



November 2022

COAST GUARD

Additional Actions Needed to Improve Commercial Fishing Vessel Safety Efforts

GAO Highlights

Highlights of [GAO-23-105289](#), a report to congressional committees

Why GAO Did This Study

Commercial fishing has one of the highest industry death rates in the U.S., according to the U.S. Bureau of Labor Statistics. Since fiscal year 2011, multiple commercial fishing vessel safety requirements have been enacted. As the principal federal agency for ensuring marine safety, the U.S. Coast Guard is responsible for implementing statutory requirements related to fishing vessel safety.

GAO reviewed the Coast Guard's commercial fishing vessel safety efforts as a follow-on to other GAO work to address a provision in statute. This report examines Coast Guard efforts to (1) improve commercial fishing vessel safety; (2) implement related key statutory requirements enacted from fiscal years 2011 through 2021; and (3) incorporate key performance assessment steps for its commercial fishing vessel safety program.

To address these objectives, GAO reviewed relevant laws, as well as Coast Guard documentation and data on its efforts to improve fishing vessel safety. GAO also observed vessel exams, and interviewed Coast Guard headquarters and field-based officials.

What GAO Recommends

GAO is making six recommendations to the Coast Guard, including to implement alternate safety standards for older vessels, develop a plan with time frames to implement the other outstanding statutory requirements, and fully incorporate key performance management practices. DHS concurred with five of six recommendations. GAO maintains that the findings in the report support all of the recommendations.

View [GAO-23-105289](#). For more information, contact Heather MacLeod at (202) 512-8777 or MacLeodH@gao.gov.

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What GAO Found

Coast Guard efforts to promote commercial fishing vessel safety include conducting dockside exams, engaging with industry, and collaborating with other federal agencies. A dockside exam includes a review of a vessel's documents and safety equipment. Vessels that successfully complete an exam receive a 2-year safety decal from the Coast Guard. In addition, the agency engages with industry through safety trainings and policy letters, among other efforts. The Coast Guard also collaborates with other federal agencies, such as the National Marine Fisheries Service, by sharing accident data and supporting vessel safety research.

Commercial Fishing Vessels in Newport, Oregon



Source: GAO. | [GAO-23-105289](#)

The Coast Guard fully implemented five of 22 key statutory requirements related to various aspects of commercial fishing vessel safety (e.g., equipment, training, exams) enacted from fiscal years 2011 through 2021. However, it has either partially or not implemented 17 requirements. One requirement that the Coast Guard does not intend to implement is to develop alternate safety standards for older fishing vessels, which account for almost 80 percent of fishing vessel losses. The Coast Guard stated it does not have the authority to address the requirement to develop alternate safety standards for older fishing vessels. However, based on GAO's review of the applicable statutory provisions, the Coast Guard does have the authority to implement this requirement. In June 2016, the Coast Guard issued a proposed rule intended to address nine of the other 16 outstanding requirements. However, as of August 2022, the rule had not been finalized, and the Coast Guard had no detailed plan for implementing these requirements. Developing and implementing alternate safety standards for older vessels and developing a plan with time frames for implementing the other 16 requirements would help to address the Coast Guard's statutory responsibilities and support efforts to prevent fishing vessel losses and related fatalities.

The Coast Guard has established strategic goals and performance goals for its commercial fishing vessel safety program. However, it has not fully incorporated other key performance management practices, such as establishing performance goals that fully address all aspects of its strategic goals, setting realistic targets for its performance goals, and using performance data to assess progress towards program goals. Fully incorporating such practices could help the Coast Guard better assess program performance and address any performance issues.

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Abbreviations

DHS	Department of Homeland Security
MISLE	Marine Information for Safety and Law Enforcement

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November 2, 2022

The Honorable Maria Cantwell
Chair
The Honorable Roger F. Wicker
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate

The Honorable Peter A. DeFazio
Chair
The Honorable Sam Graves
Ranking Member
Committee on Transportation and Infrastructure
House of Representatives

Commercial fishing is one of the most dangerous occupations in the U.S. and consistently has one of the highest death rates of any industry, according to the U.S. Bureau of Labor Statistics. The U.S. Coast Guard, a multi-mission maritime military service within the Department of Homeland Security (DHS), serves as the principal federal agency responsible for marine safety.¹ To serve its marine safety mission, the Coast Guard is responsible for developing and implementing policies and regulations to help ensure commercial fishing vessel safety. To accomplish this, the Coast Guard conducts vessel safety examinations, enforces safety requirements during vessel boardings at sea, provides support to vessels in distress, conducts accident investigations and analysis, and otherwise promotes accident prevention and safety measures for commercial fishing vessels.

Prior to 1988, most commercial fishing vessels were not required to comply with federal safety requirements. However, following the loss of multiple commercial fishing crews during the mid-1980s, Congress

¹Marine safety is one of the Coast Guard's 11 primary statutory missions identified in the Homeland Security Act of 2002, as amended. The Coast Guard's marine safety program encompasses activities related to vessel inspection and examination, incident investigation, boating safety, facility and port safety and security, vessel documentation, and merchant mariner credentialing. The other 10 Coast Guard missions are: search and rescue; aids to navigation; living marine resources; marine environmental protection; ice operations; ports, waterways and coastal security; drug interdiction; migrant interdiction; defense readiness; and other law enforcement. 6 U.S.C. § 468(a).

passed and the President signed the Commercial Fishing Industry Vessel Safety Act of 1988—the first legislation addressing commercial fishing vessel safety enacted in the U.S.² The Coast Guard issued regulations implementing provisions of the act in 1991.³ Since fiscal year 2011, Congress has enacted multiple new requirements addressing the safety of commercial fishing vessels.

This report is a related follow-on to our January 2022 report on the Coast Guard’s marine inspection workforce,⁴ both of which were conducted in response to a provision in the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021.⁵ This report examines: (1) the Coast Guard’s implementation of efforts to improve the safety of commercial fishing vessels; (2) the extent to which the Coast Guard has implemented key statutory requirements related to commercial fishing vessel safety enacted from fiscal years 2011 through 2021; and (3) the extent to which the Coast Guard has incorporated key steps for assessing the performance of its commercial fishing vessel safety program.

To address all three of our objectives, we reviewed relevant Coast Guard documentation and interviewed Coast Guard officials, including field officials from a sample of five of nine Coast Guard districts, to better understand the agency’s commercial fishing vessel safety efforts.⁶ We also interviewed officials from other federal agencies involved in commercial fishing safety and four industry stakeholders to gather their

²Pub. L. No. 100-424, 102 Stat. 1585.

³56 Fed. Reg. 40,364 (Aug. 14, 1991).

⁴GAO, *Coast Guard: Enhancements Needed to Strengthen Marine Inspection Workforce Planning Efforts*, [GAO-22-104465](#) (Washington, D.C.: Jan. 12, 2022).

⁵Pub. L. No. 116-283, § 8257, 131 Stat. 3388, 4677. This act contained a provision for us to examine and report on issues related to the Coast Guard’s marine inspection program.

⁶Coast Guard districts are responsible for overseeing agency missions within a specific geographic region. We interviewed Commercial Fishing Vessel Safety Coordinators from Districts 1 (Northeast), 8 (Gulf Coast), 11 (West Coast), 13 (Northwest), and 17 (Alaska). The district coordinator provides operational planning direction, subject matter expertise, and regional oversight of commercial fishing vessel safety efforts. We selected districts that had larger estimated commercial fishing vessel populations or had conducted a higher number of dockside exams in fiscal year 2019—the most recent year for which complete data were publicly available—as well as for geographic diversity. Dockside exams are non-adversarial, no-fault safety checks of commercial fishing vessels that, if passed, result in the issuance of a safety decal indicating that the vessel is in compliance with the applicable regulations.

perspectives on the Coast Guard's commercial fishing vessel safety program.⁷ The results from our district and stakeholder interviews are not generalizable but provide insights on Coast Guard efforts and safety issues in the industry.

To further address our first objective, we observed three commercial fishing vessel exams during site visits in two districts,⁸ and collected Coast Guard data on commercial fishing vessel safety efforts, such as dockside exams and at-sea boardings.⁹ We determined the data to be sufficiently reliable for the purposes of our reporting objectives. Finally, we compared the Coast Guard's policy for enforcing the dockside exam requirement during at-sea boardings against *Standards for Internal Control in the Federal Government* related to internal communication and documentation.¹⁰

To further address our second objective, we reviewed Coast Guard authorization acts enacted from fiscal years 2011 through 2021 to identify key statutory requirements related to commercial fishing vessel safety that were directed at the Coast Guard or that it has the authority to enforce.¹¹ We determined the implementation status of each

⁷We interviewed federal officials from the National Institute for Occupational Safety and Health, the National Marine Fisheries Service, and the National Transportation Safety Board. We also interviewed stakeholders from the North Pacific Fishing Vessel Owners Association, Groundfish Forum (a fishery trade association), and Alaska Marine Safety Education Association, as well as a marine safety expert with roughly 4 decades of experience related to commercial fishing safety. We selected these stakeholders based on our initial research of commercial fishing vessel safety, as well as recommendations by Coast Guard and other federal officials.

⁸We conducted in-person site visits in Districts 5 (East Coast) and 13 (Northwest). Due to the COVID-19 pandemic, we limited our site visits to locations that were geographically close to our offices. However, our visits to these two districts allowed us to observe Coast Guard exams on different types of commercial fishing vessels.

⁹We reviewed Coast Guard data on dockside exams, safety decals, and at-sea boardings for fiscal years 2018 through 2021. We selected this time frame because it coincides with when program officials said they began archiving periodic audits of commercial fishing vessel safety program activity records from the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) database. We also collected Coast Guard data on its risk based fishing vessel exam program from October 2020 to April 2022.

¹⁰GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

¹¹We excluded statutory requirements that were not specific to, but may apply to commercial fishing vessels. See Appendix II for more details about the statutory requirements we included in our review.

requirement,¹² and evaluated the Coast Guard's implementation of these requirements against the applicable statutory provisions, federal internal control standards, and leading project management practices.¹³

To further address our third objective, we reviewed Coast Guard documentation and interviewed Coast Guard officials to better understand the agency's performance management practices, and analyzed Coast Guard data on select safety efforts and commercial fishing vessel losses and fatalities.¹⁴ We determined the data to be sufficiently reliable for the purposes of our reporting objectives. Finally, we evaluated the Coast Guard's efforts to assess the performance of its commercial fishing vessel safety program against its *Framework for Strategic Mission Management, Enterprise Risk Stewardship, and Internal Control*,¹⁵ as well as key performance management steps identified in our prior work.¹⁶ See Appendix I for a more detailed explanation of our scope and methodology.

We conducted this performance audit from June 2021 to November 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

¹²See Appendix I for a more detailed explanation of how we determined the implementation status of the statutory requirements. We did not assess the effectiveness of the Coast Guard's actions to implement the requirements.

¹³[GAO-14-704G](#). Project Management Institute, Inc., *A Guide to the Project Management Body of Knowledge (PMBOK® Guide)*. Sixth Edition (2017).

¹⁴We compared the data we collected against the commercial fishing vessel safety program's performance targets for fiscal years 2018 through 2021 to determine the extent to which targets were met.

¹⁵U.S. Coast Guard, Deputy Commandant for Operations, *Framework for Strategic Mission Management, Enterprise Risk Stewardship, and Internal Control* (Washington, D.C.: July 2020).

¹⁶GAO, *Executive Guide: Effectively Implementing the Government Performance and Results Act*, [GAO/GGD-96-118](#) (Washington, D.C.: June 1996).

Background

Overview of the Commercial Fishing Industry

Commercial fishing is a large, diverse, and highly fragmented industry. In 2021, the Coast Guard estimated that the U.S. commercial fishing industry comprised about 51,000 vessels.¹⁷ As shown in figure 1 below, the vessels involved in commercial fishing are diverse, varying in size, type, and style due to differences in fisheries and the regions in which they operate.¹⁸ According to the National Marine Fisheries Service, in 2019, the U.S. commercial fishing industry supported roughly 700,000 jobs and generated about \$55 billion in sales.¹⁹

¹⁷According to Coast Guard officials, the agency's estimate of roughly 51,000 active commercial fishing vessels is based on vessel data in its MISLE database. These data are based on Coast Guard interactions with vessels (e.g., dockside exams), as well as information from the Coast Guard's National Vessel Documentation Center and reported by vessel owners and operators. Coast Guard officials explained that estimates may vary based on how and when the data are pulled from MISLE. In our December 2017 report, we found that the exact number of active vessels is unknown because the Coast Guard and other relevant federal agencies, such as the National Marine Fisheries Service, do not collect data on the total number of active U.S. commercial fishing vessels. We recommended that the Coast Guard form a working group with other federal agencies to determine a way to establish a reliable estimate of the active fishing vessel population. The Department of Homeland Security (DHS) concurred with our recommendation and the Coast Guard has taken actions to implement it. See, GAO, *Commercial Fishing Vessels: More Information Needed to Improve Classification Implementation*, [GAO-18-16](#) (Washington, D.C.: Dec. 14, 2017).

¹⁸A fishing vessel commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish. 46 U.S.C. § 2101(12).

¹⁹U.S. Department of Commerce, National Marine Fisheries Service, *Fisheries Economics of the United States 2019*, NOAA Technical Memorandum NMFS-F/SPO-299 (Silver Spring, MD: March 2022). The estimated employment and sales impacts are for the domestic industry and do not include seafood importers.

Figure 1: Images of Different Types of Commercial Fishing Vessels



Oyster dredger in Solomons Island, Maryland.



Shrimp trawler in the Gulf of Mexico.



Purse seiner in Alaska.



Trawler in New England.

Source: (Clockwise from top left) GAO; Leigh Trail/stock.adobe.com; National Oceanic and Atmospheric Administration; Conrad/stock.adobe.com. | GAO-23-105289

Commercial Fishing Operations

According to NIOSH, commercial fishing operations are characterized by hazardous working conditions, strenuous labor, long work hours, and harsh weather.



Sources: GAO analysis of National Institute for Occupational Safety and Health (NIOSH) information; NIOSH (top photo); Stanislav Komogorov/ stock/adobe.com (bottom photo). | GAO-23-105289

Although commercial fishing still tops the Bureau of Labor Statistics' list of most dangerous occupations in the U.S. (see sidebar), the numbers of vessel losses and fatalities have decreased significantly over the past 4 decades.²⁰ According to a Coast Guard analysis of vessel losses and fatalities related to the operation of a commercial fishing vessel,²¹ the industry experienced an average of 219 vessel losses and 50 fatalities per year from 1982 through 1991, compared to an average of 43 vessel losses and 22 fatalities per year from 2011 through 2020.

Federal Safety Requirements for Commercial Fishing Vessels

Over 20 years after the enactment of the Commercial Fishing Industry Vessel Safety Act of 1988, another major piece of legislation addressing commercial fishing vessel safety was enacted—the Coast Guard

²⁰Department of Labor, Bureau of Labor Statistics, *News Release: National Census of Fatal Occupational Injuries in 2020*, USDL-21-2145 (Washington, D.C.: Dec. 16, 2021).

²¹The Coast Guard categorizes commercial fishing vessel losses and fatalities as operational and nonoperational based on a Coast Guard investigator's determination. A vessel loss is nonoperational if the vessel was moored or docked in port. A fatality is nonoperational if (1) the death occurred while the vessel was moored to a pier or dock, in dry dock, or undergoing maintenance on shore; or (2) the mariner suffered a medical event, had an existing medical condition, was assaulted, overdosed from drugs or alcohol, died by suicide, was engaged in an activity not related to the vessel's operation, or was shoreside at the time of the incident.

Authorization Act of 2010.²² The 2010 act established new safety requirements, such as mandatory dockside exams—a review of a vessel’s documents and safety equipment—for certain vessels and training for vessel operators.²³ Additional laws addressing commercial fishing vessel safety were enacted in 2012, 2016, 2018, and 2021 that either amended the safety requirements in the 2010 act or added new requirements.²⁴

Coast Guard’s Commercial Fishing Vessel Safety Program

The Coast Guard’s marine safety mission includes the commercial fishing vessel safety program, which aims to improve the safety of commercial fishing vessels. The Fishing Vessel Safety Division, which is within the Assistant Commandant of Prevention Policy at Coast Guard headquarters, is responsible for managing this program. The division establishes program policies, procedures, and operational guidance; develops national strategies; and monitors and reports program performance. Personnel from the Coast Guard’s prevention and response programs are responsible for implementing commercial fishing vessel safety program efforts in the field.²⁵ As of April 2022, the Coast Guard had 88 full-time equivalent staff dedicated to its commercial fishing vessel

²²Pub. L. No. 111-281, 124 Stat. 2905.

²³The 2010 act required the Coast Guard to examine at dockside commercial fishing vessels that meet certain criteria—which are described later in this report—at least once every 2 years, and a subsequent law changed the requirement from every 2 years to every 5 years. See 46 U.S.C. §4502(f)(2). The 2010 act also required individuals in charge of those same categories of vessels to pass a training program that meets certain requirements. See 46 U.S.C. §4502(g). Under federal statute, most commercial fishing vessels are categorized as uninspected vessels and are not required to undergo regular Coast Guard inspections like other commercial vessels. During a Coast Guard inspection, a marine inspector reviews a vessel’s documents; observes and tests vessel systems, equipment, and crew knowledge; and ensures that the vessel meets construction standards and is maintained and repaired properly. Instead, commercial fishing vessels are required to comply with certain safety requirements, which the Coast Guard assesses through a dockside exam. See 46 U.S.C. §§ 3301-3302.

²⁴The Coast Guard and Maritime Transportation Act of 2012, Pub. L. No. 112-213, 126 Stat. 1540; the Coast Guard Authorization Act of 2016, Pub. L. No. 114-120, 130 Stat. 27 (originally enacted as the Coast Guard Authorization Act of 2015 but amended by the National Defense Authorization Act for Fiscal Year 2017, Pub. L. No. 114-328, tit. XXXV, subtit. A, § 3503(a), 130 Stat. 2000, 2775 (2016)); the Frank LoBiondo Coast Guard Authorization Act of 2018, Pub. L. No. 115-282, 132 Stat. 4192; and the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Pub. L. No. 116-283, 131 Stat. 3388.

²⁵The Coast Guard organizes its field structure under two area commands (Atlantic and Pacific) that oversee nine districts across the U.S., which are further subdivided into 37 sectors.

safety efforts—four program staff in headquarters, and 74 commercial fishing vessel examiners, nine district commercial fishing vessel safety coordinators, and one area command staff in the field. From fiscal years 2011 through 2021, the Coast Guard budgeted a total of roughly \$8.7 million (\$9.6 million in fiscal year 2021 dollars) to its commercial fishing vessel safety efforts.²⁶

Other Federal Agencies Involved in Commercial Fishing Vessel Safety

Several other federal agencies play a role in overseeing and promoting commercial fishing vessel safety. These include:

- **National Institute for Occupational Safety and Health:** As part of the Department of Health and Human Services' Centers for Disease Control and Prevention, the National Institute for Occupational Safety and Health conducts research and makes recommendations for the prevention of work-related injury and illness. Since 1991, the institute has conducted safety research in the commercial fishing industry to identify the greatest dangers to fishers and ways to prevent injuries and fatalities.
- **National Marine Fisheries Service:** As part of the National Oceanic and Atmospheric Administration, the National Marine Fisheries Service uses fishery observers and at-sea vessel monitors to collect data from U.S. commercial fishing vessels to monitor federal fisheries, assess fish populations, set fishing quotas, and inform fishery management practices. The fisheries service is also responsible for implementing fishery management plans and measures (such as fishing seasons, quotas, and closed areas) which must, to the extent practicable, promote the safety of human life at sea.²⁷
- **National Transportation Safety Board:** The National Transportation Safety Board investigates commercial fishing vessel accidents that

²⁶This amount does not include personnel costs. The amount in fiscal year 2021 dollars was adjusted for inflation using the fiscal year U.S. Gross Domestic Product Price Index from the U.S. Department of Commerce, Bureau of Economic Analysis.

²⁷See 16 U.S.C. § 1851. The Magnuson-Stevens Fishery Conservation and Management Act, as amended, created eight regional fishery management councils, which are responsible for preparing fishery management plans and setting annual catch limits for the fisheries within their areas of authority. The National Marine Fisheries Service, under authority delegated from the Secretary of Commerce, provides support for regional fishery management councils and approves and implements fishery management plans and plan amendments. See 16 U.S.C. §§ 1801 et seq.

involve the most significant damage and loss of life.²⁸ The board conducts investigations (sometimes in parallel with the Coast Guard) to determine the probable cause of vessel accidents and issues safety recommendations aimed at preventing future accidents.²⁹

Coast Guard Has Various Efforts to Improve Commercial Fishing Vessel Safety, but a Key Enforcement Policy Is Unclear

Coast Guard Has Three Primary Efforts to Promote Vessel Safety

Coast Guard efforts to promote commercial fishing vessel safety include conducting dockside exams, engaging with the commercial fishing industry, and collaborating with other federal agencies.

Dockside Exams. Coast Guard examiners and authorized third-party organizations conduct dockside exams to assess the extent to which a commercial fishing vessel meets applicable safety

²⁸These vessel accidents—which the National Transportation Safety Board refers to as major marine casualties—are defined as a casualty resulting in: (1) six or more fatalities; (2) property damage initially estimated as \$500,000 or more; (3) loss of a mechanically propelled vessel of 100 gross tons or more; or (4) serious threat to life, property or the environment by hazardous materials. 49 C.F.R. § 850.5(e). The Save Our Seas Act of 2018 changed the initial property damage estimate threshold from \$500,000 to \$2,000,000. Pub. L. No. 115-265, § 211, 132 Stat. 3742, 3749 (codified at 46 U.S.C. 6101(i)(3)). According to National Transportation Safety Board officials, the board and the Coast Guard are working to implement this change.

²⁹See, for example, National Transportation Safety Board, *Safer Seas Digest 2020: Lessons Learned from Marine Accident Investigations*, (Washington, D.C.: Aug. 31, 2021); and *2021-2022 NTSB Most Wanted List of Transportation Safety Improvements*, (Washington, D.C.: April 6, 2021). Improving fishing vessel safety is on the 2021-2022 Most Wanted List, which highlights transportation safety improvements needed to prevent accidents, reduce injuries, and save lives.

requirements.³⁰ Since 2012, federal statute has required the Coast Guard to conduct dockside exams of certain commercial fishing vessels at least once every 5 years.³¹ Program officials stated that the dockside exam program is a key safety effort and provides Coast Guard personnel an opportunity to educate vessel operators on risks specific to their vessel types and good marine practices. The Coast Guard also provides voluntary dockside exams for those commercial fishing vessels that are not subject to the statutory requirement.

A dockside exam includes a review of the vessel's documents and safety equipment, as shown in figure 2 below.³² Upon successful completion of a dockside exam, the Coast Guard issues a safety decal that is valid for 2 years and indicates the vessel has met all applicable requirements. If an examiner determines that a vessel has not met all applicable requirements, the examiner is to provide the vessel operator with a list of items to address. Once the vessel operator has addressed the items, the examiner will verify whether outstanding requirements have been met, and if so, will issue a

³⁰Applicable requirements are largely based on U.S. Coast Guard regulations, but may also include statutory requirements. Qualified individuals from a third-party organization may conduct dockside exams and issue safety decals and certificates of compliance on behalf of the Coast Guard or as required by regulation. See 46 C.F.R. § 28.73, .76. A third party organization is an entity that the Coast Guard has designated to perform technical services or conduct commercial fishing vessel safety exams on its behalf. The purpose of the Coast Guard's Third Party Examination program is to leverage use of established vessel surveying professionals in the maritime industry to supplement the Coast Guard's commercial fishing vessel safety examiner workforce.

³¹The 2012 law required the Coast Guard to complete the first dockside exam of a covered vessel not later than October 15, 2015. The dockside exam requirement applies to vessels that: (1) operate beyond 3 nautical miles of the baseline of the U.S. territorial sea or the coastline of the Great Lakes; (2) operate anywhere with more than 16 individuals on board (either inside or outside of the 3 mile baseline); or (3) are fish tender vessels engaged in the Aleutian trade. See 46 U.S.C. § 4502(f). Although 46 C.F.R. part 28, subpart C does not reflect the statutory amendment that replaced the Boundary Line with 3 nautical miles from the baseline, we refer to vessels that meet any of the three criteria above as subpart C vessels. In addition, since June 1998, the National Marine Fisheries Service has required fishing vessels that carry a fishery observer to have a valid Coast Guard commercial fishing vessel safety decal indicating that the vessel has passed a dockside exam within the past 2 years. See 50 C.F.R. § 600.746.

³²Unlike a Coast Guard inspection, a dockside exam does not include an assessment of a vessel's material condition or its maintenance. In August 2022, the National Transportation Safety Board recommended that the Coast Guard expand the scope of its dockside exam to cover certain aspects of a vessel's material condition.

safety decal. According to Coast Guard officials, the agency encourages vessel operators to maintain a 2-year safety decal to enhance the safety of the vessel, its operation, and crew. Coast Guard data for fiscal year 2021 show that examiners and third-party organizations conducted 6,264 dockside exams and issued 4,798 safety decals.³³

Figure 2: Examples of Items a U.S. Coast Guard Examiner Reviews during a Dockside Exam



Sources: GAO analysis of Coast Guard information; photos: GAO, stock.adobe.com/wil tilroe-otte; Coast Guard; Coast Guard photo by PO1 Charly Tautfest. | GAO-23-105289

³³The total number of dockside exams includes initial and renewal exams, follow-up exams to address items identified in an initial or renewal exam, and fix-it exams to address boarding violations. These data are based on MISLE activity records for dockside exams. Coast Guard officials stated that, in some cases, a single activity record for a dockside exam could encompass more than one vessel exam, depending on how the examiner entered the information into MISLE. The officials noted that MISLE does not have the capability to analyze these data further to determine whether one activity record represents multiple exams. We reported on MISLE in July 2020 and recommended that the Coast Guard address the cause of inconsistent data entries, among other things. DHS concurred with the recommendation but the Coast Guard has not yet addressed it, as of September 2022. GAO, *Coast Guard: Actions Needed to Ensure Investments in Key Data System Meet Mission and User Needs*, [GAO-20-562](#) (Washington, D.C.: July 16, 2020).

In October 2020, the Coast Guard implemented the risk based fishing vessel exam program to promote the safety of commercial fishing vessels it deems high risk based on age, length, and operating location. This program encourages high risk vessels to maintain a safety decal by completing a dockside exam every 2 years.³⁴ To do this, the Coast Guard developed a list of high risk vessels that do not have a valid safety decal to help guide safety efforts in the field. For example, examiners use this list to focus their outreach activities. As of October 2021, the list included 1,754 vessels.³⁵ According to Coast Guard data, 2,914 dockside exams had been conducted and 2,130 safety decals had been issued to high risk vessels from October 2020 through April 2022.

Industry Engagement. Coast Guard headquarters and district officials reported that they regularly engage with members of the commercial fishing industry to share information, and oversee and provide training on vessel safety. Figure 3 below provides descriptions of the Coast Guard's industry outreach and training activities.

³⁴Commercial fishing vessels that the Coast Guard deems high risk include those that (1) were built before July 1, 2013, (2) are at least 50 feet overall in length, and (3) operate beyond 3 nautical miles from the baseline from which the territorial seas of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes.

³⁵In May 2022, program officials told us they last updated the list of high risk vessels that do not have a valid safety decal in October 2021.

Figure 3: U.S. Coast Guard Commercial Fishing Vessel Safety Outreach and Training Activities



Commercial Fishing Vessel Safety National Communications Plan

In December 2019, the Coast Guard issued its Commercial Fishing Vessel Safety National Communications Plan to outline various strategies and tools for communicating with the commercial fishing industry. According to the Coast Guard's 2021 Domestic Annual Report, agency personnel recorded over 290,000 interactions with the commercial fishing industry in 2021. Coast Guard personnel conduct various industry outreach efforts such as walking the docks to provide information on safety requirements.



Outreach Documents Related to Commercial Fishing Vessel Safety

The Coast Guard has developed and issued a variety of documents about commercial fishing vessel safety including safety alerts and policy letters. The Coast Guard makes this information available on its websites. Additionally, various Coast Guard districts develop outreach documents for their respective regions, which are available on agency websites and may be provided to vessel operators during in-person interactions.



National Commercial Fishing Safety Advisory Committee

The Coast Guard's National Commercial Fishing Safety Advisory Committee—which includes industry representatives, among others—advises the agency on commercial fishing safety. The committee has not met since September 2020 because of amendments to the original statutory provision that established the committee.^a In June 2022, Coast Guard officials told us they filed a new committee charter and bylaws to address these amendments. According to these officials, the Coast Guard is reviewing the new charter and bylaws and plans to have a standing committee by summer or fall 2022.



Commercial Fishing Vessel Safety Training

The Coast Guard's Fishing Vessel Safety Division reviews training courses developed by other organizations, such as the Alaska Marine Safety Education Association, to ensure they align with agency standards and protocols. Coast Guard districts also provide training on emergency response measures and survival equipment as well as for region-specific safety issues. For example, Coast Guard districts 13 and 17 have focused training initiatives to educate vessel operators about vessel stability.

Source: GAO analysis of Coast Guard information; studioworkstock/stock.adobe.com. | GAO-23-105289

^aThe Commercial Fishing Industry Vessel Safety Act of 1988 first established the Commercial Fishing Industry Vessel Advisory Committee to advise the Coast Guard on commercial fishing safety. The Coast Guard Authorization Act of 2018 renamed the committee the National Commercial Fishing Safety Advisory Committee, and that act and the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 amended its requirements. See 46 U.S.C. § 15102.

Interagency Collaboration. The Coast Guard collaborates with other federal agencies, including the National Institute for Occupational Safety and Health, the National Marine Fisheries Service, and the National Transportation Safety Board, to understand and promote commercial fishing vessel safety. As Table 1 below shows, this collaboration allows for the exchange of data and expertise, among other things, to support each agency's mission related to commercial fishing vessel safety.

Table 1: U.S. Coast Guard Collaboration with Federal Agencies on Commercial Fishing Vessel Safety

	Data sharing	Research and training	Other collaboration
National Institute for Occupational Safety and Health (NIOSH)	<p>NIOSH uses Coast Guard investigative reports to help populate its Commercial Fishing Incident Database with information on marine casualties involving commercial fishing vessels. NIOSH analyzes data from its database to better understand safety risks in the commercial fishing industry.</p> <p>Coast Guard district coordinators and examiners use NIOSH data and analysis to guide regional outreach efforts.</p>	<p>According to Coast Guard and NIOSH officials, the Coast Guard helps facilitate interactions with the commercial fishing industry and reviews proposals for NIOSH research projects to provide subject-matter expertise or endorsements. For example, Coast Guard officials in District 1 helped NIOSH-supported researchers engage the lobster fleet for their study on the use of personal flotation devices.</p>	<p>The Coast Guard collaborates with NIOSH on the Commercial Fishing Occupational Safety Research and Training program, which provides grants for fishing safety research and training, as required by statute.^a The Coast Guard provides funding for the program to NIOSH, which administers the program. The Coast Guard and NIOSH also provide subject matter expertise for the program.</p> <p>The Coast Guard regularly invites NIOSH to participate in meetings of the National Commercial Fishing Safety Advisory Committee.</p>
National Marine Fisheries Service (NMFS)	<p>The Coast Guard uses NMFS data to understand commercial fishing activity levels and vessel populations. For example, the Coast Guard used NMFS data to track and report on the activities of the distant water tuna fleet.</p> <p>NMFS observers also report to the Coast Guard any safety compliance issues they identify while on board commercial fishing vessels.</p>	<p>The Coast Guard supports NMFS observer training on commercial fishing vessel safety, and conducts presentations on other topics, such as at-sea boardings.^b</p>	<p>A Coast Guard official serves as a non-voting member on each of the eight regional fishery management councils to provide subject-matter expertise.^c For example, NMFS officials stated that these Coast Guard officials may consult on fishery management measures.</p> <p>In addition, a Coast Guard official is a member of the National Observer Program Advisory Team and facilitates collaboration between NMFS and the Coast Guard as it relates to NMFS's observer program.</p>
National Transportation Safety Board (NTSB)	<p>The Coast Guard and NTSB share investigation data related to commercial fishing vessel casualties. For example, according to an agreement between the agencies, the Coast Guard is to provide quarterly and annual investigation data to NTSB, which NTSB uses to understand safety trends.</p>	<p>NTSB conducts transportation safety research using Coast Guard data. For example, NTSB officials stated that they began a study on fishing vessel safety in January 2022, based in part on Coast Guard data.</p>	<p>NTSB has issued 12 recommendations related to commercial fishing vessel safety to the Coast Guard since 2011, including two August 2022 recommendations to cover certain aspects of a vessel's material condition in the dockside exam. According to NTSB officials, they meet with Coast Guard officials twice a year to review open safety recommendations, including those related to fishing vessel safety.</p>

Source: GAO analysis of NIOSH, NMFS, NTSB and Coast Guard information. | GAO-23-105289

^aSee 46 U.S.C § 4502(i), (j). These grants provide funding to advance fishing safety research and provide targeted, regionally appropriate training for commercial fishers.

^bFisheries observers are biological scientists who collect data while aboard U.S. commercial fishing vessels to support science, conservation, and management activities.

^cThese management councils are responsible for preparing fishery management plans and setting annual catch limits for fisheries within their areas of authority.

Coast Guard's Policy on the Enforcement of the Dockside Exam during Boardings Is Unclear

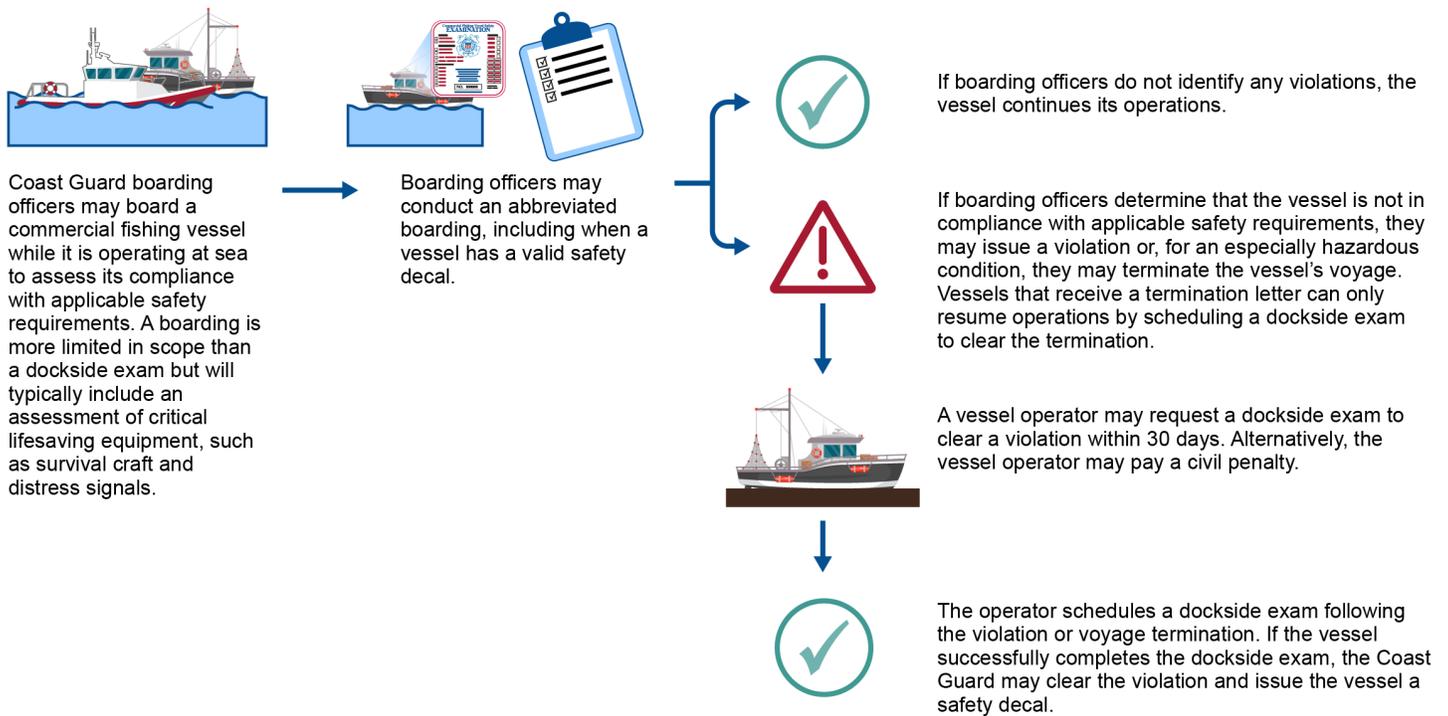
The Coast Guard conducts at-sea boardings of commercial fishing vessels to enforce compliance with applicable safety regulations.³⁶ However, we identified some confusion over the Coast Guard's enforcement of the dockside exam requirement during at-sea boardings because its policy is unclear.³⁷ An at-sea boarding of a commercial fishing vessel includes a review of its documentation and an assessment to verify that it has critical lifesaving equipment on board, such as distress signaling equipment.³⁸ Through this process, which is summarized in figure 4 below, boarding officers can take a variety of enforcement actions if they determine that a vessel is not in compliance with applicable safety requirements. For example, they may issue a violation if a vessel does not have the required first aid equipment, or terminate a vessel's voyage if it does not have adequate survival gear. Coast Guard data for fiscal year 2021 show that of the 4,535 at-sea boardings it conducted, 1,149 resulted in one or more violations, and 94 resulted in a voyage termination.

³⁶Enforcement of commercial fishing vessel requirements during at-sea boardings is largely based on Coast Guard regulations but may also include statutory requirements that have not been incorporated into regulation. Boarding officers conduct at-sea boardings using the Boarding Report form (CG-4100F) which documents violations or law enforcement actions taken.

³⁷As described earlier, the Coast Guard Authorization Act of 2010 required the Coast Guard to conduct mandatory dockside exams on certain vessels.

³⁸According to Coast Guard officials, at-sea boarding operations are conducted based on risk. For example, as part of the risk based fishing vessel exam program, boarding teams use the commercial fishing vessel safety program's list of high risk vessels that do not have a valid safety decal to prioritize boardings. According to Coast Guard data, 2,752 at-sea boardings had been conducted on high risk vessels from October 2020 through April 2022.

Figure 4: U.S. Coast Guard Commercial Fishing Vessel Safety Boarding Process



Source: GAO analysis of Coast Guard information; studioworkstock/stock.adobe.com. | GAO-23-105289

In August 2015, the Coast Guard issued interim guidance that directed boarding officers to begin enforcing the dockside exam requirement for at-sea boardings conducted after October 15, 2015. According to the interim guidance, boarding officers were to issue a written warning at the first boarding of a vessel that had not completed a required dockside exam. Any subsequent boardings of a vessel that had not completed a required dockside exam could result in a violation.

However, according to program officials, the agency changed its enforcement policy in 2019 so that boarding officers were no longer to issue a violation to vessel operators who had not satisfied the dockside exam requirement. These officials explained that they changed the policy because of concerns about the agency's authority to enforce the exam

requirement.³⁹ According to these officials, they informed area and district officials of the change in policy during a conference call in 2019. They also said they had expected call participants to communicate the policy change to the relevant field personnel in their respective regions.

However, program officials acknowledged that the Coast Guard never canceled the interim guidance and that they had not sent any written communication about the policy change to the agency's Office of Maritime Law Enforcement, which oversees at-sea boardings. Coast Guard documents show that field personnel in some regions were not aware that the enforcement policy had changed. For example, Coast Guard planning documents for fiscal years 2019 through 2021 referenced the interim guidance and directed boarding officers to continue issuing violations to vessels that had not met the exam requirement. Further, a September 2021 report from one Coast Guard district showed that boarding officers had issued violations to vessels that had not completed a required dockside exam.

After we raised this issue, commercial fishing vessel safety program officials told us they started discussing the enforcement policy with their law enforcement colleagues in June 2022. These officials also said they intend to issue written clarification to ensure that all relevant Coast Guard personnel are aware of the policy. However, they were not able to provide documentation or time frames for these efforts. *Standards for Internal Control in the Federal Government* call on federal managers to communicate necessary information with internal stakeholders to achieve objectives and to document key actions.⁴⁰ Clarifying and documenting its policy on the enforcement of the dockside exam requirement during at-sea boardings would help ensure that Coast Guard boarding officers are aware of the policy and more consistently apply it.

³⁹Coast Guard officials stated that 46 U.S.C. § 4502(f), which requires the Coast Guard to examine covered vessels, establishes a requirement for the agency but not for vessel operators. These officials explained that they would begin enforcing the requirement once it is incorporated into regulations with language requiring vessels to be examined.

⁴⁰[GAO-14-704G](#).

Coast Guard Has Not Fully Implemented Most Key Statutory Requirements Related to Commercial Fishing Vessel Safety

Coast Guard Has Not Fully Implemented 17 of 22 Key Commercial Fishing Vessel Safety Requirements Enacted from Fiscal Years 2011 through 2021

The Coast Guard has fully implemented five of the 22 key statutory requirements related to commercial fishing vessel safety that were enacted from fiscal years 2011 through 2021, but has partially or not implemented the remaining 17 requirements (see fig. 5).⁴¹ These requirements directed the Coast Guard to take specific actions related to commercial fishing vessel safety, such as issuing regulations, and established vessel safety requirements that the agency has the authority to enforce.⁴²

⁴¹We considered a statutory requirement: (1) fully implemented, if the Coast Guard addressed the requirement and does not need to take any additional action; (2) partially implemented, if the Coast Guard has taken some steps to address the requirement but needs to take additional actions to fully implement it; or (3) not implemented, if they have not taken any steps or if Coast Guard officials told us they do not intend to implement the requirement.

⁴²See Appendix II for more details about these requirements.

Figure 5: Key Statutory Requirements Related to Commercial Fishing Vessel Safety, by Type, and U.S. Coast Guard Implementation Status

Types of statutory requirements	Fully implemented	Partially implemented or not implemented
Equipment and vessel construction requirements	Load line*	Application of equipment requirements to state-registered vessels*
	Vessel classing*	Use of baseline instead of Boundary Line for applicability of safety requirements*
		Survival craft*
		Construction standards for smaller vessels*
		Additional equipment requirements*
		Alternate load line compliance program (<i>no action taken</i>)
		Alternate safety compliance program (<i>no intent to take further action</i>)
		Alternative-to-class requirements
Training and records		Training program (<i>no action taken</i>)
		Electronic training database (<i>no action taken</i>)
		Records of equipment maintenance, crew instruction, and drills*
Dockside examination		Dockside examination*
		Certificate of compliance*
		Voyage termination authority*
Plans and reports	Commercial Fishing Vessel Safety National Communications Plan	Report on the alternative-to-class requirements
	Alternate safety compliance program status report	
Other	Fishing safety training and research grants	National Commercial Fishing Safety Advisory Committee
		Definition of Alaskan region for global maritime distress and safety system exemption
Total number of requirements by implementation status	5	17^a

Legend

- Coast Guard Authorization Act of 2010 and Coast Guard and Maritime Transportation Act of 2012
- Coast Guard Authorization Act of 2016
- Frank LoBiondo Coast Guard Authorization Act of 2018
- William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021
- * Included in Notice of Proposed Rulemaking on Commercial Fishing Vessel Requirements, 81 Fed. Reg. 40,438 (June 21, 2016).

Source: GAO analysis of statutory requirements and Coast Guard information. | GAO-23-105289

Notes: Each statutory requirement is associated with the public law in which it was first enacted, although some requirements were subsequently amended. The Coast Guard Authorization Act of 2010 and the Coast Guard and Maritime Transportation Act of 2012 appear together because the 2012 law amended some requirements from the 2010 law but did not introduce new requirements.

^aThe Coast Guard partially implemented 13 statutory requirements and did not implement four requirements. We considered a statutory requirement not implemented if the Coast Guard had not taken any action or if Coast Guard officials told us they do not intend to implement the requirement.

The five statutory requirements the Coast Guard has fully implemented include requirements to issue a communications plan and program status report, to support the administration of fishing safety grants, and to implement two vessel construction requirements. For example, in December 2019, the Coast Guard submitted its Commercial Fishing Vessel Safety National Communications Plan to the Congress.⁴³ In addition, Coast Guard officials stated that the statutory requirements related to vessel load lines and classing were effective at the time the laws were enacted, and that the agency is taking steps to ensure that the vessels are in compliance with these requirements.⁴⁴

Of the remaining 17 statutory requirements, the Coast Guard has partially implemented 13 and has not implemented four, including one requirement that the agency does not intend to implement (as discussed below). The Coast Guard took steps to address nine of the 13 partially implemented requirements through a June 2016 notice of proposed rulemaking.⁴⁵ However, as of August 2022, this rule has not been finalized. According to Coast Guard officials, agency progress on the proposed rule was impacted by two executive orders issued in 2017 that directed agencies

⁴³In addition to issuing a plan, the Coast Guard was required to provide reports and updates on its implementation of the plan 1 year after the enactment of the law and every 4 years thereafter. In April 2020, the Coast Guard developed documentation guidelines for the plan. According to these guidelines, the Fishing Vessel Safety Division is to develop an annual report on the agency's communications activities. As the Coast Guard issued a report on the plan in 2020 and 2021, we considered this statutory requirement to have been implemented as of the time of our review. See Pub. L. No. 115-282, § 830, 132 Stat. 4192, 4315.

⁴⁴As discussed in Appendix II, certain commercial fishing vessels are not permitted to operate unless they meet the statutory requirements for load lines and vessel classing. See 46 U.S.C. §§ 5103(a), 4503(a).

⁴⁵These nine requirements were from the Coast Guard Authorization Act of 2010 and the Coast Guard and Maritime Transportation Act of 2012. The vessel load line and classing requirements were also included in the proposed rule to ensure that federal regulations reflect statute, but this step is not necessary for their implementation, according to Coast Guard officials. Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation; Proposed Rule, 81 Fed. Reg. 40,438 (June 21, 2016).

to take actions aimed at deregulation.⁴⁶ Although these executive orders were revoked in January 2021, the Coast Guard has not issued the final rule, and Coast Guard officials told us there was no timeline to do so.⁴⁷ They also stated that since 2016 subsequent laws have amended some of the statutory requirements enacted since fiscal year 2011, or added new ones. As a result, the agency is further considering how to move forward on the requirements it intends to implement, including potentially issuing another proposed rule.

Officials stated they are considering how to move forward with the rule. However, they have not yet determined how to address the outstanding requirements as of June 2022 and do not have a plan with time frames and interim milestones to guide their approach.⁴⁸ Federal internal control standards and leading project management practices include developing plans that identify time frames and interim milestones to accomplish objectives.⁴⁹ It has been 6 years since the Coast Guard issued its proposed rule, and over 10 years since most of the key statutory requirements (16 of 22) were first enacted. Moreover, according to Coast Guard data, over 400 commercial fishing vessel losses and over 200 commercial fishing fatalities have occurred from fiscal years 2011 through 2021.⁵⁰ Developing a plan with time frames and interim milestones for fully implementing the outstanding statutory requirements it intends to implement would provide guideposts by which the Coast Guard can

⁴⁶Executive Order 13771 required agencies to identify at least two existing rules to be repealed whenever they proposed for notice and comment or otherwise promulgated a new rule, unless prohibited by law. Exec. Order. No. 13,771, *Reducing Regulation and Controlling Regulatory Costs*, 82 Fed. Reg. 9339 (Feb. 3, 2017). Among other things, Executive Order 13777 created governance and oversight mechanisms, including agency Regulatory Reform Task Forces, which evaluated existing regulations and recommended regulations for repeal, replacement, or modification. Exec. Order. No. 13,777, *Enforcing the Regulatory Reform Agenda*, 82 Fed. Reg. 12,285 (Mar. 1, 2017).

⁴⁷Exec. Order No. 13,992, 86 Fed. Reg. 7049 (Jan. 25, 2021).

⁴⁸Although the proposed rule was issued in June 2016, it was limited to statutory requirements enacted in the Coast Guard Authorization Act of 2010 and the Coast Guard and Maritime Transportation Act of 2012. Subsequent laws amended some of these statutory requirements.

⁴⁹[GAO-14-704G](#). Project Management Institute, Inc., *A Guide to the Project Management Body of Knowledge (PMBOK® Guide)*. Sixth Edition (2017)

⁵⁰These data reflect vessel losses and fatalities related to the operation of a vessel engaged in commercial fishing.

measure its progress toward implementing the requirements, and support its aim to improve commercial fishing vessel safety.

Coast Guard Does Not Intend to Implement the Requirement to Establish an Alternate Safety Compliance Program

The Coast Guard did not develop an alternate safety compliance program for certain older commercial fishing vessels by January 1, 2017, as required by law.⁵¹ The Coast Guard determined that it does not have the legal foundation to implement the program for these older vessels. As a result, in July 2021, the Coast Guard informed the Congress that it would not take further action on the requirement. According to Coast Guard officials, the agency's position is that an alternate safety compliance program is an alternative to classification requirements.⁵² These officials stated that because older vessels have not been subject to classification requirements, there are no baseline requirements against which the Coast Guard can establish alternate requirements. Further, according to Coast Guard officials, the agency does not have the authority to establish such baseline requirements for older vessels and therefore cannot develop alternate safety standards.

However, our view is that the Coast Guard has the authority to develop and implement an alternate safety compliance program that is not tied to classification requirements, but rather establishes new safety requirements for older vessels. The original provision that required an alternate safety compliance program imposed two sets of requirements: (1) certain fishing vessels built after July 1, 2012, were required to meet classification requirements, and (2) certain fishing vessels built before July 1, 2012, were required to comply with an alternate safety compliance program.⁵³ The classification requirement above specifically applied only to newly built commercial fishing vessels. The alternate safety compliance program requirement directs the Coast Guard to develop new safety

⁵¹Pub. L. No. 111-281, § 604(e), 124 Stat. 2904, 2966 (codified as amended at 46 U.S.C. § 4503a). When first enacted, the alternate safety compliance program covered subpart C commercial fishing vessels that were: (1) at least 50 feet overall in length; (2) built before July 1, 2012; and (3) 25 years of age or older. The second criterion was later amended to vessels built before July 1, 2013.

⁵²Commercial fishing vessels subject to classification requirements must go through the classing process. During this process, classification societies address aspects of the vessel's design, structural integrity, reliability and function of major systems, and accident prevention. These societies: (1) establish and maintain construction and classification standards; (2) supervise construction in accordance with these standards; and (3) carry out regular surveys of vessels in service to ensure compliance with these standards. See 46 U.S.C. § 4503(a).

⁵³In 2012, the date was amended to be July 1, 2013.

requirements for the covered older vessels, which may not be able to meet classification requirements because they are already built.⁵⁴

Further, the statute provides that alternative safety compliance programs may be developed for specific regions and fisheries. This recognizes that older commercial fishing vessels are not uniform and that the Coast Guard has the authority to develop requirements for vessels covered by the alternate safety compliance program in a way that is tailored to their respective uses and risks.

The Coast Guard has taken other steps to help address the safety of older commercial fishing vessels such as issuing voluntary safety guidelines,⁵⁵ and implementing its risk based fishing vessel exam program.⁵⁶ However, Coast Guard officials acknowledged that these steps do not meet the statutory requirement for an alternate safety compliance program. While subsequent laws amended certain aspects of the program, such as the date of vessel compliance, the requirement for the Coast Guard to prescribe an alternate safety compliance program has not been amended or repealed.⁵⁷ Furthermore, Coast Guard analysis shows that commercial fishing vessels that were 25 years of age or older account for almost 80 percent of commercial fishing vessel losses, which are the leading cause of commercial fishing-related fatalities. Developing and implementing an alternate safety compliance program would support

⁵⁴This interpretation of the statute is supported by the House committee report accompanying the Coast Guard Authorization Act of 2010, which provided that, “Existing fishing vessels that do not undergo a major conversion after the date of enactment of this Act are not required to meet any classification requirement. However, beginning January 1, 2020, fishing vessels that are at least 50 feet in length, built before 2010, and 25 years old or older will be required to meet an alternate compliance program established by the Secretary of Homeland Security. The Secretary is required to prescribe the alternate compliance program standards by January 1, 2017.” H.R. Rep. No. 111-303, at 117 (2010).

⁵⁵U.S. Coast Guard, Office of Commercial Vessel Compliance, *Voluntary Safety Initiatives and Good Marine Practices for Commercial Fishing Industry Vessels*, (Washington, D.C.: Jan. 2017). These guidelines include a variety of recommended practices for commercial fishing vessels, such as how to maintain the material condition of a vessel.

⁵⁶This program covers a similar population of vessels that would have been subject to an alternate safety compliance program and, as described above, encourages high risk vessels to maintain a safety decal by completing a dockside exam every 2 years, rather than every 5 years—the frequency required by statute.

⁵⁷46 U.S.C. § 4503a. The date that covered vessels were to comply with the alternate safety compliance program was changed in 2018 from January 1, 2020 to 3 years after the date that the Coast Guard prescribes the program.

the Coast Guard's aim to prevent commercial fishing vessel losses and related fatalities and address a statutory requirement.

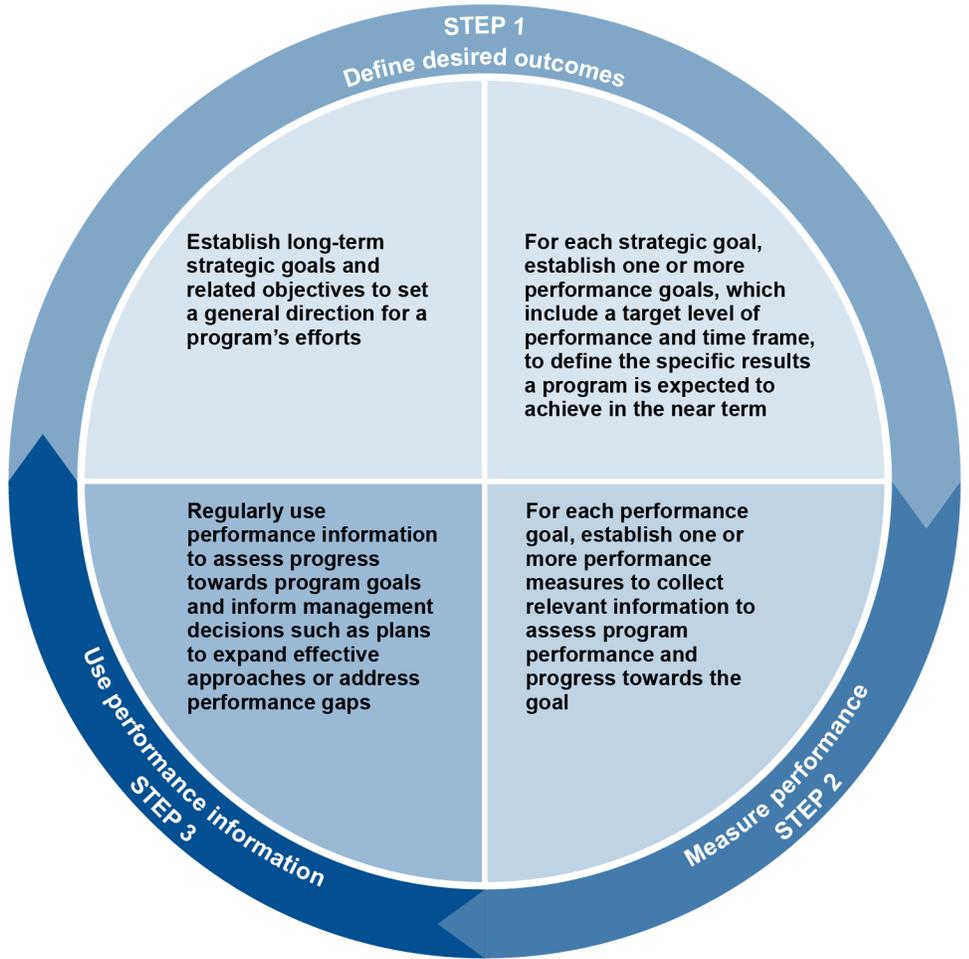
Coast Guard Has Not Fully Incorporated Key Steps to Assess Program Performance

The Coast Guard has incorporated some, but not all, key performance management steps and practices that could help the agency to better assess the performance of its commercial fishing vessel safety program. Specifically, the Coast Guard has established strategic goals and performance goals for the program. However, the Coast Guard's performance goals do not allow it to fully assess progress towards all aspects of its strategic goals. Further, the Coast Guard's targets for the program's performance goals are not realistic when compared with previous results. Lastly, program officials collect and analyze performance data to monitor and inform their efforts, but they do not use these data to assess progress towards program goals.

Performance management involves measuring program performance—namely the program's progress towards pre-established goals. In our prior work, we have identified three key performance management steps and related practices that, when effectively implemented, help agencies achieve results (see fig. 6).⁵⁸

⁵⁸[GAO/GGD-96-118](#). In this guide, we identified three key steps and additional practices within each step that federal agencies can implement to improve their overall performance. The steps and practices identified within this guide were drawn from our previous studies of leading public sector organizations that were successfully pursuing management reform initiatives and becoming more results-oriented.

Figure 6: Key Steps and Practices of Results-Oriented Performance Management



Source: GAO. | GAO-23-105289

Coast Guard's Performance Goals Do Not Fully Address Its Strategic Goals

The Coast Guard has established strategic goals and performance goals for its commercial fishing vessel safety program (see Table 2).⁵⁹ However, its performance goals do not fully address all aspects of the program's strategic goals. For example, the Coast Guard has not established performance goals related to reducing environmental damage or conducting at-sea boardings—key elements of one strategic goal. Similarly, the agency has not established any performance goals related to increasing the safety of high risk commercial fishing vessels—its other strategic goal.

Table 2: Strategic and Performance Goals for U.S. Coast Guard's Commercial Fishing Vessel Safety Program

Strategic goals	Performance goals ^a
<ol style="list-style-type: none"> <li data-bbox="99 873 797 982">1. Achieve a significant reduction in commercial fishing vessel losses, fatalities, and damage to the environment through outreach efforts, training, dockside exams, and at-sea boardings; <li data-bbox="99 989 797 1043">2. Increase the safety of high risk commercial fishing vessels by encouraging these vessels to maintain a safety decal. 	<ol style="list-style-type: none"> <li data-bbox="818 873 1500 905">1. Zero commercial fishing vessel losses in a fiscal year; <li data-bbox="818 911 1500 942">2. Zero fatalities on commercial fishing vessels in a fiscal year; <li data-bbox="818 949 1500 980">3. 12,500 dockside exams conducted in a fiscal year; <li data-bbox="818 987 1500 1003">4. 10,000 safety decals issued in a fiscal year.

Source: GAO analysis of Coast Guard information. | GAO-23-105289

^aA performance goal comprises a measure, a target, and a time frame. The Coast Guard presents these four performance goals as performance measures in agency documents to distinguish them from high-level mission goals.

As a result, the Coast Guard's ability to fully assess its progress towards its long-term goals is limited. According to our past work, an agency should link its long-term strategic goals and shorter-term performance goals. Making this linkage would allow the Coast Guard to better assess whether it is making progress towards its long-term goals.⁶⁰ In addition, we have previously reported that establishing performance goals that successfully address important and varied aspects of program performance—such as program activities and outcomes included in

⁵⁹According to the Office of Management and Budget and Government Performance Results Act of 1993, a performance goal comprises a measure, a target, and a time frame. This is the term that most federal agencies use to assess and report performance. However, the Coast Guard uses the term performance measure instead of performance goal to distinguish its performance measures from high-level mission goals. Since the Coast Guard uses the term performance measure as also comprising a measure, a target, and a time frame, they have all the elements of what we consider to be a performance goal, and therefore we evaluated them as such.

⁶⁰GAO, *Agencies' Strategic Plans Under GPRA: Key Questions to Facilitate Congressional Review (Version 1)*, GAO/GGD-10.1.16 (Washington, D.C.: May 1, 1997).

strategic goals—is fundamental to an organization’s efforts to manage for results.⁶¹

Coast Guard program officials acknowledged that establishing performance goals for the commercial fishing vessel safety program that fully address the program’s strategic goals would improve the agency’s ability to assess program performance. These officials also noted that it is generally challenging to assess the performance of prevention programs, such as the commercial fishing vessel safety program, because it is difficult to assess the extent to which an adverse event, such as a vessel loss or fatality, was prevented.

In our prior work, we have acknowledged the challenges of assessing the performance of prevention programs,⁶² and identified various strategies for doing so.⁶³ One strategy involves establishing short-term goals that are considered important steps towards achieving a program’s long-term goals. We have also previously reported that to operationalize broad strategic goals agencies may need to develop separate performance goals that completely reflect all key elements of performance.⁶⁴ By establishing performance goals for the commercial fishing vessel safety program that fully address all aspects of the program’s strategic goals, the Coast Guard would be better positioned to understand its progress towards increasing the safety of high risk vessels and reducing fatalities, vessel losses, and damage to the environment.

Coast Guard’s Performance Goals Do Not Have Realistic Targets

As described above, the Coast Guard has established four performance goals for its commercial fishing vessel safety program that reflect some key program activities and safety outcomes. However, the usefulness of

⁶¹GAO, *Agency Performance Plans: Examples of Practices That Can Improve Usefulness to Decisionmakers*, [GAO/GGD/AIMD-99-69](#) (Washington, D.C.: Feb. 26, 1999).

⁶²For example, see GAO, *Law Enforcement: Better Performance Measures Needed to Assess Results of Justice’s Office of Science and Technology*, [GAO-04-198](#) (Washington, D.C.: Nov. 14, 2003); and *Aviation Security: Actions Needed to Systematically Evaluate Cost and Effectiveness Across Security Countermeasures*, [GAO-17-794](#) (Washington, D.C.: Sept. 11, 2017).

⁶³See GAO, *Designing Evaluations: 2012 Revision*, [GAO-12-208G](#) (Washington, D.C.: Jan. 31, 2012) and *Managing for Results: Measuring Program Results That Are Under Limited Federal Control*, [GAO/GGD-99-16](#) (Washington, D.C.: Dec. 11, 1998).

⁶⁴[GAO/GGD-99-16](#).

these goals is limited because the targets the program has set for them are not realistic expectations of future results.⁶⁵

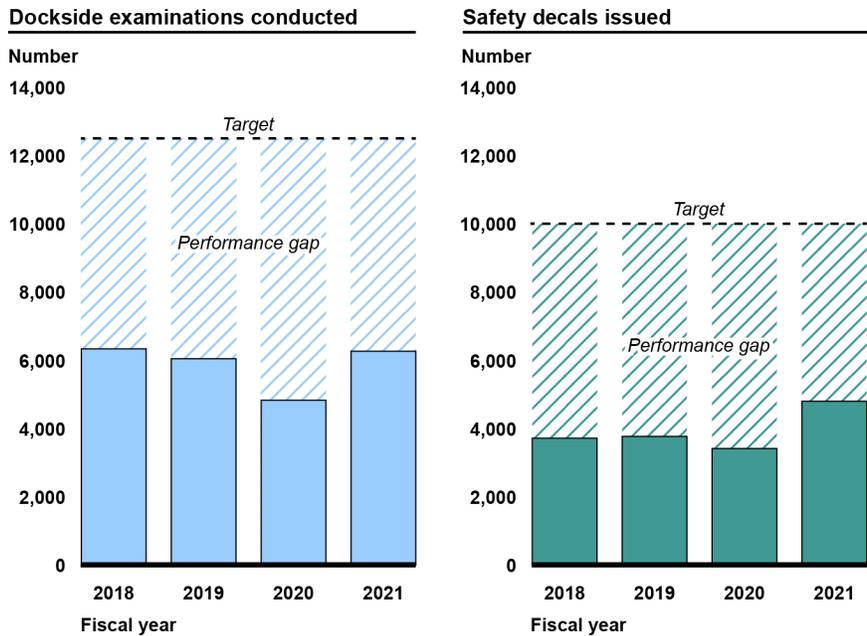
For example, according to program officials, the Coast Guard's targets for its performance goals related to dockside exams and safety decals are based on the assumption that all commercial fishing vessels in operation will receive an exam over a 5-year period.⁶⁶ However, the targets are unrealistically high because, according to the Coast Guard, only about 25,000 commercial fishing vessels—roughly half of the total estimated fleet—are required to undergo a dockside exam every 5 years.⁶⁷ Coast Guard data for fiscal years 2018 through 2021 demonstrate that the targets are unrealistically high. Specifically, about 5,900 dockside exams, on average, were conducted per year—less than half of the annual target of 12,500. Likewise, over the same period, about 3,900 safety decals, on average, were issued per year—less than 40 percent of the annual target of 10,000 (see fig. 7).

⁶⁵We discuss the extent to which the Coast Guard uses these performance goals to assess program performance in the section below.

⁶⁶The Coast Guard issues a safety decal to commercial fishing vessels that successfully complete a dockside exam. Since fiscal year 2014, the Coast Guard's annual targets for the number of dockside exams to be conducted and safety decals to be issued were 12,500 and 10,000, respectively.

⁶⁷U.S. Coast Guard, *Marine Safety Long Term Strategy, Fiscal Year 2019 Performance Report, and Fiscal Year 2020-2023 Triennial Plan* (Washington, D.C.: Nov. 6, 2020).

Figure 7: Dockside Examinations Conducted and Safety Decals Issued Compared to the Commercial Fishing Vessel Safety Program’s Performance Targets, Fiscal Years 2018 – 2021



Source: GAO analysis of Coast Guard data and documentation. | GAO-23-105289

Similarly, the Coast Guard’s targets for its performance goals related to commercial fishing vessel losses and fatalities are also unrealistic. The Coast Guard’s targets for these two goals have been set at zero.⁶⁸ However, these targets do not account for the fact that some vessel losses and fatalities result from factors outside of the scope of the Coast Guard’s authority, which makes the targets less useful for measuring the program’s performance. For example, according to Coast Guard documents, vessel losses are often caused by problems with the construction or material condition of a vessel, which are factors that the agency does not have the authority to examine on most commercial

⁶⁸According to Coast Guard planning documents for fiscal years 2019 through 2022, these performance goals did not have targets. However, program officials told us that they have set an annual target of zero for commercial fishing vessel losses and fatalities. Prior to fiscal year 2019, the Coast Guard’s annual target for commercial fishing vessel losses was less than 50 and its annual target for fatalities on commercial fishing vessels was less than 30.

fishing vessels.⁶⁹ Coast Guard data on commercial fishing vessel losses and fatalities for fiscal years 2018 through 2021 further show that the agency's current targets are unrealistic. During this period, there were, on average, about 38 vessel losses and 20 fatalities on commercial fishing vessels each year.⁷⁰

Coast Guard program officials explained that the targets for the commercial fishing vessel safety program's performance goals reflect the ideal state. According to the Coast Guard's *Framework for Strategic Mission Management, Enterprise Risk Stewardship, and Internal Control*, performance targets are ambitious and realistic expectations of future results that provide a benchmark for gauging performance. The framework also states that programs should set targets that are determined from reliable baselines that encompass past results and other relevant factors that affect performance. By setting targets for its performance goals that reflect realistic expectations of future results, the Coast Guard would be better positioned to determine whether the commercial fishing vessel safety program's various efforts are achieving their intended near-term results, to identify areas for improvement if targets are not met, and to assess progress towards the program's ideal state.

Coast Guard Does Not Use the Data It Collects to Assess Progress towards Goals

The Coast Guard regularly collects and analyzes a variety of data on commercial fishing vessel safety program activities and vessel casualties to monitor and inform program efforts. However, the agency does not use these data to assess its progress towards program goals. As a result, the Coast Guard's ability to identify performance issues and make management decisions to improve program performance is limited.

Program officials told us they use the data they collect to determine whether current program activity levels are consistent with historical levels and to identify safety-related trends and patterns. For example, officials develop an internal weekly report that includes data on program

⁶⁹See, for example, U.S. Coast Guard, *Overview of U.S. Commercial Fishing Vessel Requirements*, (Washington, D.C.: March 27, 2018) and *Analysis of Fishing Vessel Casualties: A Review of Lost Fishing Vessels and Crew Fatalities, 1992 – 2010*, (Washington, D.C.: Dec. 2011).

⁷⁰These data reflect operational vessel losses and fatalities. According to Coast Guard data, there were an average of roughly 23 nonoperational vessel losses and 17 nonoperational fatalities each year from fiscal year 2018 through 2021. The Coast Guard was not able to determine the operational status of one fatality in fiscal years 2019 and 2021.

efforts, such as dockside exams and at-sea boardings, for the current year and previous 2 years. The Coast Guard has also publicly reported program activity and casualty data in its Domestic Annual Report since 2017. This report includes, among other things, the number of commercial fishing vessel losses and fatalities for a 5-year period.

Program officials also told us their data collection and analysis activities inform program efforts and program plans for upcoming years. For example, the program's internal weekly reports list the top three deficiencies identified during dockside exams. Program officials said they communicate these deficiencies to field officials to help focus their exam efforts and interactions with fishers. They also explained that their analysis of data on commercial fishing vessel losses resulted in the development of national guidance on improving vessel stability in January 2021.

The above data collection and analysis activities are generally useful for managing the commercial fishing vessel safety program. However, the Coast Guard does not use the data it collects to assess the program's actual results against goals, which would help officials identify any performance gaps and target resources to improve performance. Instead, Coast Guard program officials said they review and analyze a wide variety of data to check the overall health of a national program that is implemented by nine districts with unique vessel populations and circumstances.

Officials also told us they believe that the program is performing well because the annual numbers of commercial fishing vessel losses and fatalities have declined since the early 1980s. This overall decline shows a positive trend for the industry. However, the yearly numbers of vessel losses and fatalities alone do not provide complete insight into program performance. Additionally, the numbers of vessel losses and fatalities may not necessarily reflect the program's discrete impact on the safety of the commercial fishing industry because these outcomes are influenced by many different factors, some of which the Coast Guard does not have control over. For example, the Coast Guard, the National Marine Fisheries Service, and the National Institute for Occupational Safety and

Health have reported that changes in fisheries management practices have led to improved safety in the commercial fishing industry.⁷¹

The Coast Guard's *Framework for Strategic Mission Management, Enterprise Risk Stewardship, and Internal Control* states that regular performance reviews are essential for providing assurance that programs are achieving expected results, and that failure to adequately assess and explain performance invites misunderstanding and inappropriate action. According to the framework, performance reviews should assess and explain current performance in comparison to past results, and established targets and goals. Coast Guard program officials agreed that it would be beneficial to use the data it collects to assess progress towards program goals. Using data to regularly assess progress towards the commercial fishing vessel safety program's goals would better position the Coast Guard to identify performance gaps, target resources to improve performance, and monitor its progress towards achieving its desired outcomes.

Conclusions

Commercial fishing historically has been one of the most dangerous occupations in the U.S. In carrying out its commercial fishing vessel safety program, the Coast Guard faces a number of challenges including overseeing a large, diverse, and highly fragmented industry, as well as competing responsibilities as a multi-mission military service. The Coast Guard has implemented various efforts to improve safety within the industry, but clarifying and documenting its policy on whether boarding officers are to enforce the mandatory dockside exam would help ensure that Coast Guard personnel consistently apply that policy.

The Coast Guard has also not fully implemented 17 key statutory requirements related to commercial fishing vessel safety enacted into law from fiscal years 2011 through 2021. One of these outstanding requirements is for the Coast Guard to establish an alternate safety compliance program for certain older vessels. Coast Guard officials have stated that the agency does not have sufficient legal foundation to implement such a program, but our view is that the law does provide the Coast Guard with the authority to implement this requirement. Developing

⁷¹For example, management measures implemented in the Atlantic scallop fishery allowed fishers to avoid operating in hazardous conditions by removing limits on the number of trips a vessel can take to harvest its fishing allocation in certain areas, and by permitting vessel owners to carry over some of their annual fishing allocations to the next year. Similarly, the crab rationalization program in Alaska lengthened the fishing season providing fishers with more flexibility around when they fish to avoid bad weather conditions.

and implementing an alternate safety compliance program could be particularly important for improving the safety of older vessels, which have accounted for almost 80 percent of commercial fishing vessel losses in recent years, according to Coast Guard data. With respect to the other 16 outstanding statutory requirements, Coast Guard officials told us they are considering how to implement them. However, they do not have a plan with time frames and interim milestones to guide their approach. Developing a plan with time frames and interim milestones for implementing these 16 statutory requirements would help ensure that the Coast Guard fulfills its mandate and more robustly supports its aim to improve commercial fishing vessel safety.

Lastly, the Coast Guard has not fully incorporated key performance management steps for its commercial fishing vessel safety program, such as establishing performance goals that fully address all aspects of the program's strategic goals, setting realistic targets for its performance goals, and using performance data to regularly assess progress towards program goals. Fully incorporating these steps could help the Coast Guard better assess program performance and make more data-informed decisions on how to improve performance to enhance the safety of commercial fishing vessels.

Recommendations for Executive Action

We are making the following six recommendations to the Coast Guard:

The Commandant of the Coast Guard should ensure that the Fishing Vessel Safety Division, in coordination with the Office of Maritime Law Enforcement, clarifies and documents the agency's policy on the enforcement of the dockside exam requirement during at-sea boardings of commercial fishing vessels. (Recommendation 1)

The Commandant of the Coast Guard should ensure that the Assistant Commandant for Prevention Policy develops and implements an alternate safety compliance program, as required by law. (Recommendation 2)

The Commandant of the Coast Guard should ensure that the Assistant Commandant for Prevention Policy develops a plan with time frames and interim milestones to fully implement the other 16 outstanding statutory requirements for commercial fishing vessel safety, including issuing regulations. (Recommendation 3)

The Commandant of the Coast Guard should ensure that the Fishing Vessel Safety Division establishes performance goals for the commercial

fishing vessel safety program that fully address all aspects of the program's strategic goals. (Recommendation 4)

The Commandant of the Coast Guard should ensure that the Fishing Vessel Safety Division sets realistic targets for the commercial fishing vessel safety program's performance goals. (Recommendation 5)

The Commandant of the Coast Guard should ensure that the Fishing Vessel Safety Division uses performance data to assess progress towards the commercial fishing vessel safety program's goals on a regular basis. (Recommendation 6)

Agency Comments and Our Evaluation

In September 2022, we provided a draft of this report for review and comment to the Departments of Homeland Security (DHS), Health and Human Services, and Commerce, and the National Transportation Safety Board. DHS, the Department of Health and Human Services, and the National Transportation Safety Board provided technical comments, which we have incorporated into the report as appropriate. In addition, DHS provided written comments, which are summarized below and reproduced in full in Appendix III.

DHS concurred with our first, third, fourth, fifth and sixth recommendations and described the Coast Guard's current or planned actions to address each of them. For example, to address our fourth, fifth, and sixth recommendations, DHS stated that the Coast Guard's Fishing Vessel Safety Division will establish performance goals that align with the commercial fishing vessel safety program's strategic goals; establish targets for those performance goals; and use performance data to assess program needs, relevant trends, and progress towards program goals.

DHS did not concur with our second recommendation that the Coast Guard develops and implements an alternate safety compliance program, as required by law. In its comments, DHS stated that the Coast Guard determined that an alternate safety compliance program is intended to be an alternate to (1) survey and classing requirements, and (2) implementing regulations for the baseline safety requirements from the 2010 and subsequent Coast Guard authorization acts. The Coast Guard explained that it has no baseline against which to develop alternate standards because survey and classification requirements for non-classed fishing vessels aged 25 years and older do not exist, and the safety requirements from the 2010 and subsequent authorization acts have not been implemented into regulation.

We disagree that an alternate safety compliance program is intended to be an alternate to classification requirements for the covered older vessels, which do not exist. As described in the report, the Coast Guard Authorization Act of 2010 (2010 law) included two provisions to address the safety of two specific populations of commercial fishing vessels. The first provision required that certain commercial fishing vessels built after July 1, 2012 adhere to classification requirements.⁷² The second provision applied to older vessels and required the Coast Guard to develop an alternate safety compliance program establishing safety standards for certain commercial fishing vessels built before July 1, 2012 that are 25 years and older.⁷³ This provision does not require the Coast Guard to develop safety standards as an alternate to classification requirements for these older vessels. Rather, it requires the Coast Guard to develop a separate set of safety standards for older vessels, which were likely not built to classification standards and would not be accepted for classification due to their age and original non-class construction.

Regarding the Coast Guard's position that an alternate safety compliance program is intended to be an alternate to implementing regulations for the safety requirements from the 2010 and subsequent Coast Guard authorization acts, the agency is required to issue those regulations and has not yet done so. Furthermore, we have recommended that the Coast Guard develop a plan with time frames and interim milestones to fully implement those requirements.

Nevertheless, we do not believe that any "foundation" or "baseline" requirements are necessary to develop an alternate safety compliance program. As discussed above, the program is not intended to be an alternate to requirements that would otherwise apply to the older vessels. Rather, the provision is intended to be an alternate safety program for the older vessels that are not subject to new classification requirements established by the 2010 law. By developing and implementing an alternate safety compliance program for certain older fishing vessels, the Coast Guard would satisfy a statutory mandate and support its goal of improving commercial fishing vessel safety.

We are sending copies of this report to the appropriate congressional committees, the Secretaries of Homeland Security, Health and Human Services, and Commerce, and the National Transportation Safety Board.

⁷²In 2012, the date was amended to be July 1, 2013.

⁷³In 2012, the date was amended to be July 1, 2013.

In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-8777 or MacLeodH@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in Appendix IV.

A handwritten signature in black ink, appearing to read "H MacLeod". The signature is stylized and cursive.

Heather MacLeod
Director, Homeland Security and Justice

Appendix I: Objectives, Scope, and Methodology

This report examines: (1) the Coast Guard's implementation of efforts to improve the safety of commercial fishing vessels; (2) the extent to which the Coast Guard has implemented key statutory requirements related to commercial fishing vessel safety enacted from fiscal years 2011 through 2021; and (3) the extent to which the Coast Guard has incorporated key steps for assessing the performance of its commercial fishing vessel safety program.¹

To address all three of our objectives, we reviewed relevant Coast Guard documentation, such as agency plans, reports, and guidance, and interviewed Coast Guard headquarters and field officials to better understand the agency's commercial fishing vessel safety efforts. Specifically, we met with headquarters officials from the Offices of Commercial Vessel Compliance, Maritime Law Enforcement, and Investigations and Casualty Analysis. We also met with field officials from the Coast Guard's Atlantic and Pacific Area commands and a sample of five out of nine districts.² Finally, we interviewed officials from other federal agencies involved in commercial fishing safety—the National Institute for Occupational Safety and Health, the National Marine Fisheries Service, and the National Transportation Safety Board—and four stakeholders from the commercial fishing industry to gather their perspectives on the Coast Guard's commercial fishing vessel safety

¹This report is a related follow-on to our January 2022 report on the Coast Guard's marine inspection workforce, both of which were conducted in response to a provision from the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. Pub. L. No. 116-283, § 8257, 131 Stat. 3388, 4677. This act contained a provision for us to examine and report on issues related to the Coast Guard's marine inspection program. See, GAO, *Coast Guard: Enhancements Needed to Strengthen Marine Inspection Workforce Planning Efforts*, [GAO-22-104465](#) (Washington, D.C.: Jan. 12, 2022).

²Coast Guard districts are responsible for overseeing agency missions within a specific geographic region. We interviewed Commercial Fishing Vessel Safety Coordinators from Districts 1 (Northeast), 8 (Gulf Coast), 11 (West Coast), 13 (Northwest), and 17 (Alaska). The district coordinator provides operational planning direction, subject matter expertise, and regional oversight of commercial fishing vessel safety efforts. We selected districts that had larger estimated commercial fishing vessel populations or had conducted a higher number of dockside exams in fiscal year 2019—the most recent year for which complete data were publicly available—as well as for geographic diversity. Dockside exams are non-adversarial, no-fault safety checks of commercial fishing vessels that, if passed, result in the issuance of a safety decal indicating that the vessel is in compliance with the applicable regulations.

program.³ The results from our district and stakeholder interviews are not generalizable but provide insights on Coast Guard efforts and safety issues in the commercial fishing industry.

To further address our first objective, we reviewed relevant Coast Guard documentation, such as program guidance and interagency agreements with other federal agencies, to better understand the agency's efforts to improve the safety of commercial fishing vessels. We also collected data from the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) database on commercial fishing vessel dockside exams, safety decals, and at-sea boardings for fiscal years 2018 through 2021—the most recent years for which complete data were available.⁴ In addition, we obtained aggregated Coast Guard data on its risk based fishing vessel exam program from October 2020 through April 2022.⁵

To assess the reliability of these data, we reviewed the data for any missing elements, outliers, and obvious errors; reviewed related documentation such as the MISLE fishing vessel exam user guide; and interviewed knowledgeable officials. We determined the data to be sufficiently reliable for the purposes of reporting (1) the total numbers of dockside exams and at-sea boardings conducted, at-sea boardings resulting in safety violations or voyage terminations, and safety decals issued for fiscal year 2021, and (2) the total numbers of dockside exams and at-sea boardings conducted and safety decals issued from October 2020 through April 2022 as part of the risk based fishing vessel exam program.

We also conducted three nongeneralizable site visits to observe vessel exams—a key Coast Guard effort—in Districts 5 (East Coast) and 13

³We interviewed officials from the North Pacific Fishing Vessel Owners Association, Groundfish Forum (a fishery trade association), and Alaska Marine Safety Education Association, as well as a marine safety expert with roughly 4 decades of experience related to commercial fishing safety. We selected these stakeholders based on our initial research of commercial fishing vessel safety, as well as recommendations by Coast Guard and other federal officials.

⁴We reviewed Coast Guard data for fiscal years 2018 through 2021 because that time frame coincides with when program officials said they began archiving periodic audits of commercial fishing vessel safety program activity records from the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) database.

⁵The Coast Guard issued guidance on its risk based fishing vessel exam program in August 2020 and started conducting program activities in October 2020.

(Northwest). Due to the COVID-19 pandemic, we limited our site visits to locations that were geographically close to GAO offices. However, our visits to these two districts allowed us to observe Coast Guard exams on different types of commercial fishing vessels. Finally, we compared the Coast Guard's policy for enforcing the dockside exam requirement during at-sea boardings against *Standards for Internal Control in the Federal Government* related to internal communication and documentation.⁶

To further address our second objective, we reviewed Coast Guard authorization acts enacted from fiscal years 2011 through 2021 to identify key statutory requirements related to commercial fishing vessel safety that were directed at the Coast Guard or that it has the authority to enforce.⁷ For each key requirement, we reviewed agency documentation, such as notices of proposed rulemaking and regulatory agendas published in the Federal Register, and interviewed Coast Guard officials, including officials from the Offices of Maritime and International Law, and Standards Evaluation and Development, to determine the status of the Coast Guard's implementation of the requirement.⁸

We considered a statutory requirement (1) fully implemented, if the Coast Guard addressed the requirement and does not need to take any additional action; (2) partially implemented, if the Coast Guard has taken some steps to address the requirement but needs to take additional actions to fully implement it; or (3) not implemented, if they have not taken any steps or if Coast Guard officials told us they do not intend to implement the requirement.⁹ Finally, we evaluated the Coast Guard's implementation of the statutory requirements related to commercial fishing vessel safety enacted from fiscal years 2011 through 2021 against

⁶GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

⁷We excluded statutory requirements that were not specific to, but may apply to commercial fishing vessels. See Appendix II for more details about the statutory requirements we included in our review.

⁸Published by the National Archives and Records Administration's Office of the Federal Register, the Federal Register is the official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

⁹We did not assess the effectiveness of the Coast Guard's actions to implement the requirements.

the applicable statutory provisions, federal internal control standards, and leading project management practices.¹⁰

To further address our third objective, we reviewed Coast Guard documentation describing the agency's goals and performance results for the commercial fishing vessel safety program including examples of internal program performance reports from 2018 through 2022. In addition to the data we reviewed for the first objective, we analyzed MISLE data on commercial fishing vessel losses and fatalities from fiscal years 2018 through 2021—the most recent years for which complete data were available.

To assess the reliability of these data, we reviewed the data for any missing elements, outliers, and obvious errors; reviewed related documentation such as the Coast Guard's performance measure definitions, which describe the verification and validation of MISLE data on serious marine incidents; and interviewed knowledgeable officials.¹¹ Based on these steps, we determined the data to be sufficiently reliable for the purposes of reporting the total numbers of operational and nonoperational commercial fishing vessel losses and fatalities, dockside exams conducted, and safety decals issued for fiscal years 2018 through 2021.¹² We compared these data against the commercial fishing vessel safety program's performance targets for fiscal years 2018 through 2021 to determine the extent to which targets were met.

We also interviewed Coast Guard officials from the Office of Program Analysis and Evaluation and the Office of Planning, Integration and

¹⁰GAO-14-704G. Project Management Institute, Inc., *A Guide to the Project Management Body of Knowledge (PMBOK® Guide)*. Sixth Edition (2017).

¹¹Serious marine incidents involve (1) any marine casualty or accident which is required to be reported to the Coast Guard and which results in one or more deaths, an injury requiring medical treatment beyond first aid, damage in excess of \$100,000, or actual or constructive total vessel loss; (2) discharges of oil in excess of 10,000 gallons; or (3) discharge of hazardous substances. 46 C.F.R. § 4.03-2.

¹²The Coast Guard categorizes commercial fishing vessel losses and fatalities as operational and nonoperational based on a Coast Guard investigator's determination. A vessel loss is nonoperational if the vessel was moored or docked in port. A fatality is nonoperational if: (1) the death occurred while the vessel was moored to a pier or dock, in dry dock, or undergoing maintenance on shore; or (2) the mariner suffered a medical event, had an existing medical condition, was assaulted, overdosed from drugs or alcohol, died by suicide, was engaged in an activity not related to the vessel operation, or was shoreside at the time of the incident.

Workforce Support to better understand the agency's strategic planning and performance management practices. Finally, we evaluated the Coast Guard's efforts to assess the performance of its commercial fishing vessel safety program against its *Framework for Strategic Mission Management, Enterprise Risk Stewardship, and Internal Control*,¹³ as well as key performance management steps and practices identified in our prior work.¹⁴

We conducted this performance audit from June 2021 to November 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

¹³U.S. Coast Guard, Deputy Commandant for Operations, *Framework for Strategic Mission Management, Enterprise Risk Stewardship, and Internal Control* (Washington, D.C.: July 2020).

¹⁴GAO, *Executive Guide: Effectively Implementing the Government Performance and Results Act*, [GAO/GGD-96-118](#) (Washington, D.C.: June 1996).

Appendix II: U.S. Coast Guard Implementation of Statutory Commercial Fishing Vessel Safety Requirements Enacted from Fiscal Years 2011-2021

This appendix details the statutory requirements related to commercial fishing vessel safety and the steps taken by the Coast Guard to address them. The statutory requirements are organized by the laws in which they were initially enacted. We determined whether the Coast Guard had fully implemented, partially implemented, or not implemented each statutory requirement based on Coast Guard documents and officials' statements. We considered a statutory requirement (1) fully implemented, if the Coast Guard addressed the requirement and does not need to take any additional action; (2) partially implemented, if the Coast Guard has taken some steps to address the requirement but needs to take additional actions to fully implement it; or (3) not implemented, if they have not taken any steps or if Coast Guard officials told us they do not intend to implement the requirement.¹

Coast Guard Authorization Act of 2010 and Coast Guard and Maritime Transportation Act of 2012²

1. **Application of equipment requirements to state-registered vessels (*partially implemented*)**. Section 604(a)(2)(A) of the Coast Guard Authorization Act of 2010 (2010 law) amended 46 U.S.C. § 4502(b), which requires certain safety equipment, to apply to all commercial fishing vessels that (A) operate beyond 3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes; (B) operate with more than 16 individuals on board; or (C) in the case of a fish tender vessel, engage in the Aleutian trade, commonly known as subpart C vessels.³ Previously, 46 U.S.C. §

¹We did not assess the effectiveness of the Coast Guard's implementation of the requirements.

²The Coast Guard Authorization Act of 2010 established several new requirements for commercial fishing vessels. Pub. L. No. 111-281, 124 Stat. 2905. The Coast Guard and Maritime Transportation Act of 2012 amended some of the requirements that were enacted in the Coast Guard Authorization Act of 2010, such as the dockside exam requirement. Pub. L. No. 112-213, 126 Stat. 1540.

³46 C.F.R. part 28, subpart C includes requirements for commercial fishing vessels that operate beyond a certain distance from shore or with more than 16 individuals on board, or in the case of a fish tender vessel, engage in the Aleutian trade. Although 46 C.F.R. part 28, subpart C does not reflect the statutory amendment that replaced the Boundary Line with 3 nautical miles from the baseline, we refer to commercial fishing vessels that (A) operate beyond 3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes; (B) operate with more than 16 individuals on board; or (C) in the case of a fish tender vessel, engage in the Aleutian trade, as subpart C vessels.

4502(b) applied only to commercial fishing vessels that were documented by the Coast Guard, but not to the generally smaller commercial fishing vessels that were registered with the states.⁴ The equipment required by the provision includes alerting and locating, marine radio communications, navigation, and first aid equipment, among other things. 46 U.S.C. § 4502(b)(1) requires the Coast Guard to prescribe regulations requiring the installation, maintenance, and use of the equipment. In June 2016, the Coast Guard issued a notice of proposed rulemaking that would incorporate this statutory requirement into its regulations.⁵ As of August 2022, the Coast Guard has not finalized this rule.

2. **Use of baseline instead of Boundary Line for applicability of safety requirements (*partially implemented*)**. Section 604(a)(2)(B) of the 2010 law amended 46 U.S.C. § 4502(b)(1)(A) by replacing the “Boundary Line” with “3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes.” Certain safety requirements are applicable to commercial fishing vessels that operate at a certain distance from shore or with more than 16 individuals on board or, in the case of a fish tender vessel, engage in the Aleutian trade. This amendment changed the way that the distance from shore is measured by replacing the Boundary Line, which is established in Coast Guard regulations and varies by location, with 3 nautical miles from the baseline or the coastline of the Great Lakes. The baseline is defined in accordance with international law and is typically the low water line along the coast. In June 2016, the Coast Guard issued a notice of proposed rulemaking that would incorporate this change into its regulations, but as of August 2022, the Coast Guard has not finalized this rule.
3. **Survival craft (*partially implemented*)**. Section 604(a)(2)(C) of the 2010 law amended 46 U.S.C. § 4502(b)(2)(B), providing that the

⁴Vessels required to be documented by the Coast Guard are those that are at least 5 net tons that engage in the fisheries on the navigable waters of the United States or in the Exclusive Economic Zone, or coastwise trade, with certain exceptions. 46 C.F.R. § 67.7.

⁵Commercial Fishing Vessels—Implementation of 2010 and 2012 Legislation; Proposed Rule, 81 Fed. Reg. 40,438 (June 21, 2016). The 2010 law also provided that the Coast Guard is to prescribe regulations requiring for all commercial fishing vessels the equipment required to minimize the risk of injury to the crew during vessel operations, if the Coast Guard determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment. See 46 U.S.C. § 4502(a)(6). Because such a determination would require the Coast Guard to exercise its discretionary authority, it did not address this provision in its proposed rule.

survival craft required under the provision ensure that no part of a person is immersed in water. This requirement applies to subpart C vessels. Examples of survival crafts include lifeboats, inflatable buoyant apparatus, and inflatable life rafts and must be sufficient to accommodate all individuals on board. This requirement was amended by section 504 of the Frank LoBiondo Coast Guard Authorization Act of 2018 (2018 law), which exempted vessels that carry an auxiliary craft from the requirement if the auxiliary craft is used for normal fishing operations, readily accessible during an emergency, and capable of holding all individuals on board.⁶ The Coast Guard issued a marine safety information bulletin in December 2014 to notify the fishing industry of the survival craft requirement. In addition, in June 2016, the Coast Guard issued a notice of proposed rulemaking that would incorporate this statutory requirement into its regulations, but as of August 2022, the Coast Guard has not finalized this rule. Coast Guard officials stated that they are considering how to incorporate the auxiliary craft exception, which was enacted subsequent to the June 2016 notice of proposed rulemaking, into Coast Guard regulations.

4. **Additional equipment requirements (*partially implemented*).** Section 604(a)(2)(D)-(G) of the 2010 law amended 46 U.S.C. § 4502(b)(2) by clarifying existing equipment requirements and requiring additional equipment, including requirements for marine radios, navigation equipment, medical supplies, and ground tackle. The equipment is required for subpart C vessels. The statute directs the Coast Guard to issue regulations implementing equipment requirements. In June 2016, the Coast Guard issued a notice of proposed rulemaking that would incorporate this statutory requirement into its regulations, but as of August 2022, the Coast Guard has not finalized this rule.
5. **Records of equipment maintenance, crew instruction, and drills (*partially implemented*).** Section 604(a)(3) of the 2010 law amended 46 U.S.C. § 4502(f)(1) to require that an individual in charge of a commercial fishing vessel keep a record of equipment maintenance and required instruction and drills. This requirement applies to all subpart C vessels. In June 2016, the Coast Guard issued a notice of proposed rulemaking that would incorporate this statutory requirement into its regulations and require that the records are retained for 3 years. As of August 2022, the Coast Guard has not finalized this rule.

⁶Pub. L. No. 115-282, § 504, 132 Stat 4192, 4271.

6. **Dockside examination (*partially implemented*)**. Section 604(a)(3) of the 2010 law, section 305(a) of the Coast Guard and Maritime Transportation Act of 2012 (2012 law), and section 505 of the 2018 law amended 46 U.S.C. § 4502(f)(2), which requires the Coast Guard to examine subpart C vessels, at least once every 5 years. The 2018 amendment also allows the Coast Guard to require a dockside exam once every 2 years for certain vessels if requested by the vessel owner or operator. The Coast Guard expanded an ongoing effort to conduct dockside exams for a subset of commercial fishing vessels that were subject to exam requirements.⁷ The Coast Guard also issued a marine safety information bulletin in December 2014 notifying the public that commercial fishing vessels that were subject to the requirement must complete a dockside exam by October 15, 2015 and once every 5 years thereafter. In October 2015, the Coast Guard issued another marine safety information bulletin to clarify the dockside exam requirement. Finally, in June 2016, the Coast Guard issued a notice of proposed rulemaking that would incorporate this statutory requirement into its regulations, but as of August 2022, the Coast Guard has not finalized this rule. According to Coast Guard officials, the Coast Guard will not enforce the dockside exam requirement until the dockside exam and certificate of compliance requirements (see below) are incorporated into its regulations.
7. **Certificate of compliance (*partially implemented*)**. Section 604(a)(3) of the 2010 law, section 305(a) of the 2012 law, and section 505 of the 2018 law, amended 46 U.S.C. § 4502(f)(3), which requires the Coast Guard to issue a certificate of compliance to a commercial fishing vessel that completes a dockside exam and demonstrates it meets applicable statutory requirements. In June 2016, the Coast Guard issued a notice of proposed rulemaking that would incorporate this statutory requirement into its regulations, but as of August 2022, the Coast Guard has not finalized this rule. According to the preamble to the notice of proposed rulemaking, in the interim, commercial fishing vessels can demonstrate compliance with the dockside exam requirement by displaying a current, valid safety decal, by having a Form CG-5587 signed by a Coast Guard examiner, or by having a signed letter of compliance from an accepted third party organization, such as a marine surveyor, as proof that the vessel has passed an

⁷The Commercial Fishing Industry Vessel Act of 1988 and Aleutian Trade Act of 1990 required the Coast Guard to conduct dockside exams for fish processing vessels, and fish tender vessels engaged in the Aleutian Trade, once every 2 years. Pub. L. No. 100-424, § 2(a), 102 Stat. 1585; Pub. L. No. 101-595, § 602(c)(1), 104 Stat. 2979, 2990. In addition, vessels that carry National Marine Fisheries Service observers are required to have completed a dockside exam within the past 2 years. See 50 C.F.R. § 600.746.

examination and is compliant with current regulations. Also, according to Coast Guard officials, although the Coast Guard issues certificates of compliance to other types of vessels, the certificate of compliance cannot be issued to commercial fishing vessels until it undergoes a review in accordance with the Paperwork Reduction Act.

8. **Training program (*not implemented*)**. Section 604(a)(4) of the 2010 law added 46 U.S.C. § 4502(g)(1)-(3), which requires individuals in charge of subpart C vessels to pass a training program approved by the Coast Guard. The training program is to include training on stability, collision prevention, navigation, firefighting and prevention, personal survival, and emergency medical care, among other things. The program must also provide a certificate to an individual that has successfully completed the program and require that individuals issued a certificate complete refresher training at least once every 5 years. The Coast Guard is required to issue regulations to implement this provision. Although the Coast Guard's Commercial Fishing Safety Advisory Committee worked to develop commercial fishing vessel training requirements, Coast Guard officials stated that they have taken no action to implement this requirement.
9. **Electronic training database (*not implemented*)**. Section 604(a)(4) of the 2010 law and section 305(b) of the 2012 law added and amended 46 U.S.C. § 4502(g)(4), requiring the Coast Guard to establish an electronic database to maintain a list of individuals who have participated in and received a certificate confirming successful completion of the training program. Coast Guard officials stated that they have taken no action to implement this requirement because the Coast Guard has not yet implemented the training program discussed above.
10. **Construction standards for smaller vessels (*partially implemented*)**. Section 604(a)(4) of the 2010 law added 46 U.S.C. § 4502(h), which requires that subpart C vessels that are less than 50 feet overall in length and built after January 1, 2010, be constructed so as to provide a level of safety equivalent to the level provided by recreational vessel standards established under 46 U.S.C. § 4302.⁸ In June 2016, the Coast Guard issued a notice of proposed rulemaking that would incorporate this statutory requirement into its regulations. As of August 2022, the Coast Guard has not finalized this rule. The Coast Guard also issued a marine safety information bulletin in December 2014 notifying the public of the requirement and indicating that the standards and requirements for recreational vessels are

⁸The standards for recreational vessels are found at 33 C.F.R. part 183.

contained in 33 C.F.R. parts 181 and 183. The Coast Guard included similar information in a June 2020 pamphlet on federal requirements for commercial fishing vessels.

11. **Fishing Safety Training and Research Grants (*fully implemented*)**.⁹ Section 604(a)(4) of the 2010 law, section 506 of the 2018 law, and section 8321 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (2021 law) added and amended 46 U.S.C. § 4502(i) & (j). These provisions require the National Institute for Occupational Safety and Health to award fishing safety training and research grants in consultation with and based on criteria established by the Coast Guard. According to an agreement between the two agencies, the National Institute for Occupational Safety and Health is responsible for administering these grants and the Coast Guard is responsible for providing subject matter expertise in fishing vessel safety. According to the National Institute for Occupational Safety and Health, the agencies awarded \$4.1 million for fishing safety training and research grants through the Commercial Fishing Occupational Safety Research and Training program in fiscal year 2021.
12. **Load line (*fully implemented*)**. Section 604(d)(1) of the 2010 law and section 305(d) of the 2012 law amended 46 U.S.C. § 5102(b)(3), which requires commercial fishing vessels built after July 1, 2013, if they are 79 feet in length or greater and operate outside the Boundary Line, to have a load line. A load line is marked on the hull of a vessel to indicate the maximum depth to which the vessel may be safely immersed when loaded.¹⁰ Commercial fishing vessel examiners review a vessel's load line markings and certificate during the dockside exam, according to Coast Guard officials. In addition, Coast Guard boarding officers may check a vessel's load line certificate during a commercial fishing vessel safety boarding. In June 2016, the Coast Guard issued a notice of proposed rulemaking that would incorporate this statutory requirement into its regulations. Although the Coast Guard has not finalized this rule, Coast Guard officials stated

⁹A Senate report accompanying the Department of Homeland Security Appropriations Bill, 2017, also directed the Coast Guard, in conjunction with the National Institute for Occupational Safety and Health, to submit a report to the Committee not later than 90 days after the date of enactment of the act, outlining the means by which they will administer this program, metrics by which to measure the program, and the need for funding. The Committee also directs the Coast Guard to work with the Federal Emergency Management Agency on how to properly implement a new grant program. S. Rep. No. 114-264, at 78 (2016). We did not evaluate the implementation of this requirement as it was not a statutory requirement.

¹⁰Load line requirements are found at 46 C.F.R. subchapter E.

that the requirement is in effect and the rule would simply align federal regulations with statute. The Coast Guard also provided information about this requirement in a December 2014 marine safety information bulletin and June 2020 pamphlet on federal requirements.

13. **Alternate load line compliance program (*not implemented*).** Section 604(d)(2) of the 2010 law and section 305(d) of the 2012 law added and amended 46 U.S.C. § 5103(c), requiring commercial fishing vessels built on or before July 1, 2013 to comply with an alternate load line compliance program, if they complete a major conversion after that date or the date that the Coast Guard establishes standards for the program.¹¹ The statute provides that the Coast Guard must develop the program in cooperation with the commercial fishing industry. In 2013, Coast Guard officials discussed plans to begin developing these standards at a Commercial Fishing Safety Advisory Committee meeting. However, Coast Guard officials told us they have not taken action to implement the program.
14. **Alternate safety compliance program (*not implemented*).** Section 604(e)(1)(A) of the 2010 law, section 305(c) of the 2012 law, section 318(a) of the Coast Guard Authorization Act of 2016 (2016 law), and section 508 of the 2018 law added and amended 46 U.S.C. § 4503a requiring the Coast Guard to develop an alternate safety compliance program for subpart C vessels that are also (1) at least 50 feet overall in length; (2) built before July 1, 2013; and (3) 25 years of age or older.¹² As discussed previously in this report, in July 2021, the Coast Guard notified the Congress that it did not intend to implement the requirement.
15. **Vessel classing (*fully implemented*).** Section 604(e)(1)(C) of the 2010 law and section 305(c) of the 2012 law added and amended 46 U.S.C. § 4503(c), which establishes a classing requirement for subpart C vessels that are at least 50 feet in length and built after July 1, 2013. In December 2014, the Coast Guard issued a marine safety information bulletin notifying the public of the requirement and explained that any vessel 50 feet or greater overall in length and built after July 1, 2013, but not built to class, will be ineligible to

¹¹A major conversion means a conversion of a vessel that—(A) substantially changes the dimensions or carrying capacity of the vessel; (B) changes the type of the vessel; (C) substantially prolongs the life of the vessel; or (D) otherwise so changes the vessel that it is essentially a new vessel, as decided by the Coast Guard. 46 U.S.C. § 2101(18).

¹²The 2018 law moved the statutory requirement from 46 U.S.C. § 4503(d) to 46 U.S.C. § 4503a and changed the date of vessel compliance, among other things. See Pub. L. No. 115-282, § 508, 132 Stat. 4192, 4272.

commercially fish beyond 3 nautical miles of the baseline under a Fishery endorsement on its certificate of documentation. Coast Guard Fishing Vessel Safety Division officials and district coordinators verify compliance with construction and design requirements for newer commercial fishing vessels, according to officials. This requirement was also included in the June 2016 notice of proposed rulemaking, which would require that covered vessels meet all survey and classification requirements prescribed by the American Bureau of Shipping or another approved organization. Although the Coast Guard has not finalized this rule, Coast Guard officials stated that the requirement is in effect and the rule would simply align federal regulations with statute. The Coast Guard also provided information about this requirement in the June 2020 pamphlet on federal requirements.

16. **Voyage termination authority (*partially implemented*)**. Section 608 of the 2010 law added 46 U.S.C. § 2117, which expanded the Coast Guard’s authority to terminate a commercial fishing vessel’s voyage by authorizing a boarding officer to remove any certificate that the boarded vessel is required to possess, if the boarding officer finds that the vessel is not in compliance with the terms of the certificate. In June 2016, the Coast Guard issued a notice of proposed rulemaking that would incorporate this statutory requirement into its regulations. According to the preamble to the notice of proposed rulemaking, the Coast Guard would be able to terminate a commercial fishing vessel’s voyage if it does not carry a valid certificate of compliance to demonstrate successful completion of a dockside exam. As of August 2022, the Coast Guard has not finalized this rule.

Coast Guard Authorization Act of 2016¹³

17. **Alternative-to-class requirements (*partially implemented*)**. Section 318(a) of the 2016 law and section 507(a) and 508(b) of the 2018 law amended 46 U.S.C. § 4503(c) and (d), which created an exception to the classification requirement for commercial fishing vessels that are at least 50 and not more than 180 feet in length, built after February 8, 2016, and meet statutory construction requirements, known as

¹³Pub. L. No. 114–120, 130 Stat. 27 (originally enacted as the Coast Guard Authorization Act of 2015 but amended by the National Defense Authorization Act for Fiscal Year 2017, Pub. L. No. 114-328, tit. XXXV, subtit. A, § 3503(a), 130 Stat. 2000, 2775 (2016)).

alternative-to-class requirements.¹⁴ According to the statute, to qualify for the exception, a vessel must be designed by a State-licensed naval architect or marine engineer, whose design incorporates standards equivalent to those prescribed by a classification society or another qualified organization. Construction of the vessel is to be overseen by a marine surveyor of a Coast Guard-accepted organization. The vessel must also meet specific statutory requirements as outlined in 46 U.S.C § 4503(d). The 2018 law provided that the Coast Guard is to issue a final rule implementing the requirements outlined in 46 U.S.C. § 4503(d) by December 4, 2019.¹⁵

The Coast Guard has not issued a final rule implementing these requirements as of August 2022, but has taken some steps to address them. In August 2021, the Coast Guard issued a marine safety information bulletin describing the alternative-to-class exception and indicating that the Coast Guard maintains lists of accepted classification societies and qualified organizations to oversee vessel construction and conduct required verifications. The bulletin also indicated that the Coast Guard provides oversight of these vessels' compliance with the relevant construction, survey, and maintenance requirements. According to Coast Guard officials, as of October 2021, the applicable vessel population was less than 25 vessels. Officials stated that the agency has conducted oversight activities for all vessels that have been built to meet alternative-to-class requirements. To do this, Coast Guard officials conduct spot-checks of a vessel's design to ensure that it meets the statutory requirements.

- 18. Report on the alternative-to-class requirements (*partially implemented*).** Section 318(a)(4) of the 2016 law and section 508(b) of the 2018 law added and amended 46 U.S.C. § 4503(e), which requires the Coast Guard to submit a report to relevant congressional committees that provides an analysis of the adequacy of the alternative-to-class requirements in maintaining the safety of the covered vessels that comply with the program. This report is due within 10 years of the enactment of the Coast Guard Authorization Act of 2016, which was enacted on February 8, 2016. Coast Guard officials stated that they plan to submit their report by 2026, and are

¹⁴When originally enacted, only vessels that were at least 50 and not more than 79 feet in length were eligible for the "alternative-to-class" requirements. Pub. L. No. 114-120, § 318(a)(3)(B), 130 Stat. at 63. However, the 2018 law expanded eligibility to vessels that were at least 50 and not more than 180 feet in length. Pub. L. No. 115-282, § 507(a), 132 Stat. 4192, 4272.

¹⁵Pub. L. No. 115-282, § 508(f), 132 Stat. at 4273 (codified at 46 U.S.C. § 4503 note).

taking steps to assess the adequacy of the alternative requirements as part of their analysis for the report.

Frank LoBiondo Coast Guard Authorization Act of 2018¹⁶

19. **Alternate safety compliance program status report (*fully implemented*)**. Section 508(g) of the 2018 law directed the Coast Guard to submit a report to cognizant congressional committees on the status of the development of the alternate safety compliance program directed by 46 U.S.C. § 4503a. In May 2020, the Coast Guard submitted a report indicating the agency had not implemented an alternate safety compliance program and explaining other steps it had taken since suspending development of an alternate safety compliance program in 2016.
20. **National Commercial Fishing Safety Advisory Committee (*partially implemented*)**. Section 601 of the 2018 law and section 8335 of the 2021 law added and amended 46 U.S.C. § 15102, which amended provisions establishing a committee to advise and make recommendations to the Coast Guard on matters relating to the safety of commercial fishing vessels.¹⁷ After the enactment of the 2018 law, the Coast Guard filed a charter with the Department of Homeland Security and solicited applications for membership on the committee in 2020, but officials stated that they must file a new charter due to the amendments in the 2021 law. As of June 2022, Coast Guard officials stated they are in the process of doing this and plan to establish the committee in late 2022.
21. **Commercial Fishing Vessel Safety National Communications Plan (*fully implemented*)**. Section 830 of the 2018 law directed the Coast Guard to submit a national communications plan to cognizant congressional committees on its work to disseminate information, conduct outreach, and facilitate interaction with the commercial fishing industry. In December 2019, the Coast Guard issued its plan. The requirement also directed the Coast Guard to provide periodic reports to the congressional committees on its work under the plan. As the reporting requirement is recurring, we did not evaluate the status of

¹⁶Pub. L. No. 115-282, 132 Stat. 4192.

¹⁷The committee was first required in the Commercial Fishing Industry Vessel Safety Act of 1988. Pub. L. No. 100-424, § 2(a), 102 Stat. 1585, 1588. Subsequent laws, including the 2010 law, amended the requirements for the committee. See e.g., Pub. L. No. 111-281, § 604(c), 124 Stat. at 2964. The 2018 law repealed that provision and added a new provision, 46 U.S.C. § 15102, which renamed the committee the National Commercial Fishing Safety Advisory Committee and amended the requirements for the advisory committee. Pub. L. No. 115-282, § 601(a), (c)(1), 132 Stat. at 4281.

Coast Guard's implementation of this statutory requirement. In April 2020, the Coast Guard developed documentation guidelines for the plan. According to these guidelines, the Fishing Vessel Safety Division is to develop an annual report on the agency's communications activities. The Coast Guard reported information on its work under the plan in its 2020 and 2021 Domestic Annual Reports.

William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021¹⁸

22. **Definition of Alaskan region for global maritime distress and safety system exemption (*partially implemented*)**. Section 8336(d) of the 2021 law directed the Coast Guard to define the term "Alaskan Region" for the purpose of the exemption for commercial fishing vessels operating in the Alaskan Region from global maritime distress and safety system requirements. According to Coast Guard officials, as of April 2022, the agency prepared a draft definition, and it is in process for approval.

¹⁸Pub. L. No. 116-283, 131 Stat. 3388.

Appendix III: Comments from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

October 12, 2022

Ms. Heather MacLeod
Director, Homeland Security and Justice
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Re: Management Response to Draft Report GAO-23-105289, "COAST GUARD:
Additional Actions Needed to Improve Commercial Fishing Vessel Safety
Efforts"

Dear Ms. MacLeod:

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS or the Department) appreciates the U.S. Government Accountability Office's (GAO) work in planning and conducting its review and issuing this report.

DHS leadership is pleased to note GAO's recognition that the U.S. Coast Guard collaborates with other federal agencies, such as the National Institute for Occupational Safety and Health, the National Marine Fisheries Service, and the National Transportation Safety Board, in order to share data and expertise with the aim of promoting commercial fishing vessel safety. GAO also acknowledged that the Coast Guard, in order to improve the safety of older commercial fishing vessels, took steps to issue voluntary safety guidelines and implemented the Risk Based Fishing Vessel Exam. Through this and other activities that encourage frequent dockside exams for high-risk vessels, the Coast Guard remains committed to ensuring commercial fishing vessel safety through the effective use and analysis of performance goals and measurements.

The draft report contained six recommendations, five with which the Department concurs and one with which the Department non-concurs. Enclosed find our detailed response to the recommendations.

**Appendix III: Comments from the Department
of Homeland Security**

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future

Sincerely,

JIM H
CRUMPACKER

Digitally signed by JIM H
CRUMPACKER
Date: 2022.10.12 13:48:32 -04'00'

JIM H. CRUMPACKER, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

Enclosure

**Enclosure: Management Response to Recommendations
Contained in GAO-23-105289**

GAO recommended that the Commandant of the Coast Guard:

Recommendation 1: Ensure that the Fishing Vessel Safety Division, in coordination with the Office of Maritime Law Enforcement, clarifies and documents the agency’s policy on the enforcement of the dockside exam requirement during at-sea boardings of commercial fishing vessels.

Response: Concur. The Coast Guard’s Office of Commercial Vessel Compliance (CG-CVC), Fishing Vessel Safety Division (CG-CVC-3) is currently working with the Office of Maritime Law Enforcement (CG-MLE) to clarify and update program direction to field units related to the enforcement of the dockside exam requirements during at-sea boardings of commercial fishing vessels, as appropriate. Estimated Completion Date (ECD): December 30, 2022.

Recommendation 2: Ensure that the Assistant Commandant for Prevention Policy develops and implements an alternate safety compliance program, as required by law.

Response: Non-Concur. As acknowledged in GAO’s draft report, the Coast Guard’s Assistant Commandant for Prevention Policy communicated to Congress in July 2021 that the Coast Guard would not take further action because, after reviewing existing authorities, the Coast Guard concluded that there is an insufficient foundation for the Coast Guard to pursue a regulatory compliance regime on the specified vessels.¹

The Coast Guard believes that GAO is incorrect in their conclusion that the Coast Guard can “implement an alternate safety compliance program [ASCP], as required by law,” as the ASCP is intended be an alternate to the survey and classing requirements referred to in 46 United States Code (U.S.C.) § 4503(a)(1), and the implementing regulations for those and other baseline safety requirements from the 2010 and subsequent Coast Guard authorization acts. However, American Bureau of Shipping survey and classification requirements for certain non-classed fishing vessels 25 years old and older, that were not required to be built to class, *do not exist*, nor do implementing regulations for the safety enhancements in chapter 45 of 46 U.S.C., “Uninspected Commercial Fishing Industry Vessels,” upon which the Coast Guard would base an ASCP. Absent existing regulations to apply an ASCP to, or further legislative action, the Coast Guard believes that voluntary

¹ This conclusion is documented in the Coast Guard’s “Alternate Safety Compliance Program Report to Congress,” dated May 20, 2020, signed by the Commandant.

best practices serve as an adequate means to promote commercial fishing vessel safety. Accordingly, Coast Guard released “Voluntary Safety Initiatives and Good Marine Practices for Commercial Fishing Industry Vessels,”² dated January 2017, through partnership between the Coast Guard and the Commercial Fishing Safety Advisory Committee.

We request that GAO consider this recommendation resolved and closed.

Recommendation 3: Ensure that the Assistant Commandant for Prevention Policy develops a plan with time frames and interim milestones to fully implement the other 16 outstanding statutory requirements for commercial fishing vessel safety, including issuing regulations.

Response: Concur. Although it is important to clarify that capabilities and timeframes to implement statutory requirements are influenced by agency authorities, regulatory process clearance procedures, and project-specific plans of execution, CG-CVC staff resources remain committed to efforts that advance relevant pending legislation to implementation regarding fishing vessel safety statutory requirements. Accordingly, CG-CVC will identify estimated completion dates and interim milestones for the rulemaking agenda and project action item timetable made available to the public via the “View Rule” function at www.reginfo.gov. CG-CVC expects to provide interim milestones by the end of calendar year 2023. ECD: December 29, 2023.

Recommendation 4: Ensure that the Fishing Vessel Safety Division establishes performance goals for the commercial fishing vessel safety program that fully address all aspects of the program’s strategic goals.

Response: Concur. CG-CVC-3 will establish performance goals that align with program strategic goals, and will determine the best approach for this process by June 2023. ECD: December 29, 2023.

Recommendation 5: Ensure that the Fishing Vessel Safety Division sets realistic targets for the commercial fishing vessel safety program’s performance goals.

Response: Concur. CG-CVC-3 will establish targets for the commercial fishing vessel safety program; performance goals, and will determine the best approach for this process by June 2023. ECD: December 29, 2023.

² https://www.dco.uscg.mil/Portals/9/Voluntary_%20Safety_Initiatives.pdf

Recommendation 6: Ensure that the Fishing Vessel Safety Division uses performance data to assess progress towards the commercial fishing vessel safety program's goals on a regular basis.

Response: Concur. CG-CVC-3 will leverage performance data to assess the commercial fishing vessel safety program's strategic and performance goals, trends, and needs on an annual basis. Performance data sources include the Coast Guard Marine Information for Safety and Law Enforcement system, the Coast Guard Business Intelligence system, and the Office of Coast Guard Investigations and Casualty Analysis. ECD: December 29, 2023.

Appendix IV: GAO Contacts and Staff Acknowledgments

GAO Contact

Heather MacLeod, (202) 512-8777 or MacLeodH@gao.gov

Staff Acknowledgments

In addition to the contact above, Dawn Hoff (Assistant Director), Matthew T. Lowney (Analyst-in-Charge), Dina Shorafa, Susan Hsu, Eric Hauswirth, Elizabeth Dretsch, Jan Montgomery, Dave Hooper, Tracey King, Benjamin T. Licht, LeAnna Parkey, and Dinah Girma all made key contributions to this report.

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