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Abstract
During the mid-1980’s, the crisis in marine insurance and growing concern over fishing vessel safety combined to stimulate passage of the Commercial Fishing Industry Vessel Safety Act of 1988. This law was enacted with the goal of improving the overall safety of commercial fishing industry vessels. However, the Act as passed by Congress contained no provisions for marine insurance reform. As a result, the commercial Fishing Industry Vessel Safety Act offered little incentive for the industry to improve upon its dubious safety record. With the exception of self-insurance clubs, the vast burden of implementing the Act has fallen upon the U.S. Coast Guard. Implementation of any congressional mandate necessarily involved identification of Congressional intent. In the case of the Commercial Fishing Industry Vessel Safety Act, the intent of Congress was to promote a proactive risk management system and the use of voyage terminations as a primary enforcement mechanism. Unfortunately, this policy has been implemented within the Coast Guard such that the authority to terminate a fishing vessel voyage is concentrated at a high level within that agency, and the Coast Guard has been precluded from effectively utilizing the enforcement tool which Congress provided for in the Act. Instead, the Coast Guard has focused its enforcement efforts on post-contact control measures such as mandating exposure suits and life rafts, and in so doing has missed the opportunity to prevent accidents by creating a new risk management regime. By refocusing enforcement efforts within the Coast Guard in order to create a more effective risk management system, the fishing vessel safety program currently in place in this country could be vastly improved. Likewise, a more aggressive data gathering protocol and the utilization of risk management methodology to measure and identify hazards within the commercial fishing industry is necessary to the effectiveness of this program.

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The Commercial Fishing Industry Vessel Safety Act of 1988, by requiring many improvements in safety equipment on vessels and training of fishermen, has likely saved many lives since it began being implemented in 1991. However, the news is not all good—in 1996 through 1997, 70 vessels still capsized or were lost in Alaska’s waters (versus 73 in 1991 through 1992), and 198 fishermen ended up in Alaska’s icy seas (versus 206 five years earlier). Second National Fishing Industry Safety and Health (FISH II) Workshop Convened by the National Institute for Occupational Safety and Health November 21-22, 1997, Seattle, Washington. ACKNOWLEDGMENTS Convening the Second National Fishing Discussions on fishing vessel-safety assessment and data problems are given. View. This paper discusses some of the major findings in our fishing vessel safety research project. The background to fishing vessel design and operation is highlighted and this is followed by an analysis of the statistical data of fishing vessels drawn from various sources. A formal safety analysis approach is proposed for a generic fishing vessel. An interactive table method is presented to produce an overall ranking for further attention in fishing vessel design and operation. A formal safety assessment approach proposed by the UK Maritime and Coastguard Agency is also described in the context of Commercial Fishing Industry Vessel Safety Act of 1988. 46 USC 2101 note. This Act may be cited as the "Commercial Fishing Industry Act of 1988". Sec 2. uninspected commercial fishing industry vessel safety requirements. (a) IN GENERAL.—Chapter 45 of title 46, United States Code, is amended to read as follows The Secretary of the department in which
the Coast Guard is operating shall, within two years after the date of enactment of this Act, and in close consultation with the Commercial Fishing Industry Vessel Advisory Committee established under section 4508 of title 46, United States Code (as amended by this Act), prepare and submit to the Congress a plan for the.