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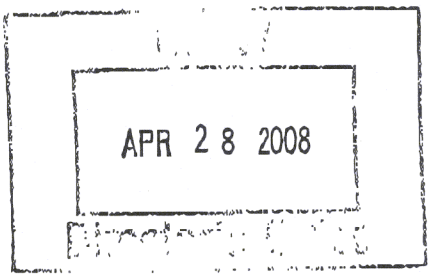

April 25, 2008

Ms. Marla Rae, Chairman
Oregon Fish and Wildlife Commission
333 High Street NE, Suite 202
Salem, OR 97301

Re: Safety in Dungeness Crab Fishery

Dear Chairman Rae:

Each December, the season for Dungeness crab begins. And each season a sense of fear descends on coastal communities and their families. Will our husband, sons, brothers, and friends return safely from the sea?

The fishery is managed by this Commission and the Oregon Department of Fish and Wildlife. Although the Commission has regulated the fishery for social and economic reasons by limiting the number of pots a vessel may fish, and also by limiting entry into the fishery without a permit, the Commission has failed to adopt management measures that would markedly improve safety at sea.

Currently, when the season opens, vessels from 30 to 100 feet rush to sea, loaded with pots. The vessels are not required to be inspected for safety. Vessels less than 75 feet are not required to have a stability study as to the weight they can safely carry or how the load should be balanced. There is no requirement that a vessel have insurance.

What can be done?

ODFW should require each vessel owner to provide proof that he has obtained a voluntary Coast Guard inspection in the month prior to the renewal of his crab or other permit. The state of Alaska has required vessels have an inspection prior to the issuance of a permit, and deaths have declined. Despite the popularity of the TV show "Deadliest Catch," portraying Alaska's fisheries, as the most dangerous, the exact opposite is true. Oregon's Dungeness crab season is the most deadly in the nation. I have attached to this letter a copy of the report from the National Institute for Occupational Safety and Health, as well as an article from *The Oregonian*.

There is no guarantee that a voluntary safety inspection, or a dockside safety inspection, will prevent loss of life at sea. Our vessel, the Nesika, capsized at sea in December 2001. Four men died, including our oldest son, Ben, then age 21. The vessel had both a voluntary Coast Guard safety inspection several months before the accident, as well as a dockside safety inspection by the Coast Guard, while the boat was fully loaded with pots, and was "checked off" at the dock as the load of pots being appropriate.

But even though there are exceptions to the rule, experience in Alaska has shown there have been decreases in their loss of life at sea with the implementation of measures such as requiring vessel inspections before issuance of permits.

There is another way this Commission could improve safety at sea, and yet has repeatedly failed to do so.

The Commission could regulate the fishery to save lives by implementing a system of individual quotas. A vessel would be allotted a certain number of crabs to catch based on an estimate of a sustainable yield. He could choose when to go to sea based on weather, availability and price. But most important of all, a 30 foot vessel wouldn't feel compelled at the start of the season to cross the same bar or go out in the same type of weather as a 100 foot vessel.

Individual quotas work. Implemented in Alaska in the halibut and sablefish longline fisheries more than 10 years ago, and recently, in the Bering Sea crab fishery, the deaths in the Alaska fisheries have declined.

The idea of individual quotas has been presented to this Commission in written and public testimony several times in the past and discussed repeatedly with staff. Because it is controversial, and initial allocation of catch is difficult, the Commission has failed to act on it, instead choosing to limit the number of pots a vessel may fish. While that may meet a certain socio-economic goal, the Commission has failed to act in a manner where safety is paramount. The Commission should be advised that we have sold our remaining vessel and our crab permits and no longer have a financial interest in the management of this fishery.

Another way to increase safety in the commercial fisheries is to require vessel owners to provide proof of insurance prior to the issuance of a permit for any commercial fishery. Oregon doesn't think twice about requiring a driver to have insurance to drive a vehicle; it should also act to require proof of insurance for all vessels for the protection of the owner, skipper, and crew.

Require a Coast Guard inspection of the vessel before issuing or renewing the crab permit giving a vessel owner the right to take a boat to sea. Implement an individual quota program for catching crab to eliminate the dangerous race for fish. Make insurance coverage mandatory before issuing a permit. Please take these steps to improve the safety of this fishery.

I would appreciate it if you would place these issues on your June agenda for discussion and implementation of rule changes prior to the start of the next Dungeness crab season.

Very truly yours,

Michele Longo Eder

MLE:tm

cc: Commissioner Dan Edge, OFWC
Commissioner Jon Englund, OFWC
Commissioner Carter Kerns, OFWC
Commissioner Skip Klarquist, OFWC
Commissioner Bobby Levy, OFWC
Commissioner Zane Smith, Jr., OFWC
Director Roy Elicker, ODF&W
RADM John Currier, U.S. Coast Guard

CDC

MMWR

Morbidity and Mortality Weekly Report

www.cdc.gov/mmwr

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Workers' Memorial Day — April 28, 2008

Workers' Memorial Day, observed each year on April 28, was established to recognize workers who died or were injured on the job. In 2006, 5,840 workers in the United States died from injuries sustained at work (1); an estimated 49,000 annual deaths have been attributed to work-related diseases (2). In 2006, an estimated 4.1 million private-sector workers had a nonfatal work-related injury or illness; approximately half of these workers required a job transfer, work restriction, or time away from their jobs (3). An estimated 3.4 million workers were treated in emergency departments in 2004 because of occupational injuries, and approximately 80,000 were hospitalized (4). In 2005, workers' compensation costs for employers totaled an estimated $89 billion (5).

Additional information on workplace safety and health is available from CDC at http://www.cdc.gov/niosh. Information also is available by telephone, 800-CDC-INFO (800-232-4636).

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Commercial Fishing Fatalities — California, Oregon, and Washington, 2000–2006

During 2000–2006, commercial fishing was one of the most dangerous occupations in the United States, with an average annual fatality rate of 115 deaths per 100,000 fishermen. By contrast, the average annual occupational fatality rate among all U.S. workers during the same period was four deaths per 100,000 workers (*1*). During the 1990s, safety interventions in Alaska fisheries were followed by declines in that state's commercial fishing fatality rates (*2*). To assess the need for similar safety improvements in the other three Pacific Coast states, CDC analyzed data on commercial fishing fatalities from California, Oregon, and Washington during 2000–2006. The results of that analysis indicated that the three states combined had an average annual commercial fishing fatality rate of 238 deaths per 100,000 full-time equivalent (FTE) fishermen, approximately double the fishing fatality rate nationwide during the same period. CDC also determined that safety equipment (e.g., immersion suits or life rafts) had not been used adequately in these fatal events, and that the Northwest Dungeness crab fishery had the highest fatality rate of any fishery located off the coasts of California, Oregon, and

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CENTERS FOR DISEASE CONTROL AND PREVENTION

Washington. To reduce fatalities among the Pacific Coast commercial fishermen at greatest risk, additional prevention measures tailored to the Northwest Dungeness crab fishery should be considered.

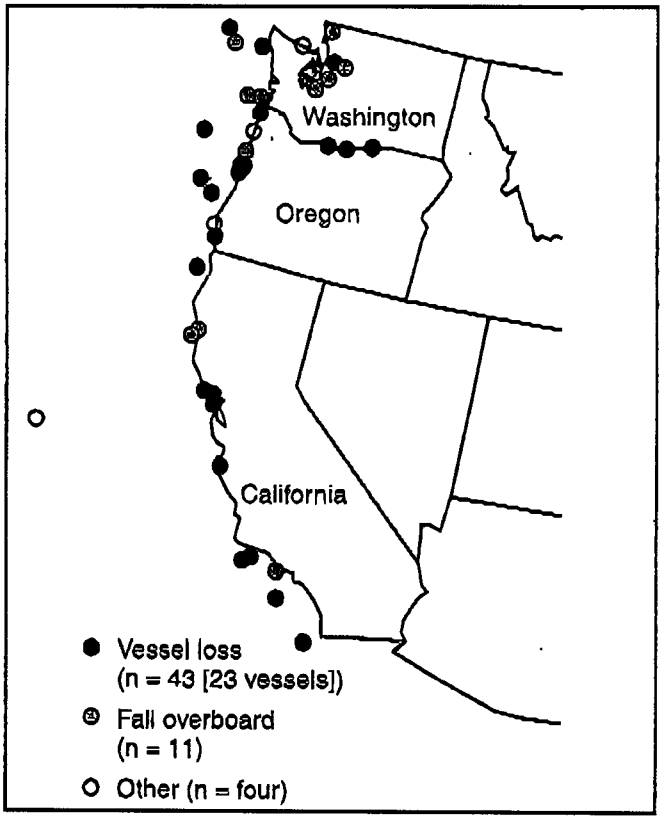
A case was defined as a fatal occupational traumatic injury in the commercial fishing industry during 2000–2006 reported from California, Oregon, or Washington. Determination of an occupational fatality used established guidelines for injury at work, which take into account where the injuries occurred (i.e., on or off employer premises) and whether the person was being compensated for the activity at the time of the event (*3*). Data were collected from multiple sources in each state, including reports from the U.S. Coast Guard, local law enforcement agencies, and local media; death certificates; and state-based occupational fatality surveillance programs.

Fatality rates were calculated using estimates of the number of FTE commercial fishermen for each year during 2000–2006; these estimates considered the number of vessels participating in a fishery, number of days at sea, and average number of crew members on board each vessel. Estimates of the number of FTE fishermen in some small-scale fisheries could not be determined; therefore, fatal events from those fisheries were included in the descriptive statistics but not in the rate calculations.

During 2000–2006, a total of 58 commercial fishing fatalities were reported from Oregon (21 [36%]), California (20 [34%]), and Washington (17 [29%]) (Figure). The number of fatalities, by year, during 2000–2006 was as follows: 2000 (eight), 2001 (seven), 2002 (10), 2003 (eight), 2004 (10), 2005 (five), and 2006 (10). All 58 decedents were male; mean age was 39 years. Forty-three (74%) of the fatalities resulted from the loss (i.e., capsizing or sinking) of 23 fishing vessels, 11 (19%) resulted from persons falling overboard, and four (7%) resulted from other incidents involving deck injuries or diving injuries.

Among the 43 fatalities that resulted from vessel loss, weather conditions were a contributing factor in 34 deaths (79%); other contributing factors included large waves (17 [40%]), flooding (16 [37%]), and vessel instability (11 [26%]) (Table 1). Among the 11 deaths that resulted from falling overboard, none of the persons wore a personal flotation device. Contributing factors in these deaths included being alone (six deaths [55%]), slipping or tripping (six [55%]), gear entanglement (three [27%]), wet or slippery deck (three [27%]), and alcohol or drug use by a decedent (three [27%]) (Table 1).

FIGURE. Number of commercial fishing fatalities,* by location and fatal event — California, Oregon, and Washington, 2000–2006



*N = 58.

None of the 43 persons whose deaths resulted from vessel loss were able to enter a functional life raft. In 12 (28%) of the fatalities, no life raft was aboard the vessel; however, seven of those deaths were among fishermen aboard skiffs that were too small to carry a life raft. Other life raft complications included malfunctioning (12 [28%]) and inability to reach a raft (9 [21%]) (Table 2).

Three (13%) of the 23 vessels that were lost had a current decal from a U.S. Coast Guard voluntary dockside safety examination. Three vessels had expired decals (i.e., >2 years since the examination), and 12 vessels did not have a decal and might have never participated in the safety examination program. Four vessels were skiffs and were not included in the examination program; decal status was unknown for one vessel. Among fatalities in these 23 vessel losses, three persons died despite successfully donning an immersion suit*; 31 persons did not use an immersion suit, and immersion suit use was unknown for the other nine persons. Information regarding how many of the vessels had immersion suits aboard was not available.

The highest number of fatalities (23 [40%]) was reported from the shellfish fishery (including 17 from the Northwest Dungeness crab fleet), followed by salmon and other pelagic fisheries (15 [26%]) and the groundfish fishery (10 [17%]). Type of fishery was not identified for 10 fatalities.

TABLE 1. Number and percentage of fatalities* from commercial fishing vessel loss or falls overboard, by contributing factors — California, Oregon, and Washington, 2000–2006

Contributing factor†	No.	(%)
Vessel loss		
Weather conditions	34	(79)
Struck by large wave	17	(40)
Flooding	16	(37)
Instability	11	(26)
Grounding	8	(19)
Crossing hazardous sandbar	7	(16)
Illicit drugs used by any crew member	6	(14)
Open door or hatch	3	(7)
Fatigue experienced by any crew member	2	(5)
Alcohol used by any crew member	1	(2)
Falls overboard		
Alone (not witnessed)	6	(55)
Trip or slip	6	(55)
Gear entanglement	3	(27)
Wet or slippery deck	3	(27)
Alcohol or drugs used by the decedent	3	(27)
Lost balance	2	(18)
Ropes on deck	2	(18)
Fatigue experienced by the decedent	2	(18)
Vessel motion	1	(9)

*Vessel loss (n = 43 [23 vessels]); falls overboard (n = 11).
†Fatalities might have had more than one contributing factor.

TABLE 2. Number and percentage of fatalities from commercial fishing vessel loss,* by life raft complications — California, Oregon, and Washington, 2000–2006

Life raft complications†	No.	(%)
No raft aboard vessel§	12	(28)
Raft malfunctioned	12	(28)
Unable to reach raft	9	(21)
Unable to free raft	3	(7)
Trapped in vessel	3	(7)
Unknown	4	(9)

*N = 43.
†None of the fishermen who died were able to enter a functional life raft.
§Includes seven deaths of fishermen aboard four skiffs that were too small to carry a life raft.

*One person who drowned wore the immersion suit improperly; another person wore the suit properly but died from head trauma after striking his head on rocks; the third person wore the suit properly but drowned, with no indication of head trauma.

The average annual number of FTE fishermen in the three states was 2,706. This number included annual averages of 828 in the shellfish fisheries (including 524 in the Northwest Dungeness crab fleet), 1,084 in the salmon and other pelagic fisheries, and 794 in the groundfish fisheries. The average annual fatality rate for all fisheries in the three-state area during 2000–2006 was 238 deaths per 100,000 FTE fishermen. The shellfish fishery had the highest average annual fatality rate (362 deaths per 100,000 FTE fishermen); within that fishery, the rate for the Northwest Dungeness crab fleet was higher still (463 deaths per 100,000 FTE fishermen). The salmon and other pelagic fisheries had a fatality rate of 132 deaths per 100,000 FTE fishermen, and the groundfish fisheries had a rate of 72 deaths per 100,000 FTE fishermen.

Reported by: *J Lincoln PhD, D Lucas, MS, Alaska Pacific Regional Office, National Institute for Occupational Safety and Health, CDC.*

Editorial Note: Commercial fishing has long been associated with high fatality rates; however, this report is the first to identify the most hazardous Pacific Coast fisheries outside of Alaska. The findings reveal that, during 2000–2006, the average annual fatality rate for commercial fishing deaths reported from California, Oregon, and Washington was approximately double the national fishing fatality rate of 115 deaths per 100,000 workers (*1*) and also double the Alaska rate of 107 per 100,000 FTE fishermen during the same period (CDC, unpublished data, 2008).

The analysis indicates that the Pacific Coast fishery with the greatest hazard, during 2000–2006, was the Northwest Dungeness crab fishery. Although Alaska's Bering Sea crab fishery has been described as the most dangerous fishery, data from this analysis indicate that the Northwest Dungeness crab fleet had a greater number of fatalities and a higher fatality rate during 2000–2006. During that period, the number of fatalities in the Bering Sea crab fishery was 11, and the fatality rate was 305 deaths per 100,000 FTE fishermen (CDC, unpublished data, 2008). By comparison, the number of deaths in the Northwest Dungeness crab fishery during 2000–2006 was 17, with a fatality rate of 463 deaths per 100,000 FTE fishermen. The Bering Sea rate represents a 60% reduction from the rate of 768 deaths per 100,000 FTE fishermen recorded during 1990–1999 (CDC, unpublished data, 2008).

Concern over the high fatality rates in Alaska during the 1990s led to institution of various safety measures. For example, in 1999, a preseason dockside enforcement program that ensures vessels are not overloaded with crab pots and that primary safety equipment is present and maintained was developed and implemented by the U.S. Coast Guard in Alaska (*4*). A similar program, tailored to the Dungeness crab fleet, might reduce deaths in the Northwest Dungeness crab fishery.

The U.S. Coast Guard has primary jurisdiction over the safety of the U.S. commercial fishing fleet, enforcing regulations of the U.S. Commercial Fishing Industry Vessel Safety Act of 1988 (CFIVSA)† with at-sea boardings, during which officers check for illegal fishing activities, illicit drugs, and safety violations. CFIVSA regulations focus primarily on saving lives after the loss of a vessel and not on preventing vessels from capsizing or sinking, falls overboard, or injuries on deck. CFIVSA regulations require that commercial fishing vessels carry various equipment (e.g., life rafts, radio beacons, and immersion suits) depending on the size of the vessel and the area in which it operates.

Of particular concern in this study are the results showing a lack of use of life rafts and immersion suits. CFIVSA requirements for life rafts and immersion suits likely contributed to a survival rate of 94% among commercial fishermen aboard vessels that sank or capsized during 1997–1999 in Alaska; this rate was up from 73% in 1991 (*2*). CDC determined that, during 1992–2004, survivors of vessel sinkings in Alaska were approximately seven times more likely to have worn an immersion suit than decedents in these events and 15 times more likely to have used a life raft (CDC, unpublished data, 2008). To improve survival chances among Pacific Coast fishermen, added emphasis should be placed on formal marine safety training in the deployment and use of life rafts and immersion suits.

The findings in this report are subject to at least three limitations. First, unlike the methodology used in this study, national fatality rates for commercial fishermen are not calculated based on FTE fishermen but are calculated using annual average estimates of employed civilians aged ≥16 years and deaths from the Census of Fatal Occupational Injuries. Therefore, the national rates might not be directly comparable to the rates calculated in this study for California, Oregon, and Washington. Second, fatality rates for the three states do not include the number of fatalities or FTE fishermen in certain small-scale fisheries where deaths occurred. Finally, certain information (e.g., type of fishery or immersion suit usage) was not available for all fatal events. The U.S. Coast Guard is working with CDC to improve data-collection instruments so that investigating Coast Guard officers can produce more complete reports.

† Requirements for commercial fishing industry vessels. 46 CFR part 28.

Safety improvements in the Alaska commercial fishing industry during the 1990s did not occur because of a single intervention. Several interventions were implemented, including requirements for emergency gear, development of hands-on safety training, and tailored safety interventions addressing specific hazards for particular fishing fleets. The findings in this report suggest that safety interventions should be tailored to specific groups of vessels and emphasis should be placed on the Northwest Dungeness crab fleet, with targeted preseason safety inspections and safety and stability training. Other areas of emphasis should include improved weather reporting, training in the deployment and use of life rafts, and increased training in the use of immersion suits and personal flotation devices.

Acknowledgments

This report is based, in part, on contributions by U.S. Coast Guard personnel from Districts 11, 13, and 17 and staff members with the Oregon and Washington Fatality Assessment and Control Evaluation Programs.

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Fatalities Among Oil and Gas Extraction Workers — United States, 2003–2006

Oil and gas extraction (i.e., removing oil and natural gas from the ground) is a growing industry in the United States, employing approximately 380,000 workers in 2006 (*1*). In recent years, activity in this industry has increased substantially, from an average of 800 actively drilling rigs in the United States during the 1990s to approximately 1,300 during 2003–2006 (*2*). In August 2005, the U.S. Department of Labor's Bureau of Labor Statistics (BLS) asked CDC to investigate a 15% increase in fatalities among oil and gas extraction workers (from 85 fatalities in 2003 to 98 in 2004) (*3*). CDC analyzed data from the BLS Census of Fatal Occupational Injuries (CFOI) for the period 2003–2006. This report describes the results of that analysis, which indicated that increases in oil and gas extraction activity were correlated with an increase in the rate of fatal occupational injuries in this industry, with an annual fatality rate of 30.5 per 100,000 workers (404 fatalities) during 2003–2006, approximately seven times the rate for all workers (4.0 per 100,000 workers) (*4*). Nearly half of all fatal injuries among these workers were attributed to highway motor-vehicle crashes and workers being struck by machinery or equipment. Employers should work with existing industry groups and federal, state, and local government agencies to promote seatbelt use. In addition, researchers and public health officials should collaborate with industry groups to establish engineering and process controls that remove workers from potentially dangerous machinery while drilling and servicing oil and gas wells.

A fatal injury was considered occupational and was included in CFOI if the event leading to the injury occurred while the employee was working, either on or off the employer's premises (*5*). CFOI cases are identified, verified, and profiled using multiple source documents; these data sources include death certificates, workers' compensation records, and reports to federal and state agencies. The industry of the worker was based on the North American Industrial Classification System.* Oil and gas extraction workers are coded in the mining sector: 211 (oil and gas extraction), 213111 (drilling oil and gas wells), and 213112 (support activities for oil and gas operations). These include employees of operators that own or lease oil and gas wells, drilling contractors, and service companies that provide additional support. In addition to analyzing the variables collected by CFOI, CDC coded seatbelt use on the basis of information available in the injury narratives. Annual fatality rates were calculated using the BLS Quarterly Census of Employment and Wages estimate of workers.

During 2003–2006, a total of 404 occupational fatalities among oil and gas extraction workers occurred in the United States, resulting in an average annual fatality rate of 30.5 per 100,000 workers (Table 1). A statistically significant correlation was observed between the number of drill-

*A standardized system developed jointly by the United States, Canada, and Mexico to provide comparability in statistics on business activity throughout North America.

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The Oregonian

Deadliest catch? It's off Oregon's coast

Wednesday, May 14, 2008

T here are probably few people who haven't seen or heard about the Discovery Channel's "The Deadliest Catch," the show depicting the Bering Sea crab fishery off Alaska.

But is that really the most dangerous fishery in the United States? Despite the show's hype, the answer is a resounding "no." According to a study recently released by the National Institute for Occupational Safety and Health, the most dangerous fishery in the country is the Dungeness crab fishery that takes place off the coasts of Oregon, Washington and northern California. And in the years between 2000 and 2006, while Alaska fatalities have declined, Oregon's crab fishery has been the deadliest of them all.

What's the reason? In Alaska, the state requires each vessel to have a preseason safety inspection by the Coast Guard, before it will issue a commercial fishery permit. In addition, several fisheries in Alaska, including the Bering Sea crab fishery, are now managed by individual quotas, which allocate to vessel owners a certain number of pounds to catch and a window of opportunity to do so, eliminating the race for fish.

So why the high rate of fatalities in Oregon? First, there is no requirement by our state that vessels obtain a Coast Guard safety inspection prior to the issuance of a crab fishing permit. There is no requirement that vessels have insurance, even when taking men to sea in the most dangerous of conditions. Third, the Oregon Department of Fish and Wildlife has repeatedly refused to implement an individual quota system for Dungeness crab, despite evidence elsewhere that it eliminates the race for fish and reduces the inherent danger of 30-foot boats trying to compete with 100-foot boats, crossing the same dangerous bars, when the gun goes off in December to start the season.

According to the NIOSH report, from 2000 to 2006, 43 deaths off the coast of Oregon, Washington and California resulted from the loss of 23 vessels. Only three of the 23 vessels that were lost at sea had a current decal from a U.S. Coast Guard voluntary dockside inspection.

I know from personal experience that regulations are not a panacea to what is an inherently dangerous business. In December 2001, our oldest son, Ben Eder, 21, died at sea along with three other of our crewmen -- Rob Thompson, Steve Langlot and Jared Hamrick -- when our vessel, the Nesika, capsized while setting crab pots. The Nesika had a voluntary Coast Guard inspection and a dockside inspection and was insured.

But until Fish and Wildlife acts to require insurance and vessel safety inspections as a condition of the issuance of a limited-entry crab permit, and implements an individual quota system for crab, it is likely that the Oregon Dungeness crab will remain "The Deadliest Catch."

Michele Longo Eder is an attorney in Newport.