U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

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April 20, 2007

SUMMARY OF SUBJECT MATTER

TO: Members of the Subcommittee on Coast Guard and Maritime Transportation

FROM: Subcommittee on Coast Guard and Maritime Transportation Staff

SUBJECT: Hearing on Commercial Fishing Vessel Safety

PURPOSE OF THE HEARING

On Wednesday, April 25, 2007 at 10:00 a.m. in 2167 Rayburn House Building, the Subcommittee on Coast Guard and Maritime Transportation will meet to examine the safety of U.S. commercial fishing vessels and the extent to which the statutes adopted in 1988 have led to improved safety and to explore strategies that permit the industry and the Coast Guard to implement changes that **prevent** casualties on commercial fishing vessels from occurring; second that **minimize** the effect of the casualty, given that it has occurred; and third **maximize** lives saved, given that the vessel must be abandoned.

BACKGROUND

A Most Hazardous Industry

Commercial Fishing is the most hazardous occupation in the United States according to the Department of Labor's Bureau of Labor Statistics. Commercial fishermen die at a rate – 118 per 100,000 workers – that is almost 30 times the rate for the rest of the American labor force. By comparison deaths on towing vessels, which are also 'uninspected', were 17 per 100,000 workers for the same period. In documents submitted in support of its Fiscal Year 2008 legislative proposal for a "Pilot Program for Dockside Survivability Exams for Uninspected Commercial Fishing Vessels," the Coast Guard states, "These figures clearly demonstrate that (the) death rate for uninspected commercial fishing vessel industry is unacceptable in comparison to other segments of the maritime industry and the American workforce in general" (Note: In 2004 Congress directed the Coast Guard to "inspect" towing vessels, but regulations implementing this mandate have not been adopted.)

Recent Tragedies

Tragedy struck both the east and west coasts in recent months, as vessels sank and lives were lost. Twenty-two fishermen died in that short period.

In October the 36-foot lobster boat *APRIL LEE* capsized off of Cape Elizabeth, Maine. Two crewmembers were able to swim ashore in 59 degree water; the owner is missing and presumed dead.

Also in October three crewmen died and one survived the capsizing of the 49-foot F/V *OCEAN CHALLENGER* off the Alaska Peninsula.

In November the F/V *LUCKY JACK* a 45-foot fishing vessel capsized in the Gulf of Mexico with the loss of one fisherman.

Also in November the 48-foot F/V *TAYLOR & EMILY* capsized off the coast of Maine. One crewmember survived the other is missing and presumed dead.

In December the 43-foot F/V *ASH* capsized and sank off Port Orford, Oregon with the loss of four fishermen.

In January the F/V *STARRIGAVAN* a 58-foot steel-hulled crabber was rolled three times as it entered Tillamook Bay on the coast of Oregon. One crewmember was killed; three others were rescued by a rescue swimmer deployed from at Coast Guard helicopter.

A day later the F/V *LADY OF GRACE*, a 75-foot steel dragger from New Bedford, Massachusetts sank in Nantucket Sound with the loss of four fishermen.

In February tragedy struck again in New England, when the 52-foot Newburyport based F/V *LADY LUCK* sank off the Maine coast with the loss of two young crewmembers.

During the same period three fishermen died when they fell overboard; one fisherman died in a diving accident, and two others died as a result of injuries sustained while fishing – one as a result of a traumatic head injury due to a mechanical failure, and one as a result of carbon monoxide poising.

Added to the terrible loss of life is the risk to Coast Guard men and women, and the enormous cost – estimated at $18 million for FY 2000 – for Search and Rescue (SAR) involving commercial fishing vessels.

PAST STUDIES

National Research Council:

In 1991 the National Research Council – Marine Board, published a report, *Fishing Vessel Safety – Blueprint for a National Program*, in which it "concluded that the commercial fishing industry can be made safer by mandating systematic, industry wide attention to: professional qualifications; suitability and physical condition of vessels and equipment; and safe operational and occupational practices." The Board made the following specific recommendations: "basic safety and survival

training for fishermen; skills development for vessel operators; some form of certificate or license to validate that essential skills have been acquired and to motivate attention to safety; and an inspection program for vessels to ensure that they are fit for service."

Fishing Vessel Safety Task Force:

A series of casualties involving East Coast commercial fishing vessels in the winter of 1998-99 prompted the Coast Guard to convene a Fishing Vessel Safety Task Force to examine the state of fishing vessel safety in the U.S. The Task Force concluded that, "Common conditions in many recent casualties are poor vessel or equipment condition, inadequate training to respond to emergencies and use of survival gear, and lack or awareness of or ignoring stability issues." It noted that, "commercial fishing vessel safety standards are lower than standards for other domestic commercial vessels, and lower than international standards for fishing vessels." The Task Force stated that, "The solutions are basic and straightforward: seaworthy boats, competent crews, adequate survival equipment, and safety conscious resource and industry management regimes." Its recommendations included such things as: "Establish Operator and Crew Standards; Ensure Vessels Comply with Standards; and Establish Safety and Stability Standards."

Coast Guard

In 2006 the Coast Guard completed a retrospective, *Analysis of Fishing Vessel Casualties – A Review of Lost Fishing Vessels and Crew Fatalities, 1994 – 2004*. During the study period, 1,398 vessels were lost resulting in 641 deaths. These losses and deaths occurred during a period of decreased fishing effort. The highlights of the study are outlined below:

Annual average for period 1994 – 2004

Vessels lost	127 / year	71% during transit **not** while fishing	55% flooding or fire
Lives lost	58 / year	51% from flooding, sinking, or capsize	24% fall overboard

Fishing vessel casualties usually involve the loss of one or two crewmembers, but during this period the United States suffered its worst casualty in 50-years when the F/V *ARCTIC ROSE* sank with the loss of all 15 crewmembers.

Current law:

Unlike other commercial vessels, commercial fishing vessels are not required to be designed and built to standards established by the Coast Guard. The "Commercial Fishing Industry Vessel Safety Act of 1988" (P.L. 100-424) requires fishing vessels to carry equipment designed to help save lives once the vessel is in distress. The regulations prescribed under the 1988 Act have resulted in fewer deaths, but the number of vessels lost continues at the same pace, according to a Coast Guard study entitled, *Analysis of Fishing Vessel Casualties – A Review of Lost Fishing Vessels and Crew Fatalities, 1994 – 2004.*

The 1988 Act addresses **maximizing** lives saved by increasing survivability in the event of a vessel loss. With the exception of 'fish processors' the act does little regarding **prevention** of

casualties to commercial fishing vessels, e.g. design, construction, and maintenance standards for commercial fishing vessels. Below are highlights of the Act.

For **all vessels** the Act requires visual distress signals (VDS), 'buoyant apparatus' (a kind of 'survival' craft), and Emergency Position Indicating Radio Beacons (EPIRBS) for vessels operating beyond 3-miles of the coast.

There are additional requirements for **documented fishing vessels operating outside the Boundary Line**, including, liferafts or lifeboats (out of the water survival craft) sufficient for all persons on board, Immersion (survival / exposure) suit for each person on board, radio communication equipment, navigation equipment, and first aid equipment.

Training in the use of the equipment and frequent drill are required by regulation, but even the Coast Guard admits that compliance is not universal.

For some new and 'substantially altered' vessels additional requirements may apply, and for new or 'substantially altered' vessels a stability analysis is required.

The Act establishes the "Commercial Fishing Industry Vessel Safety Advisory Committee (CFIVSAC) to advise the Coast Guard regarding the implementation of the act, review proposed regulations, and provide Congress with information and recommendations.

All other types of commercial vessels must meet Coast Guard standards for structural integrity, electrical systems, hulls, fittings, propulsion machinery, accommodations for crew, and lifesaving and fire prevention.

Implementation and Enforcement

The Coast Guard established a 'voluntary dockside exam' program to, "encourage compliance and discourage unsafe operations". Vessels that are in compliance with the all applicable federal regulations are issued a decal that is good for two years. Less than 10% of the fleet of over 83,000 commercial fishing vessels takes advantage of the 'voluntary dockside' examination program.

But, information collected by the Coast Guard and submitted in documents in support of its '08 legislative proposal, the Coast Guard states, "show(s) conclusively that increased survivability of an uninspected fishing vessel's crew (and vessel) during a casualty or loss at sea is directly proportional to the availability and maintenance of the safety and survivability systems on the vessel, particularly when crew has been properly trained to the these systems effectively in emergency response scenarios."

The Coast Guard also conducts 'at sea' safety checks of fishing vessels in conjunction with fisheries boardings.

Summary

The hearing can help the Subcommittee understand the current state of commercial fishing safety in the U.S., what can be done to prevent casualties from occurring in the first place, what can be done to minimize the impact of a casualty when it does occur, and what steps can be taken to maximize lives saved in the event the vessel must be abandoned.

The Subcommittee will examine the extent to which design, construction and maintenance standards for commercial fishing vessels exist and how training has enhanced safety of commercial fishing. Finally the Subcommittee may learn what steps can be taken to ensure that the same safety standards apply to commercial fishing vessels that operate in the same hazardous areas regardless of whether they are numbered in a State or documented by the Coast Guard.

WITNESSES

MEMBER PANEL

The Honorable Barney Frank
Congressman
Massachusetts, District 4

PANEL I

Rear Admiral Craig Bone, USCG
Assistant Commandant for Prevention

Jennifer M. Lincoln, PhD
Injury Epidemiologist
Commercial Fishing Research Project Officer
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PANEL II

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Robert Baines
Fisherman and Chairman, Maine Commercial Fishing Safety Council

Leslie Hughes
Executive Director
North Pacific Fishing Owners Association
Former member of Commercial Fishing Industry Vessel Safety Advisory Committee

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