

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of: \*

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AXEL SPIRIT/ATON ALLISION \*

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\* Docket No.: DCA08FM002

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Interview of: NIGEL HORSFIELD

Tuesday,  
September 19, 2008

The above-captioned matter convened, pursuant to notice.

BEFORE: WILLIAM WOODY

## APPEARANCES:

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I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Nigel Horsfield:	
By Mr. Woody	4
By Mr. Fernandez	16

I N T E R V I E W

## INTERVIEW OF NIGEL HOSFIELD

BY MR. WOODY:

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3  
4 Q. All right. Very well. I want to thank you very much,  
5 Chief, for taking your time to join us here on the telephone this  
6 morning. We understand that you have some knowledge about the  
7 fish that the captain ate, which made him ill, so we'd just like  
8 to have you start at the beginning and tell us what you know about  
9 the fish and anything about the captain's illness and what you  
10 might've observed and so forth.

11 A. Yeah. It was one of the evenings, yeah, (indiscernible)  
12 have a little go at catching some fish and so I caught two at the  
13 same time and after that there was nothing.

14 So after (indiscernible) and I put the fish in the  
15 galley. I gutted them before putting them in the galley and then  
16 -- well, that was it. (indiscernible) for that evening. And then  
17 I had a word with the captain the next day, at coffee time, or  
18 thereabouts, and knew that he did like fresh fish, so I suggested  
19 it and see if he would like some. Then I'll organize it with the  
20 cook.

21 So after coffee I went into the galley and had a word  
22 with the cook and I told him that the two fish that I caught last  
23 night, I would have one, and also the captain would like one. And  
24 this is where he told me that he'd already eaten one. So, rather  
25 than disappoint the old man, I said okay, never mind, and give the

1 remaining fish to the old man. And that's basically it.

2 Q. When do you recall the captain saying he was ill or  
3 complaining or mentioning that the fish didn't sit well?

4 A. Oh, yeah, yeah, yeah. Well, this was after the -- after  
5 he had the fish for lunch, and I can't recall just exactly when he  
6 first mentioned that he was ill, but I can't -- I don't remember  
7 him coming in the evening.

8 But, anyway, the next time I saw him, which was the next  
9 morning when I was on the bridge and trying to locate an  
10 electrical fault, he did mention that he had been ill all evening.  
11 And the fact that nobody else had any complaints, you know, we  
12 assumed that it must've been the fish that made him ill. But the  
13 -- you know, the cook was fine. But -- so I don't know --  
14 different fish.

15 Q. Okay. Could we kind of figure out roughly the date that  
16 you caught the fish, and the location?

17 A. I think it was -- we had a few days of anchor.

18 Q. Okay.

19 A. So I can only -- well, we had a lot of maintenance that  
20 backed up.

21 Q. Okay.

22 A. So we would've been working right until the evening, to  
23 catch up on the maintenance. So I suspect that it was while we  
24 were loading off the offshore terminal. That's when I caught the  
25 fish, in the evening.

1 Q. During the loading, you believe? You've answered our  
2 question, during the evening, okay?

3 A. Yeah.

4 Q. Because that would've been the latter part of October, I  
5 presume?

6 A. Yeah.

7 Q. Okay.

8 MR. FERNANDEZ: Chief, were you in Mexico? Where were  
9 you loading?

10 THE WITNESS: We were in the -- I can't recall exactly  
11 the time or where we loaded but, you know, it was in the  
12 Caribbean, off the Mexican coast somewhere.

13 BY MR. WOODY:

14 Q. The location, it was an open roadstead or was it a  
15 river?

16 A. No, no, no, it was in the open sea, an offshore  
17 terminal.

18 Q. Offshore terminal. The water looked like it was clear,  
19 no pollution or anything like that? Any --

20 A. Oh, yeah, yeah, yeah. Yeah, I'm sure (indiscernible).

21 Q. Nothing that you saw that would alert you that this was  
22 not a good place to fish?

23 A. No.

24 Q. Okay.

25 A. Absolutely nothing wrong. No, it was in open water.

1 Q. Okay. So you caught the fish in the evening and you  
2 took them to the galley. Somewhere along the line you gutted  
3 them. Was that on deck, or was that in the galley, or --

4 A. Yeah, after I caught the fish. This is between eight  
5 and nine o'clock in the evening.

6 Q. Okay.

7 A. And I gutted the fish and then left them both in the  
8 sink in the galley, which is the normal thing that you do when you  
9 catch fish. And, like I said, this is after nine o'clock in the  
10 evening.

11 Q. Okay, after nine o'clock.

12 A. So there was nobody in the galley. There's -- you know,  
13 everybody had finished the work and so I was going to have a word  
14 with the cook the next day about preparation of the fish.

15 Q. Would they have been left in the galley sink all night,  
16 or would they have been along the line of the chain, for location?

17 A. No, no, no. No, they would've been left in the sink --

18 Q. Okay.

19 A. -- during the night. And then, as they come into the  
20 galley in the morning then, you know, I suspect that they would've  
21 put them in the fridge.

22 Q. Okay. Do you have any knowledge that they were put in  
23 the fridge?

24 A. No, that's only an assumption, on my part.

25 Q. Was that a normal procedure that you would expect?

1 A. I would've thought so, yeah, yeah.

2 Q. You've had some previous experience with putting fish in  
3 the sink and the cooks taking care of them properly?

4 A. Yeah, yeah. Yeah, this is -- well, this is what I do,  
5 anyway. I don't know about anybody else.

6 Q. Okay.

7 A. But, I actually -- I normally catch the fish --

8 Q. Um-hum.

9 A. -- for other people to eat. This is what I normally do.  
10 I'm more of a sportsman than a --

11 Q. All right.

12 A. I don't necessarily eat the fish that I catch.

13 Q. Very good. Have you had any past experience with  
14 anybody getting sick from fish anywhere that you've caught?

15 A. No, no.

16 Q. This is the first possibility that a fish that you  
17 caught might've made someone ill?

18 A. I think so, yeah, yeah.

19 Q. Okay. And now, when did you -- so you put them in the  
20 sink in the evening and did you -- when was the next time you  
21 talked to the cook about the fish?

22 A. I asked the captain around about the coffee time --

23 Q. Coffee time.

24 A. -- whether he would like some fresh fish for lunch.

25 Q. Okay.

1           A.    And he said yes, that he would.  And then, after the  
2 coffee time, I went into the galley and to organize it with the  
3 cook, you know, that myself and the captain would be having a fish  
4 for lunch.

5           Q.    And this would be in the morning.  Coffee time is what,  
6 around nine o'clock, ten o'clock or --

7           A.    It's ten o'clock until 10:20, 10:30.

8           Q.    Okay.  So you'd be in the galley, then, sometime about  
9 eleven o'clock, or prior to eleven o'clock, probably?

10          A.    Yeah, after coffee time --

11          Q.    After coffee.

12          A.    -- after 10:30, just to let the cook know what we're  
13 going to do with the fish that I caught.  And it was -- I mean, it  
14 was learned that -- he told me that he'd already eaten one of the  
15 fish.  He probably had one for breakfast.

16          Q.    I see, yes.  Okay.

17          A.    So there was one remaining fish, so I suggested to the  
18 cook that, okay, there's one left, make sure that this is prepared  
19 for the captain for lunchtime.

20          Q.    It was lunchtime?

21          A.    Yeah.

22          Q.    And we're speaking about lunch the next day, following  
23 the evening, that you caught the fish?

24          A.    That's right, yeah.

25          Q.    Okay.  Okay.  Were you present when the captain ate the

1 fish? Were you at the same mess at the time?

2 A. No, no.

3 Q. Why?

4 A. No. I was -- I normally have my lunch -- because I'm  
5 usually in a boiler suit (ph.), so I normally have my lunch in the  
6 duty mess (ph.).

7 Q. All right. And so the next time you saw the captain was  
8 when?

9 A. I would have to say the next day, in the morning and,  
10 you know, when I was on the bridge.

11 Q. He mentioned that he had been up, having trouble with  
12 some sort of upset stomach or --

13 A. That's right, yeah, he mentioned that he'd been ill  
14 throughout the night.

15 Q. Okay.

16 A. And that, you know, he wasn't feeling too well.

17 Q. And is it at this time during your conversation that you  
18 figured out it was the fish or it could be the fish, or did the  
19 captain already suspect the fish? Can you just sort of --

20 A. Well, I think we thought about it a little bit and it  
21 was a process of elimination.

22 Q. I see.

23 A. You know, we -- in the evening there was myself, the  
24 first engineer and the chief mate that had the ship's food.

25 Q. Yes.

1           A.    And, you know, there was no reaction at all.  So we  
2 could only assume that it was the fish that was causing the  
3 problem.

4           Q.    Okay.  Now, my understanding is that you share a common  
5 work area with the captain.  Is this true and, if so, did you see  
6 him off and on for the next couple to three days, or --

7           A.    Oh, yeah, yeah.  Yeah, he did mention that -- as I say,  
8 that he'd been ill throughout the night and, you know, he was  
9 still attending the morning coffee time, which is what we use as  
10 our -- like a technical meeting, and it was -- you know, this is  
11 when all the senior officers get together and discuss  
12 (indiscernible) and what's going to be done for that day and maybe  
13 the next day or so.  And yeah, he was attending the coffee times.

14          Q.    All right.  Did the captain make all the coffee times  
15 for the next -- oh, say, for the rest of the voyage?

16          A.    Yeah, yeah, yeah.

17          Q.    Um-hum.

18          A.    We knew that he was still ill.  He was quite ill for two  
19 or three days.

20          Q.    Okay.

21          A.    But he was still attending the coffee times, and  
22 attending to the jobs that he was responsible for.

23          Q.    All right.  Do you have any recollection of him asking,  
24 say, the chief officer to do any of his duties during these three  
25 days, two or three days?

1 A. I would have to say I don't know.

2 Q. All right. Okay. The fish that you caught, were they  
3 the same species of fish, the same size?

4 A. Yes, yes. Yeah, they were tuna --

5 Q. Tuna?

6 A. -- like things. Yeah, it's, you know, like a big  
7 mackerel.

8 Q. Okay. All right. And the captain used the term dodgy  
9 fish. Is that a species description or does that mean a bad fish?

10 A. No. No, that means -- yeah, a bad fish. Dodgy is, you  
11 know, not totally sound.

12 Q. Not what?

13 A. Not totally sound.

14 Q. Not sound, okay.

15 A. Yeah.

16 Q. I think I --

17 A. Suspect.

18 Q. Okay, suspect. All right.

19 A. Yeah.

20 Q. Just leave me think a little bit, as long as we have you  
21 on the line here.

22 A. Excuse me?

23 Q. Do you recall when the captain started getting better?

24 A. Yeah, I would say after about the third day.

25 Q. Okay.

1           A.    You know, we (indiscernible) regularly, on a daily  
2 basis, but I'm sure that he started feeling better after two or  
3 three days.

4           Q.    Okay.

5           A.    But when I say better, I didn't mean to say he was  
6 better, but he was getting better.

7           Q.    Getting better? Was there ever a time that he appeared  
8 to be recovered?

9           A.    I think this sort of illness is like -- it's  
10 debilitating, isn't it? You know, it's -- I reckon that he was  
11 probably still tired, dehydrated, certainly not in hundred percent  
12 health, but he was in no way, I would say, debilitated.

13          Q.    Did he ever mention that he was getting more sleep at  
14 night, or he felt better, or he was having less of one problem or  
15 the other, like less vomiting and less diarrhea, or give any  
16 expression like that, that you can recall?

17          A.    I think -- well, it's a quite difficult thing to even  
18 say with any certainty, but we (indiscernible) on a daily basis  
19 (indiscernible).

20          Q.    Um-hum.

21          A.    And you know, he would say that -- you know, I used to  
22 ask if he was getting better and, yeah, he was -- you could see  
23 that he was improving.

24          Q.    Okay. Was there ever a time when his appearance was  
25 degraded by the fact that he was ill and, if so, did he seem to

1 regain a better appearance, physical appearance?

2 A. Yeah. Well, the first day that I saw him he actually  
3 looked really sort of tired, washed out.

4 Q. I see. Um-hum.

5 A. But, you know, he mentioned that he'd been awake most of  
6 the night, so it's what you would expect. You know, he's very  
7 tired, he's, you know -- he sat on the toilet --

8 Q. I understand.

9 A. -- frequently during the night. But this is what I  
10 would expect.

11 Q. All right. Now, did he have subsequent days when he  
12 missed sleep at night, that you're aware of, because of diarrhea  
13 or vomiting, or whatever?

14 A. I think, for the first two or three days --

15 Q. First two or three days?

16 A. -- he was -- he wasn't getting the rest that -- any  
17 normal rest.

18 Q. Um-hum.

19 A. Let's put it that way. But I'm pretty sure, after that  
20 three days, or so, he did start to improve and he was getting more  
21 rested.

22 Q. All right. Now, just take me back to the time, if you  
23 may -- if you could -- when the vessel anchored outside of New  
24 York before going into port. Did he seem to be all right at that  
25 time?

1 A. He was much improved, yes.

2 Q. Much --

3 A. And he -- I would say he was maybe like 90 percent fit.  
4 You know, he wasn't totally himself, but he was -- yeah.

5 Q. Now, you say totally himself? Had you been with the  
6 captain before, or are you comparing it to the few days he was on  
7 the ship, before he got sick?

8 A. Yeah, yeah, yeah, we sailed for six or eight weeks under  
9 my previous contract.

10 Q. I see, okay.

11 Chief, is there anything that you could think of that  
12 would help us to understand the situation any better, that we have  
13 not asked -- I have not asked?

14 A. Well, I'm pretty sure that, you know, although he was  
15 attending to his job normally, I think this sort of illness --  
16 I've never had food poisoning, by the way, but my wife has, and  
17 you know, it's not just one of those, you know, you have a few  
18 days and then you're fixed. I think he was possibly still  
19 fatigued and dehydrated. I don't think he was a hundred percent  
20 his normal self.

21 Q. Okay. And are you aware of any medication that he was  
22 taking?

23 A. I've got no idea of that.

24 Q. No idea?

25 A. He didn't mention anything that he was taking, but I'm

1 sure that there would've been something in the medical order that  
2 would've helped him with his diarrhea.

3 Q. Okay. And who is the person on board who is sort of the  
4 medical officer, is that the chief officer or is that the second  
5 officer?

6 A. No, it's the second officer.

7 Q. The second officer, okay.

8 A. Yeah. But usually, you know, they are administering the  
9 medicine under supervision of the mate and the captain.

10 MR. WOODY: Okay.

11 For Mr. Fernandez, do you have anything, Mike, that  
12 would -- that you could think of that we should add to the record?

13 MR. FERNANDEZ: Well, I've got a couple questions, if  
14 that's okay.

15 MR. WOODY: Please.

16 BY MR. FERNANDEZ:

17 Q. Okay. Chief, you said that you had previously sailed  
18 with Captain Mack (ph.), on your prior contract, for about six to  
19 eight weeks, is that correct?

20 A. That's right, yeah.

21 Q. And, during that time, Chief, did you eat meals with  
22 Captain Mack?

23 A. Yeah, we usually have the evening meals together. The  
24 senior officers normally have the evening meal together.

25 Q. The evening meal? What about breakfast?

1           A.    No, breakfast is a little bit -- well, I rarely take  
2 breakfast, and I'm sure that the first engineer never does that.  
3 Breakfast is -- you know, I disregard the breakfast.

4           Q.    What about lunch?

5           A.    I am usually in the duty mess and, along with the first  
6 engineer, and also the chief mate, so basically it's the captain  
7 that would be taking the lunch in the officers' mess.

8           Q.    Okay.  But, then, typically, you would see the -- the  
9 senior officers would eat your dinner together at night?

10          A.    Yeah, yeah.

11          Q.    Okay.  And you would see the captain, typically, during  
12 that period?

13          A.    Yes.

14          Q.    Okay.  You also talked about coffee time.  On the prior  
15 trip, did you see the captain during coffee time?

16          A.    Yeah, yeah, yeah.  Yeah, it's usually, you know, in the  
17 morning, and in the afternoon, plus the times when we're in the  
18 office together.

19          Q.    Okay.  So I was going to ask you about the office next.  
20 Now, the coffee time, I think you said that was between 10:00 and  
21 10:20 or 10:30, in the morning.  And what time in the afternoon is  
22 coffee time?

23          A.    Three o'clock until 3:30'ish.

24          Q.    Okay.  And then you also mentioned the office.  Can you  
25 tell us about this office and describe the location of the office

1 and where you would be in proximity to the master.

2 A. Yeah, our office is adjacent to the general office, and  
3 it is -- it's just one single room with two desks, and -- one for  
4 myself, and one for the captain, and a few cupboards. So, you  
5 know, we're in there. You know, we normally chit-chat about  
6 whatever's going on.

7 Q. What happens in the office? Is there, like, paperwork  
8 or, you know, you each do different things in the office?

9 A. Yeah, usually the captain is involved with  
10 communications and the associated paperwork, and I am usually  
11 involved with the day-to-day (indiscernible) with the paperwork,  
12 the log book, with the (indiscernible), et cetera, et cetera.

13 Q. Okay. So, generally, I think you described three  
14 different times or three different locations or periods of  
15 interaction with the master. It would be the coffee times,  
16 morning and afternoon, dinner, and then also the time whenever  
17 you're, maybe, in the office together.

18 A. Yeah, that's right.

19 Q. And, during those times, you would talk to the captain  
20 and observe the captain?

21 A. Yeah, yeah.

22 Q. All right. On the prior voyage -- I'm going to get to  
23 the current one that we're talking about.

24 But, on the prior voyage, you know, was there anything  
25 abnormal or different about the captain, or did he appear normal

1 to you?

2 A. Yeah, entirely normal.

3 Q. Okay. By the way, did you ever see the captain drink at  
4 dinner or drink, you know, at any time during that prior voyage?  
5 Drink alcohol, I mean.

6 A. No.

7 Q. Okay. Did you ever think or observe the captain in any  
8 way intoxicated, or acting, you know, strangely, during that prior  
9 voyage, as a result of alcohol?

10 A. No, the captain had, to my knowledge, no contact with  
11 any alcohol at all.

12 Q. Okay. Now, on the current voyage or the one that we're  
13 talking about, between Mexico and New York, did you have the same  
14 -- you know, did you see the captain during the same periods that  
15 you would've seen him sort of routinely on the prior contract that  
16 you had, that is, during the coffee times, the times during  
17 dinner, and then also at the times in the office that you  
18 described?

19 A. Yeah, absolutely. It's the normal shipboard routines.  
20 It doesn't matter who's there, we have the same routine on a daily  
21 basis --

22 Q. Okay.

23 A. -- contract after contract.

24 Q. I think you said that -- well, when the master told you  
25 that he had been up all night, you said you were on the bridge.

1 Was the vessel underway at that point?

2 A. Yeah, I'm pretty sure it was, yeah.

3 Q. Okay.

4 A. The reason why I can say that is that (indiscernible) we  
5 had a few days of anchor, so we were catching up on the mechanical  
6 maintenance on the engine.

7 So it was after we had finished with all of that, that I  
8 was able to proceed with the (indiscernible) that we had.

9 Q. Okay. Can you recall the night prior? This is before  
10 the master told you that he was ill. Do you recall whether or not  
11 he was at dinner that night?

12 A. I'm sure he was. Yeah, we think it's a fairly good ship  
13 routine, on the ship and, you know, there's been absolutely no  
14 reason why we shouldn't be in the (indiscernible).

15 Q. All right. So, after he ate the fish for lunch, that  
16 evening, did you see -- we're talking about the dinnertime.

17 So he ate his lunch, he ate the fish, I guess, you  
18 weren't there when he ate the fish, but that evening, do you  
19 recall whether he went to dinner that evening?

20 A. I would have to make a little bit of a guess at that and  
21 so I'm not sure.

22 Q. If you don't know -- whatever the truth is. If you  
23 don't know, you don't know, if you remember, you remember.

24 A. Yeah, I can't recall for sure whether I saw him in the  
25 evening.

1 Q. Okay. Over the next -- I think you said he was ill for,  
2 I don't know, two or three days. I have to check my notes. But,  
3 over that time period, where he indicated that he was very ill, do  
4 you recall whether or not he was coming down and eating dinner?

5 A. Yeah, yeah, he would -- although he was not -- still out  
6 of sorts, he'd still (indiscernible) the routine going and he  
7 would come down in the evening and I think he wouldn't be eating  
8 his normal meal.

9 But, you know, he was coming down and just for the  
10 social kind of things, you know. He was just trying to eat what  
11 he could.

12 Q. Okay. And then, over the next couple of days you would  
13 see him at the coffee times and you would see him in the office,  
14 and did you talk to him about how he was feeling?

15 A. Yeah, yeah, yeah, that's always inquired about, if he  
16 was getting better, or what his health was like in general, yeah.

17 Q. Okay. Did you ever get the sense that he wasn't able to  
18 perform his job, that he was debilitated in any way, such as he  
19 couldn't perform his duties as a master?

20 A. No.

21 Q. Okay.

22 A. No, he was ill, but he wasn't somewhere that he couldn't  
23 perform his duties.

24 Q. And when you say him in the office that you described,  
25 where your desk is in the same office as his, was he there during

1 this voyage doing work? Did you observe him doing his -- I don't  
2 know what his routine would be and what work he was doing, but did  
3 you see him doing work at his desk?

4 A. Yeah, sure. I mean, I think, mainly, his job is  
5 concerned with communications with the office and the  
6 (indiscernible).

7 MR. FERNANDEZ: Okay. I'm looking through my notes,  
8 Bill, real quick here.

9 MR. WOODY: Okay.

10 MR. FERNANDEZ: If you have something further, Bill, as  
11 I'm looking, you know, feel free to jump in at any time.

12 MR. WOODY: Thank you. What I wanted to ask is what you  
13 asked. That was it, about missing any evening meals. So,  
14 possibly the first evening after lunch where the fish was eaten,  
15 maybe, and we don't know for sure, and then the -- I think you've  
16 asked the question I was going to ask.

17 BY MR. FERNANDEZ:

18 Q. Oh, on the alcohol. During this current -- during the  
19 current voyage that we're discussing, Chief, did you see the  
20 captain drink any alcohol at any time?

21 A. No, I can't honestly say that if I ever recall seeing  
22 him take any alcohol during the entire time that we were together,  
23 that contract or the previous contract.

24 Q. Okay. And did you ever get the sense, in any way, that  
25 he was under the influence of alcohol, at any time, during the

1 prior contract, or the contract that we're now discussing?

2 A. No, absolutely not.

3 MR. FERNANDEZ: All right. I think that's about it on  
4 my end, Bill.

5 MR. WOODY: Yeah, it took care of my questions also.  
6 And I want to thank you, Chief, for taking your time to join us on  
7 the phone here this morning during your vacation. We appreciate  
8 your time.

9 THE WITNESS: I was happy to do it.

10 MR. WOODY: Okay, I think that's everything I have.

11 MR. FERNANDEZ: Okay. Thank you, David and Bill, and  
12 thanks, Chief, for taking your time.

13 MR. WOODY: Okay.

14 THE WITNESS: Okay.

15 MR. FERNANDEZ: Okay. Goodbye, everybody.

16 MR. WOODY: Goodbye, everybody.

17 THE WITNESS: Okay. Bye-bye.

18 (Whereupon, the interview in the above-entitled matter  
19 was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the  
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: Investigation of the Axel Spirit/ATON  
Allision

Interview of: Nigel Horsfieldman

DOCKET NUMBER: DCA-08-FM-002

DATE: September 19, 2008

was held according to the record, and that this is the original,  
complete, true and accurate transcript which has been compared to  
the recording accomplished at the hearing.

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David Martini  
Transcriber