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5/6/88  
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STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB 455 (L&C)  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: 4/30/88 Agency Affected: Office of the Governor  
Title: "An Act relating to commercial BRU: Executive Operations  
fishing vessel safety...  
Sponsor: Zharoff and Szvmanski Components: Executive Office  
Requestor: Zharoff

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL		16.8				
CONTRACTUAL		10.3				
SUPPLIES		.6				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		27.7				

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		27.7				
FEDERAL FUNDS						
OTHER						
TOTAL		27.7				

POSITIONS:

FULL-TIME		-0-				
PART-TIME		-0-				
TEMPORARY		-0-				

ANALYSIS : (Attach a separate page if necessary)

See attached analysis.

Prepared by: Michael A. Nizich, Director Phone: 465-3616  
Division: Division of Administrative Services Date: 5/4/88

Approved by Commissioner: [Signature] Date: 5/6/88  
Agency: Office of the Governor

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)

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MAY 6 1988  
LEGISLATIVE FINANCE

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 455 (L&C)

Section 1 of CSSB 455(L&C) establishes in the Office of the Governor the Fishing Vessel Safety Interim Commission. The Commission consists of "at least seven members" appointed by the Governor. These members are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

Sections (c) through (e) outline the work requirements of the Commission as follows:

- Suggest, review, and recommend legislation, regulations, and guidelines that address safety equipment requirements and educational programs that contribute to the successful application of safety and life-saving equipment on commercial fishing vessels.
- Consider and review proposals relating to the development and implementation of educational programs at the high school and community college level to increase the level of awareness regarding the application and use of safety and life-saving equipment on commercial fishing vessels.
- Consider guidelines, requirements, and standards relating to the maintenance, servicing, and upgrading of safety and life-saving equipment and recommend a permanent method for the State to evaluate current and future needs relating to legislation, regulations, guidelines, and standards for commercial fishing vessel safety.
- Report its recommendations to the Governor and the Legislature by January 15, 1989.

It is assumed that the Commission will have a start-up date of no earlier than July 1, 1988, with a termination date of January 16, 1989.

This fiscal analysis estimates travel and per diem for seven Commission members from throughout Alaska (air fares based on travel to and from Juneau, Anchorage, Dillingham, and Kodiak for Juneau, Anchorage, Dillingham, Kodiak, Kenai, Sitka, and Ketchikan) to four 3-day meetings. Total travel costs: 16.8.

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 455 (L&C)

Contractual expenses included in the estimate are meeting room rental, advertising, and clerical services for transcription of minutes and production of reports for four meetings in FY 89; long distance telephone charges, printing and binding of the final report to the Governor; and photocopies. Estimates are based on previous expenditures for similar councils, interim commissions, and working groups. Total Contractual: 10.3.

Estimates for supplies are for normal office supplies (paper, pens, folders, etc.) for use at Council meetings and for Council publications. Total Supplies: .6.

SENATE COMMITTEE REPORT

FURTHER

5/2/88

DATE TURNED INTO OFFICE 5/5/88

Mr. President:

FINANCE Committee considered SB 455

safety equipment for commercial fishing vessels; efd

and recommended

replace with \_\_\_\_\_ CS \_\_\_\_\_ )  same title  
 or adopt \_\_\_\_\_ CS SB 455 (LTC) )  new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

letter of intent adopted \_\_\_\_\_

Committee  attached or  adopted fiscal note(s)

new  updated or  previous  
 zero  fiscal impact

21.5

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

*[Handwritten signatures: Dan Hinkle, Dan Duncan, Paul Lee, Dan Frick, Paul H. Stewart]*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[Handwritten signature: Rick Hafford]*  
Chairman signature and recommendation

Committee Backup attached

3/21/88 s/x:0  
No SFC

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Office of the Governor  
 Title: An Act relating to safety equipment for commercial fishing... BRU: Executive Operations  
 Sponsor: Labor and Commerce Comm. Components: Executive Office  
 Requestor: Sen. Tim Kelly

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL		16.8	33.7	16.8		
CONTRACTUAL		4.4	8.8	10.3		
SUPPLIES		.3	.6	.6		
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		21.5	43.1	27.7		
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		21.5	43.1	27.7		
FEDERAL FUNDS						
OTHER						
TOTAL		21.5	43.1	27.7		

POSITIONS:

FULL-TIME		-0-	-0-	-0-		
PART-TIME		-0-	-0-	-0-		
TEMPORARY		-0-	-0-	-0-		

ANALYSIS : (Attach a separate page if necessary)

See attached analysis.

Prepared by: Michael A. Nizich, Director Phone: 465-3616  
 Division: Division of Administrative Services Date: 3/14/88

Approved by Commissioner: \_\_\_\_\_ Date: 3/14/88  
 Agency: Office of the Governor

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)

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MAR 23 1988

16 456

Original sponsors: Zharoff and Szymanski

1 IN THE SENATE  
2  
3 CS FOR SENATE BILL NO. 455 (L&C)  
4 IN THE LEGISLATURE OF THE STATE OF ALASKA  
5 FIFTEENTH LEGISLATURE - SECOND SESSION  
6 A BILL  
7 For an Act entitled: "An Act relating to commercial fishing vessel safety  
8 and safety equipment; and providing for an effective  
9 date."  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
11 \* Section 1. INTERIM COMMISSION ESTABLISHED; REPORT. (a) There is  
12 established in the Office of the Governor the Fishing Vessel Safety Interim  
13 Commission. The commission consists of at least seven members appointed by  
14 the governor. Members must be knowledgeable and experienced in the areas  
15 of commercial fishing vessels or vessel safety and life-saving methods and  
16 systems. At least one member shall represent each of the following:  
17 (1) the commercial fishing industry;  
18 (2) fishermen's associations;  
19 (3) the safety equipment industry, which includes businesses  
20 manufacturing, supplying, or servicing marine safety and life-saving equip-  
21 ment;  
22 (4) the marine insurance industry;  
23 (5) education; and  
24 (6) the United States Coast Guard.  
25 (b) Commission members are entitled to per diem and travel expenses  
26 authorized for boards and commissions under AS 39.20.180.  
27 (c) The purpose of the commission is to suggest, review, and recom-  
28 mend legislation, regulations, guidelines, and standards that address  
29 safety equipment requirements and educational programs that contribute to  
the successful application of safety and life-saving equipment on

1 commercial fishing vessels.

2 (d) The commission shall consider and review proposals relating to  
3 the development and implementation of educational programs at the high  
4 school and community college level to increase the level of awareness among  
5 participants and potential participants in the commercial fishing industry  
6 with respect to the necessity, application, and use of safety and life-sav-  
7 ing equipment on commercial fishing vessels. The commission shall encour-  
8 age the involvement of fishermen's associations, processor associations, or  
9 other trade associations or industry groups in the implementation of pro-  
10 posed educational programs. The commission shall also consider guidelines,  
11 requirements, and standards relating to the maintenance, servicing, and  
12 upgrading of safety and life-saving equipment and recommend a permanent  
13 method for the state to evaluate current and future needs relating to  
14 legislation, regulations, guidelines, and standards for commercial fishing  
15 vessel safety.

16 (e) The commission shall report its recommendations to the governor  
17 and the legislature by January 15, 1989.

18 (f) The commission is terminated January 16, 1989.

19 (g) In this section "commission" means the Fishing Vessel Safety  
20 Interim Commission established under (a) of this section.

21 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).



**SENATOR FRED F. ZHAROFF**  
**ALASKA STATE LEGISLATURE**

P.O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:


P.O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

MEMORANDUM

TO: Senator Rick Halford  
Co-Chairman  
Senate Finance Committee

FROM: Senator Fred F. Zharoff 

DATE: May 3, 1988

RE: CS For Senate Bill 455 - "An Act relating to safety equipment for commercial fishing vessels; and providing for an effective date."

I respectfully request that CSSB 455 be scheduled for a hearing before the Senate Finance Committee.

The bill originally established minimum requirements for safety equipment on commercial fishing vessels. As amended by the Senate Labor and Commerce Committee on April 29, it now only provides for creation of a Fishing Vessel Safety Interim Commission in the Office of the Governor. The commission will look at the difficult issues both I and other interested legislators encountered in trying to establish safety equipment standards for Alaska's commercial fishing industry, and will report back to the legislature in January.

Thank you for your consideration of this request.

Attached, as backup, is the following information:

1. Letter from the United Fishermen's Marketing Association in Kodiak, which initiated the legislation.
2. List of 1987 fishing vessel casualties, from the February issue of the Alaska Fisherman's Journal.
3. Article about legislative efforts to address safety on commercial fishing vessels, from the March issue of American Politics.

# United Fishermen's Marketing Association, Inc.

P.O. Box 1035 Kodiak, Alaska 99615

Telephone 486-3453



TO: Senator Fred Zharoff  
Representative Cliff Davidson

FROM: Jeff Stephan

DATE: Friday, 5 February, 1988

SUBJECT: The possibility of State legislation that would require minimum safety equipment aboard commercial fishing vessels

Thank-you both for the time that you spent with us during your recent visit to Kodiak. As you may remember, one of the issues that we raised with you was the possibility of establishing State legislation that would require minimum safety equipment aboard commercial fishing vessels. We have had very preliminary discussions regarding this issue, and it appears that the industry could probably support something of this nature. I have had similar discussions in the past regarding this issue with many members of the fishing community with regard to Federal legislation that has been proposed that attempts to do that same thing. This Federal legislation is still in Congress because of certain objections regarding certain aspects of the bill that do not relate to safety equipment. My discussions with the industry regarding the Federal legislation also led me to believe that the fishing community could support the concept of requiring minimum safety equipment aboard commercial fishing vessels. UFMA hopes to have a general meeting sometime soon to further judge industry reaction to State or Federal requirements that propose to impose minimum requirements for life-saving and safety equipment on commercial fishing vessels.

One approach would be to address Survival Suits, Life Rafts, and EPIRBS.

Survival Suits: For example, legislation may require that survival suits be required aboard all commercial fishing vessels by July 1, 1988. This legislation may require that all survival suits be equipped with some form of locating-light by January 1, 1989. There are several very good lights for this use sold already. Preliminarily, it appears that strobe-lights are best, but it may be that any light sold for this purpose is sufficient for purposes of legislation. "Lights", as used for purposes of this legislation should be defined, and I'm sure that the Coast Guard could help with this definition. Further, this legislation may require that all survival suits be equipped with TYPE B EPIRBS by January 1, 1990.

LIFE RAFTS: Legislation may stipulate that life rafts are required aboard all commercial fishing vessels. Legislation may contemplate exempting vessels of less than 5 net tons from this requirement. Certain life raft standards should be established. The Coast Guard could also help in this regard since they have existing requirements and standards for life rafts.

Senator Fred Zharoff  
Representative Cliff Davidson  
5 February, 1988  
page 2

EPIRBS: Legislation may want to stipulate that at least 1 CLASS A EPIRB be required on a commercial fishing vessel. The legislation may contemplate exempting vessels of less than 5 net tons from this requirement also. TYPE B EPIRBS should be considered as a requirement for use on survival suits (as mentioned above).

Although there is proposed Federal legislation that addresses this issue, it has faced much objection in the past because of many provisions that do not relate to safety equipment. Also, there is no way of knowing how long we will have to wait for Federal legislation to address this issue. Alaska is certainly the State that will be most affected by the passage (or lack of passage) of this type of legislation. Maybe it is time for Alaska to act unilaterally in dealing with minimum life-saving and safety-equipment requirements.

Thank-you for your attention to our concerns regarding this issue. Please contact me if your have any questions.

cc: UFMA Directors



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Mary Lou Sanelli

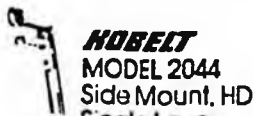


## Fishing Vessel Casualties in 1987

Date	Name	Length/Type	Location	Outcome
Jan. 4	Lady Blue	90	Unimak Pass	Sank
Jan. 16	Henna	83/tender	Whale Head Is.	Sank
Jan. 28	Laura	48	Shelikof Strait	Sank
Feb. 4	Pacific Star	40	Aleutians	Rogue wave, 1 lost
Feb. 6	Amatuli	112/crab	St. George Is.	Fire, quelled
Mar. 8	Birgit N	123/crab	Aleutians	Grounded & destroyed
Mar. 20	All Alaskan	340/ processor	Pribilofs	Grounded, later demolished
Apr. 4	Katy Too	30	Icy Straits	Intentional grounding, total loss
Apr. 8	Naknek	81/tender	Wells Bay	Grounded, sank
Apr. 21	Jamie Lynn	93/crab	Dutch Harbor	Sank under tow; 3 lost
May x	Ranger	55/longliner	Sitka	Sank
May x	Tempest	230/ processor	Pribilofs	Skiff accident, 1 lost
May 5	Hotline	42/halibut	Kodiak	Sank, 4 lost
May 5	Chavro	halibut	Seward	Sank, 1 lost
May 5	Kahitna II	47/halibut	Cape Resurrection	Sank
May 5	Kvingo	38/halibut	Coronation Is.	Sank
June 11	Southern Viking	tender	Sutwick Is.	Sank
June 16	Miss Universe	86/tender	Semidi Is.	Sank, 3 lost
June 16	Annihilator	44/seine	Chignik	Burned
June 18	Jenner Sea	26	Lynn Canal	Grounding
June 19	Cape Chacon	44/seine	Cordova	Sank, 1 lost
July 2	Magi	30	Naked Is.	Sank
July 8	Cross Sound	seine	Grenville Channel	Sank
July 14	Galaxy		Dutch Harbor	Boom accident, 1 lost
July 25	Binkl	43	Admiralty Island	Sank, 1 lost
July 29	Marge	36	Grand Is.	Sank
Aug. 4	Charneal	28	Marrowstone Is.	Capsized, towed
Sep. 19	Nordfjord	127	Gulf	Sank, 5 lost
Oct. 1	Wicklow	28	Astrolab Bay	Grounded & destroyed
Nov. 1	Rex	40/troll	Sitka	Sank, 1 lost
Nov. 5	Uyak II	130/rawl	Kodiak	Sank, 4 lost

*(Editor's Note: This list of casualties was compiled from past issues of the JOURNAL, plus information supplied by several Coast Guard Marine Safety Offices. The MSO for Western Alaska (everything west and north of Icy Bay, except for Prince William Sound, which has its own MSO) also supplied the JOURNAL with a list of about 125 vessel casualties; the list included no details except to note approximately 40 injuries and deaths.*

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2.

3813 Legation St. NW  
Washington DC 20015  
February 26, 1988

Representative Cliff Davidson  
Alaska State Legislature  
PO Box V  
Juneau, AL 99811

Dear sir:

I was interested to learn of the commercial fishing safety bill you have introduced into the Alaska legislature. As you will see from the attached article, my wife and I have been working hard at getting a similar bill through the US Congress. A lot of opposition has come from fishing vessel owners and their lobbyists, who claim to be speaking for the crewmen in places like Alaska.

One of the reasons the House bill has been having a hard time is because the safety issue is linked to the issue of compensation for injured seamen. Finding a solution to this problem which vessel owners and trial lawyers can accept has been very difficult. At a markup meeting of the House Merchant Marine and Fisheries Committee on February 24, the safety portion of the bill was voted on and approved. But nothing was reported out pending further discussions of the compensation issue, hopefully in the next few weeks.

If the compensation issue cannot be solved, most of the Committee members are ready to approve a simple safety bill that calls for life rafts, EPIRBs, survival suits, emergency communications equipment and other safety equipment which the Coast Guard may prescribe. The only outspoken opponent of this course is Congressman Don Young of Alaska, who stated for the record that he would oppose a pure safety bill on the floor.

Since our son died on the Western Sea in 1985, some two hundred people have lost their lives on commercial fishing vessels. Many of them would have been saved if simple survival equipment were required. For example, the four crewmen who died when the Wayward Wind sunk off Kodiak last month would still be alive if there had been a life raft available. I read the other day of a 3800 ton processor with a crew of 105 which has just been completed; under existing law the owners need only provide life jackets for the crew- no life rafts, no survival suits, no seaworthiness inspections. The law before the House (HR 1841) would require processors to be inspected and carry survival equipment.

I certainly support your efforts in Alaska. A similar bill is before the California legislature. But I really think that the issue must be dealt with on the Federal level, since fishing vessels operate in so many different jurisdictions. Peggy and I would welcome your support, particularly with the Alaska Congressional delegation.

We look forward to hearing from you.

Sincerely yours,

Bob Barry

# THE MISSION OF PEGGY BARRY

by Ivy Harper

Letters have always been a lifeline. For Alaskan authorities in the summer of 1985, a soggy but still legible letter in the jeans pocket of a body found floating near Kodiak Island enabled them to identify the fair-haired youth.

For Robert and Peggy Barry, letters that summer from their 20-year-old son Peter provided a glimpse of Alaska through his observing eyes. Throughout his first trip to the John Muir coast, Peter Barry sent home stories about the soaring scenery, the Kodiak bears, camping on the beach, clam digging, hosing the "slime line" at a fish processing plant and finally, tragically, working the deck on a salmon boat. And, despite death, those letters provide his family with a lasting presence and treasured memories of the introspective Yale anthropology student.

The discovery of Peter Barry's body on August 20, 1985, was the first indication local fishermen had that all was not well with the Western Sea, the boat Barry had boarded five days earlier with its captain and four other crewmen. Coast Guard employees immediately began search and rescue operations in a fruitless effort to locate the overdue ship and any survivors.

Meanwhile, Robert and Peggy Barry received the telephone call that every parent fervently hopes never to receive—the one that regretfully informs them. But in this case, Alaskan state officials, Coast Guard authorities and resident fishermen were not merely messengers bearing the grievous news of Peter Barry's accident; they were willing, forthright critics of the country's commercial fishing industry. What Robert learned during his two-day stay in Alaska to claim the body of his middle child forever altered the Barrys' lives and plunged them into the maze-like world of fishing vessel safety and insurance.

Robert learned that his son unsuspect-

ingly boarded a deathtrap—an unstable vessel with rotten planking that had never been inspected and did not carry lifeboats or rafts, survival suits or an emergency position indicator radio beacon (EPIRB). And he learned that had the owner of the 70-year-old wooden purse seiner lived, he wouldn't have broken a single law.

As implausible as that sounded to them at the time, the Barrys said, they were told that this nation's 33,000 uninspected commercial fishing vessels are virtually regulation-free. Vessel owners are not required to provide basic safety and survival equipment, boats need not be inspected, stability checks are voluntary and neither training for crew nor licensing for skippers is required.

"We were stunned, shocked," Peggy said. "We absolutely couldn't believe what we were hearing."

It got worse. They discovered that commercial fishing has by far the poorest safety record of any American industry and that many locals were also "disgusted by the lack of regulation"—information that especially haunted the Barrys in those first few months after their son died. If art imitated life, Willie would wail "Mama don't let your babies grow up to be fishermen," because the accidental death rate for cowboys of the sea is seven times the industrial average. Some 250 boats and an average of 75 lives are lost every year in vessel flooding, capsizing, fire or explosion disasters. And yet this is an industry that, to this day, puts the final responsibility for safety and survival on individual crew members.

*National Fisherman* magazine once editorialized that crewmen should provide their own immersion suits (they cost about \$300) or "switch to another boat." The editorial drew an angry response from the director of the U.S. Marine Safety Association: "What about a quality life raft (\$3,350) that is properly



**Commercial fishing has by far the poorest safety record of any American industry and many are "disgusted by the lack of regulation."**

Pam Glass

installed and serviced or an EPIRB. (8375) with an up-to-date battery? Should a crewman provide these also? We think not. Crewmen—fishermen—should not have to worry about these items any more than a passenger on a liner or ferry should worry about whether there are adequate life jackets. Those who go to sea to fish should only worry about whether they can do an already difficult job—catching fish."

The issue of voluntary versus mandatory safety regulations was being debated with little urgency or intensity when the Barrys entered the vessel safety picture in the fall of 1985. Overwhelmed by their loss and the feeling that their son was a victim not of the sea but of negligence, the Barrys vowed to push for reform. They joined a passionate, but geographically scattered, group of marine safety advocates whose crusade for change had been building momentum, but whose efforts had been stymied by, among other factors, lack of a persistent voice in Washington, D.C. The Barrys, Washington residents, became that voice. And Peggy, however emotionally unprepared, became spokesman by default when her husband left for Sweden in the fall of 1985 to head the U.S. delegation to the Conference on Disarmament in Europe.

She remained in the United States, immersing herself in marine safety issues, and expanded her role as mother, homemaker and part-time volunteer teacher to include outspoken, well-versed marine safety advocate. As her understanding of the issue deepened, so did her commitment. She collected newspaper clippings, pored over statistics, contacted legislators, met with editorial writers, attended hearings, drafted testimony and dissected opposing testimony. Slowly, Peggy transformed two rooms in her four-story northwest Washington home into a national clearinghouse for other relatives of victims at sea—Pete Zimny, Robert Darling, Leland and June Welsh, Rosemary and Roderick Hofer, Maxine and Don Klingenberg and Mary Finch Hoyt (press secretary to Rosalyn Carter)—parents who shared a common anguish and sense of frustration at the appalling safety record of an industry that had claimed the lives of people they loved.

And now, two and a half years after her involvement began, Peggy is roundly credited as the engine that has propelled safety reform legislation to its present position, which is miles farther than it has ever been before. As this issue of *American Politics* goes to press, unprecedented and historic fishing vessel safety

and insurance legislation is moving swiftly (by Hill standards) through Congress,

## **National Fisherman once editorialized that crewmen should provide their own \$300 immersion suits or "switch to another boat."**

and some version of several bills under consideration is expected to pass both houses and become law this spring.

The Commercial Fishing Industry Vessel Safety and Compensation Act, introduced by Rep. Gerry Studds (D-Mass.), establishes requirements for basic safety equipment and provides guidelines for timely compensation for temporary injuries incurred by seamen on fishing industry vessels. Similar legislation has been introduced in the Senate by Sen. John Chafee (R-R.I.). Ardent safety crusaders, while supportive of the Studds-Chafee legislation, prefer HR 1836, a bill introduced by Rep. Mike Lowry (D-Wash.), which addresses safety alone. In addition to mandating safety equipment, it requires crew licensing and Coast Guard inspection of vessels. But Lowry's bill is unlikely to move because it has a price tag and doesn't deal with insurance. (The industry has been plagued for years by unaffordable and unavailable marine insurance. Throughout the last two decades, concern for safety has been systematically eclipsed by industry concern about insurance premiums and caps on compensation.)

**N**ot everyone is optimistic that safety legislation is imminent. Richard Hiscock, an independent marine safety expert and advocate who operates out of his home in North Chatham, Mass., said, "I won't believe legislation until I see President Reagan sign the bill."

Hiscock's skepticism is understandable. Historically, fishing vessel owners have virulently opposed Government regulation on the grounds that Government intervention will subject them to rules drafted by bureaucrats "who don't

know the pointy end from the fat end of a boat." A fiercely independent, rugged, often well-off group of entrepreneurs, they dismiss legislators and safety advocates as outsiders unable to comprehend what happens on a fishing boat who will submarine the fishing industry with costly, ignorant legislation. And an unspoken fatalism, a sense that "when your number's up, it's up," pervades the brotherhood—all the more reason to resist legislation.

"The fishing industry has traditionally lobbied that regulation would put them out of business," said John Sabella, director of the North Pacific Fishing Vessel Owners Association's fishing vessel safety program. "I'm not trying to argue the logic of this, I'm simply telling you that the historical record [shows] Congress has always bought the argument that it would be a financial penalty that the industry couldn't bear as well as the idea that these guys are buying into a share of the risk as well as the reward. Fishermen are joint-venture partners going for a share of the catch, not employer-employee. And for a long time, Congress generally regarded them as capable enough seamen, because fishing is a profession that's traditionally been handed down from father to son, that they could cope with the normal hazards they face." normal hazards they face."

Safety advocates generally agree with that overview, but argue that many fisheries (the Bering Sea, for example) have expanded rapidly and that the traditional image of the pop-and-sons operation no longer holds true across the board. "Congress's resistance [to regulating the fishing industry] stems from their collective desire to cling to one last frontier in America," said Hiscock, explaining why Congress has allowed the industry to go unregulated despite its disastrous safety record. "A great romance about fisheries exists, very similar to farming but even more intense. I know coastal representatives have been clinging to that sentiment for years. Unfortunately, vessel owners are businessmen who need to be regulated or they have a tendency to run amok."

And while there is no one voice that speaks for the industry, it is generally agreed that lobbyists for vessel owners and fish processors have been extremely effective at the Congressional committee level in maintaining the status quo. And as fishing methods and processing operations have become increasingly sophisticated, so too have industry representatives. Not only does the commercial fishing industry belong to and operate general trade associations and foundations, it runs species-specific ones that protect salmon, shrimp and tuna fishing

interests. Until recently, these lobbyists battled any kind of mandatory regulation.

That Peggy Barry managed, in just over two years, and on a personal outlay of \$1,000 for postage and photocopying costs, to focus so much attention on the safety issue that even vessel owners are resigned to the inevitability of safety legislation, is nothing short of remarkable.

The Barrys were unaware when they began their quest for mandatory safety legislation that they were going up against a phalanx of industry members wary of an outsider pushing a safety agenda. "We have been referred to as outsiders," said Peggy Barry. "The *Alaska Fishermen's Journal* turned that into an advantage, suggesting that the industry needed 'outsiders' to point out their faults." Odd as it may sound, considering the number of marine fatalities, Peggy was the first relative of a victim-at-sea ever to agitate and become a household name within the close-knit fishing industry, an industry dominated by men, many of whom are described by one Hill aide as "supremely macho." And so, while Peggy is publicly praised by some in the industry, there is a strong undercurrent of resentment toward her among many who maintain that Robert Barry's credentials and connections (he is the deputy director of Voice of America and served as U.S. Ambassador to Bulgaria from 1981 to 1984) are the real reason for the Barrys' inroads.

"I never have and never will use my official position in the Government in any capacity on this issue," said Robert Barry. "When I go and meet with anybody, I do it as a private citizen on my own time. Besides, Peggy has, for the most part, met with the congressmen and senators and others, and they certainly don't react to her because of my position. Whatever influence we have is not based on who we are, but on what we have to say."

"Fishermen have been dying for years, then one Yalie dies and the whole world seems to get up in arms," said Sabella. "Fishermen die far away in remote places and they're never seen again and the public basically doesn't pay much attention. Peter Barry happened to be a very publicized case, and his parents happened to be extremely influential people. The sad stories of the Barrys and Peter Zimny and a few other of these people have been touted in the media ad nauseum, and yet there are people that have been dying up here. When the A-boats went down that took 14 people, most of whom were related, from the small community of Anacortes. There are

enormous tragedies in this industry, and all of us regret them greatly and work

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**Barry learned during his stay in Alaska to claim the body, that his son had unsuspectingly boarded a deathtrap—an unstable vessel with rotten planking that had never been inspected and did not carry lifeboats.**

---

very hard to insure that they don't happen."

Sabella is widely recognized for his safety program, a voluntary training course funded in part by the National Marine Fisheries Service. He calls his work the most extensive effort to control casualties ever undertaken in the U.S. commercial fishing industry and says the program has essentially become a condition of employment along the Seattle waterfront.

Peggy Barry praises Sabella's program, but she maintains that parts of it are too costly for the average vessel owner. And because it is voluntary, it has no impact on operators who are not conscientious enough to participate if not required to by law. "It's a splendid program, but it serves the elite of the industry. To say that it completely covers all the fishing vessels on the Seattle waterfront simply is not true. The *Western Sea* was based out of Seattle."

She adds that Sabella once told her, "Your son never would have gotten a job around here." She responded that she wished that sort of exclusivity had prevented her son from being hired in Alaska. The fact remains, she says, that 15,000 college students just like Peter, naive about the dangers and difficulties of commercial fishing, migrate to Alaska

every summer.

"Young people respond to such ads as that which appeared in the February 1986 issue of *Newsweek*, which virtually promised a summer's income of \$5,000 to \$7,000," she said in testimony before Congress. She also cites the cover of a popular outdoors magazine that dazzled readers with the claim that they could earn \$8,000 an hour fishing in Alaska.

Earl Comstock, fisheries aide to Sen. Ted Stevens (R-Alaska), says it is unfair to accuse the fishing industry of luring college students to Alaska through hyped-up advertisements. "I'm from the West Coast and I had to do quite a bit of checking to find out how you go about getting a deck job on a fishing boat," Comstock said.

And Sabella argues that no competent vessel owner will take on a college student as a crew member. Talking about Alaska, Sabella said: "A lot of the college kids work in the processing plants, but getting a deck job on a fishing boat is something guys spend years trying to do. College kids go to Alaska because it's a great romance and they wind up working the slime line on a fish processor and decide once is enough, so most of them don't come back. A salmon seiner can gross a million bucks a year and the crew makes real good money... on a high line boat. Jobs on those boats are hard to come by and few between.

"The reason he (Peter Barry) got a job on a bum boat was because he didn't know what he was doing. College students don't just stroll out here for the summertime and get a high-paying job on a good boat. Fishing is a real career—this is serious business. That guy that drove the *Western Sea* probably couldn't hire anybody else but a college kid."

Asked if college students offered a deck job should automatically respond, "I wouldn't want to join any crew that would have me for a member," Sabella said. "Probably."

"The root of the problem of fishing vessel safety is human error," Sabella stresses. "Today's fishing vessels are better built and equipped than they ever have been historically. And yet no vessel is ever safe from the threat of human mistake. A lot of the critics of the fishing industry are parlor people who simply do not realize that making a living at sea is dangerous no matter how you cut it."

**S**abella was correct in his assessment of the captain of the *Western Sea*. As the Barrys discovered later, the crewman Peter Barry replaced quit because he was nervous about the ship's seaworthiness. Too inexperienced to be

suspicious. Peter only felt lucky that a deck job had opened up. After earning next to nothing digging for clams and leaving the cannery where he had worked earlier rather than cross a picket line, he was eager to land a job where he might earn good money while experiencing the beauty and excitement of a state he had studied for years. The Western Sea seemed like the fulfillment of a promise.

But knowing that the Western Sea was not a typical "good" boat is small solace to the Barrys, because regardless of how hard their son had to look to find his deck job and how many warning signs he innocently overlooked, he found a job that killed him. And the Barrys contend that, naive or not, college student or career fisherman, all workers should be protected, to the extent humanly possible, from a hazardous working environment.

A National Transportation Safety Board study issued in September strongly echoed the Barrys' position: "In many casualties, the absence of basic safety equipment drastically narrowed the chances that the captain and the crew members would survive in the harsh sea environment." In a scathing indictment of the commercial fishing industry, the N.T.S.B. called for sweeping regulation of fishing vessels and fishermen, in many cases proposing rules far stricter than those incorporated in pending Congressional legislation. "The use of voluntary training and manuals to improve the poor safety record in the industry was started at least as early as 1968, but has not been successful," the Board concluded.

The Barrys, deeply troubled to hear their son typecast pejoratively as a "Yalie," have let the taunts slide. Early on, as they realized how intense the opposition to their efforts would be, they decided to concentrate strictly on the cause.

But, if they were to be labeled as well-connected outsiders, the Barrys would not allow vessel owners the luxury of being insiders and of representing, as they so often claimed, the "man on the boat." In testimony before the Senate Commerce Committee last December, Peggy wrote: "In three years of hearings on fishing vessel safety and insurance there has been a great deal of testimony, much of it repetitious, from lobbyists and industry groups. What is missing is the testimony of the men on the boats, the crewmen ... who risk their lives and health with every voyage. We have learned that frank testimony of this sort is hard to come by, because the crewman who calls for new mandatory safety requirements is likely to be, at best, unpopular in the industry and, at worst, unemployable. We [the Barrys] have been con-

tacted by a number of professional fishermen who want to tell their story,

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## Fishing vessel owners have virulently opposed regulations drafted by bureaucrats "who don't know the pointy end from the fat end of a boat."

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but fear being blackballed if they do so."

In her testimony, Peggy's forceful public persona surges to the fore, punctuated by a lancet-like delivery that has moved more than a handful of House and Senate members. But privately, she still trembles when she talks about Peter's death, struggling to finish sentences, occasionally trailing off. And both Peggy and Robert, while aware that they are the point people for the issue, shy away from credit, stressing work done by other victims' relatives and rerouting the conversation back to the issues involved in the safety campaign.

But Capitol Hill aides working on the issue unanimously recognize the Barrys as catalysts for the movement. "There is no question that, with respect to the safety issue, the Barrys have been and continue to be the carriers of the flag," said Jeff Pike, fisheries aide to Studds. Echoing that sentiment, a top Senate commerce aide said, "It is fair to say that the safety issue has moved because of the force and sheer doggedness of Peggy Barry."

Hiscock is more blunt. "I always suspected it would take the death of the right-slash-wrong person before Congress would seriously act on this issue."

The Barrys' work has raised the consciousness of representatives of inland districts, but more important, they have had a profound impact on legislators from fishing districts. Ted Stevens is one of them.

"I think if you look at people like Senator Stevens, it is clear that he is now more interested in the safety aspect than he is in the insurance aspect—a complete turnaround from his position two years

ago," Robert Barry said. "Before 1985, Congressional hearings were held on fishing vessel safety and insurance, but the whole thrust of the thing was vessel insurance. That's what the committee was interested in, and that's what the industry was interested in. Then, the focus began to change, the safety part began to be more important."

So much so, the Barrys believe, that even if an impasse develops among negotiators hammering out the insurance parts of the legislation, a safety-only bill will sail through Congress. But the Barrys, like Hiscock, are not completely confident that their efforts won't be thwarted at the last minute. Last spring, a safety and insurance bill was shelved when the Association of Trial Lawyers of America successfully opposed a cap on liability claims. "I think that there is maybe a 50-50 chance that the part of the bill that deals with compensation will not work out [and] there won't be a compromise that's findable between the trial lawyers and the fishing industry," Robert says of this year's bill.

Although the controversial cap has been removed from the current bill, Peggy said a case could be made that "some of the trial lawyers and some in the fishing industry, their main goal is to see that no safety bill passes. One way of accomplishing that is to link the two and make sure they never get separated."

But even without the insurance provision, the bill may pass strictly as safety legislation. "I've heard from everybody, and people are generally reluctant to say this, but they've all said, Well, if there's no way of finding something that will cover the insurance problem, then something's going to be done about safety without the insurance provisions," said Robert hopefully.

Safety should not be held hostage to insurance, Peggy added, pointing out that the Administration, the Congress and the industry itself are on record in favor of mandatory safety equipment. (The Coast Guard recently reversed its opposition to mandatory safety equipment.) That may make it difficult to kill the safety parts of the legislation simply because separate insurance problems cannot be resolved. And not to pass a bill, insurance notwithstanding, is, the Barrys say, "to condemn people to death."

Listen to Peggy Barry describe the last three years of her life, and the stories of John Walsh and Candy Lightner come to mind. What those parents-turned-activists are to missing children and Mothers Against Drunk Driving, Peggy Barry is to fishing vessel safety.

The bereaved parent as catalyst for ma-

job legislation—a painfully familiar theme throughout the 1980s. And now the decade closes with yet another movement galvanized by the upset of life's natural order—a child predeceasing his parents.

Peggy knows she can never bring her son back. She knows that the light feeling parents have when all their children are alive and healthy will never return. She also knows that more fishermen will return safely to their shores because of her work.

She reads from a letter she received from an American couple now living in Australia whose 29-year-old son drowned when the *Uyak II*, a commercial fishing vessel, capsized in a calm sea in one minute because of a flooded lazaret. "If an experienced fisherman like Greg can get caught by lack of knowledge of a boat's reliability, what possible chance do these young college students who flock by the thousands to work in the summer have? Some have no idea whatsoever what they are doing, what the job description is, what basic safety rules to follow, what survival gear is needed or how to use it, nor any idea of what to do in case of an accident. No other industry in the United States could get away with this type of neglect for their employees' welfare."

Letters are a lifeline, but now the lifeline stretches between parents hoping somehow to make sense of tragedy and to channel their grief into constructive change. "We've asked only for the safest possible workplace and that the man in the boat be adequately prepared," Peggy said. "This is all we ask for, not miracles." ●

*Ivy Harper, a Washington writer, worked for former Rep. John J. Cavanaugh and for the United States Tuna Foundation. This is her second contribution to American Politics.*

continued from page 37

Unfortunately, the Democrats have been able to convince a lot of people over the years that they are the only ones who really give a damn about minorities. They spend a lot of time talking about the problems that affect minorities most acutely. And, most important, they spend a lot of time talking to minorities. If Republicans hope to wean blacks, Hispanics and other traditional Democrats away, we're going to have to begin doing the same thing. It's going to take more than talking, though, to produce some real gains for those minorities. It remains to be seen whether either party is up to that task. ●

## Does the Deficit Matter?

### BALANCED BUDGETS AND AMERICAN POLITICS

By JAMES D. SAVAGE

"Likely to be considered a classic from the moment it is published  
—Stanley E. Collender, Touche Ross & Co.

Since the stock market crash in October, reducing the federal government's budget deficit has become a top priority among our nation's leaders. A topical issue but hardly a new one, balancing the federal budget has been a perennial source of conflict in American political life. James D. Savage here explores the causes and development of the nation's preoccupation with this issue, arguing that the American fascination with the idea of balancing the federal budget is deeply rooted and reflects more than a contemporary concern about interest rates, inflation, depression, or even the outcome of the ongoing budget debates. \$27.95

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Introduced: 2/16/88  
Referred: Labor and Commerce and  
Resources

5-1961A

1 IN THE SENATE

BY ZHAROFF AND SZYMANSKI

2

SENATE BILL NO. 455

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to safety equipment for commercial  
7 fishing vessels; and providing for an effective  
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 30 is amended by adding a new chapter to read:

11 CHAPTER 35. SAFETY STANDARDS FOR COMMERCIAL FISHING VESSELS.

12 Sec. 30.35.010. SURVIVAL SUITS. (a) A vessel engaged in  
13 commercial fishing in state water is required to be equipped with a  
14 survival suit for each person on board the vessel.

15 (b) A survival suit required under (a) of this section must be  
16 equipped with a safety light and a Class B emergency position in-  
17 dicating radio beacon.

18 (c) In this section "safety light" means a United States Coast  
19 Guard approved personal rescue light.

20 Sec. 30.35.020. LIFE RAFTS AND LIFE BOATS. A vessel larger than  
21 five net tons engaged in commercial fishing in state water is required  
22 to be equipped with a United States Coast Guard approved life raft or  
23 life boat, or a combination of life rafts or life boats, capable of  
24 accommodating every person on board the vessel.

25 Sec. 30.35.030. CLASS A EPIRBs. A vessel larger than five net  
26 tons engaged in commercial fishing in state water is required to be  
27 equipped with a Class A emergency position indicating radio beacon.

28 \* Sec. 2. APPLICABILITY. The requirement of AS 30.35.010(b), enacted  
29 by sec. 1 of this Act, that survival suits be equipped with lights applies

1 to all vessels engaged in commercial fishing after December 31, 1988. The  
2 requirement of AS 30.35.010(b), enacted by sec. 1 of this Act, that sur-  
3 vival suits be equipped with Class B emergency position indicating radio  
4 beacons applies to all vessels engaged in commercial fishing after  
5 December 31, 1989. The requirement of AS 30.35.030, enacted by sec. 1 of  
6 this Act, that certain vessels be equipped with Class A emergency position  
7 indicating radio beacons applies to all vessels larger than five net tons  
8 engaged in commercial fishing after December 31, 1988.

9 \* Sec. 3. This Act takes effect July 1, 1988.

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: CSSB (L&C)  
PUBLISH DATE: 4/29/88 SENATE

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Office of the Governor  
 Title: An Act relating to safety equipment for commercial fishing BRU: Executive Operations  
 Sponsor: Labor & Commerce Committee Components: Executive Office  
 Requestor: Senator Tim KELLY

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		-0-				
TRAVEL		-0-				
CONTRACTUAL		-0-				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-				

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-				
FEDERAL FUNDS						
OTHER						
TOTAL		-0-				

POSITIONS:

FULL-TIME		-0-				
PART-TIME		-0-				
TEMPORARY		-0-				

ANALYSIS : (Attach a separate page if necessary)

Prepared by: *J. M. [Signature]* Phone: \_\_\_\_\_  
 Division: *J. Soc. L&C* Date: 4/29/88

Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)

3/15/88  
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FISCAL NOTE

REQUEST: -

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
Title: "An act relating to safety equipment for commercial fishing vessels..." BRU: Fish & Wildlife Protection  
Sponsor: Zharoff and Symanski Components: Marine Enforcement  
Requestor: Senate Labor & Commerce Enforcement

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Captain Conrad G. Seibel Phone: 269-5509  
Division: Fish & Wildlife Protection Date: 2/24/88  
Approved by Commissioner: A. Hoetski, Dep. Comm. Date: 3-14-88  
Agency: Department of Public Safety

Distribution (by preparer):  
Legislative Finance  
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Office of Management and Budget  
Impacted Agency(ies)

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MAR 14 1988

SB 455

SENATE COMMITTEE REPORT

FURTHER

FINANCE

4/30/88

DATE TURNED INTO OFFICE \_\_\_\_\_

Mr. President:

RESOURCES \_\_\_\_\_ Committee considered SB 455 \_\_\_\_\_

safety equipment for commercial fishing vessels; efd

and recommended

[ ] replace with \_\_\_\_\_ CS \_\_\_\_\_ ) [ ] same title  
[ ] or adopt \_\_\_\_\_ CS \_\_\_\_\_ ) [ ] new title

[ ] attached amendment(s) and

[ ] do pass

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

[ ] further referral to \_\_\_\_\_

[ ] letter of intent adopted \_\_\_\_\_

Committee [ ] attached or [ ] adopted fiscal note(s)

[ ] new [ ] updated or [ ] previous

[ ] zero [ ] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

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\_\_\_\_\_  
Chairman signature and recommendation

[ ] Committee Backup attached

*Waived 5/2*

