

**BEFORE THE**  
**UNITED STATES SENATE**  
**COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION**  
**SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES AND COAST**  
**GUARD**

**On**

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**Fishing Safety: The Policy Implications of Cooperatives and Vessel Improvements**

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**Testimony of**

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Thank you, Madame Chairwoman and Members of the Subcommittee, for the opportunity to testify today at this important hearing on fishing vessel safety.

I am Leslie Hughes, Executive Director of the North Pacific Fishing Vessel Owners' Association (NPFVOA) Vessel Safety Program, a non-profit association totally dedicated to safety training and education of commercial fishermen. Our facility is located in Seattle. I have worked for NPFVOA since the inception of the Vessel Safety Program 23 years ago, and prior to that I worked for a leading Northwest naval architect and maritime law firm. During my career I have worked closely with many governmental agencies and served ten years on the Coast Guard's commercial Fishing Industry Vessel Safety Advisory Committee (CFIVSAC). I was recently re-appointed to that committee for another three-year term.

### The Vessel Safety Program

The NPFVOA Vessel Safety Program was developed in 1985 in cooperation with the U.S. Coast Guard as a voluntary effort to improve the poor safety record of the commercial fishing industry in the North Pacific. Since the mid-1980's, I have seen significant improvements in safety practices within the industry. The success of our program is evidenced by attendance in NPFVOA's Coast Guard-approved safety training courses, which now exceeds 34,000, and of which 70% is voluntary and not required by the Coast Guard.

It is extremely important that a program like this is built upon a cooperative effort between industry and the Coast Guard. Our program has a regional focus, is part of the community, and is very integrated into the fishing industry. We maintain that our program is "by fishermen for fishermen". We raise funds to support NPFVOA mostly by vessel dues for membership, by class fees and by charging for educational safety materials we have developed. Having a vessel membership is extremely important as it further builds community involvement, and helps to create a "safety culture". NPFVOA's membership base is comprised of more than 200 vessels, representing a broad range of gear types, and approximately 150 support businesses and individuals.

Although NPFVOA's Vessel Safety Program is portable, it has been and remains focused on a very diverse and dynamic fleet that home ports in the Seattle area and operates primarily in Alaska. Seattle-area fishing vessels account for about 85% of the catch in Alaska, which equates to approximately 55% of the nation's entire seafood harvest. The fleet ranges from 32 ft gill net vessels operated by crews of one or two people to 350 ft factory trawlers with crews of more than 120 people with diverse jobs and skills. NPFVOA's primary interaction with this industry is through safety training, which we regard as a key component of safety. It has unquestionably been a vital factor in improving how casualties can be prevented, and how people respond if faced with an emergency.

Other key factors to the safety of our fishing fleets are professional crews, well constructed and maintained vessels, Coast Guard regulations and oversight, and how fisheries are managed. The Fishing Vessel Safety Act of 1988 implemented by the Coast Guard in 1991 emphasized response capabilities, with much less emphasis on preventative measures. Some regional Coast Guard oversight actions and changes to how certain fisheries are managed have contributed significantly to *prevention* of casualties.

I would now like to address several management schemes on which this hearing is focusing:

#### American Fisheries Act (AFA) Vessel Replacement

The American Fisheries Act (AFA) has by most measures been an extremely good piece of legislation, as in part, it has established a well reasoned "rationalized fishery management program" for our nation's largest fishery – Bering Sea pollock. The shortcoming of this act is that it precludes vessel owners the ability to replace AFA qualified vessels that could become worn out and increasingly unsafe over time. Under current law, to be replaced, a vessel must be a total constructive loss. This is an unreasonable predicament that badly needs to have the language amended so that vessel owners can replace ageing vessels that become unsafe with new and modern vessels. Others on this and the next panel are better qualified than I to discuss replacement language details but the need is clear. Most of the Bering Sea pollock trawlers were built in the 1970's – 1980's with hull life expectancy of 25-30 years. Corrective actions are now extremely timely.

#### Rationalized Fishery Management and Vessel Safety

Open access fishery management regimes influence safety because they establish the rules by which fishermen compete against one another. Under the right conditions, these regimes create latent unsafe conditions in the form of a highly competitive economic operating environment where fishermen are likely to significantly increase risk-taking behaviors. These behaviors include vessel overloading, operating with minimal or no rest, and intentionally operating in hazardous weather in order to maximize catch and improve economic gain. Rationalized fishery management has the potential to positively impact safety by removing the economic necessity of these risk-taking behaviors.

Rationalized fishery management programs off Alaska now exist for halibut, sablefish, Bering Sea/Aleutian pollock, Bering Sea/Aleutian king, Tanner and snow crab and for the Amendment 80 ground fish trawl fleet or by individual fishing quotas (halibut, sablefish and crab). These management programs are similar in many ways and they share common advantages to vessel operations and vessel safety. Harvest quotas are allocated to cooperative members or to individual vessel owners for their exclusive usage during an extended season. In

practice, this means that vessels can plan for their season, and they can conduct their fishing, of their quota, during reasonable weather at a reasonable pace to be safe and maximize economic returns. Additional benefits under a quota-based system include fleet consolidations, especially in the more over-capitalized fisheries, and improved economic viability for the active vessels.

I will offer one example of positive results – the notoriously dangerous Bering Sea/Aleutian king, Tanner and snow crab fishery. In the decade of the 1990's, prior to rationalization, these crab fisheries sustained an average of eight fatalities per year. In the past three years under new Individualized Fishing Quotas (IFQ's) fisheries management, there have been zero fatalities and no Coast Guard Search and Rescue missions on vessels participating in rationalized crab fisheries.

#### Freezer Longline Cooperative

Thirty-two of the 36 vessels in the freezer longline fleet are active members of the NPFVOA Vessel Safety Program. Thirty-four of the 36 vessels (94.4%) are members of the Freezer Longline Coalition that are asking Congress to be allowed to form a cooperative. The NPFVOA strongly supports the Freezer Longline Coalition's ability to form a cooperative, which I believe will promote safer operations, minimize loss of lives and vessel casualties, and improve efficiencies.

To conclude, speaking for the Pacific Northwest and Alaska, there is no doubt that significant improvements to safety have occurred since the mid-1980's when the NPFVOA Vessel Safety Program was established. The National Institute of Safety and Health (NIOSH) reports there has been a 51% decline in fatality rates among commercial fishermen in Alaska from 1990 to 2006. I believe such statistics are attributable to the safety training infrastructure that exists in our region, the proactive safety efforts by our fishermen, and the rationalized fishery management systems that have been put in place.

Thank you for the opportunity to testify today on behalf of the NPFVOA Vessel Safety Program, and for holding this important hearing.