

# ***USAToday***

12 March 2003

## **Despite law, fishermen face deadliest job risks**

By Gary Stoller, USA TODAY

As flames raged through the cod fishing boat *Galaxy* in the Bering Sea last October, George Karn jumped toward a life raft about 70 feet below. But a line connecting the ship to the raft had just been cut, and the emergency craft drifted away. Karn plunged into the frigid, turbulent Alaskan waters.

Crewmen Tony Monroe hauls in buoys aboard the *Trailblazer* on the Bering Sea near Dutch Harbor, Alaska, in March 1998.

By Dana Olsen, AP

The bodies of Karn, the boat's cook, and first mate Jerry Stephens, who was thrown into the sea by an explosion, were never found, according to testimony given to the Coast Guard in January by survivors and rescuers. Two bodies were recovered — *Galaxy* crewman Jose Rodas and Daniel Schmiedt, a rescuer in another fishing boat who was washed overboard.

The four men are among the most recent victims in an industry that's been plagued by on-the-job fatalities for centuries. Four years ago, 10 crewmen died after three clam boats sank off the Atlantic Coast, prompting creation of a Coast Guard task force to upgrade commercial fishing safety. But a USA TODAY analysis shows that an average of about one fisherman has died each week since, and no significant improvements have been made.

The plight of the nation's fishermen worsens. They work in the country's most dangerous profession at a time when the Coast Guard is focusing more on homeland security than on safety, marine experts say. Most earn low wages in an industry beset by declining fish prices, overfished waters and shortened fishing seasons.

About 152 of every 100,000 fishermen and women are killed on the job, say the U.S. Labor Department's latest statistics. That's the highest fatality rate of any occupation, slightly higher than the rate of loggers and more than nine times the rate of firefighters and police officers.

"Fishing is one of the very last bastions of that rugged individualism of the Old West," says maritime lawyer Tim McHugh. "People then took big risks to go out on the Great Plains or to cross the Rocky Mountains. These fishing guys carry on that tradition."

Most fishermen killed on the job drown or succumb to hypothermia in the water after a boat sinks or capsizes or after they fall overboard. Bad weather and rough seas are often factors.

According to Coast Guard statistics and safety experts, boats tip or sink for various reasons, including bad weather and rough seas, flooding, fire, improper loading, mechanical problems, poor maintenance, poor design or a navigational error. Falls overboard may result from a wave, a misstep, a slippery boat deck, entanglement in fishing equipment or even alcohol abuse.

Missing or broken safety equipment is also a problem. In January, for example, the Coast Guard ordered a fishing boat back to port in Alaska after finding survival suits that didn't meet standards and a life raft that hadn't recently been inspected.

Money may be a major reason some boat operators cut corners on equipment or maintenance.

"Safety is usually relegated to a lower priority when revenues decline," says insurance underwriter Rob Wells, pointing to some shrimp boat operators in the Southeast. In recent months, five shrimp boats there were lost — no one was killed — after catching fire, sinking or capsizing.

Economic pressures have caused fishermen to stay at sea to increase their catch, despite bad weather or the need for boat repairs.

Six crewmembers on the Andrea Gail, a Gloucester, Mass., vessel popularized in the book and movie *The Perfect Storm*, were killed in hurricane-force winds and huge waves in the Atlantic Ocean in 1991 after trying to increase their swordfish catch.

Fishermen say designated time periods for catching particular species, agreed on by government and industry for conservation reasons, can also compromise safety. "Fishermen don't want to miss one single day," says marine engineer Harold Gray. "If there's bad weather or a mechanical problem when you're out on the water, you live with it."

### **The deadliest waterways**

A USA TODAY analysis of Coast Guard statistics reveals that from 1996 to mid-December 2002, 460 fishermen were killed. The analysis shows that:

Alaska's waters are the most deadly, followed by the Gulf of Mexico and waters outside the Northeast. Though there are no credible statistics, maritime experts say more commercial fishermen work in the Gulf of Mexico than in Alaska and the Northeast, the nation's two other prime fishing regions.

In accidents with a known cause, about 50% of the fatalities occurred when a boat sank or capsized. That is greater than the 33% reported by the 1999 Coast Guard task force that studied fishing deaths from 1994 to January 1999.

About 35% of all deaths occurred in three months — January, April and December. Winter is the most dangerous season, because seas are roughest and the water coldest, safety experts say.

For many years, large boat operators have pointed the finger at small boats — those 44 feet or less in length — as the source of the industry's safety problems. But USA TODAY's analysis shows that large boats, which are up to 239 feet long, were involved in 52% of the fatalities. Boats at least 79 feet long accounted for nearly 20% of all deaths. Safety experts say there is a much larger number of small fishing boats, but a greater number of fishermen usually die in accidents involving large boats.

Karn, 45, chose the 180-foot Galaxy for safety reasons, his sister Patricia Karn recalls.

"He was so happy to be on the Galaxy," she says. "He had worked on a very small boat and was trying to get on a bigger and better boat. He was scared because he had been offered a job on the Arctic Rose and knew the captain and first mate who died on that boat."

The 92-foot Arctic Rose was trawling for sole when it sank in the Bering Sea in early April 2001, killing all 15 crewmen, including many who were young and inexperienced. It was the worst fishing disaster in Alaskan waters since 32 were killed on a Japanese trawler that capsized in 1982. As in the case of the Galaxy accident, the Coast Guard has not yet released its report on the Arctic Rose disaster.

At the accident hearings, witnesses testified that during the winter 2001 fishing season, the Arctic Rose was troubled by bad weather and mechanical and stability problems. The ship sank in 24-foot waters in winds exceeding 50 miles an hour.

Similar weather conditions and high, rough seas existed when the Galaxy caught fire and then exploded, knocking some crewmen into the water. At hearings in January, survivors testified that they saw black smoke coming through a hatch to the engine room.

A Coast Guard investigator said that a generator on the right side of the boat was powering the Galaxy and that a generator on the left side had caught fire two months before.

### **Lack of regulations**

Since New England fishermen caught cod at least four centuries ago, the commercial fishing industry has operated without — or with very few — safety regulations.

"The history of fishing vessel safety has been an ongoing struggle between the rights of fiercely independent individuals, willing or resigned to accept the hazards of their

profession, and those from within and without the industry who attempt to mitigate the extreme dangers of retrieving the ocean's bounty," the 1999 task force reported.

Numerous attempts were made to develop safety standards, but the industry resisted and successfully lobbied against them throughout much of the last century. Many port cities have paid the price; Gloucester, Mass., for example, has lost more than 1,100 fishermen since 1900.

"Fishermen are brought to the safety table kicking and screaming," says Jim Herbert, an Alaskan fisherman and chairman of an industry-dominated safety committee that advises the Coast Guard.

Finally, 15 years ago, Robert Barry, chief U.S. delegate in NATO talks with the former Soviet Union, and his wife, Peggy, joined with accident survivors and families of those lost at sea to pressure Congress to pass the first safety legislation applying specifically to commercial fishing.

The Barrys' son, Peter, a 20-year-old Yale student, was one of a six-man crew of salmon fishers who were killed after their 70-year-old boat, Western Sea, sank after leaving Kodiak, Alaska, in August 1985.

The new law led to 1991 Coast Guard regulations designed solely to increase a person's chances of being rescued or surviving after an accident. The rules required many boats to carry life rafts and immersion suits. In addition, all vessels operating more than 3 miles offshore were required to be equipped with emergency positioning devices.

### **Increased odds of survival**

The rules, the Coast Guard told Congress in October, reduced fatalities by 33% in the five-year period from 1994 to 1998, compared with 1984 to 1988. But the death toll has since reached "a plateau," the Coast Guard said, and the number of deaths "is still unacceptably high in comparison to other segments of the marine industry."

No rules aimed at preventing an accident were written, however. "We have increased the odds that a fisherman will survive an accident, but we've done nothing to improve the chances he won't get in an accident in the first place," says Ken Lawrenson, a Coast Guard safety expert in Oregon. "We haven't done a lot about the underlying causes of a vessel sinking. The industry still has a way to go to make this a safer endeavor."

Safety advocates are particularly dismayed because they believe that, with proper regulation, many, or even most, deaths could be prevented.

"Prevention of casualties will occur when we decide to require design, construction and maintenance standards for all fishing vessels and licensing standards for operators and

crewmembers," says Richard Hiscock, a marine safety expert who was an adviser to the 1999 task force.

McHugh, the maritime lawyer, says his stance may be unpopular with boat operators, the majority of his clients, but more could be done to make boats more seaworthy and less vulnerable to flooding. "I don't think the safety regulations on the books are sufficient," he says. "Nothing is in place other than good advice in preventing an accident from taking place."

Compared with other segments of the maritime industry, the fishing industry "is largely unregulated," says John Cullather, a staff member of the House Committee on Transportation who helped write the 1988 fishing safety legislation.

Today, most fishing boat operators aren't required to have a license or safety training. Yet, recreational boating operators in at least 33 states are required to have such training, according to the National Association of State Boating Law Administrators.

Fishing boat crewmembers also aren't certified, and most have little or no training, safety experts say. As for the boat itself, nearly all operate without safety standards for design, construction and maintenance.

These issues were addressed by the 1999 task force, which proposed 59 recommendations to improve safety. The task force called for implementing 33 of its recommendations within two years and 14 others within four years. So far, only three minor recommendations have been acted on, and action on most hasn't begun, Hiscock says.

The Coast Guard, which recently became the largest agency in the government's new Homeland Security Department, established a fishing safety office at its Washington headquarters after the task force's findings.

According to Dave Beach, who runs the office, the agency drew up its own "action plan," focusing on 11 areas to improve safety, instead of following the task force's 59 recommendations.

Beach cited establishment of his office as an accomplishment, as well as looking into creation of a national fishing safety week and increasing communication with Coast Guard district offices.

### **Emergency drills possible**

Safety advocates and some Coast Guard officials outside headquarters scoff at the plan. They charge that there have been no meaningful accomplishments and that communication between headquarters and district offices is poor.

Beach says that the Coast Guard hopes by next fall to propose a safety regulation that would require logging of emergency drills on some boats. The rule would also require some vessels to take steps to improve stability and reduce the likelihood of a flood spreading.

Last fall, the Coast Guard submitted draft legislation to require mandatory dockside "examinations" of fishing boats, but Congress has not acted on the issue. Such an exam involves a Coast Guard officer boarding a boat and checking to see if emergency safety equipment such as life rafts and lifejackets are aboard.

Currently, the examinations, started in 1991, are voluntary and done only when a fishing boat operator gives permission. According to the Coast Guard, only 6% to 7% of an estimated 120,000 fishing vessels have chosen to take part in the exams.

The Coast Guard's advisory committee, made up mainly of fishing industry officials, opposes mandatory dockside exams and licensing of boat operators. Herbert, the group's chairman, advocates safety training and education but says no new regulations or laws are needed. "There's plenty on the books, and if it was enforced, it would save lives," he says.

### **At-sea boardings**

The Coast Guard presently boards some fishing boats at sea. Its primary aim isn't to enforce safety regulations but rather to enforce such fisheries management rules as the amount of fish caught or the equipment used to catch a particular species. An examination of safety equipment is also often done but is not as thorough as a dockside exam.

The amount of at-sea boardings has declined since the agency increased its homeland security duties. "After 9/11, the Coast Guard's priorities changed toward homeland security and national defense and placing less emphasis on fishing vessel safety," Lawrenson says.

In the Coast Guard region extending from Maine to New Jersey, the number of dockside examinations of fishing boats dropped 50% after Sept. 11, the General Accounting Office said in a November 2002 report.

In Coast Guard District 8, which oversees the Gulf of Mexico and numerous states, at-sea boardings for fiscal year 2002 decreased to 1,020 fishing boats, compared with 2,701 in the prior year.

In District 11, which oversees California, Arizona, Nevada and Utah, "a number of non-security missions," including fishing vessel safety inspections, have been eliminated for patrol and small boats, the report says.

## **'Maritime peasants'**

Low wages and weak profits in the fishing industry also don't bode well for safety. "Fishermen have always been maritime peasants," says Brad Warren, editor of Pacific Fishing magazine.

"Some big money was made in the 1980s, but the vast majority today are primary food producers who aren't rewarded properly. In today's economy, fishermen aren't much different than a Mexican farmer on a few acres who brings his produce to market."

When times are tough, "One-quarter of all fishing operations are very professional, very high quality and take care of their crews," Herbert says. "Another one-quarter are skirting the law and always pushing the speed limit. In the middle are the rank and file who sometimes don't do right and sometimes do just fine."

In its executive summary, the 1999 Coast Guard task force said safety solutions "are basic and straightforward: seaworthy boats, competent crews, adequate survival equipment and safety-conscious resource and industry management regimes."

Yet "many fishermen have strongly opposed standards that might save their own lives," the task force added. "Many of those harvesting the bounty of our ocean frontier staunchly defend the independent nature of their profession and vehemently oppose outside interference."

-----  
Find this article at:

[http://www.usatoday.com/money/industries/2003-03-11-fishing-safety\\_x.htm](http://www.usatoday.com/money/industries/2003-03-11-fishing-safety_x.htm)