

Alternate Compliance and Safety Agreement Meeting Summary

August 22, 2012

*Alaska Fisheries Science Center (AFSC), NOAA Sand Point Facility
7600 Sand Point Way NE
Seattle, WA 98115
Building 4, Jim Traynor Conference Room*

08:40

Welcome:

Round of Introductions led by Dan Hardin: went around the room with introductions. The meeting was attended by representatives of ACSA vessel owners, operators, NPFVOA, Freezer Longline Coalition, maritime consultants, Naval Architects, ABS, DNV, U.S. Coast Guard representatives from Headquarters, Pacific Area, Sector Puget Sound, Sector Anchorage, District 17 and District 13.

Announcements:

Sector Anchorage:

Charlie Medicott is no longer in Dutch Harbor, AK; he is now in Honolulu, HI.

Freezer-Longline Coalition:

Requested access to USCG data in order to view vessel examination status, open deficiencies and records of tank internal examinations.

Currently the data is maintained inside the Coast Guard fire wall and does not allow external viewing. Limited information is available for public viewing at the Coast Guard Maritime Information Exchange: <http://cgmix.uscg.mil/PSIX/PSIXSearch.aspx>. However, vessel owners or operators may obtain the information requested above by contacting the Officer in Charge, Marine Inspection (OCMI). Mr. John Dwyer, OCMI Puget Sound stated he would be the point of contact for ideas on how to share the data.

USCG Headquarters:

LT Nasif Gordon is new to the Coast Guard Headquarters Office of Commercial Vessel Compliance - Fishing Vessel Safety Division (CG-CVC-3) and will be the primary point of contact for any ACSA Program related issues and/or fish processing vessel regulations.

Review ACSA Policy Letter:

Troy Rentz, USCG Thirteenth District, ACSA Coordinator

-The new policy letter officially accepted the ACSA Guide for examination criteria and policy clarification. The revised policy letter facilitates periodic updates to the ACSA Guide without requiring revision of Headquarters Policy.

- The policy letter was shortened by removing ACSA vessel examination items that are contained in the ACSA Guide.
- Defined the responsibilities of Coast Guard Headquarters, Districts, and Sectors.

NIOSH Evaluation of the impact of ACSA on vessel safety:

Mr. Devin Lucas is a commercial fisherman, NIOSH scientist in Anchorage, and student at Oregon State University.

-Currently, Mr. Lucas is designing a research project to answer questions about the ACSA Program's effect on commercial fishing vessel safety. Mr. Lucas shared his current plan for evaluation of the ACSA. He solicited feedback from the group regarding the strengths/weaknesses and ideas to make the study stronger and more meaningful.

Mr. Lucas' presentation may be viewed on the ACSA web site:

<http://www.uscg.mil/d13/cfvs/acsa.asp> under the heading 2012 ACSA Meeting.

Feedback from the group:

Tips on gathering information from Coast Guard databases:

- The Coast Guard changed its data collection system from MSIS to MISLE around the year 2000. Information from the MSIS database was only partially mapped over to MISLE, resulting in data gaps.
- In the years following the terrorist attacks of 9/11, the Coast Guard had a shortage of personnel to conduct marine casualty investigations due to the added Homeland Security missions. Thresholds for levels of investigation and the amount of data required to be collected and entered was downgraded for several years.

Vessels not in the ACSA program may not report marine casualties as often as required. The number of marine casualties reported by ACSA vessels actually increased as ACSA vessel owners and operators became more aware of reporting requirements.

The Control group may have a bleed over effect from the ACSA group if there are ex-ACSA members.

Repairs made and expenditures on ACSA vessels: It is difficult to separate vessel improvements and repairs (ACSA costs vs. normal repairs & improvements) separate financial records are not kept.

Vessels in the control group may have a lot more or a lot less people onboard as compared to ACSA vessels. It will be difficult to find a directly comparable group. It was suggested that Pre/Post ACSA could be the best comparison.

The control group may have a number of fully classed and load-lined vessels.

Other variables that should be taken into account are days at sea, number of engine hours, people onboard, exposure.

Vessel age is also a factor in incidents. Other issues that might affect safety are:

weather conditions, licensed operators (or unlicensed), and human factors (i.e., operator error).

Are interviews with crews and captains an option?

Contact me with more ideas
Devin Lucas
dlucas@cdc.gov
(907)271-2386

9:30 am 15 min break

9:45 am Development of new Alternate Safety Compliance (ASC) Programs:

Mr. Ken Lawrenson (and CAPT Chris Woodley)

The slide presentation may be viewed on the ACSA web site:

<http://www.uscg.mil/d13/cfvs/acsa.asp> under the heading 2012 ACSA Meeting.

Alternate Safety Compliance (ASC):

The Coast Guard Authorization Act of 2010 added a new paragraph (d) to 46 USC 4503 that requires compliance with an alternate safety compliance program by January 1st, 2020 for vessels at least 50 feet overall in length, that operate beyond 3 NM of the Territorial Sea baseline if the vessel is built before July 1st, 2012 and is 25 years of age or older.

The Act requires ASC programs be “developed in cooperation with the commercial fishing industry” and “may be developed for specific regions and fisheries.”

Congressional intent:

Risk based prevention, not “inspection”.

Development of an ASC program:

- Agreement on Guiding Principles
- ID the affected fisheries and fleets
- ID and quantify the specific risks within fisheries and fleets
- Prioritize efforts by riskiest fisheries and fleets
- Develop a ‘spectrum’ of compliance measures
- Engage the industry to determine specific compliance requirements
- Set up a monitoring/feedback mechanism

Agreement on Guiding Principles:

Establish overall objectives of the program, akin to the 10 National Standards that NOAA requires all Regional Fishery Management Councils to follow when drafting new fishery management plans:

ASC must be relevant to specific fishery and geographic hazards, and developed to achieve reasonable and attainable risk-based objectives.

ASC must use meaningful, performance based standards.

ASC should be fit for the intended purpose and where possible, not merely scaled down versions of other standards.

ASC should increase the value of the vessel, and when possible, increase the efficiency of the vessel.

ASC standards should be modular in organization for ease of use by vessel owners, shipyards, naval architects, etc.

ASC standards should allow for the consideration of new technology as providing an equivalent level of safety.

ASC programs should allow for phased-in requirements and stepped progress toward compliance.

ASC standards should account for the vessel owners' accessibility to regional shipyard and dry-dock capability, naval architect services, Coast Guard Examiner resources, and other geographic and marine industry infrastructure limitations.

ASC programs should consider economic impact to the fishery and the vessel owner.

ID affected fisheries and fleets:

Compile Federal and State fishery permit information to ID all fisheries.

Group similar fisheries together.

When completed, every FV will belong to one or more 'fleets'.

Develop a risk index for each 'fleet'

- MISLE data
- NIOSH data
- Near misses
- SAR data
- Etc.

Prioritize efforts by riskiest fisheries and fleets:

Focus initial efforts on the highest risk 'fleets'.

Engage those 'fleets' early to establish working relationships.

Develop a 'spectrum' of compliance measures:

Akin to a 'menu' of required compliance options

Graduated from minimal efforts up to standards similar to either inspected vessel regulations or Class rules.

Can include the degree of Coast Guard involvement vice 3rd party (or self) examination.

Engage the industry to determine specific compliance requirements:

Outreach to fishing associations and industry leadership

Determine existing best practices and standards of care within 'fleets', including eyes-on surveys of representative vessels.

Work with 'fleets' to select appropriate compliance measures from the compliance spectrum using Guiding Principles.

Setup a monitoring/feedback mechanism:

Each ASC should be treated as a 'living system'.

Develop a process to regularly monitor results of each specific ASC scheme.

Create continuous improvement with the industry, similar to the existing annual ACSA stakeholders meeting.

Allow lessons-learned from casualties to be implemented into ASC schemes.

The Way Forward:

Flesh out more detailed process elements.

Write a Policy Letter and/or NVIC to explain process, as well as the Coast Guard's expectations of the efforts that the industry can do now to be ready for compliance.

Outreach to industry, through associations, leadership, publications, etc.

Outreach to the surveying industry and Class Societies to set the stage for their extensive involvement in ASC schemes.

Questions/Comments:

Comments:

Mr. Jack Kemerer – CGHQ Office of Commercial Fishing Vessel Safety (CG-CVC-3)

There's another category of vessels that will fall under the ASC programs, and that is not just those that are more than 25 years old, but if your vessel has been built before July 1st 2012, and it is substantially changed, which means a change of vessel type, dimensions, or carrying capacity after July 1st 2012 it will have to comply with an ASC Program whether it's 25 years old or not. The phase in period will be from 2017 to 2020.

Stability should be a key component of Alternate Safety Compliance Programs.

Currently vessels between 50 and 79 ft have no stability requirements attached to them and that has been a factor in marine casualties (overloading & instability).

Question:

- 1) The boats that are getting major conversions now are required to enter an ASC program, but there's no program for them to enter. What do we do there?
- 2) How does that work for boats who are trying to do the right thing?

Answer: Those owners need to approach us (the Coast Guard) to identify when those major conversions are happening, then we need to start dialog. The vessel owner would need to request a determination from the USCG Marine Safety Center to see if the vessel modification will be considered a major conversion. Then contact the OCMI to start dialogue on how to prepare the vessel for entry into an ASC.

That dialogue will help build the basic foundation blocks. We expect some sort of a stability component and a dry-docking exam component, but there is a lot we still do not know.

There are new DNV Tentative Rules for Domestic Class U.S. Fishing Vessels that can be looked at to see if some of the rules are suitable standards for shipyard work on fishing vessels. Talk to the Coast Guard, and let them know you're looking for answers, that will drive us.

Question: One of the big issues for ACSA has been the five year stability test or dead weight survey and more recently, the review by MSC. Is this something you envision being in the new ASC programs?

Answer: It's too early to say, there is still no consensus about what the stability criteria needs to be for vessels between 50 and 79 ft. There's a lot of work to be done.

The MSC evaluates plans against established regulations. MSC will not be establishing fishing vessel stability regulations. The regulations will come out of Coast Guard Headquarters. The MSC has received a couple of requests for stability reviews on vessels between 50 and 79 feet, so MSC engaged Headquarters to figure out what the criteria should be. If there are suggestions about what the criteria should be and the best sources, and lessons learned from industry about what does and does not work, please share that with Headquarters, write memos, help us collect data. Because we, as the Coast Guard, from the MSC perspective haven't had much experience with these smaller fishing vessels. We are interested in understanding what industry thinks is the proper approach to stability on smaller fishing vessels.

Question: Manpower is a major concern, what is MSC doing to address this workload increase in the future?

Answer: The MSC is staffed for the current workload. ASC programs are not yet developed. It is yet to be determined who will be responsible to review stability on ASC vessels. Classification societies and other third parties may play a large role in stability review & verification.

Recommended Changes to ACSA Guidance

Capt. Woodley

Brief summary of changes recommended to the ACSA Guide

Introduction

Clarified points of contacts within the program

Rewrote background information based on the new policy letter

Page 7 Instead of listing product codes by number, we listed what products are accepted on what kinds of vessels

Pages 8-9 Listed all boats (later discussion recommended deleting the list of vessels as the list will quickly become outdated. The ACSA vessel list is updated regularly by Sector Puget Sound).

Pages 10-12 Amended to reflect the new HQ policy letter

Section A -- Administration,

Pages 13-17 CG internal on how things are defined

Pages 18-19 Cleaned up checklist by reorganizing

Section B - Stability

Cleaned up & moved stuff around

Added MSC policy guidelines

Edited for missing terms

Section C – Dry-docking and Internal Exams

Cleaned up language

Changed title

Page 26 some checklist items were moved to the general policy discussion

Section D – Hull Thickness Gauging

No discussion items for section D

Section E – Tail shaft and rudder exams

No discussion items for section E

Section F – Watertight and Weathertight integrity

No discussion items for section F

Section G – Machinery Systems

Deleted reference to ACSA vessels that were less than 100 gross tons because there are none

Reverse Power relay moved to discussion instead of making it a checklist item

Language clarification

Review possible conflicting OSHA? Guidance

Section H – Lifesaving equipment & arrangements

Created checklist item for immersion suits
Removed reference to four person liferafts

Section I – Fixed firefighting equipment & arrangements

Deleted reference to oil fired burners
Moved 2nd sentence to discussion
Need to develop checklist item for #6 (FM & Loop systems)
Fire protection & bulkhead penetrations was moved to discussion

Section J – Other firefighting and safety equipment

Reordered paragraphs to line up with checklist items

Section K – Emergency drills & training

Deleted “as part of ACSA annual exam”
Reordered paragraphs to coincide with checklist items

Section L – Emergency communications & navigation

No discussion items for section E

Annex

Reworded sample exemption request letter, Annex 4
Reworded sample exemption letter, Annex 5