

National Transportation Safety Board

Office of the Chair

Washington, DC 20594



September 7, 2022

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,

I enjoyed the opportunity to meet you this summer, and I congratulate you on your well-deserved promotion to commandant. When we met, I told you how proud I am that the relationship between the US Coast Guard and the National Transportation Safety Board is an outstanding example of government collaboration focused on saving lives and improving safety. The Coast Guard is our closest marine safety partner. I am excited to see what we can do together.

This month is the third 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 death of the 34 people who had been asleep, on board, below deck. As you and I discussed when we met, my experience investigating the *Conception* tragedy and my bond with the families affected deepened my commitment to improving marine safety. The NTSB issued our recommendations. The Congress acted. Meaningful final action to make sure that such a tragedy never occurs again is in the hands of the Coast Guard.

As a result of our investigation of the fire and sinking, the NTSB issued 7 recommendations to the Coast Guard and reiterated one earlier recommendation. That reissued recommendation was to require all operators to implement a safety management system (SMS).

M-12-3: Require all operators of U.S.-flag passenger vessels to implement 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.

That recommendation is now over 10 years old, but it is not our first such recommendation: the NTSB has been recommending that vessel operators implement an SMS for 20 years. I strongly believe that passenger vessel owners and

operators should act now to ensure that no one else loses a loved one in another avoidable tragedy on our waterways. Had an SMS been implemented, Truth Aquatics, the operator of the *Conception*, could have identified unsafe practices and fire risks and taken corrective action before this terrible event occurred.

We continue to believe that an SMS is an essential tool for enhancing safety on board all US passenger vessels, and that the Coast Guard is the appropriate authority to require such systems. However, an SMS is not a substitute for other important safety regulations that are issued by the Coast Guard. Other safety regulations still need to be implemented; an SMS enhances their impact.

For those owners and operators who have not yet established an SMS, I am pleased that the Coast Guard issued an ANPRM in January 2021 to move SMS forward, but it is essential that you move expeditiously on issuing the needed regulations. When it comes to safety, time is of the essence. Every delayed improvement puts lives at risk. Every company and vessel without an SMS creates unnecessary risks for crew and passengers alike.

As you know, the NTSB has recommended SMSs in all modes of transportation—aviation, rail and transit, pipelines, and marine—as well as for manufacturers. In 2015, the Federal Aviation Administration implemented a requirement that commercial airliners develop a comprehensive SMS to improve safety for the flying public. This lifesaving mandate has contributed to the remarkable record of safety in commercial passenger aviation since then. In fact, in 7 of the last 10 years, there have been no major commercial airline passenger fatalities. The number of accidents, the number of fatalities, and the fatality rate across the aviation industry have also decreased. The Coast Guard's SMS final rule has the power to make these sorts of dramatic safety improvements in the maritime industry, as well.

For marine passenger vessels, regardless of a company's size, an SMS ensures that each crewmember is given standard and clear procedures for routine and emergency operations. An SMS specifies crewmember duties and responsibilities, as well as delineates supervisory and subordinate chains of command, so that each crewmember understands what to do during critical vessel operations and emergency scenarios. Developing an SMS includes creating and implementing plans for crewmember responses to a range of possible emergency situations. SMSs also include procedures for performing and tracking preventive maintenance, as well as for crew training, emergency preparedness, documentation and oversight, and other actions that prioritize safe operations. Implementing an SMS will take time for owners and operators, we know that. We saw the phased implementation of Subchapter H for the towing industry. Because every day without an SMS on every vessel means that lives are at risk, the Coast Guard needs to expedite the issuance of the final rule.

Further, we have recommended that the Coast Guard require that companies operating domestic passenger vessels develop and implement a preventive maintenance program for all systems affecting the safe operation of their vessels, including the hull and the mechanical and electrical systems. We generally expect recommended actions to be completed in 5 years, but this issue has languished for 20 years and, therefore, is in an unacceptable status. This is our oldest open marine safety recommendation. We have kept it open because the Coast Guard has informed us since 2012 that it would include this action as a component of a broader requirement for SMS. The public has been waiting for decades. The time for action is now. In honor of the memory of the *Conception* victims and every other person who has lost their lives on our nation's waterways, I strongly encourage you to issue SMS regulations within the next 90 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,

Jennifer L. Homendy
Chair