

# National Transportation Safety Board

Office of the Chair

Washington, DC 20594



August 31, 2023

Admiral Linda Fagan  
Commandant  
United States Coast Guard  
Douglas A. Munro Coast Guard  
Headquarters Building  
2703 Martin Luther King Ave SE  
Washington, DC 20593-7103

Dear Admiral Fagan,

When we met last year, I told you how proud I am of the relationship between the US Coast Guard and the National Transportation Safety Board (NTSB). It is an outstanding example of government collaboration focused on saving lives and improving safety. The Coast Guard is our closest marine safety partner. Since the beginning of fiscal year 2023, our agencies have investigated nearly fifty major marine casualties to date, including the loss of the *Titan* submersible off the coast of Newfoundland, Canada, and the fire aboard the *Grande Costa D'Avorio* in Newark, New Jersey.

September marks the fourth anniversary of my first marine investigation as an NTSB Board member. That tragedy, the fire and sinking of the *Conception* dive boat off the coast of Santa Barbara, California, resulted in the unnecessary deaths of the 34 people who had been asleep on board, below deck. My experience investigating the *Conception* tragedy and my bond with the families affected deepened my commitment to improving marine safety.

After we issued our recommendations, Congress, the industry, and the Coast Guard acted to implement many important safety measures that will save lives. However, one of the most important NTSB marine safety recommendations, M-12-3, remains open more than 10 years after we issued it:

## M-12-3

Require all operators of U.S.-flag passenger vessels to implement [a safety management system] SMS, taking into account the characteristics, methods of operation, and nature of service of these vessels, and, with respect to ferries, the sizes of the ferry systems within which the vessels operate.

On each anniversary of this tragedy, I have urged the Coast Guard to complete this needed rulemaking. When the Coast Guard issued an advance notice of proposed rulemaking (ANPRM) in January 2021 to address the recommendation, I was hopeful that we would have a final rule by now, but there has been no further action to date.

This safety recommendation is currently classified Open–Acceptable Action based on your issuance of the ANPRM; however, the Board may soon need to revisit this classification. As we await implementation of this crucial safety recommendation, every company and vessel without a safety management system creates unnecessary risks for crew and passengers alike.

The Elijah E. Cummings Coast Guard Authorization Act of 2020 mandates that the Coast Guard carry out all the NTSB recommendations issued or reiterated as a result of the *Conception* investigation. The time for action is *now*. In honor of the 34 *Conception* victims and every other person who has lost their life on our nation's waterways, I strongly encourage you to issue SMS regulations within the next 30 days.

I look forward to working with you as you prioritize marine safety within the culture of the Coast Guard and by finalizing the SMS rulemaking.

Sincerely,

[Original Signed]

Jennifer Homendy  
Chair

cc: The Honorable Maria Cantwell  
The Honorable Ted Cruz  
The Honorable Gary Peters  
The Honorable Todd Young  
The Honorable Dianne Feinstein  
The Honorable Alex Padilla  
The Honorable Sam Graves  
The Honorable Rick Larsen  
The Honorable Daniel Webster  
The Honorable Salud Carbajal