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INTRODUCTION

Thank you, Mr. Chairman, for the opportunity to appear before the Subcommittee. I hope what I have to offer will help answer some questions and provide some direction on: the statutes applicable to uninspected commercial fishing vessels, the enforcement of the current regulations, the training and expertise of those charged with enforcement, and what the Congress and/or the Coast Guard can and should do to improve safety on board U.S. commercial fishing vessels.

My name is Richard Hiscock. I am a former commercial fisherman, living and working in Chatham, Massachusetts, as an independent marine safety consultant.

Over the past five years much of my time has been spent determining what, if anything, the Coast Guard is doing or could do to address fishing vessel safety. What I found was not encouraging!

Because of the dearth of information available to fishermen on: the maintenance, use and availability of modern survival and rescue equipment, and current federal requirements for their vessels, I began publishing a newsletter "Safety Notes for Fishermen," which is distributed, at no charge, to fishermen and Coast Guard personnel.

In addition, to increase the availability of information, I recently assisted the First Coast Guard District, Marine Safety Division in the rewriting of the "Fisherman's Digest" -- the only available booklet of its kind -- compiling all the federal requirements for commercial fishing vessels in an easy to comprehend format, and in addition providing information on distress communications and Coast Guard assistance, and survival and rescue equipment. While distribution is limited, primarily, to the First Coast Guard District, requests for copies have come from all coasts. It is my hope that other Districts will republish the "Fisherman's Digest" and that eventually a publication for nation-wide distribution will be available.

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Affiliate

NATIONAL SAFETY COUNCIL
Water Safety Committee

NATIONAL TRANSPORTATION
SAFETY ASSOCIATION
Advisory Board

NATIONAL ASSOCIATION FOR
SEARCH AND RESCUE

ASSOCIATION FOR
RESCUE AT SEA

INTERNATIONAL ASSOCIATION
OF DIVE RESCUE SPECIALISTS

ROYAL NATIONAL LIFEBOAT
INSTITUTION
Shoreline

STATEMENT OF RICHARD HISCOCK

That little has been done to improve safety onboard U.S. commercial fishing vessels, either by Congress or the Coast Guard, is due in large measure to an inability to perceive a problem.

First, there is the pervasive and archaic notion that: as long as only the fisherman is hurt or killed in an accident, it can remain his own business, accomplished at his own risk. This may have been a noble position 40 years ago, but it is difficult to defend today.

Each year the Coast Guard is required to spend over 44,000 hours responding to nearly 7000 fishing vessels in need of assistance, and since August 1981 eight Coast Guard air crewmen lost their lives while trying to assist fishermen in distress.

Even a routine Search and Rescue (SAR) case can involve going many miles offshore to assist a vessel disabled by a simple mechanical failure, that could have been prevented by good maintenance and repair, or to evacuate an injured crewman.

Many cases, however, involve overdue or distressed vessels, requiring extensive searches of vast offshore ocean areas, sometimes lasting for days, using fixed-wing aircraft, long-range helicopters, high and medium endurance cutters and patrol boats. In some cases no trace of the vessel or crew is ever found. If the Coast Guard is required to use all of its available resources and personnel to assist fishing vessels in distress, it would seem that, to increase the probability of success, these vessels should be equipped with, and the crew trained in the use of, properly maintained modern survival and rescue equipment.

While fishing vessel SAR accounts for only 10% of the annual Coast Guard SAR cases -- recreational boats account for over 70% -- each case is far more time consuming and costly. In fact it requires, on

average, three times the sortie hours to complete each fishing vessel SAR case. And because of the SAR resources necessary (aircraft and cutters) to assist fishing vessels, the actual dollar cost, per case, is probably nearly four times the amount necessary to assist a recreational boat.

It would seem that the safety, survival and rescue of fishermen is not entirely "his own business," nor is it "accomplished at his own risk."

Second, casualty data for commercial fishing vessels is incomplete and illusive, particularly considering the comprehensive data compiled annually on over 14 million recreational boats. The number of fishing vessel casualties is unknown, for many minor incidents are unreported. Casualty rates are impossible to calculate or compare because the number of commercial fishing vessels (documented and state numbered) in operation is unknown, as are the number of fishermen. But, it is known that, on documented fishing vessels alone, over 100 fishermen die each year, almost 60% directly as the result of casualties to the vessel. However, unlike the *Poet*, *Ocean Ranger*, and *Marine Electric* tragedies, fishermen die unspectacularly in small numbers. Not until the fishing vessels *Altair* and *Americus* were lost last February in the Bering Sea - 14 fishermen lost their lives - did a fishing vessel disaster make the national evening news.

Notwithstanding the RATE at which fishermen die, a comprehensive fishing vessel safety program reducing the number of serious fishing vessel casualties (flooding, foundering and capsizing), increasing the availability and maintenance of proven survival and rescue equipment, would significantly reduce the number of lives lost, the number of fishing vessel SAR cases, and increase the effectiveness of the necessary SAR

effort. The cost of establishing such a program would be off-set by a substantial reduction in Coast Guard operating expenditures.

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The statutes applicable to uninspected fishing vessels are unfortunately inadequate to address any of these issues, as virtually all fishing vessels are exempt from marine safety laws pertaining to maintenance and repair standards, design standards, manning standards, operating standards, and equipment standards except as required by the Motorboat Act of 1940 and the Navigation Rules. [More recently the remaining provisions of the Motorboat Act of 1940 are found in the proposed revision of Title 46 U.S.C., H.R. 2247 (Subtitle II, Part B, Chapter 41).]

The Motorboat Act of 1940 replaced a similar Act of 1910 and was adopted to address primarily pleasure motorboat safety, not commercial vessel safety. (Additional Acts specifically addressing recreational boat safety were adopted in 1958 and 1971.) Further, the Motorboat Act only authorizes the Commandant to adopt regulations for those safety items specifically mentioned in the Act. Thus a fishing vessel must carry a life preserver (PFD) for each person on board, a life ring and a specified but generally insufficient number of fire extinguishers. In addition, if the vessel uses or is propelled by a gasoline engine the carburetor must have an approved backfire flame arrestor and the engine and fuel tank compartments must be ventilated. Also fishing vessels are supposed to be equipped with the navigation lights, dayshapes and sound signals specified by the Navigation Rules.

Despite repeated requests from Coast Guard District Offices, the National Transportation Safety Board and other safety professionals the Commandant can not prescribe regulations to require fishing vessels

to carry and maintain such modern survival and rescue items as exposure (survival) suits, approved life rafts, visual distress signals, and EPIRBs (Emergency Positional Indicating Radio Beacons). Nor can preventative measures such as: stability calculations, watertight subdivision and integrity, bilge alarms and pumping systems, fire resistant construction or modern firefighting systems be required. Unless Congress acts to change the statutes and exemptions applicable to fishing vessels the Coast Guard is limited to enforcing only the current inadequate regulations.

While the regulations are admittedly inadequate there is nothing in the statutes to preclude the Coast Guard from doing a more thorough job of enforcing the existing requirements. The examination of fishing vessels for minimum safety compliance is carried out infrequently, and often by Coast Guard personnel who have little if any training in the applicable regulations. There is no regular pier side examination of fishing vessels conducted by Marine Safety personnel, as the voluntary examination program planned for uninspected fishing vessels was terminated as part of the 1981 budget cutting process. Further, this program, while successful in the Second Coast Guard District (Western Rivers) for towing vessels, never really got underway for fishing vessels in coastal Districts.

Safety examination of fishing vessels is carried out by Coast Guard Officers assigned to Operational units, only after a SAR assistance case or as part of a Law Enforcement boarding. However, these examinations are in many cases incomplete and inconsistent because the boarding officer received training primarily in the examination of recreational boats, not uninspected fishing vessels. And while the requirements for fishing vessels may be limited and less comprehensive than those for recreational boats, there are some significant differences in the safety requirements for each.

Further, the "Report of Boarding" form (the so called 4100 form) does not reflect these differences, as it was designed for the examination of recreational boats, despite the fact that it is routinely used for the examination of uninspected fishing vessels.

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What follows are my recommendations to the Congress and the Coast Guard. Some could be implemented immediately without changes in the statutes. Several will require Congressional action.

I. That the Coast Guard establish in the Office of Merchant Marine Safety a Division of Uninspected Vessels, to:

A. Immediately initiate a vigorous and comprehensive fishing vessel safety program, including:

1. An educational program for fishing vessel operations, covering current federal requirements, modern marine safety and engineering practices, and survival and rescue equipment and techniques.
2. Thorough training of selected Marine Safety and Operational personnel in the proper examination of uninspected fishing vessels for current federal equipment requirements including navigation lights, dayshapes and sound signals.
3. A complete revision of the 4100 form to include requirements for uninspected commercial vessels, or the creation of a new boarding form for these vessels.
4. The thorough dock side examination of fishing vessels for all federal requirements, using fines to their fullest advantage as an incentive to maintain compliance. At the same time recommend the elimination of safety hazards, improved safety practices

- and survival and rescue equipment.
5. Improve collection and dissemination of fishing vessel casualty data in order to identify areas for needed research, education or regulation.
 - a. Establish uniform casualty reporting criteria for both documented and state numbered commercial vessels.
 - b. Request that the Search and Rescue Division include, as it did in the past, the Official Number of each vessel involved in a SAR case, including cases when only crew are assisted, so that SAR data and marine casualty data can be integrated.
 - c. Make every effort to determine the actual number of U.S. commercial fishing vessels, both documented and state numbered, so that realistic casualty rates can be calculated.
 6. Initiate needed research, development and investigation and coordinate projects currently being conducted by SEA GRANT.
- B. Establish the necessary additional billets at the District level, including a Fishing Vessel Safety Liaison Officer, to coordinate and carry out the fishing vessel safety program outlined above. In order to ensure continuity and establish rapport with fishing vessel owners, operators and crewmen, surveyors, insurance brokers and underwriters, and SEA GRANT programs it would be preferable to assign a civilian Liaison officer.
- C. As part of the establishment of the Uninspected Vessel Division the Coast Guard should seriously consider transferring the Boating Safety Division - now in the Office of Boating, Public and Consumer Affairs - to the new Division. Recreational vessels are, after all, uninspected vessels also, and the educational expertise

developed by the Boating Safety Division over the past decade should be very useful in the Fishing Vessel Safety Program.

- II. That the Committee request the Coast Guard commence an immediate and complete review/update of the study: *A Cost-Benefit Analysis of Alternative Safety Programs for U.S. Commercial Fishing Vessels*, originally requested by the full Committee in 1967 and published in 1971.

The study contains a wealth of valuable information and, in addition, a recommendation for the institution of a comprehensive marine safety program for fishing vessels. While there is some evidence that the Coast Guard drafted the bill necessary to implement their recommendations; there is no evidence that the full Committee received either the study or the bill.

The revised and updated study and recommendations would, I hope, be delivered directly to the Committee, in a reasonable time. (Two years would seem reasonable?)

- III. That Congress consider amending the existing statutes applicable to fishing vessels.

A. Immediately after the revised Title 46 (H.R. 2247, S.46) is adopted into law, amend Chapter 41 (Uninspected Vessels) using language similar to that in Chapter 43 (Recreational Vessels) so that the Commandant can propose the adoption of regulations requiring that the best available firefighting and lifesaving equipment be carried and maintained on fishing vessels.

B. Consider the elimination of all the many existing exemptions applicable to fishing vessels currently in Title 46.

C. Consider the adoption of a comprehensive marine safety program

for fishing vessels similar to that proposed in the 1971 Coast Guard study mentioned above.

- IV. That the Coast Guard be encouraged to request, and the Congress authorize and appropriate the necessary funds to carry out the above recommendations.

Congress should keep in mind when considering such requests that it is far more cost-effective to prevent marine accidents than it is to respond to emergencies at sea.

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