Testimony to Sub-Committee on Coast Guard and Maritime Transportation

of the U.S. House Transportation and Infrastructure Committee

April 25, 2007

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Good morning. Thank you, Honorable Elijah Cummings (D-MD), Chair, Subcommittee on Coast Guard and Maritime Transportation of the House Committee on Transportation and Infrastructure, for this opportunity to provide testimony on Commercial Fishing Vessel Safety. I extend my appreciation also to Ranking Member, Steven C. LaTourette (R-OH), the other 14 members of the subcommittee, and to Admiral Thad Allen and Rear Admirals Bone and Salerno of the U.S. Coast Guard. Thank you all for your interest in this important topic.

My name is Ann Backus. I am employed at the Harvard School of Public Health as an instructor of occupational safety and the Director of Outreach for our Harvard-NIOSH Education and Research Center. I currently serve as a member of the Maine Commercial Fishing Safety Council, having been appointed by Governor Baldacci shortly after its inception on April 25, 2003. Prior to that, I served with fishermen, Coast Guard members, and the Maine Marine Patrol on the Council's precursor task force. Since February 2000 I have written monthly and more recently bimonthly articles under the by-line FISH SAFE for *Commercial Fisheries News*, a monthly trade journal for the fishing industry published in Stonington Maine. Late in 2006, Mike Crowe, editor of the *Fishermen's Voice*, another monthly journal for the fishing industry in the northeast, invited me to provide copy for a new byline titled "The Voice of Safety."

I. Background

By way of testimony on commercial fishing safety I begin by pointing out that The Congressional Record already contains testimony on how very hazardous commercial fishing is – most recently Senator Susan Collins (R-ME) speaking for herself and Senator Kennedy (D-MA) highlighted these hazards while introducing a new bill, S.687, the Commercial Fishermen Safety Act of 2007[1] which is designed to allow a tax credit to offset the cost of purchasing fishing safety equipment.

In the mid 1980's, Congressional testimony lead to the crafting and passage of The Commercial Fishing Industry Vessel Safety Act (CFIVSA) of 1988 - a much-needed and very important milestone in the annals of fishing safety. Where do we stand in the 21st century? What progress have we made? Have we reduced the loss of lives in the fishing community? And / or the loss of vessels? Have we reduced the risks and hazards of commercial fishing and/or increased fishing safety since the enactment and enforcement of the CFIVSA of 1988?

Overall, yes, the CFIVSA number of fatalities has decreased since the early 1990s. However, we still have a long way to go. The following table provides the most recent, available statistics from the Bureau of Labor Statistics for the four years 2002-2005. While the percent of total fatal injures increased 3% during the period 2002-2005, the percent of fatal fishing injuries increased 50% during the same period. The total of US fatalities was essentially constant from 2004-2005, however the fishing industry showed

a 23% increase from 2004-2005. Within the years 2002-2005 there is a steady upward trend in fatalities, in a saw-tooth fashion.

Table 1. Comparison of Total US Fatal Work Injuries by Year with Fatal Work Injuries for Commercial Fishing Industry Source: BLS Census of Fatal Occupational Injuries (CFOI)[2]		
Year	Total Fatal Work Injuries	Fatal Work Injuries in Commercial Fishing Industry
2002	5534	31 (revised)
2003	5575	43
2004	5703	38
2005	5702 (preliminary)	47

Every loss of life is tragic; while the absolute numbers of fatalities for commercial fishing are low (relative other industries), the rate of fatalities (incidence) for the commercial fishing industry is extremely high. The following table compares the number of fatalities and incidence rates respectively for the six occupations with the highest fatalities rates.

Table 2. Comparison of the Incidence Rate of Fatal Work Injuries Among Selected Occupations with High Fatality Rates, 2004. Source: BLS CFOI, 2004[3]		
Occupation	Number of Fatalities	Incidence Rate (fatalities per 100,000 employed)
Compare to national incidence rate for all workers, 2004		4.1
Logging workers	85	92.4
Aircraft pilots and flight engineers	109	92.4
Fishers and related fishing workers	38	86.4
Structural iron and steel workers	31	47.0
Refuse and recyclable material collectors	35	43.2
Farmers and ranchers	307	37.5

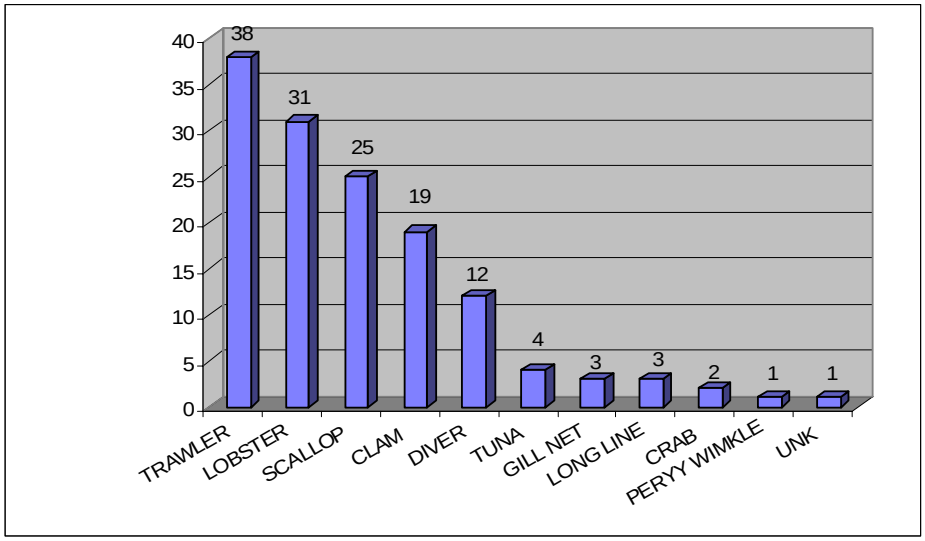
Data available at the state level also demonstrate the hazardous nature of fishing. According to a Massachusetts report of fatal injuries at work covering the years 1991-1999, "…57 Massachusetts fishers were fatally injured on the job. All victims were men, 24 were self- employed, 43 were white, and 15 were foreign born."[4] At that time Massachusetts was unable to determine an incidence rate but the Massachusetts report drawing on an earlier report by D. Drudi[5] cited that, "Nationally between 1992-1996, an average of 76 fishers were fatally injured on the job each year, and the fatal occupational injury rate was 140 fatalities per 100,000 fishers, more than 28 times the average rate for all industries. During the same period, Massachusetts was second only to Alaska in the number of fishers fatally injured at work."[6]

In a report covering the two year period 2003-2004, the Massachusetts Health Surveillance Program of the Massachusetts Department of Public Health reported 150 fatal injures at work. The Agriculture, Farming, and Fishing industrial sector had 13% of the fatalities (19). All but two of those fatalities were fishers. The incidence rate for this industrial sector for the two–year period 2003-2004 was calculated at 81.7 deaths per 100,000 workers.[7] This figure (81.7) is comparable to the 2004 incidence rate of 86.4 (see Table 2) for the national incidence of fishing fatalities, but is 35 times higher than the state incidence rate (2.3/100,000 workers) for fatal injuries at work for Massachusetts.

The U.S. Coast Guard recently provided data to the Maine Department of Marine Resources that cites 138 fishing deaths for the 13 year period from 1993 through 2005 for District I (Northeast).[8] For Maine only for the period 1989 to 2003 there were 48 deaths of which 11 were man overboard, 10 due to sinking, 9 deaths while diving, and 6 each from capsize and unknown causes.[9] Most sinkings are preventable; they result from poor maintenance of equipment; failure to replace tired equipment, and inadequate attention to the integrity and stability of the vessel. Loss of life associated with capsize is often related to safety gear such as EPIRBs, life rafts and survival suits that are poorly maintained, improperly installed or stored, and lack of knowledge as to how to deploy the safety equipment.

With respect to individual fisheries, Coast Guard data for District I from 1993 through 2005 show the trawler and lobster fisheries leading with 38 and 31 fatalities in the 13 year period followed by scallopers, clam diggers, and divers (urchins/lobsters).

Figure 1. Fatalities by Fishery, 1993-2005 for USCG District 1 (NE)



Within each fishery there are hazards that are fishery-specific/gear-specific. In the lobster fishery, for example, a large number of casualties are the result of entanglement of fishermen in trap line, the line or rope, attached to the lobster pots. Entangled lobstermen can be pulled overboard as the lobster pots are thrown back into the water; pinned under and wash rail or at the transom (stern) of the boat and eventually may end up overboard;

or, in a less serious accident, could lose a glove or a boot. A study of 103 lobstermen that I conducted through the Harvard School of Public Health, NIOSH-funded Education and Research Center, in collaboration with others including Dr. Jennifer Lincoln and Dr. George Conway of the NIOSH Alaska Field Station, found that 70% of lobstermen interviewed reported that they had been entangled to the extent that they had been pulled overboard, pinned at the transom, or lost an article of clothing.[10] A subsequent publication of the study results entitled "Dangers of Entanglement during Lobstering" appeared in the "Workplace Solutions" series published by the Department of Health and Human Services in August 2005.[11]

As in most industries there are also near-misses and many injuries that are not fatal. A young New Hampshire lobsterman, fishing on October 31, 2006, was pinned to his transom by trap line that was wrapped around his thumb and forefinger; he was pulled into the water while trying to extricate himself and spent over an hour in 45 degree F water before being rescued by a near-by boat. He was fortunate to be alive and was eager to share his accident at the 2007 Maine Fishermen's Forum in Rockland Maine, so that other fishermen could benefit from his "lessons learned" and would see the importance of carrying a knife and wearing a personal floatation device (PFD).[12]

In addition to entanglement injuries fishermen can sustain other work-practice injuries they can be caught in line, wire, winches, rotating shafts; can be struck by dredges and booms, can be thrown or fall overboard during gear-setting work. Safe-practice and regulations need to address both vessel integrity and human factors. They need to focus on prevention of injury, fatality and vessel loss as much as on being able to survive until rescued.

II. Lack of Parity/Need for Parity

The Commercial Fishing Industry Vessel Safety Act of 1988 (CFIVSA) was a major step forward nearly 20 years ago in terms of providing a regulatory framework in which many safety issues could be and were addressed. However, as with all regulations, the ideal set of regulations is often compromised in favor of requirements that multiple parties can support. Legislators and their constituencies settle for gaps, inconsistencies, and lack of parity in order to take the first steps to put something on the books. In the process of enforcing new regulations, limitations may surface which necessitate revision of the regulations. The CFIVSA is no exception.

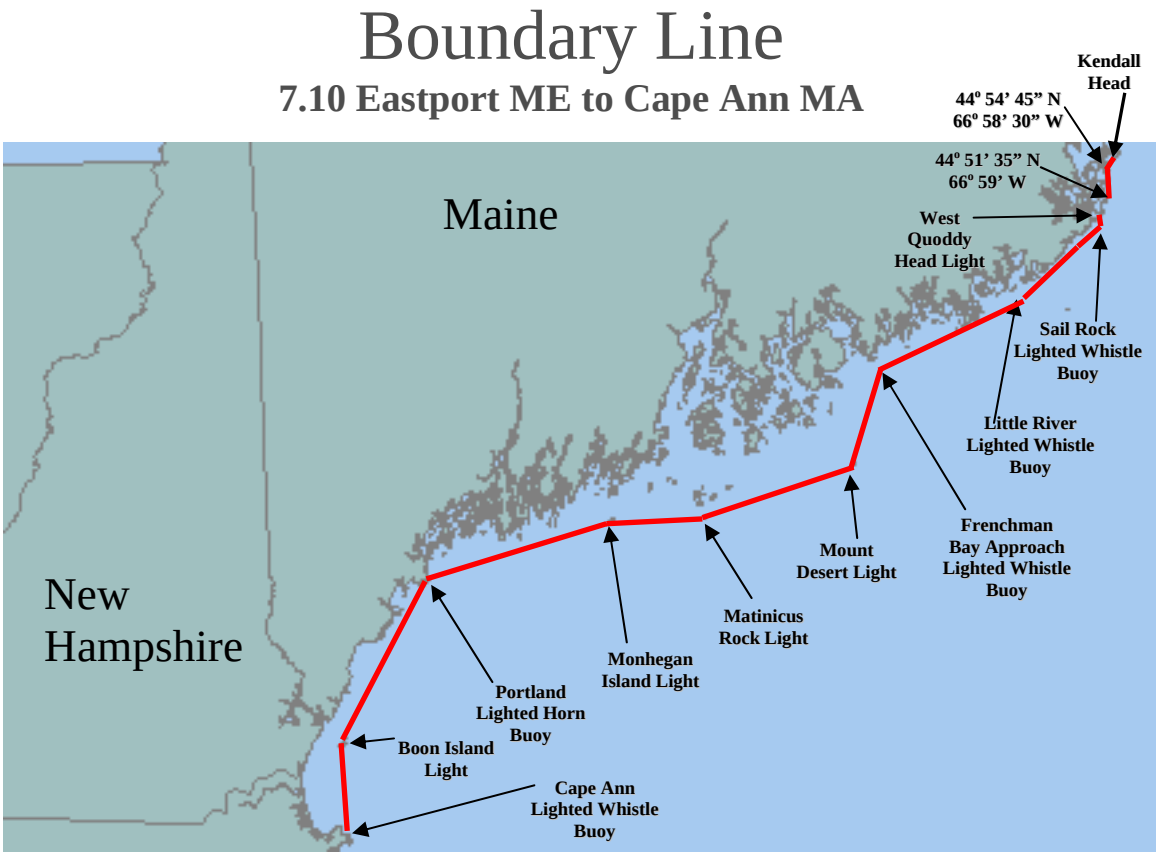
One of the major limitations that has surfaced within the safety and enforcement community in the last ten to fifteen years is the lack of parity in the CFIVSA regulations between documented vessels and state numbered vessels. In order to be documented a vessel must measure over five net tons (which is a measure of volume not weight), and it must be "wholly owned" by a U.S. citizen. Under certain conditions corporations, partnerships and other entities can be deemed a citizen for this purpose. The U.S. Coast Guard National Vessel Documentation Center provides this text to explain vessel documentation. "Vessel documentation is a national form of registration. It is one of the oldest functions of Government, dating back to the 11th Act of the First Congress.

Documentation provides conclusive evidence of nationality for international purposes, provides for unhindered commerce between the states, and admits vessels to certain restricted trades such as coastwise trade and the fisheries."[13] Some vessels will be exempt from documentation, but for our purposes, every vessel measuring over five net tons, American owned, and engaged in fishing the navigable waters of the U.S. must be documented. The markings for documented vessels do not include numbers on the port and starboard hull, but vessel name and homeport marked as specified and a numeric marking inside the hull preceded by "No."

Vessels with numbers on the bow are "state numbered" vessels and are registered with the state. However some states require that documented vessels be registered with the state; in this case, they are marked as documented vessels (do not have state numbers on the bow).

The lack of parity between federally documented and state numbered vessels can be seen in Table 3. Listed are only those items in the CFIVSA in which there is a difference between what is required of documented vessels and of state number vessels.

The Boundary Line, as my colleague Robert Baines, a fisherman from Maine, will point out, is an arbitrary line that zigzags around the U.S. basically from light house to light house. It was originally for customs demarcation. In Maine, with its peninsular-studded coast line, the Boundary Line is sometimes close to shore and in other places it is miles out to sea.



Documented and state numbered vessels can be fishing side by side beyond the Boundary Line and the state numbered vessels will not have to have first aid equipment and training; guards for exposed hazards such as trawler winches; navigation information such as charts, tide tables; a compass; anchors and radar reflectors; a general alarm or loud speaker system; communication equipment such as a VHF radio; a high water alarm; a bilge system such as a bilge pump and hoses; an electronic position fixing device such as a SAT, NAV, GPS, LORAN, OEMGA, or RDF; emergency instructions consisting of distress call directions, roles, emergency signals and special procedures etc.; or instructions, drills, and safety orientation. Table 3, summarizes those requirements of the CFIVSA where there is no parity between documented and state numbered vessels.

Table 3. Comparison of CFIVSA Requirements for Documented and State Numbered Vessels - 46 CFR (unless otherwise mentioned)
Only items where parity is lacking are mentioned

	Documented Vessels	State Numbered Vessels
Personal Flotation Devices and Immersion Suits 28.105 General Requirements 28.110 Number and Stowage 28.135 Markings 28.140 Maintenance	Immersion suits in cold waters, and beyond the Boundary Line.	Immersion suits in cold waters BUT immersion suits not required beyond the Boundary Line.
Survival Craft 28.120 General Requirements 28.125 Stowage 28.130 Equipment 28.135 Markings 28.140 Maintenance		Lesser requirement than documented if have 16 people or fewer on board.
Additional Requirements for Documented Vessels Operating Beyond the Boundary Line		
	Documented	State Numbered
Fireman's Outfits and Self-Contained Breathing Apparatus 28.205	Required if more the 49 people on board	Not likely to be more that 49 people on board
First Aid Equipment and Training 28.210	Required	Not required
Guards for Exposed Hazard 28.215	Required	Not required
Navigation Information 28.225	Required	Not required

	Documented	State Numbered
Compass 28.230	Required	Not required
Anchors and Radar Reflectors 28.235	Required	Not required
General Alarm System 28.240	Required	Not required
Communication Equipment 28.245, 28.375 33 CFR 26.03 47 CFR 80	Required	Not required
High Water Alarms 28.250	Required	Not required
	Documented	State Numbered
Bilge Systems 28.255	Required	Not required
Electronic Position Fixing Devices 28.260	Required for vessels 79 feet or longer	Not required
Emergency Instructions 28.265	Required	Not required
Instructions, Drills and Safety Orientation 28.270	Required	Not required
End of chart		

The financial impact to an owner of a state numbered vessel who upgrades his vessel to match the requirements associated with the federally documented vessel would be on the order of $3200-$4000 assuming he had on board the usual items such as a compass and an anchor, a fixed mount VHF, radar reflector, electronic position fixing devices, Nav information, and winch guards. Although there is some expense to matching the requirements of the documented vessels, the amount is manageable. The largest single purchase in this calculation was an inflatable buoyant apparatus at $2400.

The lack of parity has significant safety and rescue implications in the fishing community. The documented vessel owners have to invest more money in their safety equipment, but in so doing they increase their ability to 1) prevent accidents; 2) respond to incidents such as a flooded bilge, ruptured hull or hoses, injury, illness; and 3) to call for help and survive until rescued. In Maine only one third of the 6,455 commercial license holders use documented vessels (2101 in the year 2007); thus two-thirds of the commercial license holders are fishing in state-numbered vessels beside the documented vessels; the state numbered vessels without a full complement of required devices have less than optimal prevention, response and survival equipment;[14] and they are at much greater risk in terms of loss of life, vessel, future earning capacity, and financial assets.

The Maine Commercial Fishing Safety Council has debated how to address the parity issue. The members of the Council have developed a Maine Fishing Safety Requirements Matrix using the CFIVSA as a foundation and augmenting the requirements where needed in order to reflect what the Council believes is "safe practice" and common sense especially given that the fishing environment in Maine is basically a "cold water" (59^{o} F/15^{o}C) environment year round. The Maine Fishing Safety Requirements Matrix (hereafter, Maine Safety Matrix) has dispensed with the Boundary Line and built safety requirements based on, a) length of vessel (less than 16', 16'-26', and 26' and over), and b) miles from shore (inside 3 miles, between 3 and 12 miles, beyond 12 miles). The Council would support further simplifying these requirements by making the 3 mile line the only line used to determine what safety equipment is required.

The commercial fishing safety requirements listed in the Maine Safety Matrix are more stringent than those in the CFIVSA, and in spite of the fact that they would apply to state numbered vessels, the Council has learned that because the U.S. Coast Guard authority pre-empts the states from making regulations for the commercial fishing industry, Maine cannot go forward with regulations for its state-numbered vessels. Discussions between Maine's Attorney General and legal counsel for the U.S. Coast Guard have taken place. Some options for changing the commercial fishing safety regulations in order to improve safety requirements and address the lack of parity are 1) to pass federal legislation that allows the U.S. Coast Guard to grant to states that want to establish state commercial fishing safety requirements (applicable to state numbered vessels) the authority to develop, enact, and enforce safety legislation in consultation with the U.S. Coast Guard; 2) to amend the CFIVSA to include requirements for state numbered vessels that currently only apply to documented vessels beyond the Boundary Line; or 3) to undertake a wholesale revision of the CFIVSA and, in the interest of parity, prevention of accidents, preservation of life, and promotion of safe practice, dispense with the Boundary Line as a qualifier and use a simpler framework such as the 3 mile line that is easily understood and readily enforceable.

Examples follow showing how regulations based on the Maine Safety Matrix would change current requirements for state numbered vessels:

1. In addition to the requirements specified in the CFIVSA, vessels 16 feet and over fishing inside the 3 mile line would have to have compass, anchor, radar reflector, USCG-approved First Aid Kit, and a dewatering device (if 16-26 feet in length, or a bilge pump (if over 26 feet in length).

2. In addition to the requirements specified in the CFIVSA, all vessels, regardless of length fishing between the 3 mile line and the 12 mile line would be required to have compass, anchor, radar reflector, USCG-approved First Aid Kit, high water alarm, bilge pump, immersion suits with USCG-approved light and tape marking, VHF with separate power source and an electronic position fixing device.

3) In addition to requirements specified in the CFIVSA, all vessels fishing outside the 12 mile line would be required to have all of the items in #2 plus an inflatable buoyant apparatus.

In the proposed regulations specified in the Maine Safety Matrix, a high water alarm is required for all state numbered vessels fishing beyond 3 miles and for vessels over 25 feet fishing inside 3 miles. This requirement exceeds the current requirement for documented vessels; the CFIVSA only requires a high water alarm in vessels 35 feet or more fishing beyond the Boundary Line. This high water alarm is such an important early warning device, that it should be present in all documented vessels regardless of where they are fishing. Early warning may help reduce the large number of vessel losses due to sinking. However, a revision to the CFIVSA would have to be made to accommodate this requirement.

In summary, many lives have been saved since the institution of the CFIVSA in 1988. Now the lack of parity must be addressed and with regulations that reduce risk and save lives and vessels; new regulations need to be comprehensive as well as easy to understand and enforce.

There may be attendant issues regarding enforcement that should be considered at the same time as new regulations are being developed. For example, in some states and certainly in Maine, because the marine patrol infrastructure and expertise are well developed, new roles for the patrol could be possible. Compliance and enforcement are vital to the effectiveness of fishing safety regulations; although it will require revision of some authorities and initiation of new memoranda of understanding such as the memorandum between OSHA and the Coast Guard, partnerships and collaborations between marine patrol and the Coast Guard could extend manpower resources for compliance and enforcement activities.

III. Need for Training and Certification of Competency

As noted in Table 3, the CFIVSA stipulates that documented vessels fishing beyond the Boundary Line must engage in instructions, drills, and safety orientations monthly. There are presently no requirements for training and drills for crews of state registered boats. This is a major gap and a major parity issue from the stand point of the safety community and more recently the fishermen.

Various vendors around the country provide the Drill Conductor Training which enables vessel owners and/or crew of documented vessels to comply with the CFIVSA requirement. To mention a few:

AMSEA, the Alaska Marine Safety Education Association, developed a Drill Conductor Training Course in 1991 to help reduce the loss of life in Alaska which was running at roughly 38 lives a year and to address the training requirements of CFIVSA. AMSEA instructors have trained over 7,000 fishermen through 700 Drill Conductor courses, according to their website at www.amsea.org.[15] Jerry Dzugan, Director of AMSEA, who

is advocating for marine safety with us today, has developed curricula, trained fishermen, and currently serves as Chair of the Commercial Fishing Industry Vessel Safety Advisory Council (CFIVSAC).

Dating back to the 1970s, John McMillan of McMillan Offshore Survival Training, with homeport in Belfast Maine, has provided training in the East, and on the Gulf Coast as well as in other locations around the world. Mr. McMillan has offered U.S. Coast Guard-approved Drill Conductor Training since 1994.

Fred Mattera of North East Safety Training Company (NESTCo) of Narragansett, RI and Thomas Dameron of Shipboard Emergency Action Company (SEACO) of Bridgeport NJ are also approved by the Coast Guard to train drill conductors.

The designated drill conductor for each documented vessel (need not be master or crew of the vessel) as specified by 46 CFR 28.270 must provide drills and instructions monthly for "abandoning the vessel; fighting a fire; recovering a person who has gone overboard; stabilizing the vessel after unintentional flooding; launching survival craft and recovery of lifeboats and rescue boats; donning immersion suits, PFDs, fireman's outfit and SCBA; making a radio distress call and use of visual distress signals; activating the general alarm; reporting all inoperative alarms and fire detection systems."[16]

In line with addressing the parity issues cited above, state numbered vessels should have the same requirement for instructions, drills, and safety orientation as documented vessels.

The Maine Commercial Fishing Safety Council believes strongly that there should be parity with respect to safety training and that all that all fishermen should have the knowledge and skills represented by 46 CFR 28.270. Under its mandate to make recommendations to the Maine Department of Marine Resources (DMR) that improve safety in the fishing industry, the Council asked the Department to require safety training for lobster apprentices under 12 M.R.S.A. Section 6422 which authorizes the DMR to require education in addition to practical training for lobster apprentices. While the states are pre-empted by federal law from legislating fishing safety regulations, educational requirements for a fishing license can fall under the purview of the states, providing their statutes permit such rule-making.

After a number of public hearings on the rule, held in the fall of 2006, the Lobster Apprentice Program, Safety Education Course requirement became effective February 1, 2007 in Maine. The course that fulfills this requirement is the U.S. Coast Guard-approved drill conductor course.

However, this is as far as Maine can go because federal law pre-empts the states from adopting and/or enforcing federal regulations as state law. The state of Maine seeks a partnership and collaboration with the U.S. Coast Guard in order to make changes in federal law "that would allow Maine to adopt rules similar to the federal U.S. Coast Guard rules."[17]

In addition to safety training that addresses vessel safety, we need to make available training that addresses the human factors and work practices of fishing. In New England we have multiple fisheries and associated fishery-specific/gear specific risks. For example in the lobster fishery, entanglement in trap rope is a major risk, whereas in the scallop industry struck by-struck against and capsizing are major risks. Urchin divers are at risk for decompression sickness, arterial embolism, and drowning.[18] In the mobile gear fisheries where the use of nets, long lines and draggers are characteristic of the fisheries, the risks are winches and wires, struck-by/struck against, lifting heavy equipment, deck flooding, slips and falls, and man overboard. Fishery-specific risks are also related to the fishing season, for example, scallopers and others who fish in the winter in New England are at risk for icing conditions leading to capsize.

Maine's experience with fishery-specific training is well-illustrated by the urchin fishery. This fishery experienced 8 deaths between 1989 and 1993.[19] The report of Maine's response to this loss of life was provided by Major John Fettermen of the Maine Department of Marine Resources to the Alaska Diving Safety Workshop held July 25, 1997. The NIOSH Current Intelligence Bulletin 58 reported on Maine's response to these deaths stating that Maine passed "emergency regulations to require (1) persons to be a resident of Maine to participate in the fishery, (2) divers must show proof that they are certified in basic open water diving from any recognized national association, (3) both divers and tenders must attend a competency class, and (4) tenders must be licenced [licensed, sic] by attending a competency class. Since the implementation of this program in 1994, only one diver has been killed."[20]

The success of this training project in the urchin fishery is well-supported by the fact that we can still report in 2007 that not since 1994 has there been a death in the urchin fishery.

The lobster fishermen and those fishing on draggers and trawlers could also benefit from fishery-specific training in New England. A few steps have been taken in that direction. At the conclusion of the lobstermen entanglement study 2000,[21] the Harvard NIOSH Education and Research Center funded a risk communication flyer/poster "Lobstering Safety Secrets Revealed" that describes entanglement in trap rope and offers suggestions from lobstermen for reducing the risk of entanglement. While not a course, this communication has been widely distributed in Maine, provided to the U.S. Coast Guard to distribute during voluntary dockside exams, and discussed at the annual Maine Fishermen's Forum in Rockport, Maine. A similar risk communication notice was developed by Dr. Jennifer Lincoln and others and published in the Workplace Solutions series as noted previously.

The FISH SAFE column in *Commercial Fisheries News* has become a vehicle for fishery-specific education as well. The realization of a "culture of safety" in the northeast fishing industry is growing thanks to awareness and advocacy efforts of groups such as the Maine Commercial Fishing Safety Council, the Maine Fishermen's Forum, the Island Fishermen's Wives, the Maine Lobstermen's Association, the Downeast Lobstermen's Association, the Massachusetts Hook Fishermen's Association, the Massachusetts

Fishermen's Partnership, the Gloucester Fishermen's Wives Association, the MIT Sea Grant Program, FISH SAFE – *Commercial Fisheries News*, SAFE BOAT – Commercial *Fisheries News*, The Voice of Safety – The *Fishermen's Voice*, Consequences – *National Fishermen* and National Fishermen.com, Boat Expositions, and others.

The Northeast could benefit tremendously from the availability of grant money for accident research and injury surveillance, as well as for fishery-specific research in the Northeast such as that undertaken by the Harvard-NIOSH Education and Research Center in 1999-2000. Grant money that could be used in partnership with fishing safety advocates would support the development of best practices curricula for the northeast fishing community, improve risk communication, and increase safety competency. It is vital to the support of infrastructure for the "culture of safety" we are working to promote.

Although not the only available avenue for fiscal support of fishery-specific research, the NIOSH National Occupational Research Agenda (NORA) could be very helpful in laying the fiscal foundation for future research in this area.

The U.S. Coast Guard has been very helpful in working with us researchers and advocates to provide data to support our work. We very much hope that this partnership with researchers safety professionals, and curriculum developers can continue, and we welcome opportunities to collaborate to continue to improve the quality of data and therefore of research about and risk communication to the fishing community.

IV. The Maine Commercial Fishing Safety Council

The Maine Commercial Fishing Safety Council was duly constituted on April 25, 2003. It is a unique organization; no other state has a formal organization based on an industry-driven initiative. The majority of 15 council members are fishermen, and they represent the range of fisheries in Maine from clams to urchins. The other members of the Council are a spouse, a member of the public, a marine surveyor, a safety equipment expert, an occupational health and safety instructor, and a community-based adult educator.

The strength of the Council today is grounded in the fact that the members of the task force that established the purpose of the Council required consensus on all principles of organization. The principles that guide the Council are: parity for all vessels, safety and fishery-specific training, and the cornerstone principle that fishing safety is an industry-driven initiative. Accomplishments to date include development of the Maine Fishing Safety Requirements Matrix; Harbor Visits, a program that provides dockside exams and dockside education as a collaboration between the U.S. Coast Guard Marine Safety Office in Portland, ME and the Maine Marine Patrol; the establishment of a new Lobster Apprentice Program Safety Education Course effective February 1, 2007; and three open meetings at the annual Maine Fishermen's Forum.

This Council is laying the ground-work for the establishment of an infrastructure to improve fishing safety in Maine. In the document transmitted to Governor Angus King

in September 2002, recommending the establishment of the Council, the members stated that, "There was universal agreement that the spirit and intent of this initiative must be to inculcate a culture of safety in the commercial fishing fleet…." [22] That it seems is our job in Maine and throughout the United States.

V. Summary and Recommendations

1) The CFIVSA is working; the number of fishing fatalities has decreased over the past 20 years. However, the incidence of work-related fatalities in the fishing industry is still unacceptable at 86.4 per 100,000 full time workers. The pain and economic disruption to families resulting from these losses is often devastating. We want our fishermen to come home at the end of the day. We want to prevent fatalities, injuries, and vessel losses.

2) Parity in the fishing regulations between federally documented and state numbered vessels is vital to the safety of the fleet. It makes safety-sense.

3) Legislation that permits states to promulgate safety regulations or other mechanisms that allow states to address local fishing safety concerns are much needed. Partnerships and collaborations with the Coast Guard to promote the safety of the fleet and the vitality of the fishing industry should be fostered.

4) Education and training are the backbone of a safe fleet. Training for competency should be based on reliable surveillance data, incorporate the traditional topics, address safety issues that surface from reports of contemporary casualties, and be fishery-specific. It must be responsive to the concerns and realities the fishermen and the individual fisheries.

Thank you for this opportunity to testify and join with you to promote commercial fishing safety.

END NOTES

[1] U.S. Senate. Tuesday, Feb. 27, 2007, 153 Cong Rec S 2275, Vol. 153, No. 33. Text from "Statement on Introduced Bills and Joint Resolutions". Available from LexisNexis® Congressional; Accessed: April 14, 2007.
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[4] State of Massachusetts Department of Public Health Occupational Health Surveillance Program. Fatal Occupational Injuries in Massachusetts 1991-1999. 2002. p. 36. Cf. www.mass.gov/dph.ohsp.

[5] Drudi. D. Fishing for a Living is Dangerous Work, Fatal Workplace Injuries in 1996: A Collection of Data and Analysis, BLS, June 1998.
[6] State of Massachusetts Department of Public Health Occupational Health Surveillance Program. Fatal Occupational Injuries in Massachusetts 1991-1999. 2002. p. 36. Cf. www.mass.gov/dph/ohsp.
[7] Massachusetts Department of Public Health Occupational Health Surveillance Program. Fatal Injuries at Work: Annual Updates 2003-2004. September 2006. p. 3. Cf. www.mass.gov/dph/ohsp.
[8] USCG Division I. Exhibit provided as testimony in support of the safety education for lobster apprentices. Sponsored by Maine Department of Marine Resources. 2007.
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