

DEVELOPMENT OF COMMERCIAL FISHING VESSEL ALTERNATE SAFETY COMPLIANCE PROGRAMS

The Coast Guard Authorization Act of 2010 requires the Coast Guard to prescribe and develop, in cooperation with the commercial fishing industry, Alternate Safety Compliance Programs. The 2010 Act added a new Subsection (d) to 46 USC 4503. Therefore, owners of commercial fishing vessels, tender and processor anywhere in the U.S. that operate outside 3 nautical miles, be aware of what ASCP means to you. Doing nothing by playing ostrich and burying your head in the sand will cost you a lot of money, time and extended aggravation. Leaders of their industries and Directors of Fishing Associations will need to unite in their respective fishing regions to form a direct leadership role in the development of an ASCP for their fisheries.

Which vessels need to enroll in ASCP?

1. Vessel is 50 feet or greater overall in length
2. Commercial fishing vessel, Tender and Processor 25 years of age or older in 2020
3. Vessel that operates beyond 3 nautical miles from shore
4. Vessel that operates with more than 16 POB (people on board) inside 3 nautical miles from shore will also need to enroll
5. Vessel built on or before July 1, 2013, and undergoes a substantial change to the dimensions of, or type of vessel (change in fishery), or completes a major conversion after the program is prescribed (prescribed date 2017)
6. Fishing Companies with more than 30 ASCP vessels have a compliance deadline of January 1, 2030
7. Vessels presently less than 25 years old, when you must be in compliance with ASCP. Vessel is 50 feet or greater and fishes 3 NM from shore then go to the date the vessel was built and add 25 years. (example: vessel built in 2005 then you must be in compliance with ASCP by the year 2030).

The projected Time-line for ASCPs must be prescribed by the Coast Guard by January 1, 2017 and implemented by 2020. It is my belief, that in 2015 the Coast Guard is developing tools, such as a risk based matrix and vessel checklist for

fisheries and region. In 2016, form Regional Workgroups to develop ASCPs. By January 1, 2017 prescribe ASCPs, and major conversions must comply as well. Finally, on January 1, 2020 vessels enrolled must comply with their custom-designed ASCP. Exception for fishing companies with 30 or more ASCP vessel must comply by January 1, 2030.

Recommended objectives of ASCPs:

1. Reduce vessel losses, fatalities and serious injuries.
2. Address specific risks within a fleet and not simply adopt standards from other programs (recognition that one-size doesn't fit all)
3. Determine whether existing best practices if adopted fleet-wide are sufficient to meet ASC objectives
4. Leverage new technologies as a means to reduce risk
5. Consider geographic and marine infrastructure limitations
6. Identify and dedicate resources to implementing and maintaining the program
7. Consider economic impacts to vessel owners

For many fishing vessel owner's financial assistance will be vital. Where will this financial assistance derive from? Does the Federal government possess the willpower to provide low interest funding, direct assistance funding to improve our aging fleet, will Capital Construction Funds be utilized, and will there be tax incentives? The economic impact should not be a means of consolidation, once again. This program should evolve over time, by initially addressing the major objectives and adding additional objectives in stages (possibly every 3 years) to lessen the economic hardship. This industry provides healthy, high protein, locally caught seafood for the consumer, as do Farmers across the country. The Dept. of Agriculture always supports and makes available funds for the farmer, it is time for our Congressionals to step up and preserve our coastal communities by granting funding.

How Regional and Fishery specific program requirements may be determined:

1. Form regional workgroups based upon fisheries, geographic location and common risk
2. Utilize NIOSH and Coast Guard data to assess regional and fisheries risk factors

3. Evaluate marine casualties (vessel and personnel) based on gear type, fishery and geographic region
4. Evaluate risks (both evidence-based risks measured in studies and also risk perceived by industry that have not been measured)
5. Prioritize Job hazards
6. Develop program requirements that address those hazards using the ASCP Matrix as a tool

Highly suggested ASC Standards for all vessels enrolled:

1. Review Casualties and prioritize risks
2. Maintain the watertight & weathertight integrity of the vessel
3. Have a plan for the use of PFD's and the prevention of falls overboard (falls overboard, not wearing a PFD is the most common fatal event in commercial fishing)
4. Vessels with EPIRB's should upgrade to GPS EPIRB's when servicing or batteries are due (good example of leveraging new technology to reduce risk)

What should vessel owners be doing now?

1. Discuss ASCP at Fishing Association meetings
2. Develop outreach to fishermen to heighten their awareness of the ASCP requirements
3. Begin to develop risks assessed in your fishery and what are the best practices to reduce identified risks
4. Call the Coast Guard Fishing Vessel Examiner if you are planning a major conversion or changing fisheries for a vessel 50 feet or greater overall
5. Unite the industry through regional fishing association and take a proactive approach by establishing a partnership with the Coast Guard, Naval Architects, Boatyards, Marine Engine companies, etc. to provide an important and efficient channel of communication of key and knowledgeable industry leaders which the Coast guard may find difficult on its own given the size and geographic distribution of the fisheries to conduct the type of forum and ASCP development

Most importantly, we need the Coast Guard to finalize and provide a Risk-based Matrix and Checklist of items that the Coast Guard is going to be interested

in considering in the program. Then it's my interpretation that the Fishing Industry can review their risk, the checklist and acknowledge what applies to that fishery in their working environment and what may not. Once this is established, you present it to the Coast Guard, and you begin the bargaining process.

Industry, it is time to unite and identify the potential flaws and difficulties of implementing ASCP; funding, compatible fisheries, ethnicity in the fisheries (language barrier), boatyard availability, naval architects available, (stability/inclination testing), equipment available, repairs and compliance timeframe.etc. Is this realistic for thousands of vessels and 50 or more ASC programs? Answer – we are losing vessels and fishermen, essentially due to an aging fleet. We need to do better! For the first time, our fishing industry has the opportunity to develop our own custom-designed plan to preserve and protect the vessels and crewmembers in our Industry.