

United States Department of Homeland Security
United States Coast Guard

NOTE: The following is a draft summary of the meeting that has not been approved by the committee or DFO

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Draft Summary of Meeting

The 33rd meeting of the Commercial Fishing Safety Advisory Committee (Committee) was held at Headquarters, United States Coast Guard, in Washington, DC on 14-16 August 2013. Representing the U.S. Coast Guard from the Office of Vessel Activities (CG-CVC) and the Fishing Vessel Safety Division (CG-CVC-3) was Captain Kyle McAvoy - Designated Federal Officer (DFO), Mr. Jack Kemerer - Assistant DFO, Mr. Jonathan Wendland, David Belliveau, Charles Roskam and LT Nasif Gordon. Captain Burton attended the meeting and addressed the Committee on Thursday, 15 August 2013. The Committee Chair was Mr. Gerald Dzugan.

Committee members in attendance:

Mr. Gerald Dzugan	Mr. Alan Davis	Ms. Karen Conrad
Mr. Mark Saldi	Mr. Fred Mattera	Mr. James Neville
Mr. John O'Leary	Mr. Thomas Dameron	Ms. Victoria Baker
Mr. Jake Jacobsen	Mr. Rodney Avila	Ms. Thu Bui
Mr. Glen Hewlett	Mr. Brian Bratager	Mr. Ted Williams
Mr. Phillip Read		

Wednesday, August 14, 2013

8:00 AM - Meeting Commenced

CAPT McAvoy called the Committee to order and welcomed the members and audience; he followed up with opening remarks, noting that the 2012 Committee meeting was cancelled due to Hurricane Sandy, and that sequestration has brought severe budget constraints. CAPT McAvoy commented on the many things that have transpired since the last meeting, and discussed the impact of new legislation on Coast Guard efforts to promulgate new fishing vessel safety regulations. He stated that the Coast Guard Authorization Act of 2010 brought a bit of a setback to regulation development, but has allowed us a bit of extra time to develop the regulations. He added that we still need to move ahead quickly, but with important public input in order to develop regulations that can be understood and easily complied, and allow the accomplishment of safety goals.

He acknowledged that significant challenges remain to the development of sound policies. CAPT McAvoy went on to discuss his background in Marine Safety.

CAPT McAvoy followed up with the first item in the order of new business, the swearing in of new and returning Committee members: Mr. Dzugan, Mr. Hewlett, Mr. Saldi, Mr. Williams, Mr. Jacobsen, Ms. Baker, Mr. Neville Ms. Conrad, and Mr. Thompson. The Committee completed the required Declarations of Lobbying Status. Then the Committee Selected new Chair and Vice Chair; Mr. Dzugan and Mr. Davis were confirmed by unanimous consent as Chair and Vice Chair respectively.

Chairman Dzugan welcomed new members recognizing the financial sacrifice of members who left their fishing businesses behind in order to perform this vital public service. He expressed thanks to the CG for setting up this meeting, and thanked Ms. Leslie Hughes for drafting a letter of thanks to CAPT Eric Christensen for his dedicated support to the CFV program over the years, and echoed the note of thanks. He discussed the committee charter, rules of order, and expectations of committee members in participation in a productive meeting environment, and participation of the public during public comment periods.

Chairman Dzugan asked committee members to introduce themselves and provide a bit of their background. A list of public attendees included at the end of this summary.

Mr. Kemerer introduced himself and addressed administrative items.

Chairman Dzugan discussed some terms and asked that the members try to use the proper terminology during the meeting:

Auth Act: Coast Guard Authorization Act of 2012

Examination vs. Inspection: There are differences between and “inspection” and an “examination”. A Coast Guard “examination” has historically referred to a less intrusive operation in which the examiner obtains general impressions and visual observations that confirm a good standard of maintenance, crew competence and equipment functionality. Certificate of Inspections are issued to inspected vessels which implies a greater degree of scrutiny, while examinations are mostly limited to a verification of the presence of safety and other required equipment.

Ms. Bui arrived a few minutes late and was sworn in before the meeting continued.

Chairman Dzugan continued discussion of terminology:

Certificate of Training vs. Licensing: e.g. Drill Conductor Course issues a Certificate of Training. Committee will be working on recommendations for licensing equivalencies for some of the training items in the Auth Act.

Accepted vs. Approved Courses: Courses classified as “Approved” require a higher level of scrutiny by the Coast Guard and generally support the acquisition of a CG license. Courses classified as “Accepted” allow for more flexibility for the fishing industry personnel.

ASCP/ACSA: Alternative Safety Compliance Programs (ASCP).

Mr. Dzugan addressed the common disappointment among the membership in the fact that the new regulations have not yet been promulgated, and the fact that some regulations have been changed through influence by special interest groups. Not having regulations in place makes for fertile ground for the play of attorneys, and without effective regulations in place, we are not protecting fishermen. The committee will be making recommendations for inclusion in the new regulations.

Chairman Dzugan reviewed the day’s agenda for the meeting.

1. **MOTION:** To accept the minutes/summary from the November 2011 Committee meeting in Seattle. Moved by Mr. Davis; seconded by Mr. Hewlett; passed unanimously.

Updates on Subcommittee activity:

Training: Chairman Dzugan reviewed action items from the previous meeting. Training Subcommittee provided draft training objectives in November 2011, and another refined set of objectives in June 2012. Subcommittee members reviewed the draft objectives from November 2011, with the June 2012 draft only just been provided to the general subcommittee membership in the last week. He suggested that the subcommittee should view the document as having consensual approval and use the June 2012 document as a straw-man in further development of the training objectives.

Construction Standards and Alternative Compliance: Nothing new to present at this point.

Status Update on Past Committee Recommendations: Chairman Dzugan stated that the Coast Guard provided a status update on past Committee recommendations, noting

that time may be saved by referring to past motions as noted in Tab 4 of the meeting binder.

Committee and CFVS Program Updates:

Mr. Kemerer – Provided update on membership status and changes: 1988 Act established the Committee for a period of 20 years; the 2010 Auth Act reauthorized the committee and added a new category of membership for reps of fishing communities. Now 18 members, 3 yrs, charter and bylaws continue. Solicitation and appointments have been kept to fiscal year, a change now will make 3 year appointments effective from the date the Secretary signs appointment letter. CG will ask for applicants during different parts of the year than previously. Several current members are under the old appointment system and terms will expire in October 2014. The 2012 appointees are under the new system and terms will expire in May of 2016. Several other members' terms will expire this year. A Federal Register Notice was published announcing vacancies and requesting applications in June 2013; application period closed on 26 July, 2013. Seventeen applications have been received for the 5 vacancies. The CG will be reviewing applicants to ensure balance on the committee and forward recommendation for vetting at DHS and Whitehouse liason level prior to official appointment letters being issued; this process can take several months.

Mr. Kemerer provided updates on Coast Guard regulatory projects:

Citizenship Requirements (75/25): The new rule is in the final rulemaking stage, awaiting final administrative clearance. A policy letter is currently in place that spells out process and requirements for requesting a waiver. Two hundred waiver letters have been issued in the last year.

Part 105 Regulations: FV/Tenders/Proc dispensing fuel in bulk in remote communities in AK. NPRM is forthcoming.

Aquaculture Support Operations Waivers: 2010 Auth Act allowed CG to issue waivers to vessels providing aquaculture support; some temporary letters have been issued, but a rulemaking is forthcoming.

CFVS Regulations: Mr. Kemerer stated that an Interim Rule is in progress; Mr. Richard Walter, Regulatory Project Counsel from the CG office of the Chief Counsel, will discuss this later.

New Business:

Lifesaving Equipment: Mr. Kemerer introduced Ms. Brandy Baldwin as being present to answer any safety equipment related questions; Ms. Baldwin works in the Coast Guard Office of Design and Engineering Standards, Lifesaving and Fire Safety Standards Division (CG-ENG-4) on approval of lifesaving equipment. Ms. Baldwin discussed lifefloat and rigid buoyant apparatus phase out and implementation of new requirements for inflatable buoyant apparatus or liferafts. CG was required to report to Congress on impact, costs and benefits, of new regulations; a report has been completed and submitted, but without knowing what will come out of Congress, the Coast Guard continues to move forward with new regulations to remove lifefloats with expected implementation pushed out to 2016-2017 timeframe; at that point lifefloats will no longer be approved for use on CFVs. There was significant committee concern with the cost, availability of new liferafts and IBAs, as well as the cost of servicing and capacity of servicing facilities to handle the large increase in numbers of rafts needing servicing. Ms. Baldwin stated that the CG is being considerate of the constraints of the industry in providing the numbers of liferafts and IBAs necessary for fleet compliance with new requirements, and there will likely be a phased implementation of the new requirement. Mr. Kemerer interjected that Ms. Baldwin works on the approval of equipment, and that he is responsible for the developing the rules implementing the new requirement, therefore, please direct any questions on this aspect of the new requirements to him. Ms. Baldwin went on to state that the CG cannot speculate on what congress will do in response to the report provided, and reiterated that the CG is moving ahead with new rules in order to meet statutory deadlines; the report may or may not be made available for publishing in the Federal Register.. Committee members raised the issue of the absence of sea anchors on liferafts, IBAs, and lifefloats; also, manually launching rafts presents challenges that may require new standards, and that there have been issues in the northeast with broken equipment being found on recently serviced lifesaving equipment. Ms. Baldwin stated that rules have been updated regarding sea anchor requirements on inflatable liferafts, but she would have to look into the requirement for rigid lifefloats. Also, stowage and launching is really a field office matter that should be addressed during examination. Oversight of servicing facilities is the responsibility of the local OCMI, so any problems with servicing facilities should be brought to their attention. A member brought up the existence of a new fire extinguishing agent or piece of IMO approved equipment; Ms. Baldwin responded that some equipment or firefighting agents receive European Union Mutual Recognition Agreement where IMO approval is recognized, otherwise CG approval would be required. Approvals of new equipment are taking a long time due to manpower constraints within CG-ENG.

Regulatory Process: Mr. Kemerer introduced Mr. Richard Walter to talk about the regulatory process. NPRM published in 08; announced regulations under development

for vessel safety; this project was in advanced stage of review when the Auth Act of 2010 was enacted with a new set of mandates. The new mandated requirements are not self-executing; therefore new regulations must be implemented by the CG. We have been working on the new regulations to implement the Auth Act through an Interim Rule which would be immediately actionable. The CG is limited in what the IR can say to what is mandated by Congress in the Auth Act. More regulatory action will likely be required to further implement the intent of the Auth Act. The IR is in Executive Branch clearance; the CG must respond to feedback received from other Departments prior to publishing the IR; it is unknown when the IR will be published, but the CG is hoping to publish within the next few months. There are three regulatory projects that must be addressed by the CG: 1) the Interim Regulation (IR), 1) the Notice of Proposed Rule Making (NPRM), and 3) further addressing, in detail, the congressional mandate in the Auth Act with regard to ASCPs. CG must decide what to do with the NPRM that was issued in 2008, concerning the new Auth Act requirements. There were no questions from the Committee regarding Mr. Walter's presentation.

IMO Torremolinos: Mr. Kemerer introduced LCDR Phillips, Coast Guard Office of Design and Engineering Standards, Stability and Loadline Division (CG-ENG-2) to talk about the status of the IMO's Torremolinos Agreement. LCDR Phillips spoke about the IMO Diplomatic Conference on Fishing Vessels held in Capetown, South Africa in October 2012. The conference adopted the "Cape Town Agreement of 2012" which provides flexibility in meeting previous provisions of the Torremolinos Agreement and is currently open for signature; the new agreement will enter into force once ratified by 22 countries with a total fishing fleet of 3600 vessels; currently Norway is the only country to have ratified it. Copies of the agreement are available on the IMO website.

Safety Alerts: Mr. Kemerer spoke on recent safety alerts stating that there are copies of recent alerts available on the fishsafe.com website.

Casualty Reports: Mr. Kemerer spoke on the latest fishing vessel casualty reports: Lady Mary Board of Investigation report is at the upper level of review for signature; results will be posted as soon as available. The Canadian Discovery Channel will be producing an episode on the F/V Alaska Ranger casualty; air date is to be determined.

CFVS Coordinator Report Summaries: Summaries are included in Tab 6 of the meeting binder distributed to Committee members

Exam Checklist Generator: Included in Tab 7 in the meeting binder; will be demonstrated later by Mr. Troy Rentz, of the 13th Coast Guard District in Seattle, Washington, later in the meeting.

Class Societies: Mr. Kemerer commented that as of last month, new vessels of 50 feet or greater must meet with Classification Society standards. Guidance on compliance is forthcoming. Currently ABS standards for vessels under 90 meters may be applied.

09:50 AM - Public Comments

Public Comments: Chairman Dzugan opened the meeting to public comments. There was one person signed up to comment, Ms. Lurilla Lee representing Trident Seafoods. Ms. Lee requested to postpone comments until later in the meeting; there was no objection to Ms. Lee's request. There were no other public comments.

09:55 – 10:10 AM – Break

10:10 AM - Meeting Resumed

Comments to the Docket: Mr. Kemerer addressed comments submitted to the docket regarding this year's Committee meeting. There were only 3 comments submitted. Copies of comments were placed in the meeting binder distributed to Committee members and made available to the public. One comment included a recommendation to charge the public for rescue operations; a Committee member commented that this would not be in the best interests of the public because it would instill a reluctance to call for help.

NIOSH: Mr. Kemerer introduced Dr. Jennifer Lincoln, CAPT, USPHS, National Institute of Occupational Safety and Health (NIOSH). Dr. Lincoln provided a presentation on the NIOSH program on fishing vessel occupational safety and health. Talked about the Commercial Fishing Incident Database that contains information on incidents that took place anywhere in the U.S. since 2000, pointing out that last year had the lowest number of fatalities since 2000, but the industry still has the highest level of fatalities of any industry. Representative data was divided among Alaska, the West Coast, the Gulf of Mexico, and the East Coast; incidents in Hawaii and on vessels transiting through Canada on the way to or from Alaska are included in the overall data. The data summaries have specific information that allows NIOSH to focus on preventing specific types of incidents typical for the different areas and fisheries. Key areas of focus should include: West Coast Dungeness crab vessel disasters with attention to crossing hazardous river bars, PFD use during deteriorating weather conditions, or stability requirements; Alaska salmon skiff and drift gillnet vessel capsizing as well as falls overboard; in the Gulf of Mexico, falls overboard and winch entanglements on shrimpers; East Coast, ground-fish and scallop vessel losses, and falls overboard in the lobster

fishery. These represent the high-priority areas. Data indicates that just over half of fatalities are due to vessel disasters or loss of a vessel, and 31% are due to falls overboard. CAPT Lincoln talked about the NIOSH PFD study where NIOSH provided PFDs to fishermen and recorded their recommendations; talked about the new website, livetobesalty.org which contains safety information to be launched this spring, and request Committee member input. The campaign is designed to be “edgy” to get the attention of fishermen and promote the wearing of PFDs. Dr. Lincoln discussed budget woes and the fact that she cannot print anything in support of this program. Mr. Davis requested she provide him with a proposal to present to the Seattle Fishermen’s Memorial. Dr. Lincoln talked about a study on winch entanglements on vessels in the Gulf of Mexico and the measures that are being implemented to help curtail such incidents; NIOSH continues work with the Southern Shrimp Alliance and the Coast Guard to examine the multi-faceted problem, and provide solutions such as emergency stops and passive guard solutions for rotating parts, as well as solutions for line handling aboard shrimp vessels. Hatch monitor systems and slack tank monitors are under development. NIOSH is also looking at data to determine differences in rates of casualties on ACSA program vessels vs. non-ACSA program vessels. New efforts include looking at casualties in the Distant Water Tuna Fleet.

NMFS National Standard 10: Chairman Dzugan introduced Ms. Deb Lambert of NMFS Sustainable Fisheries, Silver Spring, MD who talked about National Standard 10, fishing industry guidelines published in 1998. ANPRM revising the guidelines came out a couple years ago requesting comments; comment were received and can be viewed at www.regulations.gov, enter the keyword “noaa-nfnmfs-2011-00682”. NMFS is still in the process of developing a proposed rule. Some of the other things NMFS has been doing include development of technical guidance for use by the regional fisheries management councils as well as by NMFS in analyzing safety risks within fisheries, and sample risk assessments to show what analyses might look like; sample analyses have been completed for the Atlantic scallop and Gulf of Mexico shrimp fisheries respectively.

2182kHz Suspension: Chairman Dzugan introduced Mr. Russell Levin of the Coast Guard Telecommunication Regulations and Policy Division (CG-652). Mr. Levin discussed the Coast Guard discontinuation of monitoring of 2182 kHz medium frequency radio. Mr. Levin stated that this change should have no affect on commercial fishing vessels, that HF system will continue to be maintained. Mr. Levin recommended the continued use of 2182 kHz to communicate between fishing vessels, but use other means such as an EPIRB in emergency situations to communicate distress to the Coast Guard, and recommended that mariners do not wait too long to make a distress call. Mr. Levin requested vessel operators ensure crew members are familiar with operation of communications equipment, and further requested compliance with EPIRB registration

requirements. He discussed use of man-overboard devices and AIS and the benefits of such systems in recovering personnel. Mr. Levin stated that the Coast Guard will still be able to communicate using 2182 kHz, but will not be monitoring. Committee members brought up the fact that many single side-band radios have a red emergency 2182 “EMER” button on their control face that goes directly to 2182 kHz; this is problematic for obvious reasons. Mr. Levin stated that indeed this is a potential problem, and that he is working with the manufacturers to remedy this, some single sideband radios cycle through other HF frequencies, and also telling operators to try other frequencies until they receive a reply acknowledging that that does often take more time than is available during an emergency, so recommends activating an EPIRB during a dire emergency. UIN numbers were also pointed out as a problem with EPIRBs not matching registration numbers. Mr. Levin pointed out that NOAA allows updating UINs on line, but that there is a problem with operators borrowing EPIRBs. Committee members asked for clarification on applicability of GMDSS in Sea Area A1 and A2. Mr. Levin responded that until the Coast Guard establishes A1, vessels sailing within Sea Area A1 still have an FCC exemption for DSC radios. Outside A1 are still required to carry a DSC radio, processors 300 GT or above must comply with GMDSS unless a waiver is obtained. Committee member commented that the Coast Guard should establish another channel that they monitor; Mr. Levin responded that the list of frequencies monitored is included in the Federal Register notice and also the MSB 4125, 6215, 8291, and 12290 voice frequencies and of course DSC. He further stated that safety test calls on DSC can be accomplished using the 00-377-9999 and do a “safety priority” test call on 4mHz, there is an automated system that will answer the call. A Committee member raised an issue of Coast Guard boarding team members testing EPIRBs and causing damage; Mr. Kemerer stated that this issue was beyond the scope of Mr. Levin’s purpose of addressing the Committee and would be referred to the LE training teams. Ms. Bui stated that DSC has been very important to the Vietnamese fishermen in the Gulf of Mexico in that it enables them to send a clear distress signal despite an existing language barrier; Mr. Levin stated that this was one of the advantages intentionally built into the DSC system when it was developed.

Checklist Generator and ASC Program: Mr. Troy Rentz for the 13th Coast Guard District in Seattle, Washington demonstrated the CFV checklist generator developed by Mr. Dan Hardin, also at D13. The generator is available on line at www.ujscg.mil/d13/cfvs for operators to develop a checklist for their specific vessel and where it operates. The checklist was developed to allow operators to be able to successfully pass a dockside exam on the first visit by an examiner. Mr. Rentz then talked about Alternative Safety Compliance Program (ASCP) development and the advantages of starting the program development sooner rather than later, and presented an implementation timeline and a description of the criteria for determining which vessels

are will be affected. Mr. Rentz described the purpose of an ASCP and the variables and factors that need to be examined when developing an ASCP. He provided an update on ASCP policy development, and requested input from the Committee. He requested the Committee provide a motion recommending a move forward with the program as submitted by D13 and D17, and that Coast Guard Commandant (CG-CVC) provide its approval and follow up with policy guidance so that D13 and other Districts can move ahead as stated with program development, and follow up with regulations describing the ASCP approval process. Mr. Jacobsen stated that he sees a role for the Communication Subcommittee in getting the word out to fishing fleets on ASCP requirements; that there is a lot of misconceptions on what the program will entail and a lot of trepidation in the fishing community, that he has heard fishermen express that the new requirements will put many out of business. Chairman Dzugan stated that the Committee should examine and decide whether the Communications Subcommittee should be reformed to address this issue, and pointed out that there may also be a role for the Legislation Subcommittee in this. Chairman Dzugan went on to thank Shelly Harper for her handout on the Distant Water Tuna Fleet and that her document may serve as a good overview of a fishery that would be informative for those not familiar with the fishery.

Instructions for Workgroups: Mr. Kemerer provided guidance for resumption of subcommittee work after the lunch break. He provided information on the task statements developed previously for consideration by the Committee. Committee members presented the following motions:

2. **MOTION:** Accept the task statement 13-01 as provided for the Training Standards for individuals in charge of operating Commercial Fishing Vessels. Motion made by Mr. Mattera; seconded by Mr. Dameron. The Committee adopted the motion unanimously.

3. **MOTION:** Accept the task statements 13-02 as provided for the subcommittee on Vessel Construction, Survey and Classification, Load lines, and Alternative Safety Compliance Agreements.” Motion made by Mr. Neville; seconded by Ms. Baker; passed unanimously.

12:30 PM - Adjourned for lunch.

1:30 PM – Breakout Subcommittee Sessions Commenced

4:00 PM – Committee Re-commenced

Subcommittee Reports:

Chairman Dzugan brought the committee to order and introduced Mr. Jacobsen to report out on Subcommittee for Construction Standards and Compliance.

Mr. Jacobsen reported on discussions held during the Subcommittee breakout session including construction standards for vessels under 50 feet in length, whether the standards in 33 CFR 181 and 182 were adequate to address safety of this class of vessels. The subcommittee will recommend the adoption of 181, 182, ABYC standards, as well as a number of other standards such as ABS standards for vessels under 90 meters that might better address the intent of the Auth Act. The subcommittee will recommend that owner/builder certification of compliance with standards with verifications by the Coast Guard or a third party examiner. The Subcommittee developed recommendations addressing stability, consideration of water tight integrity and reserve buoyancy; bilge alarms requirements for vessels for all vessels including those below 36' in length. The Subcommittee also examined how the regulations might treat existing vessels including grandfathering or phased implementation of certain rules; it also examined the type of stability tests that might be used such as "simplified stability" as is used on the inspected small passenger vessel fleet, and other regulations that might require immediate compliance such as the requirement to install bilge alarms. Mr. Jacobsen stated that motions will be made later before the Committee.

Chairman Dzugan introduced Ms. Conrad to report on the activities of the Subcommittee on Training Standards. Ms. Conrad reported that the Subcommittee examined several issues carried over from the last Committee meeting including a recommendation that the definition of Individual in Charge of a Vessel continue to be the Master of the vessel, and discussed whether the training for fishing competencies should be considered "Accepted" or "Approved"; the Subcommittee will recommend that "Accepted" be the terminology used by the Coast Guard when addressing training for fishing competencies. The Subcommittee examined how 11 different fishing competency course topics have been identified; the Subcommittee will recommend that they be divided into 5 different modules for consideration in course certification. The Subcommittee prepared motions on all of the above.

Training Subcommittee Recommendations: The Training Subcommittee provided the following recommendations:

4. **MOTION:** Recommend that the Coast Guard request the provisions within the Authorization Act of 2010 be extended and appropriated specifically for Training Grant Programs in the amount of 3 million dollars per year for a 5 year period.

Subcommittee passed unanimously; Motion made by Ms. Conrad; seconded by Mr. Dameron; full Committee passed unanimously.

5. **MOTION:** Recommend that the training requirements referenced in the 2010 Authorization Act, be treated as ACCEPTED training that meets the following 4 criteria:
- a. ACCESSIBLE to widely scattered often remote homeports where fishermen are frequently based.
 - b. AFFORDABLE to prevent cost barriers to compliance;
 - c. RELEVANT to fishing culture and terminology;
 - d. Use Student Centered teaching methodologies that are HANDS-ON, interactive performance based and includes skills based assessments opposed to written examinations.

Subcommittee passed unanimously; Motion made by Ms. Conrad; seconded by Mr. Dameron; passed unanimously.

Discussion: Chairman Dzugan explained the terms “Student Centered” and “skills based” as being more appropriate to the students being served by this training than is traditional “instructor based” and “examination” evaluated type learning. Skills based training holds the attention of the student and ensures the retention of valuable skills important in such a high-risk and dangerous working environment; it requires demonstration of skills along with attendance and participation in class room activities, and has proven to be a far superior method for learning. Written tests require language skills and are biased toward the test writer. Mr. Dameron asked how this might involve new technologies such as simulators as this criterion is written. Mr. Dzugan stated that the criterion leaves this option open. Mr. Davis asked if there is a better term to use than “HANDS-ON”. The subcommittee agreed to add the word “interactive” to the motion.

6. **MOTION:** Recommend that there be no license substitute or STCW BST certificate to meet the equivalency for the Drill Conductor course. Subcommittee passed unanimously. Motion made by Ms. Conrad; seconded by Mr. Mattera; passed unanimously.

Discussion: Chairman Dzugan stated that this motion is in recognition of the fact there are no license, AB, or STCW courses that meet the objectives for the drill conductor course in the national standard curriculum that was developed in 1991, which is the national accepted curriculum for drill conductor courses. Even though professional mariners are expected to conduct regular drills, they have never been trained how to properly conduct drills. This recommendation serves to take

advantage of an opportunity to change this condition in the fishing community. Mr. Davis added that this is a reiteration of an existing policy that STCW Basic Safety courses teach how to respond to emergencies, but does not teach how to conduct drills and train people to respond to emergencies.

7. **MOTION:** Recommend 500 ton Mate license or higher obtained within 5 years as equivalency for Damage Control and Stability. Subcommittee passed the motion with one member opposed. Motion made by Ms. Conrad; seconded by Mr. Mattera; passed unanimously.

Discussion: Chairman Dzugan stated that this means that if you have a 500 ton Mate license or higher, that license would substitute for the Damage Control and Stability portion of the required training. Mr. Davis stated that the Subcommittee considered a Coast Guard generated licensing and training matrix in developing this recommendation. Mr. Dameron questioned how this requirement might address refresher training for licenses personnel. Ms. Conrad stated that refresher training would be addressed by the Subcommittee during the following day's meeting. Mr. Dameron went on to state that he wants a requirement for licensed personnel to have refresher training every 5 years after their first license renewal; recognizing that there may be push-back among licensed personnel, the Committee amended the recommendation to include this requirement. Mr. Mattera stated that he does not know enough about 500 ton licensed personnel and what types of training and experience they have to be comfortable with recommending any equivalency regarding licenses and required training. Mr. Dzugan stated that the Committee is straying from the original topic and that the Motion does not address refresher training. Mr. Davis stated that he was the dissenter on the Subcommittee because he felt that a 200 ton license would suffice, but then learned that many courses that teach to that level of licensure do not address all of the things he thought they did; therefore he no longer dissents.

8. **MOTION:** Recommend basic firefighter or 500 ton Mate license or higher obtained within 5 years as equivalency for Firefighting. Subcommittee passed the motion with one member opposed. Motion made by Ms. Conrad; seconded by Mr. Dameron; passed unanimously.

Discussion: Anticipating the same discussion as in the previous Motion, the Motion above was amended to include the words "obtained within 5 years". Mr. Neville stated that he didn't see Engineers licenses addressed here when they would qualify. Ms. Conrad stated that, since Engineers were not going to be serving as

Masters, the Fishing Vessel Competencies would not apply. Mr. O’Leary stated that this would be too much training for masters of smaller vessels when all they have to fight fire is small fire extinguishers. Chairman Dzugan responded that that issue is addressed in the training objectives. Mr. Dameron stated that he shared Mr. Neville’s interest in the topic of applicability to personnel holding Engineer licenses. Chairman Dzugan responded that the Committee should leave the Motion as it stands and address the issue later in the meeting. Mr. Davis expressed concern that the way in which the Motion is worded it could be misinterpreted. Chairman Dzugan responded that there is a separate task coming up on refresher training that should adequately address this concern.

9. **MOTION:** Recommend that for the topics of seamanship, collision prevention, watchkeeping, navigation, fatigue & weather a 500 ton mate or higher be the equivalency of the FV certificate of these topics. Subcommittee passed unanimously. Motion made by Ms. Conrad; seconded by Mr. Dameron; passed unanimously.

Discussion: Mr. Kemerer pointed out that Fatigue is not one of the competencies listed in the law. Chairman Dzugan responded that the Committee recognizes that, but that these are only recommendations being made to the Coast Guard.

Staff Comments: Chairman Dzugan turned the meeting over to the Coast Guard Staff. CAPT McAvoy thanked the Committee for their work and wished everyone a restful evening in preparation for the following day.

Chairman Dzugan requested a motion to adjourn the Committee meeting for the day.

10. **MOTION:** That the meeting be adjourned for the day and re-commence at 8:00 AM Thursday morning. Moved by Mr. Davis; seconded by Ms. Jacobsen; passed unanimously.

5:00 PM - Meeting adjourned for August 14, 2013.

Wednesday, August 15, 2013

8:00 AM – Meeting reconvened

Chairman Dzugan brought the Committee to order and welcomed everyone back for the second day of the committee meeting.

Mr. Kemerer addressed administrative items including signup sheets for public comments. Mr. Kemerer informed Committee members on the publication of a Notice of Proposed Rulemaking in the federal register regarding personal floatation device type labeling; he made copies of the notice available to the Committee. A committee member commented on the use of the term “life jacket” and other labeling issues that may be causing confusion in the various fishing fleets; CAPT McAvoy stated that this may result in a policy letter being generated and that members should provide comments in writing to the docket. Mr. Kemerer went on to bring Committee attention to the CFV coordinator report for Coast Guard District 11, and request Committee comments on the legal fishery participation of foreign built vessels under 5 net tons. Some Committee discussion commenced on this topic with CAPT McAvoy explaining certain construction techniques that allow seemingly larger vessels be admeasured at below 5 net tons. A Committee member mentioned the issue of non-citizen resident aliens operating undocumented fishing vessels in some regions. Mr. Mattera, speaking of the ASC Program requirement, requested provision of a definition of the term “major conversion”; Mr. Kemerer stated he would work to get Ms. Baldwin to return to address this issue later in the day. Chairman Dzugan requested any additional Committee and/or public comments prior to the Committee breaking up into the respective Subcommittee work groups. Mr. Kemerer asked the committee for thoughts from the Committee on consolidation of Committee comments into a short report or group of Committee recommendations for submission to the Coast Guard. Chairman Dzugan stated that a written report including Committee recommendations would be provided to the Coast Guard, and that recommendations will be made at two points during this day’s session, after lunch and before the end of the afternoon session. The Committee broke up into Subcommittee work groups for the remainder of the morning.

8:24 AM – Breakout Subcommittee Sessions Commenced

12:30 PM - Adjourned for lunch

1:30 PM – Committee Re-commenced

Subcommittee Reports: Chairman Dzugan called for reports on Subcommittee activities.

Subcommittee on Construction Standards: Mr. Jacobsen provided recommendations of the Construction Standards Subcommittee for Committee consideration as follows:

11. **MOTION:** The committee recommends, in addition to the standards set forth in 33CFR 183, that the Coast Guard should consider reviewing and adopting

applicable standards for the construction of vessels under 50 feet in length from additional sources such as ABYC and the ABS yacht code. Motion made by Mr. Jacobsen; seconded by Mr. Neville; passed unanimously.

Discussion: There was a question whether this applies to the smallest of boats, say in the below 20 feet in length; Mr. Jacobsen responded that it would, but that additional recommendations will address that issue further. There was a question about applicability to state number vessels; Chairman Dzugan stated that the law makes no distinction in that regard, that the law applies to all vessels under 50 feet in length.

12. **MOTION:** The committee recommends that the construction standards for vessels under 50 feet in length provide:
- a. A minimum standard for the construction and maintenance of a watertight envelope for the vessel;
 - b. Minimum reserve buoyancy for decked vessels;
 - c. Minimal standards for internal floatation for open boats.
- Motion made by Mr. Jacobsen; seconded by Mr. Mattera; passed unanimously.

Discussion: Mr. Jacobsen stated that some of the standards applicable are included in 33 CFR 183. A concern of a Subcommittee member regarding vessels with boats not having watertight bulkheads, that they be held to a higher standard.

13. **MOTION:** The committee recommends that, prior to deployment in any fishery, builders or owners of newly constructed vessels less than 50 feet in length should document to the Coast Guard that the vessel was constructed per the standards as set forth. The Coast Guard should determine compliance. Coast Guard may authorize third-party examiners or marine surveyors to verify compliance. Motion made by: Mr. Jacobsen; seconded by Mr. Dameron; passed unanimously.
14. **MOTION:** The committee is concerned with the stability of vessels under 50' in length and recommends Coast Guard include simplified stability criteria for such vessels. Motion made by Mr. Jacobsen; seconded by Mr. Mattera; passed unanimously.

Discussion: there are some stability criteria in existing regulations that might apply. The Subcommittee is concerned that there are significant stability problems in some fisheries such as the Dungeness crab fishery where vessels stack a large number of pots on deck. The Subcommittee is not recommending that an expensive stability report be required, but that some sort of stability analysis be required. Mr. Williams

asked who would accomplish a required stability analysis. Mr. Jacobsen responded that the owner or operator would be responsible for this following some established criteria either by performing the analysis themselves, or hiring a third party to conduct an analysis. The purpose of this recommendation is to notify the Coast Guard of the Committee's concern about vessel stability issues.

15. **MOTION:** The committee recommends removing the phrase "On a vessel 36 feet (11.8 meters) or more in length" limitation on applicability of 46 CFR 28.250. Motion made by Mr. Jacobsen; seconded by Mr. Mattera; passed unanimously.

Discussion: Mr. Jacobsen stated that the recommendation is to make bilge alarms required on all vessels, except open boats, and that this would not be a particularly onerous requirement.

16. **MOTION:** Vessels under 50' in length, built or under construction prior to the implementation of construction standards, should be subject to the standards where practicable. Standards may be:
- a. Not required (vessel is grandfathered)
 - b. Phased in over time
 - c. Required after a major conversion or change in type
 - d. Required immediately

Motion made by Mr. Jacobsen; seconded by Mr. Neville; passed unanimously.

Discussion: The question the Subcommittee was addressing is whether any adopted construction standards be applicable to existing vessels. There was some discussion regarding the word "practicable".

Subcommittee on Training: Ms. Conrad provided a brief description of the course of work completed by the Training Subcommittee followed by the provision of recommendations developed by the Subcommittee.

17. **MOTION:** Recommend that the training requirements in the 2010 Authorization Act consist of 4 stand alone modules:
- a. Medical -1 day
 - b. Survival, Fire & Drills -2 days
 - c. Stability & Damage Control -1 day
 - d. Seamanship, collision, navigation, weather, fatigue, watchkeeping -1 day
- And that there be an effort to develop a curriculum with lessons plans similar in format to the 1995 Survival & Drills course to meet the training requirements in the 2010 Authorization.

Motion made by Mr. Davis; seconded by Ms. Baker; passed unanimously.

Discussion: Chairman Dzugan asked Mr. Thompson to speak about the development of the Drill Conductor curriculum. Mr. Thompson spoke about the process and participants in developing the Drill Conductor curriculum released in 1995. Mr. Dzugan followed up by stating that the manual was designed to be referenced by course providers in the development of courses. It contains lesson plans, resources, teaching tips, drill scenarios. The standard reduces the work necessary, for all parties, in putting together effective and consistent training programs. Mr. Dameron stated that he would like to see better definition of the time necessary to complete the course modules. Ms. Conrad stated that the National Maritime Center likes to see 8 hour days, but since the courses are “Accepted” rather than “Approved”, there is some flexibility in the hours spent when the numbers of participants may permit more efficient and therefore shorter timeframes for teaching the course modules. Mr. Davis offered explanation on the reasons for the 2-day recommendation for Fire and Drills; the Subcommittee had a bit of discussion on this topic and decided that for sake of continuity it is best to teach Fire and Drills together.

18. **MOTION:** After considering sea time and experience we recognize its value when developing the training requirements and we have developed equivalencies for fishermen with existing licenses which already require sea time. However considering the average experience of fishermen involved in casualties is 30 years of sea time we recommend that sea time not be an equivalency for any of the training requirements in the 2010 Authorization Act. Motion made by Mr. Davis; seconded by Mr. Dameron; passed unanimously.

Discussion: The Subcommittee considered casualties over a period of time and the average experience level of personnel operating the vessels involved. The Subcommittee determined that, for casualties where data was available, the number of years of experience of the operators involved had no bearing on whether a casualty occurred, in fact, the available data might indicate, contrary to what would be expected that personnel with less experience are less likely to have a vessel casualty. There was a difference of opinion among Committee members regarding the acceptance of such training requirements by the fishing community. Mr. Davis pointed out that vessels 50 -79’, 40 years old, with operator experience of 30 years had the most casualties; therefore he recommends that because most operators fall within this group, that if there is an exemption for years of service, that very few will be required to attend training; this would not promote safety within the fleet. Chairman Dzugan stated that experienced fishermen can benefit significantly from

a refresher course in the areas recommended; this is the spirit in which this recommendation was developed. Ms. Baker stated that this is important and that she hopes the Coast Guard addresses this issue in the spirit in which it was developed. Mr. Dameron echoed this position, and that the Committee is working to raise the bar on safety and that the Committee should pass it as written.

Chairman Dzugan interjected that there were only 6 minutes left in this segment and that the Committee will move ahead

Mr. Davis continued:

19. **MOTION:** Recommend that training requirements in the 2010 Auth Act are based on, at a minimum, the following objectives as in the handout copies presented to the committee on August 15th, 2013: Weather ,Seamanship, Fatigue, Collision Avoidance, Stability, Damage Control and Watchkeeping.

Discussion: Chairman Dzugan suggested Committee consider tabling this issue to give the Committee more time to examine the Training Objectives; Committee members expressed general agreement in tabling this issue for further discussion during the following day's session. Mr. Mattera questioned whether the content of this Motion would be considered the minimum training requirement; Chairman Dzugan answered in the affirmative. Mr. O'Leary stated teaching to the level required in this motion would require a lot more instructors that currently exist; Chairman Dzugan responded that he has been pondering that issue for some time. The motion tabled by unanimous consent of the Committee. Mr. Davis offered to read the following Motion:

20. **MOTION:** Recommend that any public or private entity with appropriate training resources and qualified instructors be reviewed for approval to conduct the training. Qualified instructors would be recommended to have a commercial fishing background and have taken a Fishing Vessel Safety Instructor 46. CFR 28.270 (c) and/or specific expertise in topic area in which they are teaching. Motion made by Mr. Davis; seconded by Mr. Dameron; passed unanimously.

Discussion: Chairman Dzugan stated that this would build upon the format of the Drill Conductor curriculum that has been used around the country and has proven a successful model for 20 years. A committee member stated that this training requirement will not be as onerous and time consuming as it might appear. Mr. Mattera was concerned with the ability of instructors to engage students successfully; questioned how students will be evaluated. Ms. Conrad stated that the

curriculum requirements are action based and can add real experiences to enhance the training, and that there are additional Motions forthcoming to address some related issues. Mr. Davis stated that the Subcommittee was trying to come with a set of minimum requirements that were hands on and gave flexibility in how it was taught so that instructors can ensure that the students learn the material.

Chairman Dzugan suggested the Committee recommence Subcommittee work group activity. CAPT McAvoy commended the committee for their desire and willingness to raise the bar on safety as demonstrated through their efforts so far during this meeting.

2:30 PM – Breakout Subcommittee Sessions Commenced

4:00 PM – Committee Recommended

Chairman Dzugan recommended the meeting of the full committee. He began by reading aloud a motion brought forward by the Training Subcommittee:

21. **MOTION:** Recommend at least two case studies be analyzed for each of the four training modules in which students identify at least three causal factors in each casualty in the case study exclusive of the medical module. Motion made by Mr. Davis; seconded by Ms. Conrad; passed unanimously.

Discussion: Chairman Dzugan stated that case studies are good, student centered activity, and a good teaching techniques. No comments entered.

22. **MOTION:** Recommend 5 years for refresher training for the training in the 2010 Authorization Act except for the Medical Module, including CPR, which will follow the expiration date of the issuing organization. Components of the other training modules to be included in a basic 16 hour refresher course. Motion made by Ms. Conrad; seconded by Mr. Davis; passed unanimously.

Discussion: Mr. Hewlett asked if this means that it will be a two day course. Chairman Dzugan stated that that question remains open and unaddressed by the Committee. Mr. Dameron requested the verbiage “not to exceed 5 years”. Chairman Dzugan stated that the Auth Act prescribes the 5 year period as stated in the Motion. The only difference is with the Medical module that has its own time limits. Mr. Mattera asked whether trauma first aid will be addressed. Ms. Conrad stated that the first aid addresses this. Mr. Davis stated that the Committee decided at the last meeting that, for the minimal accepted requirements to be met, that the

Red Cross First Aid should be acceptable; this leaves it open so that personnel would not have to take a fishing industry specific first aid training program. Mr. Matera responded that his concern is that if the training were to go beyond first aid, then perhaps something should be included in the refresher.

Immediately following the vote on the previous Motion, Mr. Davis raised a concern requiring another Motion as follows:

23. **MOTION:** Amend Recommendation #20, above, to exclude requiring two case studies for the Medical Module by insertion of the following at the end of the recommendation: “exclusive of the medical module.” Motion made by Mr. Davis; seconded by Mr. Neville; passed unanimously.

Discussion: Mr. Davis brought up an issue discussed in Subcommittee that, in order to receive a CFV Decal under 33 CFR 28, a current CPR card is required. Going with what the card issuing party is the best the Committee can recommend. No additional comments from the Committee.

Chairman Dzugan advised the Committee to review the Training Objectives as previously tabled and be prepared to discuss only issues of greatest interest giving consideration to the fact that they have been reviewed by the Subcommittee four times already. Mr. Dameron stated that perhaps the Committee recommended curriculum includes too many terms for definition within the training modules, that perhaps reducing by half the terms students are required to demonstrate knowledge of by the end of the course. Chairman Dzugan suggested changing the requirements to defining 15 key terms and identifying 10 factors affecting vessel stability; the Subcommittee agreed to make this change and present it during the next day of this meeting.

Chairman Dzugan introduced Mr. Jacobsen to present recommendations by the Construction Standards Subcommittee.

Subcommittee on Construction Standards: Mr. Jacobsen entered the following Construction Committee recommendations:

24. **MOTION:** Recommend that the Coast Guard develop Alternate Safety Compliance Programs for specific regions and fisheries in conjunction with regional ASCP working groups. Motion made by Mr. Jacobsen; seconded by Mr. Neville; passed unanimously.

Discussion: The Auth Act indicates that ASCP development can be region and fishery based. A working group might form to address issues of common interest among different regions and fisheries. This should be left to industry and the Coast Guard Districts and Sectors to work out the details on establishment of working groups developing ASCPs. ASCP development should be driven by the safety needs and particulars of the fishery and location concerned.

25. **MOTION:** Recommend that Alternate Safety Compliance Programs stipulate that vessels participating in multiple fisheries adhere to the highest standards of ASCP's for those fisheries. Motion made by Mr. Jacobsen; seconded by Mr. Neville; passed unanimously.

Discussion: For vessels that participate in multiple fisheries, compliance ought to be with the highest standard of any of the fisheries that a vessel participates in.

26. **MOTION:** Recommend the Coast Guard proceed in working with industry groups to develop a basic risk-based criteria menu from which fisheries and regions might develop specific Alternate Safety Compliance Programs, including a matrix to identify high-risk fisheries. Motion made by: Mr. Jacobsen; seconded by Mr. Davis; passed unanimously.

Discussion: The idea of a Risk Based Criteria Menu would serve as a guide for ASCP workgroups to use in developing ASCPs. Workgroups can select from the menu those items that are appropriate to their fishery. The Subcommittee recommended the Coast Guard to pursue development of such a menu. Addressing highest risk fisheries was discussed in the Subcommittee as being important, but at the expense of those groups who have already begun moving ahead with ASCP development. Mr. Davis proposed including a matrix to identify high risk fisheries.

27. **MOTION:** Recommend the Coast Guard begin an outreach program to educate fishermen on ASCP requirements during dockside exams, Regional Fisheries Management Council meetings, and other venues where the Coast Guard interacts with fishermen and provide notice to vessels that will fall under the ASCP within two years. Motion made by Mr. Dameron; seconded by Mr. Williams; passed unanimously.

Discussion: Mr. Dameron addressed the issue of the necessity to get the word out on the new requirements with the goal of dispelling misconceptions currently common among fishing fleets, and to dispel the idea that the new laws are designed to put fishermen out of business. Mr. Hewlett commented on industry experience with trying to get into compliance with new life raft requirements, and then waiting

for the new regulations to come out not knowing if what they are doing will be the right thing. Mr. Hewlett further pointed out that this is an expensive requirement and fishermen are putting out a lot of money to comply with the new law. Mr. Dzugan stated that the solution to avoiding consternation of the public is to get the regulations published, make the requirements clear, and the Committee can help with that. Other members echoed Mr. Hewlett's concerns, and supported the position that the Committee must work closely with the Coast Guard in promulgating the new regulations. CAPT McAvoy stated that while, that the Coast Guard understands the importance of timely issuance of regulations, much of the regulatory process and the legislative process is beyond the control of his staff; that said, there is much the Coast Guard can do to advance the process.

5:00 PM - Meeting adjourned for August 15, 2013.

28. **MOTION:** That the meeting be adjourned for the day and re-commence at 8:00 AM Friday morning. Moved by Mr. Davis; seconded by Ms. Jacobsen; passed unanimously.

8:04 AM – Meeting reconvened for August 16, 2013.

Chairman Dzugan called the meeting to order.

CAPT McAvoy stated that the monthly Coast Guard District Fishing Vessel Safety Coordinator teleconference will be open to participation of Committee members. The teleconference is currently monthly, but will be going back to bi-weekly.

Chairman Dzugan presented the question to the Committee on whether the Committee should meet more than once a year. CAPT McAvoy stated that the Coast Guard would like to get back to having meetings twice a year, but budget constraints may require one of the meetings be a video teleconference or some equivalent. Mr. Kemerer added that it might be appropriate to schedule a meeting for the Spring after the Coast Guard budget issues are sorted out. Mr. Kemerer also covered some administrative items including completion of travel claims.

Presentation from Dr. Jeffrey Levin, MD, Professor and Chair of Occupational and Health Medicine at the University of Texas Health Science Center, University of Texas at Tyler: Chairman Dzugan introduced Dr. Jeffrey Levin, MD. Dr. Levin spoke to the Committee on the topic of Asian and Hispanic fishing in the Gulf of Mexico and the difficulties concerning safety presented by the nature of acculturation of these groups

especially in the Asian demographic (primarily Vietnamese). He talked about the need to target this group, where safety is concerned, with trusted and respected authority figures, and how research supports this position. He talked about how the language barrier present among this demographic presents a large set of challenges to safe operation of fishing vessels in the Gulf of Mexico. Dr. Levin showed how he put together a safety training simulation video training program employing a highly experienced professional mariner to present information to fishermen in Vietnamese, Spanish and English. Whistle signaling and mayday calls were two areas of focus. He discussed the challenges of issuing a CD vs. a DVD, and the interactive nature of the training- that use of the CD requires a computer and that most fishing vessels don't have computers on board, and the need to get the training into a format that will be useful in number of technical environments although currently it is just PC based. He also mentioned a social marketing study being conducted on the Vietnamese fleet to improve safety.

Comments from CAPT John Burton, Coast Guard Commandant (CG-CVC): CAPT Burton provided comments on the importance of advisory committees and difficulties involved in the regulatory process, and stated the necessity of keeping the momentum going in promoting safety, especially under current budget constraints. Committee input in the process of developing the new regulations and policies is invaluable. The Auth Act put the onus on the industry in policing itself. Committee recommendations on development of the Alternative Safety Compliance Program rules are vital. The efforts of the Committee are crucial to improving safety across the fishing industry, especially where sub-standard vessels are concerned. Reduction in Coast Guard budget is impacting staffing, but the Coast Guard is committed to keeping marine safety a core function of the service. CAPT Burton stated that, in his memory, the process of getting regulations promulgated has never been more difficult. Chairman Dzugan asked whether we will be looking at new changes to the mandatory examinations program policy with respect to the 2012 Act. Mr. Lawrenson responded that there have been challenges in balancing resources, both personnel and budget restrictions in order to be able to reach all areas of District 17, and to effectively address the greatest safety risks present in Alaska. Mr. Lawrenson stated that developing relationships in various communities is vital to maximizing outreach efforts; mutual accommodation is a key to success. Mr. Kemerer stated that from the program perspective, the requirements for exams will be once every five years with the first exam within two years of the 2012 Act becoming law; the Coast Guard would start doing the exams starting October 2012. Feedback from the field indicated that there was little resistance to the exam requirement and that the Coast Guard experienced a rise in exam requests. Exam requests have dropped off since the 2012 Act deferred the requirement, but that exam requests are increasing again. CAPT McAvoy stated that human nature is to put things off, so we need to put effort into getting exams completed sooner rather than having to deal with a backlog of exams all at once when the

regulations come out. Mr. Hewlett suggested efforts be made to get the exam program going to promote a staggered examination among vessels within the fleet so that all exams are not due at the same time. CAPT Burton stated that Mr. Hewlett's comment was important and that it is in the interest of the Coast Guard to not have all vessel exams become due at the same time. A Committee member questioned whether the National Marine Fisheries requirement for examinations every 2 years will remain in effect.

Mr. Williams requested to enter a motion:

29. **MOTION:** Recommend that the Coast Guard continue the policy of CFV exams every two years. Motion made by Mr. Williams; seconded by Ms. Bui; passed unanimously.

Discussion: CAPT Burton stated that he appreciates the Committee's position on the 2 year exam interval, and that it is important for the Committee to voice such positions. Chairman Dzugan mentioned the importance of realistic marketing of the exam program; that the dockside exam not be advertised as a tool to avoid being boarded by the Coast Guard. Committee members pointed out that perhaps this might be a training issue for the Coast Guard to address at the Maritime Law Enforcement Academy; and that perhaps introducing Coast Guard members to fishermen during training might go a long way toward developing mutual trust and understanding. A committee member also suggested that sending armed Coast Guard "SWAT teams" to a vessel to follow up on a missed notice of arrival is completely unnecessary and counter-productive.

08:55 AM - Break

The committee took a short break, and then Chairman Dzugan reconvened the Committee and called for comments from the public.

09:05 AM - Public Comments

Chairman Dzugan opened the meeting to comments from the public.

Mr. Troy Rentz commented on the necessity of creating a flexible ASC Program that addresses the needs of the variety of fishing communities instead of a "one size fits all" solution.

Ms. Lurilla Lee, Trident Seafoods Corporation (Trident), spoke to importance of moving forward quickly with new regulations so that the fishing industry may move forward with

compliance. Moving forward with developing alternative compliance standards for vessels undergoing major conversions is important to Trident because the company is involved in this to a great extent. Trident supports the Committees recommendations on ASC Program development; Ms. Lee stated that she believes that it will be embraced by the fishing industry by and large. She thanked Mr. Lawrenson, Mr. Rentz and CAPT Woodley for their work on providing recommendations on the way forward with the ASC Programs. Ms. Lee stated she hopes that she will be able to participate in the development of the programs as the process move forward. She reiterated the point that a “one size fits all” program is not the way to go.

There were no other public comments.

Subcommittee Reports: Chairman Dzugan introduced Ms. Conrad to continue with presenting the work of the Training Subcommittee.

Mr. Dameron requested to submit a motion to the committee as follows as read by Mr. Davis:

30. **MOTION:** Recommend that the Committee inform the House Subcommittee on Coast Guard & Maritime Transportation and the Senate Oceans, Atmosphere, Fisheries and Coast Guard Sub Committee that the CFSAC did not and does not support Survey and classification requirements for new vessels of at least 50 feet in length, built after July 1, as per the following:
- a. We participate in our advisory role because we believe in the value of industry and public comment when determining how our industry is regulated. The industry is more accepting of regulations impacting safety when the process is participatory. There was no public comment or industry input sought concerning the classification of fishing vessels.
 - b. The report to congress for the inspection of commercial fishing industry vessels did introduce classification and load line construction standards but did not suggest requiring regulation to obtain and maintain classification certification. The report suggested vessels would be inspected annually by third parties with audits and reviews conducted by the Coast Guard.
 - c. This Committee believes in compliance programs where all fishing vessels greater than 50’ must comply with hull and machinery

standards as well as fishery specific or geographic specific standards because of specific risks associated with fishery or area of operation.

- d. This committee recommends that congress move to amend Title 46, Subtitle II, Part B, Chapter 45, Section 4503 to require vessels built after July 1, 2012 adhere to classification and load line design construction standards but not require classification certification. We believe that this along with mandatory compliance programs will offer adequate safety standards without burdening our commercial fishing fleets with the unnecessary expense of full classification certification. Your immediate attention to this matter is greatly appreciated.

Motion made by Mr. Dameron; seconded by. Mr. Mattera; passed unanimously.

Discussion: Mr. Thompson stated that he has serious concerns with the Classification issue due to the fact that Classification Societies have not stepped up to support it by developing Class rules for fishing vessel construction. Mr. Davis stated concerns that if vessels are built to Class standards, how will the Coast Guard or industry ensure that vessels are maintained in the same seaworthy condition? Mr. Hewlett stated that, as he understands it, liability issues are a big reason that Classification Societies don't want to participate, and that small vessel operators will be forced to fish in older, more unsafe boats than they would if they could afford to build new boats. There was general agreement among the Committee members that Classing smaller vessels is too expensive and unnecessary, and that ASC Program enrollment for newer vessels would be more effective and affordable; requiring Classification will drive the industry to continue to operate older, less safe vessels.

Ms. Conrad continued reporting on activities of the Training Subcommittee. Following up on the previous day's activities regarding training curriculum objectives development, the Subcommittee presented the following Motion:

31. **MOTION:** Recommend accepting the training objectives as amended for the four modules which cover the topics of the 2010 Authorization Act. Motion made by Mr. Davis; seconded by Ms. Conrad; passed unanimously.

Discussion: Ms. Conrad then led discussion on the amendments to training program curriculum as developed by the Subcommittee. On Stability and Damage

Control, amended objective #1 to include defining 15 terms regarding vessel stability and 10 factors affecting stability; Chairman Dzugan stated that he would like the Committee to submit a change concerning objective #22 the addition of requirement of 6 points a fisherman should understand in a stability letter or report. Mr. Dzugan presented his thoughts on the time requirements for teaching the program curriculum; approximated times (in hours): watchkeeping .5; fatigue .5; marine weather 1; seamanship 1-2; and collision avoidance and some navigation 3-4 hrs; for a total of 6-8 hours, so this appears realistic and do-able. He went on to recommend for objective #8 dropping "set and drift" from the curriculum due to the speed of today's boats and the distances travelled; for a basic course this topic is not necessary, although for an "approved" course it may be required. Classroom space constraints for charting would prove challenging to accommodate. And for objective #19, amend to have a requirement for students to list 6 seamanship practices they use.

Chairman Dzugan introduced Mr. Jacobsen to cover the efforts of the Construction Standards Subcommittee.

Mr. Jacobsen offered 3 motions for consideration by the Committee.

32. **MOTION:** The committee endorses the "Draft Guidelines for Development of Alternate Safety Compliance Programs as Required by 46 USC 4503 (d) and 46 USC 5103 (c)" as policy guidance to move forward in the development of Alternate Safety Compliance Programs, with the following edits:
- a. Page 3, Bullet Point 5: strike the word 'an", strike "chair" and insert "representatives", strike "co-chair and insert "representatives"
 - b. Page 3, Bullet Point 6: strike entire sentence.
 - c. Page 3, Bullet Point 7: strike entire second sentence. Add to first sentence the following: "staff for demographic data."
 - d. Page 3, sub-heading "ASC Program Development", Bullet Point: "General Comments on Developing Alternate Compliance Program Standards", sub-Bullet Point 3, strike "should" add "must."
 - e. Page 4, sub-Bullet Point 5: second sentence, strike "minimal".
 - f. Page 4, sub-Bullet Point 6: strike "given" and insert "subject to." Append entire bullet point to the end of bullet point 5.
 - g. Page 5, sub-heading "ASC Program Implementation": strike bullet point 1.

Motion made by Mr. Jacobsen; seconded by Mr. Neville; passed unanimously.

33. The committee recommends Coast Guard use the current requirements of the Alternative Compliance Safety Agreement as an initial outline for the development of a "menu" for constructing Alternate Safety Compliance Programs. Motion made by Mr. Jacobsen; seconded by Mr. Dameron; passed unanimously.

Discussion: Mr. Jacobsen stated that the Subcommittee does not intend the ASCP to mirror the ACSA program, but it is a good starting point for development of ASCPs. Mr. Davis stated that Alternative Compliance is the process that you go through to get to the end product.

Mr. Davis read the following motion made by Mr. Jacobsen:

34. **MOTION:** The committee recommends that the Coast Guard consider the following as MINIMUM STANDARDS for Alternative Safety Compliance Programs, Where Applicable and Appropriate for all ASCP vessels:
- a. Stability Standards:
 - i. A "simplified" stability standard for vessels under 79' in length.
 - ii. Stability calculation performed by a naval architect for vessels over 79' in length.
 - b. Haul-out: not exceed every three (3) years
 - c. Watertight Integrity:
 - i. Watertight/weathertight closures:
 - 1) Closures clearly labeled "Opening authorized for transit only - keep closed at sea"
 - 2) All doors operable.
 - 3) Tested for fit and watertight integrity
 - 4) Seal not painted, badly cracked or deteriorated.
 - 5) Examine sealing edge of closure frame.
 - ii. Below deck watertight doors, hatches and bulkheads
 - 6) Existing internal watertight subdivision shall be maintained or restored to original condition.
 - 7) Bulkhead penetrations.
 - 8) Watertight doors
 - d. Machinery systems
 - i. Where Applicable and Appropriate -Fuel system piping on the pressure side must be seamless piping of steel, annealed copper or brass tubing or nickel copper meeting the requirements for materials and thickness. Non-metallic hose under 10 psi allowed only where flexibility is required to prevent damage from vibration, fuel/hydraulic hoses meet J-1942 or SAE J-1943-1,

hose fittings meet SAE J1475, approved fire sleeve material as listed in the SAE qualified hose list installed over approved hose.

- e. Life Saving Equipment and Arrangements
 - i. Immersion suits maintained to manufactures specifications.
 - ii. Each immersion suit required to be fitted with a Coast Guard approve strobe type PML
- f. Where Applicable and Appropriate -There must be a closure on the machinery space hatch.
- g. Freon detector on vessels with Freon refrigeration systems (other than domestic).

Motion made by Mr. Jacobsen; second By Mr. Dameron; passed unanimously.

Discussion: Mr. Hewlett asked whether this is a minimum standard for the whole fleet, for everybody. Mr. Jacobsen stated that everything in this motion was agreed to unanimously in Subcommittee; Subcommittee members in disagreement should voice their opinion. Mr. Davis stated that there are some good reasons behind the fuel system. The words “Where Applicable and Appropriate” and “not to exceed 3 years” were added to the text of the motion in response to Committee comments. Chairman Dzugan requested the insertion of the words “chalk test” in the part concerning watertight doors as a sort of standard, simple, and cheap test to verify watertight integrity. Mr. Jacobsen responded that while testing is important, the mode of testing should not be specifically prescribed. Chairman Dzugan asked Mr. Rentz if he had any suggestions or additions to offer. Mr. Rentz suggested examining approval standards for rafts, and that a near-shore raft might work for some fleets, and that a SOLAS raft is the only one for fleets like the ACSA fleet. Mr. Hewlett stated his concern that boats without watertight bulkheads that they not be required to add them. Mr. Davis stated that that requirement would not apply to the mono-hull boats without bulkheads such as those Mr. Hewlett is referring. Mr. Jacobsen suggested, and the Committee agreed, to remove text regarding liferaft requirements because 46 CFR Part 28 adequately addresses liferaft requirements.

Chairman Dzugan called for any general motions that Committee members might wish to make.

Mr. Mattera requested consideration of a motion concerning the Safe At Sea Network letter referencing National Standard 10.

- 35. **MOTION** (as read by Mr. Davis): Committee to submit a letter endorsing and supporting the strengthening and improvement of guidelines for NMFS National

Standard 10 created by Magnuson-Stevens Fishery Conservation and Management Act in order to assure SAFETY is considered in the creation of all fisheries management policies. Motion made by Mr. Mattera; seconded by Mr. Davis; passed unanimously.

Discussion: Mr. Mattera stated that previously the Committee has recommended the Coast Guard send a letter to NMFS, and suggests that the Committee write directly to NMFS. No arguments against this motion.

Mr. Mattera requested a consideration of a motion concerning 2182 kHz and the fact that most radios have a button for this channel that is often used in emergency situations; that the Coast Guard develop and issue a decal for use on such radios to inform operators of the channels monitored by the Coast Guard.

36. **MOTION:** Request that the Coast Guard Design and provide an adhesive decals with alternative channels monitored by the Coast Guard (4125kHz, 6215 kHz, 8291 kHz, 12290 kHz) to be placed on or near the SSB radios on Fishing Vessels. Motion made by Mr. Mattera; seconded by Mr. Williams; passed unanimously.

Discussion: Mr. Williams stated that this is a common problem with SSB radios, and with all the other problems such as language barriers, the Coast Guard and also radio manufacturers needs to step up to help with this issue; communication is key to addressing this issue. Mr. Davis questioned whether radios can be reprogrammed so that pushing the emergency (2182kHz) button would go to a appropriate frequency.

Mr. Mattera asked for comments on labeling problems on ACR EPIRBs where operating buttons and switched for activation/testing are concerned; EPIRBs are being broken due to confusion on proper activation caused by unclear or poor labeling. Mr. Williams suggested that all EPIRB manufacturers be notified of this issue. Mr. Thompson stated that he would reach out to the industry on this issue. There was no motion made on this issue.

Mr. Williams asked whether the Fishing Vessel Safety Manual could be provided, electronically, to Committee members. Ms. Conrad referred the Committee to the NPFVOA website. See: <http://npfvoa.org/training-materials/>

Mr. O'Leary commented on problems with new hydrostatic releases on EPIRBs. The Committee should work to raise awareness of issues with EPIRB mounts and hydrostatic releases. Chairman Dzugan requested that Committee members, with knowledge of

similar issues, provide letters to Mr. Mattera for inclusion with the other letters the Committee intends to send.

Mr. Dzugan turned the meeting over to CAPT McAvoy for selection of Chairman and Vice-Chairman for 2014.

10:50 – 11:00 AM – Break

11:00 AM - Meeting Reconvened

CAPT McAvoy requested nominations for Chairman and Vice-Chairman for 2014.

37. **MOTION:** Mr. Gerald Dzugan nominated for Chairman. Motion made by Mr. Hewlett; seconded by (unintelligible); passed unanimously.

38. **MOTION:** Mr. Alan Davis nominated for Vice-Chairman. Motion made by Mr. Mattera; seconded by (unintelligible); passed unanimously.

Discussion: It was noted that Mr. Davis' term of appointment expires prior to the end of the 2014 CFSAC term. CAPT McAvoy asked whether there were any nominations for an alternate Vice-Chair in the case that Mr. Davis does not retain his membership on the Committee. The Committee agreed that this issue could be dealt with as necessary at the next CFSAC meeting.

CAPT McAvoy turned the meeting back over to Chairman Dzugan. Chairman Dzugan read, into the meeting record, the following regarding the Committee sending direct communications to Congress: Committee Guidelines state "The Committee may make available to Congress any information, advice and recommendations that the Committee is authorized to give to DHS and the Coast Guard." He followed by stating that it appears there is no legal obstacle to direct communication with Congress, and that the Committee has done this before. Individuals wishing to communicate directly with Congress must write as a private citizen, and not as a member representing the Committee.

Mr. Dzugan thanked outgoing member Mr. Bratager for his contribution to the Committee. Mr. Bratager expressed what a pleasure and privilege it was to have served the Committee.

Chairman Dzugan requested any final comments from the public.

Mr. Lawrenson offered comments on the impact of major changes and looking toward the future; that ASCPs will have the same level of positive impact that the initial CFV regulations have had on safety. The decisions to be made on Classification and ASCPs are an opportunity for fishing fleets to examine where they want to be when operating 20-30 years from now- this being a philosophical question to be dealt with. He noted frustration that previous goals for lowering fatality rates using the tools made available at the time proved an unattainable goal. The new rules on Classification and maintaining Classification standards on vessels need to be generated to ensure achieving the types of fleets we want to see in the future. The ASCP is a bridging program, not a long term solution; it is a measure implemented to do something to improve the safety of existing vessels, and that we should not look at the ASCPs as a replacement for any Class construction standards for new vessels. ASCPs may prove a disservice to builders and operators if a vessel is built in one region, say the Gulf of Mexico, then is move into service in some place like the Gulf of Alaska or the Bering Sea. Also, Mr. Lawrenson does not see the Coast Guard rising to a level where it can take on the role of Class in verifying the maintenance of Class conditions; that this task would more likely fall to Third Parties in one form or another.

Mr. Kemerer thanked Committee members for their attendance and work they completed. He stated that the CG-CVC-3 staff will work to engage with Committee members regularly as projects proceed, and will work to get the word out on the next meeting. He added a couple comments on administrative items; LT Gordon reminded members to sign travel claim documents with BLUE ink, provide receipts for items over \$70.00, and return the claim within 3 days of completion of their travel back home.

Chairman Dzugan turned the floor over to CAPT McAvoy for closing comments. CAPT stated that he has 3 years left in his assignment; the CVC-3 staff will be here long-term. Communication among the Committee, District program managers and CVC-3 staff is important, and that he wants to keep the momentum moving on the work that is underway. He thanked the Committee for their good work and willingness to travel. As an aside, he mentioned that the report on the F/V Lady Mary casualty is in review at the upper levels, and that copies will be available to the Committee once the report is made available to the public. Mr. Kemerer stated that it would be posted to the Coast Guard Investigations Office website.

Committee Closing Comments: Committee Members provided brief closing comments.

- Mr. Mattera: Appreciate the opportunity to serve on this Committee, meeting folks from around the nation, and share experiences- this is what helps improve

safety. The passion for safety demonstrated here is real and the Committee strives to improve the safety culture in the fishing community.

- Ms. Bui: Felt the Committee was “synched” during the work groups as evidenced in the number of unanimous decisions. Always takes home something valuable learned during the meeting to share with the fishing community there.
- Mr. Dameron: Great meeting and enjoyed seeing everyone again.
- Ms. Conrad: Appreciate the passion of the Committee; the Committee accomplished a lot and looks forward to continuing the work.
- Mr. Neville: Enjoyed meeting everyone and the work the Committee did; accomplished a lot and look forward to continuing the effort.
- Mr. O’Leary: Felt a lot was accomplished; appreciates the understanding and compassion for the challenges of the different areas and of the financial situation of fishermen. The Committee is doing good work on safety issues, but needs to understand the impact that new requirements have on fishermen- that many may be put out of business; small operators and their families could be greatly impacted. The work of this committee shows that they understand these issues.
- Mr. Bratager: It has been a great privilege serving on the Committee, and get to know each individual and what they bring to the table. Building and sustaining momentum is important to this important work.
- Mr. Davis: Values the Committee and getting an understanding of the common challenges throughout the fishing community. Understands fiduciary and bureaucratic barriers to things, but there need to be a way around them to get the work the Committee has done to fruition.
- Chairman Dzigan: Thanks to the Coast Guard Staff here at Coast Guard Headquarters and to other Coast Guard staff and members of the public many of whom came long distances to attend the meeting. Enjoys and respects the Committee members. The Committee has been through some hard times, and the productivity of this meeting demonstrated the perseverance and good working relationships. Believes that keeping lines of communication open is key to accomplishing Committee objectives. Special thanks to Mr. Kemerer for his efforts in supporting the Committee.
- Mr. Williams: It’s an honor to serve on the Committee. We all have the same goals regardless of where we come from. We accomplished a lot, while respecting fishermen in the process. Apologized for his brash approach, but stated there is a need for that sometimes when we are creating things that will impact people’s lives.
- Mr. Thompson: Pleased with what the Committee has accomplished this week. There was an extraordinary amount of cooperation that has not always been present at Committee meetings.

- Mr. Hewlett: The meeting went well, everyone worked well together. Keeping in contact between meetings is a great idea.
- Ms. Baker: echoed many of the comments made by other Committee members; appreciates Chairman Dzugan's leadership. The Committee is building on the work of others who went before, and is excited to be a part as we move ahead.
- Mr. Jacobsen: Appreciates the wonderful people on the Committee and their patience with him. He looks forward to moving ahead with the Committee's work.

Mr. Kemerer thanked the CG-CVC-3 staff for their behind the scenes work. Made a brief statement about the Committee members representing their respective segments the industry, and how the Committee is expected to be straightforward and forceful in their representation.

Mr. Davis brought up a question as to whether it would be good to hold the next meeting in Seattle in November. Mr. Hewlett suggested that it would be good to get local fishermen involved so consideration should be given to holding meetings in other regions. Chairman Dzugan expressed a hope that a meeting might be held in Alaska someday considering the huge importance of the Alaska fisheries, producing about half the seafood in the United States. Mr. Kemerer stated that budget constraints may pose problems, as would the requirement to try to hold the meeting in a Federal workspace, although the Coast Guard recognizes the need to hold meetings in other regions.

With unanimous consent, Chairman Dzugan adjourned the 33rd meeting of the CFSAC.

11:47 AM - Meeting adjourned.

List of Public Attendees

1. Brandi Baldwin, U.S. Coast Guard (CG-ENG-4)
2. Dave Belliveau, U.S. Coast Guard (CG-CVC-3)
3. Craig Cross, U.S. Coast Guard Atlantic Area
4. Marty Daniels, Omega Protein
5. Lieutenant Nasif Gordon, U.S. Coast Guard (CG-CVC-3)
6. Dennis Hansford, National Marine Fisheries Service (NMFS)
7. Shellie Harper, South Pacific Tuna Corporation
8. Valerie Holford, Environmental Defense Fund
9. Jack Kemerer, U.S. Coast Guard (CG-CVC-3)
10. Debra Lambert, National Marine Fisheries Service (NMFS)
11. Liam Larue, National Transportation Safety Board
12. Kenneth Lawrenson, U.S. Coast Guard District 17
13. Lurilla J. Lee, Trident Seafoods Corporation
14. Russell Lepin, Commandant, U.S. Coast Guard (CG-652)
15. Dr. Jeffrey Levin, MD, University of Texas
16. Melanee Libby, U.S. Coast Guard
17. Captain Jennifer Lincoln, National Institute of Occupational Health (NIOSH)
18. Captain Kyle Mcavoy, U.S. Coast Guard (CG-CVC-3)
19. Troy Rentz, U.S. Coast Guard District 13
20. Charles Roskam, U.S. Coast Guard (CG-CVC-3)
21. Mark Scheer, Young de Normandie, P.C.
22. John E. Smith, Storrs and Smith, LTD.
23. Eric Stolzenberg, National Transportation Safety Board
24. Mike Tork, National Marine Fisheries Service (NMFS-NEFSC)
25. Harry Upton, Congressional Research Service, Library of Congress
26. Jacob Varghis, U.S. Coast Guard Pacific Area
27. Jonathan Wendland, U.S. Coast Guard (CG-CVC-3)