



Retrieving crab pots off the coast of Alaska

Regulation

Making the Seas Safer For Fishermen

- ▶ Implementation of a 2010 law that updates standards has lagged
- ▶ “The administration and Congress haven’t done their job”

Ed Mertz likes to fish, but these days he won’t stray too far from shore. “I’m still kind of chicken,” he says as he casts weighted troll lines in an inlet close to his home in Sitka, in southeastern Alaska. “I look at that forecast, and if it’s not good, it’s like, I don’t want to go.” In 1983, Mertz, now 62, was working on a six-man fishing vessel when it ran aground, flooded, and sank in Alaskan waters. He and two fellow fishermen scrambled onto some rocks, where they spent a bitterly cold night huddled together in survival suits. The bodies of the three others

were found the following day by a Coast Guard rescue helicopter.

Commercial fishing has for decades been among the most dangerous professions in America. The most recently available figures from the U.S. Bureau of Labor Statistics, from 2013, show fishermen were about 36 times more likely to die on the job than the average worker. Yet government efforts to address the safety problems have been slow. “The administration and Congress haven’t done their job,” says J.J. Bartlett, president of the Fishing Partnership, an advocacy group representing commercial fishermen. “It’s meant that fishermen are dying unnecessarily.”

After Congress passed the 2010 Coast Guard Authorization Act, which updated fishing industry safety standards for the first time since 1988, activists like Bartlett were grateful their concerns were being taken seriously: Life rafts would be improved, safety training would become mandatory for fishing captains, and new boats would be built to standards set and verified by independent third parties called “class societies.”

But almost five years after the law’s passage, the Coast Guard has yet to translate many of its requirements into enforceable rules. “Trying to get those things into regulation is a long, arduous procedure,” says Jack Kemerer, whose job as chief of the Coast Guard’s Fishing Vessel Safety Division requires him to work with the often fractious industry to write and implement regulations.

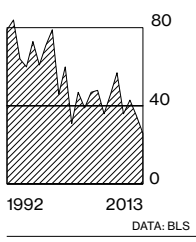
After the previous round of legislative

changes, new rules were released within three years. Safety advocates say resistance from those in the industry concerned about the potential costs of new regulations is one reason for the delay this time around. Under pressure from vessel owners, the House passed legislation in May that would roll back some of the 2010 law’s requirements for safer boat building. The Senate has proposed similar legislation. “It’s a good idea to upgrade safety in our fleet, but

we need to make sure that it’s affordable,” says Glen Spain, Northwest regional director for the Pacific Coast Federation of Fishermen’s Associations, an umbrella group representing family-owned vessels.

One provision of the 2010 law that will take effect in October requires any boat operating beyond 3 miles from shore or carrying more than 15 crew members to undergo a dockside examination of safety equipment by Coast Guard personnel or approved representatives. But these audits can only enforce regulations that are more than two decades old, since new ones have yet to be issued. And they won’t address the seaworthiness of boats. “Most often, fishermen are dying because their vessel sank and they entered the water,” reported a Coast Guard-authored report, which ▶

Fishing Deaths



◀ counted 2,072 lost vessels and 1,055 fatalities from 1992 to 2010. “Few of the current regulations focus on vessel loss,” the review concluded.

The 1988 legislation, modernizing statutes dating as far back as the 1940s, greatly reduced casualties. Alaska, where 1 in 11 workers is employed by the seafood industry, saw fatalities among commercial fishermen drop from 26 in 1993 to 2 by 2010. They’ve started to tick up again, though: The National Institute for Occupational Safety and Health counted eight deaths in the state last year, meaning that every six or seven weeks, on average, a fisherman failed to make it home to one of the small fishing communities along the coast.

Jerry Dzugan, who runs the Sitka-based Alaska Marine Safety Education Association, says lower fatality rates may mean there’s less pressure on the Coast Guard to issue the regulations. A former fisherman himself, Dzugan says that to some extent commercial fishing has “been a victim of its own success.” His nonprofit has played some part in that success by running workshops on emergency procedures and survival skills. On a recent morning a small open-sided trailer outside the association’s offices doubled as an engine room in which students were rehearsing reactions to a flooding incident. Later that day, trainees were drilled on engine-fire responses. Fires and flooding accounted for more than half the fishing vessels lost at sea in the past two decades, Coast Guard statistics show.

The 2010 Coast Guard Authorization Act allocated \$6 million a year for training programs such as the one Dzugan runs, but Coast Guard managers have repeatedly failed to request that Congress appropriate the necessary funds. Asked why, the Coast Guard’s Kemerer responded: “It’s complicated.

You’d have to ask someone in Congress.”

Representative Bill Keating, a Democrat whose Massachusetts district supplies America’s most valuable fishing catch, has vowed to appropriate the funds in the next round of budget discussions, for 2017. Says Keating: “There’s no excuse for this.” —*Willem Marx*

The bottom line The Coast Guard has been slow to turn 2010 legislation into rules to improve safety for commercial fishermen.