



February 2024

COAST GUARD

Enhanced Safety Oversight Needed for Fish Tender Vessels

GAO Highlights

Highlights of [GAO-24-106729](#), a report to congressional committees

Why GAO Did This Study

Commercial fishing is an important part of the economy, yet one of the most hazardous occupations in the U.S. The U.S. Coast Guard is the primary federal agency responsible for marine safety, which includes enforcing safety requirements for fish tender vessels.

The James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 includes a provision for GAO to review issues related to load line requirements for fish tender vessels. This report addresses: (1) the load line and stability requirements for fish tender vessels; and the extent the Coast Guard (2) collected data on the activities of commercial fishing industry vessels in Alaska and the Pacific Northwest as they pertain to tendering and what its data show, and (3) addressed fish tender vessel noncompliance with load line requirements.

GAO assessed relevant statutes, regulations, and Coast Guard documentation and data; and interviewed officials from the Coast Guard and commercial fishing industry (such as seafood companies and industry associations).

What GAO Recommends

GAO is recommending the Coast Guard (1) assess the feasibility of updating its system of record for commercial fishing industry vessels to capture multiple service types, (2) fully assess safety risks posed to fish tender vessels participating in any proposed alternative compliance program, and (3) clearly identify the program's legal basis. The Department of Homeland Security concurred with these recommendations.

View [GAO-24-106729](#). For more information, contact Heather MacLeod at (202) 512-8777 or macleodh@gao.gov.

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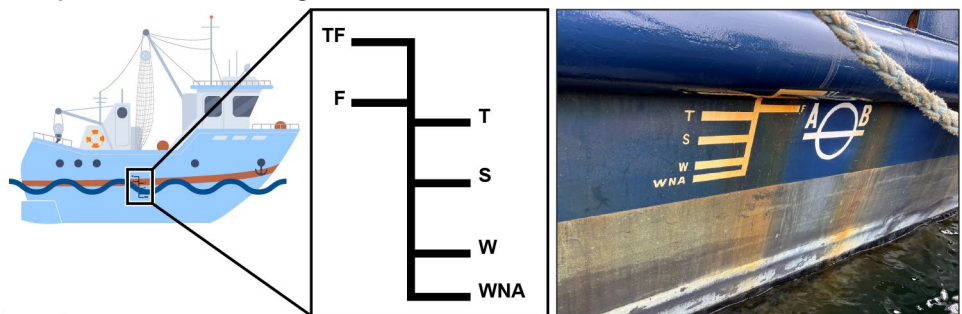
Enhanced Safety Oversight Needed for Fish Tender Vessels

What GAO Found

Under U.S. law, certain fish tender vessels are subject to load line and stability requirements to ensure their safety in different waters, including by reducing their likelihood of capsizing.

- A fish tender vessel supplies and transports fish from a catcher vessel to a processing facility.
- A load line ensures a vessel's overall seaworthiness and includes maintaining certain structural features such as watertight closures.

Example of Load Line Markings on a Fish Tender Vessel



Legend

TF	Tropical freshwater load line	S	Summer seawater load line
F	Freshwater load line	W	Winter seawater load line
T	Tropical seawater load line	WNA	Winter North Atlantic seawater load line

Source: GAO analysis of U.S. Coast Guard information; GAO (photo); GreenSkyStudio/stock.adobe.com (illustration). | GAO-24-106729

The Coast Guard's data system captures information on the activities of commercial fishing industry vessels but does not capture data on vessels engaging in multiple service types, such as both catching and tendering fish. As a result, the Coast Guard is unable to generate a reliable list of fish tender vessels to identify which vessels are subject to load line requirements and the extent they have been in accidents. By assessing the feasibility of updating its system to capture multiple service types, the Coast Guard will be better positioned to oversee fish tender vessels.

In 2015, the Coast Guard recognized that some vessels that were operating as part-time fish tender vessels were not in compliance with load line requirements. In August 2019, the Coast Guard created a task force that proposed an alternative compliance program that would exempt certain fish tender vessels from load line requirements while still providing an appropriate level of oversight. The task force paused its work after May 2022 without (1) fully assessing the safety risks posed to vessels participating in such a program, and (2) clearly identifying the proposed program's legal basis. Should the Coast Guard pursue implementation of a program, fully assessing the safety risks posed to fish tender vessels without a load line can help it ensure that any proposed alternative compliance program maximizes vessel safety within existing resource limitations. By clearly identifying a legal basis for the program, the Coast Guard can better ensure that any proposed program is consistent with its legal authorities.

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Abbreviation

MISLE Marine Information for Safety and Law Enforcement

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February 20, 2024

The Honorable Maria Cantwell
Chair
The Honorable Ted Cruz
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate

The Honorable Sam Graves
Chairman
The Honorable Rick Larsen
Ranking Member
Committee on Transportation and Infrastructure
House of Representatives

Commercial fishing is a large component of the seafood industry, which is an important part of the U.S. economy. The National Oceanic and Atmospheric Administration estimated that, in 2020, the seafood industry supported 1.1 million full- and part-time jobs and generated \$154.7 billion in sales and \$39.9 billion in income nationwide.¹ Overall, Alaska produces more than half the fish caught in U.S. coastal waters. Commercial fishing is also one of the most hazardous occupations in the U.S., with a commercial fishing industry fatality rate over 40 times higher than the national average in 2019, according to the National Institute for Occupational Safety and Health.² Commercial fishing workers face risks on their vessels associated with harsh weather, long hours, strenuous labor, and hazardous machinery.

The U.S. Coast Guard is the primary federal agency responsible for marine safety, which includes enforcing safety requirements for commercial fishing industry vessels. For example, the Coast Guard is

¹See U.S. Department of Commerce, *Fisheries Economics of the United States 2020: Economics and Sociocultural Status and Trends Series* (Feb. 2023). The National Oceanic and Atmospheric Administration is a federal agency within the Department of Commerce that, among other responsibilities, reports a snapshot of data each year, primarily at the national level, on U.S. recreational catch and commercial fisheries landings and value.

²The National Institute for Occupational Safety and Health, as a part of the Centers for Disease Control and Prevention in the U.S. Department of Health and Human Services, is a research agency focused on the study of worker safety and health.

responsible for ensuring that certain vessels, including certain commercial fishing industry vessels, have a valid “load line”—a requirement that helps ensure a vessel’s overall seaworthiness.³ Load line requirements include, among other things, markings on the side of a vessel to indicate the highest point the waterline should reach when the vessel is properly loaded in different waters and seasons.

Fish tender vessels supply and transport fish or fish products from a commercial fishing industry vessel to a fish processing facility. Among other types of vessels, under U.S. law, load line requirements generally apply to fish tender vessels, with certain exceptions based on a vessel’s size, age, and operations.⁴

The James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 includes a provision for us to review issues related to load line requirements for fish tender vessels.⁵ This report addresses:

1. the structural features that are to be maintained by fish tender vessels with a load line, and the stability requirements for fish tender vessels with and without a load line;
2. the extent the Coast Guard has collected data on the activities of commercial fishing industry vessels as they pertain to tendering, and what the data show; and
3. the extent the Coast Guard has taken steps to address the issue of fish tender vessel noncompliance with load line requirements.

For all three objectives, we focused our review on Coast Guard Districts 13 and 17 because these districts oversee load line and stability requirement compliance of the commercial fishing industry vessel fleet in the Pacific Northwest and Alaska, respectively.⁶ We focused our review on this fleet because Coast Guard officials in these districts investigated the issue of part-time fish tender vessel noncompliance with load line

³Seaworthiness refers to the condition of being properly equipped, sufficiently constructed, and watertight to withstand stress of the wind, waves, and other environmental conditions that the vessel might reasonably be expected to encounter.

⁴46 U.S.C. § 5102(b)(5).

⁵See James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Pub. L. No. 117-263, § 11325, 136 Stat. 2395, 4095 (2022).

⁶The Coast Guard organizes its field structure under two area commands (Atlantic and Pacific). The two area commands oversee nine districts across the U.S., which are further broken down across 37 sectors.

requirements. To address our first objective, we analyzed U.S. statutes and regulations that outline load line and stability requirements for fish tender vessels. We also reviewed Coast Guard documentation, including its guidance for enforcing compliance during its dockside examinations of fish tender vessels.

We interviewed Coast Guard officials to obtain their perspectives on load line and stability requirements for fish tender vessels and their applicability. These included headquarters officials from the Offices of Commercial Vessel Compliance, Design and Engineering Standards, and Maritime and International Law and field officials from Coast Guard Districts 13 and 17 responsible for the safety of the commercial fishing industry fleet.⁷ We also conducted a site visit to Seattle, Washington, to observe District 13 and Sector Puget Sound field officials conduct dockside examinations of fish tender vessels.⁸

To address our second objective, we analyzed Coast Guard data on the number of dockside examinations the Coast Guard conducted on commercial fishing industry vessels in Districts 13 and 17 from fiscal years 2018 through 2022.⁹ Specifically, we analyzed data from the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) system—its primary data system of record for commercial fishing industry vessels—to determine the number of commercial fishing industry vessels operating in Districts 13 and 17, as well as the gross tonnage and length.

We also analyzed Coast Guard MISLE data on the number of marine casualties for fish tender vessels in Districts 13 and 17 from fiscal years 2013 through 2022.¹⁰ The Coast Guard considers a marine casualty to be

⁷The Coast Guard field officials we interviewed included fishing vessel safety examiners within Districts 13 and 17—including Coast Guard Sector Puget Sound, Sector Columbia River, and Sector Anchorage—who examine fish tender vessels in the fleet.

⁸Coast Guard District 13 oversees marine safety operations in Seattle, Washington. According to Coast Guard field officials, many fish tender vessels that operate in Alaska are homeported in Seattle.

⁹We chose a 5-year time frame to review dockside examination data because the Coast Guard is generally required to conduct dockside examinations of commercial fishing industry vessels every 5 years. See 46 U.S.C. § 4502(f). It is possible that a vessel may be present in the data more than once if the Coast Guard examined the vessel more than once in the 5-year time frame.

¹⁰We chose a 10-year time frame to review marine casualty data to gain a broader understanding of marine casualty trends over time. It is possible that a vessel may be present in the data more than once if the Coast Guard investigated the vessel in response to more than one marine casualty in the 10-year time frame.

an event caused by or involving a vessel that includes a grounding, collision, fall overboard, or a loss of life, among other situations.¹¹

Specifically, we analyzed data on the characteristics of vessels involved in marine casualties, including damage status, presence of a load line, gross tonnage, and length.

To assess the reliability of these data, we reviewed related documentation (such as MISLE user manuals) and interviewed Coast Guard officials responsible for managing MISLE and the field officials who use the data in Districts 13 and 17. We also performed electronic testing to identify any errors or omissions. We found these data to be reliable specifically for reporting the number of Coast Guard dockside examinations and fish tender vessel marine casualty investigations in Districts 13 and 17 recorded in the MISLE data. However, we did not find these data to be reliable to report on the number of full- and part-time fish tender vessels that operate or experience marine casualties in these districts given data categorization limitations, as discussed later in this report. We also interviewed officials from the National Transportation Safety Board and National Institute for Occupational Safety and Health to understand marine safety risks of fish tender vessels.¹² We assessed the Coast Guard's process for tracking the activities of commercial industry vessels against its own policies for risk management and internal controls.¹³

¹¹46 C.F.R. § 4.03-1. The Coast Guard requires notification whenever a vessel is involved in a marine casualty consisting in (1) an unintended grounding, or an unintended strike of (collision with) a bridge; (2) an intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or the safety of a vessel; (3) a loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel; (4) an occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service or route; (5) a loss of life; (6) an injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, that renders the individual unfit to perform his or her routine duties; (7) an occurrence causing property damage in excess of \$75,000; or (8) an occurrence involving significant harm to the environment. 46 C.F.R. § 4.05-1.

¹²The National Transportation Safety Board is an independent federal agency charged by Congress with investigating every civil aviation accident in the U.S. and significant events in the other modes of transportation—railroad, transit, highway, marine, pipeline, and commercial space.

¹³See U.S. Coast Guard, Deputy Commandant for Operations, *Framework for Strategic Mission Management, Enterprise Risk Stewardship, and Internal Control* (2020); and U.S. Coast Guard, *Commandant Instruction 5200.10, Management's Responsibility for Internal Control* (2015).

To address our third objective, we assessed Coast Guard documentation, including Coast Guard memoranda and guidance, on fish tender vessel load line compliance in Districts 13 and 17. In addition, we assessed documentation from a Coast Guard task force responsible for developing an alternative compliance option for fish tender vessels that are not in compliance with load line requirements, including the task force charter, documentation on industry research, and draft materials for an alternative compliance program.

We interviewed Coast Guard officials from the task force to obtain perspectives on the Coast Guard's enforcement of load line requirements in Districts 13 and 17 and how the task force's proposal for an alternative compliance program would affect marine safety. We also interviewed headquarters officials from the Offices of Commercial Vessel Compliance, Design and Engineering Standards, and Maritime and International Law to obtain perspectives on the steps required for the Coast Guard to implement an alternative compliance program and the legal basis for doing so. In addition, we interviewed stakeholders from selected industry associations and seafood companies to obtain their perspectives on load line requirement enforcement.¹⁴ We identified the selected stakeholders through their involvement in the commercial fishing industry fleet in Alaska and the Pacific Northwest. We assessed the Coast Guard's efforts to address fish tender vessel noncompliance with load line requirements against the stated goals of its task force and *Standards for Internal Control in the Federal Government*.¹⁵

We conducted this performance audit from March 2023 to February 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

¹⁴These industry stakeholders included representatives from associations such as Aleutian Maritime LLC, the Purse Seine Vessel Owners Association, the United Fishermen of Alaska, and the Alaska Bering Sea Crabbers association; and representatives from OBI Seafoods, Silver Bay Seafoods, and Trident Seafoods.

¹⁵See U.S. Coast Guard, Pacific Area Command, *Charter for Commercial Fishing Vessels Conducting Tendering Operations Task Force* (Alameda, Calif.: Aug. 7, 2019); and GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 2014).

Background

Coast Guard Responsibilities in Overseeing Commercial Fishing Industry Vessels

Marine safety is one of the Coast Guard’s 11 statutory missions.¹⁶ To carry out this mission, the Coast Guard enforces laws that prevent death, injury, and property loss in the marine environment. There are three types of commercial fishing industry vessels the Coast Guard oversees based on their service type—fishing vessels, fish processing vessels, and fish tender vessels.

- **Fishing vessel (catcher vessel).** A fishing vessel commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish. We refer to this vessel as a catcher vessel in this report.
- **Fish processing vessel.** A fish processing vessel commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing, or brine chilling. For example, a fish processing vessel can produce fillets.
- **Fish tender vessel.** A fish tender vessel commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing, or fish tender vessel or a fish processing facility.¹⁷

Three Coast Guard headquarters offices are responsible for overseeing the safety of these types of vessels (see table 1).

Table 1: Coast Guard Roles and Responsibilities for Overseeing the Safety of Commercial Fishing Industry Vessels

Office	Roles and responsibilities
Office of Commercial Vessel Compliance (Fishing Vessel Safety Division)	Implements policy and regulations for the commercial fishing industry with the goal of achieving a significant reduction in vessel fatalities, vessel losses, and damage to the environment through outreach efforts, training, dockside examinations, and at-sea boardings.
Office of Investigations and Casualty Analysis	Leads the Coast Guard’s investigation program to promote safety, protect the environment, and prevent future accidents. This includes managing the marine casualty and accident investigation program, reviewing statistics to measure effectiveness, and supporting the Coast Guard field units with policy issues.
Office of Design and Engineering Standards (Naval Architecture Division)	Develops and communicates national regulations and standards that govern the safe design and construction of ships and shipboard equipment. This includes establishing policy and providing technical clarifications.

Source: GAO analysis of Coast Guard documentation. | GAO-24-106729

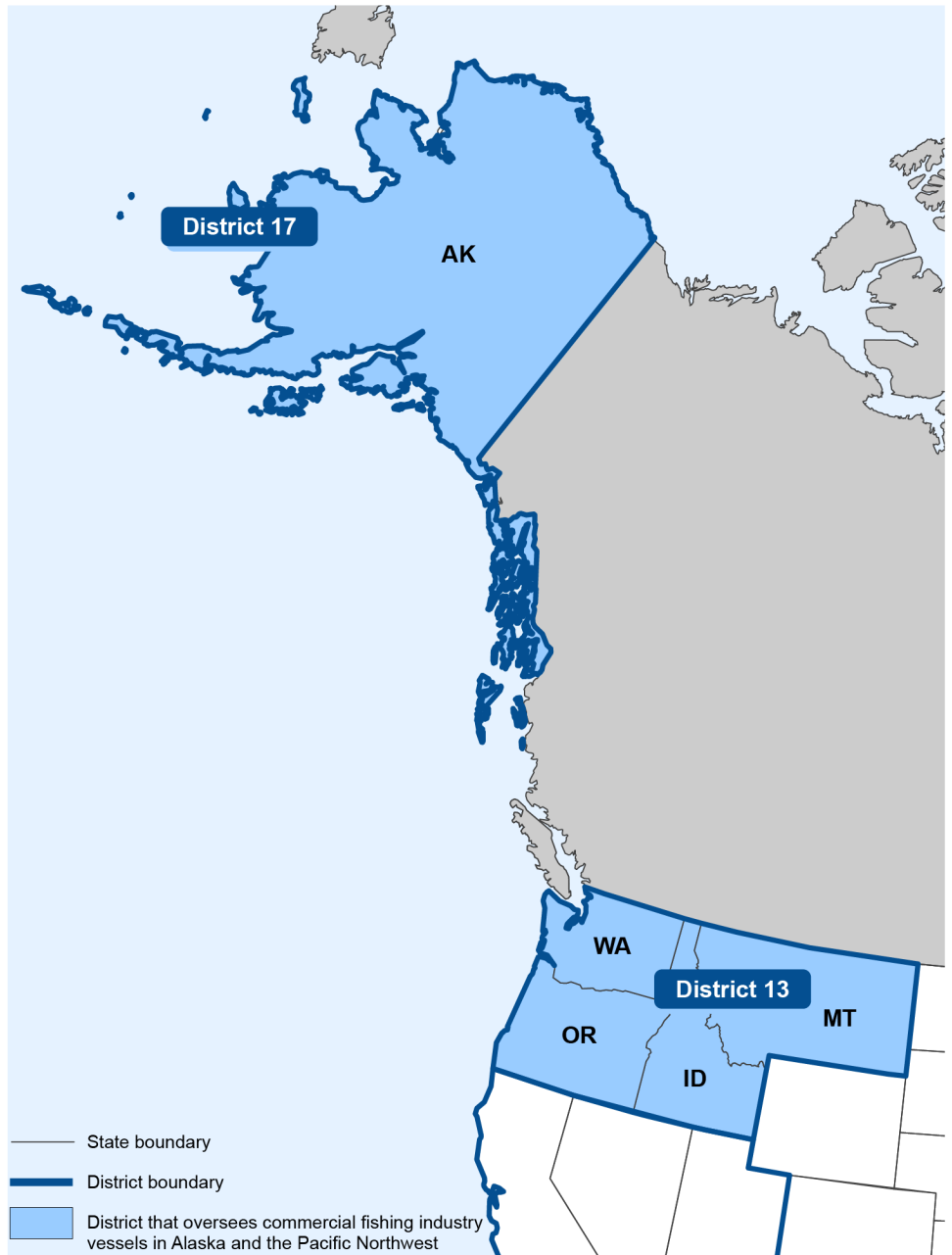
¹⁶ U.S.C. § 468(a).

¹⁷ 46 C.F.R. § 28.50.

While Coast Guard headquarters is responsible for developing national strategies and policies to carry out its marine safety mission, its field units implement these policies. The Coast Guard organizes its field structure under two area commands (Atlantic and Pacific). The two area commands oversee nine districts across the U.S., which are further broken down across 37 sectors. Coast Guard Districts 17 and 13 oversee the commercial fishing industry vessel fleet in Alaska and the Pacific Northwest, respectively, as shown in figure 1.¹⁸

¹⁸Coast Guard Pacific Area Command oversees Districts 13 and 17. The nine Coast Guard districts are not consecutively numbered from 1 to 9.

Figure 1: Coast Guard Districts that Oversee the Commercial Fishing Industry Vessel Fleet in Alaska and the Pacific Northwest



Source: GAO analysis of U.S. Coast Guard information; Map Resources (map). | GAO-24-106729

The Coast Guard regulates commercial fishing industry vessels based on their service type, as safety requirements vary by service type. However, a single commercial fishing industry vessel can perform as different service types at different times depending on industry need.

Changes in commercial fishing industry trends have led to vessels' noncompliance with load line requirements. Coast Guard officials stated that the trend of commercial fishing industry vessels performing as multiple service types is something they see in Alaska due to changes in the management of many of the state's fisheries.¹⁹ One reason vessel owners may pursue opportunities to perform as multiple service types—such as both catching and tendering—is due to the adoption of individual fishing quotas for particular fisheries, according to Coast Guard officials and industry stakeholders.²⁰ For example, they said a commercial fishing industry vessel with a crab quota may act as a catcher vessel during crab season and then act as a fish tender vessel at other times of the year. These officials stated that when catcher vessels turn to fish tendering, they may then become subject to load line requirements that would not otherwise apply to them as catcher vessels.²¹ As a result, many of these vessels may not be in compliance with load line requirements when tendering.

The Coast Guard has previously addressed the issue of load line noncompliance by establishing an alternative set of requirements designed to provide a level of safety for commercial fishing industry vessels unable to be in compliance with load line requirements. In 2006, for example, the Coast Guard established the Alternate Compliance and Safety Agreement—a voluntary program for certain catcher vessels that

¹⁹A fishery is a geographic area that is associated with a population of aquatic organisms (fish, mollusks, crustaceans, etc.), harvested for their commercial or recreational value.

²⁰Individual fishing quotas are a fisheries conservation and management tool. Under an individual fishing quota program, a regional fishery management council sets a maximum, or total allowable catch, and allocates the privilege to harvest a certain portion of the catch in the form of quota to individual vessels, fishers, or other eligible recipients. According to Coast Guard headquarters officials, the fisheries in Districts 13 and 17 are regulated both regionally by the National Oceanic and Atmospheric Administration-National Marine Fisheries Service and by individual states (Washington, Oregon, and Alaska). In the Bering Sea off the coast of Alaska, for example, there are individual fishing quota programs for halibut and sablefish, in addition to certain crab species.

²¹Whereas fish tender vessels generally must have a load line unless they were built before January 1, 1980, and meet other criteria, catcher vessels are only required to have a load line if they were built after July 1, 2013. We discuss load line requirements and their applicability later in this report.

also serve as fish processing vessels.²² In their capacity as fish processing vessels, these vessels would otherwise be required to be in compliance with load line requirements, among other requirements. Under the alternative compliance program, these vessels are granted exemptions from load line requirements so long as they meet an alternative set of requirements that the Coast Guard has determined provide an appropriate level of safety.

Commercial Fishing Industry Vessel Oversight

Under federal statute, most commercial fishing industry vessels are categorized as uninspected vessels.²³ Uninspected vessels are not required to undergo regular Coast Guard inspections during their construction or periods of maintenance.²⁴ Instead of undergoing an inspection, certain uninspected vessels are required to be in compliance with certain safety requirements that the Coast Guard assesses through a dockside examination.²⁵

According to Coast Guard policy, a dockside examination is a non-adversarial, no-fault safety check of commercial fishing industry vessels.²⁶ Fishing vessel safety examiners conduct scheduled dockside examinations of commercial fishing industry fishing vessels to ensure

²²See U.S. Coast Guard, *Guidance for the Alternate Compliance and Safety Agreement Program (ACSA)* (May 24, 2023).

²³46 U.S.C. § 3302. Catcher vessels are generally uninspected vessels, as are fish tender vessels 500 gross tons or less and fish processor vessels 5,000 gross tons or less. This report focuses on uninspected fish tender vessels.

²⁴Other types of commercial vessels, such as freight, tank, and towing vessels, are inspected by the Coast Guard. During a Coast Guard inspection, a marine inspector observes and tests vessel safety systems, equipment, and crew knowledge; and ensures that the vessel meets construction standards and is maintained and repaired properly.

²⁵Federal law requires dockside examinations for commercial fishing industry vessels that (1) operate beyond three nautical miles from the baseline, from which the territorial sea of the U.S. is measured, or beyond three nautical miles from the coastline of the Great Lakes; (2) operate with more than 16 individuals on board; or (3) are fish tender vessels engaged in the Aleutian trade. See 46 U.S.C. § 4502(f). During a dockside examination, the Coast Guard fishing vessel safety examiner will check that all the required safety and lifesaving equipment and systems are on board for that type of vessel and where it will be operating. The examiner will check that the equipment is installed properly and has been serviced and inspected as required. Licenses, certificates, registrations, documents, and placards required on the vessel or for the crew will be checked. Finally, the examiner will also check on required navigational safety items and pollution prevention equipment, and that emergency instructions, drills, and safety orientations are being conducted, if applicable.

²⁶See U.S. Coast Guard, *Fishing Vessel Safety: Federal Requirements for Commercial Fishing Industry Vessels*, (Washington, D.C.: June 1, 2020).

their compliance with U.S. statutes and regulations.²⁷ Federal law generally requires the Coast Guard to conduct dockside examinations of certain commercial fishing industry vessels at least once every 5 years.²⁸

Upon successful completion of a dockside examination, the Coast Guard is to issue a safety decal and indicate the vessel has met all applicable requirements. If a fishing vessel safety examiner determines that a vessel has not met all applicable requirements, they are to provide the vessel operator with a list of items to address. Once the vessel operator has addressed the items, the fishing vessel safety examiner is to verify whether outstanding requirements have been met, and if so, issue a safety decal.

Commercial Fishing Industry Vessel Stability Risks

For commercial fishing industry vessels, stability is the ability of the vessel to return to its upright position after being exposed to any combination of wind, waves, or forces from fishing operations. A commercial fishing industry vessel is stable when it can counter external forces generated by current weather and fishing conditions and will return to its upright position. When a commercial fishing industry vessel experiences a loss of stability, it may capsize and lead to a marine casualty—endangering the safety of the crew and the condition of the vessel.

Federal agencies have highlighted the stability risks associated with commercial fishing industry vessels. A 2011 National Transportation Safety Board report stated that fishing vessel stability has been a

²⁷Applicable requirements are largely based on Coast Guard regulations but may also include statutory requirements. Qualified individuals from a third-party organization may conduct dockside examinations and issue safety decals and certificates of compliance on behalf of the Coast Guard or as required by regulation. A third-party organization is an entity that the Coast Guard has designated to perform technical services or conduct commercial fishing industry vessel dockside examinations on its behalf. See 46 C.F.R. § 28.73, .76. The purpose of the Coast Guard's Third-Party Examination program is to leverage use of established vessel surveying professionals in the maritime industry to supplement the Coast Guard's commercial fishing industry vessel safety examiner workforce.

²⁸46 U.S.C. § 4502(f). Vessels that carry a National Marine Fisheries Service observer must have a valid Coast Guard commercial fishing vessel safety decal indicating that the vessel has passed a dockside exam within the past 2 years. 50 C.F.R. § 600.746(d). The Coast Guard advises that for other vessels, a dockside examination should be completed more frequently than required by law, at a cadence of every two years, to ensure safety equipment and procedures are current. The Coast Guard and Maritime Transportation Act of 2012 required the Coast Guard to complete the first dockside exam of a covered vessel not later than October 15, 2015. Pub. L. No. 112-213, § 305(a), 126 Stat. 1540, 1564.

longstanding concern and remains critical to fishing vessel safety.²⁹ In addition, in 2017, a National Institute for Occupational Safety and Health study found that, from 2010 through 2014, there were 54 fatal marine casualties in the U.S. that resulted in 80 deaths.³⁰ According to this study, marine casualties were most frequently caused by instability, being struck by large waves, and flooding. Furthermore, overloading was the leading cause of instability. For examples of commercial fishing industry vessel marine casualties in Alaska related to a loss of stability, see table 2.

Table 2: Examples of Marine Casualties in Alaska Involving the Loss of Stability of a Commercial Fishing Industry Vessel

Vessel name	Description of marine casualty and related stability issues ^a
<i>Exito</i>	On December 6, 2016, the <i>Exito</i> was transporting stickwater—fishing industry waste—in the Bering Sea in Alaska when it capsized and sank. In its investigation, the National Transportation Safety Board determined that the vessel operator had no training or experience with vessel stability. The operator therefore did not handle the flooding correctly, making the vessel unstable. This marine casualty resulted in the deaths of two crewmembers and \$310,000 in property damage.
<i>Pacific Knight</i>	On July 25, 2018, the <i>Pacific Knight</i> was tendering salmon when it capsized and sank 11 miles south of Dillingham, Alaska. In its investigation, the National Transportation Safety Board determined that the probable cause of the casualty was that the fish tender vessel was likely overloaded and lost stability in the water due to the strong currents, which caused flooding onboard. This marine casualty resulted in the death of one crewmember and \$1.55 million in property damage.
<i>Scandies Rose</i>	On December 31, 2019, the <i>Scandies Rose</i> was traveling to Dutch Harbor in Alaska when it capsized and sank. In its investigation, the National Transportation Safety Board determined that the probable cause of the casualty was that the vessel became unstable due to extreme icing from a winter storm. In addition, the vessel was found to have inaccurate stability instructions. ^b This marine casualty resulted in the deaths of five crewmembers and \$15 million in property damage.

Source: GAO analysis of National Transportation Safety Board reports. | GAO-24-106729

^aA marine casualty or accident is a casualty or accident involving a vessel other than a public vessel that occurs upon the navigable waters of the U.S., its territories, or possessions; involves any U.S. vessel; or with respect to a foreign tank vessel operating in U.S. waters, involves significant harm to

²⁹See National Transportation Safety Board, *M-11-23 through -27, Safety Recommendation to the U.S. Coast Guard* (Washington, D.C.: Nov. 7, 2011). The National Transportation Safety Board is required to investigate any major marine casualty when the Coast Guard and the Board agree that the Board is to conduct the investigation and the major marine casualty involves significant safety issues relating to Coast Guard safety functions. See 46 C.F.R. §§ 4.40-15; 850.15. A major marine casualty is defined as a casualty involving a vessel other than a public vessel resulting in (1) six or more fatalities; (2) loss of a mechanically propelled vessel of 100 gross tons or more; (3) property damage initially estimated as \$500,000 or more; or (4) serious threat to life, property, or the environment by hazardous materials. See 46 C.F.R. §§ 4.40-5(d), 850.5(e).

³⁰See Lucas, D.L. and S.L. Case, “Work-related mortality in the U.S. fishing industry during 2000-2014: New findings based on improved workforce exposure estimates.” *American Journal of Industrial Medicine*, vol. 61 (2018). The study refers to marine casualties as disasters, which involve the vessel being capsized, sunk, or damaged to a degree that the crew abandoned the vessel.

the environment or material damage affecting the seaworthiness or efficiency of the vessel. 46 C.F.R. § 4.03-1.

^bStability instructions lay out different loading scenarios for a vessel that an operator can follow to ensure the vessel meets stability requirements. The intent of these instructions is to provide information to vessel operators that will enable them to ascertain the stability of their vessel under varying loading conditions and to operate them in compliance with applicable stability requirements.

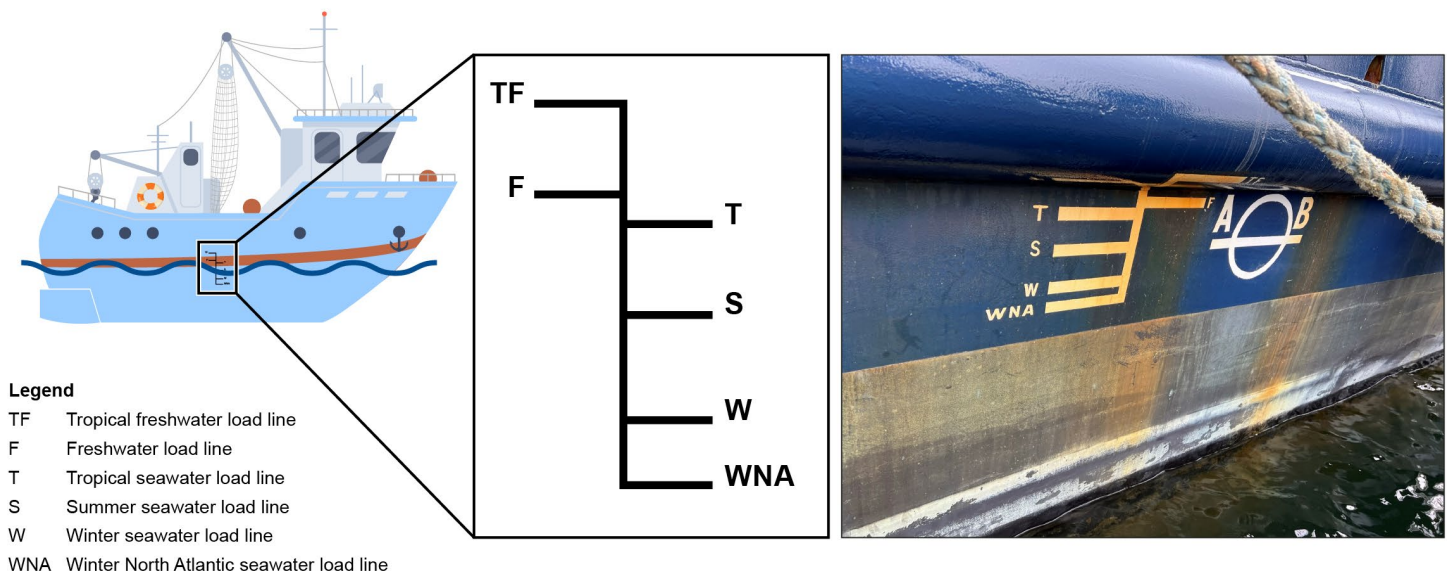
Requirements Vary for Fish Tender Vessels with and without a Load Line

Under U.S. law, fish tender vessels are generally subject to safety requirements intended to reduce the risk of a marine casualty.³¹ Certain fish tender vessels are required to be assigned a load line and maintain structural features to ensure the vessels' overall seaworthiness. In addition, certain fish tender vessels are subject to stability requirements, which vary depending on whether the vessel is required to be assigned a load line.

Fish Tender Vessels with a Load Line Must Maintain Structural Features to Ensure Seaworthiness

A load line ensures the overall seaworthiness of a vessel. Vessels with a load line have markings inscribed on their side to serve as a guide to verify the vessel is not overloaded (see figure 2). The markings indicate the highest point the waterline should reach when the vessel is properly loaded in different waters and seasons.

Figure 2: Example of Load Line Markings on a Fish Tender Vessel

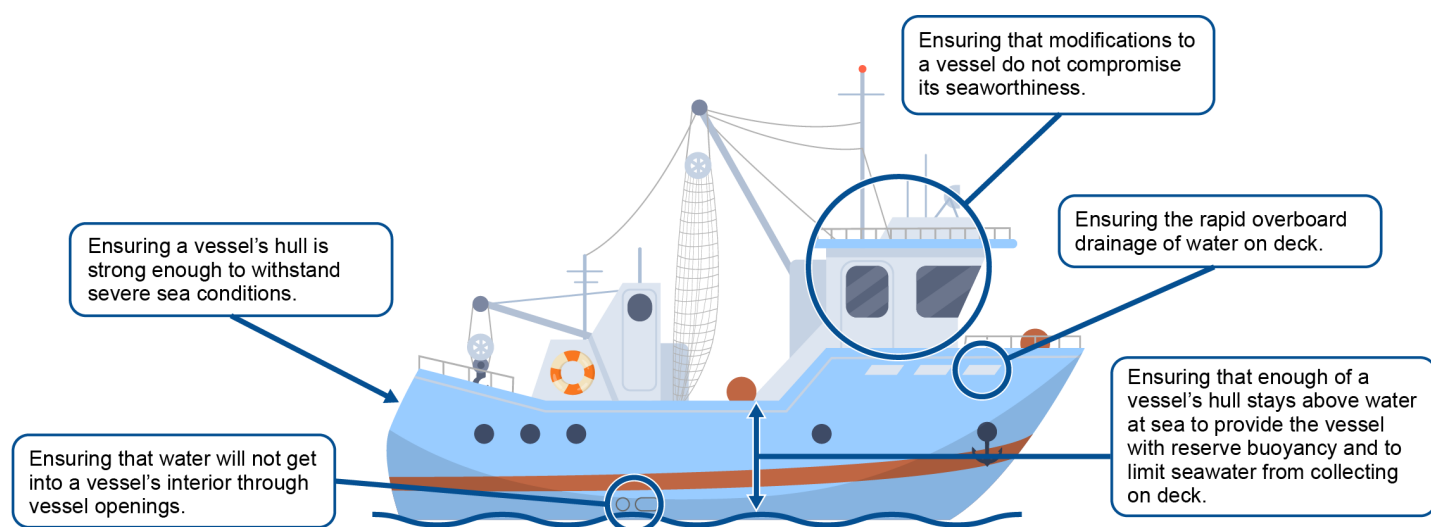


Source: GAO analysis of U.S. Coast Guard information; GAO (photo); GreenSkyStudio/stock.adobe.com (illustration). | GAO-24-106729

³¹In this section, we discuss load line and stability requirements for uninspected fish tender vessels, unless otherwise noted.

Load line assignment also includes other requirements, known as the conditions of assignment.³² These are additional structural features of the vessel that the vessel operator must maintain (see figure 3). These requirements are intended to ensure the watertight and weathertight integrity of the vessel and provide for crew safety while working on deck.

Figure 3: Examples of Commercial Fishing Industry Vessel Structural Features Ensured by a Load Line



Source: GAO analysis of U.S. Coast Guard information; GreenSkyStudio/stock.adobe.com. | GAO-24-106729

A commercial fishing industry vessel is typically assigned a load line on behalf of the U.S. by an “assigning authority,” which is a classification society that has been recognized by the Coast Guard and approved to assign and issue a load line.³³ According to Coast Guard officials, to issue a load line certificate for a new vessel, an assigning authority approves

³²Conditions of assignment include sill heights for doors, coaming heights for hatches, closing devices for exposed ventilators and air pipes, covers for exposed windows and deadlights, freeing ports to allow rapid overboard drainage of decks in heavy weather, and railings to protect the crew as they move around deck.

³³46 U.S.C. § 5107; 46 C.F.R. § 42.05-10. A recognized classification society is the American Bureau of Shipping or another classification society recognized by the Coast Guard. Such organizations may be approved as load line assigning and issuing authorities. 46 C.F.R. § 42.05-60.

and oversees the vessel's design and construction.³⁴ An assigning authority typically issues a load line for a 5-year term, subject to annual vessel examinations, to ensure the vessel's safety features are in good working condition. At the end of the 5-year term, the vessel will be removed from the water so the assigning authority can fully check the hull and that all the conditions of assignment are still being met before issuing a new load line.³⁵

A load line assignment depends on the adequate stability of the vessel. As such, an assigning authority must verify that the stability of the vessel has been properly reviewed, and that the vessel operator has received appropriate information or documentation related to the vessel's stability.

Fish tender vessels generally must meet load line requirements, except for smaller and older vessels that are not on a foreign voyage. In particular, fish tender vessels are subject to load line requirements unless they are less than 79 feet in length or meet the following conditions: (1) are 500 gross tons or less; (2) were constructed, under construction, or under contract to be constructed as fish tender vessels before 1980 or converted for use as a fish tender vessel before 1983; and (3) are not on a foreign voyage or engaged in the Aleutian trade.³⁶ For a flow chart of

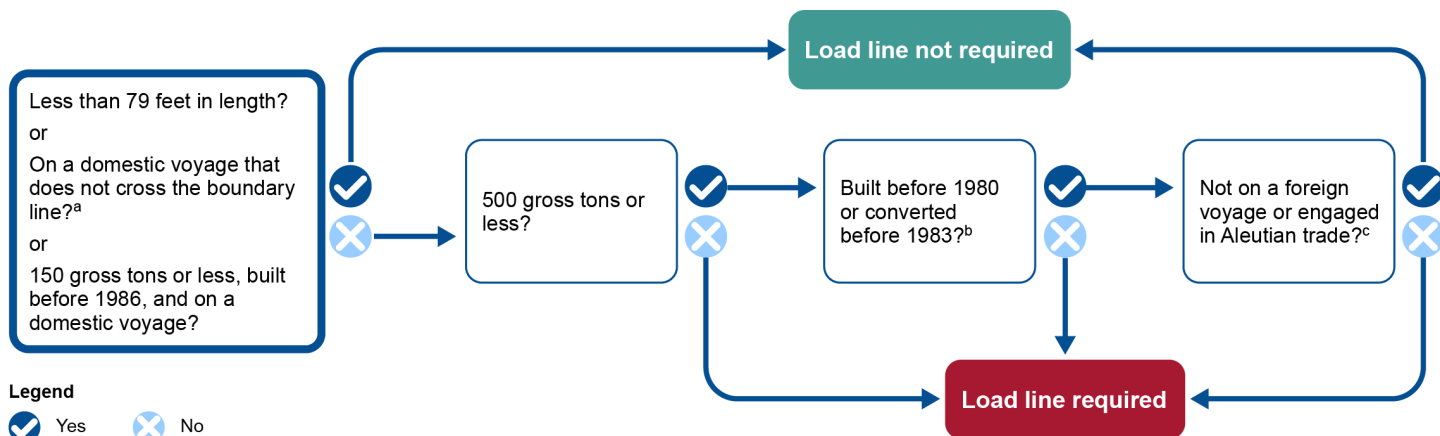
³⁴For instance, according to Coast Guard officials, during a vessel's construction, the assigning authority verifies that the vessel's hull is being welded together with approved steel material and by qualified welders.

³⁵Coast Guard naval architects told us that an assigning authority is responsible for ensuring a vessel meets the conditions of assignment. This may include checking the vessel's underwater openings and sea valves to ensure they are in good condition. These officials also stated as a load-lined vessel ages, the assigning authority's periodic checks of a vessel's underwater hull typically become more extensive given the weathering and corrosion of the hull material. They stated an assigning authority may require the vessel to replace corroded steel hull material before issuing it a new load line.

³⁶46 U.S.C. § 5102(b)(5). Vessels in the Aleutian trade assigned a load line at any time before June 1, 1992, are subject to load line requirements. Aleutian trade means the transportation of cargo (including fishery related products) for hire on board a fish tender vessel to or from a place in Alaska west of 153 degrees west longitude and east of 172 degrees east longitude, if that place receives weekly common carrier service by water, to or from a place in the U.S. (except a place in Alaska). 46 U.S.C. § 2102. Load line requirements do not apply to vessels that are less than 79 feet in length or vessels of the U.S. on domestic voyages that do not cross the boundary line, except voyages on the Great Lakes. 46 U.S.C. §§ 5102(b)(6), (7). The boundary line is the dividing line between internal and offshore waters. It generally follows the high tide waterline along beaches and shores, and extends across the entrances to small bays, inlets, harbors, rivers, and the like. See 46 C.F.R. pt. 7. Coast Guard field officials responsible for vessel safety in Districts 13 and 17 said that commercial fishing industry vessels must generally cross the boundary line to conduct fishing industry operations in Alaska.

the applicability of statutory load line requirements as they apply to fish tender vessels, see figure 4.

Figure 4: Applicability of Load Line Requirements for Fish Tender Vessels



Source: GAO analysis of 46 U.S.C. § 5102. | GAO-24-106729

^aThe boundary line is the dividing line between internal and offshore waters. It generally follows the high tide waterline along beaches and shores, and extends across the entrances to small bays, inlets, harbors, rivers, and the like.

^bThe calendar years apply to vessels built as a fish tender vessel and vessels converted for use as a fish tender vessel, respectively.

^cAleutian trade means the transportation of cargo (including fishery related products) for hire on board a fish tender vessel to or from a place in Alaska west of 153 degrees west longitude and east of 172 degrees east longitude, if that place receives weekly common carrier service by water, to or from a place in the U.S. (except a place in Alaska).

In addition, the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 provided that, for a period beginning on the date of enactment and ending 3 years after our report is submitted, load line requirements do not apply to certain vessels.³⁷ These vessels include those that operate as a fish tender vessel exclusively in Coast Guard Districts 13 or 17 (1) that were converted for use as a fish tender vessel

³⁷The James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 was enacted on December 23, 2022.

before 2022 and meet certain safety requirements, or (2) that operate on a part-time basis (for a period of less than 180 days).³⁸

Certain Fish Tender Vessels Must Meet Stability Requirements

Certain fish tender vessels must also meet stability requirements, which vary depending on whether they are required to be assigned a load line. Fish tender vessels that are required to be assigned a load line must be in compliance with the same stability requirements as inspected fish tender vessels.³⁹ Fish tender vessels not required to be assigned a load line are subject to certain stability requirements if they are at least 79 feet in length and were built or underwent a major conversion on or after September 15, 1991.⁴⁰

Coast Guard naval architects stated the stability requirements are similar for fish tender vessels with and without a load line, though they said the level of oversight for each set of requirements differs. According to Coast Guard naval architects, an assigning authority will ensure the conditions of assignment are met for fish tender vessels with a load line, including continued compliance with stability requirements. Coast Guard officials

³⁸The safety requirements include (a) having a valid stability letter, and (b) having the hull and internal structure of the vessel verified as suitable for intended service as examined by a marine surveyor of a recognized organization two times in the past 5 years with no interval of more than 3 years between such examinations. Other vessels temporarily exempted under this provision include those that operate exclusively in Coast Guard Districts 13 or 17 that were constructed, under construction, or under contract to be constructed as a fish tender vessel before 1980. Pub. L. No. 117-263, § 11325, 136 Stat. 2395, 4095 (2022).

³⁹These stability requirements are found in 46 C.F.R. subchapter S. They apply to inspected vessels, and according to Coast Guard documentation, vessels that are required to be issued a load line are subject to the same stability criteria as inspected vessels of the same type in the same service. See U.S. Coast Guard, *Marine Safety Manual*, vol. 4, 6.E.10. The focus of this report is uninspected fish tender vessels, so we do not discuss inspected fish tender vessels, which are required to be assigned a load line. See 46 U.S.C. §§ 3302(c)(3)(B), 5102(b)(5).

⁴⁰These stability requirements are found in 46 C.F.R. subchapter C, part 28, subpart E. These requirements apply to all uninspected commercial fishing industry vessels, including catcher vessels, that are not required to be assigned a load line; are 79 feet or more in length; and were built or undergo a major conversion on or after September 15, 1991. For the purposes of this report, we refer to these vessels as fish tender vessels without a load line. A major conversion means a conversion of a vessel that (1) substantially changes the dimensions or carrying capacity of the vessel; (2) changes the type of vessel; (3) substantially prolongs the life of the vessel; or (4) otherwise so changes the vessel that it is essentially a new vessel, as determined by the Commandant of the Coast Guard. 46 U.S.C. § 2101(18); 46 C.F.R. § 28.50.

stated they use dockside examinations to verify that fish tender vessels without a load line are compliant with stability requirements.

These stability requirements include:

- **Stability instructions.** Stability instructions provide fish tender vessel operators with guidance on how to load and operate their vessel in compliance with regulatory stability requirements. Coast Guard fishing vessel safety examiners in sectors within Districts 13 and 17 stated these instructions may include information such as where to place fishing industry equipment on deck and how to use fuel tanks in a variety of sea conditions.⁴¹ For fish tender vessels with a load line, instructions must be in the form of a stability booklet, unless sufficient information to operate the vessel in compliance with applicable regulations can be placed on the load line certificate or certain other required documents.⁴² For fish tender vessels without a load line, the format of these instructions may include simple loading instructions, a loading diagram with instructions, or a stability booklet with sample calculations.⁴³

According to Coast Guard naval architects, an assigning authority will review the design of the vessel and any of the vessel's modifications in its periodic surveys to ensure the vessel's stability instructions reflect its current configuration and operating conditions. These officials stated that because fish tender vessels without a load line do not undergo periodic surveys to maintain a load line certification, their stability instructions are not reviewed in the same way by an assigning authority. Rather, fishing vessel safety examiners from District 13 said

⁴¹These fishing vessel safety examiners also said that during a dockside examination, they check to see if the person in charge of the vessel understands their stability instructions. This can include asking the person how they would load their vessel in a specific operating condition.

⁴²46 C.F.R. § 170.110.

⁴³46 C.F.R. § 28.530. For such vessels, stability instructions must be in a format easily understood by the individual in charge of the vessel. 46 C.F.R. § 28.530(d).

that they are trained to ask owners of vessels during dockside examinations whether the vessel has had any modifications.⁴⁴

- **Stability Calculations.** Fish tender vessel owners are required to perform certain calculations related to the stability of the vessel to ensure the vessel remains upright in various operating conditions.⁴⁵ For fish tender vessels with a load line, vessel owners must submit the calculations with the plans for approval by the Coast Guard or an assigning authority.⁴⁶ For fish tender vessels without a load line, an individual or organization with formal training and experience in matters dealing with naval architecture calculations must conduct these calculations for the fish tender vessel.⁴⁷
- **Freeing ports.** Fish tender vessels with and without a load line that have walls that extend above the edge of the deck are required to have freeing ports.⁴⁸ Freeing ports are openings in the lower portion of such a wall that allow for the rapid drainage of water on deck. These measures mitigate the collection of water on deck, which can contribute to a significant loss in overall vessel stability.
- **Watertight and weathertight integrity.** For fish tender vessels with and without a load line, any vessel opening that is exposed to weather must be fitted with a closure device (e.g., a cover) that does not allow for water to leak through the opening when in use.⁴⁹ These measures

⁴⁴Since these vessels are uninspected and do not have a load line, they do not require the Coast Guard or assigning authority approval to undergo a repair or alteration. See 46 C.F.R. §§ 42.09-50; 170.005. However, fish tender vessels without load lines must revise their stability instructions if they are substantially altered on or after September 15, 1991, or undergo alterations to the fishing or processing equipment for the purpose of catching, landing, or processing fish in a manner different than has previously been accomplished. See 46 C.F.R. §§ 28.500, .501. Substantially altered means the vessel is physically altered in a manner that affects the vessel's stability. 46 C.F.R. § 28.510. If a vessel is substantially altered in a manner that adversely affects its stability, its stability instructions must be based on loading conditions or operating restrictions, or both, that compensate for the adverse effects of the alterations. § .501.

⁴⁵46 C.F.R. §§ 28.570, .575., 170.170, .173.

⁴⁶46 C.F.R. § 170.090.

⁴⁷46 C.F.R. § 28.505.

⁴⁸For commercial fishing industry vessels with a load line, these features are required for the issuance of a load line. For such vessels without a load line, they are part of stability requirements for non-load-lined vessels. See 46 C.F.R. § 28.555.

⁴⁹For commercial fishing industry vessels with a load line, these features are required for the issuance of a load line. For such vessels without a load line, they are part of stability requirements for non-load-lined vessels. See 46 C.F.R. § 28.560.

mitigate the threat of flooding inside of the vessel, which can contribute to a significant loss in overall vessel stability.

Coast Guard naval architects from the Office of Design and Engineering Standards stated it may be possible for an assigning authority to issue a first-time load line to a vessel that is already operational. However, they said commercial fishing industry vessels constructed without a load line, such as those built for the purpose of catching fish before 2013, may face challenges later obtaining a load line even if they meet stability requirements. These officials stated the challenges could include requiring significant design changes and repairs to meet appropriate assigning authority standards for a vessel that was not designed or surveyed during construction. If fish tender vessel owners were to seek a first-time load line, Coast Guard naval architects stated an assigning authority would consider features such as how well maintained the vessel's watertight and weathertight closures are and how robust the vessel's underwater hull is given its current condition, among others.

Coast Guard Collects Limited Data on Fish Tender Vessel Activity in Alaska and the Pacific Northwest

The Coast Guard collects some operational information and limited activity data on fish tender vessels in Alaska and the Pacific Northwest. When Coast Guard officials complete an operational activity for a fish tender vessel, such as a dockside examination or a marine casualty investigation, they are to record information about the vessel in the Marine Information for Safety and Law Enforcement (MISLE) system. However, MISLE is not updated in real time and does not capture data on additional service types when a single commercial fishing industry vessel performs as more than one type. As a result, the Coast Guard is unable to generate a reliable list of vessels operating full- and part-time as fish tender vessels in Alaska and the Pacific Northwest to determine the number of vessels subject to load line requirements or the number of fish tender vessels involved in marine casualties.

Coast Guard Collects Some Operational Information on Fish Tender Vessels in Alaska and the Pacific Northwest

The Coast Guard captures and reports on operational information in support of its mission in its MISLE system. MISLE is the Coast Guard's primary system of record for commercial fishing industry vessels.⁵⁰ Coast Guard personnel use MISLE to schedule and record dockside examinations and record marine casualty investigations.

⁵⁰According to Coast Guard policy, MISLE is the Coast Guard's operational activity case management system. The system is designed to collect, store, and disseminate data on vessels, cargoes, facilities, waterways, individuals, and organizations, as well as Coast Guard activities involving all these entities.

-
- **Dockside examinations.** According to Coast Guard policy, fishing vessel safety examiners are to examine a commercial fishing industry vessel to ensure it complies with safety requirements. The fishing vessel safety examiners are to document the results from this dockside examination and general vessel characteristics in MISLE. This includes information such as a vessel's length, its primary service type, and where the vessel is operating in relation to the U.S. boundary line. Fishing vessel safety examiners from sectors within Districts 13 and 17 stated they typically record a vessel's service type in MISLE based on which service type the vessel operators report performing as during the dockside examination.⁵¹

According to MISLE data, from fiscal years 2018 through 2022, the Coast Guard conducted 4,452 dockside examinations for commercial fishing industry vessels in Districts 13 and 17.⁵² Of these, 108 were examinations for fish tender vessels, according to the data. The Coast Guard recorded other information on fish tender vessels during this time that could be used to determine whether load line requirements would apply to the vessels, such as information on the vessel's tonnage.

- **Marine casualty investigations.** According to Coast Guard policy, investigators are to record a narrative of the activity that led to the marine casualty, the length and tonnage of the vessel, and if the vessel had a valid load line in MISLE. They may also record safety recommendations.

According to MISLE data, from fiscal years 2013 through 2022, the Coast Guard investigated 36 marine casualties of fish tender vessels

⁵¹Sector fishing vessel safety examiners within Districts 13 and 17 stated that if vessel operators tell them during a dockside examination that the vessel performs as a fish tender vessel most of the year, they will examine them based on the safety requirements for fish tender vessels. However, sector fishing vessel safety examiners within District 13 further clarified that if the vessel operators tell them the vessel operates as a catcher vessel, the operator could still decide to tender after the dockside examination. In this situation, they said they will not have checked the vessel for fish tender safety requirements and will not record it as a fish tender vessel in MISLE.

⁵²It is possible that a vessel may be present in the data more than once if the Coast Guard examined the vessel in multiple fiscal years. According to Coast Guard headquarters officials, these data only include uninspected fish tender vessels and do not include inspected fish tender vessels.

in Districts 13 and 17.⁵³ Coast Guard marine investigators recorded other information on these fish tender vessels during this time that could be used to determine the applicability of load line requirements, such as information on the vessel's tonnage and build year.

Coast Guard Collects Limited Data on Fish Tender Vessel Activity in Alaska and the Pacific Northwest

Though the Coast Guard collects some operational information in MISLE, the service does not collect enough data to fully understand the extent of fish tender vessel activity in Alaska and the Pacific Northwest. Specifically, according to Coast Guard field officials responsible for vessel safety in Districts 13 and 17, the Coast Guard is unable to generate a reliable list of commercial fishing industry vessels operating as part-time fish tender vessels or fish tender vessels involved in marine casualties in these areas using MISLE because of two factors:

- **MISLE only captures operational activities at one point in time.** Coast Guard officials stated that MISLE serves as a point-in-time snapshot for a vessel during an operational activity such as a dockside examination or an investigation of a marine casualty. As a result, Coast Guard field officials responsible for vessel safety in Districts 13 and 17 stated that its data cannot be used to reliably estimate the size of the fish tender fleet because situations can change in the 5-year periods between Coast Guard dockside examinations. For example, these officials stated that a catcher vessel could become a fish tender vessel if it sells its individual fishing quotas to another vessel during the 5-year period between dockside examinations. However, the Coast Guard would not capture this change in MISLE.
- **MISLE does not capture multiple service types for a vessel.** According to Coast Guard MISLE guidance, MISLE only allows fishing vessel safety examiners to select one service type when capturing information on a commercial fishing industry vessel in the system. Coast Guard fishing vessel safety examiners from sectors within Districts 13 and 17 stated they typically will categorize a vessel as a catcher vessel in MISLE if they encounter a commercial fishing

⁵³It is possible that a vessel may be present in the data more than once if the Coast Guard investigated the vessel in response to more than one marine casualty during the 10-year time frame. According to Coast Guard headquarters officials, these data only include uninspected fish tender vessels and do not include inspected fish tender vessels. These data reflect commercial fishing industry vessel marine casualties that the Coast Guard categorized as involving a fish tender vessel in MISLE. Coast Guard officials stated there could be additional marine casualties for vessels that the Coast Guard recorded as being a general dry cargo ship that were acting as a fish tender vessel at the time of the marine casualty.

industry vessel that both catches and tenders fish because most vessels in their experience catch fish most of the year.

Coast Guard field officials responsible for vessel safety in Districts 13 and 17 estimate that there are approximately 160 to 170 commercial fishing industry vessels that operate as a full- or part-time fish tender vessel in Districts 13 and 17. They stated they made this estimation based on their institutional knowledge and data they obtained on the District 17 fleet from the Alaska Department of Fish and Game in March 2017.⁵⁴ These officials stated they do not find MISLE data to be reliable to determine the size of the fish tender fleet in their districts.

Coast Guard field officials responsible for vessel safety from Districts 13 and 17 told us that because MISLE only captures one service type per vessel, its data cannot be used to reliably estimate the size of its fish tender fleet. This is because there could be part-time fish tender vessels captured as catcher vessels that are not reflected as a fish tender. This data reliability issue also affects the ability of the Coast Guard to query a list of marine casualties involving part-time fish tender vessels to make informed decisions about safety risks to the fleet. Coast Guard officials in Districts 13 and 17 stated that they would have a fuller understanding of full- and part-time fish tender vessel activity if MISLE was updated to allow fishing vessel safety examiners to select multiple service types for a vessel.

The Coast Guard's *Framework for Strategic Mission Management, Enterprise Risk Stewardship, and Internal Control* states that Coast Guard management is responsible for conducting regular, data-driven reviews of a program's progress toward achieving ultimate mission goals.⁵⁵ The guidance states that while the data need not be perfect, they must be appropriately accurate and reliable. Additionally, the Coast Guard's *Commandant Instruction 5200.10, Management's Responsibility for Internal Control* directs Coast Guard management to establish, maintain, review, and improve internal controls through active

⁵⁴The Alaska Department of Fish and Game manages approximately 750 active fisheries, 26 game management units, and 32 special areas in Alaska. According to Coast Guard field officials responsible for vessel safety in Districts 13 and 17, the Department tracks more real-time information about commercial fishing industry vessels operating in Alaska than the Coast Guard does in MISLE.

⁵⁵See U.S. Coast Guard, Deputy Commandant for Operations, *Framework for Strategic Mission Management, Enterprise Risk Stewardship, and Internal Control* (2020).

involvement in assessments that both support assurances that the Coast Guard is accomplishing its intended objectives.⁵⁶

According to Coast Guard officials, MISLE does not capture the activity of multi-service type commercial fishing industry vessels because the system is outdated. They said MISLE was created before the trend of commercial fishing industry vessels increasingly serving as fish tender vessels part-time. Coast Guard officials in Districts 13 and 17 stated they had not previously requested that this change be made to MISLE because they understood the system was undergoing a modernization.

In July 2020, we reported on the Coast Guard's longstanding challenges with MISLE.⁵⁷ We found that the system had some capability gaps, and MISLE users we spoke to described numerous challenges with the system. MISLE system managers stated they were aware of these challenges and agreed that MISLE requires further investments to meet user needs. However, we found that the Coast Guard did not follow key systems development processes. As a result, we recommended that the Coast Guard follow its key systems development processes to identify and analyze alternatives to select solutions to meet mission needs. The Coast Guard concurred and said the service plans to replace MISLE with another system of record. As of December 2023, replacement efforts were ongoing. The National Transportation Safety Board also has reported shortcomings with the MISLE system, including that the system could not provide data on a population of vessels by year.⁵⁸

While the Coast Guard is in the process of replacing MISLE to address limitations, the Coast Guard has not provided any information on how this new system would address the ability of Coast Guard fishing vessel safety examiners to select multiple service type options for commercial fishing industry vessels. The Coast Guard also has not provided a date by which the service expects to fully replace MISLE.

⁵⁶See U.S. Coast Guard, *Commandant Instruction 5200.10, Management's Responsibility for Internal Control* (2015).

⁵⁷See GAO, *Coast Guard: Actions Needed to Ensure Investments in Key Data System Meet Mission and User Needs*, [GAO-20-562](#) (Washington, D.C.: July 16, 2020).

⁵⁸See National Transportation Safety Board, *Marine Accident Report: Fire Aboard Small Passenger Vessel Conception Platts Harbor, Channel Islands National Park, Santa Cruz Island, 21.5 miles South-Southwest of Santa Barbara, California, September 2, 2019*, NTSB/MAR-20/03 (Washington, D.C.: Oct. 20, 2020).

Until the Coast Guard has a system with the ability to collect accurate data on the activity of multi-service type commercial fishing industry vessels, the service will be unable to determine the extent of part-time fish tender vessel activity in Alaska and the Pacific Northwest. By assessing the feasibility of updating its system of record to capture multiple vessel service types and implementing the changes if feasible, the Coast Guard will be better positioned to carry out its regulatory oversight of fish tender vessel compliance with load line requirements.

Coast Guard Has Not Fully Assessed Alternative Compliance Program Safety Risks or Legal Basis

In 2015, the Coast Guard recognized that some fish tender vessels in Alaska were not in compliance with load line requirements. Field officials determined that they had misinterpreted load line requirements for fish tender vessels operating in a part-time capacity and had not been enforcing the requirements for such vessels. In response, Coast Guard Pacific Area Command and District 13 and 17 officials developed a proposal for an alternative compliance program for fish tender vessels without a load line in Alaska and the Pacific Northwest. However, the service has not fully assessed the safety risks posed to vessels that may participate in an alternative compliance program nor clearly identified the legal basis for such a program.

Coast Guard Took Actions to Address Fish Tender Vessel Noncompliance with Load Line Requirements

Coast Guard field officials determined that fish tender vessels were not in compliance with load line requirements and took actions to address the issue.

- **Field officials determined vessels were not compliant with requirements.** According to Coast Guard documentation, Coast Guard field officials responsible for vessel safety in District 17 first recognized the issue of fish tender vessel noncompliance with load line requirements in June 2015 during two dockside examinations. The documentation noted that the two vessels the Coast Guard examined appeared to meet the criteria for requiring a load line in their capacity as a fish tender vessel, though neither maintained one. At the time, Coast Guard District 17 officials said they considered vessels that engaged in both catching and tendering, but spent more time serving as catcher vessels, to be subject only to load line requirements for catcher vessels.⁵⁹ However, they said these two vessel examinations raised questions about their legal interpretation of load line requirements for fish tender vessels. The documentation

⁵⁹Catcher vessels built on or before July 1, 2013, are not subject to load line requirements. 46 U.S.C. § 5102(b)(3).

also noted that the trend of vessels changing from being a catcher vessel to a fish tender vessel was likely more widespread in the District 17 fleet and would require further investigation by the Coast Guard.

- **Field officials determined they misinterpreted load line requirements.** In 2017, Coast Guard field officials responsible for vessel safety in Districts 13 and 17 stated they made a legal determination that load line requirements for fish tender vessels applied to catcher vessels whenever they engaged in tendering—whether or not they were primarily catcher or fish tender vessels. According to Coast Guard documentation, these officials determined that they had misinterpreted the requirements for commercial fishing industry vessels acting as fish tender vessels in a part-time capacity.⁶⁰ The documentation specified that these officials determined all catcher vessels would have to be in compliance with load line requirements for fish tender vessels when acting as a fish tender vessel.
- **Field officials recommended an alternative compliance approach.** In July 2018, Coast Guard field officials responsible for vessel safety in Districts 13 and 17 recommended an alternative compliance program for commercial fishing industry vessels that were unable to be in compliance with load line requirements when operating as fish tender vessels. Officials recommended this approach because they found that the commercial fishing industry fleet may be unable to meet fish tender vessel load line requirements due to the age and construction of the vessels.⁶¹ These officials recommended instituting an alternative compliance program that would allow fish tender

⁶⁰See U.S. Coast Guard, Pacific Area Command, *Load Line Enforcement for Commercial Fishing Tender Vessels in the Pacific Northwest*, Memorandum to the U.S. Coast Guard Director of Inspections and Compliance (Alameda, Calif.: Mar. 11, 2019). The part-time fish tender status originates in the Commercial Fishing Industry Vessel Act. Pub. L. No. 98-364, § 402, 98 Stat. 440, 445-446 (1984). The legislation exempts certain commercial fishing industry vessels from inspection requirements, including a catcher vessel that is chartered part-time as a fish tender vessel. This provision does not extend to load line requirements.

⁶¹See U.S. Coast Guard, Seventeenth District, *D13/D17 Fish Tender Load Line Applicability* (July 2, 2018).

vessels to operate without a load line if they met certain safety requirements.⁶²

According to Coast Guard documentation, in September 2018, Coast Guard field officials responsible for vessel safety in Districts 13 and 17 discussed with headquarters officials from the Office of Commercial Vessel Compliance several potential courses of action to resolve the compliance issue. In March 2019, Pacific Area Command distributed a memorandum stating that strict enforcement of load line requirements would place a significant burden on the commercial fishing industry.⁶³ The memorandum also stated that Pacific Area Command agreed with District 13 and 17's recommendation to develop an alternative compliance program.

- **Field command established a task force to address issue.** In August 2019, Pacific Area Command established a task force—comprised of District 13 and 17 officials and other Coast Guard officials—to develop a viable compliance option for fish tender vessels not in compliance with load line requirements.⁶⁴ The task force's charter specified that the task force move with a sense of urgency to identify, develop, and implement the best recommendation to address the issue of commercial fishing vessels conducting tendering operations that are not in compliance with load line requirements.

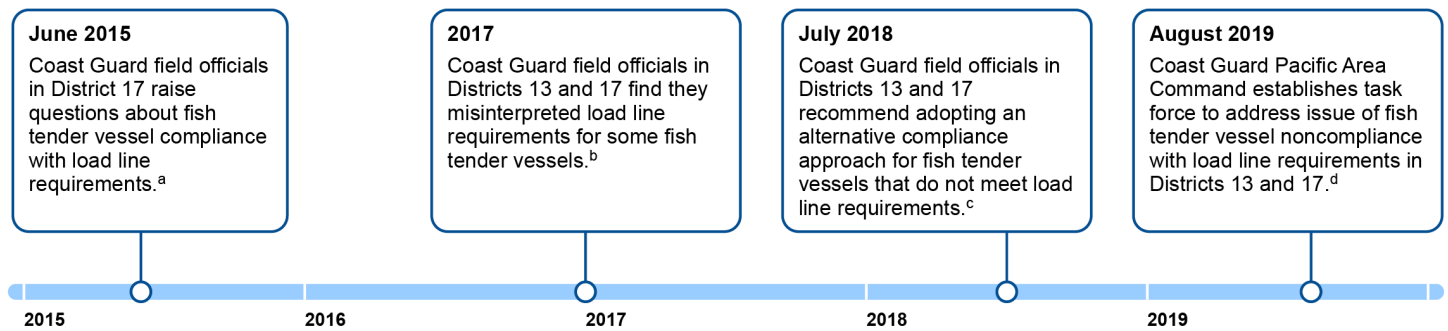
Figure 5 provides a timeline of actions the Coast Guard took to address fish tender vessel noncompliance with load line requirements.

⁶²In June 2018, the Coast Guard also issued a recommendation in its report on the 2016 *Exito* marine casualty to create a fish tender vessel compliance program that would provide a solution to load line compliance without placing financial hardship on vessel owners and operators. See U.S. Coast Guard, *Report of Investigation into the Circumstances Surrounding the Sinking with Loss of Life Aboard the Vessel Exito*, O.N. 273458 (June 28, 2018).

⁶³See U.S. Coast Guard, *Load Line Enforcement for Commercial Fishing Tender Vessels in the Pacific Northwest* (Alameda, Calif.: Mar. 11, 2019).

⁶⁴See U.S. Coast Guard, Pacific Area Command, *Charter for Commercial Fishing Vessels Conducting Tendering Operations Task Force* (Alameda, Calif.: Aug. 7, 2019).

Figure 5: Timeline of Coast Guard Actions to Address Fish Tender Vessel Noncompliance with Load Line Requirements



Source: GAO analysis of Coast Guard documentation and interviews with Coast Guard officials. | GAO-24-106729

^aThe Coast Guard organizes its field structure under two area commands (Atlantic and Pacific). The two area commands oversee nine districts across the U.S. Districts 13 and 17 oversee the commercial fishing industry vessel fleet in the Pacific Northwest and Alaska, respectively.

^bCoast Guard officials were not able to provide the month in which this step occurred.

^cCoast Guard field officials stated an alternative compliance approach would provide a substitute set of requirements for participating fish tender vessels in lieu of imposing load line requirements.

^dThe Coast Guard Pacific Area Command oversees Districts 13 and 17.

Coast Guard Developed an Alternative Compliance Program, but Did Not Fully Assess Safety Risks or Clearly Identify a Legal Basis

Coast Guard task force officials stated they took steps to develop an alternative compliance program for fish tender vessels without a load line, including collecting data, conducting industry outreach, and developing program guidance. Coast Guard headquarters officials noted that the approach of such a program would be to create an agreement between the Coast Guard and vessel owners and operators that improves vessel safety at an acceptable level of cost and effort. However, they have not fully assessed the safety risks posed to vessels in Districts 13 and 17 that might participate in the program or clearly identified the legal basis for implementing such a program.

Task Force Began Developing an Alternative Compliance Program for Certain Fish Tender Vessels Without a Load Line

The Coast Guard’s task force began developing an alternative compliance program for certain fish tender vessels without a load line by completing the following actions to date.

- **Data collection.** The task force collected data to identify the size of the fish tender vessel fleet in Alaska and the Pacific Northwest that does not meet applicable load line requirements. As discussed earlier, Coast Guard field officials responsible for vessel safety in Districts 13 and 17 determined they did not have reliable data to identify the extent of fish tender vessel activity in MISLE. After reviewing March 2017 Alaska Department of Fishing and Game data and using their institutional knowledge, Coast Guard task force officials stated that in

May 2023, they estimated that there were about 160 to 170 vessels conducting full- or part-time tendering operations in Districts 13 and 17.

- **Industry outreach.** The task force conducted industry outreach to collect information on potential fish tender fleet impact related to load line requirements and perspectives on an alternative compliance approach. According to its documentation, the task force conducted an online survey that gathered information from nearly 100 vessel owners. This included information on characteristics such as when the vessel was built, whether it was constructed as a fish tender vessel, when it started tendering, and how many days per year it operated as a fish tender vessel.

In addition, the task force polled 52 owners of full- and part-time fish tender vessels on how frequently their vessels received maintenance, among other things, to understand the impact of the proposed program on the fleet. In this survey, officials also asked vessel owners whether they would prefer to be in compliance with load line requirements or alternative requirements. According to the responses, 50 of the 52 vessel owners surveyed favored being in compliance with alternative requirements.

- **Program materials.** The task force created materials for the proposed alternative compliance program, including an examination booklet for dockside examinations and an industry aid. Task force officials stated they used the preexisting Alternate Compliance and Safety Agreement program for fish processing vessels as a model for designing a program to oversee fish tender vessels unable to meet load line requirements.⁶⁵ The task force drafted an examination booklet for the alternative compliance program for fish tender vessels. It includes items for officials to check during a dockside examination, such as those related to vessel stability and a vessel's internal structure. The task force also developed an industry aid for vessel owners to assess how easily a vessel would be able to obtain a load line or meet required elements in the alternative compliance program.

⁶⁵Coast Guard headquarters officials noted that, in general, the Alternate Compliance and Safety Agreement program is evidence of a successful alternative compliance program. They stated that many of this program's safety requirements may be reasonably applied to an alternative compliance program for fish tender vessels unable to meet load line requirements.

Task Force Has Not Fully Assessed Safety Risks or Clearly Identified a Legal Basis for Alternative Compliance Program

According to its charter, the task force's purpose is to develop a viable compliance option for commercial fishing industry vessels conducting tendering operations without a load line that maximizes vessel safety within existing resource limitations of the Coast Guard.⁶⁶ The charter also states that the task force is to complete several steps before recommending the implementation of a proposed alternative compliance program to headquarters. These include (1) completing a risk assessment on the program's safety impacts, and (2) determining whether the Coast Guard has the authority to exempt a fish tender vessel from load line requirements.⁶⁷

- **Coast Guard's safety assessment is not complete.** Task force officials stated they have not completed a risk assessment but have considered potential safety risks to fish tender vessel operators when developing the proposed alternative compliance program. They said they did so by recalling marine casualty information in Districts 13 and 17 from the previous 5 years and engaging in discussions with the National Institute for Occupational Safety and Health on marine casualties related to the fish tender vessel fleet in Alaska and the Pacific Northwest. They noted that fish tender vessels generally engage in relatively low-risk activities. Task force officials said they had not documented their results in a risk assessment due to the informal nature of their work.⁶⁸ They also acknowledged that fully conducting such an assessment is important to ensure that an alternative compliance program would provide an acceptable level of safety to participating vessels.

Coast Guard headquarters officials said that the Coast Guard needs to conduct a formalized risk assessment of the program to consider potential safety risks to fish tender vessels without a load line brought under an alternative compliance program. They also stated that the

⁶⁶See U.S. Coast Guard, *Charter for Commercial Fishing Vessels Conducting Tendering Operations Task Force*.

⁶⁷According to Coast Guard headquarters officials, the following headquarters-based Coast Guard offices are to receive the task force's recommendation and develop national-level guidance for the program: the Office of Commercial Vessel Compliance, the Office of Design and Engineering Standards, the Office of Maritime and International Law, and the Marine Safety Center. The charter further states that the final recommendation for an alternative compliance program is to be presented to an approving authority, possibly to the Commandant, Deputy Commandant, or Assistant Commandant level.

⁶⁸Coast Guard task force officials stated they conducted an assessment that led to their determination that an alternative compliance program for load line requirements was most appropriate. However, they could not provide any requested documentation that supported this conclusion.

Coast Guard should consider factors such as operational routes, weather patterns, vessel type, intended commercial operations, vessel safety, and ports of refuge along the vessel's intended route as it relates to marine safety. These officials further stated a risk assessment should also analyze whether the specific safety measures proposed as part of the program would provide an acceptable level of safety for participating vessels.

According to its charter, the task force is also to consider the existing resource limitations of the Coast Guard when developing a viable compliance option for commercial fishing industry vessels conducting tendering operations without a load line. For example, a Pacific Area Command memorandum stated that the program should be developed to maximize vessel safety while requiring a minimal amount of additional resources from the Coast Guard.⁶⁹ Notably, Coast Guard headquarters officials said it is unlikely that the service would have the capability to expand the workforce of marine safety personnel in Districts 13 and 17 to support such a program due to the Coast Guard's staffing constraints.⁷⁰

As we and others have reported for the past four decades, the Coast Guard has faced challenges maintaining an adequate staff of experienced marine safety personnel to ensure that vessels meet

⁶⁹See U.S. Coast Guard, *Load Line Enforcement for Commercial Fishing Tender Vessels in the Pacific Northwest*.

⁷⁰The Coast Guard's Alternate Compliance and Safety Agreement program, established in 2006 to provide certain commercial fishing industry vessels with alternative requirements to load line requirements, has faced workforce challenges. According to a 2017 Coast Guard report, the service did not provide enough personnel resources for the Alternate Compliance and Safety Agreement program to conduct the oversight activities for the vessels participating in the program. The report stated that the program needed additional marine safety personnel to successfully manage the participating fleet to prevent additional marine casualties. See U.S. Coast Guard, *Report of Investigation into the Circumstances Surrounding the Sinking and Total Loss of the Alaska Juris*, O.N. 569276 (Sept. 29, 2017), 52-53.

federal safety standards.⁷¹ Coast Guard headquarters officials noted that a new alternative compliance program could instead rely on third-party organizations to conduct oversight activities to minimize the burden on Coast Guard resources.⁷²

- **Coast Guard has not clearly identified the legal basis for alternative compliance program.** Task force officials have not clearly identified the legal basis for an alternative compliance program. Coast Guard headquarters officials initially cited two regulatory provisions that could potentially serve as the legal authority for such a program. However, they were not able to clearly explain how either could serve as the legal basis for an alternative compliance program.
 - The first provision states that a load line assigning authority, with the Coast Guard's approval, may accept in substitution a particular fitting, material, appliance, apparatus, equipment, or arrangement on a vessel if it can be demonstrated that the substitution is at least as effective as that required by regulations.⁷³ Coast Guard headquarters officials stated that this provision would likely not be applicable to an alternative compliance program for fish tender vessels, as it is generally applied to particular pieces of equipment required for load line assignment rather than load line requirements as a whole.
 - The second provision states that the Coast Guard may exempt vessels, upon the specific recommendation of the load line assigning authority, from one or more load line requirements in certain situations. Coast Guard headquarters officials stated that authority for the program may be found in language providing that

⁷¹See GAO, *How Effective Is the Coast Guard in Carrying Out Its Commercial Vessel Safety Responsibilities?* [GAO/CED-79-54](#) (Washington, D.C.: May 25, 1979); GAO, *Management Improvement Could Enhance Enforcement of Coast Guard Marine Safety Programs*, [GAO/RCED-85-59](#) (Washington, D.C.: Aug. 15, 1985); GAO, *Coast Guard: Inspection Program Improvements Are Under Way to Help Detect Unsafe Tankers*, [GAO/RCED-92-23](#) (Washington, D.C.: Oct. 8, 1991); *Coast Guard's Marine Safety Program Staffing*, [GAO/RCED-96-162R](#) (Washington, D.C.: June 11, 1996); GAO, *Coast Guard: Service Has Taken Steps to Address Historic Personnel Problems, but It Is Too Soon to Assess the Impact of These Efforts*, [GAO-10-268R](#) (Washington, D.C.: Jan. 29, 2010); Congressional Research Service, *The Coast Guard's Need for Experienced Marine Safety Personnel*, R45923 (Washington, D.C.: Sept. 19, 2019); and GAO, *Coast Guard: Enhancements Needed to Strengthen Marine Inspection Workforce Planning Efforts*, [GAO-22-104465](#) (Washington, D.C.: Jan. 12, 2022).

⁷²We began a study in 2023 that is examining the Coast Guard's role in overseeing third-party organizations.

⁷³46 C.F.R. § 42.03-20.

the Coast Guard may exempt from any load line requirement a vessel that engages on a domestic voyage and embodies features of a novel kind.⁷⁴ However, they were not able to explain how the relevant fish tender vessels embody features of a novel kind.⁷⁵

The Coast Guard may be able to pursue another legal basis for an alternative compliance program by issuing or amending regulations.⁷⁶ In particular, the second regulatory provision cited above was issued pursuant to a statutory provision that authorizes the Coast Guard to exempt a vessel from load line requirements when, under Coast Guard regulations, it finds good cause for doing so.⁷⁷ As such, the Coast Guard could consider issuing regulations pursuant to this statutory provision, subject to a determination of good cause, either as a new regulatory provision or an amendment to the exemption regulation, that may serve as a legal basis for an alternative compliance program.

The charter stated that the task force is to assess safety risks posed to these vessels and determine a legal basis for its recommended solution. However, task force officials told us they had paused their work after May 2022 when they learned that we would be conducting this review.⁷⁸ These officials recognized they need to continue their efforts after our review. That said, certain fish tender vessels have continued to be out of compliance with load line requirements during our review.

Within the Coast Guard's marine safety statutory mission, one of its primary duties is enforcing laws that promote the safety of life and property in the marine environment.⁷⁹ In addition, according to its charter, the purpose of the task force is to develop a viable option that maximizes

⁷⁴46 C.F.R. § 42.03-30(e).

⁷⁵A related provision authorizes the Coast Guard to exempt vessels on international voyages that embody features of a novel kind from load line requirements when such requirements seriously impede research, development, and incorporation of novel features into vessels. See 46 C.F.R. § 42.03-30(b).

⁷⁶If the Coast Guard determines that it does not have statutory authority to establish an alternative compliance program, it may seek such authority by developing and submitting a legislative proposal.

⁷⁷See 46 U.S.C. § 5108(a)(2).

⁷⁸See James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Pub. L. No. 117-263, § 11325, 136 Stat. 2395, 4095 (2022).

⁷⁹6 U.S.C. § 468(a); 14 U.S.C. § 102.

vessel safety within existing resource limitations.⁸⁰ *Standards for Internal Control in the Federal Government* state that management should use quality information to make informed decisions and evaluate the entity's performance in achieving key objectives and addressing risks.⁸¹ These standards also state that agencies are to establish controls, such as those provided through policies and procedures, to provide reasonable assurance that agencies and operations comply with applicable laws and regulations.

Coast Guard headquarters and task force officials acknowledged that conducting and documenting a risk assessment would support the Coast Guard's efforts to ensure the safety of vessels participating in an alternative compliance program. They also acknowledged the importance of identifying the legal basis for a program by assigning the task force with responsibility for determining whether the Coast Guard can exempt a fish tender vessel from load line requirements and, if so, under what authority.

By fully assessing the safety risks posed to fish tender vessels without a load line, the Coast Guard can help ensure that any proposed alternative compliance program maximizes vessel safety within existing resource limitations. By clearly identifying a legal basis for the program, the Coast Guard can ensure that any proposed program is consistent with its legal authorities regarding exemptions from load line requirements.

Conclusions

The Coast Guard, in carrying out its mission of marine safety, is responsible for ensuring that certain fish tender vessels have a valid load line to ensure their overall seaworthiness. However, the Coast Guard does not collect enough data to fully understand the extent of fish tender vessel activity in Alaska and the Pacific Northwest. Specifically, the Coast Guard's reporting system, MISLE, does not capture data on the multiple service types that may apply to a single commercial fishing industry vessel. As a result, the Coast Guard is unable to generate a reliable list of vessels operating full- and part-time as a fish tender vessel to determine the number of fish tender vessels in Alaska and the Pacific Northwest subject to load line requirements. The Coast Guard is also unable to determine the number of full- and part-time fish tender vessels involved in marine casualties. By assessing the feasibility of updating its system of

⁸⁰See U.S. Coast Guard, *Charter for Commercial Fishing Vessels Conducting Tendering Operations Task Force*.

⁸¹See [GAO-14-704G](#).

record to capture multiple vessel service types and implementing the changes if feasible, the Coast Guard will be better positioned to carry out its regulatory oversight of fish tender vessel compliance with load line requirements.

Further, the Coast Guard recognized the potential issue of fish tender vessel noncompliance with load line requirements when conducting two dockside examinations in 2015 and took actions to address it. Although the Coast Guard started developing an alternative compliance program, the service has yet to fully assess safety risks posed to vessels that may participate in its proposed alternative compliance program or clearly identify a legal basis for such a program. By fully assessing the safety risks posed to fish tender vessels without a load line, the Coast Guard can help ensure that any proposed alternative compliance program maximizes vessel safety within existing resource limitations. By clearly identifying a legal basis for an alternative compliance program, the Coast Guard can ensure that any proposed program is consistent with its legal authorities for exempting fish tender vessels from applicable load line requirements.

Recommendations for Executive Action

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

The Deputy Commandant for Mission Support should assess the feasibility of updating the Coast Guard's system of record for commercial fishing industry vessels to capture multiple service types for commercial fishing industry vessels and, if feasible, implement the changes. (Recommendation 1)

The Deputy Commandant for Operations should fully assess the safety risks posed to fish tender vessels without a load line that may participate in any proposed alternative compliance program. (Recommendation 2)

The Deputy Commandant for Operations should clearly identify the legal basis for any proposed alternative compliance program for fish tender vessels without a load line. (Recommendation 3)

Agency Comments and Our Evaluation

In December 2023, we provided a draft of this report to the Department of Homeland Security, the Coast Guard, the National Transportation Safety Board, and the Department of Health and Human Services for review and comment. In the Department of Homeland Security's comments, reproduced in appendix I, the department agreed with all three of our recommendations and described the Coast Guard's planned actions to address them. Additionally, the Department of Homeland Security and the

National Transportation Safety Board provided technical comments, which we incorporated into the report as appropriate. The Department of Health and Human Services confirmed it had no technical comments.

We are sending copies of this report to the appropriate congressional committees, the Secretaries of Homeland Security and Health and Human Services, the Commandant of the Coast Guard, and the Chair of the National Transportation Safety Board. In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.

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



Heather MacLeod
Director, Homeland Security and Justice

Appendix I: Comments from the Department of Homeland Security

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



**Homeland
Security**

January 26, 2024

Heather MacLeod
Director, Homeland Security and Justice
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548-0001

Re: Management Response to Draft Report GAO-24-106729, "COAST GUARD:
Enhanced Safety Oversight Needed for Fish Tender Vessels"

Dear Ms. MacLeod:

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

DHS leadership is pleased to note GAO's recognition of U.S. Coast Guard efforts to ensure the safety of fish tender vessels by adhering to load line and stability requirements. Specifically, GAO noted that the Coast Guard's data system captures information on the activities of commercial fishing industry vessels but could be strengthened. DHS remains committed to enhancing marine safety by enforcing and updating safety requirements for commercial fishing vessels.

The draft report contained three recommendations with which the Department concurs. Enclosed find our detailed response to each recommendation. DHS previously submitted technical comments addressing several accuracy, contextual, and other issues under a separate cover for GAO's consideration.

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

Sincerely,

JIM H CRUMPACKER Digitally signed by JIM H
CRUMPACKER
Date: 2024.01.26 13:50:23 -05'00'

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

Enclosure

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

**Enclosure: Management Response to Recommendation
Contained in GAO-24-106729**

GAO recommended that the U.S. Coast Guard Deputy Commandant for Mission Support:

Recommendation 1: Assess the feasibility of updating the Coast Guard’s system of record for commercial fishing industry vessels to capture multiple service types for commercial fishing industry vessels and, if feasible, implement the changes.

Response: Concur. The Coast Guard’s Marine Information for Safety and Law Enforcement (MISLE) database is currently undergoing a multi-year modernization project: Coast Guard Case Management, and part of this project is assessing the feasibility of capturing multiple service types for commercial fishing industry vessels. In the interim, the Coast Guard’s Office of Commercial Vessel Compliance (CG-CVC) will insert a note in MISLE that will amplify dual/multi commercial fishing industry services that will be displayed on the MISLE Vessel Critical Profile to better track when a vessel engages in multiple types of commercial fishing services and to inform a Coast Guard examiner or law enforcement official of a vessel’s commercial service.

Efforts to update MISLE, include the following Acquisition Decision Event (ADE) milestones planned:

Actions	Estimated Completion Date (ECD)
ADE-1	March 29, 2024
Complete Analysis of Alternatives (AoA)	March 31, 2025
Update Operational Requirements Documents and Concept of Operations with AoA feedback.	May 30, 2025
Initial draft of Lifecycle Cost Estimate and other acquisition documents.	August 29, 2025
Initial draft of Enterprise Architecture documents.	August 29, 2025
ADE-2A Enterprise Architecture Board	October 30, 2026
ADE-2A	December 31, 2026
Complete Functional Requirements Documents	December 31, 2027
Secure contract of system developer	March 31, 2028
Begin development of system	March 31, 2028
Update to acquisition documents	October 31, 2028
ADE-3 and notional Initial Operational Capability	December 29, 2028

Overall ECD: December 29, 2028.

Appendix I: Comments from the Department of Homeland Security

GAO recommended that the U.S. Coast Guard Deputy Commandant for Operations:

Recommendation 2: Fully assess the safety risks posed to fish tender vessels without a load line that may participate in any proposed alternative compliance program.

Response: Concur. The evaluation of fish tender vessel load line non-compliance is an ongoing Coast Guard Pacific Area Commander (PAC) initiative, for which a Coast Guard task force is finalizing an assessment of fish tender vessel load line non-compliance and will submit findings and recommendations to CG-CVC for review. CG-CVC will then evaluate the risks to the non-load line fish tender population.

These efforts include the following actions:

Actions	ECD
Complete PAC Fish Tender assessment.	December 31, 2024
Determine appropriate alternative compliance scheme.	December 31, 2025
Evaluate risks to non-load line fish tender population.	July 31, 2026

Overall ECD: July 31, 2026.

Recommendation 3: Clearly identify the legal basis for any proposed alternative compliance program for fish tender vessels without a load line.

Response: Concur. As previously noted, the evaluation of fish tender vessel load line non-compliance is an ongoing PAC initiative, and the task force will finalize an assessment of fish tender vessel load line non-compliance and submit findings and recommendations to the CG-CVC, who will then evaluate the Coast Guard's legal authorities in developing a potential alternative compliance scheme.

These efforts include the following actions:

Actions	ECD
Complete PAC Fish Tender assessment	December 31, 2024
Evaluate the Coast Guard's legal authorities in developing a potential alternative compliance scheme.	December 31, 2025

Overall ECD: December 31, 2025.

Appendix II: GAO Contact and Staff Acknowledgments

GAO Contact

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

Staff Acknowledgments

In addition to the contact above, Jason Berman (Assistant Director), Kelsey M. Carpenter (Analyst-in-Charge), Nasreen Badat, Craig Comen, Steven Flint, Eric Hauswirth, Tracey King, Amanda Miller, and Janet Temko-Blinder all made key contributions to this report.

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