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Good morning Mr, Chairman and members of the subcommittee and thank you for this opportunity to speak. I will be brief in my oral statement but request that my full written statement be entered in the record. I have fished commercially for parts of eight seasons in Alaska, both as a vessel owner and crewmember. I've been an educator for over 35 years and been involved in bringing well over 1,000 safety training workshops to over 60 Alaska ports as well as in ports along every coastline in the U.S. in my work for the Alaska Marine Safety Education Association (AMSEA). I was a member of the original Coast Guard Fishing Vessel Safety Advisory Committee and after an absence I am now it's chairman. Since the Commercial Fishing Safety Act of 1988, was implemented (1990 – 2006) there have been 306 fishing fatalities in Alaska waters. Some of those fishermen I counted among my friends and neighbors. Fishing vessel safety is a personal, not abstract, issue for me as well as for many other fishing families.

Commercial fishing is one of the oldest occupations in this land. Fishing is the largest private sector of the Alaska economy, providing jobs to 20% of the Alaska workforce. It is also important to numerous communities around the nation. The U.S. is the fourth largest harvester of wild fish in the world. In terms of volume, we export more fish product than we import. Commercial fishing is still a vibrant part of the economy and landscape in many of our coastal communities. It is an industry worth billions of dollars and one that has sustained several hundred thousands of families, some for generations.

Unfortunately, fishing still leads all other industries by its high fatality rate in most years. The only major regulatory change in fishing vessel safety has been the Commercial Fishing Industry Vessel Safety Act (CFIVSA) signed into law by President Reagan in 1988 and implemented over the next 6 years. This law affects fishing safety by requiring survival equipment such as immersion suits and liferafts. This has been accompanied by real change in the safety culture in some parts of the nation. The sight and sounds of a safety drill being conducted in an Alaska harbor, is no longer rare. The five years from 1988 to 1992 saw an average of 43 fishermen die every year in Alaska. However, in the last five years from 2001 to 2006 an average of 10 fishermen have died. That represents a steady 77% decline in the number of fatalities. Unprecedented progress has been made in safety in Alaska fisheries. The National Institute of Occupational Safety & Health (NIOSH) has calculated that 250 deaths have been prevented in Alaska alone as a result of the Safety Act. But in other regions of the nation, little change has taken place.

I believe there are several reasons that have accounted for the progress in fishing vessel safety on Alaska waters since the enactment of the 1988 Act.

First, in Alaska and the Pacific Northwest there is an effort to enforce the regulations equally and systematically. There have been dedicated fishing vessel safety examiners and leaders in the Coast Guard such as Glenn Sicks, Sue Jorgensen, Chris Woodley, Charlie Medlicott and currently Ken Lawrenson who have lead this effort. These personnel have been reasonable but firm regarding how these regulations have been applied, and they have been accepted by the vast majority of the fleet in Alaska. In addition, alternative compliance to regulations has been negotiated with some fleets and has actually increased safety. These alternatives have been welcomed by the fleet. But safety training and other aspects of the regulations have not been enforced equally throughout the U.S. Emergency drills training has not been enforced in many of the nation's fleets. This has killed the regional training infrastructure the industry needs.

Second, studies conducted by NIOSH and others (Perkins 1995, Lincoln 2006) have documented the positive effects safety training has had on survivability after a sinking. The safety training infrastructure is extensive in Alaska and the Pacific Northwest, with scores of marine safety instructors imbedded in a number of fishing ports. Training organizations such as the Alaska Marine Safety Education Association (AMSEA), North Pacific Fishing Vessel Owners Association (NPFVOA), Sea Grant and other private trainers who work year around ensure that fishermen have access to a variety of safety courses, when and where they need it. This training both maximizes survivability in the event of a casualty, but it also prevents casualties by raising risk awareness. Numerous fishermen have documented the improvements they have made in safety as a result of this training. The accessibility of this training in Alaska has been no small feat, with its lack of roads and coastline twice that of the continental U.S. The safety training infrastructure and outreach effort in Alaska would not have been possible without the support of the Alaska Congressional delegation. The training is hands on, proficiency based and has been overwhelmingly accepted. This training infrastructure does not exist throughout the rest of the nation.

The training has been very well received by fishermen. Comments on evaluations have been overwhelmingly positive. The experience gained in the last 20 plus years of this education effort in the Northwest, will be invaluable if training is expanded. Fishermen respond very well to training if it is practical, hands-on, and taught by credible instructors, many of whom have been fishermen themselves. An emphasis on skills proficiency and competency, should be a higher priority however, than passing a written licensing examination, and will be better accepted by fishermen.

Third, the NIOSH field office in Anchorage started a surveillance system in the early 1990's. This office tracked fatalities and injuries in the workplace. From NOISH we have obtained reliable data and can focus on training and education interventions in our safety workshops. Also, NIOSH has also supported quality hands-on safety training and evaluated progress in safety in the fleet. This does not exist in the rest of the nation.

Fourth, fisheries management both at the state and federal level has been managing for both sustainability and safety for some time. The Individual Fishing Quota (IFQ) system

in the Alaska halibut industry has helped change it from one of the most high risk fisheries to one of low risk. Crab rationalization has led the state's most dangerous fishery to fishing seasons with no losses at all. Good management has also led to healthier fish stocks and this has led to wealthier fisheries, enabling fishermen to upgrade their vessels and safety gear. This has not happened enough in the rest of the nation.

The two other issues the Safety Act sought to address are vessel inspections and licensing, in other words, standards for the vessel and qualifications for the person running the vessel. Recommendations were made on qualifications and inspection by the Advisory Committee but the Coast Guard was not given additional authority in these two areas.

If we had regulated airline safety the same way we have regulated fishing vessel safety, all passengers on an aircraft would be issued a parachute and be trained in how to use it. The fishing vessel safety act focuses on survivability after a vessel loss. By anyone's definition, this is a reactive, rather than a proactive approach to casualties. It is also inefficient. Some searches for lost vessels have cost taxpayers over one million dollars per search and are high risk operations. However, the Advisory Committee is reluctant to make recommendations on materials standards for vessels because neither the Coast Guard nor the Advisory Committee has useable information from insurance underwriters or other sources upon which to base recommendations. This is despite the fact that section 46 USC 6104 of the Safety Act "requires the Secretary to compile statistics concerning marine casualties from data compiled from insurers of fishing vessels...." These statistics are collected, but they do not exist in a format that anyone can use to draw any useful conclusions from.

Currently there is a rulemaking working its way through the Coast Guard, then on to the Department of Homeland Security and the Office of Management and Budget. It will attempt to make emergency drills training more enforceable. Casualties show that 51% of vessels flood, capsize and sink. Thus, the proposed rule making will also address stability on some fishing vessels. Given that a fishing vessel is lost at sea almost once every three days, it is hoped that this proposed rulemaking can be expedited in a timely manner.

One final point: The present fishing vessel regulations need two basic simple changes to give fishermen a level playing field. One, there is no reason why a 36 foot state registered vessel, fishing right next to a 36 foot federally documented vessel, should follow a different sets of safety regulations and be exempt from safety training. Secondly, the so called Boundary Line, which generally runs point to point from the most seaward points of land, is an arbitrary line for safety requirements that bears no relationship to the risks found inside or outside its boundaries. There are times when the Line runs right into the beach and times where it goes so far out to sea that the whole of Cook Inlet with its 35 foot tidal range, ice and strong currents, is inside the Line. A better delineation for safety regulations that would be more relevant and consistent would be three miles from shore, otherwise known as the High Seas.

Fishing vessel safety has gone through an evolutionary process of improvement in the last 25 years but not equally across the nation. Many regions lack good statistics and epidemiological data, equal enforcement and a training infrastructure. Until these discrepancies are addressed, we will continue to lose lives unnecessarily in commercial fishing in the U.S.

Thank you for this opportunity to comment.