

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

**COMMERCIAL FISHING
SAFETY ADVISORY COMMITTEE**

1. Committee's Official Designation:

Commercial Fishing Safety Advisory Committee

2. Authority:

As provided for in Title 46, United States Code, section 4508, as amended by section 604 of the Coast Guard Authorization Act of 2010, (P.L. 111-281), this charter establishes the Commercial Fishing Safety Advisory Committee (CFSAC). This committee is established in accordance with and shall operate under the provisions of the Federal Advisory Committee Act (FACA) (Title 5 United States Code, Appendix).

3. Objectives and Scope of Activities:

The CFSAC shall provide advice and recommendations to the United States Coast Guard (USCG) and the Department of Homeland Security (DHS) on matters relating to the safety of commercial fishing industry vessels. The CFSAC will advise, consult with, report to, and make recommendations to the USCG on matters and actions relating to the safe operation of vessels to which Chapter 45 of Title 46 U.S.C. applies, including navigational safety, safety equipment and procedures, marine insurance, vessel design, construction, maintenance and operation, and personnel qualification and training. The CFSAC may review proposed regulations under Chapter 45 of Title 46 U.S.C. The CFSAC may make available to Congress any information, advice, and recommendations that the Committee is authorized to give to DHS and the USCG.

4. Description of Duties:

The duties of the CFSAC are solely advisory in nature.

5. Officials to Whom the Committee Reports:

The CFSAC shall provide advice and recommendations to the Secretary through the Commandant, United States Coast Guard.

6. Agency Responsible for Providing Necessary Support:

The Department of Homeland Security (DHS) is responsible for providing financial and administrative support to the CFSAC. Within DHS, the U.S. Coast Guard's Office of Vessel Activities, Fishing Vessel Safety Division, provides this support.

7. Estimated Annual Operating Costs and Staff Years:

The estimated annual operating cost of the CFSAC is \$120,000, which includes 0.8 staff years of support.

8. Designated Federal Officer:

A full-time employee of the Coast Guard is appointed by the Director of Prevention Policy as the CFSAC Designated Federal Officer (DFO). The DFO or the Alternate DFO shall approve or call CFSAC meetings, approve meeting agendas, attend all committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Director of Prevention Policy.

9. Estimated Number and Frequency of Meetings:

Meetings of the CFSAC may be held with the approval of the Designated Federal Officer; it is expected the committee shall meet at least once during each calendar year. Members may be reimbursed for travel and per diem, and all travel for CFSAC business must be approved in advance by the DFO. Committee meetings shall be open to the public unless a determination is made by the appropriate DHS official in accordance with DHS policy and directives that the meeting should be closed in accordance with subsection (c) of section 552b of Title 5, United States Code.

10. Duration:

As authorized in section 604 of the Coast Guard Authorization Act of 2010, (Public Law 111-281), the CFSAC is authorized to continue until September 30, 2020.

11. Termination:

This charter shall be in effect for up to two years from the date it is filed with Congress unless sooner terminated and must be renewed in accordance with section 14 of FACA.

12. Member Composition:

Members are appointed by and serve at the pleasure of the Secretary of the Department of Homeland Security upon recommendation by the Commandant of the U.S. Coast Guard. A committee member shall serve a term of three years and approximately one-third of

members' terms of office shall expire each year. A member appointed to fill an unexpired term shall serve the remainder of that term. In the event the CFSAC terminates, all appointments to the committee shall terminate.

The Committee shall consist of 18 members with particular expertise, knowledge, and experience regarding commercial fishing industry as follows:

- a. Ten members who shall represent the commercial fishing industry and who—
 - (1) reflect a regional and representational balance; and
 - (2) have experience in the operation of vessels to which Chapter 45 of Title 46, U.S.C. applies, or as crew member or processing line worker on a fish processing vessel;

- b. Three members who shall represent the general public, including, whenever possible—
 - (1) an independent expert or consultant in maritime safety;
 - (2) a a marine surveyor who provides services to vessels to which Chapter 45 of Title 46, U.S.C. applies; and
 - (3) a person familiar with issues affecting fishing communities and families of fishermen; and

- c. One member each of whom shall represent—
 - (1) naval architects and marine engineers;
 - (2) manufacturers of equipment for vessels to which Chapter 45 of Title 46, U.S.C. applies;
 - (3) education or training professionals related to fishing vessel, fish processing vessel, fish tender vessel safety or personnel qualifications;
 - (4) underwriters that insure vessels to which Chapter 45 of Title 46, U.S.C. applies; and
 - (5) owners of vessels to which Chapter 45 of title 46, U.S.C. applies.

The members referred to in paragraphs a. and c, above, are appointed to express the viewpoint of non-governmental entities, recognizable groups, or stakeholders that have interests in the subject matter under the committee's charge and are not Special Government Employees as defined in section 202(a) of Title 18, United States Code.

The members referred to in paragraph b, above, are appointed and serve as Special Government Employees as defined in section 202(a) of Title 18, United States Code.

The CFSAC Chair may recommend to the DFO members from the Committee or from the public to serve on subcommittees.

13. Officers:

The Chair and Vice-Chair are elected by the committee annually. The Vice-Chair will act as a Chair in the absence or incapacity of the Chair or in the event of a vacancy in the office of the Chair.

14. Subcommittees:

The DFO may establish subcommittees for any purpose consistent with this charter. Such subcommittees may not work independently of the chartered committee and must present their work to the CFSAC for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the CFSAC and may not report directly to the Federal government or any other entity.

15. Recordkeeping:

The records of the CFSAC, formally or informally established subcommittees or other subgroups of the committee, are handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records are available for public inspection and copying, in accordance with the Freedom of Information Act (Title 5, United States Code, section 552).

16. Filing Date:

December 2, 2010
Department Approval Date

November 18, 2010
CMS Consultation Date

December 3, 2010
Date Filed with Congress