

**SUBCOMMITTEE ON COAST GUARD AND MARITIME  
TRANSPORTATION  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
U.S. HOUSE OF REPRESENTATIVES  
ON  
COMMERCIAL FISHING VESSEL SAFETY  
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**TESTIMONY OF  
LESLIE J. HUGHES, EXECUTIVE DIRECTOR  
NORTH PACIFIC FISHING VESSEL OWNERS' ASSOCIATION  
(NPFVOA) VESSEL SAFETY PROGRAM  
1900 West Emerson, Suite 101  
Seattle, Washington 98119  
206-285-3383  
[leslie@npfvoa.org](mailto:leslie@npfvoa.org)  
[www.npfvoa.org](http://www.npfvoa.org)**

Good morning, Mr. Chairman and distinguished members of the Subcommittee. Thank you for the opportunity to testify today on commercial fishing vessel safety. My oral statement will be brief, but I request that my full written statement be entered on the record.

I am Leslie Hughes, Executive Director of the North Pacific Fishing Vessel Owners' Association (NPFVOA) Vessel Safety Program, a non-profit organization totally dedicated to safety training and education of commercial fishermen. Our facility is located in Seattle. I have worked for NPFVOA since the Vessel Safety Program's inception 22 years ago and prior to that I worked for a leading Northwest naval architect and maritime law firm. During my career I have worked closely with many government agencies and served nine years on the Coast Guard Commercial Fishing Industry Vessel Safety Advisory Committee (CFIVSAC). I was recently re-appointed to that committee for a three-year term.

The NPFVOA Vessel Safety Program was developed in 1985 in cooperation with U. S. Coast Guard as a voluntary effort to improve the poor safety record of the commercial fishing industry in the North Pacific. There are several key concepts upon which this program is built that can provide lessons for the future of safety in the industry. The success of the program is evidenced by attendance in NPFVOA's courses, which now exceeds 33,000, of which 70% is voluntary and not required by the Coast Guard.

It is extremely important that a program like this is built upon a cooperative effort between industry and Coast Guard. Such a program must have a local or regional focus, be part of a community, and be integrated into the fishing industry. We maintain that our program is "by fishermen, for fishermen". We raise funds to support NPFVOA mostly by vessel dues for membership, by

class fees and by charging for educational materials that we have developed. Having a vessel membership is important as it further builds community involvement, and helps to create a “safety culture”.

A successful program must be highly professional, but need not be large in scope or expensive to operate. We built this program through education and training with a small staff of three professionals and many experts hired on a contract basis to teach classes and provide special instruction. Training must be of high quality and taught by experts in their fields. This program’s instructors, as well as its staff, remain in solid contact with local fleets and fishing organizations and are “hands on.” We offer 14 Coast Guard-approved safety classes and numerous workshops on topics needing to be addressed. Training must be versatile, specific to types of vessels and their operating conditions. This program has a working classroom in addition to providing training dockside and onboard vessels.

Although NPFVOA’s courses are portable, our program has been and remains focused on a very diverse fleet that home ports in the Seattle area and operates primarily in Alaska. (Seattle-area vessels account for about 85% of the catch in Alaska, which equates to approximately 55% of the nation’s entire seafood harvest.) From a training perspective, the diversity of our fleet has positives and negatives. The fleet ranges from 32 ft gill net vessels operated by crews of one or two people to 350 ft factory trawlers with crews of more than 120 people with diverse jobs and skills. I think the fact that 70% of our training attendance is voluntary is evidence that a “safety culture” has evolved in the Pacific Northwest. Training levels are active in this region, and the strong infrastructure of quality training entities in the Pacific Northwest and Alaska in addition to NPFVOA, such as the Alaska Marine Safety Association (AMSEA), has been a big factor in reducing fatalities. Safety training is key to improving how casualties can be prevented, and how people respond if faced with an emergency.

As a final key concept, the Commercial Fishing Industry Vessel Safety Act of 1988 (ACT) definitely provided a springboard to national standards for improving safety aboard fishing vessels, but this act has been most effective when enforced and when supported by pro-active industry organizations. For the future, there should be more local programs developed by industry and supported on a cooperative basis by the Coast Guard. A cooperative relationship does not preclude the Coast Guard from taking enforcement actions when necessary. Industry-government partnerships are good partnerships that help establish a strong “safety culture”.

At this point I would like to provide my observations on the extent to which the statutes in 1988 have led to improved safety or resulted in shortcomings.

- The Act focused on requirements for carriage of survival equipment designed to improve survival rates in the event of an incident, along with some minimal training requirements. This was an

extremely important first step, but has not generated a program of accident prevention.

- Coast Guard enforcement of the regulations has been inconsistent from region to region. Those regions where enforcement is weak have experienced reduced safety improvements.
- Coast Guard oversight and enforcement is vital to improving fishing vessel safety. Future enforcement efforts should be conducted at the dock, instead of at sea, before the vessel leaves port.
- Stability standards for vessels less than 79 ft have not been published by the Coast Guard and are long overdue.
- The Act's call for a plan to require that operators be certified and vessel inspections be conducted has never been resolved.
- After nearly 20 years, the vessel casualty statistic compilations required by 46 USC 6104 have not been activated and there has been no real substitute offered. It is extremely difficult to track casualty rates over time and measure success without reliable and complete casualty information, which is critical for determining where additional enforcement action is needed. Regionally, the statistical information provided by the National Institute of Safety and Health (NIOSH) has been extremely useful and has developed several intervention strategies. NIOSH's work should be considered to be a model for a national program.
- I would like to see the Coast Guard's outreach increased by the timely sharing of lessons learned.

While the Act made improvements to the industry's *response* capabilities, the current need is to improve the *prevention* of casualties. Some changes to how certain fisheries are managed have contributed to prevention of casualties. Some Coast Guard actions taken in Alaska demonstrate how Coast Guard oversight can be effective. Specific examples are:

- Based on continuing losses, the Bering Sea crab fleet was identified as "high risk". From 1999 to present a program of dockside preseason compliance examinations was initiated to check vessel loading, and resulted in a 75% reduction of fatalities.
- Beginning in 2004 several "high risk" fleets were required to actually *demonstrate proficiency* in conducting drills.
- To reconcile regulatory definitions and material requirements for a group of processing vessels, an Alternative Compliance Program was developed. This program has resulted in substantial vessel improvements and increased training for the crews.

All of these programs, in spite of monetary impacts, have received very strong support including active involvement with detail from the affected segments of the industry. The Coast Guard's initiatives in Alaska are clear examples of results achievable on a regional basis through clear identification of specific "high risk" activities and applying specific action to mitigate hazards.

There are several simple additional changes to the Act that I think would improve fishing vessel safety:

- Eliminate the disparity between documented and state numbered vessels by requiring both to comply with the regulations. There is no reason that state numbered fishing vessels should not be required to meet the same requirements and be exempt from safety training. This change can be easily achieved by modifying 46 USC 4502 (b) and striking the word "documented", and replacing the reference to "Boundary Line" with "3 miles."
- Require that monthly drills be logged.

To conclude, speaking for the Pacific Northwest and Alaska, there is no doubt that significant improvements to safety have occurred since the early 1990's. NIOSH reports there has been a 51% decline in fatality rates among commercial fishermen in Alaska from 1990 to 2006. I believe such statistics are largely due to the safety training infrastructure that exists in this region, with organizations like NPFVOA, AMSEA and other private trainers; the emphasis on oversight of the industry and proactive initiatives by the Coast Guard in this region; and the "safety culture" that has evolved, with many fishermen treating safety as a priority and going way beyond the minimum requirements.

Thank you for the opportunity to share my observations.