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Abstract
During the mid-1980's, the crisis in marine insurance and growing concern over fishing vessel safety combined to stimulate passage of the Commercial Fishing Industry Vessel Safety Act of 1988. This law was enacted with the goal of improving the overall safety of commercial fishing industry vessels. However, the Act as passed by Congress contained no provisions for marine insurance reform. As a result, the commercial fishing Industry Vessel Safety Act offered little incentive for the industry to improve upon its dubious safety record. With the exception of self-insurance clubs, the vast burden of implementing the Act has fallen upon the U.S. Coast Guard. Implementation of any congressional mandate necessarily involved identification of Congressional intent. In the case of the Commercial Fishing Industry Vessel Safety Act, the intent of Congress was to promote a proactive risk management system and the use of voyage terminations as a primary enforcement mechanism. Unfortunately, this policy has been implemented within the Coast Guard such that the authority to terminate a fishing vessel voyage is concentrated at a high level within that agency, and the Coast Guard has been precluded from effectively utilizing the enforcement tool which Congress provided for in the Act. Instead, the Coast Guard has focused its enforcement efforts on post-contact control measures such as mandating exposure suits and life rafts, and in so doing has missed the opportunity to prevent accidents by creating a new risk management regime. By refocusing enforcement efforts within the Coast Guard in order to create a more effective risk management system, the fishing vessel safety program currently in place in this country could be vastly improved. Likewise, a more aggressive data gathering protocol and the utilization of risk management methodology to measure and identify hazards within the commercial fishing industry is necessary to the effectiveness of this program.

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Sometimes these names say something about the substance of the law (as with the '2002 Winter Olympic Commemorative Coin Act'). Sometimes they are a way of recognizing or honoring the sponsor or creator of a particular law (as with the 'Taft-Hartley Act'). And sometimes they are meant to garner political support for a law by giving it a catchy name (as with the 'USA Patriot Act' or the 'Take Pride in America Act') or by invoking public outrage or sympathy (as with any number of laws named for victims of crimes). The United States Code is meant to be an organized, logical compilation of the laws passed by Congress. At its top level, it divides the world of legislation into fifty topically-organized Titles, and each Title is further subdivided into any number of logical subtopics. Commercial fishing is a dangerous occupation. The degree of danger is in part a function of the options of fishers' choices about the risks they take, such as the weather they fish in, the boats they use, the rest they obtain, and the safety gear they carry. How fishers are managed may affect the options of fishers and trade-offs as they make these choices – thus affecting the safety of the fishery. This publication presents the results and analyses of the case studies as well as conclusions and recommendations. v. Contents. Four hypotheses for how fisheries management policies affect fishing safety. 10.2.4. Hypothesis 1: Fisheries management policies have wide-ranging indirect effects on Commercial Fishing Industry Vessel Safety Act of 1988 - Amends Federal law concerning uninspected fishing vessels to direct and authorize the Secretary of the department in which the Coast Guard is operating to prescribe certain safety standards on all fishing, fish tender, or fish
processing vessels. Directs the Secretary to examine a fish processing vessel at least once every two years to ensure compliance with requirements under this Act.

Requires a fish processing vessel built or subjected to a major conversion after July 27, 1990, to have on board a certificate evidencing that it meets al