

U.S. Department  
of Transportation

**United States  
Coast Guard**



Commandant  
United States Coast Guard

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Staff Symbol:  
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STATEMENT OF  
CAPTAIN GORDON G. PICHE'  
CHIEF, MARINE TECHNICAL AND  
HAZARDOUS MATERIALS DIVISION  
OFFICE OF MARINE SAFETY, SECURITY  
AND ENVIRONMENTAL PROTECTION  
UNITED STATES COAST GUARD HEADQUARTERS  
BEFORE THE  
SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION  
AND THE  
NATIONAL OCEAN POLICY STUDY  
SEPTEMBER 16, 1987

CAPTAIN GORDON G. PICHE' IS CHIEF OF THE MARINE TECHNICAL AND HAZARDOUS MATERIALS DIVISION AT COAST GUARD HEADQUARTERS. HIS CAREER IN THE MARINE SAFETY PROGRAM INCLUDES ASSIGNMENTS AS HULL SECTION CHIEF, MERCHANT MARINE TECHNICAL BRANCH, GOVERNOR'S ISLAND, NEW YORK; ASSISTANT CHIEF, SHIP DESIGN BRANCH, COAST GUARD HEADQUARTERS; CHIEF, MERCHANT MARINE TECHNICAL BRANCH FOR THE GREAT LAKES, CLEVELAND OHIO; AND COMMANDING OFFICER, MARINE SAFETY OFFICE, CLEVELAND OHIO. CAPTAIN PICHE GRADUATED FROM THE U. S. COAST GUARD ACADEMY IN 1964 AND RECEIVED MASTER'S DEGREES IN NAVAL ARCHITECTURE AND MARINE ENGINEERING AND ENGINEERING MECHANICS FROM THE UNIVERSITY OF MICHIGAN IN 1970. HE RECENTLY WAS MANAGER OF THE FISHING VESSEL SAFETY TASK FORCE TO DEVELOP AND IMPLEMENT THE SECRETARY OF TRANSPORTATION'S FISHING VESSEL SAFETY INITIATIVE. CAPTAIN PICHE' ALSO HEADS THE U.S. SOLAS WORKING GROUP ON SHIP DESIGN AND EQUIPMENT, AND THE U.S. DELEGATION TO THE INTERNATIONAL MARITIME ORGANIZATION (IMO) SUBCOMMITTEE ON DESIGN AND EQUIPMENT (D&E). HE IS A MEMBER OF THE ABS COMMITTEE ON NAVAL ARCHITECTURE AND THE SNAME TECHNICAL AND RESEARCH (T&R) STEERING COMMITTEE.

GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE. I AM CAPTAIN GORDON PICHE' CHIEF, MARINE TECHNICAL AND HAZARDOUS MATERIALS DIVISION, OFFICE OF MARINE SAFETY, SECURITY AND ENVIRONMENTAL PROTECTION, U.S. COAST GUARD HEADQUARTERS. I SERVED AS THE MANAGER OF THE COAST GUARD'S FISHING VESSEL SAFETY TASK FORCE, AND I AM MOST PLEASED TO APPEAR BEFORE YOU TO ADDRESS THIS SUBJECT OF MUTUAL INTEREST.

TODAY I WOULD LIKE TO OFFER COMMENTS ON S. 849 (MR. CHAFEE) WHICH IMPACTS THE FISHING INDUSTRY. MR. CHAIRMAN, WITH YOUR PERMISSION I WILL GIVE YOU A BRIEF SUMMARY OF MY TESTIMONY AND ASK THAT MY PREPARED STATEMENT BE ENTERED AS PART OF THE RECORD. I WILL PREFACE MY COMMENTS ON THIS BILL WITH AN UPDATE OF THE COAST GUARD'S FISHING VESSEL SAFETY PROGRAM.

THE COAST GUARD HAS PUT A GREAT DEAL OF EMPHASIS ON FISHING VESSEL SAFETY DURING THE PAST THREE YEARS. THE VESSEL SAFETY MANUAL AND THE VOLUNTARY STANDARDS FOR FISHING VESSEL CONSTRUCTION BECAME AVAILABLE STARTING IN 1985. THE FISHING INDUSTRY HAD BEEN AVERAGING 84 LIVES AND 250 VESSELS LOST PER YEAR. THE CASUALTY DATA FOR 1986 SHOWS A DROP IN NUMBERS OF LIVES AND VESSELS LOST. I HAVE ATTACHED FIGURES WHICH ILLUSTRATE THE STATISTICS. IT IS TOO EARLY TO ATTRIBUTE THIS REDUCTION SOLELY TO THE ATTENTION PLACED ON SAFETY; HOWEVER WE CONSIDER THIS A VERY POSITIVE SIGN OF PROGRESS.

EQUALLY SIGNIFICANT IS THE FACT THAT THE AREA OF MAJOR LOSSES, THE PACIFIC NORTHWEST, IS ALSO THE AREA WHERE THE INDUSTRY HAS TAKEN THE STRONGEST STEPS TO IMPROVE ITSELF.

A. THE NORTH PACIFIC FISHING VESSEL OWNERS' ASSOCIATION (NPFVOA) HAS DEVELOPED TRAINING PROGRAMS AND A VESSEL SAFETY MANUAL. THE MANUAL, WHICH WAS PRODUCED IN A JOINT EFFORT WITH THE COAST GUARD, IS CURRENTLY IN ITS THIRD PRINTING AND OVER 3,300 COPIES HAVE BEEN SOLD. FIFTY CLASSES HAVE BEEN HELD, ATTENDED BY OVER 400 FISHERMEN, AND VIDEO TAPES ARE BEING PREPARED TO BRING THE PROGRAMS TO THOSE WHO CANNOT COME TO THE TRAINING SITE.

B. THE UNIVERSITY OF ALASKA SEA GRANT HAS ALSO ESTABLISHED A PROGRAM TO BRING SAFETY TRAINING TO THE FISHERMEN WHO CANNOT COME TO A CENTRAL TRAINING LOCATION.

C. INDUSTRY INSPECTION PROGRAMS ARE BEING DEVELOPED. THE NATIONAL CARGO BUREAU FOR EXAMPLE, IS PREPARING A FISHING VESSEL INSPECTION PROGRAM UTILIZING THE COAST GUARD VOLUNTARY STANDARDS. IN ADDITION, MORE OWNERS ARE SHOWING INTEREST IN HAVING THEIR VESSELS CLASSED. IN RESPONSE TO THIS INTEREST, DET NORSKE VERITAS, THE NORWEGIAN CLASSIFICATION SOCIETY, HAS OPENED AN OFFICE IN SEATTLE.

THE TRAINING ACTIVITIES HAVE HAD AN IMMEDIATE IMPACT. FOUR VESSELS IN THE PACIFIC NORTHWEST HAD SERIOUS FIRES IN RECENT MONTHS. CREWS ON THOSE VESSELS WERE ABLE TO SUPPRESS THE FIRES THEMSELVES, OR CONTAIN THEM UNTIL ADDITIONAL HELP COULD ARRIVE. IN ALL FOUR CASES THE CREWS HAD RECEIVED FIREFIGHTING TRAINING IN THE NPFVOA PROGRAM.

WE ARE SEEING SIMILAR SAFETY ACTIVITIES TAKING PLACE THROUGHOUT THE UNITED STATES:

A. TEXAS A&M UNIVERSITY MARINE ADVISORY SERVICE IS PREPARING A VIDEO TAPE TRAINING PROGRAM FOR USE BY VESSEL OWNERS IN THE GULF SHRIMP FLEET.

B. THE UNIVERSITY OF HAWAII MARINE ADVISORY SERVICE IS CONSIDERING CUSTOMIZING THE VESSEL SAFETY MANUAL FOR THEIR REGIONAL FISHERY.

C. THERE IS INTEREST BY THE PRIVATE SECTOR IN TRANSLATING THE VESSEL SAFETY MANUAL INTO VIETNAMESE FOR THAT SEGMENT OF THE GULF FLEET OPERATORS.

D. THE SAFETY MANUAL AND VOLUNTARY STANDARDS ARE BEING ADOPTED BY:

1. THE SOUTHEAST FISHERIES ASSOCIATION,

2. THE POINT JUDITH (RI) FISHERMEN'S COOP, AND

3. THE NORTH PACIFIC FISHING VESSEL OWNERS' ASSOCIATION.

E. THE FIRST SMALL FISHING VESSEL BUILT TO THE VOLUNTARY STANDARDS IS A NEW ENGLAND LOBSTER BOAT, SHOWING THE PRACTICABILITY EVEN FOR SMALL VESSELS.

F. FISHING SAFETY PROGRAMS ARE BEING DEVELOPED BY STATE SPONSORED AGENCIES AND INSTITUTIONS IN MAINE, NEW JERSEY AND NORTH CAROLINA.

G. PRIVATE TRAINING SCHOOLS NOW EXIST WHICH SPECIALIZE IN FISHING VESSEL SAFETY PROGRAMS.

H. VIRTUALLY EVERY MAJOR FISHING INDUSTRY TRADE SHOW IN THE UNITED STATES HAS DEVOTED SPACE AND TIME TO PRESENTATIONS AND SEMINARS ON FISHING VESSEL SAFETY AND THE VOLUNTARY STANDARDS AND EDUCATION PROGRAM.

I. WE ARE RECEIVING A CONTINUOUS STREAM OF REQUESTS FOR COPIES OF THE VESSEL STANDARDS FROM NAVAL ARCHITECTS, BUILDERS, OWNERS AND OPERATORS, ASSOCIATIONS, ATTORNEYS AND INSURANCE AGENTS.

J. WE ARE HAVING DISCUSSIONS WITH NON-PROFIT ORGANIZATIONS IN THE NORTHEAST AND GULF STATES WHO WANT TO PRODUCE TRAINING PROGRAMS AND EDITIONS OF THE VESSEL SAFETY MANUAL "CUSTOMIZED" FOR THOSE REGIONAL FISHERIES. THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION HAS BEEN AN ACTIVE PARTICIPANT IN THIS EFFORT WITH THE COAST GUARD.

INTEREST IN OUR PROGRAM HAS ALSO BEEN EXPRESSED BY THE INTERNATIONAL COMMUNITY INCLUDING NATIONS WITH FULLY REGULATED FISHERIES. WE RECENTLY PRESENTED AN INFORMATION PAPER AT THE INTERNATIONAL MARITIME ORGANIZATION, AND DISTRIBUTED COPIES OF OUR VESSEL STANDARDS AND VESSEL SAFETY MANUAL TO 130 MEMBER NATIONS. THE COAST GUARD PROGRAM HAS BEEN VERY WELL RECEIVED AND GREAT INTEREST HAS BEEN SHOWN. NORWAY FOR EXAMPLE IS RECOMMENDING ITS USE BY THEIR FISHING FLEET.

SPEAKING TO S. 849 DIRECTLY:

S. 849 CONTAINS REQUIREMENTS FOR SAFETY EQUIPMENT. HAVING SAFETY EQUIPMENT ABOARD WILL IMPROVE CHANCES FOR SURVIVABILITY, AND THIS SAME EQUIPMENT IS RECOMMENDED IN THE VOLUNTARY PROGRAM. THEREFORE WE SUPPORT THE EQUIPMENT REQUIREMENTS IN S. 849. EARLIER THIS MONTH THE COAST GUARD ALSO PUBLISHED A NOTICE OF PROPOSED RULEMAKING REGARDING THE CARRIAGE OF EMERGENCY POSITION INDICATING RADIO BEACONS (EPIRBs) ON UNINSPECTED FISHING VESSELS OPERATING ON THE HIGH SEAS. WE BELIEVE THIS EFFORT WILL PROVIDE EFFECTIVE ALERTING AND LOCATING SIGNALS FOR FISHING VESSEL CASUALTIES.

HOWEVER, WE DO NOT THINK THAT EQUIPMENT REGULATIONS ARE SUFFICIENT BY THEMSELVES. WE KNOW THAT FISHERMEN MUST BE INTERESTED IN, AWARE OF, AND TRAINED IN THE USE OF THIS EQUIPMENT FOR IT TO BE EFFECTIVE. WE KNOW FROM CASUALTY INVESTIGATIONS THAT LIVES HAVE BEEN LOST ABOARD WELL EQUIPPED VESSELS DUE TO LACK OF INSTRUCTION AND PRACTICE IN THE USE OF EQUIPMENT. THE ABILITY OF THE CREWS TO CONTAIN THE FIRES ON THE PACIFIC NORTHWEST VESSELS IS A GOOD EXAMPLE OF THE IMPORTANCE OF OPERATIONAL TRAINING. EXISTING REGULATIONS REQUIRE FIREFIGHTING EQUIPMENT ON BOARD FISHING VESSELS, BUT IT IS THE TRAINING THAT ALLOWED THE CREWS TO FIGHT THE FIRES EFFECTIVELY. IT IS IMPORTANT TO NOTE THAT THE TRAINING THESE CREWS RECEIVED WAS SET UP BY AN INDUSTRY GROUP USING THE VOLUNTARY PROGRAM.

S. 849 ALSO REQUIRES ESTABLISHMENT OF STABILITY REGULATIONS. THE COAST GUARD'S VOLUNTARY STABILITY STANDARDS EXCEED THOSE OF THE TORREMOLINOS CONVENTION. HOWEVER, AS WITH EQUIPMENT REQUIREMENTS, MERELY REQUIRING THAT STABILITY STANDARDS BE ADOPTED DOES NOT GUARANTEE SAFETY. THERE IS NO DESIGN STANDARD THAT WILL ENSURE A SAFE VESSEL REGARDLESS OF THE WAY IT IS LOADED AND OPERATED. FISHERMEN HAVE TO BE MOTIVATED TO UNDERSTAND AND PAY ATTENTION TO THE MANNER IN WHICH THEY LOAD AND OPERATE THEIR VESSELS. WE THINK THAT THE VOLUNTARY PROGRAM OFFERS THE FISHERMEN THAT OPPORTUNITY TO GET INVOLVED IN THE DEVELOPMENT OF STABILITY STANDARDS AND THE MEANS OF PRESENTING STABILITY INFORMATION SO IT IS USEFUL.

S. 849 FURTHER ALLOWS THE SECRETARY TO ACCEPT AN INSURER'S CERTIFICATE OF COMPLIANCE WITH STABILITY REGULATIONS. THE COAST GUARD WILL HAVE A CONTINUING RESPONSIBILITY FOR OVERSIGHT, AND WILL BE REQUIRED TO PERFORM THE STABILITY ANALYSIS FOR THOSE OWNERS WHO CHOOSE NOT TO VERIFY COMPLIANCE THROUGH AN INSURER, OR WHO DO NOT CARRY INSURANCE. IF THIS SECTION IS ENACTED, THE COAST GUARD WOULD ALSO REQUIRE AUTHORITY TO ALLOW DELEGATION TO THE PRIVATE SECTOR.

ADDITIONALLY, S. 849 PROVIDES FOR TERMINATION OF UNSAFE OPERATIONS. THIS WOULD BE A MAJOR AND POTENTIALLY COSTLY CHANGE IN POLICY SINCE NO COMMERCIAL VESSELS ARE NOW SUBJECT TO TERMINATION. TERMINATION MAY REQUIRE ESCORT OF THE UNSAFE VESSEL TO THE NEAREST PORT. WHILE THE OPERATION OF RECREATIONAL BOATS CAN BE TERMINATED, AND THE ESCORT TIME IS GENERALLY SHORT, TERMINATING THE OPERATION OF A FISHING VESSEL COULD OCCASIONALLY REQUIRE SEVERAL DAYS OF ESCORT. A CHANGE IN POLICY OF THIS MAGNITUDE COULD DIVERT RESOURCES NOW USED FOR SEARCH AND RESCUE, DRUG INTERDICTION, FISHERIES LAW ENFORCEMENT, AND OTHER DUTIES.

S. 849 ESTABLISHES AN ADVISORY COMMITTEE. WE HAVE FOUND NO DIFFICULTY COMMUNICATING WITH THE INDUSTRY THROUGH ITS EXISTING TRADE ASSOCIATIONS. WE DO NOT THINK THE PROPOSED ADVISORY COMMITTEE, AS LARGE AS IT IS, CAN ADEQUATELY REPRESENT THE WIDE DIVERSITY OF THE INDUSTRY. WE THINK IT WILL BE A COSTLY AND UNNECESSARY NEW UMBRELLA GROUP.

S. 849 ALSO ESTABLISHES RECORDKEEPING AND REPORTING REQUIREMENTS FOR INSURANCE COMPANIES. WE SUPPORT THIS REQUIREMENT.

DURING LAST YEAR'S TESTIMONY ON H.R. 5013 "COMMERCIAL FISHING INDUSTRY VESSEL SAFETY ACT OF 1986," REAR ADMIRAL KIME DESCRIBED PREVIOUS COAST GUARD EFFORTS TO REGULATE THE FISHING INDUSTRY AND THE WAY WE AND THE SECRETARY OF TRANSPORTATION INITIATED OUR CURRENT VOLUNTARY SAFETY PROGRAM. HE ALSO NOTED THAT OUR POSITION ON FISHING VESSEL SAFETY HAS BEEN INFLUENCED BY MANY FACTORS. THE DOMESTIC FLEET IS COMPRISED OF RELATIVELY SMALL VESSELS OPERATING IN AN UNFORGIVING ENVIRONMENT THAT CAN OVERWHELM EVEN THE SAFEST VESSEL. THOSE WHO CREW ON FISHING VESSELS ARE EMPLOYEES AND NOT INNOCENT PASSENGERS. THEY ARE TRADITIONALLY INDEPENDENT. THEY TRANSPORT THEIR OWN CATCH IN THEIR OWN VESSELS AND SHARE IN THE PROFITS AND LOSSES OF EACH TRIP. ANY SAFETY PROGRAM FOR THIS GROUP MUST BE FLEXIBLE ENOUGH TO PERMIT OPERATORS TO MAKE OPERATIONAL DECISIONS THAT THEY ALONE ARE IN THE BEST POSITION TO MAKE. IT ALSO MUST HAVE THE SUPPORT OF THE FISHERMEN TO BE EFFECTIVE.

AT THIS TIME, SAFETY IS A CONCERN OF THE FISHERMAN. FISHERMEN IN A COOPERATIVE WILL POLICE EACH OTHER BECAUSE LOSSES OF ANY MEMBER OF THE COOPERATIVE WILL COST THEM MONEY. WE CANNOT MONITOR AND INFLUENCE PERFORMANCE AS CONTINUOUSLY AND EFFECTIVELY AS FISHERMEN POLICE EACH OTHER THROUGH PEER PRESSURE.

WE REMAIN CONVINCED THAT THE VOLUNTARY APPROACH IS A VIABLE PROGRAM. EVEN  
THOUGH THE VOLUNTARY PROGRAM IS IN ITS INFANCY, THE NUMBER OF ACTIVITIES BEING  
UNDERTAKEN BY THE INDUSTRY AND THE DECLINE IN THE CASUALTY STATISTICS FOR THE  
FIRST YEAR UNDER THE PROGRAM ARE VERY ENCOURAGING. ALL THIS IS HAPPENING  
WITHOUT A MAJOR INVESTMENT OF GOVERNMENT RESOURCES. THE MAJORITY OF THE COST  
OF IMPROVING FISHING VESSEL SAFETY IS BEING VOLUNTARILY BORNE BY THE INDUSTRY  
ITSELF AND NOT THE TAXPAYER. THIS IS IN KEEPING WITH THE PRESIDENT'S  
PHILOSOPHY OF MINIMIZING GOVERNMENT REGULATION OF THE PRIVATE SECTOR. LET'S  
GIVE IT A CHANCE.

THAT CONCLUDES MY PREPARED TESTIMONY, MR. CHAIRMAN. I WILL BE PLEASED TO  
ANSWER ANY QUESTIONS YOU MAY HAVE.