mechanism would help to ensure that Tribal priorities are met in providing USF support for the extension of mobile voice service. To the extent other options may be preferable, commenters are requested to discuss alternatives in detail and explain how these options would work in the context of the proposed competitive bidding mechanism. Commenters are also invited to provide information about what factors are most important in targeting limited support for mobile wireless service within Tribal lands.

2. Possible Requirement for Engagement With Tribal Governments Prior to Auction

   6. Several commenters suggest that parties participating in a Mobility Fund auction seeking support to serve Tribal lands be required to demonstrate that Tribal governments have been formally and effectively engaged in the planning process and that the service to be provided will advance the goals established by the Tribal government. The Commission seeks comment on those proposals. What issues should receive priority in a flow of information and exchange of ideas with Tribal governments? What subjects of discussion will increase the potential for sustainability and adoption of the contemplated service? Among other things, the Commission believes the topics of engagement with Tribal governments could include: (1) Needs assessment, deployment planning and inclusion of Tribal anchor institutions and communities; (2) feasibility and sustainability planning; (3) marketing supported services in a culturally sensitive manner; (4) rights-of-way processes, land use permitting, facilities siting and cultural preservation review processes; and, (5) compliance with Tribal business and licensing requirements. At what point in time should any such engagement requirement apply (e.g., at the short-form or long-form application stage)? Commenters are invited to address the appropriate scope and timing of a potential consultation requirement.

3. Possible Preference for Tribally-Owned and -Controlled Providers

   7. At least one comment to the Mobility Fund NPRM suggested a preference for Tribally-owned and -controlled providers. Specifically, the Commission seeks comment on a proposal that would provide a form of bidding credit to qualified Tribally-owned and -controlled providers. If a provider were to receive this bidding credit, its per-unit bid amount would be reduced by a designated percentage for purposes of comparing it to other bids made—although if the bid were to win, support would be calculated at the full, undiscounted bid amount. That is, the “reduced” bid would fall lower in the ranking of bids from lowest to highest, making it more likely that a Tribally-owned and -controlled entity would be among the winning bidders eligible to receive funding, but the bidding credit would not reduce the amount of funding that the entity would receive if it were to be awarded support. The Commission seeks comment on this approach. The Commission also invites comment on whether a Tribal preference is appropriate in the context of awarding universal service funds. To the extent the Commission wishes to adopt such a bidding credit for Tribally-owned and -controlled providers, what percentage would be appropriate? Are there other methods the Commission should consider to provide a preference to Tribally-owned and -controlled providers? The Commission notes that the establishment of an absolute Tribal priority, as proposed in the mobile spectrum context and adopted in the context of the Tribal Priority for radio broadcast licensing, may not be appropriate here. This is because in the reverse auction mechanism proposed for the Mobility Fund, an award would not be made for each area, but instead support would be granted only for those areas where the per-unit bids are lowest.

6. The Commission also seeks comment on whether it should employ both a priority unit mechanism and a bidding preference for Tribal entities at the same time. And, if not, which of these mechanisms may work more effectively in a Mobility Fund auction to target support consistent with Tribal needs?

4. Timing of a Tribal Mobility Fund Auction

   9. In the Mobility Fund NPRM, the Commission noted that addressing Mobility Fund support for Tribal lands on a separate track could be beneficial in providing adequate time to consult with Tribal governments and seek their input. While commenters generally supported creation of a separate Tribal Mobility Fund, they cautioned that addressing Tribal issues on a “separate track” should not put them on a “slow track.” The Commission agrees that Tribal issues are a priority and should be resolved expeditiously in order to speed the provision of services on Tribal lands. The Commission observes, however, that there are pending proposals regarding utilization of spectrum over Tribal lands that could benefit from the support that may be available through a Tribal Mobility Fund auction. In particular, the Improving Communications Services for Native Nations by Promoting Greater Utilization of Spectrum Over Tribal Lands, Notice of Proposed Rulemaking, 76 FR 18476, April 4, 2011, proposes a variety of options for Tribal entities to access spectrum over Tribal lands. The Commission seeks comment on the extent to which these open issues should influence the timing of a possible Tribal Mobility Fund auction.

Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act (RFA), the Mobility Fund NPRM included an Initial Regulatory Flexibility Analysis (IRFA) pursuant to 5 U.S.C. 603, exploring the potential impact on small entities of the Commission’s proposal. The Commission invites parties to file comments on the IRFA in light of this additional notice.

Procedural Matters

Ex Parte Presentations. This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the ex parte rules. Persons making oral ex parte presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission’s rules.

Federal Communications Commission.
Margaret W. Wiener,
Chief, Auctions and Spectrum Access Division.
[FR Doc. 2011–9960 Filed 4–20–11; 8:45 am]
BILLING CODE 6712–01–P
ACTION: Advance notice of proposed rulemaking; request for comments; notice of a public meeting.

SUMMARY: NMFS issues this advance notice of proposed rulemaking (ANPR) to provide background information and request public comment on potential adjustments to the National Standard 10 Guidelines.

DATES: Written comments regarding the issues in this ANPR must be received by 5 p.m., local time, on July 20, 2011. A public meeting to obtain additional comments on the issues discussed in this ANPR will be held at the NOAA Science Center in Silver Spring, MD, on May 19, 2011 from 1 p.m. to 3 p.m. NMFS may hold additional meetings during the comment period and will announce those meetings in the Federal Register.

ADDRESSES: A public meeting will be held on May 19, 2011 from 1 p.m. to 3 p.m. at the NOAA Science Center, 1301 East-West Highway; Silver Spring, MD 20910.

You may submit comments, identified by “0648–BA74”, by any one of the following methods:
- Fax: 301–713–1193, Attn: Debra Lambert.
- Mail: Debra Lambert; National Marine Fisheries Service, NOAA; 1315 East-West Highway, Room 13403; Silver Spring, MD 20910.

Instructions: All comments received are part of the public record and will generally be posted to http://www.regulations.gov without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publically accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.


SUPPLEMENTARY INFORMATION:

Background

Section 301(a) of the Magnuson–Stevens Fishery Conservation and Management Act (MSA) contains 10 national standards (NS) with which all Fishery Management Plans (FMPs) and their amendments and implementing regulations must be consistent. Section 301(b) of the MSA requires that “the Secretary establish advisory guidelines (which shall not have the force and effect of law), based on the national standards to assist in the development of fishery management plans.” Conforming to the NS guidelines (50 CFR part 600, subpart D) when preparing an FMP, FMP amendment, and regulations is essential to properly addressing the intentions of Congress when it established and revised the MSA.

The Sustainable Fisheries Act, signed into law in 1996, added National Standard 10 (NS10) to the MSA (15 U.S.C. 1801 et seq.). National Standard 10 states: “Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.” NMFS published final guidelines for NS10 in 1998 (63 FR 24212; May 1, 1998). More recently, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, added section 303(a)(9)(C) to the MSA, which states that fishery impact statements shall address the impact of conservation and management measures and include possible mitigation measures for “the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants to the fishery.”

Need for Revision

Commercial fishing is one of the most dangerous occupations because fishing operations are often conducted under poor weather conditions, high winds, cold temperatures, and on moving platforms that can be slippery or icy; some gear types can be dangerous to operate; a number of structural or mechanical problems can arise on vessels; and the work can be physically straining and lead to fatigue. Recreational fishing, including the for-hire charter and party-boat segments, can also be a dangerous activity with participants facing many of the same risks as commercial participants.

The National Standard 10 Guidelines are the primary source of guidance for the consideration of safety issues in fishery management regulations. The current Guidelines are relatively short and have four main sections with the following elements: (1) A general statement that fishing is a dangerous occupation and recommendation that Regional Fishery Management Councils (Councils) reduce safety risks when developing management measures; an explanation of the qualifying phrase “to the extent practicable” in NS10; and an explanation that the phrase “safety of human life at sea” refers to both the safety of a fishing vessel and the safety of persons aboard the vessel; (2) a list of safety issues to consider when evaluating management measures; (3) a recommendation that during the preparation of any FMP, FMP amendment, or regulation that might affect safety of human life at sea, the Council should consult with the U.S. Coast Guard and fishing industry as to the nature and extent of any adverse impact; and (4) a list of mitigation measures that could be considered when management measures are developed.

Recent events suggest a need to revise the guidelines for NS10. The current Guidelines are thirteen years old and fisheries management and fishing vessel safety science in general has evolved during that time. NOAA has new fishery management requirements and policies in place, and the implementation of these measures will lead to changes in the way fisheries are managed. Major changes in fisheries management that change the way fishing operations are conducted, including catch share programs, could impact the safety of fishermen at sea, and those impacts should be assessed during the management process.

As mentioned above, section 303(a)(9)(C) to the MSA states that fishery impact statements shall include possible mitigation measures for “the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants to the fishery.” This is a relatively new requirement (added by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006) and NMFS could provide guidance on addressing this requirement in the revised National Standard 10 Guidelines.

There are also external factors that point to the need to focus on safety at sea. The Coast Guard Authorization Act (CGAA) of 2010 was signed by President Obama on October 15, 2010. Section 604 of the CGAA builds on requirements set forth in the Commercial Fishing Industry Vessel Safety Act of 1988, including the following: It authorizes the U.S. Coast Guard to examine at dockside, at least once every 2 years, fishing vessels that operate beyond 3 miles to ensure that they meet safety standards; it authorizes and requires a training program for the operators of fishing vessels that operate beyond 3 miles; and it establishes design and construction standards for all new vessels. Furthermore, requires that Alternative Compliance and Safety Agreement programs be...
developed for certain groups of existing fishing vessels. These new requirements highlight an emphasis on improving fishing vessel safety. NMFS will ensure that revisions to the NS10 Guidelines will complement the new mandates of the CGAA.

The current NS10 Guidelines do not contain any guidance on analytical methods to evaluate safety. Recent work by the National Institute for Occupational Safety and Health and the U.S. Coast Guard has shown that the fishery management process can more explicitly address safety at sea by analyzing fatalities and calculating fatality rates for the fishery and understanding the overall trend in fatality rates. This information can be used in risk assessments to identify major hazards within a fishery. NMFS could include guidance on the analytical approaches for addressing safety considerations in the revised NS10 Guidelines.

For the above reasons, NMFS believes it is appropriate and timely to revise NS10 Guidelines and is accepting public comments on potential revisions to the Guidelines. Through the revision of the NS10 Guidelines, NMFS intends to enhance consideration of safety issues in fisheries management.

Public Comments

To help determine the scope of issues to be addressed and to identify significant issues related to this action, NMFS is soliciting written comments on this ANPR and will hold a public meeting at the NOAA Science Center in Silver Spring, MD, on May 19, 2011 from 1 p.m. to 3 p.m. NMFS may hold additional public meetings during the comment period and will announce those meetings in the Federal Register. The public is encouraged to submit comments related to the specific ideas mentioned in this ANPR. NMFS is also seeking additional ideas and solutions to improve safety at sea and the NS10 Guidelines. All written comments received by the due date will be considered in drafting proposed revisions to the NS10 Guidelines.

Issues Under Consideration

In considering potential revisions to the NS10 Guidelines, NMFS has identified the following list of issues related to safety of human life at sea. NMFS seeks public comment on the scope of this ANPR generally and the potential for guidance on the following fisheries safety issues.

1. Assembling Fatality, Injury, and Vessel Loss Information: Establishing guidance on how to assemble and analyze data on fatalities and injuries for each Federal fishery using information from NMFS’s National Observer Program, U.S. Coast Guard investigations, U.S. Coast Guard’s Marine Information and Safety and Law Enforcement database system, and National Institute for Occupational Safety and Health data.

2. Developing Fatality, Injury, and Vessel Loss Rates: Establishing guidance on how to estimate workforce for each Federal fishery in order to calculate fatality and injury rates. By combining fatality and non-fatal injury information with workforce estimates, injury, fatality, and vessel loss rates can be calculated to identify trends over time.

3. Evaluating Risks: Establishing general guidance on how to conduct fishery specific risk assessments, which can help identify major safety hazards within a fishery. The frequency for conducting such assessments will also be explored.

4. Safety Considerations and Mitigation Measures: Risk assessments may identify that fishery conservation and management measures are needed and appropriate to improve safety at sea. The current NS10 Guidelines contain three safety considerations (operating environment, gear and vessel loading requirements, and limited season and area fisheries) and eight mitigation measures to consider when developing management measures (see 50 CFR 600.355 paragraphs (c) and (d)). NMFS seeks comments on these sections and, if appropriate, additional safety considerations and mitigation measures that could be added to the Guidelines.

For example, NMFS could consider how fishery management measures can better complement and reinforce U.S. Coast Guard safety regulations. In addition, where regulations currently restrict vessel upgrades or replacement, mitigation measures could include allowing for vessel replacement in a fleet so that older vessels can be replaced with newer and safer vessels. Other potential mitigation measures could include eliminating or reducing penalties for cutting fishing trips short due to weather or other conditions and extending fishing seasons to allow for quotas to be reached.

5. Recreational Fisheries: NMFS welcomes information about safety issues in both the private recreational and the recreational for-hire components of recreational fisheries and suggestions on how to address them.

6. Establishing a Safety Committee: The current NS10 Guidelines (50 CFR 600.355 paragraph (d) recommend that Councils consult with the U.S. Coast Guard and the fishing industry during the development of management measures that might affect the safety of human life at sea. NMFS welcomes comments on this guidance and if improvements to the consultation process are necessary. For example, NMFS could recommend that Councils and the Secretary of Commerce (Secretary), as appropriate, establish a Safety Committee or Safety Advisory Panel that regularly reports on ongoing activities to reduce injuries, fatalities, and vessel losses within their jurisdiction. U.S. Coast Guard personnel, NMFS National Observer Program personnel, and state enforcement officers would be encouraged to participate on such committees and/or panels.

7. Stock Assessment and Fishery Evaluation Reports: Establishing guidance for the type of safety information to include in Stock Assessment and Fishery Evaluation (SAFE) reports. The National Standard 2 Guidelines state that safety information should be summarized in SAFE reports. SAFE reports provide Councils and the Secretary with important scientific information needed for management purposes and different types of safety information could be added to these reports to better inform the Councils and the Secretary.

8. Fishery Impact Statements: Establishing guidance for addressing safety issues in fishery impact statements, as required by the MSA. Fishery impact statements are supposed to address the impact of conservation and management measures and include possible mitigation measures for “the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants to the fishery” (MSA section 303(a)(9)(C)).

Special Accommodations

The public meeting to be held at the NOAA Science Center on May 19, 2011 from 1 p.m. to 3 p.m. will be accessible to people with physical disabilities. Request for sign language interpretation or other auxiliary aids should be directed to Debra Lambert (301–713–2341), by May 5, 2011.

Authority: 16 U.S.C. 1801 et seq.

Dated: April 15, 2011.

Samuel D. Rauch III,
Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2011–9718 Filed 4–20–11; 8:45 am]
BILLING CODE 3510–22–P
Fatal Occupational Injuries in the U.S. Commercial Fishing Industry: Risk Factors and Recommendations

East Coast Region

East Coast Commercial Fishing Fatalities, 2000-2009 (165 Total)
The National Institute for Occupational Safety and Health (NIOSH) is the federal government agency responsible for conducting research and making recommendations for the prevention of work-related injury and illness. NIOSH recently completed an in-depth study of commercial fishing fatalities in the United States during 2000-2009. The purpose of the study was to identify the most hazardous fisheries around the country and to describe the unique safety issues in each. For this study the US was divided into four fishing regions: Alaska, West Coast, East Coast, and the Gulf of Mexico. This document is one in a set of four reports summarizing fatality data for US fishing regions.

About This Report

During 2000-2009, 165 commercial fishing deaths occurred off the East Coast of the US, an average of 17 per year (Fig. 1). During 2002, the number of fatalities was unusually low, with only three deaths. No explanation for the single-year decrease has been identified. 2009 was an especially tragic year with 29 fatalities.

About 60% of the total deaths were caused by drowning following a vessel disaster (e.g. sinking, capsizing, fire, etc) in which the crew was forced to abandon ship (Fig. 2). About one-quarter (22%) of fatalities were the result of falls overboard. The remaining fatalities were due to traumatic injuries sustained on-board, on-shore, or while diving.

Fatalities occurred in 24 different fisheries on the East Coast. Eleven fisheries had five or more fatalities, and accounted for 84% of the total fatalities (Fig. 3). The Scallop fishery experienced the highest number of occupational deaths with 44 fatalities. Vessel disasters caused the most deaths among Scallop fishermen (30, 68%). The remaining fatalities were caused by falls overboard, on-board injuries and on-shore injuries.

The multi-species groundfish fishery also suffered a high number of fatalities, with 26 deaths. Vessel disasters caused 19 (73%) of the fatalities, and 6 (23%) were caused by on-board injuries. Four of the on-board fatalities were caused by entanglement in deck winches.

Most of the fatalities in the Northeast Lobster fishery were caused by falls overboard (11, 61%). About half (5, 45%) of falls overboard were caused by being pulled or pushed overboard by fishing gear.

While the Scallop fishery claimed the highest number of lives during 2000-2009, the multi-species groundfish fishery carried a higher risk of death, as measured by the fatality rate (Table 1). The fatality rate accounts for the number of workers and exposure time on the water, and provides a way to compare risk using a common denominator.
Fatality rates for other fisheries were not able to be calculated due to missing workforce data.

Vessel disasters often result in multiple fatalities. The 98 deaths due to vessel disasters during 2000-2009 took place in 59 separate incidents. Vessel disasters were usually caused by a sequence of events, starting with an initiating event. The most common initiating events were: flooding, vessel instability, being struck by a large wave, and collisions (Fig. 4). In addition, Severe weather conditions contributed to 54% of vessel disasters. In the scallop fishery, 12 vessel disasters killed 30 fishermen. The two most common initiating events were collisions (3, 25%) and vessel instability (3, 25%). Flooding and gear caught on the bottom initiated two vessel disasters each. In the multi-species groundfish fishery, 12 vessel disasters killed 19 fishermen. Vessel instability was the main initiating event (5, 42%), followed by flooding (4, 33%).

Falls overboard accounted for 22% of all fatalities in the East Coast commercial fishing industry during 2000-2009. Falls overboard were caused most often by losing balance and by entanglement in fishing gear (Fig 5). Factors that contributed to falls overboard were: working alone on deck (53%), using alcohol or drugs (11%), and poor weather conditions (8%). None of the victims of falls overboard were wearing a Personal Flotation Device (PFD).

### Conclusions

The multi-species groundfish fishery had an exceptionally high fatality rate during 2000-2009. Most of the fatalities occurred following vessel disasters. The results of this analysis showed that the two most frequent initiating events for vessel disasters in this fishery were vessel instability and flooding. Prevention efforts should focus on preventing those two situations from occurring, as well as continued training and outfitting to better prepare fishermen to survive vessel disasters. Installing e-stops to stop winches when entanglement occurs can also prevent fatalities found in this fishery.
The scallop fishery had the highest number of deaths during 2000-2009, as well as a high fatality rate. Preventing the hazards leading to collisions, vessel instability, flooding, and snagging gear on the ocean floor is necessary. A previous study on the scallop fleet in Maine reported a distinct pattern of serious injuries and vessels capsizing in the mid-1990s while towing fishing apparatus across the sea bed or while lifting laden fishing apparatus from the water to recover the catch. USCG personnel then engaged the fishermen in town hall meetings to discuss the hazards and potential solutions. This type of an approach could be repeated for the entire Atlantic scallop fleet and an evaluation should be done for its effectiveness.

The Northeast lobster fishery also suffered a high number of occupational deaths. Most of the fatalities were caused by falls overboard, often as a result of gear entanglement or being knocked over by gear. Increasing the wearing of PFDs, preventing gear entanglement, and identifying effective recovery methods after a fall overboard should be priorities in this fishery. Entanglement prevention ideas were identified in a previous study through interviewing lobstermen and include the use of line bins and rope lockers. Calculating workforce estimates for this fleet would also assist in assessing the risk of this fishery.

Initiating Events Contributing to Fatal Vessel Disasters, East Coast, 2000-2009 (59 Disasters with 98 Deaths) Figure 4

Causes of Fatal Falls Overboard, East Coast, 2000-2009 (36 Total) Figure 5
RECOMMENDATIONS

Vessel Disasters

Take a marine safety class at least once every 5 years - Safety training for fishermen is available, affordable, and saves lives. All fishermen should learn and know how to use basic lifesaving equipment like immersion suits, life rafts, EPIRBs, and fire extinguishers.

Do monthly drills: Abandon ship, Flooding, Fire - Safety training equips fishermen with survival skills and knowledge. Monthly drills give fishermen an opportunity to practice and re-enforce those skills.

Test immersion suit for leaks - When watertight, immersion suits provide thermal protection and flotation in cold water. If an immersion suit has leaks, it will provide less protection from cold water. Instructions for inflation testing immersion suits are available at www.amsea.org.

Heed weather forecasts and avoid fishing in severe sea conditions - Make the decision to stay in port when the seas are too rough for your vessel to operate in. Keep track of forecasts and seek shelter before the storm arrives or intensifies beyond the safe operating limits of your vessel.

Maintain watertight integrity - Inspect and maintain the hull of your vessel and all through-hull fittings. When seas are rough, ensure that watertight doors and hatches are sealed. Inspect and test high water alarms regularly.

Falls Overboard

Wear a PFD on deck - Falls overboard occur without warning or time to prepare. A PFD stowed away onboard will not help float a fisherman who has fallen overboard. Wearing a PFD on deck is the single most important thing a fisherman can do to increase survivability following a fall overboard. There are many new styles of PFDs which have been evaluated by fishermen in real working conditions and are comfortable to work in on deck. Results of the NIOSH PFD study are available at www.cdc.gov/niosh/topics/fishing.

Utilize a man overboard alarm system - Man overboard alarms are devices which alert others instantly to a fall overboard emergency, even if the fall was not witnessed. Systems vary in features and cost, but even the most inexpensive and basic system can save lives by immediately sounding an alarm if a fisherman falls overboard. Some of these systems can also benefit fishermen who work alone on small vessels by shutting down the engine if the sole operator falls overboard. This gives the fisherman, especially one prepared by wearing a PFD, a chance to get back to the vessel and re-board it.

Conduct monthly man-overboard drills - If you fell overboard, would you want it to be the first time your crewmates tried to recover a man-overboard? Practicing man-overboard recovery procedures is essential for a crew to perform well in an actual emergency.

On-Board Injuries

Install emergency stop (e-stop) devices on deck machinery - Deck machinery, especially deck winches, are particularly hazardous and result in many fatal and non-fatal injuries. Emergency-stop buttons have been developed specifically for deck machinery on fishing vessels and can be adapted and retrofitted onto any winch or other machinery. More information about e-stops for fishing vessels can be found at www.cdc.gov/niosh/topics/fishing.
National Standard 10
Advanced Notice of Proposed Rulemaking
Mid-Atlantic Fishery Management Council

Port Jefferson, NY

June 16, 2011
Presentation Outline

- Information on Fishing Safety
- National Standard 10 and the Current Guidelines
- Issues Under Consideration
- Opportunities to Provide Comment
Fishery Management and Safety

- **Problem**: Commercial fisheries have always been one of the most dangerous occupations.

- According to the National Institute for Occupational Safety and Health, during 1992-2008, the average annual fatality rate:
  - for commercial fishermen was 128 deaths per 100,000 workers
  - for all U.S. workers was 4 deaths per 100,000 workers

- **Legislative Response**: National Standard 10
  “Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.”
Select Occupations with High Fatal Injury Rates, 2009

- Fishers and related fishing workers: 200.0, 56
- Logging workers: 61.8, 34
- Aircraft pilots and flight engineers: 57.1, 63
- Farmers and ranchers: 38.5, 293
- Roofers: 34.7, 60
- Structural iron and steel workers: 30.3, 18
- Refuse and recyclable material collectors: 25.2, 19
- Industrial machinery installation, repair, and maintenance workers: 18.5, 81
- Driver/sales workers and truck drivers: 18.3, 586
- Construction laborers: 18.3, 224

Total fatal work injuries = 4,340
All worker fatal injury rate = 3.3

Date for 2009 are preliminary.
Select Occupations with High Fatal Injury Rates, 2009

- Fishers and related fishing workers: 200.0, 56
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All worker fatal injury rate = 3.3

Date for 2009 are preliminary.
U.S. Commercial Fishing Fatalities by Year and Region, 2000-2009 (N = 507*)

Source: National Institute for Occupational Safety and Health
*Chart excludes 6 deaths in Hawaii and 1 in Canadian waters during transit to AK
National Standard 10

- Added to the Magnuson-Stevens Fishery Conservation and Management Act (MSA) in 1996.
- Primary source of NMFS guidance for the consideration of safety issues in fishery management plans and regulations.
National Standards

• National Standards apply to the 8 Regional Fishery Management Councils and to NOAA’s Fisheries Service.

• Fishery Management Plans and any regulations to implement a plan shall be consistent with the 10 National Standards. (MSA 301(a))

• The Secretary of Commerce shall establish advisory guidelines (which shall not have the force and effect of law), based on the national standards, to assist in the development of fishery management plans. (MSA 301(b))
Current National Standard 10
Guidelines

(a) Standard 10
(b) General
   (1) Fishing is a dangerous occupation; Councils should reduce safety risks when developing management measures.
   (2) Avoid constraining fishermen to fish in conditions that they would otherwise avoid.
   (3) “Safety of human life at sea” refers to both the safety of a fishing vessel and the safety of persons aboard the vessel.
(c) Safety Considerations
   (1) Operating environment (weather conditions)
   (2) Gear and vessel loading requirements (consider safety and stability)
   (3) Avoid derby fisheries
(d) Consultation: Consult with the U.S. Coast Guard and fishing industry if a regulation might affect safety of human life at sea.

(e) Mitigation measures

(1) Set seasons to avoid bad weather.
(2) Seasonal or trip flexibility.
(3) Allowing for pre- or post- season soak time of fixed gear.
(4) Tailoring gear requirements to provide for smaller or lighter gear for smaller vessels.
(5) Avoid management measures that require hazardous at-sea inspections or enforcement if other comparable enforcement could be accomplished as effectively.
(6) Limit participation.
(7) Spread effort over time and area to avoid potential gear or vessel conflicts.
(8) Reduce the race to fish.
National Standard 10 Guidelines – Need for Revision

- Guidelines are 13 years old.
- Analytical methods to evaluate safety.
- National Transportation Safety Board hosted a Fishing Vessel Safety Forum held in Washington, DC, October 13-14, 2010.
National Standard 10 – Advanced Notice of Proposed Rulemaking

- Published Advance Notice of Proposed Rulemaking on April 21, 2011 (76 FR 22342).
- Seek ideas and solutions to improve safety at sea.
- Additional public meetings will be held.
- Comment period ends July 20, 2011.
- Comments will be considered during the drafting of proposed revisions to the guidelines.
Safety Issues Under Consideration
1. Assemble and analyze data on fatalities and injuries

- Fatalities are reported to the U.S. Coast Guard (USCG).
  [46 CFR 4.05-1(a)(5)]

- Non-fatal injuries are supposed to be reported if: “an injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, that renders the individual unfit to perform his or her routine duties...”
  [46 CFR 4.05-1(a)(6)]

- Count fatalities and non-fatal injuries that are reported to the USCG.
NIOSH Products: Regional Summaries of Fatality Data

Alaska Commercial Fishing Fatalities by Year and Incident Type (133 Total) (Figure 1)

During the decade of 2000-2009, 133 commercial fishermen died while working in Alaskan waters. The highest number occurred in 2003 and 2004, with 13 deaths each year. In 2005, 12 fishermen died, followed by 10 each in 2006 and 2007. In 2008, 13 fishermen died, followed by 9 in 2009. In total, 151 fishermen were killed per year. Half of the deaths were caused by drowning following vessel disasters (e.g., sinking, capsizing, fire, etc.) in which the area was forced to abandon ship (Fig. 2). Another 31% of fatalities were the result of falls overboard. The 12 falls in 2010 occurred on board, and five occurred during vessel stabilization. The second highest number of deaths occurred in a deck (31%), an accumulation in a confined space (31%), and a single event (9%).

Although vessel disasters contributed to the most fatalities during the decade, the incidents responsible for the deaths had a variety of causes, including, but not limited to, falling off the boat (31%), fires (31%), mechanical failures (31%), and falls overboard (31%). The causes of death were divided as follows: 52% were due to falls, 29% were due to fires, 11% were due to mechanical failures, and 8% were due to other causes. The most common causes of death were falls overboard (56%), fires (24%), and mechanical failures (14%).

Although vessel disasters contributed to the most fatalities during the decade, the incidents responsible for the deaths had a variety of causes, including, but not limited to, falling off the boat (31%), fires (31%), mechanical failures (31%), and falls overboard (31%). The causes of death were divided as follows: 52% were due to falls, 29% were due to fires, 11% were due to mechanical failures, and 8% were due to other causes. The most common causes of death were falls overboard (56%), fires (24%), and mechanical failures (14%).

Conclusions
The Coast Guard has developed initiatives to prevent and reduce the number of fatalities in the Alaska region. These initiatives include improving safety training, enforcing regulations, and providing assistance to fishermen. A comprehensive program, the Alaska Commercial Fishing Fatality Prevention Program (ACFFPP), has been implemented to reduce the number of fatalities in the Alaska region. The program focuses on improving safety training, enforcing regulations, and providing assistance to fishermen. The program has been successful in reducing the number of fatalities in the Alaska region.
2. Calculate fatality and injury rates

• Rates provide a way to compare risk among various fisheries.

• Need to first estimate workforce.

• Workforce estimates can be generated using:
  • Number of Active Vessels
  • Number of Operational Days
  • Average Crew Size for Vessels in the Fishery
### Fatalities, Full-Time Equivalent (FTE) Employees, and Fatality Rates

#### US, 2000-2009

<table>
<thead>
<tr>
<th>Fishery</th>
<th>Fatalities</th>
<th>FTE</th>
<th>Annual rate per 100,000 FTEs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>East Coast Region</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Atlantic scallop</td>
<td>44</td>
<td>10,384</td>
<td>425</td>
</tr>
<tr>
<td>Northeast multi-species groundfish</td>
<td>26</td>
<td>4,340</td>
<td>600</td>
</tr>
<tr>
<td>Atlantic snapper/grouper</td>
<td>6</td>
<td>3,622</td>
<td>170</td>
</tr>
<tr>
<td><strong>West Coast Region</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Coast Dungeness crab</td>
<td>25</td>
<td>8,092</td>
<td>310</td>
</tr>
<tr>
<td><strong>Alaska Region</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alaska salmon</td>
<td>39</td>
<td>34,287</td>
<td>115</td>
</tr>
<tr>
<td>Alaska cod</td>
<td>26</td>
<td>21,327</td>
<td>120</td>
</tr>
<tr>
<td>Bering Sea and Aleutian Islands crab</td>
<td>12</td>
<td>4,658</td>
<td>260</td>
</tr>
<tr>
<td>Alaska halibut</td>
<td>10</td>
<td>7,519</td>
<td>130</td>
</tr>
</tbody>
</table>

Source: National Institute for Occupational Safety and Health
3. Evaluate risks in fisheries

Risk assessments could be conducted to identify safety hazards within a fishery.

Risk assessment could include information on:

- Types of vessels and hazards
- Number of fatalities & fatality rates
- Have there been fatalities recently?
- Does the fishery occur far from search and rescue resources?
4. Safety considerations and mitigation measures to improve safety

Potential examples include:

- Emergency relief provisions for safety purposes
- Allowing for vessel replacement
- Allowing for transit through closed areas
## 5. Safety issues in recreational fisheries

### Vessel Activity at the Time of Accident

<table>
<thead>
<tr>
<th>Activity</th>
<th>Vessels Involved</th>
<th>Deaths</th>
<th>Injuries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Totals</td>
<td>6190</td>
<td>736</td>
<td>3358</td>
</tr>
<tr>
<td>Boating/Relaxation</td>
<td>3716</td>
<td>321</td>
<td>2114</td>
</tr>
<tr>
<td>Commercial</td>
<td>60</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Fishing</td>
<td>688</td>
<td>270</td>
<td>303</td>
</tr>
<tr>
<td>Fueling</td>
<td>19</td>
<td>1</td>
<td>16</td>
</tr>
<tr>
<td>Hunting</td>
<td>29</td>
<td>14</td>
<td>21</td>
</tr>
<tr>
<td>Racing</td>
<td>47</td>
<td>3</td>
<td>24</td>
</tr>
<tr>
<td>Repairs</td>
<td>57</td>
<td>7</td>
<td>28</td>
</tr>
<tr>
<td>Starting Engine</td>
<td>55</td>
<td>1</td>
<td>30</td>
</tr>
<tr>
<td>Swimming/Snorkeling</td>
<td>82</td>
<td>35</td>
<td>45</td>
</tr>
<tr>
<td>Towed Watersports</td>
<td>692</td>
<td>25</td>
<td>648</td>
</tr>
<tr>
<td>Towing</td>
<td>19</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Whitewater</td>
<td>67</td>
<td>35</td>
<td>31</td>
</tr>
<tr>
<td>Other</td>
<td>39</td>
<td>5</td>
<td>25</td>
</tr>
<tr>
<td>None; not in operation</td>
<td>439</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Unknown</td>
<td>181</td>
<td>19</td>
<td>65</td>
</tr>
</tbody>
</table>

Source: Table 10 in Recreational Boating Statistics 2009. U.S. Coast Guard. COMDTPUB P16754.23
6. Consultation/Safety committee

Safety issues could be address through:

- Consultation
- Advisory Panel or Committee
7. Including safety information in Stock Assessment and Fishery Evaluation (SAFE) Reports

Information collected on fatalities, fatality rates, and risk assessments could be recorded in SAFE reports.
8. Relationship between National Standard 10 and Fishery Impact Statements

Fishery Impact Statements assess the effect of conservation and management measures and include possible mitigation measures for “safety of human life at sea, including whether and to what extent such measures may affect the safety of participants to the fishery.” (MSA 303(a)(9)(C))
Comments can be submitted:

- At public meetings
- Via the Federal eRulemaking Portal: [http://www.regulations.gov](http://www.regulations.gov) using the identifier “0648-BA74”;
- Faxed to 301-713-1193, Attention Debra Lambert; or
- Submitted by mail to:
  
  Debra Lambert  
  National Marine Fisheries Service, NOAA  
  1315 East-West Highway, Room 13403  
  Silver Spring, MD 20910

- Deadline: July 20, 2011
Public Meetings

- NOAA Science Center, May 19, 2011, 1 – 3 p.m., Silver Spring, MD

- Joint Session of Gulf of Mexico and South Atlantic Fishery Management Council, June 10, 2011, 1 – 1:45 p.m., Marriott Beachside Hotel, Key West, FL

- Mid-Atlantic Fishery Management Council meeting, June 16, 2011, 9 – 10 a.m., Danfords Hotel, Port Jefferson, NY

- New England Fishery Management Council meeting, June 21, 2011, 1:30 – 2:30, Holiday Inn by the Bay, Portland, ME

- Swedish Cultural Center, July 19, 2011, 10 a.m. – noon, Seattle, WA
Summary

- Requesting public comment on potential revisions to the National Standard 10 Guidelines.
- Comment period ends July 20, 2011.
- Comments received will be considered as we develop a proposed rule.
Questions & Comments