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United States
Coast Guard



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**TESTIMONY OF
REAR ADMIRAL JOHN MAUGER
ASSISTANT COMMANDANT FOR PREVENTION POLICY**

**ON
PASSENGER VESSEL SAFETY**

BEFORE THE

**HOUSE COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE
SUBCOMMITTEE ON COAST GUARD & MARITIME TRANSPORTATION**

MARCH 21, 2022

Introduction

Good morning Chairman Carbajal, Ranking Member Gibbs, and distinguished members of the Subcommittee. Thank you for the opportunity to be here today to discuss the state of passenger vessel safety and the Coast Guard's role in regulating a safe, secure, and environmentally responsible U.S. maritime industry.

I would like to begin by expressing the Service's sincere condolences to the family and friends of the victims and all those affected by the tragic loss of the dive boat CONCEPTION and the amphibious passenger vessel STRETCH DUCK 7. The Coast Guard continues to keep these unfortunate events in the forefront of our minds as we take specific actions to address contributing factors to these casualties and improve Coast Guard readiness to execute our Marine Safety mission.

In my role as the Coast Guard's Assistant Commandant for Prevention Policy, I am responsible for setting standards for safety, security, and environmental stewardship for commercial vessels, facilities, and mariners; establishing programs to ensure compliance; and ensuring investigations are properly conducted when casualties occur. Today I will discuss the Coast Guard's role in regulating small passenger vessels and the critical safety enhancements we have made as we exercise our authorities to protect the public.

Small Passenger Vessels are vital to the Nation’s Marine Transportation System

The transportation of cargo on water by the global maritime industry is the most economical, and efficient mode of transport. An estimated 90 percent of U.S. imports and exports move by ship through 361 commercial ports, along 95,000 miles of shoreline and 25,000 miles of navigable river and coastal waterways. The Marine Transportation System, or “MTS,” supports \$5.4 trillion in annual economic activity and more than 30.8 million jobs. A key component of our MTS is the active U.S. commercial fleet, comprised of over 19,000 cargo, towing, offshore supply, research, nautical school, barges, and passenger vessels.

Small passenger vessels account for one-third of the U. S. commercial fleet and are essential to the MTS. Communities all across the nation depend on small passenger vessels to ferry employees to work, children to school, and support local economies. Small passenger vessels are also a source of enjoyment for millions of people each year and provide the opportunity to experience and appreciate the marine environment. The owners and operators of these vessels provide essential services to the American people. Protecting the lives of passengers and crew aboard these vessels is among the Coast Guard’s most vital missions.

The U.S. fleet of small passenger vessels also possesses the greatest diversity of vessel type, design, construction, age, and operation. In Camden, Maine a two-masted schooner built in 1871 meets applicable requirements and holds a Coast Guard Certificate of Inspection. In Louisville, Kentucky a passenger vessel built in 1914 is propelled by steam. Meanwhile, in San Francisco, the Coast Guard is working with the maritime industry to inspect and certificate the first hydrogen fuel cell ferry—a promising technology to eliminate maritime pollution. The common regulations applicable to all small passenger vessels set a baseline standard for safe design, construction, and operation.

Passenger Vessel Safety: The Prevention Concept of Operations

As the lead federal maritime regulator, the Coast Guard ensures the safety, security and sustainability of the MTS through the execution of the Prevention Concept of Operations: Standards, Compliance, and Assessment. These three lines of effort guide all of our prevention activities, including passenger vessel safety. Our work begins by establishing clear expectations for the MTS. Regulations and standards provide minimum requirements for safety, security and sustainability and establish governance. The standards drive compliance activities, which systematically verify that the governance regime is working. Compliance inspections are critical to ensuring that the minimum standards are met, while also identifying and correcting potential issues before they can cause harm to passengers or mariners. Our assessment program includes both proactive and reactive activities to audit our work and investigate the root cause of casualties. Assessments provide feedback and drive continuous improvement to both compliance standards and compliance activities. Additionally, we also use external input from the National Transportation Safety Board (NTSB), Government Accountability Office and Congress to inform those efforts.

Passenger vessel safety is a shared responsibility which relies on vessel owners and trained operators executing their operations in accordance with Coast Guard regulations. A vessel's master and crew are on the front lines of passenger vessel safety and are expected to comprehend the standards, recognize problems, take early corrective actions, and provide feedback to improve the system. The Coast Guard licensed master on every small passenger vessel is responsible for ensuring the vessel's condition and operation complies with Coast Guard regulations, which includes the training of unlicensed crewmembers. Additionally, the vessel's owner has an obligation to support the master in carrying out their responsibility to maintain and operate the vessel safely. Through annual inspections and routine engagement, such as unit industry days and regional and national association events, the Coast Guard actively promotes passenger vessel safety, communicates lessons learned and solicits feedback from the industry.

When the existing safety framework fails to mitigate a casualty, the Coast Guard investigates the cause and assesses the need for new regulations or policy to prevent future occurrences. A vital component of this feedback loop is our collaboration with the NTSB. The Coast Guard and NTSB work side-by-side to investigate the most serious marine casualties. I appreciate the expertise, skill, and professionalism of the NTSB, and value the candor of their recommendations and perspective on ways to improve vessel safety.

Small Passenger Vessel Safety Improvements following CONCEPTION fire

In the aftermath of the dive boat CONCEPTION fire, the Coast Guard continues to utilize preliminary findings from the ongoing Coast Guard Marine Board of Investigation and the recommendations from NTSB's investigation to improve small passenger vessel safety. Immediately following the incident, my predecessor chartered a Small Passenger Vessel Safety Task Force to establish and implement key program enhancements. In addition to coordinating a special concentrated inspection on every overnight passenger vessel in the U.S. fleet, the Task Force leveraged ten years of vessel data, Subject Matter Expert feedback, and machine-based learning to assist our field commanders in determining which vessel inspections should be conducted by their most experienced Marine Inspectors. This initiative, still active today, resulted in the identification and correction of more than 1,000 safety deficiencies. As we improve our IT systems, we will continue to leverage technology to improve data management and analysis to inform resource allocation.

We also appreciate the extensive Congressional support to expeditiously improve small passenger vessel safety. Last December, we issued an interim final rule to implement the requirements of the *Elijah E. Cummings Coast Guard Authorization Act of 2020*. Leveraging the authorities granted by Congress to exempt this regulation from specific provisions of the Administrative Procedures Act, the rule takes immediate actions to address critical safety gaps that the NTSB cited in their report of investigation as contributing factors to the fire and loss of life on CONCEPTION. The Act also adds additional safety requirements for small passenger vessels with overnight accommodations for passengers or operating on Oceans or Coastwise routes, excluding fishing vessels and ferries. Those requirements include passenger drills, additional crew training, improved fire detection and means of escape, and handling of flammable items. The Service will ensure these changes are fully implemented, continue to evaluate their impact and, if necessary, make additional changes in the eventual Final Rule to achieve the desired results.

Prevention Readiness Initiative

The complexity and size of the MTS continues to grow as our nation seeks to increase capacity, while limiting environmental impact. Those drivers: more capacity, reduced environmental impact, and increased complexity are re-shaping the industry and placing greater demands on Coast Guard readiness.

With Congressional oversight through the Marine Safety Performance Plan and specific legislation, including the *Hamm Alert Maritime Safety Act of 2018*, the Service has embarked on transforming the training and continued development of our Prevention workforce. Our comprehensive training and competency effort, known as the Marine Inspector Performance Support Architecture (MIPSA), aligns Marine Inspector workforce and performance requirements, bolsters individual training factors, and builds a sustainable and highly proficient marine inspection workforce. The Fiscal Year 2022 President's Budget builds on those efforts by adding 32 billets positioned at Sectors, Training Centers, and Force Readiness Command to ensure that our marine inspection workforce will continue to receive needed training as the industry evolves.

In December 2020, the Coast Guard implemented the Prevention Program Readiness Initiative (PRI) to address challenges associated with changes in the maritime industry, and developed a detailed action plan to improve readiness over the next five years. The action plan, which focuses on improving proficiency, governance and technology while continuing to engage partners and execute a risk based approach to safety, security and sustainability, incorporates the external drivers along with internal and external stakeholder feedback, Congressional intent and oversight, and recommendations from Government Accountability Office reports. We also continue to refine training under MIPSA and leverage new technologies to augment or replace aging data systems.

With your ongoing support, the Coast Guard will continue to transform the way the Service supports our enduring Prevention Concept of Operations through a technology and innovation forward approach. This will require continued investment to revitalize our Prevention workforce, effectively manage risk, improve knowledge management, and strengthen partnerships while continuously advancing our goals for a safe, secure, and environmentally responsible U.S. maritime industry.

Conclusion

I appreciate the opportunity to testify before you today regarding small passenger vessel safety. This topic has the Service's utmost attention, and we will continue to make enhancements to our Prevention program to protect those on the water, keep pace with the maritime industry, and respond to new passenger vessel operations. I am confident in our ability to remain "Always Ready" to serve and protect the American people and our vital national interests in the MTS.