



**TESTIMONY OF
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ASSISTANT COMMANDANT FOR PREVENTION POLICY
ON
COMMERCIAL AND PASSENGER VESSEL SAFETY:
CHALLENGES AND OPPORTUNITIES**

BEFORE THE

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

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Introduction

Good afternoon Chairman Maloney, 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 advancing a safe, secure, and environmentally responsible U.S. maritime industry.

I would like to begin my testimony by expressing the Service's sincere condolences on the passing of Congressman Elijah Cummings, a former Chairman of this Subcommittee. Chairman Cummings was a tremendous and tireless supporter of the Coast Guard, as well as a caring legislator who challenged the Service to continue to improve. We are indeed a better Coast Guard because of his conviction, passion, and public service. The Coast Guard's marine inspection program recently celebrated the anniversary of its creation on October 1, 2019, as we marked the 181st year since the Congressional Act that served as the foundation of the Steamboat Inspection Service was passed. The first marine inspector, Captain Edward Tripp, was initially appointed steamboat inspector in the Port of Baltimore; coincidentally in Maryland's 7th District, Chairman Cummings' hometown.

The Coast Guard has a long and proud tradition of serving the American boating public and marine industry through a robust and very professional Marine Safety program. Modern day Coast Guard personnel working in our compliance and standards programs likewise serve as the safety bedrock for the various passenger vessel fleets across America and its territories.

Over a year ago, the Commandant released the Coast Guard Maritime Commerce Strategic Outlook to communicate the Service's vision for facilitating and enabling safe maritime commerce throughout the U.S. Marine Transportation System (MTS). From its origin, with the establishment of the Revenue Cutter Service, the Coast Guard has facilitated maritime safety and security to promote and safeguard American commerce for more than 229 years.

Today, 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 MTS supports \$5.4 trillion in economic activity and more than 30.8 million jobs. Passenger vessels are a key component of the MTS, serving not only as recreational and leisure activities, but also as ferries and water taxis, as well as providing employment to owners, operators, shipbuilders, insurers and many others.

The Prevention Program

The Coast Guard's Assistant Commandant for Prevention Policy is responsible for setting the standards for safety, security, and environmental stewardship for commercial vessels, facilities, and mariners; ensuring compliance with those standards; and conducting investigations of violations and accidents. The Coast Guard's role in regulating passenger vessels and the challenges the vessel compliance program faces as the Service exercises its authorities to protect these commercial passengers touches on all of these responsibilities.

Commercial passenger vessels are an essential part of the MTS and the American way of life, and provide consumers the opportunity to fully experience and enjoy the marine environment in ways that cannot be accomplished ashore. Paying passengers come from every area of the country and around the world, and bring the full range of experience, from maritime first timers, to seasoned mariners. Aboard passenger-carrying boats and ships, these passengers then become concentrated in a single location on the water, in groups ranging from less than six, to upwards of almost 9,000 combined passengers and crew aboard today's largest and most modern cruise ships. Given the potential associated risks, protecting passengers aboard these vessels is one of the Service's most vital missions as these vessels are carrying what we consider the "world's most precious cargo."

Passenger Vessel Safety Compliance

The passenger vessel compliance program may be viewed as a systemic safety net that works to prevent accidents from occurring. The Coast Guard provides a critical level of mandated oversight. For U.S. flagged vessels, the Coast Guard is responsible for verifying that these vessels comply with laws and regulations and for ensuring the overall safety net is functioning as designed. For foreign vessels, the Coast Guard exercises Port State Control authorities and conducts examinations on foreign vessels to ensure each vessel is in substantial compliance with international conventions.

Just as importantly, a vessel's master and crew are the front line of the program as they are often the first to recognize a problem and take early corrective action. The vessel owner has an obligation to support the master and crew's ability to maintain the vessel and operate it safely. Additionally, and where applicable, Classification Society, Recognized Organization, or Third-Party inspectors should provide effective technical expertise to ensure vessel systems are operating properly and the company and crew are fulfilling their roles in the safety net.

The Coast Guard works closely with the Service's various Congressional oversight bodies, sister agencies, and industry stakeholders to assist in passenger vessel safety. Bodies such as this Subcommittee, as well as partners here today, including the National Transportation Safety Board (NTSB) and the Maritime Administration (MARAD), combine efforts and authorities to help build the passenger vessel safety framework. Additionally, numerous other maritime stakeholders are key contributors in implementing the marine safety regime and ultimately ensuring the safe transport of all passengers aboard vessels.

Complexity of the Passenger Vessel Fleet

The passenger vessel fleet is materially complex, as well as technologically and operationally diverse. For example, in San Diego, a vintage boiler vessel built in 1898 met the requisite requirements to hold a Coast Guard Certificate of Inspection. Meanwhile, under construction in San Francisco, the Coast Guard is working with the maritime industry to design, build, and safely operate the first hydrogen fuel cell ferry. There will also soon be LNG-fueled cruise ships departing U.S. ports carrying thousands of passengers equipped with state of the art engineering automation and environmental control systems.

Passenger vessels may be in the form of a sail boat, charter fishing boat, water taxi, dinner cruise ship, ferry, or amphibious vehicle and be constructed of steel, aluminum, wood, or fiberglass. Operationally, these vessels may carry passengers overnight or underwater, maneuver at high speed as "thrill" rides, or have passengers dive below, tow behind or float via parasail beyond the confines of the vessel. The diversity of vessels and operations create a challenge for the industry and the Coast Guard alike. To safely operate, Coast Guard Marine Inspectors and vessel owners and operators must all understand the limitations, required maintenance, and potential risks for each vessel while ensuring the vessel meets a complex regulatory framework that is often based upon when the vessel was built.

Unlike many other regulators, the Coast Guard manages almost all aspects of vessel safety under its regulatory authority. The Coast Guard publishes regulations and participates in the international bodies which outline the requirements for passenger vessels on international voyages. The Coast Guard reviews plans for vessels being built and supervises the construction to ensure they meet applicable standards. Once the vessel meets required regulations, a Coast Guard Certificate of Inspection or Certificate of Compliance is issued as proof of compliance, and Coast Guard Marine Inspectors conduct annual, semi-annual, or quarterly inspections as applicable. Likewise, the Coast Guard issues Merchant Mariner Credentials to the crew, which signify that the crew meets safety and competency standards assessed by the Coast Guard. The Coast Guard also investigates marine casualties and mariner misconduct and makes recommendations to improve safety or to remove a mariner's credential, if warranted.

Our passenger vessel compliance model relies upon verification of the vessel's material condition and a sampling of exercises to assess the crew's performance. It is difficult for the regulatory regime to keep with the pace of change of technology. Vessels built 50 years ago, while in satisfactory condition and deemed safe to operate, may not meet the design expectations of modern passengers.

Additionally, recent casualties have demonstrated that material condition is just one aspect in the overall safety of the vessel. The human factor – the master and crew – serves a vital role in the early detection and avoidance of potential hazards that may have severe consequences to life and property on these complex vessels.

Finally, there are increasing cyber-related risks facing the MTS, and the Coast Guard is actively working to address these emerging risks. Related to the shipboard environment, the Coast Guard is working to address cyber vulnerabilities through the development of a cyber risk management regime incorporated within the existing conventions of the International Maritime Organization. The Coast Guard is also sponsoring the development of an industry specific cybersecurity framework profile for Passenger Vessel Operations with the National Institute of Standards and Technology.

The Coast Guard will continue to modernize the Service's vessel compliance model to incorporate risk based inspection criteria, third party oversight, cybersecurity, and increased focus on mariner and human factor performance. The Coast Guard will also continue to improve the Marine Inspector Training Program, and will remain focused on successfully fulfilling our role in the safety net to advance a safe, secure, and environmentally responsible U.S. maritime industry.

Conclusion

I appreciate the opportunity to testify before you today regarding passenger vessel safety. This topic has the Coast Guard's utmost attention, and we will continue to evolve the Coast Guard's Marine Safety mission to keep pace with industry and consumer change, as we strive to ensure the continued safety, security and environmental compliance of this key component of the MTS.

Thank you for all that you do for the men and women of the United States Coast Guard. I look forward to your questions.