

MINUTES

of the fifth annual meeting Standing Committee on Fishing Vessel Safety Quebec Region

Transport Canada / Marine Safety Fisheries and Oceans Canada / Canadian Coast Guard

DATE: February 25, 2010

Location: Hôtel Le Navigateur, Rimouski

PRESENT:

Anglehart, Roland <i>Pêcheries Junior inc.</i>	Chouinard, Raoul <i>Nide-P</i>	Fraser, Mathieu <i>Navigation Maluje inc.</i>	Nadeau, Paul <i>Lower North Shore Fisherman's Association</i>
Arsenault, Lisa <i>Transport Canada</i>	Côté, Nathalie <i>Comité sectoriel des pêches maritimes</i>	French St-Georges, Marilyn <i>TSB</i>	Parent, Robert <i>Pêcheries du Bic inc.</i>
Audet, André <i>Fisheries and Oceans Canada</i>	Cotton, Eddie <i>Pêcheries Anthony Hugues</i>	Frenette, Anne <i>Canadian Hydrographic Service</i>	Pelchat, Francine <i>Transport Canada</i>
Basque, Johanne <i>Nation Micmac de Gespeg</i>	Coulombe, Francis <i>MAPAQ</i>	Gamache, Nicholas <i>Transport Canada</i>	Pelletier, Simon <i>Transport Canada</i>
Beauchamp, Jocelyn <i>Association des pêcheurs de la MR.C de Pabos inc.</i>	D'Amours, Éric <i>Transport Canada</i>	Gosselin, Raynald <i>Fisheries and Oceans Canada</i>	Pinette, Majoric <i>Société de développement économique de Betsiamites</i>
Beaudoin, Robert <i>Transport Canada</i>	Desbois, Nicol <i>Pêcheries Nicol Desbois inc.</i>	Hubert, Gilles <i>Transport Canada</i>	Poirier, Alain <i>Canadian Coast Guard</i>
Bélanger, Denis <i>Transport Canada</i>	Desgagnés, Éric <i>Transport Canada</i>	Jalbert, Jocelyn <i>Pêcheries J. Jalbert</i>	Richard, Patrice
Bernier, Laurent <i>IMQ student</i>	Dionne, Harold <i>Pêcheries H. Dionne IWC</i>	Joncas, Jean-Richard <i>Pêcheurs polyvalents</i>	Ross, Jonathan <i>Conseil de la première nation Essipit</i>
Blouin, Alain <i>Transport Canada</i>	Dorion, Émilien <i>Association des pêcheurs professionnels Sud Gaspésie</i>	Labrie, Luc <i>Narval inc.</i>	Samuel, Clément <i>C. Samuel inc.</i>
Boudreau, Julien <i>Association des pêcheurs professionnels des IDM¹</i>	Doucet, Marc <i>Lucien Doucet et fils</i>	Langelier, Serge <i>AMIK</i>	Servant, Denis <i>S.E.M. inc.</i>
Boulet, Marcel-Aimé <i>CSST</i>	Doucet, Olivier <i>Lucien Doucet et fils</i>	Langlois, Rodrigue <i>Pêcheries Rodrigue Langlois inc.</i>	Sylvestre, Renaud
Bourgeois, Roberto <i>Centre de formation des adultes des Iles-de-la-Madeleine</i>	Doucet, René <i>Lucien Doucet et fils</i>	Larrivée, Michel <i>EPAQ</i>	Syvrais, Michel <i>Morutiers traditionnels de la Gaspésie</i>
Bourgeois, Yves <i>MAPAQ</i>	Doucet, Richard <i>Lucien Doucet et fils</i>	Leblanc, Jean-Félix <i>Association des pêcheurs professionnels des IDM</i>	Tapp, René <i>Pêcheries Anthony Hugues</i>
Bussièrès, Guy <i>TSB</i>	Dubé, Simon-Pierre <i>BAPAP</i>	Lefebvre, Daniel <i>Fisheries and Oceans Canada</i>	Tennier, Daniel
Caisse, Jules <i>IMQ student</i>	Dufresne, Lise <i>Fisheries and Oceans Canada</i>	Lemieux, Daniel <i>Ass. des pêcheurs havre polyvalent Ste-Anne-des-Monts</i>	Thibault, Geneviève <i>Transport Canada</i>
Cantin, Pierre	Dupuis, Mario	Lemieux, Gabriel <i>Ass. des pêcheurs havre polyvalent Ste-Anne-des-Monts</i>	Thibeault, Sébastien <i>Première nation Malécite de Viger</i>
Castilloux, François <i>EPAQ</i>	Fecteau, Robert <i>Transport Canada</i>	Marcoux, Antonin <i>Transport Canada</i>	Tremblay, Guy <i>Fisheries and Oceans Canada</i>
Castonguay, Michel <i>CSST</i>	Foisy, Jérôme <i>Transport Canada</i>	Martel, Josianne <i>Transport Canada</i>	Tremblay, Michel <i>MAPAQ</i>
Charbonneau, Marc <i>Transport Canada</i>	Fraser, Jean-François <i>Navigation Maluje inc.</i>	Martin, Jacques <i>Transport Canada</i>	Veillette, Carole <i>CSST</i>
Chouinard, Nicolas <i>Nide-P</i>	Fraser, Luc <i>Navigation Maluje inc.</i>	Metallic, Christopher <i>Natural Resource Commercial Fisheries</i>	

¹ Magdalen Islands

Opening of the meeting: 8:30 a.m.

1. Word of welcome

By Robert Fecteau, Manager with Transport Canada in Rimouski

Robert Fecteau welcomed the participants to the fifth annual meeting of the Standing Committee on Fishing Vessel Safety, Quebec Region. Mr. Fecteau mentioned that he was a manager with Transport Canada Marine Safety (TCMS), in charge of the Rimouski, Gaspé and Magdalen Islands Service Centres.

He introduced André Audet, Superintendent of Search and Rescue with Fisheries and Oceans (DFO), who will act as co-chair. He also introduced Simon Pelletier, Marine Safety Inspector at the Gaspé Service Centre. He mentioned that Mr. Pelletier was a Senior Inspector for issues relating to fishing vessel safety. He represents the Quebec region on the National Working Group.

Robert Fecteau explained the rules of procedure and the schedule of the day. He presented the agenda, previously approved by the executive committee.

2. Standing Committee on Fishing Vessel Safety - Review of the actions of the 2009 meeting and elections

By Robert Fecteau, Manager with Transport Canada in Rimouski

Robert Fecteau mentioned that the minutes of the February 25, 2009 meeting, approved by the executive committee, were presented to the Canadian Marine Advisory Council (CMAC) in Ottawa last May. They were forwarded to the national Standing Committee on Fishing Vessel Safety.

Mr. Fecteau reported on the six action items of February 2009:

- 1. Convene the Executive Committee within the coming weeks to develop a strategy to encourage Quebec representatives to attend the CMAC that is held in November and May of each year in Ottawa.**

Mr. Fecteau mentioned that the meeting did not actually take place. The proposals made during meetings of the Quebec Region Standing Committee on Fishing Vessel Safety were all presented in Ottawa. Although the proposals were well received, they did not achieve the desired impact because no one from Quebec's fishing industry was there to support them. Transport Canada (TC) offered to cover the travel expenses of some people in the industry to go to Ottawa. Those interested can call Robert Fecteau for more information.

- 2. Maintain pressure on the national working group on fishing vessel safety to keep the cut-off at 15 metres.**

The proposed regulation mentions a 12-metre change cut-off, which penalizes Quebec's coastal fishers to some extent. Several different proposals were submitted to Ottawa. Decisions are still pending on this matter. Robert Fecteau mentioned that the Quebec region is maintaining the pressure to keep the cut-off at 15 metres instead of 12 metres.

- 3. Remind the national working group on fishing vessel safety that the definition of bow-to-stern length (BSL) used by the DFO-FAM is different than that used by Transport Canada, and that it would be preferable to harmonize the two lengths.**

This matter is still under discussion between Transport Canada and Fisheries and Oceans. A presentation on the two departments' interpretation of bow-to-stern length is available on the Website of the Quebec Region Standing Committee on Fishing Vessel Safety.

- 4. Make the new certificate for Watch Officers on fishing vessels and the new certificate for Fishing Vessel Officers valid for vessels up to 150 tons and not 100 tons, as has been suggested. (proposal by Renaud Sylvestre).**

Denis Bélanger will discuss this in his presentation this afternoon. The certificate for Watch Officers will be valid on vessels up to 150 tons, and the certificate for Officers will be valid on vessels up to 100 tons.

- 5. Review and correct, in accordance with the new requirements specified by Denis Bélanger, the documents that have already been delivered on minimum crewing levels for fishing vessels.**

All certified ships must have a minimum crewing level document. The minimum crewing level documents were corrected to bring them in line with the new requirements.

- 6. The Canadian Coast Guard is to contact Mr. Pierre-Marc Dufresne to get his comments on the subject of navigational aids in the Port of Rivière-au-Renard.**

Since Mr. Pierre-Marc Dufresne did not attend the meeting, nobody could say if he was contacted. Mr. Daniel Lefebvre from Fisheries and Oceans mentioned that Mr. Dufresne can contact him to follow up on this matter.

Robert Fecteau reminded everyone that the Quebec Region Standing Committee on Fishing Vessel Safety has an Internet site. All documents submitted at meetings and presentations are posted on the site. It can easily be accessed using the Google search tool.

The Standing Committee is chaired by an executive committee. Members have a two-year term of office. At its last meeting in November 2009, the executive committee proposed increasing the term to three years to ensure proper continuity.

Robert Fecteau asked the participants if they were opposed to this proposal.

Émilien Dorion proposed that half of the committee be elected one year and the other half the following year.

- Robert Fecteau said that this would worsen the problem, as there would be elections at every meeting. An election takes a lot of time, time that could be used to tackle important subjects that participants want to address.*

Nobody was opposed, and so the term of office of executive committee members was extended to three years.

Certain changes were made to the terms of reference. The Standing Committee was established on the basis of a memorandum of understanding signed between Transport Canada and Fisheries and Oceans, which encourages TC and DFO to form regional committees to address fishing vessel safety issues. The

CSST has become a key partner for our committee. The executive committee would like to offer the CSST a place on the executive committee. Marcel-Aimé Boulet from the CSST office in Gaspé was named CSST representative.

3. Search and Rescue in the Quebec Region

By André Audet, Superintendent with Fisheries and Oceans in Quebec City

André Audet provided some statistics on last year's marine incidents. There were about 100 more incidents in Canada, representing a 10% increase over 2008. Recreational boating accounted for most of the increase.

The fisheries sector had 84 incidents in 2009, compared to 76 in 2008. Two people lost their lives in Rivière-au-Renard. In our region, most of the incidents took place in the Magdalen Islands, Gaspé and the Middle North Shore.

Robert Fecteau pointed to a lack of reliable statistics. A national consensus exists on the need to have an accurate picture of how each region is faring in the fisheries sector. The matter will likely be resolved within the next few years.

Jean-Richard Joncas expressed disappointment that Kégaska was not open for the fishing season. It was supposed to open last year.

- *André Audet sympathized with Mr. Joncas, but indicated that this sector was still serviced by the CCG.*

4. Aids to navigation systems:

By Daniel Lefebvre, Superintendent at Aids to Navigation with the Canadian Coast Guard in Quebec City

Daniel Lefebvre drew up an assessment of Aids to Navigation for 2009-2010.

Émilien Dorion mentioned that l'Anse-à-Beaufils was notified that the lights on the seaward side blinded the captains, making it difficult for them to enter the harbour.

- *Daniel Lefebvre took note, but mentioned that their priority was the modifications at Rivière-au-Renard.*

5. Canadian Hydrographic Service - Products and Services

By Anne Frenette, Canadian Hydrographic Service

Anne Frenette presented the Canadian Hydrographic Service (CHS) products. She presented the 2009-2010 Record of Achievements.

Ms. Frenette reiterated how important it was for users to check if they had the latest charts. This can be done by visiting www.cartes.gc.ca. They can also sign up for free at www.notmar.gc.ca to receive updated charts electronically.

In concluding, Ms. Frenette indicated that the Canadian Hydrographic Conference will take place June 21 to 23 in Quebec City.

6. Health and safety aboard fishing vessels - Protective devices for moving parts

By Michel Castonguay, CSST Gaspésie/Magdalen Islands

Mr. Michel Castonguay presented the Machinery Safety Action Plan. He mentioned that work activities on board vessels fall under provincial jurisdiction. A memorandum of understanding between TC and the CSST is being drafted and will outline their respective responsibilities.

The CSST is involved in two key areas: compensation for injured workers and prevention-inspection. Since 2005, the CSST has implemented an action plan aimed at ensuring machinery safety. Winches are found on most fishing vessels and are very rarely fitted with appropriate guards. Accidents involving winches often have very serious consequences. A TSB investigation was launched after a ship's crew member had his foot severed when it got stuck in a winch.

The CSST initiated a process with the *École des pêches et de l'aquaculture du Québec* (EPAQ) to develop and install guards on fishing winches aboard the EPAQ training ship, the Bussola. We wanted to find the best safety mechanism for the winch. Images of solutions were projected. Michel Castonguay mentioned that there was no perfect solution, but that the goal was to pause and reflect on ways to improve safety.

Guy Bussières from the TSB asked whether manufacturers were working on winch safety instead of putting the onus on fishers to make their equipment safe.

- *Michel Castonguay answered that the CSST's role is also to alert manufacturers. Many machines have no protective devices, although they are available as an option, but at an extra cost.*

7. Update on the Regulatory Reform - Fishing Vessel Safety Regulations

By Simon Pelletier, Marine Safety Inspector in the Gaspé

The current regulation sets strict regulatory requirements. The new regulation is focused on performance and includes guidelines. The guidelines provide a recommended approach to achieving the targeted performance objective. Other means to achieve the same performance objective may be used. Regulatory requirements will be satisfied if the vessel is built according to the guidelines. To minimize the regulation's impact, focus should be put on the highest risk vessels (or types of use). To that end, the review of construction and equipment requirements is to be done gradually and a realistic approach to existing vessels is recommended.

The options for evaluating stability for traditional, low-risk vessels are a simplified stability analysis, and for other vessels, a complete stability analysis.

As for rescue equipment, it is directly related to the ship's voyage classification. Distinctive groups were thus created to make them easier to understand. The groups were explained in the presentation. Groups 1 and 2 must use Class 1 (standard) lifejackets and immersion suits. Groups 3 and 4 must use Class 2 (small vessel) lifejackets and anti-exposure work suits.

The new Fishing Vessel Safety Regulations are currently in the legal drafting stage and should be completed by fall 2010. The regulations are to be presented at the Canadian Marine Advisory Council in spring 2010.

Émilien Dorion asked whether a raft and EPIRB were necessary for trips over 5 miles from the coast.

- *Simon Pelletier answered that an EPIRB is required for trips over 20 miles from the coast. The purchase of a raft is not required for trips under 20 miles.*

Jean-Richard Joncas asked what a Class 1 lifejacket was. The fishers don't mind wearing lifejackets as long as it doesn't interfere with their work.

- *Simon Pelletier explained that a standard lifejacket was still required for the time being.*

Jocelyn Jalbert pointed out that every province applied the regulations differently. A more even-handed approach would be preferable.

- *Robert Fecteau took note of the problem and said that they were aware of it.*

Paul Nadeau asked whether the wearing of lifejackets was an area of federal or provincial jurisdiction.

- *Robert Fecteau said that not every province has an organization overseeing the occupational health and safety of fishers. In Quebec, it is the CSST's responsibility.*

8. Fishing Vessel Stability - Enforcement of Ship Safety Bulletin 04/2006

By Simon Pelletier, Marine Safety Inspector in the Gaspé

The 04/2006 Bulletin on fishing vessel safety provides owners/captains information on stability booklets. It sets out the process for determining whether a booklet is required. It is an interim measure in anticipation of the new Fishing Vessel Safety Regulations.

The Bulletin applies to all owners and operators of fishing vessels, new and existing, between 15 and 150 gross tons or not exceeding 24.4 metres in length. For vessels under 15 gross tons, use of the bulletin is not mandatory, but is highly recommended. For vessels exceeding 15 gross tons and representing any of the risk factors, Transport Canada will make sure that a stability booklet is on board before issuing an inspection certificate. A 12-month grace period can be obtained with a short-term certificate.

It is the captain's responsibility to know and stay within the limits of safe operation for the vessel and it is the owner's responsibility to support the captain in this task.

The process involves filling out the stability questionnaire to determine if there are any applicable risk factors, having a stability booklet prepared, going over the booklet with the consultant to ensure that the captain understands it, and using the booklet to guide the captain when operating the vessel.

Rodrigue Langlois explained that his vessel's hull was identical to the "Marsouin 1" that capsized at Rivière-au-Renard and that was certified for fishing.

- *Robert Fecteau explained the importance of having a stability booklet. After the Marsouin 1 capsized, it was determined that its stability had not met certain criteria. Transport Canada looked at nine sister ships and conducted stability tests to determine if they had the same problem. Changes to fishing practices or the installation of a ballast were necessary. The Marsouin 1 was not required to have a stability booklet on board. The vessel's history is not the only factor used to determine its stability.*

Paul Nadeau mentioned that many vessels will be undergoing stability tests. He fishes on the Lower North Shore and it is costly to bring in a consultant. Owners should band together to bring in a consultant and have all their vessels examined at the same time.

- *Robert Fecteau mentioned that Transport Canada encourages owners/captains to band together to reduce the travel expenses of consultants. He reminded everyone that Transport Canada has a list of consultants and architects who can perform this task.*

Rodrigue Langlois requested that Transport Canada provide financial assistance for matters relating to vessel safety.

- *Robert Fecteau pointed out that Transport Canada is a department in charge of regulating and monitoring compliance. It does not have a mandate to provide financial assistance.*

Émilien Dorion said that at a previous meeting, fishers had asked that Transport Canada inspectors be allowed to perform vessel stability tests. Has this been looked into?

- *Robert Fecteau mentioned that a decision was still pending.*

9. Marine Safety's New Approach with regard to Compliance Monitoring

By Alain Blouin, Marine Safety Inspector in Rimouski

The new Canada Shipping Act (CSA 2001) came into effect on July 1, 2007. It was created to enhance safety and provide better protection for the marine environment. It puts the emphasis on owner and operator responsibilities. The CSA 2001 represents a shift from an inspection-based regime to a compliance-based regime.

The Marine Safety Inspector's new role will be to monitor regulatory compliance. It will have an auditor role rather than an inspector role. The inspectors will continue to carry out hands-on vessel inspections and spot checks. They will be able to take appropriate measures when violations are observed; administrative monetary penalties can be imposed for offenses classified as "violations" under the Regulation.

Paul Nadeau asked whether an awareness campaign on these changes had been organized to inform the industry of Transport Canada - Marine Safety's new approach. He invited Transport Canada to come and meet people in the strategic regions and bring along explanatory documents.

- *Robert Fecteau answered that inspectors are spreading the message when they board vessels. The Standing Committee is a forum to present regulatory changes that affect you. If people prefer having inspectors on site to go over the new regulations, we will do that. Transport Canada wants to make sure in the coming months and years that industry's responsibilities are well understood.*

10. Small Fishing Vessels Self-Inspection Program

By Nicholas Gamache, junior Marine Safety Inspector and Development Officer with the Office of Boating Safety (OBS) at Cap-aux-Meules

The purpose of the self-inspection program is to foster the development of a safety culture among fishers, maximize Transport Canada resources by allowing targeted inspections based on risk assessment, improve follow-up and monitoring of fishing vessel compliance and encourage fishers to carry out a detailed inspection of their vessel and their safety equipment at the start of each season.

Audits of ships taking part in the 2009 self-inspection program showed that 100% of the ships had all of the required rescue equipment, 87% of ships were in excellent condition and 92% of participants had a good understanding of their responsibilities and the right attitude towards safety.

Some ships did not have all of the required documents on board, such as the registration certificate or the crew training documents. Constant work by Transport Canada, Marine Safety inspectors, is required to foster a safety culture within the industry.

Transport Canada believes that the program is working and that owners/operators are showing a keen interest in it. Audits from the previous year showed continued compliance. Our goal is to make fishers aware of their responsibilities and to develop a safety culture.

Émilien Dorion asked whether it was possible to get the self-inspection kits in March instead of April.

- *Robert Fecteau explained that in the first few years, the kits were sent at the beginning of March but that the fishers would forget to take them along at the beginning of April. For the next few years, the kits will be sent depending on the types of fishing.*

11. Investigation on Persistent Risks to Fishermen on Small Fishing Vessels

By Guy Bussi eres, Investigator at the Transport Safety Board of Canada (TSB)

The aim of the TSB is to advance transport safety by conducting independent investigations, including public investigations, into selected accidents in order to determine the causes and factors.

The main findings of recent TSB investigations into the commercial fishing industry revealed operational procedures and practices that were sometimes unsafe. There were stability-related issues, deficiencies in the safety culture, problems with the carriage and use of life-saving appliances and equipments and the impact of fishery resource management plan and practices on the overall safety of fishing vessels.

With today's workshops with fishers, we would like to know how fishers get safety information regarding fishing activities.

Jocelyn Jalbert wondered how the TSB can be independent from other federal departments if its investigators are appointed by the Minister.

- *Guy Bussi eres replied that investigators enjoy a high degree of autonomy and that their work is not subject to political influence.*

Jacques Martin pointed out that the Minister appoints TSB administrators, not investigators.

12. Workshop on Training and Issuance of Certificates of Competency

By Denis B elanger, Marine Safety Inspector in Rimouski

Denis B elanger explained that all fishing vessels, depending on the tonnage and the type of voyage, must have on board a certified captain, a person with a Small Vessel Operator Proficiency (SVOP) certificate or a person with a Pleasure Craft Operator Card (PCOC).

Requirements based on the vessel's bow-to-stern length come into effect on different dates so that fishers don't take the courses all at the same time.

Marc Doucet asked whether the new exams take into account the new voyage definitions.

- *Denis Bélanger answered that few exams deal with voyage definitions, but that the new exams and new certificates take into account the new voyage definitions.*

François Castilloux mentioned that, when someone takes the Simulated Electronic Navigation (SEN) course in a study program where the fisher is required to have taken the Rules of the Road part and the Chartwork and Pilotage course, most people pass the training. However, people who did not enter a study program and who are required to take the SEN course have a lot of trouble passing.

- *Denis Bélanger explained that there are no other alternatives for the moment. Perhaps some refresher training would be helpful before SEN courses are undertaken.*

People who have been in the industry for some time will have no problem getting the new certificate for Watch Officers. For newcomers, a certificate for Watch Officers will be created that is ranked slightly below the Class 4 fishing certificate. The deadline to obtain the certificate of service is July 1, 2017. Fishers must comply based on ship length. The certificate of service refers to time accrued before 2007. Denis Bélanger presented the draft of the statement that will be used as proof that people will not need a certificate for their fishing vessel if it does not exceed 15 gross tons or if its bow-to-stern length does not exceed 12 metres. The BAPAP logbook will have to accompany the statement to confirm its authenticity.

The first aid courses are subsidized by the CSST. A fishing captain's certificate requires Advanced Marine First Aid. A person holding Basic Marine First Aid must be on board to provide first aid. These courses are generally valid for three years.

The new certificate of service also allows someone to operate a pleasure craft. To obtain a certificate of service, the time must have been accrued on a vessel exceeding 12 or 15 metres.

Nicol Desbois asked whether first aid was required for the Continued Proficiency Certificate.

- *Denis Bélanger explained that the Continued Proficiency Certificate no longer exists. Certificates are now renewed every five years. Renewals require a valid medical certificate and twelve months of sea time within the past five years.*

Renaud Sylvestre expressed his concerns about the quality of the new exams and their level of difficulty.

- *Denis Bélanger explained that Transport Canada was aware that the quality of some of the new exams was not optimal. As long as the quality of the exams doesn't improve, the inspectors will pay special attention to them and will correct the questions, if necessary. People will not be penalized if an error appears in their exam. We found that people were not well prepared for the new exams.*