

# Congress of the United States

Washington, DC 20510

June 15, 2016

Vice Admiral Fred Midgette  
Deputy Commandant for Operations  
2701 Martin Luther King Jr. Ave SE  
Washington, DC 20593

Dear Vice Admiral Midgette,

We write to express concern regarding the Coast Guard's development of the commercial fishing vessel Alternate Safety Compliance Program as mandated by the Coast Guard Reauthorization Act of 2010 (P.L. 111-281). The act requires the Coast Guard to prescribe the new program no later than January 1, 2017, with fishing industry compliance required by 2020. As these deadlines quickly approach, we have become increasingly concerned about the status, direction and future implementation of this critical safety program. We urge you to meet with fishermen in each region and fleet in the country and work with them to determine a productive, and effective path forward for the Alternate Safety Compliance Program.

The Coast Guard released the draft Pacific Area Plan on April 14, 2016 only eight months ahead of the 2017 deadline. The 2010 law clearly states that the program shall be developed in coordination with the commercial fishing industry. This plan—which is riddled with gaps—lacks specific rationale for why some provisions were included, repeats existing policies, and uses subjective and difficult to enforce language. Further, the plan was developed behind closed doors, with only a small number of fishermen involved in the process. The Coast Guard has not shared the methodologies, data or other information utilized in developing the proposed safety standards in the draft Pacific Plan.

The Coast Guard has also declined to provide timelines for when other regional plans may be made available for discussion. In lieu of other regional plans, we understand that the Coast Guard may apply the draft Pacific Plan to other regions throughout the country, potentially due to time constraints. This is not practical, as the draft Pacific Plan was developed based on North Pacific vessels and requirements, which can be vastly different from other west coast fisheries, let alone those in the Gulf of Mexico, the Northeast and Hawaii.

Recognizing the need for some fleet-specific safety requirements, the Coast Guard previously referenced a list of 32 high risk fleets that would be required to have annexes. These annexes would supplement safety criteria in addition to, or in lieu of, regional plan requirements. At a Congressional briefing held on April 22, 2016, the Coast Guard indicated that the list of high risk fleets may have changed, though our offices have not been provided a list. For the few annex categories that have been shared by the Coast Guard, the proposed categories are so extensive in scope that they are likely to be too broad to provide any meaningful safety guidance. For example, "trawlers" were one such category. Trawlers in the Gulf of Mexico, Maine, and

California all vary greatly in operational requirements, vessel incidents and size leading to very different needs. At the April 22, 2016 meeting with congressional staff, it was also noted that Coast Guard personnel were drafting annexes, but did not provide any detail or timeline for completion. Additionally, there have been contradictory statements made to our staffs and fishing fleets around the country, resulting in significant uncertainty. When will the Coast Guard finalize the list of fleets which will require annexes? Which fleets will require annexes? What will be the scope of the annexes? How will the Coast Guard develop the criteria in each annex? What data is being used to identify fleets to be covered, as well as the contents of each annex? How will those fleets be notified, and subsequently engaged in the development and implementation of the annexes? What is the timeline for creating the annexes? How will annexes be (or not be) part of any upcoming Alternate Safety Compliance proposed rulemaking?

Commercial fisheries are an important economic driver in our home states, and across the nation. The fishing industry continues to progress towards being a safer workplace, and the new Alternate Safety Compliance Program could provide a collaborative path forward to continue to improve safety at sea. We are concerned that the lack of collaboration with the fishing industry, naval architects and maritime safety experts will decrease the value of the program. We are also concerned that the sluggish pace of the design and implementation of the program will place an unnecessary burden on fishermen who may be required to make costly changes to their vessels in less time than the statute intended to provide them. In addition to responses on specific questions in this letter, we also respectfully request to be kept informed of the dates and locations of upcoming regional meetings regarding the development of the program. We appreciate your attention to this matter and look forward to scheduling a briefing between you and our staff to discuss the Coast Guard's intentions moving forward.


Sincerely,



Maria Cantwell  
United States Senator

Dan Sullivan  
United States Senator

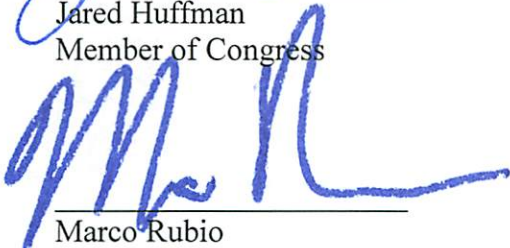
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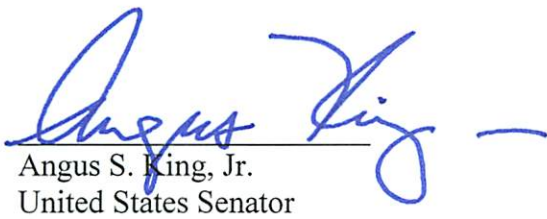



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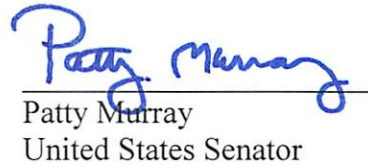
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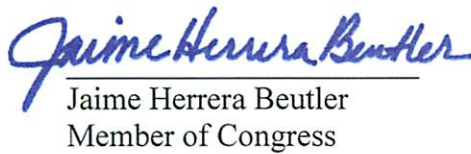


  
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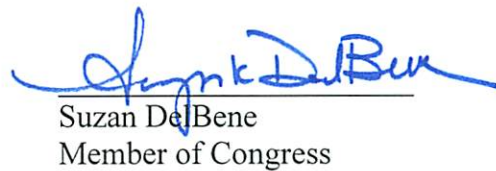
  
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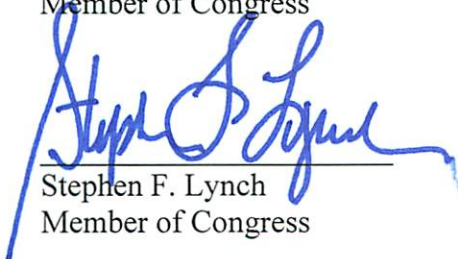
  
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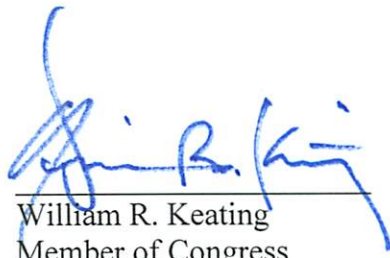
  
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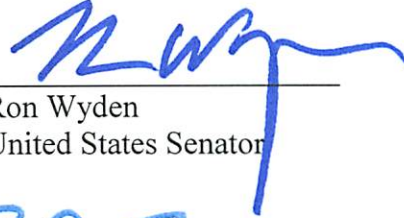
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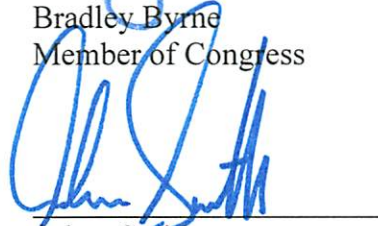
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