

Testimony of

of

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Before the

United States House of Representatives

**SUBCOMMITTEE ON COAST GUARD &
MARITIME TRANSPORTATION**

HEARING

on

Commercial Fishing Vessel Safety

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Good morning, Mr. Chairman, and members of the subcommittee. I am Blaine Collins, Vice President and Regional Manager of Det Norske Veritas Americas. I am honored to have this opportunity to discuss the issues of fishing vessel safety with particular emphasis on how we can make the fishing industry safer.

Det Norske Veritas (DNV) is one of the world's leading classification societies and has worked to improve safety at sea since 1864. Indeed, our corporate objective is safeguarding life, property and environment by managing risk.

In my testimony today, I will describe the classification process and why it is a logical and necessary step for improving the safety of fishing vessels. Indeed, classification is a well-recognized and key element of the maritime safety regime. In addition, I will briefly discuss other key elements of the maritime safety regime, specifically; the International Maritime Organization (IMO), a United Nations organization, Safety of Life at Sea (SOLAS) convention and our views on the corresponding national regulations for the inspection and regulation of fishing vessels. Finally, I will brief the committee on the Torremolinos International Convention for the Safety of Fishing Vessels, an IMO Convention, and the benefits of requiring classification for fishing vessels as well as a Fishing Vessel Safety Certificate, issued by a classification society on behalf of the Flag Administration.

DNV currently classifies more than 5,000 ships totaling more than 110 million grt. This constitutes more than 16 percent of the world's fleet in tonnage terms. 720 of the vessels classified by DNV are fishing vessels and there are approximately 20 fishing vessels under construction to DNV classification rules.

Ship Classification is a system for safeguarding life, property and the environment at sea. It entails regular and periodic verification against a set of requirements during design, construction and operation of ships and offshore units. These requirements are based on

the accumulated experience from DNV's large classed fleet, research and development and more than 140 years of experience and are published as classification rules. Our highly trained and professional surveyors stationed around the world work with customers to ensure compliance throughout the lifetime of the classified vessel or object.

Classification rules are developed to contribute to the structural strength and integrity of the essential parts of the ship's hull and its appendages, and the reliability and the function of the propulsion and steering systems, power generation and those other features and auxiliary systems which have been built into the ship in order to maintain essential services on board for the purpose of safe operation of the ship. In establishing its rules, a class society may also draw upon the advice of leading members of the industry who are considered expert in their field.

Classification has proven benefits for maritime safety. However, I would be less than thorough if I did not also list some of the things that classification societies can not do. Classification societies are not guarantors of safety of life or property at sea or the seaworthiness of a vessel because the classification society has no control over how a vessel is operated and maintained in between the periodic surveys which it conducts. The owner has a clear obligation to properly maintain and safely operate the vessel. Classification can, however, assist the owner in meeting these responsibilities. The owner of a ship that has been designed, built and tested in accordance with the appropriate rules of a class society may receive a certificate of classification from that society after the society has verified, upon completion of relevant plan approval and surveys, that the ship complies with the rules.

All classification surveys are carried out by highly trained and qualified surveyors using mainly visual inspection and sampling techniques.

Should any defects that may affect class become apparent, or damage be sustained, in between the periodical surveys, the owner of the ship is required to inform the classification society without delay.

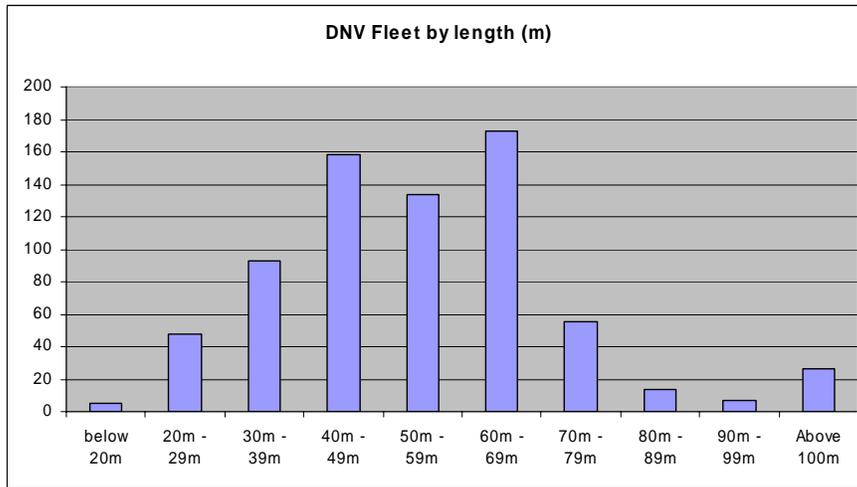
A ship is maintained in class provided that, in the opinion of the class society:

- The ship has been presented for surveys in accordance with the classification rules;
- The surveys confirm that the condition of the hull, machinery, equipment and certain appliances remain in compliance with the applicable rules at the time of the survey.

Classification societies may also act as Recognized Organizations for Flag States, verifying the vessel's compliance with international and/or national statutory regulations. DNV has been authorized to perform these statutory surveys and issue certificates on behalf of more than 130 Flag Administrations, including the United States. Today, there are 63 US flag vessels classified by DNV, including fishing vessels.

Exhibit 1 shows the distribution of the DNV classed fishing vessels by length. As you will note, the majority of the fishing vessels are greater than 24 meters (79 feet), which is also the minimum vessel length for a number of technical and safety requirements, such as the International Load Line Convention.

Exhibit 1 (DNV Fishing Vessels by Length)



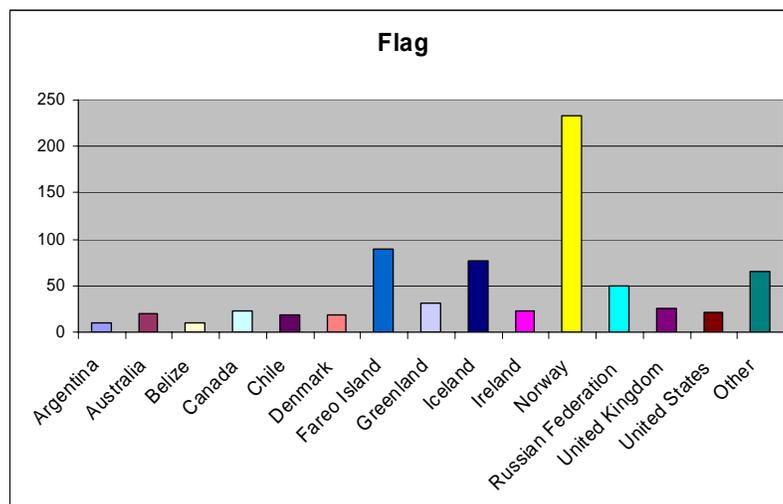
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Exhibit 2 shows the distribution of DNV classed fishing vessels by flag, clearly showing the leading fishing nations of the world, including the United States.

Exhibit 2 (DNV Fishing Vessels by Flag)



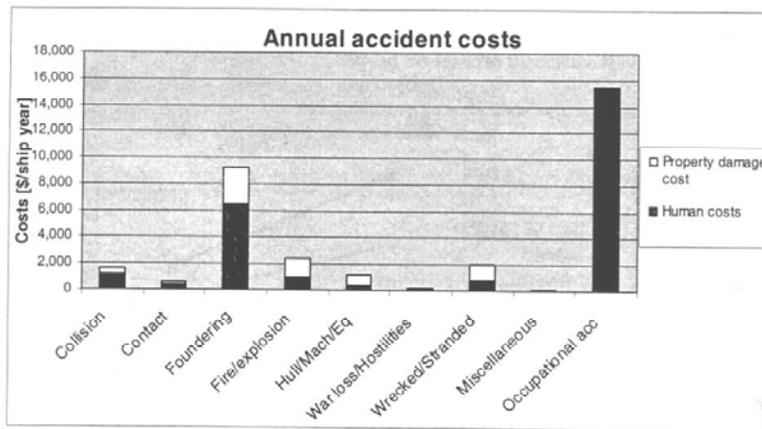
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Exhibit 3 is graphical evidence of the need for further actions to enhance fishing vessel safety, specifically including classification as a requirement for all fishing vessels over 24 meters (79 feet) in length. Please note that foundering, which includes capsizing and other stability related causes, is the second highest category of human and property damage costs, with a combined total of more than \$9,500 per ship per year.

Exhibit 3 (Costs of Human and Property Damage Accidents)
(Formal Safety Assessment 2003)



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Ship classification is a key element in the maritime safety regime and it has served the entire maritime industry, including flag administrations, well for over 140 years and it has led a number of technical, safety and operational initiatives that have improved maritime safety. Classification has demonstrated its ability to adapt and respond to new technologies and new safety and environmental challenges.

The SOLAS Convention in its successive forms is generally regarded as the most important of all international treaties concerning the safety of merchant ships. The first version was adopted in 1914, in response to the Titanic disaster, with successive updates

through today, reflecting technical advances and societal requirements and expectations for safety.

The main objective of the SOLAS Convention is to specify minimum safety standards for the construction, equipment and operation of ships. Flag States are responsible for ensuring that ships under their flag comply with its requirements, and a number of certificates are prescribed in the Convention as proof that this has been done. Surveys and issuance of these certificates are typically delegated to recognized classification societies by the Flag State.

Curiously, SOLAS does not apply to fishing vessels and this is probably a major reason why fishing remains a high risk occupation. In the absence of common international regulations, national regulations have, unfortunately, become unavoidable. A consequence of national versus international regulations, however, is that two fishing vessels operating in the same waters may be subject to very different national regulations.

Title 46, United States Code, Chapter 45 focuses on fire safety, life saving, navigation and radio equipment. Although the present regulations are fairly vague with regard to the quantity, size, location, type of equipment, minimum standards and certification requirements, they have greatly improved fishing vessel safety by prescribing the safety and lifesaving equipment that must be on board a fishing vessel. While it is encouraging that this has led to a decline in the number of deaths, there has not been a corresponding decrease in the number of actual fishing vessel casualties. Clearly, this indicates that the technical aspects of the vessel, particularly the strength of the hull structure, the stability of the vessel, watertight integrity and the reliability of propulsion and machinery equipment, all of which are fully considered in the classification system, are necessary to further improve fishing vessel safety. In fact, the present regulations do not contain any requirements for the hull structure and reliability of the machinery and propulsion equipment. Indeed, accident statistics show that the major reasons for accidents onboard

fishing vessels are related to water ingress and personnel injuries while operating equipment. Simply stated, the safety and lifesaving equipment regulations are helpful, but the safety of fisherman can be greatly improved if we take steps to minimize the loss of the vessel due to foundering, collisions and propulsion or machinery failures and operation of equipment. Classification is the internationally accepted, well-established and effective system that achieves these goals for the world's large cargo and passenger vessels. It should be mandatory for all fishing vessels greater than 24 meters in length.

Globally, the safety of fishing vessels has been a concern for many years. In 1977, the United Nations International Maritime Organization convened a convention for fishing vessel safety in Torremolinos, Spain. The convention was never ratified, but the protocol has been included in the European Union Council Directive 97/70/EC. This directive is intended to fill the gap created because SOLAS requirements do not apply to fishing vessels and it is often regarded as "SOLAS for fishing vessels". Most coastal nations in Europe have made this directive part of their national regulations. Fishing vessels that comply with this EU directive are issued a Fishing Vessel Safety Certificate. DNV is authorized to issue these certificates on behalf of European Flag Administrations.

Most of the requirements in the Torremolinos protocol are covered by the DNV classification notation +1A1 FISHING VESSEL E0. In general, this classification ensures safety of fishing vessels greater than 24 meters (79 feet) by:

- Applying similar structural strength and equipment integrity as for cargo ships
- Includes vessel stability requirements
- Includes requirements specific to fishing vessels, such as the safe arrangement of equipment on deck , drainage and shifting of cargo in vessel holds

Similarly, most European flags now require:

- Fishing vessels to be built according to the rules of recognized classification societies, especially for structural strength
- Classification societies to ensure that stability requirements are met
- Safety training and certification of the crew
- Specific safety equipment to be on board, such as type, number, location, standards and certification requirements for life saving, fire fighting, navigation and other equipment

DNV also notes that many fishing vessel owners and operators are interested in classification for their vessels to obtain the following benefits:

- Internationally recognized rules and standards for construction, maintenance and operation
- Lower insurance premiums
- Increased safety for crew, both survivability and equipment operation
- Better resale value of vessel

In conclusion, DNV strongly encourages the United States:

1. Require classification of all fishing vessels greater than 24 meters in length by a recognized classification society
2. Adopt the requirements of the Torremolinos Convention

Finally, in implementing these two recommendations, DNV urges the United States to seek international solutions and regulations to the maximum extent possible, rather than Federal or State regulations. This will provide a uniform standard throughout the world, where many fishing vessels trade regardless of their flag, in a transparent and predictable regulatory regime. DNV pledges to do its part to assist the United States and to work

with the rest of world to achieve real and measurable improvements in fishing vessel safety. Together, and in this fashion, I am confident that we can greatly improve the safety of fishing vessels and the fishing industry for the all countries, including the United States.

I thank the subcommittee for its interest in our views and for this opportunity to share some of our thinking with you. I will be happy to respond to your questions.