRMAN JACOBSEN: Mr. Boehmer?

19 MR. BOEHMER: I don't know if you can
20 hear me or not, but we've had a -- in New England,
21 they're starting to use the fire suppression
22 portable -- what was the name of those things?

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1 CHAIRMAN JACOBSEN: The throwing
2 grenades?

3 MR. BOEHMER: Yeah. And then, are
4 they -- have they been approved, or looked at being
5 approved by the Coast Guard? I mean, the reason
6 I'm bringing this up --

7 MR. RAMSEY: Are you talking about --

8 MR. BOEHMER: We had a boat that became
9 fully engulfed in flames, so they tossed it in the
10 engine room, and it wasn't big enough to bring the
11 fire down. And then after -- It may have suppressed
12 the fire, but it didn't actually put it out, so
13 there's -- it works differently.

14 MR. RAMSEY: Okay. So, let me just
15 clarify, you're talking the portable aerosol
16 grenades that sound kind of like flashbangs, you
17 thrown them and they smoke out?

18 MR. BOEHMER: Exactly.

19 MR. RAMSEY: Is that kind of what
20 you're talking about?

21 MR. BOEHMER: Yes.

22 MR. RAMSEY: Alright. So, yeah, those

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1 are actually pretty interesting and novel
2 technology. One of the things that, you know, when
3 the technology comes on, one of the difficult things
4 that we have to make sure that, you know, these
5 products are being made to a standard, made to some
6 kind of reference that we can ID and pin down.

7 So, one of the issues with that industry
8 in particular is they're working towards developing
9 and codifying a lot of their technology for the
10 throwables. I know in particular the aerosol
11 committee NFCA 10, we actually have Coast Guard
12 members in my office who were on that committee.

13 And so, they are working with, you know, aerosol
14 developers, trying to update their standards, to
15 create a throwable standard.

16 So, where the Coast Guard sits is, I'm
17 really for that because, you know, we're interested
18 to see that technology. It's very interesting,
19 very novel. I don't know if it's a -- from my
20 personal experience as a fire fighter, it gets used
21 in utility spaces and little server rooms,
22 particularly underground areas. They were very

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1 effective there.

2 But from the Coast Guard point of view,
3 we want them to develop that standard, and so that
4 we at the Coast Guard can reference the standard,
5 then we can say that, yes, you may use this product
6 if it meets the standard. Right now they don't
7 quite have that standard, but I do believe, you
8 know, the Coast Guard allows excess equipment to
9 be used, as long as it is, you know, kind of lifted
10 by a testament.

11 So, there is the possibility of that
12 being used, kind of as excess equipment, but until
13 they solidify what their standard is and what their
14 product is, they are kind of not approved by the
15 Coast Guard.

16 MR. BOEHMER: Thank you. I forgot to
17 -- This is Kris Boehmer. Thank you for that
18 explanation.

19 CHAIRMAN JACOBSEN: More questions for
20 Mr. Ramsey?

21 I think where the concern of many of
22 this committee members came in was when these new

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1 regulations were published and we hadn't even heard
2 about it because we don't make a practice of
3 studying the Federal Register every day for
4 changes. So, it was a surprise to many of us, and
5 I believe that, kind of, we would have liked to
6 have commented as a committee on these new
7 standards, and we feel kind of slighted in that
8 regard. I did anyway.

9 So, the initial implementation of the
10 rule is immediate. And so, as I did third-party
11 examinations of fishing vessels, I'd tell them they
12 had to replace the fire extinguishers in their wheel
13 house because they didn't meet the current
14 standard. The grandfathering clause came in
15 later, after two boats replaced several fire
16 extinguishers.

17 And I appreciate that grandfathering
18 allowance. It gives fishing vessel boat owners
19 a chance to adapt and build on an addition to their
20 wheel house so they have a place to put on the --
21 what is it? Twenty-pound CO2 extinguishers. You
22 have to have a big one in the wheel house now.

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1 But anyway, that's my comments. It's
2 kind of a sore point.

3 CAPTAIN EDWARDS: Mr. Chairman. So,
4 this is Captain Edwards. I just wanted to make
5 sure that people are aware that we do have a CDC
6 policy letter 1804 that discusses fire
7 extinguishers and the performance-based versus UL
8 or weight-based. And there is a section in the
9 enclosure that is specific for commercial fishing
10 vessels and just provided that cross-block. So,
11 feel free to pull that out and use that at will,
12 and ask the standards if you have any questions.

13 MR. MYERS: Pardon me, Mr. Chairman.
14 Just a comment on that, is that something that
15 we could probably post when we get back? So when
16 we bring them up on their website they know where
17 to go to? This policy letter?

18 PARTICIPANT: Oh, sir, yes, sir.

19 MR. MYERS: And that's so you're not
20 trying to fumble around trying to find out where
21 it's out. We're going to take you to our site and
22 show exactly -- Now, it's probably not up to date,

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1 but it'll be up next week.

2 CHAIRMAN JACOBSEN: Okay, thank you.

3 MR. MYERS: Because there a lot of good
4 information. And that came out, I believe in June
5 or last spring, April.

6 CHAIRMAN JACOBSEN: Any other
7 questions for Mr. Ramsey? Tom Dameron?

8 MR. DAMERON: Thank you, Mr. Chairman.

9 So, another point of contention on this was that,
10 when this committee originally heard about this,
11 we were told that existing extinguishers under the
12 Coast Guard classification would meet the UL
13 classification that was being proposed, and there
14 wasn't going to be that much change. And when the
15 final reg came out, we found out that we had a whole
16 lot of extinguishers that were approved under the
17 Coast Guard classification that would no longer
18 be approved under the UL classification.

19 And it was very frustrating because
20 there was no research or analysis done that showed
21 that the extinguishers that were approved under
22 the Coast Guard classification, that there had been

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1 any situations where those fire extinguishers were
2 inadequate for the space and fires that had to be
3 fought. Thank you.

4 CHAIRMAN JACOBSEN: Thanks, Tom. Any
5 other questions? Questions from the public? Yes,
6 Mr. Davis?

7 MR. DAVIS: This is Alan Davis. I have
8 a question similar to Kris' and along the same
9 lines. I'm one of those early adopters of new
10 technology. I test things, I test them again, I
11 make them prove to me that they work, and then I
12 jump in with both feet.

13 There are new and emergent technology
14 in life safety and fire suppression. For instance,
15 there is a new portable device that Kris was
16 referring to, that's made by Flame Guard USA. I
17 believe its acronym is FST, that it does not fit
18 into any NFP or UL certification standards. I do
19 believe it's certified in a variety of different
20 European standards though.

21 The US Coast Guard doesn't have a
22 process for approval, and you spoke to the fact

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1 that the NFBA is looking at something now, but is
2 there a way that we can create something that helps
3 these new categories and emerging technologies get
4 looked without the companies having to come up with
5 250,000 or 500,000 dollars to create an entirely
6 new category of approval?

7 For instance, this product can be used
8 both as a portable fire suppression device, and
9 in a different form as a fixed fire suppression
10 device, that I'm convinced is more environmentally
11 friendly and effective.

12 So, that was my question. How can we
13 look at not only the approval processes here the
14 in US, but look for other fields, accept some of
15 the things that are tried and proven in other
16 countries, and not take ten years to get things
17 done?

18 CHAIRMAN JACOBSEN: Thanks, Alan.
19 Mr. Ramsey?

20 MR. RAMSEY: Absolutely. That's a
21 good question. So, when it comes to emerging
22 technologies and things that are out there that

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1 might be -- So, I'll need to break this rule down.

2 So, ultimately, kind of our office has
3 a lot of say over gets approved and what does not
4 get approved. It generally looks kind of, if
5 you've got a standard to it and it's a good standard,
6 yeah, okay, we can move off of that. That's not
7 a lot of thinking required.

8 But we do allow for companies that have
9 products that, you know, meet the -- in particular
10 you mentioned, you know, the products that may --
11 they may both be fixed and they have portable
12 capability. That's something that's not -- I have
13 not personally come across yet, so that's very
14 interesting, definitely novel technology.

15 If they want to get Coast Guard
16 approval, you know, I don't know anything about
17 their product or anything, but I would recommend
18 them come to our office. We have an email,
19 typeapproval@uscg.mil. And our office has a lot
20 of that authority to issue Coast Guard approval
21 based on products.

22 So if it's, you know, let's say it's

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1 a novel product that would be used in a way that's,
2 you know, not necessarily non-standard, we do have
3 that ability to issue Coast Guard approval because
4 we are the Coast Guard.

5 They don't necessarily have to have a
6 standard out there that already exists. I
7 mentioned before that, you know, the aerosol guys
8 are hoping to get a lot their portables codified.

9 They can get, you know, the NFCA credentials.

10 But in the case of products that, you
11 know, straddle the line between NFCA standards or
12 are unique, we do have that ability to issue Coast
13 Guard approval by ourselves. The best way for them
14 to start that process is to just give us an email.

15 That's definitely an interesting case,
16 and I would love to hear more about that.

17 MR. DAVIS: I will get you connected
18 with them.

19 MR. RAMSEY: Absolutely. Do you need
20 our email?

21 MR. DAVIS: I can find you.

22 MR. RAMSEY: Alright. That works,

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1 CHAIRMAN JACOBSEN: Okay, thanks Alan.

2 CAPTAIN EDWARDS: I'm sorry, this is
3 Captain Edwards. Just to add on another thing,
4 the equipment approval process includes not the
5 performance of the actual that you're looking at,
6 but as well as looking into the company to see if
7 they have the appropriate structure in place to
8 ensure that that's also maintained.

9 So, there is a couple of points that
10 need to be looked at for the approval.

11 CHAIRMAN JACOBSEN: Thanks. I
12 appreciate that. Tom?

13 MR. DAMERON: Mr. Dameron. Yes, it's
14 my understanding that, if you want to carry that
15 as excess equipment, that you don't need to get
16 the Coast Guard's approval, but you would need to
17 get a UL approval.

18 MR. RAMSEY: May I answer?

19 CHAIRMAN JACOBSEN: I think it's a
20 comment in a -- a question in the form of a comment.

21 MR. RAMSEY: Okay. Thank you.

22 CHAIRMAN JACOBSEN: So, the question

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1 is do you need, to carry it, a different type of
2 fire-extinguishing apparatus, does it need to be
3 UL approved as excess equipment?

4 MR. RAMSEY: So, when we get into the
5 works, UL approval is important to understand that
6 there are different standards, and UL has a business
7 model of listing and approving things to a certain
8 standard. But in general, my understanding is we
9 do allow things to be used as excess equipment that,
10 you know, do not necessarily have to have --

11 I believe they do have to list by a --
12 not necessarily a Coast Guard testing lab, but an
13 NTRL, a Nationally Recognized Testing lab. So,
14 that can be UL, that can Southwest Research, that
15 can Entertech. There's a number of different
16 companies that they can go to.

17 And that's more for quality assurance
18 purposes, like we've mentioned before that with
19 approval, there's aid of your equipment, you know,
20 meeting standards in your work. But there's also
21 the side of it, are you making the same product
22 back and forth. And that's kind of what listing

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1 takes care of here. So, yes, there is definitely
2 a way out there.

3 CHAIRMAN JACOBSEN: Mike Rudolf.

4 MR. RUDOLF: Thank you, Mr. Chairman.

5 Mike Rudolf from Reef Safety in Portland. I'm
6 an examiner. And Mr. Ramsey, I understand that
7 you worked on the regulation project when they were
8 developing these Federal Register and the language
9 that went into it.

10 MR. RAMSEY: I personally did not. A
11 lot of folks in my office did. I am on working
12 on other reg projects and have been doing a lot
13 with this reg project since roll-out, but I did
14 not personally help craft that language, no.

15 MR. RUDOLF: Okay. My question is in
16 particular to SS Fire protection equipment after
17 the regulations changed. If you reference 46 CFR
18 28, decimal 155, and that's the section within our
19 fishing vessel regulations dealing with fire
20 equipment, you know, the title of it is excess fire
21 detection and protection equipment.

22 That's the title of it, but prior to

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1 2016, it addressed both fire detection equipment
2 and fire protection equipment that was in excess
3 of the minimal equipment requirement on the vessel.

4 And it identified that this protection equipment
5 had to be exactly what you just said. It had to
6 be recognized by a laboratory, and, you know,
7 maintained, and, you know, have some sort of
8 standard to follow.

9 But after the regulations were changed
10 in 2016, if you compare the two texts, the title
11 remained the same for 28.155, but they took out
12 the part about protection equipment within the
13 verbiage, within the language of that section.
14 So now, 28.155 only deals excess fire detection
15 equipment, not protection equipment.

16 And so, I mean, for me out in the field,
17 it's confusing because for many years we've
18 identified if you have extinguishers that are
19 beyond your minimal requirements, then, okay, let's
20 make that it's not going to endanger the crew, that
21 it's, you know, maintained, listed, you know, that
22 it's something appropriate for the vessel.

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1 But now with that language omitted --
2 I don't know if it was done on purpose, to make
3 way for these, you know, novel designs and ideas,
4 to allow them to be carried on board, that aren't
5 listed, or if it was done by mistake or was an
6 overlook.

7 I compared the different sections of
8 the other subchapters for other vessels, and their
9 language does identify both protection and
10 detection equipment, but subchapter C for
11 uninspected vessels, it does not. So, I'll let
12 you answer that.

13 CHAIRMAN JACOBSEN: Thanks, Mike.
14 Mr. Ramsey?

15 MR. RAMSEY: That is -- So, as you're
16 talking about that, I'm trying to write down CFR
17 numbers. I cannot say off the top of my head why
18 C would be any different in regards to not allowing
19 protection to be used by protection systems, to
20 have that excess rule. That maybe be one of the
21 things that we stated in the NPR, you know, kind
22 of multiple times, that do allow excess equipment.

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1 I don't have an answer for you why it's
2 different in C or if was an oversight or not. It
3 seems like you've done a fair bit of that background
4 proofing. I would be glad to get back with you
5 guys, but I suspect you may be onto something there,
6 and it may be an error. If you could, could you
7 send me some information on that particular
8 question? Is it possible for you to write it out
9 by email mail?

10 MR. RUDOLF: Yes, Mr. Ramsey, I could
11 look you up in global, and if not, I'll get it from
12 Mr. Myers. Thank you.

13 CHAIRMAN JACOBSEN: Get it from Alan
14 Davis. Alright, thank you very much. Any other
15 questions? Yes, Mr. Wilwert?

16 MR. WILWERT: Thank you. This is
17 Scott Wilwert. I'm a District 17 fishing vessel
18 safety coordinator. And one thing I haven't heard
19 mentioned that I believe there were a lot of
20 questions originally, Mr. Ramsey, could you please
21 walk us through what the thought process and the
22 intent was, and what the current arrangement is

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1 for the inspection of these portable fire
2 extinguishers now, and how maybe that differs from
3 how we used to do business, in regard to sending
4 in portable extinguishers for annual servicing or
5 being able to service them yourself?

6 MR. RAMSEY: That's a very good
7 question. So, one of the things that we ended up
8 doing in Iraq was we ended up codifying the
9 requirements that your extinguishers must be
10 maintained to a standard. That standard is the
11 same one Tom Short inquired about, placing the
12 extinguisher, how many you need to have, how big
13 they need to be.

14 But the other half of that standard
15 talks about inspection and maintenance
16 requirements. So, this is where we get into
17 details about the particulars of the fire
18 extinguisher that we're looking at.

19 So, extinguishers can be broadly broken
20 down into two different kinds for maintenance
21 purposes. You have your disposable, your
22 non-rechargeable ones, that's one category,

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1 disposable non-rechargeable. And the other
2 category is rechargeable.

3 And so, your standard for your
4 accepting your maintenance differs depending on
5 what kind of extinguisher we're talking about it.

6 Is it disposable, is it rechargeable? So, for
7 the most part, on your, you know, common civilian
8 life, if you have a fire extinguisher in your house,
9 on your boat, it will mostly likely be a disposable
10 extinguisher, not a rechargeable one. And you can
11 always tell the difference between the two. It
12 literally says on the bottle, after use dispose,
13 or after use recharge.

14 And so, with these disposable
15 extinguishers, the requirements that kick in for
16 them is you need, you know, basically do a monthly
17 check. You need to make sure it's there. So, you
18 know, the indicator needs to be green. It needs
19 to physically be there. And stuff like, you know,
20 it hasn't been damaged, it has pressure.
21 Basically, it's visual inspection just to check
22 that it's there and it doesn't appear to be off.

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1 In addition to that monthly check, that
2 monthly visual check, whenever the fire
3 extinguisher expires, which, I believe the rate
4 used to be about 12 years. You do need to
5 eventually replace a disposable extinguisher
6 because they will go bad, they will need to be
7 replaced.

8 For your -- and now, I'm going to the
9 other paradigm. So, for your rechargeable(s),
10 your maintenance inspection requirements become
11 much more strenuous, or there's a lot more kind
12 of going on with them.

13 So, besides your monthly check, you
14 make sure it's there, make sure it's green, you
15 know, make sure it hasn't been used or tampered
16 with, you also have to have an annual inspection
17 by an NFCA 10 technician. And so, you know, those
18 technicians, they're generally certified either
19 by the manufacturer or by the state and local
20 county.

21 Most of your fire protection companies
22 out there do this kind of business. They cover

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1 all the shoreside industry, so they're out there
2 somewhere, and they're probably maintaining the
3 marina just up the road.

4 Every year you need to have this
5 technician come on board and do an annual inspection
6 of your extinguishers. So, you can do the monthly
7 checks, you know, make sure it's there, but every
8 year you need an NFCA 10 tech to come down and take
9 a look at your extinguisher.

10 And what they will end up doing is,
11 depending on the age of the extinguisher, how long
12 it's been, they may take it back, and they hydrotest
13 the cylinder to make sure it's still keeping
14 pressure. Then they refill it and they change out
15 the powder. It gets gas. They will most
16 definitely hydro it.

17 So, during the annual check, that's
18 their opportunity to get in there and make sure
19 that the rechargeable extinguisher is still
20 functioning, that it's still working. And it's
21 much more -- it's more of a maintenance aspect,
22 rather just a protection.

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1 So, for your rechargeables, you will
2 do your monthly visual checks, and then every year
3 you will have a technician come down and basically
4 kind of survey your extinguishers, pull them out
5 if they need to be pulled out, hydro test, recharge,
6 replace. And then they'll drop them back off or
7 give you a different replacement, depending their
8 business model.

9 So, those are kind -- that's kind of
10 what goes on in the old fire extinguishers. You
11 will generally find that most of your small
12 extinguishers, you know, your 20Bs, your dry
13 powders, they tend to be disposable. And that just
14 means you have to do a monthly check, and then,
15 whenever they expire, they expire. Those tend to
16 be much less maintenance involved with them.

17 For your CO2, your gas systems, if you
18 have any specialized extinguishers, like for metal
19 fires, those tend to be rechargeable, as well as
20 they're bigger, bulkier, dragged-ins. Those tend
21 to be rechargeable, and you have to check them
22 monthly, as well as get a tech in there every year.

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1 So, that's kind of -- that's what the
2 maintenance world looks like for your extension
3 purposes.

4 MR. WILWERT: Mr. Ramsey, thank you for
5 that. And just real quick, this is, I guess, a
6 comment that you could maybe comment on. But one
7 of the things that we found in especially smaller
8 locations in Alaska, where the servicing is not
9 as prevalent as you may think, kind of an unintended
10 consequence, I believe, of this final rule is that
11 what we're finding is a lot people are going out
12 and purchasing what I would consider a lesser
13 extinguisher.

14 They're going to Costco or Ace, and
15 they're -- if you give them the choice of packaging
16 up their rechargeables and putting them out on a
17 barge because no one will fly them to get serviced,
18 well what do you think they're going to do? You
19 know, they're going to go get the \$4.99 one at Ace.

20 And so I think an unintended
21 consequence may be that maybe during the NPR it
22 would have been nice to address is that folks are

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1 using lesser equipment because it's easier for them
2 to deal with because of their inability to get
3 servicing.

4 So anyway, that's just a comment. It's
5 something that's going on out there. I don't know
6 if you've heard that before or you're aware of it,
7 but I just wanted to -- again, those unintended
8 consequences, I think, of the maintenance regimen
9 that the rechargeables have to go through, as
10 opposed to the disposables. Thank you.

11 CHAIRMAN JACOBSEN: Thanks, Scott.
12 Great point. Are there any questions or comments?
13 Okay. Thank you, Mr. Ramsey. We appreciate your
14 time today.

15 MR. RAMSEY: Yep. Thank you all for
16 the opportunity. I'm sorry I've taken up so much
17 of your time, but I hope it was informative.

18 CHAIRMAN JACOBSEN: Alright, Ms. Case,
19 if wouldn't mind coming to the microphone. And
20 do you need the podium?

21 MS. CASE: No podium, but I do have
22 slides.

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1 CHAIRMAN JACOBSEN: Okay, slides.
2 So, for the committee's information, we are on the
3 NIOSH update. And that is actually on tomorrow's
4 agenda. We're moving it forward. So, it's 3:30
5 p.m. tomorrow -- or no, I guess I -- we're right.
6 Okay. We're right at almost the right time. So,
7 great. Thank you.

8 MS. CASE: Good afternoon everyone.
9 Alright, so we'll go ahead and get started. So,
10 good afternoon, Mr. Chairman and members of the
11 committee. My name is Samantha Case. I'm a
12 researcher from the National Institute for Safety
13 and Health, or NIOSH, which you've heard from a
14 few people today.

15 I work out of our Anchorage, Alaska
16 office, so it's nice to be in warm Seattle. Today
17 I just want to give you a brief update of what's
18 going on the fishing safety research world.

19 First, I'll start off with a brief NIOSH
20 introduction for those of you who may not be as
21 familiar with us and what we do. And then I'll
22 go into our fatality data update. So, this will

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1 be commercial fishing fatalities for the country
2 from 2000 through 2016. Then, I'll talk about
3 what's new.

4 So, it's been a couple years since we
5 last presented at the Savannah meeting, so I'll
6 talk about some projects and products that we've
7 been working on, and then wrap up with what's next
8 for us, so, the projects that we're currently
9 working on or will be really making some progress
10 very soon.

11 So, NIOSH, or the National Institute
12 for Occupational Safety and Health, it's a federal
13 agency, and we're housed in the Centers for Disease
14 Control and Prevention, or the CDC. And that's
15 within the Department of Health and Human Services.

16 NIOSH does sound a little bit like OSHA, but we
17 do not have regulatory or enforcement authority.

18 Rather, we conduct research on worker safety and
19 health issues, and make recommendations to make
20 sure workers are coming home at the end of the shift
21 or trip safe and healthy.

22 Within NIOSH, we have the Center for

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1 Maritime Safety and Health Studies. And our goal
2 for this center is to bring researchers together,
3 both internal to NIOSH and external to NIOSH, to
4 study workers' safety and health in six maritime
5 industries. That includes commercial fishing.

6 And our goal in studying these worker
7 populations is to identify the leading problems
8 that are causing injuries and illnesses among these
9 worker populations and try to come with solutions.

10 And much of this work is possible because of our
11 strong partnerships with a variety of industry
12 stakeholders.

13 Within the Center, we have our
14 Commercial Fishing Safety, Research, and Design
15 Program. So, NIOSH's work in fishing safety
16 research really began out of our Alaska office in
17 the early 1990s, but we did expand to be a national
18 program in about 2007.

19 So, right now we have active projects,
20 or we support different on the east coast of the
21 country. Our program has three disciplines. The
22 first you'll see there on the left is epidemiology,

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1 and that's what I do. I study patterns and
2 characteristics of injuries, fatalities, and
3 adverse vessel events, to really understand
4 systematically what's causing them and what the
5 leading concerns are.

6 We also have a team of safety engineers
7 working out of our Spokane, Washington office.
8 And what these engineers can do is find hazards
9 on a vessel and develop some interventions, like
10 winch guards or flooding liner, to try to mitigate
11 those hazards.

12 And finally, we have some health
13 communication staff, also out of our Spokane
14 office, who can take our scientific messages and
15 translate them into products, and videos, and other
16 documents that are great for our audience who aren't
17 scientific researchers.

18 I do want to mention that most of our
19 is possible because of our close working
20 partnership with the Coast Guard. So, we have a
21 formal inter-agency memorandum of agree. And this
22 agreement facilitates data sharing between the

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1 Coast Guard and NIOSH.

2 So, NIOSH scientists, such as myself
3 -- I think I'm the only one at this point -- have
4 credentials through the Coast Guard as a federal
5 affiliate. And what this does is I can access MSL,
6 which is the Coast Guard's electronic system that
7 houses reports and investigations of marine
8 casualties. I can go in, review those cases and
9 abstract data that we can analyze later.

10 And there's some formatting issues with
11 the software, so, sorry this didn't translate well,
12 but I'll just talk through this.

13 So, when a marine casualty occurs, like
14 a vessel sinking or a crew member fatality or
15 injury, typically the Coast Guard is notified and
16 they respond and investigate accordingly.
17 Sometimes local law-enforcement agencies may also
18 be involved, so we do use them as a resource, as
19 well.

20 But we review the case files, the 2692s,
21 the witness statements, the actual investigation
22 report from the Coast Guard, and we review these

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1 cases. And we pick apart some of the relevant
2 information. So, we capture about 100 data fields
3 for each case, or as much as possible, that describe
4 the event, what happened, what were the
5 contributing factors, information about the crew
6 members who were involved, and information about
7 the vessels. And then we can use that for analysis.

8 All of this data is collected in our
9 commercial fishing incident database, or CFID.
10 So, once we get into the data update and some of
11 the products, these are direct outputs from CFID.

12 So, starting with the data update --
13 Shoot. So, this isn't coming through, but -- let's
14 see -- over this 17-year period, 2000 to 2016, there
15 were 755 total crew member fatalities. If the bar
16 chart was appearing on the early 2000s, we were
17 seeing about 60 fatalities a year. And for the
18 most recent years, 2014 through 2016, we were down
19 to 30 fatalities a year.

20 And in fact, you'll see here the average
21 for the entire time period was 44 fatalities a year,
22 and we haven't been over that number since 2009.

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1 SO, I think there's a lot of great progress there.

2 And this shows the trend of the
3 imaginary bars over the 17-year period. Again,
4 very promising. We've seen a 42 percent decline
5 in the number of fatalities.

6 This one would show the number of
7 fatalities over time, with the fatality rate. So,
8 the rate would be expressed as the number of
9 fatalities for 100,000 full-time equivalent
10 workers. So, what that means is it's the number
11 of fatalities we would expect to occur if there
12 100,000 fishermen who were working regular
13 fulltime hours.

14 This allows us to compare the deaths
15 among fishermen to other types of workers, as well
16 as make year-to-year comparisons that take into
17 account the number of fishermen in the workforce.

18 So, again, you can't see it here --
19 Hopefully I'll be able to provide all of these
20 slides so that will be able to see. But we've seen
21 a general decline in the fatality rate since 2009,
22 which again is very, very promising. But there's

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1 still a lot of work to be done. In 2016 alone,
2 we know that the fatality rate for fishermen was
3 nearly 25 times higher than the average US worker.

4 So, very much still important work to be done.

5 Here we go. So, here is -- I've put
6 some of the data that we're going to show up. This
7 shows the breakdown of those fishing fatalities
8 over that 17-year time period, by the event that
9 caused them. So, we can see that in red, nearly
10 half of all the fatalities were the result of
11 drownings, or sometimes hypothermia, or blunt force
12 trauma, after a vessel disaster. Those are events
13 like sinkings and capsizings, and sometime
14 groundings and vessel fires.

15 In second, at 30 percent, in blue, we
16 have fatalities due to falls overboard, and we'll
17 talk about those in a little bit.

18 Less frequent, we have onboard
19 fatalities. So, these are typically incidents that
20 are related to the vessel's gear or machinery.
21 So, these resulted in 13 percent of the fatalities
22 and were due to a variety of causes. These are

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1 things like winch entanglements, being struck by
2 gear, caught in running machinery, and exposure
3 to Freon, ammonia, or carbon monoxide.

4 We have diving fatalities at five
5 percent, which are typically dive harvest
6 incidents. And then onshore injuries at four
7 percent, which are often drownings after someone
8 falls from a dock.

9 This should show commercial fishing
10 fatalities by region. And if I recall correctly,
11 I believe the order is East Coast, Alaska, Gulf
12 of Mexico, and West Coast. And then we do have
13 just a few in Hawaii.

14 That bar isn't very big. We don't have
15 our own regional summary, which we'll talk about
16 in a minute, for Hawaii. As Charlie mentioned,
17 in Hawaii the fleet is fairly small. He's not
18 seeing a lot of incidents. And in addition to that,
19 we do not routinely collect data on the distant
20 water tuna fleet. So, we don't have a lot there.

21 Fleets with the highest number of
22 fatalities. There are a number of fisheries that

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1 should be listed here that make up about half of
2 all fatalities in the US. And the fleets with the
3 highest number are actually on the East Coast and
4 the Gulf of Mexico.

5 SO, Gulf of Mexico is at the top of the
6 shark fishery, followed by -- let's see. I can't
7 recall the order exactly, but we have East Coast
8 lobster, West Coast non-tribal Dungeness crab, and
9 East Coast scallop.

10 And then when we looked at fatality
11 rates by fleet, what you would see at the top, the
12 highest rates of fatality are in clamming quahog
13 fishery and the multi-species ground fish fishery,
14 both in the Atlantic.

15 Now, Gulf of Mexico shrimp had the
16 highest number of fatalities, but because that
17 fishery is so huge, that rate is actually one of
18 the lowest we were able to calculate. And we can
19 see that in the regional summary documents.

20 So, it's important to consider the raw
21 number of fishermen who are dying while working,
22 and also the rate.

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1 Okay. So, here we can look at the
2 fisheries that we've identified as kind of most
3 hazardous, based on the number and or rate, and
4 what's causing these fatalities.

5 So, starting at the top in Alaska,
6 we've, as you heard from Mr. Wilwert, the skiff
7 capsizings among the salmon set-netters are in
8 issue. The salmon drift gillnetters have the
9 highest number of falls overboard in Alaska, so
10 that's also an issue that we're concerned with.
11 And the dive harvest incidents, which have
12 typically been in the cucumber fishery, but we did
13 have a couple of geoduck fatalities this past year.

14 On the West Coast, in the Dungeness crab
15 fishery, vessels disasters. These are typically
16 rapid vessels capsizings while crossing a bar.
17 Those are a concern. Dive harvest incidents there
18 as well, as well as groundings, which we've seen
19 kind of across all fisheries.

20 Down in the Gulf of Mexico, again, in
21 the shrimp fishery, we're seeing winch
22 entanglements and falls overboard. And across all

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1 fisheries we're seeing a lot of fires and explosions
2 that result in vessels sinking.

3 And then finally on the East Coast,
4 we're seeing issues in the New England lobster
5 fishery with falls overboard. That's their
6 primary cause of fatalities in that fishery. And
7 we've also seen many vessel disasters, capsizings
8 in the scallop and multi-species ground fish
9 fisheries, due to gear getting caught on the ocean
10 floor.

11 So, updated fatality data. We
12 presented this at the Savannah meeting. It was
13 broken down by each region. And I'm happy to say
14 we actually have physical documents, so you'll be
15 able to see charts. I did bring some products that
16 we'll be talking about, including these regional
17 summary documents, some I was able to fit in my
18 suitcase. If we run out of copies and you want
19 some, for any of these products, please feel free
20 to let me, and I'm happy to get more for you, either
21 electronically or send you hard copies.

22 So, now that we are through the data.

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1 I just want to talk about what's new. So, one
2 thing I wanted to spend a couple minutes talking
3 about was our report that we published this past
4 year of fall-overboard fatalities in commercial
5 fishing.

6 So, we've looked at this a lot, we've
7 presented it before, but this is the first time
8 we've really published a detailed report about
9 these events. And what we wanted to do in this
10 analysis was look at all these unintentional
11 fall-overboard fatalities, look at the
12 circumstances around those events, and the
13 subsequent rescue attempts, and try to think about
14 different ways that these could be prevented.

15 So, we looked at over 200 unintentional
16 fatal falls overboard. The fisheries with the
17 highest number of fall-overboard deaths, as we've
18 already heard, were Gulf of Mexico shrimp, East
19 Coast lobster, and Alaska salmon gillnet.

20 We've looked at what the crew member
21 had been doing immediately prior to the fall, and
22 probably not surprising, we saw that they were most

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1 often working with gear, typically setting the
2 gear, but also hauling the gear.

3 But we also had a host of falls that
4 occurred while the crew members were off duty but
5 still on deck. So, we're seeing that this fall
6 risk is there any time they're on deck, even if
7 they're not actively working. Fifty-nine percent
8 of falls were not witnessed. And this is typically
9 the result of the crew member working alone on deck,
10 or single operator working alone on their vessel
11 altogether. And another thing I'll mention here
12 is that in all incidences, there was not a personal
13 flotation device or PFD worn.

14 So, this is a figure that's pulled
15 straight from this report. And it's kind of hard
16 to read, so I'll walk through it. I think I have
17 a little pointer. What we wanted to do was look
18 at all 204 fatal falls overboard and look at the
19 subsequent rescue attempts. So, if we just focus
20 on this, up here in the dark blue box, we have all
21 204 fatal falls overboard.

22 The second row shows whether they're

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1 witnessed or not witnessed, so we divide them up
2 that way. As I mentioned, most of the m were not
3 witnessed.

4 The third row talks about immediate
5 rescue attempts, and we felt pretty generous giving
6 that immediate definition of an hour. So, this
7 -- for example, this box says recovery attempted
8 within one hour. We noticed that, even in cases
9 where they're witnessed, as, again, there's no
10 personal flotation device used, it's very easy to
11 lose sight of the victim if they go underwater.
12 So, that's what this row is showing.

13 And then the final row talks about the
14 recovery attempts and whether they were successful
15 of getting that person back on board.

16 So, we looked at these rescue attempts
17 and these scenarios, and we lined them up with
18 different levels of prevention strategies, which
19 is a very public health way to say, how can we
20 prevent these at different stages. So, the first
21 is primary prevention. That first level means how
22 do you prevent all 204 crew members from falling

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1 from the vessel in the first place.

2 So, we talk about things that have
3 already been implemented in the fishing industry
4 to a certain extent, more enclosed work spaces,
5 anything from adding rails to the vessel, all the
6 way to new vessel design. The use of lifelines
7 we seen a little bit in some fisheries. We talk
8 about different ways eliminate entanglement
9 hazards and alcohol- and drug-free policies on the
10 vessels. So, those are all getting at the all 204
11 falls shown here.

12 And the next lightest blue colors, this
13 is the secondary prevention. So, this is the
14 second level where we say, okay, they've already
15 fallen into the water, how do we get them out?
16 So, of course, the first thing that we would
17 recommend is that they need to be able to float.

18 And the best way to do that is by wearing a PFD
19 before they enter the water, so any time they're
20 on deck.

21 The second thing we saw is that so many
22 of these falls are unwitnessed. So, if you're

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1 working alone, you know, you need a plan to get
2 back on your vessel. Other people need to know
3 that the fall occurs. So, we talk about man
4 overboard alarms and some engine kill switch
5 devices that are commercially available.

6 And so, you're floating, people know
7 that you're in the water, and they're trying to
8 get you. These boxes here that show recovery
9 unsuccessful. How can we change that? And then
10 we talk about different types of recovery devices,
11 going above and beyond a traditional life ring,
12 which is a lifting sling.

13 And then finally, this last level is
14 tertiary prevention, it's the third level. So,
15 the person has fallen into the water, we've
16 recovered the person from the water. How do we
17 improve their chances of survival at that point?

18 And you'll see the boxes say recovered not revived,
19 of course, because these are fatalities. So, this
20 really gets to high-quality CPR and proper
21 treatment for cold water immersion victims.

22 So, I don't know how many of you are

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1 sticking around for the Pacific Marine Expo,
2 starting on Sunday. My colleague Ted Tesky and
3 I are doing a session on Sunday morning that's going
4 to go into this analysis a little more in-depth
5 and visible, and we're also going to be talking
6 about PFD maintenance for both foam and inflatable
7 PFDs. So, we'll have the man-overboard-themed
8 session.

9 So, none of these prevention strategies
10 are really novel. We kind of know this already.

11 So, the main message from this report, in addition
12 to understanding what's happening when these events
13 occur, is how do we promote these prevention
14 strategies. And I think one of the most important
15 ones is increasing PFD use in the fleet.

16 So, I just want to talk really quickly
17 about a NIOSH study that we did. We started this
18 work back in 2007, 2008. What we did was give some
19 fishermen in four fleets in Alaska -- so we looked
20 at gillnetters, longliners, trawlers, and
21 crabbers. We asked them about their perceptions
22 and attitudes towards PFDs and what they thought

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1 their risk of falling overboard was. And then we
2 gave some PFDs to fishermen to try out for a month,
3 said, hey, wear these on deck, tell us what you
4 think about them.

5 And for each gear type, they identified
6 a different PFD that worked for them. So, the
7 gillnetters work very closely with this netting
8 here. It's like mesh, it's very easy to get caught
9 up in. So, they're not interested necessarily in
10 this type of PFD, an inflatable that has a handle.

11 They were interested in this PFD, which is hard
12 to see, but it's rain gear, and it had the foam
13 integrated into the rain pants. It goes in the
14 bibs. So that was, you know, smooth, it's not going
15 to tangle them.

16 So, each gear type, again, found
17 something that worked for them. But in 2014 we
18 started this campaign called Live To Be Salty.
19 This is Angus Iverson, he's our fishing
20 spokesperson. And we developed a bunch of messages
21 to get out to fishermen to try to promote PFD
22 awareness and use.

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1 And we've been working on evaluating
2 that, and hopefully that will be published this
3 coming year, but I can say that our preliminary
4 results from that evaluation showed that he was
5 memorable. He was recognizable when we did the
6 follow-up survey. And we found that some fishermen
7 did try on a PFD. And as long as we're making that
8 little progress, I think that's a good sign.

9 So, after our PFD study, there's been
10 fishing safety researchers from around the country
11 who are working on other regional PFD studies.
12 So, there was one done on the West Coast. We talked
13 about the rapid vessel capsizings. There's not
14 really time to get in an emergency necessarily.
15 So, PFDs in the Dungeness crab fleet was promoted.

16 There's also been PFD studies in the New England
17 lobster fishery, as well as the Gulf of Mexico
18 shrimp fishery. Each fishery has different
19 concerns, different attitudes and perception, so
20 that's why this regional approach is really
21 necessary.

22 Another study that we did was look at

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1 survival factors for crew members who were involved
2 in a fishing vessel sinking. So, we focused on
3 Alaska, and we looked at every fishing vessel that
4 sank from 2000 to 2014, and that's regardless of
5 whether it resulted in a fatality or not.

6 But what we were able to do is compare
7 the victims in those events to the survivors and
8 find out what's different about them. So, the main
9 message that's not on the slide is that we found
10 that, if the crew members did not have to enter
11 the water at all, if they were directly rescued
12 from the vessel before it sank, they survived.
13 So, the main message is stay out of the water, of
14 course.

15 But so then we restricted the analysis
16 to look at victims and survivors who had to enter
17 the water. So, the first talks about who entered
18 the water for any length of time. So, it didn't
19 matter if it was a couple of minutes, or hours.
20 We found they were more -- this group was more likely
21 to survive if they were able to enter a life raft.

22 And we also found that -- we captured

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1 this weather-related variable. So, if in any
2 investigation the Coast Guard says, not only was
3 the weather bad, but did the weather contribute
4 to this event, this vessel sinking, we captured
5 that. We found that fishermen were more likely
6 to survive if the sinking was not related to heavy
7 weather.

8 Then, we restricted it crew members who
9 were in the water for over 30 minutes, so this is
10 that long-term immersion scenario. So, we found
11 life raft and that weather-relatedness again. But
12 for this long-term immersion, we also found
13 fishermen were more likely to survive if they wore
14 an immersion suit, which also makes sense when you
15 think about the protective factors of the survival
16 suit.

17 One thing I want to emphasize here is
18 that, while we didn't find it in the study, this
19 really shows the importance of training and drills.

20 It's knowing how to quickly don an immersion suit,
21 knowing how to right and enter a life raft. Those
22 aren't necessarily skills that just come to you,

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1 especially in an emergency. So, I just think it
2 further emphasizes the need for more widespread
3 training and routine active drills on the vessels.

4 We also published -- we released two
5 safety success story videos. You know, what I do
6 is look at the data. And typically what comes up
7 in different data sources are these adverse events,
8 the fatalities, the injuries, the vessel losses.

9 That's what shows up, and sometimes it's hard to
10 know what's working, what's going really well.
11 Those don't necessarily show up in the data.

12 So, what we wanted to do was take some
13 lessons learned from fishermen to say, hey, this
14 safety policy, or this safety practice, or this
15 device, works really well for us. And we wanted
16 to share that more broadly.

17 So, the first video that we did recently
18 was call My Life Vest Saved Me. And this -- it
19 tells a story of a Dungeness crab fisherman who
20 was on his vessel and he fell overboard. And you
21 saw the results, or heard the results from that
22 report that we did. The outcome can be very grim.

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1 This was not a tragedy because he was wearing a
2 PFD, and his crew was trained and was able to get
3 him back on board.

4 The second video is called I Reached
5 Over And Hit The E-Stop. And this tells the story
6 of a deck hand on a salmon seiner in southeast
7 Alaska. And the deck hand stepped into some line
8 and was pulled right to the deck winch. They had
9 a fast-acting crew who pushed this emergency stop
10 button. It stopped spinning, it didn't pull him
11 in. He was very fortunate and escaped without
12 injury.

13 So, we have these examples of things
14 that are working really well, and our goal is to
15 continue sharing these types of stories with
16 fishermen to try to change safety practice in the
17 fleet. We do hope to make two more videos, one
18 hopefully out of New England, and another in the
19 Gulf of Mexico.

20 My colleague, Laura Siren, is working
21 on a new line of research for us in safety and health
22 among seafood processors. And I wanted to mention

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1 this because we have always captured the off-shore
2 seafood processors, so those who are working in
3 factories on the catcher-processor vessels and
4 mother ships. We've always captured those in our
5 commercial fishing incident database. So, we
6 track the fatalities and things involving those
7 workers.

8 But she is taking her own dedicated kind
9 of research to look at this worker population in
10 more detail. So, she basically did a study that
11 looked at the off-shore processors in Alaska, so
12 again, those working on the catcher-processors and
13 the mother ships. And she used reports of injury
14 to the US Coast Guard as her data source. And she
15 really did a thorough examination of the types of
16 injuries that these workers were experiencing.

17 And from her analysis, she found that
18 there were often sprains, strains and tears,
19 fractures, contusions, and the hands, and fingers,
20 and back were most often affected. So, she
21 identified four areas to target to prevent these
22 types of injuries. And that was overexertion from

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1 lifting and lowering product, workers being struck
2 by falling equipment or boxes, workers being caught
3 in running machinery, and probably not
4 surprisingly, slips, trips and falls from that wet
5 factory environment in vessel motion.

6 So, she's expanding this from the
7 off-shore processors, and she should have another
8 study published this coming year that looks at
9 injuries and illnesses among processors who are
10 working on the on-shore plants.

11 She also conducted a study with some
12 seafood company safety managers to identify what
13 safety and health issues they saw when they were
14 running their safety programs. So, in addition
15 to the general articles, she will also be working
16 on translating the health com team, to make sure
17 that these are presented in a good way for the
18 industry.

19 And finally, what's next. We're
20 working on a variety of things, so I just pulled
21 out a few examples. And one is looking at non-fatal
22 injuries and illnesses.

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1 So, our program routinely tracks
2 fatalities, but we have only done a few special
3 projects that involved looking at non-fatal
4 injuries, and even less attention has been given
5 to illness. So, we're turning out this study
6 that's focused in Alaska, and we're going to use
7 three data sources to do this.

8 And we do this because we have already
9 kind of seen that different cases will be captured
10 in different data sets. So, this will give us a
11 really comprehensive understanding of what's
12 happening.

13 So, the first data source that we're
14 using is the reports of injury to the US Coast Guard.

15 We're just starting the analysis, but it looks
16 like what we're seeing from these cases are reports
17 of injury that tend to be more severe. So, these
18 can be things like medevacs. And we're also seeing
19 that the fleets that are reporting those most
20 frequently are really the larger vessels that are
21 working out on the Bering Sea.

22 We also have Alaska's Fishermen's Fund,

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1 which is an emergency payer of last resort, so it's
2 a claims-type system. Fishermen aren't eligible
3 for workers' comp, this is kind of similar.

4 But what we're seeing here is injuries
5 and illness. So, we're seeing musculoskeletal
6 disorders, things that are chronic or repetitive,
7 build up over time that we don't see in the Coast
8 Guard reports.

9 And we're seeing a lot of the smaller
10 fleet filing claims for Alaska Fishermen's Fund,
11 so this a lot of the salmon and halibut vessels
12 that are working out of the Gulf of Alaska or
13 southeast.

14 And then, finally, we have the Alaska
15 Trauma Registry, which is -- does not discriminate
16 against which fleet. This is going to be the
17 injuries that are most severe and result in
18 hospitalization.

19 So, by using these three very different
20 data sources, they will all capture unique cases,
21 but we'll also see where they overlap. And when
22 we do publish these results, we'll have numbers

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1 and rates by fishery, and we'll be able to identify
2 leading safety and health problem, and hopefully
3 lead to some further research.

4 Another area we've made a lot of
5 progress in over the years is to prevent winch
6 entanglements in the Gulf of Mexico shrimp fleet.

7 So, you've already heard from Mr. Perkins earlier
8 today about some of this work. Several years ago,
9 we did a study that looked at fatal and non-fatal
10 winch entanglement injuries in this fishery.

11 And through that analysis we identified
12 several areas of concern. One of them was the main
13 deck winch drums, another was the smaller tri-net
14 winch, and another was the cathead spools. So just
15 focusing on the main deck winch drums and tri-net
16 winch really quickly, our engineers developed some
17 prototype interventions. So, for the main deck
18 winch, it was a guard, a stationary guard that goes
19 over the drums and doesn't interfere with fishing
20 operations. And for the tri-net winch, it was an
21 auxiliary stop button, which is similar to an
22 emergency stop, where it would shut off power to

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1 the winch.

2 So, they developed these prototypes,
3 they've installed them on a variety of shrimp
4 vessels, and got feedback from the fishermen,
5 modified them accordingly. And we're at the stage
6 where that's pretty much wrapped up.

7 So, now what the engineers are doing
8 are putting together some guidance documents to
9 give to the industry, that are basically, this is
10 how you fabricate these things, and this is how
11 you can install them on your vessel. And as Mr.
12 Perkins said, it's not mandatory, but we're hoping
13 that this will really take off.

14 Now, for the third area, that was the
15 cathead spools. This is a new area that our
16 engineers are working on. So, for the cathead,
17 this kind of spins continuously. The edges can
18 get fairly rough, can get caught on this clothing,
19 and that contact is not good.

20 So, what our engineers have kind of
21 thought about was, what if do this kind of guard,
22 and they call spin cab. And essentially, it works

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1 similarly to those doorknob covers for the -- you
2 want to childproof your house. So, if a worker
3 comes into contact with the cathead and it has that
4 barrier, the barrier is going to stop spinning,
5 but the cathead can still spin underneath, so it's
6 not going to pull them in or anything like that.

7 Our engineers have gotten some
8 preliminary feedback, just about the concept, with
9 fishermen and the Coast Guard personnel in the
10 Eighth District. And they're working on
11 developing these and doing some further testing
12 this coming fiscal year.

13 Now, in the same vein here, we're
14 working on a new project that will working on
15 increasing adoption within the fleet of these
16 different types of safety technologies. So,
17 throughout the years, our engineers have come up
18 with flooding monitors, hatch and door monitors.

19 This is that emergency stop device. Of course,
20 the work in the Gulf of Mexico. And our goal is
21 to get these technologies out to as many fishermen
22 as possible.

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1 So, that emergency stop device was
2 commercialized many years ago, I think maybe in
3 2007, somewhere around there. So, it's been
4 available commercially for a number of years, but
5 it's not widely adopted by the purse seine fleet
6 in the Pacific Northwest. So, we want to know why.

7 Is it cost? Is it risk perception?

8 So, we're going to be conducting
9 interviews with fishermen to find out what are the
10 barriers to adopting these types of safety
11 technologies. And we can learn a lot from this.

12 If it's costs, or whatever, we can try to find
13 ways to mitigate those concerns. And it'll be very
14 useful when we're creating future technologies.

15 We're also very fortunate to be able
16 to partner with seafood companies. So, we have
17 a few formal partnerships with seafood companies
18 right now, and we're working on a variety of
19 projects. One is to analyze their injury and
20 illness claims data. So again, we don't know as
21 much about injuries, and especially illnesses, in
22 the fishing industry, so this is really a new area

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1 for us. And when we analyze these claims data,
2 we're able to compare different worker positions,
3 different vessels, get -- and really identify what
4 the problems are.

5 We're also able to test these prototype
6 interventions by having this access to their work
7 sites. And one area that we're working in right
8 now is reducing the hand injuries while crew members
9 are material-handling, or during offload.

10 So, this is an unproven concept by our
11 engineers to try to reduce those crushing injuries.

12 So, if you have your heavy box of product, it's
13 got straps on it, basically these are just handles
14 that would go underneath the strap to lift the box.

15 And it further takes away the worker's hands from
16 the box and prevents any crushing injuries.

17 So, we're very, very fortunate to have
18 these partnerships, and we look forward to seeing
19 how these projects evolve.

20 Something that comes up occasionally,
21 or repeatedly, is exposures to munitions in the
22 fishing industry. So, I've heard about it mostly

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1 in the Atlantic among the scallop and clam dredgers,
2 but basically what happens is there's these
3 unexploded munitions that have Sulphur mustard,
4 or mustard gas, and it's coming up with the catch,
5 and crew members can be exposed to that mustard
6 gas.

7 What happens is really terrible
8 blistering, there's some respiratory illness. It
9 just gets pretty nasty. So, we're not taking the
10 lead on this, but we're working with other parts
11 of CDC, and other federal and state partners, to
12 come up with some guidance for the fishing industry.

13 How to recognize the munitions, how to properly
14 handle them, who to report to, what signs and
15 symptoms to look out for, what you could expect.

16 So, we've been working on that
17 guidance, and we expect the documents to be out
18 very soon. They're in the review process, and they
19 could be released as early as this month. So,
20 they'll be on our website of course. And even more
21 than that, we're going to work with our partners
22 in the industry to disseminate this information,

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1 to get it out to the industry.

2 So, as I wrap up, I just want to mention
3 that the work that we do is really possible because
4 of our great partnerships with the Coast Guard,
5 with seafood companies, and with fishermen
6 themselves, marine safety training organizations.

7 We're very grateful for that. And it so nice to
8 be here to talk to you, some like-minded folks.
9 I think we all have the same goal. SO, thank you
10 very much for having me, and I'm happy to field
11 questions.

12 CHAIRMAN JACOBSEN: Thank you, Ms.
13 Case. We really appreciate the liaison that this
14 committee has had with NIOSH over the years. And
15 so, we appreciate all the work that you do to further
16 fishing vessel safety, and for being here and
17 presenting at today's meeting, and also at expo.

18 We appreciate that a lot. Any questions? Kris
19 Boehmer.

20 MR. BOEHMER: Yeah, Kris Boehmer.
21 First of all, I want to look the analytical
22 patterns. It's so insightful, what you were going

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1 on and how we just have to address it.

2 But I looked at one of your slides, and
3 if I understood it correctly, if you take the
4 proximate cause of a loss, like a capsizing, man
5 overboard sort of a secondary event. But on the
6 other ones -- I was thinking the Dungeness crab
7 boats going over. The guys goes overboard from
8 that was because they were over far enough because
9 they actually fell the thing. Is it fair to say
10 that it looks like a lot of -- Have you looked at
11 how much more likely you are to go over on small
12 of certain size, compared to a big boat? Do you
13 have any correlation at all? I realize there's
14 a lot more small boats than big boats, and I don't
15 know how that works out.

16 MS. CASE: To my recollection, we have
17 not done an analysis that looked about -- that
18 looked at specific risks comparing vessel size for
19 fall overboard. So, the vessel disaster category,
20 that's any catastrophic event that occurs to a
21 vessel, so that would include the capsizing's and
22 anyone who enters the water from that event, they're

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1 in there.

2 And I know there's a lot of -- We've
3 gotten similar questions before about vessel size
4 and risk for different types of events. One study
5 that wasn't mentioned here that I'm working though
6 is looking how certain vessel characteristics may
7 predict a future vessel sinking. So, if we're
8 looking at prior vessel casualty history, so If
9 they've been disabled and had to get towed in a
10 lot, is that a risk factor? But we're also looking
11 at the vessel characteristics, including length
12 and tonnage, so I'm hoping to have some results.
13 Maybe next time.

14 MR. BOEHMER: Thank you.

15 MR. ROSVOLD: Mr. Chairman?

16 CHAIRMAN JACOBSEN: Yes?

17 MR. ROSVOLD: Eric Rosvold. You had
18 one slide that was up there for a moment that
19 attributed a high number of deaths or drownings
20 to the salmon drift gillnet fleet in Alaska. Was
21 that accurate, or was that actually a combination
22 of the set gillnet and the salmon drift gillnet

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1 fleets?

2 MS. CASE: Great question. That was
3 specifically for the drift gillnet fleet. And it's
4 for -- it's different than the original summary.
5 That was for the whole 17-year period. So, that
6 regional summary document that you have is just
7 focused on 2010 through 2014, so things have changed
8 a little bit.

9 MR. ROSVOLD: Thank you.

10 CHAIRMAN JACOBSEN: Yes, Mr. Hockema.

11 MR. HOCKEMA: Thanks for your
12 presentation. I just had a comment to reiterate
13 what I've mentioned before at some of these
14 meetings. I work in vessel design, so my motive
15 is to keep someone on the boat, okay. So, the
16 safety equipment people here are more in tune with
17 what happens after you fall off the boat, but the
18 best way to keep someone on a boat is a higher
19 railing or bulwark. And it's not always possible
20 because fisheries have needs for, in some cases,
21 lower railing heights.

22 But what I've found over a 39-year

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1 career is that accepted railing height for smaller
2 vessels, like the drift fill netters and the salmon
3 seiners in Alaska, has steadily rose higher and
4 higher.

5 I've promoted a high bulwark all along,
6 and 25 years ago, 30 years ago, there were salmon
7 seiners that wanted a 24-inch bulwark. And I said,
8 why do you want it that low? Well, the net's got
9 to go over it. And I said, no it doesn't. The
10 net will go over a 39-inch bulwark just as well.

11 And incidentally, a one-meter-high bulwark is the
12 international standard for commercial vessels, as
13 a minimum. So, it's one meter, three courses of
14 railing. We apply that, and have been for the last
15 30 years or so in the designs that we do.

16 But so, what I have found though is that
17 as I put more pressure on people to put higher
18 bulwarks on their vessels -- and these are usually
19 vessels that are either newly built or undergo a
20 major conversion, like a sponsoning, like widening
21 the vessel, where they have new bulwarks.

22 Without exception, and I've done a lot

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1 of these, owners have never complained about their
2 bulwark being too high. On the other hand, the
3 higher bulwark becomes the industry standard. And
4 so, particularly if we go to larger vessels that
5 fish, like our crabbers and trawlers, the crab boats
6 have always had a need for not too high a bulwark
7 right where the pot launcher is. But every place
8 else they've gone to higher bulwarks, you know,
9 and much higher in some case. Likewise, the
10 trawlers on the West Coast in Alaska, and I'm
11 speaking mostly of catcher boats now that are
12 between 60 and 130 feet in length, they've all got
13 the high bulwarks.

14 In the early 90s we really went on
15 sponsoning campaign of existing vessels, and many
16 of those vessels went from bulwarks that were maybe
17 three feet high, to five feet high. I mean,
18 literally chest high. The only place that they're
19 working where they have to work over the side, so
20 to speak, it's not the side, it's the trawl ramp,
21 in those cases. So, they wanted more protection
22 from the side. And kind of like the crabbers, where

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1 the crabbers are working off the starboard side
2 hauling pots.

3 So, that small area where you're
4 hauling gear may need a lower height, but the area
5 around the rest of the deck doesn't necessarily
6 need that. And again, there are always exceptions
7 to this. We still have -- we did a design for a
8 121-foot tugboat last year. It was delivered, and
9 it has 30-inch bulwarks all the way around the
10 stern. And the owner just wouldn't raise them up.
11 And the load line regs allow that to happen if you
12 give the Coast Guard a good reason, which isn't
13 much. But it would have been just as easy to put
14 a 39-inch bulwark around there. The vessel would
15 have functioned the same way.

16 So, some people are traditionalists,
17 but I find that those traditionalists sometimes
18 aren't on the boats anymore. And especially in
19 the small boat fleet, like the 58-foot seiner at
20 Mr. Rosvold's fleet, they're increasingly working
21 off-shore and in other fisheries. They're no
22 longer just seiners, they're combination fishing

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1 boats. And so, they may be working 20 miles off
2 shore, versus when it used to be maybe they worked
3 within southeast Alaska, in the bays and those kind
4 of things, where you don't want to fall over,
5 definitely, but the results are not quite as bad
6 as being off shore.

7 And I'll close with one story here.
8 My -- I have two brothers that are retired
9 commercial fishermen, and my nephew was working
10 about 15 years ago on the back deck of one of my
11 brother's trawlers. And he was on the Oregon
12 coast. It was in June, so sea water temperature
13 in June on the Oregon coast is around probably 50,
14 55 degrees. It's cold but not ridiculously cold.

15 My nephew at the time was around 30
16 years old, may a little -- maybe late 20s, real
17 strong guy, rock climber. He fell overboard
18 because he had to get up on the bulwark to handle
19 the trawl door. And it was daylight, sunny, about
20 four-foot chop out there. And they looked around
21 and they found him within about less than 20
22 minutes.

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1 And I've talked to my nephew about this,
2 and he said, I was just ready to give up. He said,
3 I was just so -- I had swallowed water, you know,
4 everything imaginable. He didn't have a PFD on,
5 of course. And of course, I'm not sure what
6 happened, but he was supposed to have a PFD. On
7 that boat they had a rule that had your PFD on if
8 you were handling trawl doors at the stern or
9 working around the stern ramp.

10 But here's a guy who was otherwise
11 really physically fit, and the ocean, at probably
12 55 degrees, cut him down in about 15 minutes to
13 almost going under. So, it's worth the higher
14 bulwarks and not walking on top of those bulwarks
15 if you can. So, anyway, thanks.

16 CHAIRMAN JACOBSEN: Thank you, Hal.
17 I have a follow-up question for Ms. Case. Have
18 you identified any bulwark heights in the studies
19 that you've done in fall-overboards?

20 MS. CASE: No. No, we have not. That
21 typically has, from what I have seen, has not come
22 out in Coast Guard investigations. It's nothing

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1 that we can gather. The characteristics about the
2 vessel that we routinely capture are length, year
3 of build, hull material, but nothing related to
4 the size of the bulwarks, the height of the
5 bulwarks.

6 CHAIRMAN JACOBSEN: Alright, thanks.

7 Any more questions and comments? Kris Boehmer.

8 MR. BOEHMER: I would just suggest --
9 I know in Maine the man overboard situation in
10 lobster boats, and we were -- most of them have
11 cut-out stern to -- second gear, and I'm sure their
12 bulwarks aren't high enough, but when the stern's
13 open and they get entangled, there's no way of
14 saving them. I wonder how many people are lost
15 from boats that don't have cut-out sterns, as
16 opposed to boats that have cut-out sterns.

17 MS. CASE: That's a really interesting
18 question. Yeah, I'd be interested in knowing that
19 because so many of the falls overboard in the
20 lobster fishery, as you mentioned, are the
21 entanglements.

22 MR. BOEHMER: Second.

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1 CHAIRMAN JACOBSEN: Okay, thanks.

2 Any other questions or comments?

3 Well, thank you very much. We really
4 appreciate it.

5 MS. CASE: Thank you. And thank you
6 for being so wonderful.

7 CHAIRMAN JACOBSEN: Oh, stand by.
8 Mike Rudolf has a question.

9 MR. RUDOLF: Thank you, Ms. Case.
10 Mike Rudolf again. My question has to do with data
11 gathering, and you have access to the Coast Guard's
12 MSL database. And I was going to ask, are you able
13 to -- When it comes to a report of a marine casualty
14 for fishing vessels, oftentimes, state-registered
15 vessels may not get into our MSL data system because
16 of the way the rules are written, related to
17 commercial fishing vessels. So, I wanted to ask
18 if you are able to access other databases, like
19 the Marine Index Bureau.

20 MS. CASE: Thank you. That's a great
21 question. What we're looking at casualties -- So,
22 one thing that I do in addition to confirming the

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1 fatalities with the district coordinators is going
2 to CGBI and look at the MISLE cubes. So, we can
3 vessel event or personnel casualties, as well as
4 notifications. So, once that's state registered
5 that the vessel has had any interaction because
6 of the casualty with the Coast Guard, they should
7 show up in those cubes.

8 For fatalities, we tend to also look
9 at if the vessel's service and class is undetermined
10 or unspecified. We tend to also look at those to
11 see those are commercial fishing vessels that
12 hadn't necessarily been classified as such.

13 And for our injuries, when we're doing
14 these special projects, we typically limit the
15 cubes to just vessels that are in MSL that are
16 associated -- what they are listed as,
17 fish-catching vessels or other fishing industry
18 vessels.

19 But for other information about
20 vessels, other than, you know, Alaska I know has
21 a public search database for their vessels, so I
22 can find some information there. For example, the

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1 study that I'm working on for predictors of future
2 vessel disasters, that includes vessels that
3 haven't had any interaction with the Coast Guard
4 necessarily. So, they may not be in MSL
5 altogether.

6 So, that was one way to look at those
7 types of vessels that haven't had any interaction
8 with the Coast Guard.

9 CHAIRMAN JACOBSEN: Alright, thank you
10 very much.

11 MS. CASE: Thanks. Thanks for dealing
12 with the formatting. I'll make sure that I can
13 send those slides on to Mr. Myers and they can be
14 shared so you can see those nice bar charts.

15 CHAIRMAN JACOBSEN: Yeah, I'm sure
16 we'd all be very interested in seeing those charts.

17 So, thank you.

18 We've only got about ten minutes, and
19 I'm advised that we need to clear the building by
20 5:00. And so, we'll just spend a few minutes here
21 at the end to, if you have any other comments, or
22 questions, or general ideas, or things that you

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1 want to express to the group in a short order, we
2 can do that now. And we'll stop at around 4:15
3 and start to clean up and make our way out of the
4 building.

5 So, any committee members have anything
6 that they would like to bring up at this time?

7 Anybody in the public?

8 Yeah, okay. So, we'll move on to the
9 MOA charter update that was scheduled for
10 previously today that we missed.

11 MR. MYERS: Thank you, Mr. Chairman.

12 I just wanted to provide an update on the status,
13 the current status, of the Coast Guard/NOAA MOA,
14 Memorandum of Agreement, charter.

15 As many of you may know, the original
16 NOAA charter was drafted, and implemented, and put
17 into place back in 1980. It is dated, very dated.

18 It's a very small, short document, and it gets
19 into -- basically it details chartering vessels
20 with fisheries agents, or NMFS observers, I should
21 say.

22 And what I wanted to do -- And when I

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1 say NMFS, for the acronym, National Marine Fishery
2 Service. And I wanted to just give you a brief
3 update. We -- I can't go into in-depth, granular
4 particulars with how the charter is shaping because
5 we are still into discussions on the details.

6 But what I can say is, with NOAA and
7 the Coast Guard, we've met, in the last six months,
8 we've met numerous times, and we're picking that
9 up in frequency. We met in the late spring. And
10 this project was kind of dormant, as you may well
11 know, for about a year. So, we had a vacancy in
12 the division, several vacancies, which contributed
13 to that.

14 But I will say that we've engaged with
15 NOAA and the folks at Silver Springs, in the DC
16 area. We've had several conference calls building
17 up to face-to-face meeting that was actually two
18 weeks ago. We made a lot of progress, and we've
19 been doing a lot of back and forth on shaping the
20 language of the text.

21 And basically -- and I just want to read
22 off from my notes if I could. Again, the old

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1 charter, very dated. So, we, as the scope of
2 responsibilities of NONFS has shaped over the last
3 20, 30 years, it's been recognized that it's time
4 to re-identify NOAA responsibilities and
5 expectations, and also Coast Guard. And some of
6 those may be just availabilities, and how we're
7 going to their folks on charter vessels, and how
8 do we document that.

9 When we gave out letters of inspection,
10 the way we document these structured chartered has,
11 again, taken a new form, and we want to look at
12 that document, how we post electronically on our
13 Coast Guard MSL database so it's also easier for
14 sectors and sector commanders to make decisions
15 on availability of getting exams done to help
16 support these NOAA charters.

17 And we want to make sure the scope of
18 the agreement is appropriate. But I say that --
19 We want to make sure that the intent of the scope
20 of this NOAA agreement is in line with 46C of our
21 Part 28. And we don't want to stray away from that.

22 And that was the original intent to begin with

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1 anyways. So, we do not want to stray from that.

2 So, the report to you is, we're making
3 real good progress, we're seeing light at the end
4 of the tunnel. As I said, about ten days ago, we
5 had a real good sit-down at Coast Guard
6 headquarters, and there was a significantly -- I
7 guess there was about six of us. It was a pretty
8 big group. But what I think is, as we move forward
9 in the next several months, there'll be more to
10 share on that.

11 And, Mr. Chair, that is my report on
12 the Coast Guard.

13 CHAIRMAN JACOBSEN: Thank you, Mr.
14 Myers. Any questions for Mr. Myers? Tom Dameron.

15 MR. DAMERON: Thank you Mr. Chairman.
16 Tom Dameron. So, Mr. Myers, are we talking about
17 NOAA employees going on and chartering commercial
18 fishing vessels? Is what it is?

19 MR. MYERS: Well, we were about the
20 original MOA. And again, the spirit of this, or
21 the intent of this MOA is not changing. It's always
22 been about placing a NMFS agent, NMFS, NOAA NMFS,

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1 on commercial fishing industry vessels to oversee
2 certain aspects of commercial fishing. And what
3 I mean by that is that they may have to charter,
4 they do charter, vessels for a purpose, and they
5 want to continue that. And so, yes.

6 MR. DAMERON: Okay. If can follow up,
7 Mr. Chairman.

8 CHAIRMAN JACOBSEN: Go ahead, Tom.

9 MR. DAMERON: Is the Coast Guard --
10 because it's a lot more than just NOAA that puts
11 researchers on commercial fishing vessels. So,
12 is the Coast Guard looking at what implications,
13 regulatory, that those situations propose?

14 MR. MYERS: To answer that, we are.
15 We're looking at all details. And going back to
16 we want to make sure this meets -- this MOA continues
17 to focus on Part 28 of, 46C of our Part 28, that
18 is dedicated to commercial fishing industry
19 vessels. And once you start straying away from
20 that, there's some concern because then there may
21 be things that are appropriate somewhere else.

22 MR. DAMERON: Yeah, my point is there's

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1 other researchers going out on fishing vessels that
2 aren't going to be part of your MOA with NOAA.

3 MR. MYERS: Right. No, we're not.

4 MR. DAMERON: Okay.

5 MR. MYERS: This is -- Maybe I
6 misunderstood. We are not looking at non-NOAA
7 researchers on fishing vessels. This MOA only
8 applies to NOAA and how they deploy their
9 researchers onto vessels, and what the vessels can
10 be used for when they're under basically a NOAA
11 charter or a NOAA payment.

12 MR. DAMERON: So, my question would be,
13 if the Coast Guard will have an MOA with NOAA, will
14 there be any additional regulatory burdens on the
15 commercial fishing industry if we take researchers
16 out that are not NOAA researchers and do not fall
17 under your MOA?

18 MR. MYERS: Yes. You wouldn't be able
19 to that unless you're working with NOAA, or the
20 vessel's certificated or in that service.

21 So, with what you just said, if -- This
22 is Joe Myers speaking again. So, in other words,

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1 if it was it veering outside of the scope -- because
2 this NOAA NMFS -- this Coast Guard NOAA MOA is --
3 again, the focus is term 28. And so, if they're
4 doing research other than connected to commercial
5 fishing, then it's probably more appropriate for
6 something else. Again, it would have strayed away
7 from the MOA in the first place.

8 CHAIRMAN JACOBSEN: Mr. Woodley, are
9 you keyed up for questions? Okay, let's take Mr.
10 Hewlett first, and then you go, and then, kind of,
11 let's -- you know, we're at 4:30, so just try to
12 be brief, or we can continue on tomorrow. And it
13 looks like Mr. Woodley's queued up behind you there.
14 So, let's do Butch and then Charlie. Go ahead,
15 Mr. Hewlett.

16 MR. HEWLETT: Thanks, Mr. Chairman.
17 I'm Glen Hewlett. And a question I have is, a lot
18 of the research is being done down in the Keys,
19 is being done with FWC people chartering boats.
20 So, I mean, do you have to be certificated or
21 something?

22 MR. MYERS: This MOA is with NOAA NMFS.

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1 It's with Coast Guard NOAA. And so, again, you
2 have to --

3 CAPTAIN EDWARDS: This is Captain
4 Edwards. You have to look at each case individually,
5 see if the vessel is exceeding the commercial
6 business that it's engaging in. So, I don't know
7 what the details are on that. But, you know,
8 commercial fishing vessels are -- may receive a
9 document to -- they're documented for a specific
10 purpose, right. And you start to stray outside
11 of that, and you start getting into Inspected Vessel
12 Service. You have to be very careful.

13 CHAIRMAN JACOBSEN: I think we have an
14 answer from District 7.

15 MR. PERKINS: This is Paul Perkins with
16 D8. The D8 and D7 are well aware of what's going
17 on with that research, and it's been covered by
18 the OCO.

19 CHAIRMAN JACOBSEN: Okay, thank you,
20 Paul. Does that answer your question, Butch?
21 Alright, Alan?

22 MR. DAVIS: This Alan Davis. I didn't

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1 come prepared to make comments on this, but I think
2 that there were lots of comments that can be
3 referred back to 2016, at the meeting in Savannah.

4 The partnership between commercial
5 fishing and NOAA, National Marine Fisheries, and
6 a variety of other fishing research organizations,
7 whether they're state-sponsored or
8 university-sponsored, is a long-standing tradition
9 that's vital to maintaining the health of our
10 fisheries. Without fishermen helping researchers
11 find the fish, they don't know how to find them.

12 Basically, they're looking in the wrong place
13 anyway.

14 This was kicked around a lot in 2016.

15 It seems to me like the key issue was that somebody
16 -- I'll try not to be extraneous -- somebody had
17 the bright idea of requiring a fishing vessel to
18 change its certification status to something other
19 than a fishing vessel, in order to do research on
20 a charter for National Marine Fisheries, which
21 meant fishing.

22 So the whole idea was ludicrous, and

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1 it hopefully has been rescinded by now. But what
2 I would suggest is, well, if National Marine
3 Fisheries, and NOAA, and the US Coast Guard are
4 having meetings discussing this, it might be handy
5 to have the few people who have participated in
6 such charters and worked from the fishing vessel
7 side, to be present and participating in the
8 discussions. Thank you.

9 CHAIRMAN JACOBSEN: Thanks, Alan.
10 Chris, do you have a comment?

11 MR. Woodley: Yes, Mr. Chairman. I am
12 Chris Woodley, with the Ground Fish Forum. As Mr.
13 Davis alluded to, the Fishing Vessel Safety
14 Advisory Committee in 2016 did address this issue,
15 and they did make a specific recommendation to the
16 Coast Guard, which was passed unanimously. I don't
17 feel it's necessary -- I see Captain Edwards is
18 nodding. I'm assuming that this is all captured
19 in the notes from that previous meeting.

20 But the nuts and bolts of it were to,
21 again, continue to use Part 28 as the appropriate
22 regulatory packet, or regulatory standards for

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1 looking at these charter vessels to, as Mr. Davis
2 also indicated, to also get industry input on this.

3 And I believe, at the time, Captain Williams
4 committed to making sure that there would be an
5 opportunity for the industry and the public to
6 comment before any such change in policy or change
7 to the MOA would be finalized.

8 And then just one last thing, and I
9 think it kind of gets to the issue of is this just
10 for NOAA charters. The Coast Guard also does have
11 a similar charter agreement with the International
12 Pacific Halibut Commission. That is not a NOAA
13 fishery, that's an IPHC fishery that actually
14 predates the NOAA charter by about three years.
15 State of Alaska also has something similar. So,
16 I think it would be important to -- just for a point
17 of clarification, that it's for fishery-related
18 research, whether it's the IPHC, or whether it's
19 the State Alaska, State of Washington, the rules
20 should still be the same and would create
21 consistency for all of those --

22 MR. MYERS: And then to underscore --

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1 and that's why I emphasized several times -- and
2 I appreciate you saying this. We're underscoring
3 Part 28.

4 When we come down and look at that
5 vessel, and that sticker's on the starboard
6 bridgeway, that means -- that's the tempo.

7 And if it's anything but that, well,
8 it may not be appropriate. And the locals, they
9 might have to use their discretion and say, you
10 know, we're going to address things different.
11 So, if the intent is Part 28, it's very, very clear.

12 MR. Woodley: And so, just to wrap up
13 though, again, going back to industry input, I think
14 that would help both NOAA and the Coast Guard come
15 up with a product that will, you know, when it comes
16 to the time we're called upon, that, you know, will
17 kind of sail through, and we'll be able get a lot
18 more buy-in quickly. So, thank you.

19 CHAIRMAN JACOBSEN: Yeah, thanks,
20 Chris. Alright, thanks, everybody, for coming
21 today and participating, and we will see you
22 tomorrow at 8:00.

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1 (Whereupon, the above-entitled matter
2 went off the record at 4:26 p.m.)