

USCG POLICY ON EXPIRING TWICS  
SUMMARY OF CANADIAN FISHING FATALITIES  
LICENSE DENIALS SOAR OVER MED EVALUATIONS

OVERLOADED LIFTING GEAR ON FVS  
USCG VOLUNTARY EXAMS TO BECOME MANDATORY  
HYPOTHERMIA IN THE SUMMER—ARE YOU KIDDING?



# NPFVOA

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## VESSEL SAFETY PROGRAM

### A LAWYER'S PERSPECTIVE: THE BENEFITS OF NPFVOA MEMBERSHIP

*Michael Barcott, June 19, 2012*

\*Mike Barcott was recently named "Best Admiralty & Maritime Seattle Lawyer of the Year 2012" by the *Best Lawyers in the U.S.*

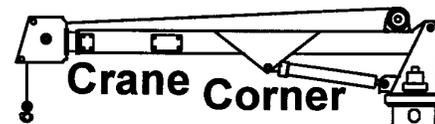
We are extremely fortunate in Seattle to have the NPFVOA Vessel Safety Program. If you are reading this letter it likely means that you are affiliated with the NPFVOA in some manner and understand many of those benefits. However, others may be less obvious.

I have watched the maturation of the safety culture related to the fishing industry for nearly four decades. The NPFVOA has been at the heart of many of those changes. Facing me across this front page will be the Crane Corner which is one of the hands-on practical pieces of advice provided by the organization in its quarterly newsletter. Programs spanning the gambit of safety issues are regularly presented. It is impossible to quantify a "non-event", but it is clear to me beyond question that the industry served by the NPFVOA has gotten significantly more safety conscious, and safer, over the course of the past three decades. This fact should be obvious to anyone involved in our industry.

There are injuries or deaths nonetheless and the benefits of membership then flow through to the litigation process. The Vessel Safety Manual published by the NPFVOA has become a very significant piece of evidence which may establish the standard in the industry on various safety issues. Those who are members of the NPFVOA, and comply with the recommendations made in the Vessel Safety Manual, may have a first line of defense to claims of negligence and unseaworthiness. Crane usage, loading, deck operations, stability, medical emergencies at sea, and many other topics are well covered. I have been involved in litigation from Samoa through Akutan and where these items are covered by the NPFVOA Manual; the discussion of that manual becomes a centerpiece for the litigation. Those who are members of the NPFVOA and follow its teachings are able to garner testimony which is very favorably received. Those who are not members of the organization may be questioned about their non-participation and the non-participation in an organization dedicated to safety hangs like a pall over the litigation with the implied message that safety is not a concern for the vessel owner. While it would be hyperbole to state that membership in the NPFVOA and compliance or non-compliance with its recommendations is outcome determinative, it is certainly not overstating the matter to suggest that this is an important consideration in many lawsuits.

In addition to litigating cases, I regularly serve as a mediator in maritime matters. One of the tasks for mediator is to persuade the parties concerning the realities they will face in court. Many, if not most, injured plaintiffs truly believe that the vessel owner is at fault and they will prevail in their litigation. Some accidents are simply "accidents" however. If an accident occurs through a set of circumstances which is addressed by the NPFVOA manual, the clear explanation in the manual may prove useful to help such a plaintiff understand that a jury might conclude there is no liability. Conversely, the failure to follow one of those recommendations can be utilized to illuminate for a vessel owner how a jury might understand that the failure to comply is not a good thing. As an industry consensus document which is easy to understand and practical in its application, those considerations are simple to explain and easy to understand.

It truly is my hope and goal that none of my clients ever have an employee suffer an injury. However, when the phone rings on a new claim, one of the first places I turn after hearing the facts is the NPFVOA literature and training courses which address the issue.



*Contributed by Arxcis, Inc.*

### The Hook Assembly

Fifty percent of the crane's deficiencies during the annual inspection can be traced to the "hook assembly," which consists of the hook, swivel, headache ball or weight and the hardware used to attach them to the hoist line.

The main deficiency of the hook is a missing or damaged safety latch or if you are using the self-locking type a worn thumb latch or a missing spring. The headache ball's main purpose is to keep tension on the hoist line to prevent poor spooling on the drum. The most common deficiency is not enough weight. If this is the case, expect to have to replace the hoist line more often. The swivel allows for proper winding and unwinding of the wire rope. Check for wear from corrosion due to lack of lubrication. No swivel is required for rotation-resistant wire rope. The wedge socket is used to attach the hoist line to the hook, swivel and headache ball. The most common error is "wire-rope-clipping" the dead end that comes out of the socket to the live hoist line that goes in, which could damage the hoist line. If you do not use a wedge socket then you will need a hammerlock or shackle to attach the hook assembly to a pre-fabricated eye. Shackles should be the bolted type with a cotter pin to keep the nut from loosening. If a screw pin shackle is used then the pin must be safety-wired so it will not unscrew during operation.

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## **USCG VOLUNTARY F/V SAFETY EXAMS BECOME MANDATORY**

The USCG's voluntary commercial F/V exam program has helped save lives since 1991, but the USCG Authorization Act of 2010 makes them mandatory for all F/Vs operating in U.S. waters. The provision is expected to go into effect in late 2012. The USCG recognizes they will be challenged to have enough qualified examiners to check all of the F/Vs in the country, so they plan to use civilian volunteers of the USCG Auxiliary to help ease the workload. Ken Lawrensen coordinates the work of civilian, USCG active duty and Auxiliary F/V examiners throughout Alaska. He estimates Alaska has fewer than 30 qualified examiners to check the 3,800 F/Vs there, so the Auxiliary will play a key role.

## **POLICY ON EXPIRING TWICs**

*TSA Policy Update, 6/15/2012*

Effective *August 30, 2012*, TWIC holders who are U.S. citizens or U.S. nationals, and whose TWICs will *expire on or before December 31, 2014*, have two options to renew their TWIC. They may either replace their expiring TWIC with a 3-year Extended Expiration Date (EED) TWIC or obtain a standard 5-year replacement. All TWIC holders should begin the application process at least 30 days before his or her TWIC expires.

The EED TWIC is a one-time temporary extension option intended to provide convenience and cost-savings to workers pending the deployment of TWIC readers. TWIC holders who are not U.S. citizens or U.S. nationals are required to enroll for a standard 5-year replacement upon expiration of their current TWIC.

## **CDR ROSS NEW USCG D-13 CHIEF OF PREVENTION, PUGET SOUND**

In mid-July, CDR Kiley R. Ross became the Chief of Prevention at the USCG Sector Puget Sound, replacing Capt. Chris Woodley who became the Chief of Prevention for USCG D-14, based in Honolulu. Prior to his assignment in Puget Sound, CDR Ross was the Chief of Inspections and Investigations within the USCG District 11 Prevention Division. He is a 1993 graduate of the USCG Academy, and he has a graduate degree in Environmental Science and Engineering from Chapel Hill, N.C. He is a native of the Pacific Northwest and NPFVOA welcomes him back!

## **HYPOTHERMIA IN THE SUMMERTIME? YOU'RE KIDDING ME!**

*USCG Auxiliary Public Affairs, 8/1/12*

Hypothermia is not just a winter danger...it's a summertime danger, too. With air temperatures climbing well into the 80s and 90s in many parts of the country, hardly anyone gives a thought to hypothermia while engaging in water activities. But the fact is water temperatures could be well below the air temperature and an unexpected dunking as a result of a boating accident could have disastrous results...particularly if you are alone.

To guard against the potential for succumbing to hypothermia as a result of a summertime boating accident, the Coast Guard Auxiliary suggests:

1. Know the weather conditions before you set out...don't leave your port or dock if the weather may turn rough.
2. File a float plan to tell your friends and family where you are going and when you plan to return.
3. Always wear a life jacket while boating.
4. If you wind up in the water, try not to panic as it can increase heat loss from your body and shorten your survival time...remain in a curled up, heat-retaining position.
5. Stick with your capsized boat and try to get as much of your body out of the water as possible.
6. Avoid consuming alcoholic beverages while boating...they allow heat to escape from the body more quickly because alcohol dilates blood vessels.



## **OVERLOADED LIFTING GEAR ON FISHING VESSELS**

*USCG Safety Alert, 6/20/2012*

Recently, several catastrophic failures of masts, booms, and lift cables have occurred on purse seine fishing vessels that have resulted in loss of life and severe injuries. Over the years many casualties have occurred onboard all types of fishing vessels attempting to haul in catches that exceeded the capacity of their winches, hoists, and associated equipment. These types of casualties are not unusual. This alert serves to remind all purse seine fishing vessel owners/operators and other fishing segments to ensure safe use of the haul equipment particularly matching the size and the capacity of the nets to the rated size and capacity of the winch/haul/hoist equipment, taking into account safety factors for various species, and other concerns such as the variable platform that a rolling fishing vessel and variable catch presents.

Owners/operators and vessel insurers must ensure that vessel's winch, haul and hoist systems are not modified by crew members to increase the lifting capacity beyond the rated design which in some cases can be done very easily. Such boosting of hydraulic systems must be prohibited and certain components should be protected with special seals. The machinery should be properly maintained and records kept in a historical log. It is imperative that owners/operators ensure every load bearing structure and its associated components are maintained in original condition, that they will be operated as designed using all appropriate safety margins for anticipated working conditions.

All such equipment will experience fatigue over time and as a result must be inspected and monitored routinely. Bearings, limit switches, brakes, safety devices, sheaves, cables, and other components should be routinely inspected by certified organizations.

For owners/operators of purse seine and other fishing vessels, the USCG strongly recommends:

- \* Know the design limits of load bearing structures and winches, hoist, and haul components;
- \* Ensure they are not modified by crew members; are properly maintained and are inspected and tested on a regular basis. Repair/replace components immediately when deficiencies are discovered;
- \* Evaluate and revise operational procedures as needed.

This Safety Alert is provided for informational purposes and does not relieve any foreign or domestic requirement. Please visit <http://fishsafe.info>

## **USCG – ALTERNATIVE TO FEDERAL BALLAST WATER MANAGEMENT SYSTEM**

*Bryant's Maritime Blog, 6/21/2012*

The USCG issued a policy letter explaining its policy for obtaining an Alternative Management System (AMS) determination for a foreign type-approved ballast water management system (BWMS). The USCG considers that use of BWMSs that have received foreign type-approval in accordance with applicable IMO standards should be at least as effective as conducting ballast water exchange in preventing introductions of aquatic nuisance species. As provided in federal ballast water management regulations, the manufacturer of a foreign type-approved BWMS may request a Coast Guard determination that the BWMS is an AMS for purposes of the federal regulation. An applicant for an AMS determination must also submit an application for USCG type-approval in accordance with applicable regulations. Use of an AMS by a vessel will be allowed for up to five (5) years after the vessel is required to comply with the federal ballast water discharge standards (BWDSs). CG-OES Policy Letter 12-01 (6/15/12).

*Note: This policy letter, while long-anticipated, is a significant development. The federal BWDS regulations came into effect on 6/21/2012. Those regulations include an implementation schedule requiring installation of an approved BWMS on any new vessel constructed on or after 12/1/2013, with later dates for pre-existing vessels, depending on the vessel's ballast water capacity. Ship owners and operators must commence planning immediately in order to meet this schedule, but at least they now have a clear and achievable target. Refer to [www.uscg.mil/hq/cg5/cg522/cg5224/docs/BWDSAUG012012ApprovedforRelease.pdf](http://www.uscg.mil/hq/cg5/cg522/cg5224/docs/BWDSAUG012012ApprovedforRelease.pdf) for a FAQ guide.*



## LICENSE DENIALS SOAR AS NMC SCRUTINIZES MEDICAL EVALUATIONS

By Dom Yanchunas, Professional Mariner, 6/26/2012

As the National Maritime Center (NMC) staffed up its expanded medical division over the past two years, the number of mariners who fail their medical evaluations has more than tripled. In 2009, only 466 mariners, or 0.6 percent, failed their medical review. In 2010, the number of medical denials had risen to 650, or 1.1 percent. In 2011, the number of medical denials reached 1,676, or 2.6 percent of the total applicant pool.

When the new rules creating the larger Medical Evaluation Division went into effect in 2008, the NMC brass initially said they didn't expect any increase in denial rates. Later, upon closer scrutiny of the process, the leadership recognized that the earlier licensing reviews had not always paid enough attention to medical fitness, even under the rules in effect at the time. Now that a team of physicians, physician assistants and other health-care professionals is checking each application, the process has become more thorough and consistent, U.S. Coast Guard officials said.

The NMC, in Martinsburg, W. Va., now analyzes objective data to ensure that all mariners are fit for service, said Dr. Laura Gillis, the center's medical director. "No longer are you a patient advocate, so to speak," said Gillis, a specialist in occupational medicine. "You are an advocate for public safety. You are making an evaluation of whether someone is safe to work in a safety-sensitive position. ... You went from a system where there was really no medical oversight at all, and now we ask for additional information and tests."

The higher failure rate in medical reviews coincided with a gradual improvement in overall processing time for credential issuance. In early 2009, it took more than 90 days, on average, for the NMC to process a license application, including requests for missing information, exams and mailing. Industry and labor groups complained that the NMC was ill-prepared for its newly centralized licensing task.

Three years later, the average time is down to 35 to 40 days, including all follow-ups. An application with all completed documentation has just a 12-day average processing time, according to NMC statistics. "We're getting it done in less than 40 days, and that's a pretty big change," said Capt. Anthony Lloyd, the NMC's commanding officer since 2010.

Paul McElroy, a Florida-based consultant who helps mariners prepare their license applications, confirmed that the Coast Guard has taken dramatic steps to improve the NMC's processing systems and train its employees. "I am seeing excellent turnaround — about 15 days from the date an application is mailed," McElroy said. "The mariner cannot complain about turnaround time if they provide the necessary data in the proper format." Lloyd and Gillis said part of the reason for the improvement is that mariners and their employers understand the new system better than they did when the guidelines were first published in the Navigation and Vessel Inspection Circular of 2008. That same year, license processing was centralized at the NMC. Previously, the work was done at 17 Regional Examination Centers (RECs). Lloyd noted recent improvement in industry outreach and communication with applicants.

The NMC — including the RECs — has 270 government employees and less than 130 contractors. The call center is up to 24 employees and 23 agents. Twenty of the call center personnel have over 24 months experience in the job. Six months ago, the NMC introduced a complaints process and a new "NMC Online Survey" to gauge mariners' opinions on the quality of the service.

The remaining bottleneck in the system isn't at the NMC but at Coast Guard headquarters in Washington — where appeals of medical denials are processed. If the initial medical reviewer issues a denial, the mariner is allowed to contact the NMC directly and ask for a reconsideration. If the mariner is dissatisfied with the result of the NMC's reconsideration, he may file an appeal, which is handled at the Mariner Credentialing Program Policy Division of the Coast Guard's Office of Commercial Vessel Compliance. It is taking the policy division an average of 140 days to process the appeals, said Luke Harden, the division's chief. Only one physician is available there.

"The number of appeals is more than the Coast Guard anticipated," Harden said. "Appeals were going to be a collateral (duty), but it has turned out that appeals are our primary function. ... Clearly we'd like to have the appeals done quicker. There is a backlog." The 140 days includes the wait for additional information from the mariner and/or the mariner's personal physician, Harden said.

Even though the appeals process can be long and arduous, mariners often get the results they're looking for. McElroy said his clients have found that process to be slow but fair. The Coast Guard ends up siding with the mariner the majority of the time.

"I recently won two appeals — one for a charter boat captain (who had been) denied renewal because he takes over-the-counter Dramamine for motion sickness. I appealed to Coast Guard headquarters on the grounds that they allow their own boat operators to use Scopolamine, which is a very potent prescription-only drug," McElroy said.

"I also won a case for a private yacht captain who takes Percocet for back pain after returning home from a rough day on the water," he said. "The medical staff at the NMC didn't seem to realize that the small amount of codeine in the medication dissipates in the body in less than 24 hours." Many of the successful appeals don't necessarily negate the findings of the NMC reviewers, Gillis said.

"A lot of those appeals have reached that point because we have failed to get the information from the mariner," Gillis said. In many cases, the information finally arrives during the appeals process.

Harden said the Office of Commercial Vessel Compliance has sided with the mariner in 54 percent of the appeals, based either on new information or the existing NMC file. Eight percent are partially granted, e.g., with an alternative credential. Thirty-four percent are denied. Four percent had other outcomes.

Harden's office handled a total of 240 appeals in 2011. Medical appeals are about 85 percent of the total, he said. As of May 15, 128 medical appeals were pending, of which 91 were awaiting additional information. There also can be medical reasons to hold up the process.

As a result of the recent Coast Guard Authorization legislation, Harden's office is allowed to extend a mariner's credential for up to 12 months if it is in danger of expiring during the lengthy appeals process.

Mariner advocates have complained that a personal physician who sees the patient regularly is in a better position to determine fitness than a federal employee reading a file in West Virginia. Older mariners become frustrated when they receive denials, even though they were approved five years ago with the same ailments and medications. Hometown physicians have even questioned the need for certain tests. Sometimes it takes a while for the patient to get an appointment to undergo the additional test, and the test may cost money.

"If it is in the standards of care, theoretically it should be covered by health insurance," Gillis said. "You're trying not to be a cost burden on the mariner, but you're still trying to protect public safety."

The industry is hoping that the medical-review process will be clarified further as a result of the recently created Merchant Mariner Medical Advisory Committee. The panel consists of 10 medical professionals and four mariners. It held its second meeting in May and accepted tasks, including a review of the top 10 problematic medical conditions, a proposed designated medical examiner program and the upcoming Coast Guard rule-making on Standards of Training, Certification and Watchkeeping. The next meeting is in September.

Among the top reasons for denials are coronary artery disease, uncontrolled diabetes and sleep disorders, seizures and chronic use of narcotics, benzodiazepines and sedative-hypnotic medications.

NMC requests for additional information — known as "A.I." letters — can be an eye-opener for mariners who are unaware of the health risks of the prescriptions they get from their own physicians.

"I am seeing a problem with the 'pill mill' doctors who prescribe a medication for every ailment to mask the symptoms," said McElroy. "Some doctors I have dealt with poo-poo the NMC's position on sleep, pain and anxiety medications — pill-pushers all."

The NMC is looking carefully now at each mariner's prescriptions, the quantities taken and the interactions with other drugs.

## NIOSH EVALUATION OF THE USCG ALTERNATE COMPLIANCE AND SAFETY AGREEMENT (ACSA) *NIOSH, 7/26/2012*

It's been almost ten years since the world learned about crab fishing and Alaska's "Deadliest Catch." But before the spotlight fell on shellfish, there was another Alaskan fleet that drew the attention of fishing safety experts and the general public: the Head and Gut (H&G) Fleet. The H&G Fleet is composed of freezer longliners and freezer trawlers that catch a variety of bottom-fish and process them onboard into many different products. H&G boats operate year-round and fish primarily in the Bering Sea.

During 2001-2002 the H&G fleet suffered two major vessel disasters: the capsizing and sinking of the Arctic Rose with 15 worker fatalities, and the explosion and sinking of the Galaxy with 3 worker fatalities. These two vessel disasters in the H&G fleet within such a short time period prompted the Coast Guard to take action to prevent further loss of life in the fleet.

In 2004 and 2005, the Coast Guard talked to the H&G fleet to discuss vessel safety problems and options for making the fleet safer. The result of the discussions with vessel owners and operators was the Alternate Compliance and Safety Agreement (ACSA). The goal of ACSA is to stop fishing vessels from having serious problems at sea and sinking, ultimately making the fleet safer. It includes requirements for vessel stability, watertight integrity, material condition of the hull, tail shaft, rudder, and machinery, and record keeping. ACSA also includes requirements for life-saving equipment, fire-fighting equipment, safety training, emergency communications and navigation equipment, and conducting emergency drills.

When started in 2006, ACSA was described by the Coast Guard as "one of the most significant safety improvements to the North Pacific fisheries since the passage of the Commercial Fishing Industry Vessel Safety Act." ACSA seems to be a good step forward in improving safety in the fishing industry, but the program has yet to be formally evaluated. The National Institute for Occupational Safety and Health (NIOSH) is preparing to conduct a scientific study to evaluate the impact of ACSA on safety among freezer longliners and freezer trawlers.

To find out whether or not ACSA has improved safety in the fishing industry, information about injuries and other safety problems will be gathered for each freezer longliner and freezer trawler before and after ACSA. Statistical analysis will be used to see if these safety problems changed over time.

The results of this analysis will show what impact ACSA has had on vessel safety among freezer longliners and freezer trawlers. If ACSA has helped to reduce safety problems in this specific fleet, it may be a good program for improving safety among other types of fishing vessels too. The NIOSH study is starting now and will be finished by the end of 2013. The results will then be shared with the fishing industry through a variety of sources, including this newsletter.



## OSHA – SEAMAN'S PROTECTION ACT CASE SETTLED *Bryant's Maritime Blog, 4/23/2012*

The Occupational Safety and Health Administration (OSHA) issued a news release stating that it entered into a settlement agreement with a vessel operating company in New Orleans to resolve findings that the company illegally terminated an employee for safety complaints. The OSHA investigation found that, in violation of the Seaman's Protection Act, the company terminated the employment of a riverboat captain after he complained to the US Coast Guard about an inoperable starboard vessel engine. Under the settlement agreement, the company will pay a total of \$245,000, including \$23,451 in back pay, \$70,352 in front pay, \$133,106 in compensatory damages, and \$18,091 in attorney's fees.



## MACOSH MEETING IN SEATTLE: JULY 24-26, 2012

The Maritime Advisory Committee for Occupational Safety and Health (MACOSH) meeting was held in Seattle, WA. This was the last meeting since the charter is completed at the end of the year. Shortly, the Federal Register will have an announcement for applying for the next charter.

Numerous documents made it out of the committee. A few are the Guidance Document for Ventilation in Shipyard Employment, a white paper on Injury and Illness Prevention Programs, and a guidance document on logging operations. The MACOSH committee is known for the amount of valuable safety documents they produce over the two year period.

## OTHER NEWS

### FIRE DESTROYS PASSENGER VESSEL IN SEATTLE

*Dale K DuPont, Seattle Times, 5/2/2012*

American Safari Cruises' 12-passenger *Safari Spirit* was destroyed by fire at Seattle's Fishermen's Terminal just two weeks before its Alaska season opener. Company CEO Dan Blanchard and an engineer managed to escape the early morning blaze that consumed the 110' vessel.

A cause has not been determined for the fire that was reported about 1 a.m. on April 27. The Seattle Fire Department said flames were shooting 30 feet from the vessel when it arrived. Damage was estimated at \$1.5 million. A company spokesman said the boat was a total loss and was fully insured.

"I was asleep in a stateroom when I heard popping noises," Blanchard said in a company statement. He woke up the engineer sleeping on board, and they both made it safely to the dock. "There were no injuries. The fuel tanks were not affected and there have been no spills reported," he said.

### NOAA – REGISTER YOUR EPIRB

*Bryant's Maritime Blog, 6/13/2012*

The National Oceanic and Atmospheric Administration (NOAA) issued a news release reminding owners of EPIRBs and other emergency beacons to review the registration and identification numbers for their devices. The information provided by proper registration can prove invaluable to response personnel during an emergency.

### RULING COULD RESULT IN MORE SEAMAN CLAIMS

*www.workboat.com, Gene McKeever, 7/26/12*

Shipowners should know about a July 20 federal court decision regarding maintenance and cure. Maintenance and cure is a seaman's remedy under maritime law for injury or illness that manifests itself while the seaman is "in service of the ship." This differs from the Jones Act. The Jones Act is an adversarial law where the injured seaman must show that the ship was either unseaworthy or that negligence caused the injury.

In *Messier v. Bouchard Transportation*, the U.S. Court of Appeals for the Second Circuit in New York ruled that a seaman is entitled to maintenance and cure even when symptoms of his illness don't surface until after a seaman's service is over. In other words, the seaman was not showing signs of illness and was about to do his or her job while in service of the ship. But the court ruled that the illness, which in this case was lymphoma, while it was not in plain sight, was contracted while the seaman was in service of the ship and that maintenance and cure applies.

This may be a very significant case for vessel owners, opening the door to a whole new line of potential recovery and liability. Shipowners need to be even more careful with hiring practices and closely monitor the health of marine employees, particularly when the employee's service nears completion. Decisions like these that may result in more claim activity will potentially result in higher ocean marine insurance rates.

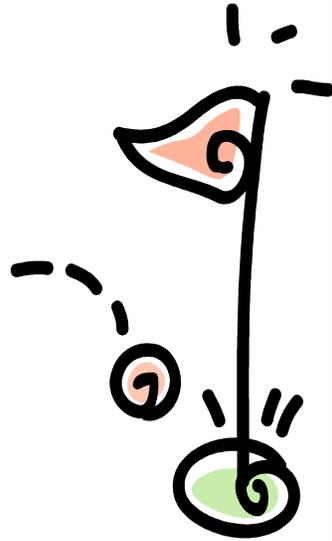
## OTHER NEWS

### NPFVOA's Fall 2012 Golf Tournament Fundraiser

Sponsored by  
South Pacific Tuna  
Corporation

Tuesday, September 11, 2012  
Harbour Pointe Golf Club  
Mukilteo, WA  
1:30 PM Shotgun Start

Reserve your spot today by  
calling Brie at (206) 285-3383!



### CARBON MONOXIDE KILLED FISHERMAN IN SCOTLAND

*BBC News NE Scotland, Orkney & Shetland, 6/13/2012*

A crewman on board a fishing boat died from carbon monoxide poisoning while trying to pump out water from the vessel, a report has revealed. Artis Sterkis, 37, collapsed on the Scottish fishing vessel in August last year. The Marine Accident Investigation Branch (MAIB) said he had been using a portable petrol engine-driven pump to remove oily water from the fish hold.

The MAIB report said the pump's petrol engine ran for more than an hour in a compartment with no mechanical ventilation and little natural air circulation. The crewman who had been helping Mr Sterkis collapsed while trying to rescue him. The vessel's watchkeeper eventually managed to retrieve the crewman. Mr Sterkis was taken to hospital by rescue helicopter, but never regained consciousness.

### NEW MINI PERSONAL LOCATOR BEACONS (PLBs)

*By Charlie Bond*

Small PLBs allow you to have a satellite distress signaling device on you at all times. Many small craft fisheries are now using PLBs in lieu of EPIRBs as their most common disaster is flipping over. The smaller size also works well for those who always need to wear the PLB emergency beacon, such as fishermen and offshore sailors.

ACR Electronics introduced their 2880 ResQLink and 2881 ResQLink+ this year. These full-functioning 406 MHz PLBs have the same signal strength as a full size EPIRB but are much smaller and lighter. The Mini PLBs have a 66 channel fast acquisition GPS for even faster location by Search and Rescue. The 2880 ResQLink is smaller, but the 2881 ResQLink+ floats. The 2880 ResQLink is the smallest model available, but it will need a flotation pouch or to be securely fastened to a life jacket, float coat, or immersion suit. The thicker size of the 2881 allows it to meet Category I requirements for a floating PLB. These new small and light-weight PLBs can be attached in a variety of ways to assure that you have the device with you when you need it. Both models are fully waterproof to five meters.

Last year twelve people died in small boats that capsized in Alaska. They had no way to let people know they were in distress. It is hoped that having a beacon as small as the ResQLink or ResQLink+ will allow more people to have the ability to use COSPAS-SARSAT in their distress alert. It may be the best and fastest way to give an immediate alert when regular VHF and radios are unable to reach others.

## OTHER NEWS

### CANADIAN COMMERCIAL FISHING FATALITIES NOT REDUCED OVER 10 YEARS

*Tara Carman, Vancouver Sun, 6/30/2012*

A decade after five people were killed when the Cap Rouge II capsized at the mouth of the Fraser River, the average annual number of commercial fishing fatalities has not changed, the Transportation Safety Board (TSB) warned in a report released Thursday.

The fact that this figure—an average of 13 fatalities per year across the country—has not budged is of particular concern given that the number of active fishing vessels, the overall accident rate and the fatal accident rate all declined between 1999 and 2010, the report said.

“This means that despite the fishing community's efforts to save lives, the likelihood of someone dying in a fishing accident in 2010 was not significantly lower than it was ... in 1999,” the report said. It also noted that the TSB and others have issued dozens of recommendations on how to prevent such incidents over that time period, including a code of best practices put forward after the Cap Rouge II accident in 2002.

The number of commercial fishing fatalities between 1999 and 2008 was higher on the East Coast than the West Coast—118 versus 36—but this is because there is a bigger commercial fishing fleet in the Atlantic, said Glenn Budden, the TSB's lead investigator on the study. The number of fatalities as a proportion of the number of fishers is roughly the same on both coasts, he said.

Significantly, the report found that 84 per cent of all fishing-related fatalities between 1999 and 2010 were stability-related incidents—involving vessels that foundered, sank or capsized—or involved a person falling overboard.

An overarching recommendation aimed at reducing unsafe practices issued after the Cap Rouge II incident has yet to be fully implemented, the report said. When TSB investigators questioned B.C. fishing boat owners and operators about an important stability-related regulation, less than 10 per cent of them were aware of it, the report said.

Part of the reason various regulatory agencies have been unsuccessful in reducing the fatality rate is because they have been dealing with the issues in isolation, Budden said.

“So, a vessel will capsize. That's a stability problem, so let's find out what's wrong with stability of fishing vessels. ... But it's more than just that problem,” he said. “It's safe work practices that affected that vessel's stability. It's the rules that affect that vessel's stability assessment. It's the training ... did he have training at all and was that training practical? Was he able to take that to the boat and use it?”

### 10 CRITICAL SAFETY ISSUES

1. Stability: Fishers need to understand the principles of stability and apply them to fishing operations.
2. Fisheries resource management: Identifying and reducing safety risks should become an integral part of fisheries resource management.
3. Life-saving appliances: Life-saving appliances should be properly designed, carried, fitted, used and maintained for fishing operations.
4. Regulatory approach to safety: A regulatory framework should be coordinated and consistently applied, and needs to support a safety culture in the community.
5. Training: Training needs to be effective and be reinforced by regular practice.
6. Safety information: Practical, understandable safety information should reach those in the fishing community who need it.
7. Cost of safety: The fishing community needs to accept the cost of safety as an integral part of fishing.
8. Fatigue: The risks of fatigue must be understood and managed.
9. Fishing industry statistics: Accident data needs to be collected, analyzed and communicated in a coordinated way to help the fishing community.
10. Work practices: Safe work practices need to become routine.

# NEW MEMBERS

NPFVOA is pleased to welcome the following new members:

## Associates:

Graham & Dunn PC

MCM

Pacific Ocean Producers (POP) Fishing & Marine

Rena International

## Vessels:

BAYONET

CHIRIKOF

FRONTIER EXPLORER

FRONTIER MARINER

FRONTIER SPIRIT

## AUGUST– DECEMBER 2012 CLASS SCHEDULE

### STCW 5-DAY BASIC SAFETY TRAINING (BST)

\$950 MEMBERS / \$1,050 NON-MEMBERS

AUG 13-17, SEPT 17-21, OCT 15-19, NOV 12-16, DEC 10-14

### MEDICAL EMERGENCIES AT SEA

\$100 MEMBERS / \$125 NON-MEMBERS

AUG 15, SEPT 19, OCT 17, NOV 14, DEC 12

### 2-DAY BASIC FIRE FIGHTING

\$485 MEMBERS / \$510 NON-MEMBERS

AUG 16-17, SEPT 17-18, OCT 18-19, NOV 12-13, DEC 10-11

### DRILL INSTRUCTOR WORKSHOP

\$100 MEMBERS / \$125 NON-MEMBERS

AUG 2, SEPT 5, OCT 4, NOV 1, DEC 3

### SMALL VESSEL DRILL INSTRUCTOR WORKSHOP

\$125 MEMBERS / \$150 NON-MEMBERS

NOV 29

### SAFETY EQUIPMENT & SURVIVAL PROCEDURES

\$175 MEMBERS / \$200 NON-MEMBERS

AUG 21, SEPT 27, OCT 24, NOV 20, DEC 20

### NAVIGATION: COLLISION AVOIDANCE

\$125 MEMBERS / \$150 NON-MEMBERS

DEC 11

### 8-HOUR SHIPBOARD DAMAGE CONTROL

\$235 MEMBERS / \$250 NON-MEMBERS

NOV 30, DEC 12

### AB SEAMEN UNLIMITED

\$850 MEMBERS / \$850 NON-MEMBERS

NOV 2-10

### 4-DAY STCW MEDICAL CARE PROVIDER

\$985 MEMBERS / \$1,100 NON-MEMBERS

DEC 4-7

### 24-HOUR HAZWOPER TECHNICIAN

\$375 MEMBERS / \$400 NON-MEMBERS

AUG 27-29, SEPT 24-26, OCT 29-31, NOV 26-28, DEC 17-19

### 8-HOUR HAZWOPER REFRESHER

\$150 MEMBERS / \$175 NON-MEMBERS

ON FIRST OR LAST DAY OF 24-HOUR CLASS

### SPECIMEN COLLECTION CERTIFICATION

\$100 MEMBERS / \$125 NON-MEMBERS

OCT 5

### OTHER COURSES INCLUDE:

SHIPBOARD WATERTIGHT DOOR & HATCH TRAINING, OSHA COMPLIANCE AT THE DOCK OR SHIPYARD, ONBOARD SAFETY ORIENTATION, 2-HOUR IN-THE-WATER SURVIVAL TRAINING, WORKPLACE FIRST AID/CPR, 2-DAY MARINE WEATHER WORKSHOP, CRANE OPERATIONS & MAINTENANCE, OSHA COMPLIANCE REVIEW (OSHA 101), AND O/B FIRE TEAM TRAINING.

NPFVOA ALSO OFFERS CUSTOMIZED TRAINING TO MEET THE SPECIFIC NEEDS OF YOUR OPERATION. PLEASE CALL US AT (206) 285-3383 TO SCHEDULE.

## SAFETY BITES & MEMBER NEWS

NPFVOA is seeking donations of non-condemned immersion suits.

**Congratulations to the American No. 1 for 25 years of service!**

**NPFVOA'S SPRING GOLF TOURNAMENT A SUCCESS!**

NPFVOA's annual spring golf tournament fundraiser was held on May 22 at The Golf Club at Echo Falls in Snohomish. The tournament, sponsored by **Alaskan Observers, Inc.**, was very successful.

Congratulations to our golf winners:

- 1st Place Gross: Greg Moncrief, Victoria Moncrief, Wayne Laurman, Aaron Horner
- 2nd Place Gross: Craig Cross, Jock Wood, Phil Hanson, Chris Plaisance
- 1st Place Net: Mike Shelford, Rick Shelford, Brent Nysoe, Jamie Eik
- 2nd Place Net: Frank Fulleton, Dan Kovacich, Alan Sullivan, Bill Bonniwell

Mike Rausch, from Alaska Ship Supply, was the lucky winner of the 7-day Cruise to Mexico or the Caribbean! Thank you to all of our golfers, sponsors, and donors.

**MCM—NEW NPFVOA MEMBER COMPANY**

Long-term NPFVOA member, Damon Nasman, had joined MCM as the Managing Director-Marine Division. MCM is a full service independent insurance brokerage firm that provides Marine Insurance (Hull & Machinery, Protection & Indemnity, Pollution, Cargo, etc), Property/Casualty, Employee Benefits, Life, Disability and Estate Planning for the seafood and fishing vessel community.

**PACIFIC MARINE EXPO**

NPFVOA will be at the Pacific Marine Expo this year in Booth #911. The Pacific Marine Expo (PME) will run November 27-29.



### **JESS WEBSTER JOINS GRAHAM & DUNN LAW FIRM**

Graham & Dunn PC is a full-service law firm with offices in Seattle. For over 120 years, the firm has helped businesses operating in the NW with their focus on business law, which includes corporate,

employment, real estate, wealth management, litigation, condemnation, financial services and natural resource practice teams, meets the wide range of needs of our business clients. Graham & Dunn is happy to have Jess Webster bring his knowledge and experience in admiralty, maritime and fisheries law to the firm. Jess chose Graham & Dunn to better serve his fisheries industry clients with a broader array of business law services.

**DAMAGE CONTROL TRAINING**

We have scheduled Damage Control (flooding) courses for November 30<sup>th</sup> and December 12<sup>th</sup>. This one day course gives you the opportunity to train in a flooding trainer with 24,000 gallons of water entering various areas of damage in the trainer's 700 square foot engine room. As the engine room fills with water, crews will learn how to use a Coast Guard P-6 pump to dewater the space while other crewmembers are learning plugging, pipe patching and shoring repairs. We can take crews as small as six and as large as 14. The course will be held at the Readiness Response Center in Bremerton. If the scheduled dates do not work for your crew, call us to set up an alternate date.

*This newsletter is published quarterly by the North Pacific Fishing Vessel Owners' Association (NPFVOA) Vessel Safety Program and is free to members. To receive a subscription, please consider joining NPFVOA by completing the membership form on the back page and mailing it to NPFVOA with the appropriate fee. Memberships are annual, and all contributions are tax deductible. NPFVOA is a 501(c)(3) non-profit association.*

## 2012 BOARD OF DIRECTORS

**Tim Vincent—President**  
Vincent Maritime Services

**Chris Kline**

**David Wilson—Vice President**  
Iquique US, LLC

**Lurilla Lee**  
**Jim McManus**  
Trident Seafoods

**James Thorpe—Treasurer**  
Bank of America

**Ken Tippett**  
Coastal Villages Seafoods

**Kurt Gremmert**  
Spartan Ltd.

**Mark Weed**  
Golden Alaska Seafoods

**Devon Grennan**  
Global Diving & Salvage, Inc.

**Darrin Manor**  
United States Seafoods

**Steve Johnson**  
Alaska National Insurance Company

**Jonathan Parrott —Technical Advisor**  
Jensen Maritime Consultants

**Kevin Kaldestad**  
**Tom Suryan**  
Mariner Boats

**Jim Woepel—Legal Counsel**  
Aiken St. Louis & Siljeg

### NPFVOA VESSEL SAFETY PROGRAM STAFF

KAREN CONRAD – EXECUTIVE DIRECTOR  
LESLIE HUGHES – GOVERNMENT & INDUSTRY AFFAIRS  
REBECCA HANRATTY – PROGRAM COORDINATOR  
BRIE BAGAN – PROGRAM ASSISTANT

## **NPFVOA INSTRUCTORS**

American Environmental Services	24-Hr HAZWOPER Technician, 8-Hr HAZWOPER Refresher
Koll Andersen	Medical Emergencies at Sea, Workplace First Aid/CPR, STCW Medical Care Provider
Karen Arnold	Drill Instructor Workshop, Small Vessel Drill Instructor Workshop, STCW PST/PSSR, Safety Equipment & Survival Procedures
Eric Blumhagen	Vessel Stability / Damage Control
Capt. Luke Carpenter	STCW Basic Fire Fighting, Emergency Drill Training
Kim Cunningham	Medical Emergencies at Sea
Amy Duz, iWorkWise, Inc.	OSHA Compliance Review, OSHA Ship Repair Safety & Health
Norris Edwards	Medical Emergencies at Sea, Workplace First Aid/CPR, STCW Medical Care Provider
David Fulton	Personal Survival Techniques, Personal Safety & Social Responsibility, Safety & Survival, Navigation, Stability
Ken George	Specimen Collection Certification
Mike Heryla	Safety Equipment & Survival Procedures, Emergency Drill Training, Personal Survival Techniques, Personal Safety & Social Responsibilities, STCW Basic Fire Fighting, Medical Emergencies at Sea, STCW Medical Care Provider
Kerry Lee, Arxcis, Inc.	Crane Operations & Maintenance, Safe Cargo Handling
Abe Mutawe	Bloodborne Pathogens
Capt. Jim Oakley	Safety Equipment & Survival Procedures, Navigation: Collision Avoidance
Readiness Response Institute	Damage Control Training, Watertight Door & Hatch Training, Team Fire-fighting
Capt. Robert Reeder	Navigation: Collision Avoidance, AB Seaman
Geoff Shapiro	STCW Medical Care Provider, George Washington University MMA
Capt. Dave Shoemaker	Safety Equipment & Survival Procedures, Emergency Drill Training, Personal Survival Techniques, Personal Safety & Social Responsibilities
Capt. William Simpson	STCW Basic Fire Fighting

### OTHER CUSTOMIZED TRAINING

**Onboard Fire Team Training, Workplace First Aid/CPR, 2-Hour in the Water Survival Training.**  
*Call us for customized training!*

## F/V BERING DEFENDER



**Congratulations on your new re-build!**

**Safe sailing and good fishing!**

Congratulations to Captain Kevin Doyle (CUPCAKE) & Crew.

[www.globalseas.com](http://www.globalseas.com)





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 1900 W Emerson, Suite 101  
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 Seattle, WA 98119  
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 Email: info@npfvoa.org Web: www.npfvoa.org

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## NPFVOA VESSEL SAFETY PROGRAM MEMBERSHIP APPLICATION

The **NPFVOA Vessel Safety Program** is a non-profit association dedicated to education and training in marine safety. Because safety is a concern for everyone in our industry, NPFVOA seeks membership from an expanded industry sector—commercial fishing, workboats, passenger and recreational vessels, and the businesses that support them.

**Company Name:** \_\_\_\_\_

**Vessel Name:** \_\_\_\_\_

**Primary Contact Name & Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Web Site:** \_\_\_\_\_

Would you like to receive information & updates via email?    Yes    No

Would you like us to link to you from our web site?            Yes    No

Please describe the services your company provides: \_\_\_\_\_

Vessel Information	Vessel/Gear Type(s)	Target Fisheries
<b>Length (feet):</b> _____		
<b>Tonnage (GRT):</b> _____		
_____		

- Vessel (over 79 ft.)      \$600      Benefits apply to all current crew members and management company.
- Vessel (60-79 ft.)      \$300      Benefits apply to all current crew members and management company.
- Vessel (under 60 ft.)    \$125      Benefits apply to all current crew members and management company.
- Associate                    \$400      Benefits apply to business personnel only; vessel crew ineligible at this level.  
(Appropriate for marine support industry, i.e. law firms, ship yards, fuel suppliers, etc.)
- Individual                    \$75        Benefits are limited to named individual and are non-transferable  
(Appropriate for crewmen and single-person business entities.)