



Fish Safe Advisory Committee Meeting Summary

Meeting: Fish Safe Advisory Committee
Date: February 8, 2017
Location: Fish Safe Meeting Room

In Attendance (39):

Aloak Tewari – Transport Canada	John Simpson – Simpson Marine Design
Andy Allan – Transport Canada	Keith Chauvel – Mutual Marine
Bob Hall – Canadian Fishing Company	Ken Miller – Pacific Seafood
Brent Melan - Fisherman	Khushru Irani – Transport Canada
Brian Cook - Canadian Lifeboat Institution	Len Carr – Mutual Marine
Brian Lewis - Transportation Safety Board	Leslie Budden- Canadian Sablefish Association
Bruce Hale – Finest At Sea	Lisa Houle – WorkSafeBC
Bruce Logan – WorkSafeBC	Mark Lunny – WorkSafeBC
Cheryl Lawson – Fisherman & Fish Safe Advisor	Michel Drouin – Pacific Fishing Magazine
Conrad Lewis –UFAWU-UNIFOR	Michelle Rae – Transport Canada
David Rahn – Western Mariner Magazine	Paul Bevandick – Fisherman & Fish Safe Advisor
Deacon Melnychuk – Fisherman	Peter Nicol – Stability Solutions
Gerard Messier – BC Forest Safety Council	Ralph Roberts – Fisherman & Fish Safe Advisor
Glenn Budden – Transportation Safety Board	Renee Mann – Mariner Seafoods Ltd.
Gord Cranton – Fisherman	Rob Clarke – Fisherman
Ian Campbell – Transport Canada	Ron Doumont - Fisherman
John Horton – Canadian Lifeboat Institution	Ryan Ford – Fish Safe
John Krgovich – Fish Safe	Sarah Buston – Select Seafoods
John Roach - Fisherman	Terry Henshaw – Pacific Halibut Management Association
John Secord – Pacific Fisherman’s Mutual Marine Insurance Company	

Co-Chairs: Ryan Ford, Program Manager at Fish Safe and Conrad Lewis, Health and Safety Representative for UFAWU – Unifor.

The agenda was reviewed and accepted

New Fishing Vessel Safety Regulations review and Q&A – Ian Campbell & Andy Allan, Transport Canada

(TC’s PowerPoint of the presentation will be made available on request – this can be done via Fish Safe. The PowerPoint is for personal reference *only* and not for public distribution.)

The purpose of the presentation was to remind fishermen that the new Transport Canada *Fishing Vessel Safety Regulations* will be in force this summer July 13, 2017 and to highlight some of the changes. The difficulty of formulating regulations with a one-size fits all (east coast and west coast of Canada)



mandate was discussed and helps explain why it can literally take over a decade for new regulations to be enacted.

A link to the new regulations can be found here: <http://www.tc.gc.ca/eng/marinesafety/bulletins-2017-03-eng.htm>

The new regulations are for fishing vessels not exceeding 24.4 m in length or 150 gross tonnage. The focus of the presentation was upon the many fishing vessels in the Pacific region that are generally between 9 m and 24 m and operate within near coastal voyage, class 2 - i.e. gillnetters, trap boats, and trollers. The presentation also focused on fishing vessels of not more than 15 GT.

The highlights of the presentation are as follows:

Vessel length vs. tonnage – The new regulations do not refer to tonnage in describing fishing vessels. Length is the primary consideration – *not* registered length – but length that is closer to DFO’s definition. It is important to think about the ‘shell’ of the vessel – for instance, platforms are not part of the shell and therefore are not considered in length calculations. Fishermen are encouraged to consult with Transport Canada if they are unsure of length calculations as it relates to their vessels.

Written safety procedures- The requirement for written safety procedures apply to ALL vessels – new and existing. TC is providing fishermen with templates via their website to aid in the creation of written safety procedures. Fish Safe is also available to assist fishermen in creating their procedures – one-on-one and free of charge – via their Safest Catch program.

Sample safety procedures were provided in the following areas: Person Overboard, Taking on Water, Abandon Ship and Fire Fighting.

The group discussed the practicality of written procedures as well as their effectiveness in preventing incidents – especially on small, one-man vessel operations. TC reiterated that these procedures are meant to complement the other elements of their safety plans including drills and safety equipment.

TC will not be responsible for ‘approving’ these procedures – their role is to ensure fishermen have them aboard their vessels.

Drills - Drills must be performed on the safety procedures to ensure that all crew are at all times proficient in carrying out emergency procedures. **A record of the drills must be kept on board vessels.**

Modifications – TC explained that *major* changes to a vessel are generally considered a modification and must be recorded. The TSB also reminded the group that a series of smaller modifications can add up to a major change and can have an impact upon vessel stability. The importance of keeping thorough maintenance records was also discussed

Lifesaving Equipment – A discussion around PFDs, immersion suits, anti-exposure suits and life rafts ensued. TC has now stipulated under what circumstances each is applicable. In the past WorkSafeBC had regulations pertaining to immersion suits but TC did not – with the new regulations, this has changed. Additionally, the role of TC in approving PFDs was discussed and it was noted that TC will be



placing the onus upon manufacturers to meet specific standards however, TC will be gradually removing itself from the approval process.

The group was reminded that some 'cruiser'/anti-exposure suits meet the regulation for being a valid PFD but do *not* under any circumstances meet the criteria for being an immersion suit.

Fishermen in the group noted the complexity of the new safety equipment regulations and were assured by TC and Fish Safe that work would be done to provide user-friendly tools to assist fishermen in determining their responsibilities.

Stability Assessments – Essentially all new fishing vessels will require a stability assessment. Stability assessments on existing vessels that have been modified in a manner that could affect stability will be required to undergo a stability assessment. A change in fishery/gear type could also trigger the need for a stability assessment.

TC reiterated the fact that the onus is on the operator and authorized representative to know if modifications might compromise stability or not. The role of a 'competent person' and the differences between 'full' and 'simplified' stability assessments was also discussed.

TC encouraged the fishermen in the group to consult TC before proceeding with vessel modifications if they are unsure of the impact of planned modifications

The role of stability notices was also discussed. These notices must be *clear* and should not be confused with the stability *booklet* – they are different.

Enforcement – TC will be ensuring existing field personnel receive adequate training as it applies to the new regulations. For vessels under 15 GRT, TC plans on extending the Small Vessel Compliance Program to *Fishing* in the near future. This will be a voluntary program for fishermen and will allow them to gain Regulatory Compliance through a checklist, and will receive a sticker that indicates their involvement in the program.

Addressing Substance abuse in Workplace – Gerard Messier - Training and Program Development Advisor, BC Forest Safety Council

Gerard introduced himself and explained the role of the BC Forest Safety Council as the designated Health and Safety Association for the logging industry – much like Fish Safe is to commercial fishing.

The evolution of the forest industry's programs was discussed. Early on the logging industry feared that if the issue of drugs and alcohol was addressed that there wouldn't be any crews left to do the work!

Gerard explained that from the beginning the goal was *not* to weed people out of the industry but to raise the safety bar and to provide the necessary supports to workers in need. The programs are not just limited to *testing* – there is much more.



Support for these initiatives gained traction when large enterprises like Interfor became involved. At the time, few rules around how to build these programs existed – impairment rules were in place but not much guidance existed – so experts were brought in.

- Key discussion points:
 - What is your policy? – write it down. Supervisors and all workers must know what the policy is
 - If an organization is ever challenged – (i.e. human rights issues) – an organization must prove policies exist in a documented, reviewable format. Train all employees regularly on these policies.
 - A good program has support resources for employees – they must be confidential – employees may not take advantage of them frequently – but from a human rights standpoint, you have to show the steps are in place
 - Question: What are my options if a guy hurts other guys while working? Do I have the right to know if they are/were impaired? Answer: Yes, provided you have an existing policy and ‘contract’ that states this – this can be enforceable however, in many cases in fishing the worker does not have an employment contract
 - Fatigue is as big a hazard in many operations – often on par with impairment levels due to drugs/alcohol
 - Safety sensitive positions: In logging some jobs make participation in the program and testing mandatory
 - Awareness training: Workers need to know beforehand what the consequences are of certain actions – they should not be surprised
 - Considerations: legal advice – organizations do well to consult legal counsel to get second opinions when developing these programs
 - Substance abuse professionals: All forestry organizations use these – they can be used to determine if a person was “1 time” drunk – versus addiction
 - 1-time instances can be handled differently than an addiction – those with an addiction have greater rights
 - Addiction is seen as a medical condition – i.e. if your employee had diabetes you can’t discriminate – same with someone with an addiction
- Question: What about application of policy to individual contractors? Answer: In forestry, individual contractors are coordinated by the Prime Contractor on site and would fall under their program. If that individual tested positive and removed from the site, then there isn’t an employer that has to accommodate their addiction and get them back to work because they are their own employer.
- Searches: An organization needs to define what is a searchable area – but this is a complex area
- Costs: Payment for treatment – cost for testing, professionals, etc. – who pays for what? The larger organizations typically absorb the costs – smaller ones often pay less costs however, loss of production is a big opportunity cost for all organizations
- Testing: Orgs can have a ‘reasonable cause’ policy – i.e. you sense you have an impaired employee – using a check list you can demand a test – issue: it can be tough if a supervisor has to test his buddy co-worker

- The need for testing should have a fairly high bar/standard met before testing occurs
- Testing is often part of a Return to Work (RTW) plan for employees with addiction
- Medical marijuana: Should be treated like any other prescription drug – if it's causing an impairment/safety risk to an operation, this is defensible
- Pitfalls to setting policy: Don't get overzealous. Unintended consequences: lack of incident reporting for fear of testing. Forestry guys work very independently – if there is a close-call, it does not get reported if there is the risk of losing production due to a test– make people comfortable reporting
- Checklists are necessary for assessing if someone needs a test or not. What if they actually need first aid help right away? A good checklist will help identify this
- Dr. Ray Baker: Provides a good prism of use diagram: By the time an employer gets involved employees have often progressed down the addiction path quite a bit (i.e. “pickle line”: one's brain has changed chemically) The workplace is often the best place to identify and help a worker with an addiction problem.

Gerard wrapped up the conversation by providing his business card and encouraging all to contact him for further information at any time. Fish Safe indicated that they would be pursuing this topic further and that this discussion/presentation served as a good foundation for moving forward.

TSB Investigation into the capsizing and loss of life on board the FV Caledonian – Presentation by Glenn Budden - Regional Senior Investigator, Fishing Vessels / Marine-Pacific, Transportation Safety Board

The link to the TSB's full investigative report can be found here: <http://www.tsb.gc.ca/eng/rappports-reports/marine/2015/m15p0286/m15p0286.asp>

(Glenn's presentation highlighted the main findings of the investigation as well as the recommendations. The full report, noted above, should be referenced for accurate details.)

Group discussion:

- Re. EPIRB failing: A fisherman stated that to his knowledge this is the third time this has happened - i.e. EPIRB has not gone off. It appears the Caledonian's vessel mounted EPIRB may have been trapped beneath the overturned vessel. It was never recovered.
 - The group discussed the merits of placing EPIRBs as high up on a vessel as possible. Also, checking electronics that may be stored in life rafts should be checked regularly
- A fisherman asked if this accident would have happened if the regular master had been at the helm. He asked, why blame the boat? Putting new, inexperienced people on a 'wet boat' – is a bad idea.
 - Glenn: Lack of crew familiarity is addressed in the report – the hand over was poor – the stability guidance was not good – the report talks about crews moving from boat to boat frequently in today's fishing industry

- A fisherman expressed that in his opinion this type of thing will happen again because no one has held the owner responsible – in his personal opinion
 - Glenn: Although the TSB does not assign blame, WorkSafeBC has orders against the owner
- A fisherman expressed the complexity in an engine room: There are 100's of valves down there – he would have a tough time running a boat that's new to him despite his experience – it's a chain of events that sank the boat – not just a single thing
- The thickness of paint added over the years contributing to the weight creep was discussed
- The life raft deployment method was discussed: The Caledonian had an appropriate life raft but did not float free until after the vessel sank. The group discussed the merits of installing multiple life rafts at different locations on a fishing vessel
- PFDs were discussed in detail. The merits of non-TC approved PFDs that some fishermen chose to wear were discussed
 - A representative from WorkSafeBC discussed the interpretation of “risk of drowning” is on the working deck of a vessel. Whether you have a 5 foot or 10 foot rail – it doesn't help you when the boat capsizes.

Ian Campbell from Transport Canada indicated that TC will be responding to the TSB's report soon in a public and official manner.

Load lines were discussed – a fisherman asked why load lines aren't applied to fishing vessels as a common sense method for determining if one's vessel has increased its weight. Cargo vessels are required to do this

The Stabilis device (Vessel stability management technology) - Peter Nicol, Stability Solutions

(This presentation was shortened due to time constraints.)

Peter's main points:

- GM (measurement of roll period) is the most important measurement in his opinion – the Stabilis device measures this in real time
- The Stabilis device measures more than GM – it provides remote monitoring of vessel activity/conditions in real time
- Auto distress alarms and alerts to the crew's cell phones occurs before a vessel rolls over



Comments RE. TSB Investigation into the Caledonian incident - Brian Lewis (Transportation Safety Board, retired)

Brian expressed his condolences to the families and friends of those who perished when the Caledonian sank and expressed his hopes for the survivor's future well-being.

- Brian was with the TSB for 12 years – 6 years in Richmond and 6 in Ottawa. He was involved in the investigations of the *Cap Rouge II*, *Hope Bay*, *BC Safari* and others

In Brian's opinion, the TSB's 4 stability-related recommendations should be scrapped because they have no prospect of producing any kind of safety benefit. He offers the following three reasons to support his opinion:

- reason 1: they don't relate to the real life operations of fishing in his opinion
- reason 2: they don't fulfill the mandate of TSB to advance safety in his opinion
- reason 3: the real solutions don't get addressed with these recommendations – all the focus goes towards the wrong targets in his opinion

The reality of managing ever-changing stability variables while trying to run a potentially short-handed boat with a green crew make the job of fishing extremely challenging:

- Illustration: If someone wants a private pilot's license, does he rely on the written procedures/booklets while in the air? No, he relies on his education and the instruments right in front of him.

In Brian's opinion the world of technology is the solution. Peter Nicol (of Stability Solutions) and others are on the right track to providing practical solutions.

Brian completed his comments by making a recommendation: The immediate formation of a short-term, national committee made up of fishermen, TC personnel and private sector representatives to identify a range of stability monitoring devices suitable for installation on Canadian fishing vessels.

WorkSafeBC presentation: Current areas of focus – Lisa Houle, Industry Specialist – WorkSafeBC, Forestry and Fishing

(Intention was to present entire Initiative but due to time constraints, this presentation was shortened significantly and only key elements were discussed)

PFD use will be an ongoing focus this year and one of the key elements of the enforcement plan. WorkSafeBC will be enforcing the regulation as it stands – wearing one when there is a risk of drowning, which typically includes working while on the deck of a vessel. There is an additional ad campaign being launched to remind workers if they are on deck to "Put it On" to further support efforts to get fishermen to wearing floatation devices more consistently. If you are a fisherman working on the deck of a vessel you need to wear an approved PFD.

WorkSafe reminded fishermen that cruiser suits do not comply with immersion suits requirements under any circumstances.



Vessels in all fishery types will be part of the focus – no single gear type is being singled out for inspection/enforcement. However priority focus will be on Longline/Trap, Trawl, Seine, and Dive Fishing/Commercial Diving.

Worksafe provided the group with a new PFD awareness postcard “On Deck? Put it on.” This awareness piece underscores the responsibility of skippers to ensure the safety of their crew, which includes wearing PFDs.

Next Fish Safe Advisory Committee Meeting Date

Ryan Ford will coordinate the next Advisory Committee meeting before summer. The date is yet to be determined.